

## HOUSE OF ASSEMBLY.

Tuesday, October 6, 1964.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

### SEMAPHORE BY-ELECTION.

Mr. FRANK WALSH (Leader of the Opposition) moved:

That Standing Orders and Sessional Orders be so far suspended as to enable him to move a motion without notice.

Mr. HUTCHENS seconded the motion.

Motion carried.

Mr. FRANK WALSH: I move:

That this House has no confidence in the Returning Officer for the State (Judge W. C. Gillespie) in view of his biased administration of the Electoral Act in favour of the Playford Government.

I wish to be frank in this matter. It is not a question of what I desire or what I do not desire. Judge Gillespie has been appointed by this Government to be Returning Officer for the State, and I am not permitted to go outside of this place and say what I think regarding Judge Gillespie. Yesterday, I tried to make certain representations by telephone, first to the Assistant Returning Officer for the State, but I was unable to get him as he was on his way to see Judge Gillespie, with whom I had already spoken. The strange thing is that last year when a by-election was held at Stirling on a Saturday the declaration of the poll took place on the following Monday, and the Labor candidate was not informed in sufficient time to enable him to be present.

Mr. Jennings: And the member for Stirling was sworn in on the Tuesday.

Mr. FRANK WALSH: Yes. In company with the Premier, I escorted the honourable member to the table. Certain provisions of the Electoral Act, including sections 133 and 134, deal with elections. Section 133 states:

As soon as conveniently may be after the result of an election has been ascertained each returning officer shall—

- I. at the chief polling-place publicly declare the result of the election and the names of the candidates elected;
- II. by endorsement under his hand certify on the original writ the name of the candidates elected and return the writ so endorsed through the returning officer for the State.

Section 134 provides:

Where the returning officer—

- (a) is satisfied that any ballot-papers issued at some remote polling-place cannot reach him for the purpose of scrutiny

without unduly delaying the declaration of the poll; and

- (b) is satisfied that the votes recorded on those ballot-papers could not possibly affect the result of the election—

he may, with the concurrence of the returning officer for the State, declare the result of the election and return the writ without awaiting the receipt of the ballot-papers.

On Saturday evening the Returning Officer for the State would have known that few ballot-papers were coming from remote places and that no absent votes would be received. Certainly postal votes could be received, but these would not upset the result. Had there been any challenge to the election of the successful candidate, the Court of Disputed Returns in this place could have dealt with the matter. That course of action has not been taken and the Returning Officer for the State has failed in his duty by not having the poll declared either yesterday or by 12 noon today. The Returning Officer for the State should have been prepared to have the poll declared yesterday so that the new member could take his place here today. I remind the House that last year a longer adjournment was alleged to be necessary so that members on this side could not obstruct the Government. This was possible merely because the Government had the numbers, as we were told by the Minister of Lands on that occasion. What happened when Parliament resumed? The member for Stirling (Mr. McAnaney) was sworn in straight away so that the Government's numbers could be restored. Unfortunately we have been meeting for the last three weeks without a member for Semaphore in this place. Yesterday's *Advertiser* indicated that the successful candidate had secured a substantial majority in the Semaphore by-election but that 200 or 300 postal votes were outstanding. This morning's press shows an absolute majority of 8,290 votes in favour of the Labor candidate.

Mr. Jennings: It would not matter if there were 2,000 outstanding votes.

Mr. FRANK WALSH: The number of outstanding votes would not exceed 245, and yet we are denied the right of the member to take his rightful place in this House.

Mr. Lawn: And the people of Semaphore are denied the right to be represented in this House.

Mr. FRANK WALSH: When it was decided that the by-election should be held, it was indicated that the writs should be returnable on October 9 but, because the Government had not selected a candidate, the date was extended

to October 16. I am not sure whether the State Returning Officer was mindful of these matters. However, I am perturbed about it. I have been informed by telephone that the learned judge, the State Returning Officer, asked Mr. Douglass to inform me that the declaration of the Semaphore poll would take place at noon tomorrow in the Masonic Hall, Semaphore, and after that the successful candidate would be able to take his place in this House. What happens in the meantime? The Opposition is denied the right to have its duly elected member take his place here. After the last general election the Opposition had 19 members elected to Parliament, but was not allowed to govern. Now it is denied, through the activities of an officer appointed by the Government, the right to have one of its members take his place in this House, although the result was known on Saturday and could not be challenged.

