think this would be a most undesirable and inefficient method for local government to practice. Accordingly, I am sure that hon. members will not consider that method of purchase advisable any more than would local authorities.

By the deletion of the written contract clause for the sale of goods to the council, councillor-businessmen are placed in exactly the same position as any other businessmen in the town in which the council is operating. Therefore, I feel the provision is a fair and reasonable one.

The other amendment is designed to safeguard councillors who are appointed by the council as its representatives on the various bodies in the town. As the Act now stands, although councillors appointed to these bodies are council representatives in the true sense, they are, by virtue of their membership of the organisations, unable to report back to the council on the activities of the organisations. They could be disqualified if the organisation to which they had been appointed, and to which they belonged, had a contract with the council.

Councillors who are members of organisations—as distinct from council appointees—which function for the good of the community, and which have contracts with the council, should not have to run the risk of disqualification because of such membership; although naturally they should not be allowed to enter into the discussions, in the council, of the activities of such organisations. I will quote an instance. An occasion arose in Albany where the council formed the Centennial Oval Board. The council insisted that one of its councillors should be chairman of this particular board. However, it was pointed out by a senior officer of the Local Government Department, when in Albany, that because this councillor was chairman of the Centennial Oval Board and was taking part in its deliberations, he was not eligible to be on the council, and was liable to be disqualified.

Subsequently, this man resigned, and I am sorry to say that in Albany we have lost an able and capable councillor because of the present set-up in the Act. Therefore, I consider that between the present time and the time when the Local Government Bill becomes law, protection should be given to the type of person to whom I have referred. If we pass this Bill we will be doing a service to people who give their time voluntarily in the interests of the town in which they reside. I move—

That the Bill be now read a second time.

On motion by the Hon. F. J. S. Wise (Minister for Local Government), debate adjourned.

ADJOURNMENT—SPECIAL.

THE HON. H. C. STRICKLAND (Minister for Railways—North): I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 8.33 p.m.

Legislative Assembly

Wednesday, the 26th November, 1958.

CONTENTS.

CONTENTS—*continued.*

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

QUESTIONS ON NOTICE.

COUNTRY TOURIST BUREAUS.

Government Subsidies.

1. Mr. ROBERTS asked the Minister for Mines:

(1) What is the maximum amount of subsidy the Government will at present grant country tourist bureaus?

(2) What is the present basis of such grants?

(3) What were the individual grants to the various country tourist bureaus during each of the financial years 1956-57, 1957-58?

Mr. MOIR replied:

(1) £750 each per annum.

(2) Subsidy of 10s. in the £1 up to the maximum on all earnings by way of commissions, donations, etc.

(3)

	1956-57. £ s. d.	1957-58. £ s. d.
Albany	518 0 0	750 0 0
Augusta - Margaret River	32 10 9	750 0 0
Busselton	402 15 10	696 8 6
Geraldton	750 0 0	750 0 0
Pemberton	177 9 9	No claim received to date.
South-West Tourist Bureau, Bunbury	497 9 7	do.

ST. CLAIR'S HOSPITAL, BUNBURY.

Tabling of Papers re Resumption of Land.

2. Mr. ROBERTS asked the Minister for Works:

Will he lay on the Table of the House all departmental files dealing with the resumption of land known as St. Clair's Hospital, Lovegrove Avenue, Bunbury?

Mr. TONKIN replied:

The relevant papers will be made available in the department for perusal by the hon. member.

SCHOOLS.

Appointment of Caretaker-Cleaners.

3. Mr. ROSS HUTCHINSON asked the Minister for Education:

(1) Are applications for vacant positions as caretaker-cleaners of schools treated in strict order of priority?

(2) If not, what other factors influence appointments?

(3) Are country applications for city vacancies given equal rights with city applications?

(4) Of the last 20 appointments made, how many were from the country?

Mr. W. HEGNEY replied:

(1) and (2) Applications for vacant positions as caretaker are considered in accordance with the requirements of the Government Employees (Promotions Appeal Board) Act.

(3) Yes.

(4) Nine.

PERTH DENTAL HOSPITAL.

Payment for Treatment and Dentures.

4. Mr. JOHNSON asked the Minister for Health:

(1) Do any patients at Perth Dental Hospital receive free—

(a) treatment;

(b) dentures?

(2) Are pensioners required to make payment for—

(a) treatment;

(b) dentures;

at, or above, or below cost?

(3) What means test is applied?

(4) Is the means test laid down by State or Commonwealth authority?

Mr. NULSEN replied:

(1) Yes, if their income is such that they are unable to pay anything.

(2) Pensioners are charged fees according to their income and responsibilities. The charge, if made, would be very much below cost.

(3) The means test is based on the patient's income, the number of dependants and other responsibilities.

(4) The means test is laid down by the Board of Management of the Perth Dental Hospital.

No. 5. This question was postponed.

REGISTERED BUILDERS.

Decline in Numbers, etc.

6. Mr. GRAYDEN asked the Minister for Works:

(1) Is he aware that since the 30th June, 1956, 248 builders have been deregistered by the Builders' Registration Board?

(2) How many registered builders remain?

(3) Is the present decline in the building industry and the unemployment in same, in any way attributable to the fact that such a large number of builders have been deregistered?

Mr. TONKIN replied:

(1) Yes.

(2) 1258.

(3) No.

WATER SUPPLIES.

Esplanade, South Perth; Reason for Discolouration.

7. Mr. GRAYDEN asked the Minister for Works:

In view of the fact that a number of residents on the Esplanade, South Perth, have reported that scheme water supplied to their homes is badly discoloured, will he have the water supply in the area checked for the purpose of ascertaining the cause of the trouble?

Mr. TONKIN replied:

Yes.

CANNING HIGHWAY.

Existing and Additional Parking Bays.

8. Mr. GRAYDEN asked the Minister for Works:

(1) How many parking bays has the Main Roads Department constructed on Canning Highway between the Causeway and Thelma-st.?

(2) Will he investigate the possibility of providing additional parking bays?

Mr. TONKIN replied:

(1) Presumably the question refers to the pull-in bays for passenger buses. The number is five.

(2) The possible need for additional bays is under observation.

PERTH-KWINANA HIGHWAY.

Safety Fence and Provision of Self-closing Gates.

9. Mr. GRAYDEN asked the Minister for Works:

(1) In view of the fact that, notwithstanding the excellent overways that are being constructed on the new Perth-Kwinana Highway between the Narrows Bridge and Canning Bridge, large numbers of residents in areas adjoining the safety fence will have to walk long distances to cross the highway to the river, will he investigate the possibility of providing self-closing gates which could normally be opened only by adults or children in the older age groups, at regular intervals along the fence?

(2) How high is it intended the above-mentioned safety fence will be?

Mr. TONKIN replied:

(1) This and similar ideas have already received the closest consideration and have been discarded for obvious reasons.

(2) Four feet.

SWAN RIVER.

Reclamation at South Perth.

10. Mr. GRAYDEN asked the Minister for Works:

(1) Is it intended that portion of the Swan River approximately north of King Edward-st., South Perth, will be reclaimed?

(2) If so, approximately how much?

Mr. TONKIN replied:

(1) The representations made to the Government on this matter are still under consideration.

(2) Answered by No. (1).

No. 11. This question was postponed.

FREMANTLE HARBOUR.

Siting of Railway Bridge and Additional Berths.

12. Mr. BRAND asked the Minister for Works:

How many additional berths for the Fremantle Harbour can be made available upstream in the event of a decision to construct a new railway bridge on or adjacent to the position of the existing railway bridge over the river at North Fremantle?

Mr. TONKIN replied:

Nil.

No. 13. This question was postponed.

SUBURBAN RAILWAY SERVICES.

Financial Results for 1957-1958.

14. Mr. BRAND asked the Minister representing the Minister for Railways:

Referring to my parliamentary question of Wednesday, the 22nd October, 1958, will he state when it is anticipated that the financial results for the suburban rail services for the year ended the 30th June, 1958, will be available?

Mr. GRAHAM replied:

The direct operating loss of suburban coaching traffic for the year ended the 30th June, 1958, was £537,223.

MOTOR SCOOTERS.

Registrations, Accidents, Speeding, etc.

15. Mr. CROMMELIN asked the Minister for Transport:

(1) How many motor scooters were registered in the metropolitan area—

(a) at the 30th June, 1957;

(b) at the 31st December, 1957;

(c) at the 30th June, 1958?

(2) Have there been any charges of speeding against riders of these machines between the 1st July, 1957, and the 30th June, 1958? If so, how many?

(3) Has there been any fatal accident to riders of these machines over the same period? If so, how many?

(4) Are these machines permitted to carry a passenger behind the driver?

Mr. GRAHAM replied:

(1) There is no such vehicle as a motor scooter under the Traffic Act. All such machines commonly known as "scooters" are registered by the department as motorcycles, and no segregation of different type motorcycles is made for records.

(2) It is not possible to obtain this information without scrutiny of every brief for the year, and even then the figures would not be accurate.

No segregation of various type vehicles of which the drivers have been charged is made for record. Segregation occurs only with particular offences.

(3) There have been four fatal accidents involving motorcycles known as scooters, in which three drivers and one pillion passenger were killed.

(4) Yes, provided the machine is fitted with an approved type pillion seat.

FACTORY ACCIDENTS.

Study by Efficiency Experts at Plaistowe's Ltd.

16. Mr. JOHNSON asked the Minister for Labour:

(1) Has he any reports of the effect of studies by "efficiency experts" at the factory of Plaistowe's Ltd.?

(2) Has the number of accidents per 1,000 man hours increased since the study started?

(3) Has the severity of the accidents increased?

(4) Has an opinion of the study been given by—

(a) employees of the firm;

(b) management of the firm;

(c) shareholders of the firm?

Mr. W. HEGNEY replied:

I have no knowledge of this matter.

METROPOLITAN TRANSPORT TRUST.

Bus Companies to be Taken Over.

17. Mr. COURT asked the Minister for Transport:

(1) Is he yet in a position to indicate the order in which the remaining private bus companies within the metropolitan area are to be taken over by the Metropolitan Passenger Transport Trust?

(2) Can he indicate the approximate dates?

(3) Will there be any change in the nature of the service given in the areas concerned, such as changes of routes, frequency of service, replacement of existing through services to Perth with feeder services, etc?

(4) If there are to be any changes, what will be the nature of such changes?

Mr. GRAHAM replied:

The Chairman of the Trust advises:

(1) No.

(2) No.

(3) If any changes are deemed necessary, they will be made.

(4) Unknown at present.

Bus Companies Taken Over.

18. Mr. COURT asked the Minister for Transport:

(1) Which private bus companies have been taken over by the Metropolitan Passenger Transport Trust?

(2) What was the date the take-over became effective in each case?

(3) Has finality been reached with regard to the amount to be paid as consideration for each take-over?

(4) What is the amount in each case and how is the amount arrived at in each case divided between—

(a) tangible assets;

(b) goodwill;

(c) any other consideration?

Mr. GRAHAM replied:

(1) Metro Buses Pty. Ltd.
Beam Transport Ltd.
Carlisle Bus Service.

(2) Metro Buses Pty. Ltd, Beam Transport Ltd.—31st August, 1958.

Carlisle Bus Service—11th October, 1958.

(3) Finality has only been reached with regard to Metro Buses Pty. Ltd.

(4) The shares in Metro Buses Pty. Ltd. were purchased for the sum of £843,288. The trust is not prepared at this stage to disclose any further information regarding the fixing of this amount.

INSURANCE ON HIRE-PURCHASE VEHICLES.

Report by N.S.W. Commissioner.

19. Mr. COURT asked the Premier:

(1) Has the Government received a copy of the report by the New South Wales State Government Insurance Office Commissioner regarding the fixing of motor vehicle insurance premiums for vehicles under hire-purchase in New South Wales?

(2) If so, will he table this report?

Mr. HAWKE replied:

(1) No.

(2) See answer to No. (1).

WHEAT AND SUPERPHOSPHATE.

Shunting and Sheet Charges on State-owned Railways.

20. Mr. HEARMAN asked the Minister representing the Minister for Railways:

Can he say what the shunting and sheet charges are for wheat and superphosphate on the following State-owned railways:—

Western Australia;
South Australia;
Victoria;
Tasmania;
New South Wales;
Queensland;

as applied to a 4-wheeled goods truck?

Mr. GRAHAM replied:

Shunting Charges.

In all States shunting charges at the loading and destination stations vary according to the length and difficulty of the shunting movement involved. In Western Australia the shunting charges are quoted per 4-wheeled wagon and doubled for an 8-wheeled wagon.

In some States hourly or tonnage rates are shown for shunting charges, these being relatively higher than this system's "per wagon" rates. The shunting charge for the Australian Wheat Board's siding at Pinkenba (Brisbane) for example is:—

3s. 1d. per 4-wheeled and 5s. 6d. per 8-wheeled wagon in addition to shunting charge of £2 8s. 0d. per hour between the hours of 6 a.m. and 6 p.m. (plus 10 per cent. extra for Saturdays). When shunting is performed between the hours of 6 p.m. and 6 a.m. or on Sundays and award holidays, 50 per cent. extra is to be charged for the shunting charge (plus award rates of wages for two men subject to minimum wages charge for 30 minutes) from the time the engine leaves Mayne until it returns there.

Covering Charges.

Western Australia: 6s. 3d. per tarpaulin or 4-wheeled covered van for wheat or superphosphate.

South Australia: Manure rate includes covering but wheat is charged at the following scale:—

	Small. Covering. s. d.	Large. Covering. s. d.
Distance not exceeding 50 miles	5 0	7 6
Distance not exceeding 150 miles	6 3	10 0
Distance exceeding 150 miles	7 6	12 6

Victoria, New South Wales and Queensland: Covering charge included in the tonnage rates but the provision of coverings is not guaranteed on owner's risk traffic.

Tasmania: Latest information not available but in 1951 the charges for wheat and superphosphate were as follows:—

	Minimum. s. d.
Per 6 or 7 ton wagon	4 0
Per 12, 14, or 15 ton wagon	8 0
Per 25, 26, or 30 ton wagon	10 0

If the hon. member desires detailed information on the methods of computing shunting charges, it is suggested he discuss with the Railway Commercial Agent.

Average Length of Haul on W.A.G.R.

21. Mr. HEARMAN asked the Minister representing the Minister for Railways:

What was the average length of haul of wheat and superphosphate respectively on the W.A. Government Railways for the year 1957-58?

Mr. GRAHAM replied:

Wheat — 137.45 miles.
Superphosphate — 139.59 miles.

POLICE.

Halls Creek Station.

22. Mr. RHATIGAN asked the Minister for Works:

(1) Have plans been drawn for the new police station and quarters for Halls Creek?

(2) If so, when will tenders be called?

(3) If not, when will the plans be completed?

Mr. TONKIN replied:

(1) Yes.

(2) Immediately.

(3) See No. (1).

No. 23. This question was postponed.

QUESTION WITHOUT NOTICE.

METROPOLITAN TRANSPORT TRUST.

Bus Companies Taken Over.

Mr. COURT asked the Minister for Transport:

Arising out of his answer to part (4) of question No. 18 does the consideration to which he referred include premises that were taken over from Metro or one of its associate companies?

Mr. GRAHAM replied:

I would like the Deputy Leader of the Opposition to place this question on the notice paper. I might add that there is no desire on the part of the trust to be secretive in regard to these matters, but I think it would be appreciated that in matters such as goodwill and other considerations a disclosure of figures at this stage could very seriously prejudice the trust in its negotiations with other companies.

BILLS (3)—FIRST READING.

1, Plant Diseases (Registration Fees) Act Amendment.

2, Plant Diseases Act Amendment (No. 2).

3, Industry (Advances) Act Amendment.

Introduced by the Hon. L. F. Kelly (Minister for Agriculture).

BILLS (2)—THIRD READING.

1, Child Welfare Act Amendment.

2, Housing Loan Guarantee Act Amendment (No. 2).

Transmitted to the Council.

NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT BILL.

Third Reading.

THE HON. J. J. BRADY (Minister for Native Welfare—Guildford-Midland) [4.48]: I move—

That the Bill be now read a third time.

Question put.

THE SPEAKER: This Bill requires an absolute majority. I have counted the House and there being an absolute majority voting for the third reading, I therefore declare it carried.

Question thus passed.

Bill read a third time and transmitted to the Council.

RESERVES BILL.

Second Reading.

THE HON. L. F. KELLY (Minister for Lands—Merredin-Yilgarn) [4.49] in moving the second reading said: I very much regret the necessity of inflicting this very long measure upon hon. members at this stage of the session. In the Reserves Bill there are 17 clauses that will need the consideration of this Chamber. They are—

Reserve No. A. 6862 at Albany: This reserve, comprising Albany Suburban Lot 356 of about 116 acres, is set apart for the purpose of "Protection of Boronia." It adjoins the northern boundary of Reserve 22698 at Emu Point, which is set apart for the purpose of "Residence and Business Areas" and is vested in the Emu Point (Albany) Reserve Board with power to lease for any term not exceeding 50 years.

In surveying a subdivision designed by the Town Planning Board of portion of Reserve No. 22698 into lots for leasing purposes, the contour of the land and the better designing of the subdivision required a slight encroachment on the adjoining Reserves Nos. A. 6862 and 15879. As Reserve 6862 has been classified as of "A" Class, parliamentary approval is required for the excision of the area of 1 acre and 9.4 perches which has been included in the subdivision. The major portion of this area will be used for the deviation of the Roe Parade for which a clause has been included in the Road Closure Bill. The balance of the land excised from Reserve No. A. 6862 will be included in Reserve No. 22698 and will become part of the new lots surveyed on Plan No. 7583. Plans in respect of all these reserves are available if any hon. member desires to peruse them.

Reserve No. A. 23479 at Alexandra Bridge: Class "A" Reserve No. 23479, containing an area of 20 acres 3 roods 20 perches, is set apart for the purposes of picnic ground, children's playground and tennis courts, and is under the control of the Alexandra Sport and Social Club as a board of management. The Augusta-Margaret River Road Board desires to develop portion of the reserve as a camping reserve and caravan park, and it is necessary to create a separate reserve for the purpose. There is a larger reserve No. A. 23480 on the eastern side of Reserve A. 23479 which is being developed for recreation purposes as a greater sportsground, and the Alexandra Sport and Social Club has no objection to the proposed reduction of the area of Reserve A. 23479.

The portion which it is proposed to reserve for "camping and caravan park" has been surveyed as Sussex Location 4175 and contains 10 acres 2 roods 4 and 4/10ths perches. It is intended that the new reserve will be classified as of Class "A" and

will be vested in the Augusta-Margaret River Road Board in trust for the purposes of the reserve.

Mr. Bovell: The sports committee approves of this, of course?

Mr. KELLY: Yes. Reserve A.4991 at Bunbury: The Public Works Department has made arrangements for a certain area at Bunbury to be made available for establishment of ocean terminals for bulk oil, and has recommended an area north of Ocean Drive and Roe-st. Portion of the selected area is vacant Crown land; portion is part of Reserve 24682 set apart for Government requirements and previously portion of Class "A" Reserve 4991. The balance of the land required for the oil terminals is also part of Reserve A.4991, being the portion north of the northern alignment of Carey-st. and its prolongation westerly to the coastline, and it is necessary to obtain parliamentary authority for this portion of the reserve being made available for the purpose.

Instructions have been issued for the survey of a road one chain wide to include the bitumen roadway known as Ocean Drive which it is proposed shall be dedicated as a public highway under the provisions of the Municipal Corporations Act, 1906, when the survey has been completed.

It is proposed to create a reserve for recreation along the coastline to provide public access to the ocean in any subdivision of the area excised from the reserve. As the remaining portion of the reserve is contiguous to Class "A" Reserve No. 9997, which is set apart for the same purpose, it is proposed to cancel Reserve No. 4991 and to include the balance of the land in Reserve No. 9997, the amendment of which is provided for in the succeeeding clause in this Bill.

Reserve No. A. 9997 at Bunbury: This reserve is at present set apart for the purpose of park lands and is vested in the Municipality of Bunbury with power to lease for any term not exceeding 21 years. It is situated on what is known as the back beach, where facilities have been provided for swimming and surfing, including an extensive bathing pavilion. The reserve is practically devoid of trees, and the former sand dunes in the vicinity have been bulldozed and the land levelled to provide recreation and parking facilities for the public using the adjacent beach for swimming and surfing. It is considered that the present purpose of the reserve is inadequate, and it is proposed to amend it to include "recreation." This will remove any doubts as to the legality of the existing vesting order which gives the Municipality of Bunbury power to lease the reserve.

The municipality proposes to lease to the Bunbury Surf Club portion of the reserve south of the bathing pavilion for the purpose of erecting club rooms and boathouse which would be an essential for the provision of life-saving services for the benefit of persons using the reserve. If the purpose of the reserve is changed to park lands and recreation, the lease to the surf club could be regarded as for a purpose consistent with the purpose of the reserve.

Provision is made for the amendment of the boundaries of the reserve to excise a strip of land one chain wide containing the constructed bitumen roadway known as Ocean Drive which it is proposed shall be dedicated as a public highway under the provisions of the Municipal Corporations Act, 1906, when the survey has been completed. It is proposed to include in the reserve the portion of the adjoining Reserve No. 4991 south of the northern alignment of Carey-st. and its production westward to the coast, and provision has been made in the preceding clause in this Bill for the cancellation of that reserve so that certain portions may be used for other purposes and that the balance shall be included in Reserve 9997.

Another addition is provided for herein, by the inclusion of the land on the western side of the reserve between high and low water marks which is at present portion of Reserve 18574. It is considered that, as all the land in this vicinity is used mainly as a beach resort, it is preferable that one composite reserve be created; and, therefore, the additions to Class "A" Reserve No. 9997 have been recommended.