Mr. DUNSTAN (Norwood): I support the motion. The provisions of the Electoral Act are such that under section 133 the result of an election is to be declared as soon as is practicable. The result of this by-election was known on Saturday evening. The vote for the Labor Party candidate, Mr. Hurst, was so overwhelming that his opponent, endorsed by the Government Party, barely saved his deposit in the election. There could be no possible chance that the election could be in any way upset. It was an overwhelming vote in favour of the successful candidate. There were no remote polling places involved in the election but a certain number of postal votes was outstanding. A precedent was set, in the Stirling by-election, as to the way in which the Electoral Department should deal with the expeditious declaration of polls while a House was in session. The member for Stirling (Mr. McAnaney) contested an election in this House at a time when the Government was, by the death of one of its members, deprived of its majority in this place.

The Minister of Lands frankly told us that the reason why the House was to be adjourned for the period of that by-election campaign was to see that the Government had the numbers. It went out to get the numbers; the House was due to reconvene on the Tuesday after polling day of the Stirling by-election, and it so reconvened. The result of that by-election was declared on the Monday after it had been held—the day before the House met, in order to provide that the Government Party would, at the time it met this House, have 19 members sitting on its benches. Members

of the Government well knew at that stage that 19 members would be sitting on the Opposition benches. No objection was raised in the Electoral Department to such an expeditious declaration of the poll. No objection was raised about the possibility of outstanding postal votes. No objection was raised that one of the candidates could not get to the declaration of the poll. The member for Stirling was sitting in this place and introduced at the opening of the House on the Tuesday afternoon. But what is the case in this by-election? The Opposition has been deprived of its numbers in this House, and those numbers normally mean that, unless you, Mr. Speaker, take part in the Committee votes in this House (as on occasions you have chosen not to do), the Opposition has a majority in Committee in this House, which means that it is in a position to write into legislation amendments that it moves on behalf of the overwhelming majority of the people of this State which it represents. And, of course, the 19 members on this side of the House represent 100,000 more electors of this House than the 19 members sitting on the other side represent.

What happened on this occasion? When representations were made to the returning officer he was obtaining advice and instructions from his seniors in the department, including the Assistant Returning Officer, and from the Returning Officer for the State, who has the ultimate authority in these matters. The Returning Officer for the State is Judge Gillespie, who, when he was approached by the Leader of the Opposition, took the attitude that the poll could not be declared this week because of the outstanding postal votes. The provisions of the postal voting section of the Act, he alleges, provide that seven days must elapse for the receipt of all postal votes and, therefore, as postal votes cannot be counted until seven days has elapsed (any postal vote posted before the close of the poll and received within seven days may be counted under the Electoral Act), then that time must elapse before a declaration of the poll. It was pointed out to him that that had not happened in the Stirling by-election, which he refused to discuss. What was the position in Stirling? I quote from the *Advertiser* of the Monday after the election:

The Electoral Department estimates that a little more than 100 postal votes have yet to be accounted for and only a portion of this number is likely to be received.

At the time of the poll those postal votes issued by the returning officer for Stirling had not been received and they were not counted.

Mr. Loveday: The game is crooked!

Mr. DUNSTAN: There was no objection, because the Government needed its numbers in this House to rely on your vote, Mr. Speaker, in matters of confidence. But when it came to our position on this side it was a different story. Now, apparently, the State Returning Officer has changed his opinion and has decided that the poll may be declared within the seven days. If he has changed his opinion and decided that his original objection concerning postal votes was not valid, why was the poll not declared in time for the member for Semaphore to be sworn in at the opening of today's sitting? This House has to consider vital matters today. The Opposition has a number of amendments, for instance, to the Prices Bill upon which it will require its numbers.