Reserve No. A. 3404 at Cape Leeuwin: By an Order-in-Council gazetted on the 24th January, 1896, page 94, an area of about 52 acres of freehold land at Cape Leeuwin was resumed for the purpose of erecting a lighthouse, and the land is at present registered in the name of Her Majesty the Queen in Certificate of Title, Volume 134, Folio 57. The resumed land was recorded as Reserve No. 3404, which was classified as of "A" class in the "Government Gazette" of the 31st August, 1900, for the purpose of Cape Leeuwin lighthouse.

The various lighthouses were not taken over from the State by the Commonwealth at the date of the Constitution, viz., the 1st January, 1901, and, therefore, the lighthouse reserve did not automatically vest in the Commonwealth of Australia. The control of lighthouses was assumed by the Commonwealth under the Lighthouses Acts, 1911 (No. 14) and 1915 (No. 17) and compensation for the land and improvements was provided for in the list of transferred properties which was amended as at the 30th June, 1927, for the purposes of the financial agreement between the Commonwealth of Australia and the various States made on the 12th December, 1927, as referred to in the Financial Agreement Act, 1928. This Act provided for the State to issue to the Commonwealth freehold titles for any of the transferred properties.

The Cape Leeuwin lighthouse is situated near the northern boundary of the portion of Reserve A.3404, which has been surveyed

as Sussex Location 4195, and the Commonwealth requires to control all the portion of Cape Leeuwin south of the northern boundary of the location down to high-water mark. It comprises a large granite hill with a rocky shore line and is of no value for recreation purposes. It is proposed to issue to the Commonwealth of Australia a Crown grant of Sussex Location 4195 as surveyed to contain an area of 38 acres 1 rood 29 perches; but for the purpose, it is necessary to cancel the Class "A" reserve and revest the land in Her Majesty the Queen as of her former estate. New reserves for appropriate purposes will be created over the remaining areas after the lighthouse site has been granted to the Commonwealth.

Reserve No. A. 2360 at Depot Hill near Mingenew: This reserve was set apart in 1893 for the purpose of a "stopping place for travellers and stock" and was classified as of "A" Class in 1933. It originally contained 4803 acres, but was reduced to 2403 acres under the provisions of Section 14 of the Reserves Act, 1950. The area excised was surveyed as Victoria Location 10026 and was granted as a conditional purchase lease.

The Mingenew Road Board has supported inquiries made for another portion of the reserve, and, after inspection by road board and departmental officials, it was decided to recommend the excision from the reserve of a portion on the northern end comprising about 380 acres. The Pastoralists' Association of Western Australia was consulted regarding the proposal and advised that, in view of present-day methods of movement of stock by transport, it had no objection to the proposed reduction of the reserve.

Reserve No. A. 2360 at Depot Hill: Reserve No. 899, of 20 acres, set apart for water, adjoins Reserve No. A.2360, and provision is made in the Bill for the consolidation of the two reserves by including both areas in reserve No. A.2360. When the portion has been excised from the reserve, it will be surveyed to provide a stock route or access way five chains wide along its western side adjoining location 10026, to connect the existing stock route with the remainder of the reserve.

Reserve No. 1352 at Fremantle: This reserve comprises Fremantle Lot 1533 of 10 acres 3 roods 27 perches and is surrounded by Stephen, Swanbourne, Watkins, and Edmund-sts. It is at present held in fee simple by the City of Fremantle in trust for "municipal purposes." The Crown grant was issued in 1908. The City of Fremantle does not propose to develop the land for any public purpose as it is considered more suitable for residential purposes. The council desires to subdivide the land and dispose of the lots free of trust. Clause 8 provides for the cancellation of the reserve and the resultant trust, and for the City of Fremantle to be authorised to subdivide and sell the land. Any subdivision will need to be approved by the Town Planning Board.

Reserve No. A. 11384 at Fremantle: This class "A" reserve is set apart for the purpose of an "education endowment" and comprises three groups of lots with a total area of 14 acres 2 roods 5 perches which are held in fee simple by the trustee of the Public Education Endowment. One group, comprising 9 acres 1 rood 19 perches, is leased to B.P. (Fremantle) Ltd. for its head works site and oil storage. Lots 1228 to 1236 containing three acres 1 rood 22 perches, are not leased. They are required by the State Electricity Commission for the purpose of a sub-station site, and the commission prefers an estate in fee simple.

The commission has agreed, subject to the necessary parliamentary approval being obtained, to purchase the said lots from the trustees of the Public Education Endowment for a cash consideration of £2,800, which the trustees propose to invest in the next State Electricity Commission loan. This clause provides for the excision of the lots from the reserve and authorises the sale of the lots free of trust to the commission.

Reserve No. A. 18959 at Inglewood: In October, 1908, the Bayswater Road Board acquired by transfer freehold land at Inglewood for the main purpose of extending Beaufort-st.; and, after the road extension had been completed, the balance of the land was surrendered to the Crown and set apart as several reserves for park lands and recreation which were classified as of Class "A." Reserve 18959, comprising Swan Location 3160 contains only 38 1/10th perches, and is situated at the south-western corner of the intersection of Beaufort and Salisbury-sts. in the vicinity of the Civic Hotel at Inglewood. Portion of the reserve has already been used for road widening and footpath, and the balance has been planted with ornamental trees.

The Bayswater Road Board has requested that the portion used for road widening be excised from the reserve and dedicated as part of the public road, and that the balance of the reserve be made available for vehicular parking.

There is another larger reserve known as Salisbury Park on the opposite side of Salisbury-st., and the remaining portion of Reserve 18959 is of little value for park lands and recreation, but would be put to better use as a public vehicular park. It is proposed to reduce the reserve to excise the portion required, and used, for road widening, and to alter the purpose of the remaining reserve for parking, with the idea that the reserve be vested in the Bayswater Road Board in trust for that purpose, but without power to lease.

Reserve A.8044 at Kalamunda: This reserve, comprising Kalamunda lots 1 and 2, containing ar area of 1 rood, 34.4

perches, was originally set apart for the purpose of "gravel", but was altered to "park," in 1939, when it was classified as of Class "A". It has not been developed as a park; and with the closure of the Upper Darling Range Railway, other more attractive land is available to the road board for reserves of this nature. The road board requested that the reserve be cancelled and that the land be made available for sale. It is proposed that after re-survey of the land to truncate the corner, the land be submitted to auction at an upset price of £600.

Reserve No. 18140 at North Cunderdin is referred to in Clause 12. Avon Location 23039 containing an area of 10 acres was set apart in November, 1922, for the purposes of "hallsite and recreation", and a Crown grant of the land was issued to North Cunderdin Hall Incorporated in trust for those purposes. The reserve has not been developed for recreation purposes and no hall building is erected, and the land is no longer required for the purpose of the reserve. The Cunderdin Road Board, in collaboration with the Main Roads Board, has undertaken the construction of a new road from Cunderdin to Wyalkatchem, and the proposal involves the excision of over four acres from this reserve.

The road board has advised that the North Cunderdin Hall Incorporated is practically defunct, there being only a few of the members of the committee now available, and these have indicated that they have no objection to the surrender of the whole reserve. The board is prepared to accept responsibility for any new reserve which may be created after the road requirements have been satisfied. It is proposed to cancel the reserve; revest the land in Her Majesty as of Her former estate; and after dedication of the new road, reserve the balance of the area for some appropriate purpose.

Reserve No. A.12085 at Parkerville: The trustees of the Public Education Endowment agreed to make available to the Education Department portion of the education endowment land at Parkerville for the purpose of a school sports ground. The selected site has been surveyed as Parkerville Lot 379, containing an area of 9 acres and 16 perches.

It is at present portion of Parkerville Lot 24, which is part of Class "A" Reserve No. 12085, which is held in fee simple by the trustees of the Public Education Endowment in trust for the purpose of education endowment. It is proposed to revest in Her Majesty the portion concerned and to set it apart as a separate reserve for "Recreation (School Sports Ground)," classify it as of Class "A", and vest the new reserve in the Minister for Education.

Reserve No. A.7123 at Perth: Section 10 of the Reserves Act, 1957, provided for the amendment of the central public buildings reserve No. A.7123 by the excision of 1 rood 24 perches now surveyed as Perth Lot 792, and for the setting apart of that lot as Class "A" reserve No. 24876 for the use and requirements of the Commissioners of the Rural and Industries Bank of W.A. in perpetuity, and also authorised the issue of a Crown grant thereof.

The commissioners propose to proceed with the erection on the lot of a multi-storeyed building which, on its southern side, will be composed largely of glass windows to provide ample air and natural light. The commissioners desire to ensure that the existing laneway through Reserve A.7123 along the southern boundary of Perth Lot 792 be protected to provide a right of carriage way for the new bank building, and also to prevent any future buildings being erected on Reserve A.7123 on or over the laneway, which would restrict the light and air on the south side of the bank building.

Clause 14 provides for the granting to the Commissioners of the Rural and Industries Bank of W.A. of a right of carriage way over a strip of land 17.8 links (11 ft. 9 in.) wide, which is the width of the laneway at its narrowest point, and which would be sufficient to protect the light and air requirements of the new building. The adoption of a wider margin might prejudice the design of any new buildings which may be built on the portion of Reserve A.7123.

Reserve No. A. 4813 at Point Walter: By the authority of Section 6 of Act No. 80 of 1947, portion of Class "A" Reserve 4813 at Point Walter has been used as a site for "Immigrants' Home" for a period which expired on the 27th March, 1957. Substantial buildings used for the purposes of the home have been erected on the reserve, and it is desired that the period of occupancy be extended for a further period of ten years as from the 28th March, 1957.

The reserve is set apart for the purposes of recreation. Facilities adequate for the time being for that purpose are provided on the remainder of the reserve, and it is considered that the public interests will not be affected seriously by the proposed extension of the occupancy for the migrants' home.

Reserve No. A. 3412 at Powalup: This reserve, containing 160 acres, through which the Blackwood River runs, is situated about six miles south-west of Balingup, was set apart in 1896 for a resting place for travellers and stock, and was classified as of Class "A" in 1923. Representations have recently been made by the Fauna Protection Advisory Committee for portion of the reserve to be set apart for the conservation of flora and fauna.

The reserve was inspected by the divisional surveyor, who reported that the portion on the south side and within the bend of the river is an excellent camping and picnic ground, being reasonably level and readily accessible for the Nannup-Balingup road, and adjoins a large and most attractive pool where the bridge crosses the river; and he recommended that this portion be retained for its original purpose. The balance of the reserve on the northern side of the river is relatively inaccessible, and it is proposed that this portion be excised from the main reserve and set apart as a separate reserve for the purpose of conservation of flora and fauna, and that the new reserve be classified as of Class "A" also.

Reserve No. 19134 at Serpentine: This reserve was set apart for the purposes of recreation, showground, and racecourse; and it comprises Cockburn Sound Location 778 of 125 acres, the Crown Grant of which was issued to the Serpentine-Jarrahdale Road Board in trust for the purposes of the reserve. In the Reserves Act, 1944, the road board was authorised to lease to Whittaker Bros. Ltd. for the purposes of a sawmill site portion of the reserve not exceeding six acres for a term not exceeding ten years.

The portion is still occupied and used for the sawmill and the Conservator of Forests has advised that the mill will be required for at least a further period of ten years. The last lease by the road board to the company approved by the Governor expired on the 28th February, 1958, and authority is required for a further lease of ten years as from that date.

The balance of the reserve has been developed for its declared purposes, and the portion occupied by the sawmill is not otherwise required for the time being. The proposed lessee is Whittakers Investments Pty. Ltd. the owners of the sawmill.

Reserve No. A. 10922 at Yallingup: This Class "A" reserve at present comprises a total area of about 295 acres and is set apart for the purposes of protection of caves and as a recreational and pleasure resort, and for some years has been under the control of the State Hotels. Portion of the reserve has been used by campers, and the Busselton Road Board has requested that a separate reserve be created to cater for them.

It is proposed to excise from the main reserve the portion now surveyed as Sussex Location 4148, containing 44 acres and 23 perches, which will be set apart as a new reserve for the purposes of recreation, camping and water, and will be vested in the local authority. I move—

That the Bill be now read a second time.

MR. BOVELL (Vasse) [5.13]: In accordance with the usual custom, a file has been made available to the Leader of the Opposition which contains all the information the Minister has just read to the House. As other members of the Opposition have had an opportunity to peruse this file, I will not ask for an adjournment of the debate; but, should any hon. member desire an adjournment he may, of course, move accordingly.

This is the measure that is introduced by the Government every year in the closing stages of the session to give effect to the requests made by local authorities for either the alteration or alienation of certain pieces of land in their territory.

In my electorate there is, as the Minister has said, a portion of land comprising the extreme south-west corner of Cape Leeuwin which is now to be vested in the Commonwealth Government for the purpose of maintaining the lighthouse at that point. Also, at Alexandra Bridge there is an area which is at present under the control and jurisdiction of the Alexandra Bridge sports committee; but it is too large for its requirements, and therefore the local authority—the Augusta-Margaret River Road Board—is prepared to do something about providing a camping site on this ground.

A similar provision is contained in the last clause—Clause 18—which deals with land near Yallingup. Previously it was held by the State Hotels, but it is now being made available to the local authority to enable tourists to enjoy more fully the natural resources of the area there. I support the second reading of the Bill.

MR. ROBERTS (Bunbury) [5.16]: Like the hon. member for Vasse, I do not intend to oppose the Bill, especially Clauses 4 and 5, which cover Reserves Nos. 4991 and 9997 respectively. Naturally, we in Bunbury are extremely keen to see this position rectified, especially as it applies to the bulk oil installation. It is going to make a tremendous difference to the Bunbury port zone, not only so far as revenue to the port is concerned, but to the people in general, because it will mean cheaper fuel for them.

There is one interesting point in regard to Reserve No. 18574. I notice that this is an area of land which has been set aside for recreational purposes. It fronts the ocean. I am pleased the Minister for Works is present, because I want to stress how important it is to keep these beach frontages open and accessible to the general public.

I now refer to the area at present occupied by the State Electricity Commission on the north shore. I believe members of the general public are not permitted to walk along the foreshore of Koombana Bay, past the groyne to "The Cut." Consideration should be given by the Government to the setting aside of an area of land

fronting Koombana Bay and also a chain or half a chain of land adjacent to the Leschenault Estuary, which is near the power station. I make that recommendation for consideration by the Minister for Works and then, in turn, by the Minister for Lands, so that they may decide whether land can be made available for recreational purposes or to enable the public to walk along the Koombana foreshore and the Leschenault Estuary foreshore.

I know that, on occasions, people have been told to keep off the foreshore of the Leschenault Estuary at that point adjacent to the power station. I realise that there is a danger at the outlet valves of the power station where a quantity of water pours out. However, that particular spot could be fenced off. In fact, I think it has been fenced off, and the public cannot approach the outlet pipes now. It is a good fishing spot. Innumerable tourists want to get on to that foreshore to catch crabs and fish. I appeal to the Minister for Works and the Minister for Lands to examine this particular area.

As far as the Bill is concerned—and in particular the two clauses affecting Bunbury—I feel confident that the Municipality of Bunbury has been in close consultation with the Minister for Lands in reference to the alterations along the western foreshore of Bunbury down to south of the municipal bathing pavilion. As the Minister knows, considerable development has gone on in that locality in recent years. I support the second reading of the Bill, as applicable to Clauses 4 and 5.

MR. HALL (Albany) [5.21]: I do not oppose the measure, but it does grieve me to know that Albany will lose a flora or boronia reserve. Albany is to lose one acre, nine and four-tenths perches. That area will be lost to the inhabitants of Albany and the tourists.

In view of the fact that the Minister for Lands is faced with a progressive policy in that area, I realise the Bill is a step forward for Albany and for the tourist trade there. I would like to strike a note of warning to the Minister; that is, in regard to the Emu Point (Albany) Reserve Board. I hope that when he vests power in that board, it will use a bit of discretion in the administration of its duties. In my opinion, it sometimes does things too hastily; and for that, it should be reprimanded in some manner. The settlers in that area must be protected.

We all realise that progress has to take place; but when people have resided there for so long, they should be given some protection. I commend the Minister for his efforts in trying to foster the tourist trade in Albany, and in setting up a residential area which will have the necessary qualifications to overcome the hardships which have been placed on the settlers.

Mr. Nalder: Which board are you referring to?

Mr. HALL: The Emu Point (Albany) Reserve Board. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

Bill read a third time and transmitted to the Council.

ROAD CLOSURE BILL.

Second Reading.

THE HON. L. F. KELLY (Minister for Lands—Merredin-Yilgarn) [5.27] in moving the second reading said: I again apologise to the House and sympathise with myself on this occasion for having to inflict a long dissertation on hon. members. There are, however, only 11 closures of rights-of-way and roads to be dealt with, so the ordeal will not be quite so tremendous. Together with the short Title, the Bill contains 12 clauses. The matters dealt with are as follows:—

Closure of Charles-st., Albany: A Crown road about 4 chains long, known as Charles-st., extends from Collingwood to Drew-sts., Albany. It separates Albany suburban Lots 379 and 398, which are freehold. The road is undeveloped. The holder of the contiguous land has prepared a design for subdivision and made a request for the closure of Charles-st. which the Municipality of Albany agrees is no longer required as a street. As the land in the street is Crown land, it is proposed that upon closure of the road, a drain reserve six links wide will be provided as requested by the municipality and the major portion of the land will then be subdivided to provide two building sites fronting Collingwood-rd. and Drew-st. respectively.

Road widenings at the south-eastern and south-western corners of the street to be closed, were provided out of the adjoining freehold Lot 379, and it will be necessary to return the two small areas to the present owner of that lot to square up his boundaries. Provision is made for the land in the widenings to be vested in the owner of the contiguous land.

Closure of portion of a road widening at the intersection of Middleton-rd. and Vine-st., Albany: The Municipality of Albany has beautified the intersection of Middleton-rd. and Vine-st., Albany, by a garden plot; and before a reserve can be created for the purpose, it is necessary to close portion of the public road. The

proposed reserve for "Public Garden" will comprise only 17 and 1/10th perches; and, as the roads meet at an acute angle, the garden plot will improve the intersection from a traffic viewpoint. It is proposed that the reserve for "Public Garden" will be vested in the Municipality of Albany, in trust for its purpose.

Deviation of portion of Roe Parade, Albany: In surveying a subdivision of portion of Reserve No. 22698 at Emu Point, Albany for the Emu Point (Albany) Reserve Board, it was considered desirable to deviate Roe Parade in the manner shown on Lands and Surveys Original Plan No. 7583. The land comprised in the portions to be closed by deviation is to be included in Reserves Nos. 22698 and 15879 when the boundaries of the reserves are being adjusted.

The contour of the land has necessitated a rearrangement of the road system through Reserve 22698 which has been subdivided for the purpose of leasing the various lots. The reserve is vested in the Emu Point (Albany) Reserve Board in trust for the purpose of residence and business areas, with power to lease for any term not exceeding 50 years. The new subdivision was designed by the Town Planning Board.

Closure of a certain road widening at Bentley: In the original design for the State Housing subdivision at Bentley, provision was made for a shopping centre which was surveyed as shown on Land Titles Office Diagram No. 23523. A standard truncation was made at the south-western corner of Lot 1 on the diagram, for the purpose of a road widening at the junction of Hill View Place and Hill View Terrace.

The State Housing Commission has recently prepared plans for the erection of shops on the land, the subject of the diagram, and finds that the truncation is an impediment to the best architectural design for the shops and has requested that the widening be closed. Provision is made for the closure and for the land to be included in Lot 1 and vested in the State Housing Commission in fee simple.

Closure of portion of road No. 177 near Bookara: Road No. 177 in the Irwin Road District was provided out of Crown land in August, 1882, and comprised a road one chain wide through the area between the Midland railway line and the coast. An extensive widening was provided in April, 1944, for the section of the road between 3 miles and 6 miles south of Bookara Station.

A new roadway has been constructed on the western side of the road widening, which has been included by survey in a proposed two chain road which will be sufficient for the purpose of protecting the constructed road. It is desired to close the balance of the road widening and to revest the land contained therein, totalling 251 acres 1 rood 32 perches, in Her Majesty as of Her former estate in order that it may be disposed of in such manner as the Governor may approve.

The original one-chain road on the eastern side of the road widening will be retained for the time being pending the ultimate disposal of the land in the portion for which closure is provided in this clause. This will ensure that legal access will be maintained for all appurtenant owners.

The land in the road widening was resumed from adjoining holdings, but the new road as constructed isolates the land in the portion to be closed from the properties from which it was resumed, and this would have complicated matters if closure had been attempted under the provisions of the Road Districts Act, 1919. All adjoining holders will be given an opportunity to apply for any portion of the land in the portion of the road which it is proposed should be closed.

Closure of a certain right-of-way at Bunbury: As the result of a deviation of Withers Crescent, Bunbury, a right-of-way at the rear of Lot 554 on Land Titles Office Plan No. 4638 has been rendered useless and the municipality of Bunbury has requested that it be closed. The land comprised in the right-of-way was previously held by the municipality in fee simple, but it was dedicated as a public right-of-way in August, 1940.

The municipality already holds in fee simple the land adjoining the eastern side of the right-of-way and has acquired or proposes to acquire portion of freehold Lot 554 which adjoins the western side of the right-of-way. This clause provides for the closure of the right-of-way and for the land contained therein to be vested in fee simple in the municipality of Bunbury. The municipality intends to incorporate the land in a new lot with a frontage to Withers Crescent.

Closure of portion of road No. 7968 in the Dandaragan road district: In the year 1928, an area of 1 acre 2 roods 18 perches was resumed from Melbourne Location 624, at the request of the Dandaragan Road Board, for the purpose of widening the contiguous surveyed road to avoid a bad sand patch around which the constructed roadway was deviated. Modern construction methods have enabled the road board to relocate the roadway in the centre of the original survey making the widening unnecessary.

The Dandaragan Road Board has requested that the road widening be closed and the land contained therein reincluded in the location from whence it was taken. The adjoining holder has paid an amount of ten pounds for the land which includes administrative costs. The section provides for the closure of the portion of the road and the vesting of the land therein in the owner for the time being of the contiguous land.

Closure of portion of Francis-st., Geraldton: The Beach Lands school at Geraldton is erected on Geraldton Lot 1463 and a proposed extension of the schoolsite has been surveyed as Lot 1687. To consolidate the site it is desired to close the intervening portion of Francis-st. and to include the contained land in the proposed schoolsite reserve. The municipality of Geraldton has constructed a new road around the eastern side of the schoolsite and has no objection to the closure of the portion of Francis-st.

To provide for an extension of the North Kalgoorlie schoolsite, it is proposed to alter the purpose of Reserve 8147, at present set apart for the purpose of recreation, and to increase its area by closing the adjacent portion of Addis-st. and adding the land therein to the reserve with another small area of vacant Crown land on the opposite side of the street. This portion of Addis-st. has not been constructed, and the municipality of Kalgoorlie has advised that the closure of it will not cause inconvenience to any local residents. The main schoolsite comprising Reserve B.7467 of 3 acres 2 roods 18 perches is situated on the opposite side of Cemetery-rd. from the proposed additional reserve which will contain an area of about 1 acre 1 rood.

The amendment of Narrogin High School site Reserve No. 22787 to include Narrogin Lots 970 to 979 inclusive and the subsequent consolidation of the reserve involves the closure of portion of Homer-st., and a right-of-way through the subdivided lots which are being added to the reserve. The portion of Homer-st. and the right-of-way are undeveloped and the municipality of Narrogin has agreed to the closures which require parliamentary authority. Gray-st., which is the main approach road to the high school, has been straightened recently and widened to include the western portion of Lots 970 to 972 and Lot 979, the balance of which are being included in the schoolsite. The land comprised in the portion of the road and right-of-way will upon closure be included in the reserve also.

Estates Development Co. Ltd. the owner of portion of Swan Location 1315 commissioned Miss Margaret Feilman, its town planning consultant, to design a resubdivision of the land, and Messrs. P. G. Hope and Partners have undertaken the subdivisional survey. The design provides for an alteration in the position of an undeveloped road at present surveyed along the southern boundary of the land. A new road is to be provided parallel to the old road and situated about one chain 75 links north of the original road, to take advantage of better grades for road construction. The Wanneroo Road Board has approved of the proposal. The new plan has been approved by the Town Planning Board, but no progress can be made until the old road has been closed and the land has been reincluded in Location 1315.

A small portion of another road between Lots 159 and 160 which meets the first road at a right angle and comprises only the southern extremity of the road, 50 links long, also requires closure as this portion will become part of one of the new lots in the subdivision. It is proposed to dispose of the land in the portions of the roads when closed to the registered proprietor of the contiguous portion of Swan Location 1315, under the provisions of the Closed Roads Alienation Act, 1932, at a price to be fixed by the Governor after the necessary valuation has been obtained from the Taxation Department. I move—

That the Bill be now read a second time.

MR. BOVELL (Vasse) [5.38]: As in the case of the previous measure, information in regard to this Bill has been made available to Opposition members, and we have had the opportunity of perusing the file which contains all the information detailed by the Minister in his second reading speech. As far as I am concerned, the Bill does not include any amendments which affect the area I represent; but it does include areas represented by the hon. members for Albany, Beeloo, Bunbury, Geraldton, Kalgoorlie, Narrogin, Wembley Beaches, and Moore.

Should these hon. members desire to address themselves to the measure, and require an adjournment, they may, of course, move accordingly; but in view of the co-operation the Government has requested in this regard, I do not intend, on behalf of the Opposition, to seek an adjournment of the debate.

Adjournment of Debate.

MR. O'BRIEN (Murchison) [5.39]: I move—

That the debate be adjourned.

Several hon. members interjected.

Mr. Bovell: There you are! We cooperate and don't seek an adjournment and—

The SPEAKER: Order! The hon. member for Murchison has as much right as anybody to move the adjournment of the debate.

Motion put and passed.

HALE SCHOOL ACT AMENDMENT BILL.

Returned from the Council without amendment.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL.

First Reading.

Received from the Council and, on motion by the Hon. A. M. Moir (Chief Secretary), read a first time.

RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE BILL.

Second Reading.

THE HON. A. M. MOIR (Chief Secretary —Boulder) [5.42] in moving the second reading said: This Bill seeks to continue the operations of the Rents and Tenancies Emergency Provisions Act for a further period of 12 months and follows along the lines of the continuance Bills introduced into this Parliament since the last war. Circumstances have made it necessary to continue this legislation in its various forms since that date; and it is well known by hon. members that the provisions in the legislation have been drastically modified as the years have gone by, so that the measure of protection to both landlord and tenant for whom the Act provides and which this Bill seeks to continue, is small by comparison with that which originally obtained.

As hon. members probably know, this protection relates to proceedings which may be taken for eviction of tenants and for the determination of a fair rent, either by the court, or by a rent inspector, as the case may be. Last year, when the continuance Bill was introduced, the Act provided the following protection from eviction or recovery of possession of premises:—

(1) In the event of an owner requiring his premises, 28 days' notice to quit would need to be given to a tenant.

(2) In the event of a tenant applying to a court or rent inspector for the determination of a fair rent, an owner would not be able to evict a tenant immediately as there was protection from notice to quit for a period of three months, and, in the event of the court determining a fair rent less than 80 per cent. of the rent being charged or asked, notice to quit could not be given for a period of 12 months.

These eviction provisions expired on the 31st August, 1957, and the Legislative Council would not agree to the continuance of the three months' and 12 months' protection; but there was agreement on the 28 days' notice to quit provision. This, therefore, still remains, and is the only available protection of this nature. Parliament also agreed last year to the continuance of those provisions in the Act which enable the establishment of a Fair Rents Court and the continuance of the work of the rent inspector. All these provisions expire on the 31st December, 1958.

Briefly therefore, the existing Act, in general terms, may be said to provide for a measure of protection from eviction and for the establishment of a Fair Rents Court, which gives the opportunity to either party to apply for the determination of a fair rent. This should be assessed by the court to show a net return of not less than 2 per cent. nor more than 8 per cent. on capital value. The present percentage assessed by the court is 6 per cent. for private dwellings and 7 per cent. for investment properties. The right of approach to the rent inspector also exists, and his determinations would be on a similar basis to that of the court.

As pointed out last year, the provisions, so far as the court and rent inspector are concerned, are to some extent undermined because of the existence of a section of the Act which provides that premises let for a term of at least three years are outside the scope of the Act. If a tenant approaches the court or rent inspector, he is invariably met with a request by the owner or landlord to take out a lease for three years or be evicted within 28 days. However, it is considered by the Government that the small measure of protection which still remains, whereby a period of 28 days' notice to quit must be given, is worth retaining. If this were not continued, then we would revert to common law provisions of 7 days' notice to quit, which, in some existing circumstances of unemployment, would create hardship.

Furthermore, the principle that either party may have the right of approach to a court for the determination of a fair rent is also one which should not be discontinued, and is a reasonable approach where a difference of opinion arises. There are other smaller provisions in the Bill which are of a consequential nature. I feel that this most necessary Bill is one which hon. members should be prepared to agree to. I move—

That the Bill be now read a second time.

On motion by Mr. Wild, debate adjourned.

Message.

Message from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. D. BRAND (Greenough) [5.50]: Owing to an engagement last night —at which the Premier was present—I missed the opportunity of saying a word or two in regard to this measure, which aims to amend the now permanent legislation known as the Unfair Trading and Profit Control Act. One wonders that the

Government perseveres with its policy of bringing this legislation before the public each year, thus setting off a chain of publicity, when it has been claimed in this House by the Premier that, as the result of what has been said and the propaganda arising from the placing of this law on the statute book, we were, in effect, sabotaging the State's future and industrial prospects.

Strangely enough, however, well knowing that this issue is as controversial as any, the Government sees fit now to come forward with a further amending Bill—as the Minister said by interjection—putting further teeth into the parent Act. We are faced at present with the fact that this is a permanent law; and we, as a party—I feel I can speak for all members on this side of the House—are obliged, in the terms of the majority finding of the Royal Commission, to oppose this Act; and, whenever possible, to remove it from the statute book, with a view to replacing it with a measure along lines similar to what was recommended by the Royal Commission on restrictive trade practices, which was chaired by the Leader of the Country Party.

Mr. Tonkin: Have you ever read the English Act?

Mr. BRAND: I have not read through the English Act, nor have I studied very closely—I think that goes for many hon. members here—the legislation controlling industry in other lands. It could be, as has been said in this House, that if there applied here a law similar to that which operates in the United Kingdom, where it seems that the operation of the statute is on a basis very different from that existing here, our attitude towards it would also be different.

I would remind this House—perhaps the Government does not like to be reminded of the fact—that the whole of the unfortunate propaganda and opposition which arose from this legislation sprang from its original introduction, when the Leader of the Country Party introduced into this Chamber a Bill in respect of restrictive trade practices, and the Minister for Labour set out to put teeth into the Bill; and, as hon. members will recall, listed pages of amendments which were so vicious that it is as well that we should recall the reaction of people throughout the world to what was at that time referred to as a touch of the Gestapo in W.A.—

Mr. Graham: By whom?

Mr. Hawke: By Sir Halford Reddish!

Mr. BRAND: Not by him; although I have no doubt that he stated it time and time again. It is as well that we should be reminded of what occurred, and I will mention here what appeared in the "Sydney Sun." Of course, if what was written there had been in favour of the Bill, it would have been considered well worth while by the Government. It was said, on the 29th November, 1956, by the Chairman of the National Bank—

> Such measures are a gross violation of freedom.

This article continues, with reference to the Western Australian Bill on profit control—

> He said that at present in this State, there was a Bill which, if passed by the Parliament in its present form, would give to a single government official wide and arbitrary powers to interfere directly with businesses or with individuals carrying on business.

On the 8th November, 1956, long before the Premier and Sir Halford Reddish got into holts, there was an unfortunate controversy, and the "Financial Times," an international paper, reported—

> A new Bill in Western Australia to prevent profiteering and unfair trading sets out to impose penalties which critics say are a relic "of the days when prisoners were locked in the stocks in a public place."

The Premier laughs, but it is a hollow laugh. The original Bill caused all the trouble, because it clearly defined the Government's attitude towards private industry or towards profit making. The article from which I have just quoted continues—

> The State's Labour Government proposes that any trader convicted of unfair trading should be liable to—
>
> Display large notices inside and outside his business detailing his offences and headed—"Convicted of Unfair Trading under the Profiteering and Unfair Trading Act, 1956."
>
> Print a similar notice on his invoices, accounts, and letterheads for three months.
>
> A fine of £500 or imprisonment for up to six months.
>
> Forfeit the goods concerned in the offence, or their equivalent in similar goods or cash.
>
> Compensate the victim of unfair trading, or face a further fine of up to £500 and up to 12 months' imprisonment.
>
> A fine, under certain conditions, of up to twice the amount of the unfair profits.

Sir Ross McLarty: Did the Deputy Premier take a copy of that overseas with him?

Mr. Graham: You people were going to fine industrial unions £1,000 in your legislation.

Mr. BRAND: Those were the provisions of the unfair trading Bill which we claim constitute probably the greatest deterrent to the attraction of industry to Western Australia—

Mr. Graham: You hope.

Mr. BRAND: It is no use the Minister saying that; because the original Bill contained those provisions, and industry throughout the world looked askance at us and asked what sort of a Government we had in Western Australia.

Mr. Graham: A great Government!

Mr. BRAND: We will see.

Mr. Graham: It did pretty well after a three-year term.

Mr. BRAND: In the "Daily News" of the 10th September, 1956, we read—

> A Visitor Critical of Bill.
>
> The planned Anti-Profiteering Bill was too harsh and drastic, a visiting Canadian businessman said today.
>
> He is Mr. L. T. Ritchie, vice-president of Massey Harris Ferguson Ltd., Canada, and managing director of H. V. McKay Massey Harris Pty. Ltd. in Australia.
>
> Said he: "I have never heard of anything as harsh as this anywhere in the world.

Mr. Jamieson: At that time he had not sent his cheque to the United States Government to pay the fine under their anti-trust laws.

Mr. BRAND: Whether he owed them that money or not, I could not say. The hon. member for Beeloo, of course, has first-hand information; but, whether that is so or not, we cannot but take heed of what he says. Here is an executive of a huge industrial concern, making a statement of this kind. Western Australia is shopping for capital, and we know that we recently sent a trade mission around the world. But whether it has been successful in interesting overseas industries, or not, I should imagine that one of the greatest setbacks to overseas goodwill and contacts must be this peculiar piece of legislation which the Government insists on retaining on the statute book. In fact, in order to fan this unfortunate publicity, the Government brings to this House each year, amending legislation to make it even tighter.

Mr. May: You are almost reading your deputy's speech.

Mr. BRAND: I was not here when the Deputy Leader of the Opposition made his speech; but I have no doubt that hon. members opposite enjoyed it, and that it was very much on the ball. The Bill before the House is, of course, in line with the hopes of the Government to make further political capital out of the publicity in respect of collusive tendering, following the report made by Commissioner Smith.

Sir Ross McLarty: There has also been a bit of collusive advertising going on.

Mr. BRAND: The Government seems absolutely possessed with the idea that if it brings this matter before the public more and more, together with its idea of controls to keep down profits and thus frustrate industry, it will catch on in the minds of the public, and they will be made to believe it is in their interests. However, I believe that gradually the rank and file of the people in Western Australia are recognising that this legislation is doing just the opposite; they recognise that we want industry here, and that we desire to encourage industry to come to Western Australia.

Mr. Graham: It's coming, brother!

Sir Ross McLarty: When?

Mr. BRAND: We wish to encourage industry to come to Western Australia under legislation similar to that which exists in the other States of the Commonwealth. If we can attract industry to this State, then everyone will be very pleased indeed. At the moment, however, we are waiting for this happy day.

Mr. Graham: Will you apologise if it comes?

Mr. Roberts: We have waited for six years.

Mr. BRAND: We will be very pleased indeed if industry does come to this State; and we will do everything in our power to assist such industrial development, and help the particular industries to establish themselves in Western Australia.

Mr. Graham: What are you doing at the moment?

Mr. BRAND: We are pointing out to the Government that this sort of legislation does not help us in solving the problem.

Sir Ross McLarty: Hear, hear!

Mr. Graham: In that case what are you grizzling about?

Mr. BRAND: But why does not the Government accept the recommendation of the Royal Commission set up to go into this matter? Why does it not accept the majority report of that commission which dealt with certain matters of Government concern?

Mr. Hawke: What were its recommendations?

Mr. Graham: Like you accepted the majority report of the committee inquiring into the Metropolitan Transport Trust!

Mr. BRAND: The Government is very interested in this matter of collusive tendering. But having regard for the great majority of Government jobs being carried out by day labour; having regard to the fact that certain conditions are being imposed when tenders are called—conditions asking for a price on the basis of the use of timber from State industries—surely we are not getting competitive prices when this sort of thing is going on; when the jobs are being done by day labour and by Government control, and no opportunity is given to contractors to come into competition.

I have a copy of a letter here which was given to me by a representative of a firm. In it reference is made that there were two incidents, the second of which concerns the Forests Department which had issued occasional contracts for this firm; but when the traveller representing the firm called recently, the department said it could not let any more work, or call any further tenders, because it had received a letter from Mr. Tonkin which instructed that all its work should go to the State Engineering Works.

Mr. Hawke: Hear, hear!

Mr. BRAND: The Premier says, "Hear, hear!"

Mr. Tonkin: The hon. member would know that the Minister for Works would not instruct somebody in another department. If the hon. member had thought twice on this matter he would not have gone any further.

Mr. BRAND: Is it not true? No doubt the Minister for Works has read the Premier's instructions to all departments.

Mr. Tonkin: He is in a different position from me.

Mr. BRAND: I am sure the Minister for Works would like to think that he is in a different compartment from the Premier. I am certain that the Minister for Works would not have issued the direction that has been issued by the Premier.

Mr. Tonkin: I can assure the Leader of the Opposition that I did not issue instructions to anybody in another department to do anything.

Mr. Hawke: Somebody has been pulling your leg.

Mr. BRAND: That is the advice I received. The people of Western Australia are being made to pay through the nose; they are not being given any of the benefits that would accrue from the calling of tenders and the letting of contracts. The Government proposes to amend the title of the legislation. I would say that the net result of that would be to mislead the people. What good would we do by changing the name of the legislation?

Mr. W. Hegney: You have changed the name of your party half a dozen times.

Mr. BRAND: It looks as though the hon. member's party ought to change its name. As a matter of fact, the newspaper that was produced here was called the "Labour" paper. That was a change of name.

Mr. Hawke: We could call the Liberal Party the Wild Party.

Mr. BRAND: So far as changing names of political parties is concerned, I would say that the Minister for Education should be the last one to make any suggestions; he should be the first to be silent. The intention of the Government to change the title of this Bill is nothing more or less than an endeavour to mislead the public. If the Government really wished to do something to alter the state of affairs that exists and restore confidence, then it should scrub the entire Act from the statute book.

Mr. Graham: What would you think of of "Free Enterprise and Protection Act" as a title?

Mr. Ross Hutchinson: It would be a misnomer.

Mr. BRAND: The Minister for Transport is endeavouring to drag a red herring across the trail. We are basically opposed to this legislation, and we will continue to be so, because of the damage that has been done to the prestige and reputation of Western Australia as a place where secondary industry—and, indeed, investments—might be encouraged.

Mr. Hawke: The title suggested by the Minister for Transport was mooted by an hon. member on the Opposition benches.

Mr. BRAND: The Government can call it what it likes. I suggest the Government's amendment is not worth anything. What's in a name after all! I do not propose to say a great deal more on this measure, except to support those hon. members of our party who have opposed the Bill. We have opposed it because we believe that the more often this matter is raised the more will it react to the detriment of the reputation of our State. The more the people become aware of the stupid, frustrating legislation on our statute book, the more will they realise that it will not achieve its objective.

Mr. Graham: What are you grizzling about?

Mr. Ross Hutchinson: Because of the effect.

Mr. BRAND: Because of the general effect of the legislation in reverse. We all recognise that Western Australia, as compared with other States, is suffering a greater degree of unemployment. We know that the Premier would say that the answer to this is more money from the Commonwealth.

Mr. Graham: Hear, hear!

Mr. BRAND: The answer, however, lies in the establishment of private investment in this State, and the expenditure of private capital in Western Australia.

Mr. Graham: It's up and coming.

Mr. BRAND: If it is we are very pleased to hear it. It is to be hoped, however, that the attitude of the Government, as expressed in the past in respect of profits made, will not be continued. I think it was said by an American who was here at the time the original Bill was introduced, that we were endeavouring to pioneer without profit. It is very true indeed that if we hope to attract worth-while industries to this State from any other part of the

world, we must give them every encouragement and show them they are welcome; we must certainly clearly indicate that if they make a profit we will be very happy indeed; because through that profit, will come reinvestment in this State—reinvestment which is so badly needed. I oppose the second reading of the Bill.

Mr. Graham: Why?

MR. NALDER (Katanning) [6.12]: I want to make a few comments on this measure.

Mr. W. Hegney: Are you supporting or opposing it?

Mr. NALDER: If the Minister will be patient, he will hear what I have to say. I am sorry time is running out fast; and it is possible, therefore, that the Minister may have to wait till after tea before his curiosity is satisfied.

Mr. Brand: Put him off his tea.

Mr. NALDER: Much comment has been made about this measure. One only has to travel down to the city to find that people have a great dislike for the unfair trading legislation which was placed on the statute book last year.

Mr. Heal: What people?

Mr. Roberts: I would hazard a guess that the Minister for Works received some comment overseas.

Mr. Hawke: Very witty!

Mr. NALDER: I am sure that a great deal of this talk is grossly exaggerated.

Mr. Hawke: Hear, hear!

Mr. NALDER: Personally, I believe it is necessary to have some kind of legislation, similar to that which we have on the statute book at the moment. We hear from time to time that industry and commerce are being stultified, and that efforts to increase production are being curbed by such legislation. Last year we had a similar measure before the House, and I am sure the Minister did not expect it would be carried. I feel quite confident about that; because if that legislation had been carried, it would have done very serious damage to Western Australia.

In its amended form, however, its teeth have been drawn, as has already been pointed out. I think the measure is intended to curb those people who have no regard at all for the needs of the State—especially for the development of the State; those people who would accept any profit at all, and force to the wall those who could not stand up to competition which tended to be monopolistic. Accordingly, I feel that some kind of legislation is necessary to deal with this matter. I intend to make further comment after the tea suspension.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NALDER: This Bill has very little to commend it. It is possible that the title is an improvement on the previous one, and that is about as far as I am prepared to go in supporting it.

I believe the Government should have taken more notice of the report of the Honorary Royal Commission, which has already been mentioned by previous speakers. If it had done so, it would probably have had more support from the House. I desire to make my position quite clear: I intend to support the second reading, and I am only doing that because, if the amendments on the notice paper in the name of the Leader of the Country Party are carried, they will improve the Bill considerably. If the House rejects those amendments, the only alternative I will have will be to oppose the third reading. That is the intention of the member for Katanning.