Mr. Lawn: The judge's action ensures the Government majority.

Mr. DUNSTAN: The member for Semaphore is not here. Why was there no expeditious declaration of the poll in this case? The only conclusion the Opposition is able to arrive at in these circumstances—because serious representations and continuous representations have been made to His Honor not only by the Opposition but by you, Mr. Speaker, as to the necessity for the expeditious declaration of this poll, to maintain the numbers in this House and to give representation to the people of Semaphore at the earliest possible opportunity—is that there is a partial administration of this Act, and that, Sir, is something that should not obtain in this State or anywhere else.

The SPEAKER: As this motion has been moved and seconded, and as it affects the office of the Speaker, who has the responsibility for the return of the writ, I think I had better explain to the House the position as I know it. When it became obvious that the result of the Semaphore by-election was undoubted, on Monday morning I got in touch with Mr. Douglass, the Assistant Returning Officer for the State, and told him I thought the department should get the member for Semaphore declared elected at 12 o'clock on Monday. Mr. Douglass said he would approach the Returning Officer of the State (Judge Gillespie). I told him he could convey to Judge Gillespie the Speaker's wishes that the successful candidate should be returned to this House and sworn in as quickly as possible. Mr. Douglass undertook to do that, but later he told me on the telephone that Judge Gillespie had some doubts about some

postal ballot-papers. I then spoke to Judge Gillespie on the telephone; I had not been able to get him earlier because he was engaged on legal business, but the judge was good enough to ring me and explain that he did not agree with my interpretation of section 86. With the greatest respect in the world to Judge Gillespie, section 86 has nothing whatever to do with the return of the writ, in my opinion. That matter is dealt with in Part XIII of the Electoral Act, which is headed "Return of Writ". Section 133 states:

As soon as conveniently may be after the result of an election has been ascertained each returning officer shall—

and then is set out what that returning officer shall do. The marginal note to section 134 is "Return of the Writ notwithstanding outstanding ballot-papers", and the section reads:

Where the returning officer—

(a) is satisfied that any ballot-papers issued at some remote polling-place cannot reach him for the purpose of scrutiny without unduly delaying the declaration of the poll; and

(b) is satisfied that the votes recorded on those ballot-papers could not possibly affect the result of the election—

he may, with the concurrence of the returning officer for the State, declare the result of the election and return the writ without awaiting the receipt of the ballot-papers.

I explained that to Mr. Gillespie. As it was not possible through some other difficulties, in his opinion, to notify the other defeated candidates, I said, "Well then, my opinion is that he should be declared elected at 12 o'clock on Tuesday so that he can be sworn in in the House on that day." I was away at Barmera last night, and when I got back this morning I contacted Mr. Douglass again and he informed me that arrangements had been made for the member for Semaphore to be declared elected tomorrow (Wednesday) at 12 noon. I said, "Well, I wish you to inform Mr. Gillespie that that is not satisfactory. I consider he should be declared elected at 3 o'clock today so that he can be in the House this afternoon." Mr. Douglass conveyed the message to Judge Gillespie, and the judge informed him that it was too late, that he could not give notice to the defeated candidates, particularly Mr. Heritage, who was away on a ship, and that the present arrangements had to stand. I said, "Does that mean we have to wait 12 months or one week, or what?" In my opinion the duty of the officers concerned was to send notice to the last-named place of residence, and if Mr. Heritage was not at home that was nobody's fault.

I wish to make that position clear because as Speaker in charge of the privileges and the rights of this House I have bent over backwards in order to get this member here today to be sworn in this afternoon. The honourable member for Hindmarsh.

Mr. HUTCHENS (Hindmarsh): In rising to support the motion, I first of all express my personal appreciation to you, Mr. Speaker, for your very clear explanation of the actions you have taken.

The Hon. Sir Thomas Playford: Doesn't this side have a chance to speak, Mr. Speaker?