MR. GRAYDEN (South Perth) [7.33]: While I agree with many of the statements made by members of the Opposition in respect of this Bill, I do not, as an Opposition supporter, subscribe to the all-too-frequently-held view that everything the Government does is necessarily bad. There are some aspects of this measure which will improve the parent Act. If political considerations are discounted, I believe these aspects are in accordance with the wishes of the Opposition; I think they are in accordance with the wishes of businessmen generally, and in accordance with the wishes of Liberal supporters.

There has been a great deal of criticism of the Unfair Trading and Profit Control Act, and I agree with much of it; but we now have an opportunity to amend the parent Act. For a start, we can amend the title. Then, instead of our having an Act named "The Unfair Trading and Profit Control Act," it will be known as the "Monopolies and Restrictive Trade Practices Act."

That in itself is an improvement, because we have had a great deal of publicity as to how people overseas view this particular legislation. As it is named at present, people conjure up the idea or get the impression that if one makes an excessive profit in Western Australia, the law will step in. In many cases a high profit is in no way excessive, because businesses have serious losses and have to be in a position to withstand them.

As far as I am concerned, the sky is the limit as far as profit is concerned, provided there is no attempt to restrict trade or injure anyone in the process of obtaining that profit. If we amend the title so that the Act will be known as "The Monopolies and Restrictive Trade Practices Control Act," then all these fears will be allayed, because there is legislation by that name in every country in the world. It has existed

in the United States for years. Before any industrialist contemplated coming to Western Australia he would look at this Act, if brought before his notice, and see that Western Australia has restrictive trade legislation known by the same name as similar legislation in his own country.

Mr. Roberts: Surely he would have a look at the statute! He would get the shock of his life if he read this!

Mr. GRAYDEN: I take it he would be familiar with the Acts in operation in his own country and would find there are some differences. Like the hon. member for Bunbury, I consider that the differences to which I refer are objectionable. However, the hon. member for Bunbury would disagree with many provisions in the parent Act; and no true Liberal would, because my interpretation of "Liberal" is that it means free competition.

I believe in free competition and enterprise as distinct from private enterprise. I believe there is a distinction. On the one hand, we have enterprise which by competition results in better goods, and prices being brought down to a reasonable level; but on the other hand we have private enterprise which, in fact, means a small group of businessmen who have banded together to dominate the busines world in a particular country. Therefore, there is a big difference. While I stand for free enterprise, in no circumstances would I have anything to do with private enterprise. I ask everyone to note the distinction which I have drawn.

I think that the Opposition, in opposing this legislation, is throwing away an opportunity to improve the parent Act. There has been a lot of criticism of the parent Act both through "The West Australian" and other sources which I mentioned earlier. I agree with much of it; but when we have the opportunity to improve the parent Act, even though only slightly, we are not going to avail ourselves of it. I say that the Opposition is placing the Independent Liberals in this House in an embarrassing position by adopting this attitude. It is not the first time.

We are elected as Liberals and have to endeavour, irrespective of other considerations, to try to interpret the wishes of Liberal electors. I represent a Liberal seat. I am elected as an Independent Liberal; and, therefore, my first regard must be to those who elect me, because South Perth is predominantly a Liberal seat.

It seems obvious to me that when the opportunity presents itself, we should try to improve the parent Act. However, instead of that, I am now forced into the position where I am going to cross the floor and vote with the Government on the second reading of the Bill, hoping that the amendments foreshadowed by the Leader of the Country Party will be accepted by the Government. I will support the second reading; but if these amendments are not accepted, I reserve the right to oppose the legislation at a later stage. I chide the Opposition with having placed the Liberal Independents in an embarrassing position in adopting such an attitude towards this legislation.

Mr. Lawrence: Bravo!

MR. W. A. MANNING (Narrogin) [7.40]: I wish to make a few brief remarks on this Bill. I feel the Act will be improved if its title is altered, because it will then be more in keeping with the actual effect of the legislation than it is at the present time. In fact, the worst part of the Act as it stands at present is its name.

We have to recognise that the penalties and obnoxious provisions, as mentioned by the Deputy Leader of the Opposition, were definitely distasteful as brought forward in the original Bill; but we have to remember that they no longer exist. The Act as it stands at present does not contain those provisions. But I feel there has to be some measure of control—much as I dislike control—because we have to see that business is allowed to flow freely without some concern trying to usurp the business and powers of others. We have to be watchful of these things; otherwise we will defeat the object of providing freedom of trade within the community.

An Honorary Royal Commission which inquired into trade practices made certain recommendations. In this regard the Government has completely failed; because, instead of carrying out the recommendations, it is trying to amend the existing Act. Therefore, it seems to me that we have to take the second-best for the time being, because the Government is not facing its responsibilities.

Mr. Lawrence: You believe in control now?

Mr. W. A. MANNING: I said previously that we must have some measure of control.

Mr. Lawrence: A few moments ago you said you didn't.

Mr. W. A. MANNING: I said we must have some measure of control. We have an amending Bill before us which contains some good provisions, but there are some which are unacceptable to me. I am really surprised that the Bill contains a clause to amend a definition in the principal Act to provide for the word "includes" instead of the word "means". We had considerable argument about this two years ago, because a definition containing the word "includes" is as wide as the world itself. It is a waste of time to amend the Act in that manner; and in doing so, the Government condemns itself.

I am supporting the second reading of this Bill in the hope that during the Committee stage the Government will show some willingness to accept the amendments on the notice paper and thus obtain a better

principal Act than we have at the present time. If the Government is not willing to accept those amendments, my decision to support the Bill at this stage will certainly be reversed.

MR. LAPHAM (North Perth) [7.45]: Like many other hon. members, I am supporting the measure; but I shall support it all the way through. Some hon. members have indicated their desire to support it only to the second reading stage. I was greatly taken with the remarks of the hon. member for South Perth when he indicated that all true Liberals wanted competition in industry. Well, this measure will put some competition into industry; and that will be a change, because we have not had any competition.

I was a member of the Honorary Royal Commission on Restrictive Trade Practices which found that there were associations that have one prime object; namely, to keep all those interested in a particular association under the control of the association so that the association could arrange the price that would be charged for any goods. In many instances, we had evidence of associations fining individual members because they introduced some competition into industry and wanted to tender in a competitive way. Such an association member would not put in a collusive tender that the others had decided on. As a consequence, the association decided that the profits he made, by virtue of his tender, should go back into the association.

All true Liberals in the House, I feel, will support the measure because it introduces competition into industry. This is something that the Liberals talk about but, unfortunately, do not seem to support. Legislation of this nature is always unpopular. After all, it is a restrictive type of legislation, and it stirs up the minorities in business who want to do certain things. After all, the minorities have the whip hand, and they want to use it on the little people. Once minorities are controlled, they become vociferous; and, as a consequence, they start to use their influence politically, perhaps, and in other ways.

Mr. Court: Which union are you talking about?

Mr. LAPHAM: I am speaking about the people whom, I think, the hon. member represents—the minorities that want to control all business. Minorities are only small groups. Most businessmen are fairly decent and believe in a reasonable thing and that reasonable charges should be made, but minorities want to fix the prices that the public must pay.

Mr. Marshall: Like the price of wool. They fix that all right!

Mr. LAPHAM: Unfortunately, the price is always the greatest amount that can be extorted from the public. As a matter of fact, our inquiry indicated that. Let me quote from page 14 of the printed report where it states—

> Considerable evidence was heard on the question of price fixation and control by associations.
>
> Whilst agreement on price fixation was unanimous it was only so, provided the associations had the power to be the price fixing authority as the extracts from evidence set out below, indicate—
>
> *(Transcript, page 306).*
>
> Question: Can you indicate why you are not in favour of Government control and yet are in favour of private control in regard to price fixation?
>
> Witness: Yes, because firstly, we stand primarily for free enterprise and the voluntary conducting of our affairs, without being bound by a statute.

All this indicates is that these people still want price control; but, whether the price is fair or not, they want to fix it themselves. In the circumstances, I feel that this legislation is extremely moderate. I do not think there is a need for any party to try to make political capital out of it or to use it as a political football.

This morning I was rather surprised to pick up "The West Australian" and find the Bill referred to as a dagger in the back of industry. I have wondered whose back it was going into, and what sort of a dagger it was; whether it was the spring-loaded sort that is used in a theatre, or whether it was a dagger that was honestly going into the back of industry. I also wondered whether the dagger was going into the back of industry or whether it was going into the Government to destroy the Government.

If the legislation is so bad for the State, and if it is of a nature that will keep industry from Western Australia, would it not be better for a newspaper to write down the legislation, and quietly try to overcome any disabilities for which the legislation might be responsible, so that we might get further industries, and the State continue to develop?

Mr. Court: Newspapers have a duty to tell the public.

Mr. LAPHAM: What a novelty that would be for a newspaper! Newspapers have one thought in mind—how they can sell copies.

Mr. Court: You are just complaining of the newspaper telling the public about this legislation.

Mr. LAPHAM: The newspaper is not doing that, but is driving this dagger into the back of the Government.

Mr. Court: The report of your Minister's speech was put on the front page.

Mr. LAPHAM: The newspaper was quite prepared to drive the dagger into any industry that the Government might be trying to induce to come to Western Australia.

Mr. Marshall: The Liberal party has to get its instructions from somewhere.

Mr. Brand: You are so used to having your instructions from Mr. Chamberlain, it is no wonder you say that.

Mr. LAPHAM: The legislation is only to stop domination by a misguided few; and it is most moderate legislation. As a matter of fact, it deals with collusive tendering, and the members of the trade practices inquiry were unanimous that collusive tendering should be stopped. I feel that the Liberal members, at least, should agree that the Minister is introducing an amendment to deal with collusive tendering.

On page 17 of the Honorary Royal Commission's report we find that the recommendation was—

> that collusive tendering be prohibited and a substantial penalty be provided.
>
> That no association be registered whose objects or powers contemplate collusive tendering.

The Deputy Leader of the Opposition, the Leader of the Country Party, as well as the hon. member for West Perth, the hon. member for Roe, and myself were members of the commission which unanimously agreed that collusive tendering was wrong. The Government has decided that it will introduce into the law a prohibition on collusive tendering.

Mr. Court: What about recommendation 19?

Mr. LAPHAM: Let us deal with the recommendations one at a time. The hon. member said that collusive tendering was wrong. We thank him for his advice, and we say we will put a provision into the Act to deal with the matter; but now he changes his view.

Mr. Court: Nothing of the sort! The Minister took recommendations 12 and 13 out of their context. He would not read recommendation 19.

Mr. LAPHAM: Nothing of the sort! We know that collusive tendering is wrong, and the hon. member admits it is wrong, too.

Mr. Court: You already have in the principal Act, a provision dealing with the matter.

Mr. LAPHAM: If it is not clear in the Act, then let us make it clear. Provision is now being made to prohibit collusive tendering.

Mr. Court: That is the point I made last night. You are rubbing salt into the wound.

Mr. Lawrence: I think we will put you into a sausage skin.

Mr. Court: That is a profound remark, coming from the hon. member for South Fremantle. The week off for the elections did not do him any good.

Mr. Lawrence: We shall see.

Mr. LAPHAM: In the circumstances, I do not think there is any need to delay this question. The House agreed that collusive tendering should be prohibited. I feel it is one part of the measure that will be agreed to, as the Liberal Party is so keen on free competition. By this provision we are ensuring that there will be free competition. Surely hon. members opposite will agree to that.

Mr. Hawke: Who said the Liberal Party was keen on free competition?

Mr. LAPHAM: Its members say that.

Mr. Hawke: Keen on monopolies!

Mr. LAPHAM: The Premier has made certain statements; but it has to be remembered that the Liberal Party members have to dance to the tune of vociferous minorities. I cannot altogether blame them. I would not do such a thing myself; but if they do it, that is their business.

Mr. Brand: You have been dancing to the tune of one person—not minorities, but one person.

Mr. Hawke: Dictator Gardenia!

Mr. LAPHAM: It is pleasing to find that the name of this Act is to be changed. The alteration only seeks to bring it into line with similar legislation throughout the world. Now, any world authority seeking to compare legislation in different countries will not need to look up the Unfair Trading Act here but will turn to the normal Monopolies and Restrictive Trade Practices Act. So this alteration will be helpful to anyone who seeks at any time to analyse the legislation that exists throughout the world.

It is of no use any section of the community, or any newspapers, trying to indicate that the legislation is purely local legislation. That is tommy-rot. Similar legislation has been enacted in different parts of the world for years. Those people whom we hope to attract with their industries to Western Australia will have a greater knowledge of this legislation than we have. I support the measure.

MR. I. W. MANNING (Harvey) [7.57]: I oppose the Bill. I consider that the Government should have taken this opportunity of repealing the Act; and as it has taken a sudden interest in the subject of collusive tendering, it should have brought

down a Bill to deal with the recommendations of the Honorary Royal Commission. As far as I can see, the commission found no evidence to justify the introduction of a measure such as we now have on the statute book. The Act has been in operation for the past two years, and there is no evidence to justify a continuance of this drastic legislation.

In fact, I would say the litigation in which the Government has been involved has been embarrassing, to say the least, and must have given Western Australia a bad reputation. I would like to mention two cases. The first is the well-known Cockburn cement case. In addition, the Unfair Trading and Anti-Profiteering Commissioner brought an action, under this legislation, against two bakers at Harvey, and he lost his case. What transpired was so farcical as to indicate that the legislation was worthless in the first degree. All it seems to have achieved is to give the State a reputation; it certainly has not achieved anything from any other angle, as far as I can make out.

Touching on the subject of collusive tendering, the three-party commission found only limited instances of this practice. The hon. member for Leederville remarked that the Act was merely a headmaster's cane to keep the business world practising in a fair and just manner; but it now becomes a headmaster's cane merely to spank a baby, because the instances of unfair trading are so small that the present drastic approach to the subject is not justified in any way.

We have heard so much today about how industry should be encouraged; and yet businessmen in the community who have no reason to anticipate being investigated by the Unfair Trading Commissioner tell us that they do not know whether their business practices meet the commissioner's requirements. There is nothing in the Act to say that they shall do this, or they shall not do that. If someone decides that some of the practices of the firm are unfair, or it is considered to be profiteering, that firm is investigated. After the investigation, the commissioner makes up his mind as to whether or not he shall prosecute. That is what happened at Harvey in regard to the two bakers. The commissioner brought a charge against them, but it was lost.

It is clear to me that business people in the community have every reason to feel uncertain as to just where they stand. This legislation creates a great deal of uncertainty and does not encourage industry or the business world in any way at all; because those people are not to know, until they are investigated, and a charge is brought against them, whether their business practices measure up to normal fair trading or whether they are considered to be profiteering. There is nothing to say where the line should be drawn; and from that point of view, if from no other, the legislation lacks straight-out commonsense.

Under the price-fixing legislation a definite figure was stated regarding what business concerns could charge; if they charged a price above that figure, they were trading unfairly or profiteering.

Mr. May: You mean they have not got a conscience.

Mr. I. W. MANNING: A lot would depend on what sort of a conscience the Unfair Trading Commissioner had.

Mr. W. Hegney: That is uncalled for. What do you mean by that?

Mr. Ross Hutchinson: It was no more uncalled for than the remark of the hon. member for Collie.

Mr. I. W. MANNING: I mean that the Unfair Trading Commissioner decides what is a fair profit. The hon. member for Collie said that business people have no consciences. The same would apply to the Unfair Trading Commissioner, because these people, in running their businesses, have to decide what prices they shall charge for their goods or services.

Mr. May: Exactly.

Mr. I. W. MANNING: And the Unfair Trading Commissioner must decide, in his mind, whether that price is fair and just, or unfair and unjust.

Mr. O'Brien: He has an Act to work under.

Mr. I. W. MANNING: Therefore it depends on the conscience of the Unfair Trading Commissioner.

Mr. May: He is a pretty good one, too.

Mr. I. W. MANNING: He would need to be a good one; he would need to be a brilliant businessman to know whether a business was operating properly, and whether its charges and costs were legitimate or otherwise, or whether or not those costs and charges were fair.

Mr. Ross Hutchinson: He would need to be a super man.

Mr. I. W. MANNING: On this occasion the Government has decided to bring down a Bill to amend the parent Act; and it has not taken the opportunity to repeal the Act even though its operations do not justify its continued existence. If, under the heading of "collusive tendering", there is sufficient ground for saying something should be done about the matter, surely the Government could have taken the opportunity on this occasion to introduce different legislation which would cover that point!

The Honorary Royal Commission recommended that there should be a registration of trading concerns. If that recommendation were adopted there would be an opportunity to keep a watch on the activities of trade generally. Therefore I offer the strongest opposition to the continuance of the unfair trading legislation.

THE HON. J. T. TONKIN (Minister for Works—Melville) [8.5]: One would imagine, from listening to the speeches made from the Opposition side, that no other country in the world had ever adopted legislation of this kind, and that Western Australia was breaking entirely new ground in this respect.

Mr. Bovell: It has not been done in Australia before.

Mr. TONKIN: We take the lead in a lot of things that are done in Australia, much to our credit.

Mr. Bovell: This is not to your credit.

The SPEAKER: Order! Hon. members must allow the Minister to proceed.

Mr. TONKIN: This class of legislation has been in existence in other parts of the world for a very long time. The hon. member for Vasse is very fond of the Mother country, and quite often quotes here things which are done there! The Mother country has had legislation of this character for a long time.

I made it my business, when recently in London, to obtain a copy of the English legislation in order that I could be familiar with its provisions, and so combat any argument which might be advanced against the legislation we had in Western Australia. I found that there was an Act, which was enacted in 1948, known as The Monopolies and Restrictive Practices Inquiry and Control Act. That Act had more formidable provisions, and was far more drastic than the Western Australian legislation. It was subsequently found that there was some difficulty in operating that Act, and so amendments were introduced and the Monopolies and Restrictive Practices Commission Act of 1953 was passed, followed by a further amendment known as the Restrictive Trade Practices Act of 1956, which is of fairly recent date.

I was informed in Great Britain that there were several hundred cases under this Act which were ready to be dealt with before the courts. The remarkable part about it was that, generally speaking, businessmen in Great Britain were not at all concerned about the fact that there were several hundred cases before the courts, and some of them did not even know that this legislation was on their statute book.

Mr. Court: I think you have answered yourself in your last few words. By crikey, they know they have it in this State!

Mr. TONKIN: Yes, thanks to you, and other hon. members like you.

Mr. Brand: Thanks to the activities of Mr. Wallwork.

Mr. TONKIN: The strange thing about it was—

Mr. Brand: You have never stopped telling people about it.

Mr. TONKIN:—that there were businessmen in Great Britain who were concerned about the legislation in Western Australia, but who did not know that there had been similar legislation in Great Britain for many years.

Mr. Andrew: Because the Liberals disseminated so much poison about it.

Mr. I. W. Manning: There is plenty of poison in the Act.

Mr. Court: The Premier made sure they knew about it in London.

Mr. TONKIN: The question was raised at the Sheffield Chamber of Commerce by the president of that chamber, who sat next to me at luncheon. He offered me a lot of advice about a number of things and then said that he felt the Western Australian legislation would be against the interests of the trade mission. But he had a very wrong idea about it; he thought it was legislation for special taxation. I asked him if he had seen a copy of the Act, and he had to admit that he had not.

Mr. W. Hegney: Like the Leader of the Opposition.

Mr. TONKIN: He had obtained his ideas from the controversy which had been going on in the Press, and from what people had told him. He subsequently wrote to me on the 2nd July.

Mr. Brand: He could not have read the Premier's letter too clearly if he thought that it was a taxing measure.

Mr. TONKIN: He said—

> I was very pleased to have been able to meet you and your colleagues yesterday. I was only sorry that the time for our discussion was so short.

He then went on to make some reference to the annual report which he was making available, and the fact that assistance might have been obtained from British members of the Australian Association of British Manufacturers. That has no relevance to the point under discussion. He then went on to say—

> I do hope you realise that my observations yesterday were made with the intention of helping you. I feel the occasion of your visit should be the opportunity for the Press to explain the many advantages to be gained by establishing industrial enterprises in Western Australia. It would be well for you to face the fact that in recent months publicity has been widespread concerning the operation of legislation in Western Australia in the form of special taxation which is not particularly encouraging to those seeking to extend their activities and invest capital in Western Australia. I am sure you have a most satisfactory answer to this point and my only object in stressing it was that this

answer should be given as much publicity as possible. May I wish your mission every success on the remaining portion of your tour.

It is clear that this very worthy gentleman had a completely wrong idea of the Western Australian legislation, and that he had gained his idea because of the widespread publicity in the English Press. Is it not strange that in a country that has had legislation of this character since 1948, and where the majority of businessmen were not in the slightest bit concerned about it, there should be so much publicity given to little Western Australia and its Act?

Mr. Court: It is because of the way you have administered it for one thing.

Mr. Brand: And the way you introduced it in the first place.

Mr. TONKIN: I wrote to the President of the Chamber, Mr. Fearnehough, in these terms—

> I thank you for your letter of the 2nd July, 1958, and for enclosing your 44th Annual Report and the 29th Annual General Meeting Report, both of which I have found of considerable interest, and am now returning herewith as requested.
>
> I appreciate that the observations which you made about our Unfair Trading and Profit Control legislation in Western Australia were well intentioned and I value your opinion on this matter.
>
> It seems strange to me, however, that industrialists in Great Britain should be at all concerned about our legislation when they have had in existence in this country for the past 10 years, similar legislation, but with far more stringent provisions, so that by comparison ours is quite innocuous.
>
> Thanking you for your good wishes for the success of the mission.

That is the true position. If anybody is interested I will be pleased to make available the copies of the English Acts which I have here.

Mr. Roberts: Did you send a copy of our Act to that gentleman?

Mr. TONKIN: No; but I told him, when speaking to him, that he could obtain a copy from the Agent-General's Office. I suggested that he do that, because it is perfectly clear that our legislation makes no provision for special taxation. As a matter of fact, the Act is really aimed more at restrictive trade practices than it is at exorbitant profits.

Hon. members heard me refer here years ago to a practice which still exists in regard to the plaster industry. Let them go along to some of the retail stores and try to buy plasterboard to fix themselves! Or try to get a man who is not a member of the Plaster Fixers' Association, but who is a qualified tradesman, to fix plaster and see if one can buy the plaster.

Mr. Heal: The hon. member for Nedlands would fix it!

Mr. Court: Apparently Mr. Wallwork has not got around to that yet.

Mr. TONKIN: About three weeks ago I received a letter from a man who struck trouble in precisely this direction. He complained that it was quite impossible for him to get anybody to obtain plasterboard to fix it to the job unless that person was a member of the Plaster Fixers' Association. Although I have not had any opportunity in recent times to check on the existing practice, when I complained about it the position was that if a person called tenders for the fixing of plasterboard, before anyone could submit a price he had to get in touch with the Plaster Fixers' Association to ascertain whether anybody else had tendered for the job. If someone else had tendered, the person making the inquiry could not submit a price that was less than the one already tendered. He could put in a higher price, but he was not allowed to tender at a price which was less even although he might have felt he could have done the job for half the price.

However, if he was the first one to make the inquiry he could quote any price he liked, knowing full well that anyone who is not a member of the Plaster Fixers' Association could not get plaster supplies and therefore could not do the job. On the other hand, if a member of the Plaster Fixers' Association had tendered for the job, he could not tender at a lower figure. That is a wonderful situation in a free country, is it not?

Mr. Ross Hutchinson: If what you say is true, why has not this been investigated?

Mr. TONKIN: It might have been.

Mr. Court: You are making a serious allegation and now you say it might have been.

Mr. TONKIN: I do not know whether it has been investigated or not, because it is not my province, but the information that came to me was sent on to the Minister controlling the department.

Mr. Ross Hutchinson: It could be that the investigation has broken down, because there was no weight behind the allegations.

Mr. TONKIN: It could be because of the way the hon. member and his colleagues have been acting that there is not sufficient power to carry on the investigations, because if the hon. member had his way there would be no power whatsoever in this regard. That is the sort of practice that no reasonable man would countenance for five minutes, but it is still going on.

Mr. Court: But is it going on?

Mr. TONKIN: I am satisfied from the letter I received that the conditions about which I complained years ago are still in existence, because the gentleman who forwarded this letter detailed precisely what I knew was the situation a number of years ago. I ask the hon. member to test the matter out. It is not easy to become a member of the Plaster Fixers' Association. I know two men who forwarded their fees to become members but had them returned.

Mr. Heal: That applies to many associations.

Mr. Ross Hutchinson: Have you made representations—

The SPEAKER: Order, please!

Mr. TONKIN: So it is a fairly close preserve for a start. If one is not a member of the Plaster Fixers' Association one cannot get a supply of plaster. One could get some of the plasterboard, but not some of the cornices, so one could not complete the job. The only way a person could get a plaster-fixing job done would be to engage a member of the Plaster Fixers' Association and the first man to tender can put in any price he likes, knowing that no other member can tender below it. That is the sort of practice which ought to be stopped.

Mr. Court: You have the power now to stop it.

Mr. TONKIN: Have we? I am very doubtful.

Mr. Court: Under the present Act you have all the power you need.

Mr. TONKIN: I am confident that it will be stopped and stopped quickly, but that is an instance to show the necessity to have the power to act and the legislation is aimed at that sort of restrictive trade practice rather than against excessive profits. It is not so much the percentage of profits that is the trouble; it is whether the profit is unreasonable or exorbitant in the circumstances. I would have no objection to a man making 200 per cent. profit if he made it in a way that was not burdensome. If he made a high profit with rapid turnover and as a result of his giving good service to his customers, why should he not get a good reward for his industry?

However, 10 per cent, profit could be excessive in some circumstances, particularly if it were made by a monopoly organisation which had no regard to keeping costs down and so wanted to make 10 per cent. on expenditure, irrespective of whether it was justified. In those circumstances 10 per cent. could be far too high and yet it might be far too low in some industries where there is substantial risk. After all is said and done, one has to measure the risk involved against the capital invested and the amount of work entailed to earn a dividend.

I found that the businessmen in Great Britain and in the United States of America were more concerned about whether they could get their profits home to England or to America after they had made them than they were about the possibility of action being taken under this legislation. Almost invariably I was asked not only that question, but also whether they could get their capital out again once they had brought it in, if they wanted to take it out and return to their own country. That was what concerned them most; and well it might, because I could anticipate that they could suffer more actual loss and inconvenience through inability to send their capital home than they would from any action likely to be taken under this legislation.

It is my view that the talk which has gone on about this Act has been for political purposes and for none other, and not because of any great concern for the welfare of businessmen; because if they are conducting their businesses reasonably and fairly in Western Australia they have nothing to fear under this legislation.

Mr. Court: Not if they can fight a court case of the magnitude of the Cockburn case, I suppose.

Mr. TONKIN: Well, of course, there are a few aspects about that case that might surprise the hon. member.

Mr. Court: Are you disputing the court's decision?

Mr. TONKIN: I did not say that I disputed the court's decision, and the hon. member had better not put words into my mouth.

Mr. Court: You are implying—

Mr. TONKIN: I am not implying anything, and the hon. member had better not start that business.

Mr. Court: You are implying that there are things which are not right about the court's decision.

Mr. TONKIN: There are some things concerning the Cockburn Cement Company which would not be approved by reasonable people.

Mr. Court: In other words, the court did not find correctly.

Mr. TONKIN: It is a fact that there were two different prices for cement in the initial stages after the Cockburn Cement Company started to operate. That is not implied; that is a straight-out statement of fact; and, shortly afterwards, the two companies amalgamated and there was one price for cement and it was higher than the initial price.

Mr. Court: Did the court find—

Mr. TONKIN: I am not talking about the court. I am telling the hon. member of the facts at the time.

Mr. Brand: Facts that were not supported by the court.

Mr. TONKIN: The court! The court! I am not talking about the court! I am saying that there were certain things that happened with the cement price. I will quote another one for the hon. member. There is no reason why the price of cement in Western Australia should be so much higher than it is in the other States, but it is. However, it would not be if the two companies were operating the way they were initially.

Mr. Court: I do not think you are right there.

Mr. TONKIN: The hon. member can come to his own conclusions, but I have come to mine. In their opposition to this legislation hon. members opposite take the line they do, not because they believe that any businessman trading honourably will suffer, but because there is an opportunity to score some political advantage.

MR. WILD (Dale) [8.25]: Having listened to what the Deputy Premier has said tonight, I feel it is a great pity that he did not stay in England a few months longer, because it is the first time I have heard him say in this House that he would not object to a man making a profit of 200 per cent. However, he is now going off at a tangent and referring to collusive tendering and other such things.

Mr. Heal: He gave certain reasons.

Mr. WILD: It is strange that we have a monopoly in this State in the coal industry. Would the hon. member, if he objects to the people whom he says we represent having a monopoly in industry, go so far as to say that the coalminers have not a monopoly? Or would he say that the coalminers took the action that they did, by keeping production down as low as they could, while waiting for him to come back?

Mr. May: That is all rot!

Mr. WILD: It is not. There is the complete parallel. However, the main reason why I rose to speak on this occasion is that I agree with my colleagues that if ever there was a piece of legislation placed on the statute book of Western Australia to damage and hold back this State, it is this. It is all very well for the Deputy Premier to rise to his feet in this House and tell us what businessmen in England said and then read a letter to the House from the Sheffield Chamber of Commerce.

In the original Bill introduced by the Minister for Labour there was provision for the director to superimpose on the dockets of business people the fact that they had been making unfair profits. If that will not discourage industry in this State, I do not know what will. However, the Government has gone on and on, and has merely added fuel to the fire. When the Deputy Premier left this State for England, he did so with the good intention to attract industry to Western Australia; and yet the day he set foot in England, his own leader came out with a statement in the "Financial Times" reiterating his argument with Reddish. What a great thing that was for the Premier's colleague on the very day he stepped off the boat in England!

If the Government is really anxious to attract industry to this State it should play this legislation down. Admittedly there is legislation similar to this in England; but as the Deputy Premier has said, we do not hear very much about it.

Mr. Andrew: The trouble is, you have been playing it up in this State.

Mr. WILD: We have been playing it up? Why, only about Monday of this week I read in the Press about the Premier and Treasurer appearing before the Grants Commission. I am sorry I have not the issue of the newspaper before me at the moment; but the Premier was reported as having said to the Grants Commission that this State suffered from one thing—namely, the lack of capital and new industry coming to the State. Does the Premier think that this sort of legislation is going to attract industry to Western Australia? I am glad the Deputy Premier has said that he has no objection to anybody making a fair profit. Now, what is a fair profit?

Mr. Potter: Yes, what is a fair profit?

Mr. WILD: I am asking the hon. member what a fair profit is; and when we have to pay the taxation that we do today, can any man make much profit? Of course he cannot! I repeat what I have said before: If we want to have prosperity and financial stability in this State we have to play down rotten legislation of this kind.

Mr. Andrew: Why don't you stop playing it up?

Mr. WILD: We are not playing it up. It was played up when the Deputy Premier went to England. With my leader, I hope that when we get the opportunity—which we will in the not too distant future—the first Act to be removed from the statute book will be the Unfair Trading and Profit Control Act.

THE HON. W. HEGNEY (Minister for Labour—Mt. Hawthorn—in reply) [8.30]: I would like to make a few comments in reply to some of the remarks made during the second reading. Firstly, I wish to dispose of the remarks made by the hon. member for Dale. He asked what was a fair profit. I do not think he is a fair prophet! I write him off as a dead loss.

Mr. Wild: You may be a dead loss after April next.

Mr. W. HEGNEY: I would like to express appreciation to hon. members of the Country Party and those on this side of the House for their reasonable approach to the amendments contained in the Bill.

Mr. Oldfield: What about the hon. member for South Perth?

Mr. W. HEGNEY: I wanted to make sure the hon. member was listening. I include the hon. member for South Perth. They approached the amendments in the Bill on a reasonable basis, although they did not indicate full approval of them. I could couple the approaches of the Leader of the Opposition and the Deputy Leader of the Opposition together. I said earlier that I doubted whether the Leader of the Opposition has studied the Act.

Mr. Hawke: It will make no difference if he has studied it.

Mr. W. HEGNEY: I do not think the hon. member for Harvey has studied the Act either. There is much "Wild" thinking about this legislation, and about the powers of the commissioner. I refer to the amendments contained in the Bill. Firstly, there is a proposal to change the name. There is a provision to control collusive tendering, or as I mentioned previously, in using a high-sounding phrase, to control conscious parallelism in industry. There is provision for an injunction to be applied for by the director under certain circumstances. There is provision to alter the word "means" to "includes" in the definition. There is provision for an appeal to the Full Court and to the High Court of Australia.

Without any equivocation it can be said that this Government is not opposed to any industrialist, corporation, or company making profits. This legislation does not have regard to that aspect. It may be necessary for me to quote a few of the definitions in the Act, simple as they are. Anyone, after reading and concentrating on the definition for a short while, would appreciate the importance of the Bill.

Let us see what is the definition of "unfair profit" in the Act. It says—

> "unfair profit" means a profit made by a person in respect of the goods or services concerned, wholly or partly as a result of that person being or having been engaged in or a party to unfair trading methods or unfair methods of trade competition and which is, in the opinion of the Commissioner an excess profit having regard to the cost of the goods or services to the person, the costs of distribution, the type of industry or business concerned, and any other factors which should reasonably be taken into consideration in deciding what is a fair profit.

The definition of unfair trading is as follows:—

> (a) taking any unfair profit;
> (b) using any unfair trading method;
> (c) using any unfair method of trade competition.

I shall not quote every difinition in the Act. The basic principle has regard to the interests of the public. Let us see what is the definition of "unfair trading methods" in the Act. This states—

> "unfair trading methods" or "unfair methods of trade competition" mean—
>
> (a) the making of or entering into any contract or agreement, with any person or the continuing to be a member of or engaging in any combine, in relation to trade or commerce within the State—
>
> (i) in restraint of or with intent to restrain trade or commerce; contrary to the interest of the public; or . . . .
>
> (d) the discriminating in price between different purchasers of goods of like grade or quality where the effect of such discrimination may be contrary to the public interest substantially to lessen competition or tend to create a monopoly in any line of trade or commerce, or to injure, destroy or prevent competition.

I shall refer briefly to Section 28 which relates to the powers of the commissioner, and which states—

> Where the Commissioner has reason, whether because of reports made to him, or because of the observations of himself or his staff, to suspect that there is unfair trading, he shall, if of opinion that it is in the public interest to do so—

That is, not in the interests of any company or corporation, but in the interests of the public of Western Australia.

> —exercise or cause to be exercised all or any of the powers of investigation conferred by Part II of this Act.

There we have the requisite definition of the powers of the director in regard to implementing the Act.

Mr. Court: Why have you left out the words "contrary to public interest" in the amending Bill when it is in so many of the sections of the Act?

Mr. W. HEGNEY: The hon. member will have an opportunity in Committee to offer his comments. The provisions in the Bill have regard to public interest. Both the Deputy Leader of the Opposition and the Leader of the Opposition spent most of their time during the second reading in criticising the action of the Government in introducing the Bill. I would point out that in the first place Parliament passed this legislation, and I hope Parliament will agree to the Bill now before us.

I have said previously—and I reiterate—that the two responsible parliamentary representatives I have mentioned have certainly done this State a disservice by their attitude towards this legislation. It can be said that there are some 60 countries in which similar legislation to control restrictive trade practices is in operation. Likewise, in a number of British countries similar legislation is also in force. The British Government found it necessary, and quite rightly, to introduce legislation to cover restrictive trade practices.

Mr. Hawke: Introduced by a Conservative Government, too!

Mr. W. HEGNEY: That is so. This Government does not, and will not hinder or restrict free enterprise in any way. But when some people refer to free enterprise they believe there is no free competition in industry, but that very often there is a combine which destroys competition. This particular amendment in regard to collusive tendering has been recommended by the Royal Commission that was mentioned, and it is necessary to introduce it for the purpose of preventing this collusive tendering.

I think it was the Deputy Leader of the Opposition who referred to the injunction and said that the provision that the director should be empowered to seek an injunction should be deleted. But let us have a look at it. It all depends on the interests that are involved. All that the amendment seeks to do is to provide that where the director has reason to believe that unfair trading is being indulged in, he shall be able to seek an injunction. He will not have the power to issue an injunction but will have to apply to the court.

In 1952 there was, as hon. members on this side—and most hon. members opposite—know, an amendment of the Industrial Arbitration Act and certain penal clauses were introduced into that measure. Before that time, the definition of "strike" was simple. But the following is the definition that was inserted by the then Government—now the Opposition; and I hope they will stay there for quite a while—

Mr. Wild: Wishful thinking!

Mr. W. HEGNEY: In the definition of "strike" in the 1952 amendment the word "includes" was used and not "means." This definition reads as follows:—

> includes—
>
> (i) a cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person; and
>
> (ii) a refusal or neglect to offer for or accept employment in the industry in which he is usually employed by a person acting in combination or under a common understanding with another worker or person;
>
> unless and until in any particular case the Court declares the particular cessation, limitation, refusal or neglect not to be a strike.

All we are seeking to do is to give a director the opportunity, or authority, to apply for an injunction when he has reason to believe that unfair trading methods are being engaged in.

Rather than occupy further time when this Bill is in Committee, I would like to refer briefly to the proposal, which has been mentioned by a number of speakers, to substitute for the word "means" the word "includes". We have a reason for doing this—I shall not go into a mass of detail but will just, for the benefit of the House, instance a few cases which illustrate the necessity for this proposal.

I will not mention any names; but these are the situations that have been dealt with. I obtained this information from a statement showing examples of cases of unfair profit which have been brought to the attention of the administration. In Bayswater, there were charges on repossession under hire-purchase, and the action taken resulted in a credit of £3 being obtained. In Jardee, just the other side of Manjimup—the hon. member for Warren would know where that is—prices for a manchester parcel were 50 per cent. over Perth prices. It was found that no action could be taken in this instance.

Mr. W. A. Manning: They do not have to buy their manchester there.

Mr. W. HEGNEY: To continue. In Bunbury—probably the hon. member for Bunbury would know where that is—charges for electrical fittings were £29, and the correct charge should have been £11. In that case no refund was obtainable. At Narrikup, invoices for spare parts for tractors were held for three months until new prices were issued. The action in that case resulted in a credit for £18 on advice from the principal agent in the State. At Medina the charge for a prescription was £1 1s. 6d., when it should have been 6s. In this instance the balance was refunded after the complainant had been advised to take the matter up with the chemist. The Leader of the Opposition and his party might think that these matters are trivial; but to the ordinary person they mean a lot.

I will refer now to what we might call collusive tendering. It must be understood that the commissioner or director would have to prove, in any particular case, that there had been collusive tendering. I think that when I have finished submitting this information, all hon. members will admit that the situation is a particularly grave one.

I will give the contract rates for burial of deceased pensioners, destitute persons, and destitute natives in Boulder, Coolgardie, and Kalgoorlie, for the years 1958 and 1959. I propose to quote the town, period, and contractor, and then just give other brief information.

Mr. Bovell: What years did you say?

Mr. Brand: By contract or day labour?

Mr. W. HEGNEY: This is by contract, not day labour. In Boulder, in 1958, the contractor was W. G. H. Strother, and the rate per burial of deceased pensioners—excluding cemetery fees—was £30 18s 6d. For 1959 the contractor being the Goldfields Funeral Directors Association, the rate fixed was £41 15s.

Mr. Brand: The British industrialists will be impressed with this!

Mr. W. HEGNEY: In Coolgardie in 1958 when the contractor was W. G. H. Strother, the rate was £35 10s.; and for 1959, when the Goldfields Funeral Directors Association is the contracting company, the price was set at £45 5s. In Boulder in 1958, Mr. W. G. H. Strother being the contractor, the rate for the burial of deceased destitute adult natives was £11 10s.; and for 1959 the Goldfields Funeral Directors Association being the only tenderer, the rate fixed was £22 15s.

From the foregoing information, hon. members will see that the cost of dying, as well as the cost of living, has gone up. In Kalgoorlie in 1958, when the contractor was W. G. H. Strother, the cost for burial of native children under the age of seven years was £5 19s.; and for 1959, with the Goldfields Funeral Directors Association being the contractors, the rate fixed was £13 19s.

I have quoted these figures to illustrate that there is a necessity for the proposed amendment.

Mr. Brand: Does the legislation in the United Kingdom—

The SPEAKER: Order!

Mr. Brand: —deal with these significant matters?

Mr. W. HEGNEY: I will quote a few figures from a schedule showing the price variations in all States, in connection with the superphosphate industry, since the 18th January, 1957. In all these cases the prices quoted are for new jute bags.

In Western Australia on the 18th January, 1957 the price was £14; on the 1st July, 1958, £12 18s.; and the current price is £12 14s.—as from the 29th September, 1958. I will not quote all the figures; but on the 18th of January, 1957, in New South Wales it was £13 14s.; and on the 1st of July of that year, £14 5s. 6d. It is now £12 17s. 6d. In Victoria, on the 18th of January, 1957, it was £12 12s.; on the 1st of July that year, it was £13 7s. 6d.; and it is currently £12. In South Australia on the 18th of January, 1957, it was £13 3s.; on the 1st of July of that year, it was £13 18s.; and it is now £12 8s. Negotiations took place between the office and the superphosphate companies, towards the middle of 1957, and the other States increased their prices, but that did not take place in this State.

Although no direction has been issued to the superphosphate companies in respect of the variations, it can be noted that whereas, on the 18th of January, 1957, Western Australia had the highest price for superphosphate, the current price is now 3s. 6d. below that of New South Wales; and the margin between Western Australia and the lowest of the other States has been reduced from £2 1s. 6d. to 13s. per ton during that period. I have referred to those items in order to save time when in the Committee stage. I commend the measure to the House and I will be happy to give consideration to some of the amendments foreshadowed by the Leader of the Country Party. I move—

That the Bill be now read a second time.

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

Ayes—31

Mr. Andrew	Mr. Marshall
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Nalder
Mr. Evans	Mr. Norton
Mr. Grayden	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Owen
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rowberry
Mr. Johnson	Mr. Sewell
Mr. Kelly	Mr. Toms
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. Watts
Mr. Lewis	Mr. May
Mr. W. Manning	*(Teller.)*

Noes—11

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Oldfield
Mr. Court	Mr. Roberts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. Crommelin
Mr. Mann	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Sleeman	Mr. Perkins
Mr. Gaffy	Mr. Cornell
Mr. Graham	Mr. I. Manning

Majority for—20.

Question thus passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Hon. W. Hegney (Minister for Labour) in charge of the Bill.

Clauses 1 to 3—put and passed.

Clause 4—Section 3 amended:

Mr. COURT: The Minister, when replying to the debate, quoted some of the definitions in Section 8, and it was apparent that the phrase "contrary to the public

interest" recurs several times. By interjection I asked him to explain why that wording had been left out of the amendment brought down by the Government in respect of collusive tendering. He made play of the report of the Honorary Royal Commission which inquired into restrictive trade practices, and the fact that its recommendations 12 and 13 dealt with this question. In fact, it was his principal excuse for bringing down the Bill.