Mr. HUTCHENS: I did not wish to deprive any honourable member of the opportunity to speak. If I get the call immediately after the Premier I shall be happy.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I wish to say a few things about this matter. First, the Government was not in any way informed that this matter was coming before the House, and therefore no report could be obtained from the Returning Officer for the State to enable the officer being condemned publicly to have any chance at all of having his views put before the public. It is a peculiar state of affairs that this House will publicly condemn an officer of high repute without giving him an opportunity of knowing that a charge is to be preferred against him. That might be in accordance with the Opposition's views of fair play, but, Mr. Speaker, I deplore the fact that the Government did not know that this matter was to be raised and therefore it did not have the opportunity to obtain full information on it. I would always give the Opposition the courtesy of letting it know that a matter was being brought before the House.

Mr. Jennings: You don't give information to the House: you always give it over ADS7.

The Hon. Sir THOMAS PLAYFORD: The Government has always given the Opposition the fullest idea of what matters are coming before the House.

Mr. Ryan: Yes, we read it in the newspaper.

The Hon. Sir THOMAS PLAYFORD: I have never yet moved a motion condemning somebody without giving him at least an opportunity of putting his side of the question. This procedure may be the Opposition's idea of how courts should be conducted. I point out that in this matter this House is a court in the fullest sense of the word, and I do not believe that so condemning a man is the way that South Australians believe a court should be conducted.

*Members interjecting:*

The SPEAKER: Order!

The Hon. Sir THOMAS PLAYFORD: This matter is governed by the Electoral Act.

Mr. Lawn: As explained by the Speaker.

The Hon. Sir THOMAS PLAYFORD: The Act lays down certain procedure regarding the return of the writ, and the swearing in of a member depends on the return of the writ. When the matter was placed before the Speaker, the Speaker issued the writ and its return was laid down, I believe, for next Monday. I speak subject to remembering the dates correctly. We all know that this is a formal time, and that if it is possible to get the result of an election before the stated time, the writ can be returned earlier. Provisions are included in the Electoral Act that enable that to be done. I have now been associated with as many elections as has any member of this House and I know the procedure under section 133 of the Act that usually follows the result of an election. The returning officer does, in point of fact, get in touch with the successful and unsuccessful candidates and arrange a date for the declaration of the poll.

Mr. Ryan: As he did in Stirling.

The Hon. Sir THOMAS PLAYFORD: There is no need for members opposite to get excited, because I assure them that the public of South Australia will not support them in this matter.

Mr. Ryan: Give them an opportunity to do so.

The Hon. Sir THOMAS PLAYFORD: If the South Australian public has anything at all it has a strong view on fair play.

Mr. Ryan: It also has a memory.

The Hon. Sir THOMAS PLAYFORD: South Australians would not agree that a man should be condemned without even being notified that he is on trial.

The Hon. Sir Baden Pattinson: Especially a judge.

The Hon. Sir THOMAS PLAYFORD: Of course, a judge is most susceptible to being tried without knowing he is before a court! I do not know the facts in this matter, but I believe that when they are given it will be found that this matter is governed by section 134 of the Electoral Act. I should be very surprised if all the postal votes that have been taken out are returned.

Mr. Dunstan: They were not all returned in the Stirling by-election.

Mr. Jennings: They never are.

The SPEAKER: Order!

The Hon. Sir THOMAS PLAYFORD: Although I had little sympathy with what members opposite were saying, I listened to them because it was an interesting spectacle. I should be glad if they would listen to my remarks. If honourable members want an election to be declared before the ballot-papers are in and as soon as the result of the election is known, I suggest that instead of trying to carry a motion condemning the Returning Officer for the State they should alter the word "may" in section 134 to "shall". If honourable members look at the Acts Interpretation Act they will see that where the word "shall" is used it is obligatory that something be done, but where the word "may" is used judgment may be exercised.

*Members interjecting:*

The SPEAKER: Order!