In the definition of "collusive tendering" included in Clause 12 (c) by that Honorary Royal Commission, collusive tendering is defined as "the submission by two or more persons of tenders in response to a public invitation, the amounts of which have been agreed between the persons tendering, which agreement is contrary to the public interest."

Up to that stage the Honorary Royal Commission was unanimous and there was good reason why the words "contrary to the public interest" were included; because there could be many circumstances where tenders arrived at in collusion might in fact be in the public interest. Hence the reference to "contrary to public interest" as one of the tests. Would the Minister explain why the Government has omitted those words on this occasion? If there was no reason for the omission, I propose to move an amendment to insert, in line 18, after the word "scheme," the words "contrary to the public interest."

Mr. W. HEGNEY: As some examples, I refer the hon. member to page 11 of the principal Act, and in particular Part II; and also to page 13, Section 19, Subsection (6), and Section 28 on page 17. The Leader of the Country Party has made reference to collusive tendering and he has not found it necessary to use the words "in the public interest."

Mr. COURT: The Minister has made out a very good case in favour of the amendment and I move—

> Page 2, line 18—Insert after the word "scheme" the words "contrary to the public interest".

It is all right for the Minister to say that the commissioner can proceed if he thinks it is in the public interest; but that cannot be related directly to these particular difficulties, and there is a very good reason why the amendment should be agreed to.

Mr. W. Hegney: I have no objection to it.

Amendment put and passed.

Mr. WATTS: I move an amendment—

> Page 2, line 19—Delete the word "restrict", and substitute the word "prevent".

It does not seem to me that the word "restrict" is sufficient. As the Royal Commission understood the position, it was to aim not at the restriction of competition but the prevention of it.

Mr. Tonkin: Why not have both?

Mr. W. HEGNEY: Great minds think alike. In my notes in regard to the amendment I have a suggestion that the words "prevent or" be placed before the word "restrict". The restriction of something is not the entire prevention of it, and I would accept an amendment along the lines I have suggested.

Mr. WATTS: I have given this matter a considerable amount of thought and I think only the one word is desirable. Therefore I prefer to stick to my original amendment.

Mr. TONKIN: I am disappointed that the Leader of the Country Party did not advance any reason as to why he wants to adhere to the use of one word. We could have the position where 20 people put their heads together and all submitted the one price. That would be collusive tendering; but it would not be collusive tendering preventing competition if one other person submitted a different price. Therefore the very object of the Bill would be defeated. I think it is necessary to have both words because restricted competition could be nearly as bad as prevented competition.

The CHAIRMAN: I would advise hon. members that if this amendment is put and defeated they will not be able to insert other words before the word "restrict".

Mr. WATTS: The words can be put in after the word "restrict", I think, if the amendment is defeated. I wish to reply to the case put forward by the Deputy Premier. I suggest he has lost sight of what is in the definition, because it refers only to a scheme by which the parties to it would arrange to prevent competition—that is, the 20 people referred to by the Deputy Premier and not the 21st. That is the point.

Mr. TONKIN: The Leader of the Country Party has just shown that it is a case of 20 persons who arrange to prevent competition, but they do not succeed in preventing competition if some other person submits a price.

Mr. Watts: It says to prevent competition amongst themselves. You should read it all.

Mr. TONKIN: In that event I agree there is a difference and I have not a case; but the way it appeared to me initially was that they agree amongst themselves to prevent competition, but they do not achieve that if someone else submits a price. However, in view of what has been said by the Leader of the Country Party, I would like to have another look at it. I do not know whether the position will be met by the amendment. The very purpose of the Bill is to prevent a group of persons from acting in collusion, with the result that the tenders lodged are not fair. However, they cannot achieve their object if someone else

submits a tender. In such a case all the group has done is to achieve restriction, and we shall endeavour to stop them doing even that.

Mr. WATTS: The more I look at this, the clearer the position becomes. A collusive tendering scheme means a scheme by which the parties to it—there is no outsider—arrange to restrict competition amongst themselves and again there is no outsider in the scheme. If they are only to restrict competition amongst themselves I suggest that they are leaving the door open for what the Deputy Premier suggests will happen amongst themselves. They are in collusion to ensure that the same contract price is offered by all of them. By leaving the word "restrict" in the clause there could be a limited amount of collusion among themselves, because it is only a restriction and not a case of "conscious parallelism" as the Minister for Labour has called it.

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

Ayes—17

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. Crommelin
Mr. W. Manning	*(Teller.)*

Noes—24

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Marshall
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Hall	Mr. Nulsen
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rowberry
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Perkins	Mr. Sleeman
Mr. Cornell	Mr. Gaffy
Mr. I. Manning	Mr. Graham

Majority against—7.

Amendment thus negatived.

Mr. WATTS: I move an amendment—

Page 3—Delete paragraph (c) in lines 6 to 8.

I regard this as being the most important amendment I intend to move this evening. When the original legislation was debated nearly two years ago the discussion on the use of the word "includes" took up some hours in both Chambers; and finally Parliament agreed to the use of the word "means" as being completely definite and as being what was contemplated in the definition of unfair trading.

In the circumstances, I do not think we could possibly agree to the deletion of that word now and the insertion of the word "includes," because as I have indicated before, that would leave the door wide open to almost any interpretation being placed on the word "unfair trading." The whole basis of this legislation, in so far as it was finally accepted by Parliament, was clearly to define the responsibilities and liabilities of those whom it might affect; and the inclusion of the word "means" in the definitions went as far as it was humanly possible to go to assure with certainty, which is requisite in such cases. To turn the clock back and alter this word to "includes" merely leaves the definition in such a state that it could be interpreted to mean anything which, of course, would be an entirely untenable position.

Mr. W. HEGNEY: During the second reading of the Bill I cited cases of extortionate charges being made, and I do not propose to quote them again. The definition of "unfair trading" is not put into proper effect unless action is taken in those cases where unfair profits are being made.

I have already given a few instances where extortionate charges and profits are being made; and the director of investigation should have authority to take action where he thinks fit. Here again it must be in the public interest. I think every hon. member will be able to quote cases represented to him by his electors in which complaints of unreasonable charges have been made for certain commodities. The word "means" is restrictive, but the word "includes" would permit all that being done.

Mr. COURT: I rise to support the amendment of the Leader of the Country Party. There is a vital principle at stake. In 1956 it was made clear why the word "means" should be employed in all the definitions of unfair trading; in the definition of unfair trading methods or unfair methods of trade competition. Early this evening the Minister read out a rather pathetic list of matters which he said could not be adequately tackled under the Unfair Trading and Profit Control Act. I think it was rather appropriate that he should have read out the rates of the Kalgoorlie Funeral Directors Association, in view of Saturday's election results. If that is a comprehensive list of the problems that concern the Unfair Trading Commissioner, there is no case for altering the word in the principal Act.

If the Government finds from time to time that the activities of the Unfair Trading Commissioner are too restrictive, because of some definition in the Act to deal with a particular situation, surely it is not asking too much of the Government that it should seek the inclusion of an additional item when the occasion arises. The Government has seen fit to do so on this occasion, and it should not find it difficult to do so if the necessity warrants.

Mr. W. A. MANNING: Judging by some of the remarks, there appears to be a misunderstanding. A quick look at the Act could quite easily mislead one, because it simply says unfair trading means taking an unfair profit. It gives the impression that the commissioner could define unfair profits as he likes; but, as the Minister has pointed out, that is not so. As it stands in the definition, unfair profit must be restricted to people who are engaged in unfair trading methods or unfair methods of trade competition. If hon. members would look at the relative definitions I am sure they would form a different opinion.

The Minister now seeks to substitute the word "includes" for the word "means," and I am completely opposed to that. The Minister mentioned a case in Manjimup where goods were offered at 50 per cent. more than they could be obtained anywhere else. But people do not have to buy those goods; they can get them elsewhere if they wish. We do not want the commissioner and staff running around the country investigating every little complaint that is made. It would make the whole set-up too cumbersome.

Mr. WATTS: I am sorry the Minister will not concede the necessity for reconsidering this matter. I regard it as terribly important. It is fundamental to the further consideration of this measure so far as I am concerned. The hon. member for Narrogin has explained with great clarity what would happen if the proposal in the Bill were accepted. Unless this paragraph is struck out, the parent Act will become unworkable and ridiculous. I must press for the amendment.

Mr. W. HEGNEY: I am loth to agree to the amendment moved by the Leader of the Country Party, because I believe a more elastic interpretation should be placed on this clause, and the director should have wider powers. But I am impressed with the obvious sincerity of the hon. member for Stirling and the hon. member for Narrogin; and, in a spirit of co-operation, I reluctantly accept the amendment.

Amendment put and passed.

Mr. WATTS: I move an amendment—

Page 3—Delete paragraph (d) in lines 9 to 39.

This paragraph relates to collusive tendering and makes it a ground for the coming into operation of provisions in the parent Act, which can end up in the declaration of a trader. As a member of the Honorary Royal Commission which first brought this matter of collusive tendering before the public notice, I subscribed to a unanimous recommendation that collusive tendering be prohibited, and that a substantial penalty be provided. I did not subscribe to a recommendation which makes collusive tendering a possible basis for the declaration of a trader.

Mr. W. HEGNEY: I agree to this amendment. It was thought proper that this paragraph should come under the definition of unfair methods of trade competition. The hon. member has objected to the penalty resulting in the declaration of a trader. I have no objection to transferring this paragraph to another section of the Act; and if that is agreed to, collusive tendering will be dealt with under that section.

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

Clause 5—put and passed.

Clause 6—Section 28 amended:

Mr. WATTS: This clause is related to the one following. It makes provision for the incorporation in the Act of proposed new section 28A; and if we object to the one, we must object to the other. What I really object to is Clause 7, because the principle of obtaining an injunction is the obtaining of it after the events which warrant the injunction have taken place.

To give an example: We read in the Press recently of the Chief Justice granting an injunction against a lady who kept a large number of dogs in East Perth. The dogs kept the applicant up all night. The dogs had to be there and barking before the injunction could be granted. His Honour was satisfied with the tape recording showing that they barked. That is the principle to be applied.

Clause 7, and this clause must be dealt with together. While an investigation is taking place, and before any proof that the activities are in existence, the director may apply for an injunction. That is entirely wrong in principle and is a new departure in the use of the law. For those reasons I oppose this and the following clause.

Mr. W. HEGNEY: I hope the Committee will agree to the clause. All it seeks to do is to enable the director to institute proceedings for an injunction against a person during any investigation by the director, from doing or continuing to do anything which appears to the director to be unfair trading. The director does not issue the injunction. I would refer hon. members to the wording of proposed section 28A, and would point out that if it is incorporated in the Act the authority of the director will be used in very special cases. We can leave it to the good sense of the director and the judge in dealing with this matter.

Mr. WATTS: This is substantially a matter of principle. We can make ourselves ridiculous if this clause becomes part of the Act. I have no distrust of the director; but if the proposed new section were passed, it would enable a trader to be dealt with in

circumstances which I consider to be improper. A substantial investigation could take a very long time.

We all know that the only large investigation carried out by the Unfair Trading Commissioner which has been made public went on for a period of several months before the matter came to a head. Another such investigation may be commenced; and after a week or two the director may form the opinion that there is some unfair trading contemplated by the Act in the offing. He goes to the court and says, "I think these people are doing something which appears to me to be unfair trading."

In these circumstances an injunction could be obtained; although in three months' time, when the commissioner had finished his investigation, the director might come to a contrary opinion. It is a matter of principle, and it is an improper principle that there should be power to obtain an injunction before establishing the fact that the circumstances are taking place which would warrant an injunction being issued.

Mr. COURT: I support the proposition of the Leader of the Country Party that this clause be deleted. The reasons have been well stated by him, but I would like to make it clear that the Liberal section of the Opposition agrees with what he has put forward. Application is made for an injunction a long time before the commissioner makes his decision; and then if he finds the company is not guilty of the allegation, who will put the matter right? Chaos has been created in industry, losses have taken place, and unemployment has occurred. If a person has been wrongfully accused and found innocent, he should have some redress.

It is not as though somebody was suffering physical and mental hurt; it is purely an industrial or commercial practice. If the commissioner eventually finds the party guilty, he will punish that person. The remedy is in his hands at the right and proper time.

Mr. W. A. MANNING: I support the proposition to delete this clause. It seems to me that the position is this: That the director has his suspicions, but he has not been able to look into the question sufficiently to make a decision, so he goes to the court for an injunction. What does he base it on? On the little evidence he has prepared. It is insufficient for him to make a decision himself, yet he wants the court to issue an injunction. I feel that if this clause is left in the Bill it will do a tremendous amount of harm to people who do not deserve it, because in the long run it would be found there would be no case against them.

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

Ayes—25

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Marshall
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rowberry
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
Mr. Lapham	*(Teller.)*

Noes—18

Mr. Bovell	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Sleeman	Mr. Perkins
Mr. Gaffy	Mr. Cornell

Majority for—7.

Clause thus passed.

Clause 7—Section 28A added:

Mr. WATTS: It is quite obvious, in view of the opposition to the deletion of Clause 6 that it would not be worth my while debating Clause 7.

Clause put and passed.

Clause 8—put and passed.

Clause 9—Section 39A added:

Mr. WATTS: I move an amendment—

Page 5—Add the following to stand as subsection (2):—

(2) A person shall not—

(a) make or enter into any collusive tendering scheme;

(b) make any collusive tender;

(c) keep or record for the purposes of a collusive tendering scheme any particulars of a tender whether made or proposed.

If this is included in the Bill, any of these activities will be an offence under the Act. Offences under the Act not expressly otherwise provided for are punishable with a penalty of £500 or imprisonment for six months. That would be the maximum penalty for an offence of this nature. This amendment is moved to replace provisions of the Bill which the Committee agreed should be struck out in regard to collusive tendering being part of unfair trading competition, and is more strictly in accordance with the recommendation of the Royal Commission in that it

makes collusive tendering a punishable offence. I would like to say, before I resume my seat, that I do not propose to continue with the amendment in my name that is further down on the notice paper, providing that a prosecution shall not be commenced for an offence under this section without the consent of the Attorney-General; because I find that in the parent Act—I think in Section 34—this provision already exists.

Mr. W. HEGNEY: I am in favour of the amendment. We agreed to the deletion of the previous paragraph in a clause which dealt with the matter; and this one, although the verbiage is not so great, will, I think, have the same effect. In regard to the last amendment proposed by the Leader of the Country Party, I was going to indicate to him that this provision was already in existence in the parent Act.

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

Clause 10, Title—put and passed.

Bill reported with amendments, and the report adopted.

RESERVES BILL.

Returned from the Council without amendment.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL (No. 2).

Second Reading.

THE HON. H. E. GRAHAM (Minister for Transport—East Perth) [9.54] in moving the second reading said: If ever a Bill could be called non-controversial, I would submit this one as falling into that category. I say that because the legislation was introduced in the Legislative Council on one day; and was debated—if I might use that term—and passed all stages on the following day. The only contribution, after the Minister had introduced the Bill, was—

> So far as I am concerned, the explanation given by the Minister in introducing the Bill is a satisfactory one and I support the second reading.

That constituted the entire debate.

Sir Ross McLarty: Who made that speech?

Mr. GRAHAM: The Leader of the Opposition in the Legislative Council. The Bill seeks to remove from the rights of appeal to a board comprising a magistrate, a representative of the department, and a representative of the employees, a certain section of the higher-placed officials of the Railway Department, and to provide instead that the magistrate only shall be the tribunal to be appealed to in the case of a fine being imposed, a sentence of dismissal, or a regression of position.

I might mention that of all the thousands of railway employees, this Bill will affect a total of 54 officers who are, broadly speaking, the heads and sub-heads of the various departments. Hon. members can probably appreciate some of the embarrassing situations when the two representatives sitting with the magistrate are virtually workmates, and perhaps are drawn from the same room as the person who is lodging the appeal.

Some doubts have been expressed as to whether, in fact, justice has been done. I am not suggesting for one moment that this is the position, but it well might be. An officer has been dismissed for some dereliction of duty and he seeks to appeal. A magistrate is nominated as chairman of the appeal board, and there is someone to represent the Commissioner of Railways, who is perhaps an officer, who sits beside him. The person making the appeal has an officer of the Railway Department to represent him, and he could be another officer who works beside him. Under those circumstances, and the personal relationship, I think—to say the least—it could be highly embarrassing.

The Government has felt that those officers who, incidentally, have not the right of appeal under the Promotions Appeal Board, should have some avenue available to them through which they might appeal when they feel aggrieved because of action which has been taken. Accordingly the Government has embodied in the Bill the provision that there shall be a magistrate to whom they might appeal.

There is another important principle in connection with the matter. Within the course of the next few weeks, applications will probably be called for a Commissioner of Railways, the appointment to be for a period not exceeding seven years—I am only hazarding a guess that it is likely that the first appointee will be given the position for that period—and the Government feels—and so, incidentally, does the Royal Commissioner inquiring into railway matters—that the new commissioner should have a little more authority and direct control than is the case at present; and this could well be one of the directions in which he would hesitate to take action if he felt that he would face what would almost inevitably be an embarrassing situation. That is to say, if the Commissioner of Railways felt that certain staff changes should be made and they had been approved by the Minister who had investigated the matter; but the commissioner was perhaps afraid to take the step because of what might well be a certain outcome from the inquiry which followed.

I do not desire to go into any great detail because to some extent it reflects upon the integrity of persons—that is to say, the lay members who might be appointed to the Appeal Board under the existing

formula. But I have no objection to showing the Leader of the Opposition and the Leader of the Country Party certain statements that have been submitted to the Government by the Royal Commissioner, and certain admissions that have been made by people in the category I have mentioned and who have participated in hearings of the appeal board. Perhaps the most telling feature in this regard is the personal loyalty of one officer to his mates, rather than the merits of the situation—

Mr. Brand: Would this principle be carried to the Promotions Appeal Board, which applies to the rank and file?

Mr. GRAHAM: No; because that is more widespread, and the principle has already been acknowledged by Parliament that where there are appointments made of persons whose incomes are in excess of the justiciable salary, they have no rights of appeal, but the appointments are made by the Governor-in-Executive-Council. In other words, throughout the years Parliament has acknowledged that in the Public Service and other Government instrumentalities, a different set of circumstances applies in regard to the higher posts. I feel that that is all that need be said in relation to the Bill, and I trust that it will have as smooth a passage through this House as it had through another place. I move—

That the Bill be now read a second time.

On motion by Mr. Hearman, debate adjourned.

STATE FORESTS.

To Revoke Dedication.

Debate resumed from the 11th November on the following motion by the Hon. H. E. Graham (Minister for Forests):

> That the proposal for the partial revocation of State Forests Nos. 2, 14, 22, 28, 32, 36, 37, 45 and 47 laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant-Governor and Administrator on the sixth day of November, 1958, be carried out.

MR. WILD (Dale) [10.3]: This is the usual motion for the revocation of State forests, which comes before this Chamber at the end of every session. The file in connection with the revocations was laid on the Table of the House, in accordance with Standing Orders, when the measure was introduced; and members have had an opportunity of perusing the file, although whether or not they have any comment to make I do not know. I have for some years felt that although the revocation of State forests is the prerogative of the Forests Department, and in most cases it may only involve a small piece of land that is required by an adjoining landholder or something of that nature, forests should be dealt with in conjunction with agriculture. That has been my view ever since I occupied the office of Minister for Forests.

I know there are some hon. members who will not agree with that view, but I recall that frequently there were cases of farmers holding tracts of land, with a certain amount of timber on it, which was held up by the Forests Department until such time as the timber could be removed. There was often a clash between the view that the land should be used for agriculture and the view that it should be retained until the Forests Department saw fit to remove the timber.

I still feel that the two portfolios of Forests and Agriculture should go together, so that the Minister for Agriculture could determine—taking into account the interests of the State—whether certain land should be removed from the control of the Forests Department in order that the timber could be cleared from it as soon as possible, so that it could be used for agriculture. I can see that the Minister for Agriculture does not agree with that view, but I feel such a policy would be in the interests of the State.

I believe that there is a considerable area of land, held by the Forests Department, which could be used for reforestation with pines. I have previously spoken along these lines in this Chamber, as I believe there is a good deal of land lying idle today—sparsely timbered—which, subject to the limitations of finance, could in future be used in this State for the purpose of pine plantations. With those observations I support the second reading.

MR. BOVELL (Vasse) [10.6]: This is a measure vital to the districts where forestry and agricultural pursuits are interlocked; and that applies particularly to the lower South-West. I have no quarrel with the measure and am thankful that the Forests Department has agreed to concede certain areas of land which, in some cases, will be used for agricultural purposes. I was concerned at the Minister's attitude towards agriculture, when he introduced this measure. I quite agree that the forest wealth of this country is one of our greatest assets, but forestry must be carried on in conjunction with agricultural expansion. I realise the necessity for the growing of pines and the reservation of areas for the regeneration of our hardwoods, but I believe that in many instances land not carrying sufficient marketable timber is being held back by the Forests Department instead of being released for agricultural purposes.

The Minister, in his vitriolic attack upon the agricultural industry, said that farmers' sons were demanding land to such an extent that in time the whole of our

forest country would be completely wiped out; but in the expansion of agriculture in the heavily timbered areas there have developed a number of isolated communities, and I think that the Government should adopt a policy under which agricultural land would be developed close to the existing amenities such as roads, schools, hospitals and so on. Rosa Brook, in my own electorate, is completely isolated from the main road, and if crown lands were made available from Rosa Brook towards Margaret River, that would assist the local authority in maintaining the roads and would give future settlers of that area an opportunity of being closer to existing amenities.

Close to the Bramley Agricultural Research Station there is an area now controlled by the Forests Department. The Bramley Agricultural Research Station consists of an area of from 250 to 270 acres; and it is envisaged that, in the future, it will be developed further. I feel that the Minister for Agriculture, in conjunction with the Minister for Forests, should arrange that this forest country, which is not carrying very much timber at the moment, is reserved for the purpose of extending the area of the Bramley Agricultural Research Station.

Recently the Minister for Agriculture, at the invitation of the Margaret River and Districts Agricultural Society, opened the annual show there, and the matter was mentioned to him on that occasion. But I wish to make special reference to it now in order to get the co-operation of the Minister for Forests; and I trust that if and when the land is made available for selection it will be reserved by the Lands Department for the expansion of the agricultural research station at Bramley. With those few comments, I support the motion.

MR. OWEN (Darling Range) [10.11]: I, too, wish to support the motion; and I am particularly pleased that on this occasion, as was the case last year, small areas in the Darling Range electorate are to be excised from the State's forests. The Minister was rather critical of the efforts of certain members of Parliament to have parts of the forest used for agricultural purposes. I know that in certain cases people are land hungry and wish to get hold of comparatively large areas of forest land with the idea of holding them, or of making profits out of the timber thereon. But in the case of many areas in the hills, particularly around Carilla, where four acres are being released by the Forests Department, there is no more land available for the people to use.

The hon. member for Dale suggested that the two portfolios of Agriculture and Forests could very well be carried by the one Minister. Perhaps that could lead to the rather Gilbertian situation where, as Minister for Forests, he would want to hang on to certain land; but, as Minister for Lands, he would like to release it. In my opinion, there should be very close liaison and co-operation, particularly between the two Ministers concerned.

Mr. Kelly: We are like that.

Mr. OWEN: I would like to take both Ministers to certain areas in my electorate to show them what is being done, not with first-class forest land but what I am sure the Lands Department would have classed as third-rate land. The production that is being achieved in some of those areas is phenomenal. The Minister for Forests in answer to questions did give me some indication of what good pine forests in the Mundaring area can return by way of revenue from pine timber. But I would say that that sum of money would be chicken-feed as compared with the gross return that has been obtained from established orchards in some of the areas in the hills.

Unfortunately, I have not the figures here; but some few weeks ago, at the opening of the sports afternoon at Carilla, I quoted figures of the production in that section of the district. Without going deeply into the matter, I might say that the Darling Range Road Board area produces more stone fruit than any other road board area in the State; I think it is second in the production of citrus fruits, and it is fourth or fifth in the production of applies. When the area which is now planted but not yet bearing becomes fully productive, I think the district will be about the third largest in the production of applies.

That state of affairs has been brought about only by the planning and the industry of the settlers, many of whom are Southern Europeans. They have intensified production, developed water supplies, dug drains, and put in bores and wells. Even land that was considered to be third-class is producing big crops of fruit and vegetables. The piece of land in question at Carilla is only four acres in extent, and is one of several small areas that could be released in the hills district. I wrote out the previous application for the man who wanted this land, most of which is covered with dead timber. It is die-back country and is adjacent to the applicant's holding which, incidentally, is of only a few acres. He gets a reasonable living from it although the area is restricted.

Mr. Graham: He is doing that on three or four acres, and employs his family and another man. I know him quite well.

Mr. OWEN: I am sure the Minister will agree that the man concerned has shown great industry in developing his property.

Mr. Graham: That is so.

Mr. OWEN: This piece of land has a road on two sides—and I hope the road will be bituminised next year; there is

electricity—low tension current—adjacent to it; and it is just over the road from a reasonably good water supply. I could show the Minister several other pieces of land similar to the four acres that are being released at Carilla. The whole area of developed land at Carilla is wedged in between the Mundaring water supply catchment area, the Victoria reservoir catchment area, and the Canning Dam catchment area, and there is no further land available at that point because of the water supply requirements. However, there are other small areas of land at present held as State forests but which could be examined by both the Minister for Agriculture and the Minister for Forests with a view to making them available for agricultural purposes.

I am sure that both Ministers will agree with me that no harm will be done to our forests by making those small areas of land available; because at present, so far as the forests are concerned, they are only marginal areas. In former years it was good forest country, but because of the die-back in many places, there is practically no millable jarrah left and many strips of forest form salients into good orchard land. Unless these small areas are utilised for pine forests, for which purpose they are not altogther suitable, they could well be released, and put to much better use, for agricultural purposes. However, I do agree with the motion; and all I say at this stage is, "Why can't we have more of it?"

MR. HEARMAN (Blackwood) [10.18]: Normally this motion is not debated at any length, because it is more or less regarded as an annual machinery matter. However, the Minister on this occasion saw fit to discuss the question of forest policy generally, and also saw fit to make some fairly harsh criticism of people who apparently hold an opinion different from the one held by him. It is quite apparent from some of the comments that have been made to me by hon. members, that there is a distinct misunderstanding or wrong conception on the part of a number of them as to what is and what is not a State forest. I think that confusion was made worse by the Minister's remarks, because he spread himself to some extent regarding the efforts that a certain well-known businessman has made in the South-West to encourage further land settlement.

Mr. Graham: And certain well-known politicians, too.

Mr. HEARMAN: Yes. It was quite apparent from the Minister's remarks that he made no distinction between the application or the ideas that have been put forward by this businessman, and certain well-known politicians, as the Minister so graciously put it. There is apparently no distinction made between Crown land and State forests. I want to state quite definitely that in all the years I have been a member of Parliament, on only one occasion have I asked for any land to be excised from a State forest, and my request was granted for the simple reason that the timber was dying out in any case.

The whole of the emphasis on the move that was made 12 months ago was to make available more Crown land, which is a vastly different argument altogether from asking for portions of land to be deleted from State forests. My recollection of all the efforts that have been made in that regard was that there was a distinction made all the way through; that it was not the intention to interfere with State forests and the principle of conserving timber in them was fully accepted by those concerned. The only point at issue was the alienation of Crown land for agricultural purposes.

The point is emphasised in my own electorate which covers some five road board districts. On the Crown land in this area only eight blocks have been made available for selection at one corner of my electorate and there are 99 applicants for them. Surely that is some indication of the need for further land to be made available for agricultural purposes in that area. To my knowledge it has not been suggested at any time that State forests should be interfered with. If Crown land is not being used for agriculture, however, and it is not portion of a State forest, it seems to me to be unrealistic that there should be so little land available for agriculture.

Even in the case of those blocks which have been approved and surveyed for selection, I find that the procrastination that takes place in regard to the removal of timber from those blocks is a sad reflection on the Conservator of Forests—particularly in regard to the eight blocks I have already mentioned—because they have had since 1954 to remove the timber from them. They are removing the timber at the rate of 3,200 acres a year which is a very low rate of timber removal; and if the Forests Department is to continue at that rate, it cannot be said to be very encouraging for those anxious to engage in agriculture. It is apparent that some people who have their eyes on those blocks will have to wait many years before they have any chance of getting them—if they ever do have any chance of getting them.

At present it appears to me that any land which carries a good growth of timber is regarded by the Conservator of Forests as being land that shall be held in perpetuity for forestry purposes. About a month or so ago I made some inquiries concerning land for a person who has some sons on a small property. They have done a good job in developing that small property; and this man wants a small area on which to plant a commercial

orchard, probably about 20 or 30 acres in extent. I found the particular area he desires has been reserved by the Lands Department for timber splitters and pit sawyers. I have never seen a pit sawyer; and yet, when, I made my inquiries at the Lands Department, I found that that was the purpose for which this land is reserved; that is, the Conservator of Forests wants it for State forests, and it will not be available for agriculture.

If we are to maintain goodwill between the settlers and the Forests Department—and it is essential we should maintain that goodwill—there should be a little more appreciation shown by the Government of the problems that are faced by these people who do not want a portion of State forests, but Crown land for the purpose of agriculture. I want to make it clear to the House that any suggestion that emanated from the business men or the well-known politicians—as the Minister put it—for further land to be made available, were suggestions for Crown land to be made available and not State forests.

The point the Minister should clear up—and it certainly needs to be defined—is what the policy is in regard to land settlement in the areas I represent, because it appears to be quite impossible to obtain any land for agriculture in those parts. As I have mentioned, there are eight blocks to be thrown open for selection in sheep-growing country and there are 99 applicants for them. There are many people who would like to obtain blocks for agricultural purposes, such as the planting of orchards. There is no doubt that a greater return could be obtained from this land if it were planted in orchards than would be obtained from the timber, whether it be pine or any other sort of timber.

Mr. Graham: Are you sure of that? I should say you are definitely wrong.

Mr. HEARMAN: If the Minister could see the production in some of these orchards he would see what I mean.

Mr. Graham: You are definitely wrong.

Mr. HEARMAN: I can definitely say that there is no State forest area that will produce to the same extent as a good orchard will. On a very low estimate, a good orchard will produce 300 cases of marketable fruit per year. That would represent a value of £300 per acre for one year. That could not be produced by any State forest.

Mr. Graham: Isolated pockets will.

Mr. HEARMAN: There are many areas where commercial orchards could be planted—as the member for Darling Range has pointed out—and this would not involve the removal of any commercial timber, because good jarrah country does not make good orchard country. Orchardists do best in the red gum country and no commercial use has been found for red gum. I am not saying that it cannot be used, but it is not being used commercially as yet. To me, it does not seem very good economics to reserve areas for State forests which are not carrying commercial timber and which could be thrown open for selection for the purpose of agriculture.

If the Minister checks on what I have suggested about intense culture, he will come to the conclusion that the revenue that can be produced per year from a good orchard is many times more than what can be produced in a year from country reserved for forestry purposes, especially red gum; because the Minister knows that he cannot make any money from red gum.

The Minister does not know the position apparently when he talks the way he has done, and he could well have another look at the position. He could ask himself whether he is doing the State a service when he is virtually placing a blanket cover over any further expansion of agriculture in the areas I have referred to in the interests of timber production.

It is particularly galling to those concerned when they know that places such as Grimwade, which grows literally acres of good jarrah, are being used to plant pines. Yet, if a man wants an area which was originally designated as being reserved for timber—

Mr. May: A lot of good timber has been burnt at Grimwade.

Mr. HEARMAN: My word there has! I was there only last week, and the utilisation of timber there is not very good. The Minister could well have another look at this position and not repeat, more or less in parrot fashion, what the Conservator of Forests wants him to repeat.

Mr. Graham: I think you know the Minister sufficiently well to appreciate that he would not be likely to speak along those lines.

Mr. HEARMAN: I know the Minister sufficiently well to appreciate that had he applied himself to the job he would not have spoken along those lines; but I do not think he has done so.

Mr. Graham: How do you know?

Mr. HEARMAN: From the statements the Minister made to the effect that the red gum country will produce more than orchard country.

Mr. Graham: You did not mention the red gum country up to that stage.

Mr. HEARMAN: I went on to explain that the jarrah country is not good orchard country, but that the red gum country is. That will not materially affect the wealth that we will get from timber.

Mr. Graham: I think you are afraid of Country Party opposition.

Mr. HEARMAN: On that score I suggest the Minister have a look at the figures for the Senate in the last election.

Mr. Graham: I still think you are afraid.

Mr. HEARMAN: It is the old story. When the Minister is defeated in a logical argument, he gets personal.

Mr. Graham: You said I did not know what I was talking about. Who started this?

Mr. HEARMAN: Hon. members know the Minister too well for him to try to mislead them. It appears that I have made a point with the Minister, and that was my intention. I want to make it clear that there is a vast difference between dedicated State forests and Crown land, and all the argument that has taken place has been over Crown land. I would point out that I know most of the areas that are to be deleted in my electorate, and I think the Forests Department has been reasonable over those deletions. But for the information of the Minister—and perhaps in rebuttal of his suggestion that I am frightened of the results of an election—not one of the deletions from the State forests that appear in this Bill have I asked for. I think that calls the Minister's bluff on that point.

When the Minister tries to mislead the House and suggests that Crown land and State forests are the same—and he did mislead quite a number of people because they spoke to me about it—I think it is time we cleared the point. There are literally thousands of acres in the South-West, which are not good timber country, and which are carrying a relatively small amount of timber—mostly regrowth—which could be made available for agriculture if the Government were to examine the position honestly. If the Government has any intention of developing agriculture in the South-West then, quite obviously, it must make Crown land available.

THE HON. H. E. GRAHAM (Minister for Forests—East Perth—in reply) [10.34]: It was with deliberate intent that I addressed myself to forestry in a general way, as well as specifically to the areas excised from State forests as contained in this motion. My purpose was that hon. members should give a little more attention and thought to this all-important question, and not regard our forestry preserves as being unused land which is being wasted, instead of being placed under cultivation for some form of agricultural pursuit.

I indicated that, as is the case with white ants in a building, this process of gradually eating away a few acres here, and a few acres there, if continued long enough would bring us to the stage where we would have no longer any forestry wealth or potential. I appreciate that that is looking at the problem on a long-term basis, but forestry is a long-term matter. Unfortunately I think we tend to have a regard for things which can be achieved rapidly and which can be spectacular, for a variety of reasons, one of which would be political considerations.

But to take certain steps today in order to ensure that in 100 years or 200 years' time the people living in this State then should have available to them essential resources, is perhaps asking a little too much of some people; because, when all is said and done, there are political campaigns; we only have one life to live; and so on.

I think the hon. member for Vasse was completely off the beam—and I hope it was not deliberate—when he made the broad statement to the effect that I had made a vicious, or vitriolic, attack against primary industries.

Mr. Bovell: That is how it appeared to me.

Mr. GRAHAM: It is available in black and white for the hon. member to see, and he can read it for himself.

Mr. Bovell: I have read it and I have seen.

Mr. GRAHAM: I should say that the powers of comprehension of the hon. member for Vasse are extremely limited, if that is the opinion he has formed after having read those remarks.

Mr. Bovell: You do not know how vicious and vitriolic you can be.

Mr. GRAHAM: I think that is a reflection on the Hansard reporters, in whom I have the utmost confidence. We all know that in the natural course of things we have a few exchanges across the Chamber. But that is all part and parcel of the game. The point is that there has been more than 100 years of land settlement, a great deal of which has taken place in the South-West portion of the State during at least the last 40 years; and after all that time, during which clearing has taken place and timber has been removed, we find the best part of 25 per cent. of the entire timber production of Western Australia comes from privately-held land, over which the Crown has no claim whatever. A great deal more comes from private property on which the timber is reserved to the Crown.

I have already indicated that in the electorate of the hon. member for Vasse, after the many years the country has been in the process of development, notwithstanding the many years that railway lines have been established, the many years of bitumen roads and telephones, and the establishment of townships only one-third of the land which is privately held has been developed.

Mr. Bovell: It is being gradually developed; it is a slow process.

Mr. GRAHAM: It is very gradual indeed. Aerial photographs and surveys have been undertaken in the electorate of

the hon. member for Blackwood. I only wish I had brought the plans with me to the Chamber tonight; they happen to be on my table in the office. It would be most revealing to the hon. member. There are a whole lot of misconceptions in connection with this matter. We find that the South-West Regional Conference was breathing fire and flames, and the rest, and I arranged for the Conservator of Forests to visit the area and listen to their complaints direct; to equip himself with plans and data; and to discuss the problems with the people making the complaints.

Of all those who were invited, less than half a dozen—and they were the leaders of the agitation—arrived at the appointed place. Some of them finished up by apologising to him; others admitted that they had made a mistake: and others confessed that certain large areas—and I am thinking particularly of 25,000 acres of undeveloped land—were privately owned. There must be a full appreciation that the welfare of Western Australia does not depend upon primary industry alone, however important that may be. I do not underrate the importance of primary industry; but this State is seeking secondary industries at the moment.

Mr. Bovell: I have never discounted the importance of timber.

Mr. GRAHAM: We, and I mean the public of this State, should never concentrate entirely on one industry. In some of the Eastern States—in particular New South Wales—the position has been reached where 50 per cent. of the timber requirements have to be imported. When the population of Western Australia increases slightly, it will be necessary to import timber to meet the ordinary everyday requirements. That seems a little fantastic to anyone not knowing much about the industry. He may have travelled through the South-West and seen the countless thousands of acres of timber growing. But it takes a long time for the timber to grow.

I have been racking my brain to decide the best course to follow in order to overcome this misunderstanding, so that members of Parliament will have a full and proper appreciation of the forestry aspect as well as the farming aspect. If there was a better appreciation, then much of this warring which is going on would not continue. At least, there would be people in public places who would be in a position to supply the right answers to those making complaints.

The hon. member for Blackwood suggested it was time to have a more enlightened forestry policy. The broad forestry policy today is as it has been for quite a number of years, including the six years when the Government, which the hon. member supported, was in charge of the affairs of the State. During the past few years there has been an increase in the tempo of dealing with this matter.

To give a couple of examples, there are some hundreds of thousands of acres of additional land dedicated to State forests. This dedication has taken place in the last five years. Correspondingly, some hundreds of thousands of acres have been released for farming purposes. The Land Utilisation Committee—representing about half a dozen interests, but having only one forestry representative—has, after lengthy discussion and agreement rather than by vote, determined these matters amicably in the best interests of the State.

Only in the last fortnight, because of the visit of representatives from other parts of the world to Australia, seeking hardwood timbers for sleepers and other purposes, I spoke to the Conservator of Forests and asked him if something could be done to remove timber from private properties, where the timber is reserved to the crown. I was hopeful that it would be possible to make available areas containing up to, and in excess of 10,000 loads for the small sawmillers, so that they could take advantage of the present demand, help the labour situation, and bring additional moneys to the State.

The position has been examined; but unfortunately there is scarcely any land within that category. Therefore I say the hon. member for Blackwood should compliment the Government, and in particular the Conservator of Forests, for getting down to the job speedily and doing something. I must confess there are other areas that are the subject of sawmilling permits which have been in existence for some time.

It is necessary there should be a gradual onset in the timber country in order to give some continuity of life and operations to the sawmill, which is the subject of the permit. Perhaps I could spend a pleasant half-hour in this Chamber telling the hon. member for Blackwood about his misconceptions in connection with the Tone River land.

Mr. Nalder: Wait till tomorrow to do that.

Mr. GRAHAM: The hon. member for Blackwood has a whole host of misconceptions on this subject. I hope and trust sincerely that he does not adopt this attitude for the purpose of outbidding the candidate who is opposing him in the forthcoming elections.

In regard to the suggestion of the hon. member for Dale, an ex-Minister for Forests, there was a time when I felt that the portfolio of Forests and Agriculture should be under the control of one Minister. I began to have doubts when it was explained to me that in Western Australia, as in other parts of the Commonwealth,

those who are in a position to know have always opposed such an amalgamation of portfolios.

It was felt, and upon reflection it will be agreed, that instead of having one Minister in charge—he might have a bias in favour of forestry and make decisions accordingly, or alternatively have a bias in the direction of land settlement and make his decisions at the sacrifice of the forests—it is better to have two Ministers to deal with the two separate portfolios, and thus safeguard the rights of the respective departments; they are members of the one Government and therefore will be compromising and reasonable, to see that justice is done in the best interests of the State. Within living memory, Governments of all political complexions felt it was wiser to have these two departments separated.

In regard to pine plantations, as the hon. member for Dale rightly said, it is a question of finance, and the Forests Department is planning to plant some 2,000 to 2,500 acres annually; that is the limit to which it is able to go. I do not wish to transgress upon time any further. I trust the House will agree to the motion.

Question put and passed.

On motion by the Hon. H. E. Graham (Minister for Forests), resolution transmitted to the Council and its concurrence desired therein.

HIRE-PURCHASE BILL.

Second Reading.

Debate resumed from the 11th November.

MR. COURT (Nedlands) [10.50]: I rise to support this measure, and as hon. members will have noticed, I have a series of amendments on the notice paper, the import of which I propose to explain in detail during the Committee stages rather than during this part of the debate. It will be appreciated by hon. members, if they examine the proposed amendments, that in the main they seek to achieve a practical result and do not attempt to alter the principles that the Minister has set out to achieve in his legislation.

On the question of hire-purchase, it is fitting to remark at this point of time that periodically there are certain fashions—if that is the right word to use—in economic and financial thought. On some occasions we find the emphasis is being placed upon the problems of migration; on others we find the emphasis is being placed on productivity; and at other times the popular line seems to be the rate of development that the economy can stand.

At the present time the popular catchcry in financial and economic circles is the question of hire-purchase; and I think it has blown up out of all proportion to its true significance in the scheme of things.

Mr. Graham: That is our impression about the Unfair Trading and Profit Control Act.

Mr. COURT: I think we have had enough about unfair trading for tonight.

Mr. Brand: Too much.

Mr. COURT: From time to time the emphasis will go back to hire-purchase, as various trends take place within the community. For instance, the advent of television in the Eastern States has caused comment, discussion and argument to flare up on the question of hire-purchase and whether it is good or bad for the community. Suffice to say, that in the modern economy hire-purchase has a definite role; and it has, in fact, assumed a vital role in our financial and economic thinking.

It could be claimed that at least some of the credit—I would not say all of it—for the amenities enjoyed by the community at large is directly attributable to the advent and development of hire-purchase. The theorist will always say that we would eventually have achieved the same happy state without hire-purchase had we been patient and prepared to wait until people saved up and were able to buy durable goods of the type usually sold under hire-purchase in sufficiently large quantities to make it possible for mass production.

However, I am quite convinced that no matter what arguments we might advance in theory, in practice the same happy result would not have been achieved, human nature being what it is. The temptation for the great mass of people not to save up enough money to pay for a motorcar, radio, refrigerator, television set or whatever the item may be, would have been too great, once they had accumulated a portion of the money involved. It would have been dissipated on other things.