The Hon. Sir THOMAS PLAYFORD: I have only this to say: Government members do not mind whether the newly elected member for Semaphore is declared elected today, tomorrow or next week. For that matter, we do not care whether five Opposition members are returned because I still say that the Opposition is hopeless in its objective and could never form a Government in this place. It would not make any difference how many Opposition members were returned because Opposition members are so divided in their policies and in their approach that if they did form a Government it would topple overnight as there would be no unified purpose behind it. However, let me make it clear that I can overcome the Leader's difficulties today quite easily. If Opposition members wish it, I can grant them a pair for the absent member and if they had asked me to do that this morning they would have had no difficulty.

Mr. Coumbe: They want it both ways.

Mr. Clark: How can you get a pair for a member who has not been sworn in?

The SPEAKER: The member for Gawler is out of order.

The Hon. Sir THOMAS PLAYFORD: If Opposition members want to carry motions condemning public officers, they should at least give notice. The Leader said that he wished to raise a certain matter. I have no objection to any matter being raised in Parliament, but carrying a motion condemning a public officer without that officer's having an opportunity to say his piece is completely foreign to every sense of British justice.

The SPEAKER: There is too much noise and interruption. Members should be heard in silence.

Mr. HUTCHENS (Hindmarsh): I shall resume by repeating what I was saying when I yielded to the Premier. I wish to thank you, Mr. Speaker, for your fairness in this matter. I regret that the Premier has doubted your authority. The Premier concluded his remarks with a little grandstand play that was right away from the subject matter. It appears to me that he has no argument at all. He went from the sublime to the ridiculous when he said he would grant the Opposition a pair. No member for Semaphore has been sworn in, so how is it possible, in accordance with the Constitution, to grant a pair? How ridiculous can a man get when he is grasping for a straw!

It has been said that the Opposition has not given a public servant a fair chance. Yesterday I was in the Leader's room, with a number of my colleagues, when the Leader telephoned the State Returning Officer, Judge Gillespie. I was amazed at the abruptness and rudeness of a public officer to the Leader of Her Majesty's Opposition. Some consideration and respect by that officer for the Leader of the Opposition may have resulted in a different attitude from what the Opposition has today.

Mr. Lawn: Dictatorship breeds contempt for Her Majesty's Opposition.

Mr. HUTCHENS: The Premier went to great lengths to explain how section 134 was the determining factor of the declaration of the by-election at Semaphore. What happened to section 134 in the Stirling by-election?

Mr. Ryan: That was different.

Mr. HUTCHENS: It was convenient to ignore section 134 at that stage. What we are complaining about is the different treatment for different sections. The Premier said that the South Australian public would not stand for this, and would not stand for other than fair play. The audacity of him! The South Australian public has had to suffer unfair play concerning the Electoral Act for many years. They are suffering from this unfairness but whether they will stand it much longer, I do not know. I hope they will not. We want fair play. Time needed to get in touch with candidates was spoken about. That reminds me again of the Stirling by-election. I acknowledge that endeavours were made to contact the Labor candidate but because of unfortunate circumstances, and of the desire to have an early declaration, that was not done. Did that delay the declaration?

Mr. Lawn: They did not wait for his ship to come in.

Mr. HUTCHENS: Of course. One of the candidates in the Semaphore by-election—

Mr. Shannon: Are you sure it was not a stratagem of the Labor candidate?

Mr. HUTCHENS: Of course the honourable member for Onkaparinga can split hairs. That has nothing to do with it. We have been told that one of the candidates was at sea. If he were, he should be on the other side of the House because that is where the Government has been for a long time. A biased attitude has been displayed by the State Returning Officer about the declaration of this poll. It was convenient for him to make an early declaration for a Government member to be here, but it is not convenient for him to do so when it is an Opposition member. It was ridiculous for the Premier to suggest that we could have had a pair. I make no apologies for having taken this action. The Speaker had been in touch with Judge Gillespie, and the judge knew that there was discontent, knew that the Speaker was not happy about the situation, and knew that the Leader of the Opposition was not happy about it.