The fact that they are now able to enjoy the use of these amenities whilst paying for them has had the desirable effect of encouraging them to commit themselves for a deposit and then for instalment-buying. I think that the most important argument against the theorists who say the same happy result could have been achieved had we been patient and waited until people saved up enough money to buy these things, is the fact that without the immediate sales potential created by hire-purchase, industry would not have been prepared to gear itself to mass production.

If we trace the history of mass production and the history of hire-purchase, it is quite apparent that hire-purchase gave the necessary impetus, encouragement and incentive to industry to gear itself to greater production, with an automatic reduction in unit costs. The result of this has been lower unit costs; and an impetus has been given to the economy. As a result, more people have been able

to consider the purchase and ownership of durable goods; and they have had the immediate use of amenities and, in some cases, plant and equipment, whilst payment was being effected, rather than having to wait until they accumulated the necessary funds.

Mr. Johnson: I think there was mass production before hire-purchase.

Mr. COURT: It is quite apparent, if one studies the history of hire-purchase, that the real impetus to mass production of durable goods finding their way into the home—goods in the form of refrigerators, radios and the family motorcar—is directly related to the upsurge of hire-purchase business in America and other countries.

There are people who claim that the cost of hire-purchase is excessive; but if one examines the result of the greater volume that is produced because of hire-purchase, I think one will find the cost of hire-purchase is a very nominal one compared with the great savings made. If we go back 50 years, we will realise that the disparity in the assets of people was tremendous. We have the case—I think I have used this example before—where a wealthy man might have a horse and carriage, but the rest of the people would have nothing. Today, most families have a motorcar. It might be a poor car, but at least it is a car. The wealthy man might have a more elaborate and smart-looking car, but he has a car the same as the poorer man. In each case this car achieves the same result.

Mr. Nulsen: We are living in a different age. Evolution has brought us to a higher standard.

Mr. COURT: That is lending force to my argument. Mass production has enabled the cost of motor vehicles to go down so low that practically every family in Australia is able to enjoy the ownership of one.

Mr. Evans: They are still too expensive.

Mr. COURT: I am not going to argue tonight as to whether they are too expensive or not; but if the hon. member wants to arrive at a conclusion I would suggest that buying a car 50 years ago was a much more expensive proposition—forgetting the lesser value of the £1—than it is today.

Mr. Heal: You could not get terms then.

Mr. COURT: The hon. member is agreeing with my argument. At that time cars were individually built, and the cost of a vehicle was terrific. Only the rich could afford them, because it was beyond possibility that every family could have a vehicle at that cost. It would be fair to say that even a very smart and efficient vehicle today would be cheaper in actual straight-out pounds than it would have been 50 years ago or 40 years ago.

Mr. Heal: I meant you could not get low terms then.

Mr. COURT: That is so, and that is why there was not the same volume of production as there is today. Finance facilities were not available. However, as finance is available today, engineering firms are prepared to commit themselves to volume production on a fairly safely assessable market potential.

This Bill very closely follows the provisions of the Victorian legislation, except that it excludes any question of minimum deposit. It is a pity, perhaps, in view of the fact that most of the larger and reputable companies function in all States of Australia, that some agreement could not be reached amongst the States—Queensland, New South Wales, Victoria and so on—for identical legislation.

That apparently was impracticable, and Victoria has set the lead to try to bring down a moderate and sensible form of legislation, which this Government has endeavoured to follow. The important thing about this legislation is that it repeals our own Hire-Purchase Agreements Act, and herein lies a moral.

This Hire-Purchase Agreements Act—I am referring to the Act about to be repealed—is not a bad Act. It has some very good provisions of a practical nature; but it is amazing that few people have resorted to it. The case the Minister quoted in his speech was just a perfect case to be dealt with under this particular legislation; and the moral in the story is, of course, that although we can provide statute after statute, we have so many laws in our land that half the people do not know what is available for their protection and many people will not know this particular legislation is operating, in spite of the fact that the Government has gone to the same limits as in Victoria to insist on two schedules being served on the hire-purchaser at the appropriate time to tell him of his rights and responsibilities. I have no doubt that he will receive copies of the first or second schedules as the case may be and will consign them to the waste-paper basket, although Parliament has tried its best to tell him what his rights are under this legislation.

Mr. Cornell: In other words, you cannot legislate for fools!

Mr. COURT: That is just it! We can try our hardest but cannot get beyond the point of putting an item on the statute book and hoping that the people will use it.

Mr. Heal: What is your opinion about deposits?

Mr. COURT: I would like to come to that in a moment. I want to comment on that particular matter after I have dealt with the Bill itself. This Bill

introduced by the Minister covers a wider field than our own Hire-Purchase Agreements Act which had its greatest effect in protecting people in the case of repossession, and I think it is but a pious hope that those we seek to protect will, in fact, take advantage of the protection that exists.

However, if in the public interest it is felt we should have this legislation on the statute book, we on this side are quite prepared to support it. In the main, this Bill only acknowledges the main practices that are followed by the reputable companies and makes them statutory; and this is not a bad thing, because the larger and more reputable firms have set up a conference in recent weeks with the object of creating a better understanding of their role in the community; an understanding not only by Governments but by the general public. I think this conference has gone the right way about trying to publicise the ethical practices that the members of the conference encouraged. It is a bit overdue.

I believe they would have done themselves a service had they formed this conference several years ago and brought before the notice of the Governments and the general public what they sought to achieve, and the methods by which they conduct their business. At the same time, they could have highlighted practices which, in their view, were not in accordance with the best ethical standards and advocated a standard of ethics in the conduct of their business well in advance of the statutory requirements—something we should encourage in all industries.

As I have mentioned earlier, I propose in Committee to move some amendments with the object of trying to make the Act more workable. Hon. members will agree that no attempt is being made in these amendments to interfere with the general principles. On the question of minimum deposit, I believe the Government has done the right thing in bringing the Bill down at this particular time without this contentious clause in it, and I think this should be taken as a warning that people of all political parties will have to make up their minds within the next 12 months what they believe in regard to this question. The reputable companies are all anxious that a minimum deposit provision be inserted.

Mr. Graham: Some of them!

Mr. COURT: I think hon. members would agree that all the conference companies are anxious to have it inserted, and for two reasons. The first one is that it will materially assist their business; and on the other hand, it will materially assist the hirer who is over-anxious—who is just a bit ambitious in undertaking commitments, sometimes with disastrous results; and having to produce a minimum deposit will have the effect of making him think twice before he commits himself to any agreement.

I think we have to make up our mind within 12 months—and I say 12 months because it can be assumed that within about 12 months television will be in this State and a very large buying demand is going to be created. The impact of television will be dramatic here as it has been in other parts of the world, including the Eastern States. Dramatic not only culturally, but also financially, because it makes a terrific impact on the spending of the people in a particular area where television is established for the first time.

Mr. Ross Hutchinson: Is "cultural" the right word?

Mr. COURT: Of course cultural can cover a multitude of—

Mr. Watts: Sins!

Mr. COURT: Yes, sins; and I think the word is generally understood and is fairly used. I believe we want to try to avoid, if we can, the merchandising methods that have been characteristic of the introduction of television in the Eastern States. I think a certain amount of advanced planning by the traders and by the finance houses in Western Australia could do much to benefit the impact of television financially, when it comes to this State.

In the Eastern States, much to my amazement, the standard of trading right from the inception of television, has been one of low or no deposit, and the most high pressure methods of selling have been used. I would have thought that the early demand for television—because of the novelty and because of the very spectacular features offered—would be heavy and on a cash basis or very restricted credit sales. But for some reason or other, best known to the traders themselves, the trading has developed into low or no deposit trading, and under very high pressure. The most imaginative trade devices are used in the Eastern States and have been used right from the early days of television trading in Australia.

There are two sides to the argument, of course. There are some people who take up the argument that the sets should only be sold to the people who have the money to buy them; but against that argument, there is a very strong opinion that television should not in its early stages be restricted only to those who have the money. Why should the man who can only pay a nominal deposit not have a chance? That is the conflict of opinion that confronts us in this State at the present time.

I believe the Government has done the right thing in not having had that clause included, so that Parliament can place the framework of the legislation on to our statute book with a minimum of contention, and then address itself at a later date to the few contentious principles. The

first of these is the minimum deposit, and the second is the question of charges. My own estimate is that when the impact of television sales in Western Australia hits us, it will be very great indeed, to the extent of affecting quite a few trades. For instance, if people are to spend their money on television they cannot spend it on new cars, refrigerators, furniture and so on, but will have to balance out their overall income.

Initially, while the impact of the first two years of television is being absorbed, the balance of the trade should expect some effect and traders should become aware of that in time to plan to meet the situation. We must accept the fact that we will have television and that the people will want to have television sets. The experience in the Eastern States is that it is not in the wealthy suburbs where a mass of television sets are found, but in the poorer suburbs where so many television aerials are seen.

Mr. Heal: They may have only the aerials.

Mr. COURT: I understand that in the Eastern States many people have developed the technique of getting a television set in with no deposit and keeping it until it is repossessed, following which they do a deal with another company. In that way they have a set for a considerable time for comparatively small payments, but of course there has to be an end to that.

I think the Government was wise to leave out any specific provision on the question of charges and to bring down a Bill covering the general framework of hire-purchase in this State without involving those contentious questions.

From the practical point of view it is best to leave those aspects out for the moment, because in New South Wales, when ceilings were brought in, the general tendency of the level of charges was to rise rather than fall. That is a natural inclination; and therefore I think we can allow the full flow of hire-purchase finance which exists in this State to follow its natural course. It is interesting to note that in Australia the charges imposed by companies, without any statutory ceilings, are lower than those in any other part of the world of which I have been able to obtain details.

"The London Economist" of the 13th September, 1958, shows that consequent on the reduction of the bank rate in 1958 the usual hire-purchase charges in the United Kingdom were as follows:—

New cars 7½ per cent. flat—previously 8 per cent. flat.

Used cars, up to five years, 8½ per cent flat, previously 9 per cent. flat.

Over five years 10 per cent. flat; previously 11 per cent. flat.

Other goods 10 per cent. flat.

Mr. Nulsen: Don't you think those flat rates are pretty high?

Mr. COURT: World experience is that they are the rates in general and the Australian rates are interesting. I thought from reading the British papers that when they had the change in the United Kingdom the British rates dropped below the American and Australian experience.

Mr. Nulsen: I think the financial corporations are getting the most out of it.

Mr. COURT: It is not the experience in point of fact, because the Australian charges for new cars were 6 per cent. to 7 per cent. flat; for used cars 8 per cent. to 9 per cent. flat; and for other goods 9 per cent. to 10½ per cent. flat. It is interesting to see the variation in America with the same company operating in different parts of the country. The Commercial Investment Trust, New York, has the following charges:—

New charges—7 per cent. flat.

Used cars, up to three years old, up to 10 per cent. flat.

Used cars three to four years old, up to 11 per cent. flat.

The Commercial Investment Trust, Chicago charges—

New charges—6 per cent. to 7 per cent.

Used cars—6 per cent. to 15 per cent.

For the Commercial Credit Corporation there is no new rate available, but for used cars up to two years old it is nine per cent. flat, and over two years, 12 per cent. flat. The "Sydney Morning Herald" of the 25th September pointed out that the Australian rates are below the United Kingdom rates; so it can be said that in the light of world experience and in countries where there is intense competition between the finance companies for hire-purchase business, the Australian operators, who are under no legal control, have come out of it with a very good record. I am referring to the main operators and particularly the group that have formed themselves into a Conference.

The question of insurance is another contentious point. The Government has included the Victorian amendments, which enable the hirer to insure with his own company, under certain conditions that are set out. Superficially this seems a desirable move and with the general principle I do not think many people can have serious quarrel. However, there are other factors which are important to note. If the provision is interpreted with commonsense I do not think it will have any serious repercussions, but otherwise it could produce adverse results to the hirers. There are certain advantages in allowing the companies controlled by the owners—that is the finance companies—to handle all this business.

If we take the rates quoted by certain insurance houses in this State at present, we might get the impression that they quote a much lower rate than the tariff companies do, but I venture to say that if we let them loose on a complete coverage of hire-purchase business for two years the story would be different, as has been demonstrated in New South Wales. The finance companies associated with insurance companies have a complete arrangement in respect of insurance, and the owner of the vehicle is covered for all risks, even in respect of a vehicle that might be sent to the North-West. From the moment the vehicle is put on the showroom floor it is covered, without a lot of paper work or any danger of a breakdown in administration if someone forgets a cover note or something of that nature.

This arrangement gives complete coverage regardless even of any breach of the insurance contract by the hirer. That is an important thing because some companies will not pay if the insured breaches the contract. Under the arrangement that these companies have all those things are covered regardless; and that gives protection not only to the owner but also to the hirer.

Mr. Evans: What companies are they?

Mr. COURT: I am referring to the companies owned by or operating in association with finance companies. When the commissioner had to make an investigation for the New South Wales Government Insurance Office to arrive at the rates that were to be the lawful rates for hire-purchase insurers, he arrived at rates very much in excess of those charged by the local insurance companies which are controlled by or associated with finance companies. I am sorry I have not the full details available, but that was the object of the question I asked today, in order to see whether the Government had received the commissioner's report. I understand that in it he dealt with all those factors and agreed that the tariff rates in New South Wales were satisfactory. I understand they are the rates followed by the N.S.W. Government Insurance Office, as well as by the tariff companies for the purpose of hire-purchase insurance.

In New South Wales, on £250 for 12 months the charge is £36 1s., and in Western Australia it is £25. In New South Wales on £500, the charge for 12 months is £48 4s., and in Western Australia it is £32. In New South Wales on £750, the charge for 12 months is £50 14s., and in Western Australia it is £35.

I think that is evidence of the fact that the rates charged by these companies have been equitably fixed, having regard for Western Australian conditions. It is true that the incidence of risk varies between the States, because of the nature of the traffic and the amount of traffic; but we must admit that the difference between those figures is so great as to indicate that in fixing the rates in Western Australia those companies have had a fair and equitable approach.

Mr. Marshall: They are still too high, are they not?

Mr. COURT: No, they are not; because these companies have to take on anything, whether it is a big 10-ton truck or a smart little tourer. They also have to provide cover which operates from the very minute the car needs insurance. In practice it is terribly easy, if there is not such a treaty arrangement, for a vehicle to get loose on the public and in five minutes cause untold damage and bring about financial bankruptcy to the hirer of the vehicle unless the insurance is properly arranged.

But he does not have any of those worries when he deals with one of those finance companies which is associated with an insurance company, because the insurance is automatic. They themselves, of course, have the advantage that they do not have to worry about split-second timing in arranging cover. In the old days a person had to make sure that he was covered either by a cover note or a policy from some insurance company before he drove a vehicle on to the road. There are many reported cases in Western Australia where a person who, in his excitement and enthusiasm at having bought a motorcar, has rushed out on to the street and has forgotten the essential details of insurance and has found himself face to face with a crippling third-party claim. Under the arrangement that these companies have, the whole matter is taken care of. Of course, these days third-party insurance is related to the licence, but the remaining cover is automatic and is arranged by the finance company.

Mr. Nulsen: Under the bulk method.

Mr. COURT: Yes.

Mr. Nulsen: That is similar to the Commonwealth Bank's arrangements.

Mr. COURT: It is because of bulk insurance that the insurance companies have been able to keep the overall rates down. If the business starts to get selective it is quite obvious that some of the rates might be lower.

Mr. Nulsen: A lot lower.

Mr. COURT: Take the R.A.C., for instance. That concern has a very selective clientele by comparison with the other companies. There are some risks that it will not take at any price. But if a company takes everything that comes along, regardless of whether the vehicle is to be used north of Carnarvon or the other side of Kalgoorlie, and regardless of the work that the vehicle will have to do, and whether it is to be used as a taxi or a private vehicle, it completely changes the company's approach. I think overall the rates represent a fairly equitable charge.

That has been demonstrated by the report of the N.S.W. State Government Insurance Office Commissioner.

Mr. Nulsen: Our State Government premiums are very much cheaper than the ordinary premiums.

Mr. COURT: I have tried to point out that at this point of time they may be; but if the office accepts the whole of the business it will either find itself before long with crippling losses, which the Government would not bear, and could not bear; or it will have to adjust its premiums. I say that with some conviction, because this matter of vehicle insurance is a very treacherous thing. As a company increases its premium income—more and more each year—it gets lulled into a false sense of security that it is making money out of it. There have been cases in the Eastern States where companies have been lulled into such a false sense of security and have eventually gone bankrupt. I know of one firm that could pay only 1s. 6d. in the £ on its share capital.

Mr. Nulsen: That is a very rare occurrence. Mostly they are prosperous.

Mr. COURT: Surely the Minister will agree that no-one wants to insure with a dud concern that cannot pay back 20s. in the £ on its share capital! The Minister would want to insure with a company that was reputable and stable—one that could meet its commitments.

Mr. Brand: He has some very good shares. He does not have any worry in that direction.

Mr. COURT: On the question of interest charges, a seesaw battle has been going on in Victoria in the last few days as to whether the Legislative Council in that State intends to insert a ceiling clause in respect to charges. The last I heard on the matter was that there was every indication that the Labour Party and Country Party members in the Victorian Legislative Council were going to insert a ceiling charge; but whether in fact that has been done I do not know.

Mr. Marshall: It came over the 11 o'clock news.

Mr. COURT: If hon. members read Mr. Rylah's speech they will see that acting on advice received from the neighbouring State of New South Wales he said that his Government would rather lose the Bill than allow the ceiling charge to go in, because it has been found in practice not to be a desirable feature to include in legislation of that type. So it will be interesting to see the fate of the Bill in the Victorian Legislative Council in regard to the ceiling charge.

Apparently Victoria has Legislative Council difficulties such as we have in our own State. But the last announcement I heard from the Government of Victoria was that it would rather lose the Bill than have a ceiling charge placed in the measure. Therefore I think the Government would be following a sound principle that the Victorians have followed, acting on the best advice they could get, in leaving out the clause I mentioned. At this point of time it will be a good thing if we can settle down with a smooth-working practical Act in regard to hire-purchase, and then see if anything further is required in the light of our experience.

I want to conclude by quoting some comments made by Dr. Coombs in recent days. He has been in Western Australia, and his comments in recent months on hire-purchase have been quite enlightening. It is apparent that he has accepted the fact that hire-purchase is an essential part of our everyday life and that we have to make it work for us and not against us. I was not able to obtain the cutting from "The West Australian" but I have one from "The Farmer's Weekly" of the 13th November, 1958, and I think the words are somewhat the same, if not identical. He said—

> I do not personally know of any instances where banks have refused to lend primary producers money; they tell me it does happen. The Governor of the Commonwealth Bank (Dr. H. C. Coombs) said this in Perth on Tuesday when asked if he had any evidence to show that banks refused loans but recommended applications to a hire-purchase institution.
>
> Dr. Coombs said he felt that for some things and in some cases finance from a hire-purchase organisation might be better. This could apply in cases where there was no security to offer, for instance. He said that the distribution of money was left to the banks themselves.
>
> "We cannot stop people from taking business on hire-purchase and we cannot make banks lend money," he said.
>
> Asked if the bank was perturbed over the extensive business being done through hire-purchase he said this form of lending had become a feature of contemporary society, "and we have to live with it as such."

I think that is a fair summation of the situation in which we find ourselves in 1958. I think the hire-purchase companies have done a good job for people who would not otherwise be able to have many desirable amenities and, in some cases, would not be able to have plant and equipment. I think this is an opportune time to place on the statute book some legislation which virtually gives effect to the better practices that have been adopted by the more reputable companies in this industry.

Mr. Graham: Before you sit down, I think there is one thing you should acknowledge. You have stated on several

occasions that this Government had followed the Victorian example by not including certain restrictions. This Government made its decisions before it was aware of the contents of the Victorian legislation.

Mr. COURT: I have been trying not to introduce any contentious points; but, as the Minister has raised this one, I would merely like to say that this Bill is identical with the Victorian legislation, even including the printer's errors. I support the Bill.

On motion by the Hon. A. F. Watts, debate adjourned.

House adjourned at 11.30 p.m.

Legislative Council

Thursday, the 27th November, 1958.

CONTENTS

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

QUESTIONS ON NOTICE.

RAILWAYS.

"X" and "XA" Class Diesels.

1. The Hon. G. BENNETTS asked the Minister for Railways:

(1) Will he advise the House whether the "X" and "XA" class diesel locomotives have been repaired and placed in a satisfactory condition, as required by the department?

(2) If not—

(a) what number are in service; and

(b) what number are undergoing repairs?

(3) Who is responsible for the cost of repairs?

The Hon. H. C. STRICKLAND replied:

(1) In conformity with the agreement between the Government and the contractors, modifications are being made which the contractors advise will remedy the defects.

(2) The average availability is approximately 66 per cent.

(3) The manufacturers are supplying the necessary material, and the Railway Department is carrying out the work.

BOULDER DENTAL CLINIC.

Use of Pensioners' Cottages.

2. The Hon. J. M. A. CUNNINGHAM askd the Minister for Railways:

(1) Is it a fact that one or more of the cottages erected for pensioners in Wittenoom-st., Boulder, is to be used to accommodate staff for the new dental clinic in Boulder?

(2) If the answer is "Yes", will this mean that any pensioners now in residence will have to be dispossessed?

(3) If so, in view of the fact that pensioners have had to outlay money for furniture and floor coverings suitable for these cottages, and not necessarily suitable for other premises, will any evictees be compensated for their outlay?

The Hon. H. C. STRICKLAND replied:

(1) This may occur on a temporary basis if not required by pensioners.

(2) No.

(3) Answered by No. (2).