Mr. McKee: He knew there would be trouble over it.

Mr. HUTCHENS: Of course. Has the Opposition to telegraph its punches every time to the Government? The Premier said that he always takes the Opposition into his confidence. Yes, after he has made a telecast and before bringing the matter into the House. This is an injustice to the people of Semaphore, to the people of South Australia—

The Hon. D. N. Brookman: Would you like to hear the judge's version?

Mr. HUTCHENS: Yesterday the judge told the Leader of the Opposition that it would be seven days before the declaration of the poll. The Leader asked him to discuss this case as compared with the Stirling by-election, but the judge said that he was not going to discuss it. Is this democracy and fair play? Is this not treating Her Majesty's Opposition with contempt? Is it the sort of thing that the honourable Minister wants to encourage in this House? It is an injustice to many sections of the community and something that will damn the Parliamentary system of Australia if allowed to continue, and the Opposition feels strongly about it.

Mr. SHANNON (Onkaparinga): If it were not for the impassioned appeal we have heard from the member for Hindmarsh, I probably would not have spoken. A motion is before the House in the name of the Opposition Whip for

leave of absence because of ill health of a member for a fortnight. The contention of the member for Norwood that his Party could impose its will in Committee was baloney, to put it politely, unless the member for Wallaroo were brought in on a sick bed or on a stretcher, and that procedure would not be unusual for the Labor Party to risk a member's life by bringing him in like that.

Mr. Dunstan: You are being ridiculous.

The SPEAKER: Order!

Mr. SHANNON: I am only saying that the Labor Party has been guilty of this contemptible action—not in this House, but it has brought a member into a House of Parliament to vote. That is well known and well recorded. I point this out because of the Opposition's lack of reasonable and decent approach in this matter. They do not mind kicking a man in the shins as long as he does not know he is going to be kicked.

Mr. McKee: He knew and expected it.

Mr. SHANNON: The member for Port Pirie wants me to believe that the member for Hindmarsh used one ear to listen while the Leader of the Opposition was speaking to the State Returning Officer. What the member for Hindmarsh heard was what the Leader told him and not what he heard himself.

Mr. McKee: You are getting further into trouble.

The SPEAKER: Order!

Mr. SHANNON: Much baloney is being spoken on the other side of the House. I do not know of any telephone in this building that has two ear pieces. If there is one, show it to me. I am suggesting that the member for Hindmarsh knows very well that he did not hear Judge Gillespie.

Mr. Dunstan: He did, and so did I.

Mr. SHANNON: How did he hear the judge if the Leader was doing the talking and had the 'phone to his ear listening?

Mr. Hutchens: We are not all hard of hearing like yourself.

Mr. SHANNON: No doubt, but some members can hear anything they want to use to suit their argument. It was obvious to me when I heard the member for Hindmarsh that he did not have his tongue in his cheek: he had more than that. He tried to convince the House that what was being done was well known to Judge Gillespie. I can assure the House, as I stand here, that if the judge were called before the Bar of the House he would deny that he had any idea that such a resolution (I would like to use an unparliamentary

term about it) was in his mind when he spoke to the Leader of the Opposition on this matter. Of that I am convinced. I have had dealings with the Returning Officer and have found him a most honourable and upright gentleman. On that famous occasion when the member for Frome was elected by a narrow margin, I appeared before Judge Gillespie, representing the Party of which I am proud to be a member, to put the case that certain votes be excluded or included in the count.

Mr. McKee: You missed out.

Mr. SHANNON: I had a fair deal from the judge. There was no quibble from the other side on that occasion with the judge's decision. He was absolutely fair, and I cannot imagine that he would be otherwise. Nor can I imagine, in my wildest dreams, a Party that seeks to become a Government in this State attacking the very fundamentals of democracy which form our system of rule by law, for that is what the Opposition is attacking in this case. If that is any indication of what we can expect from it if it ever did, by a mischance, become the Government of this State, I should have grave doubts as to where it might lead in the matters of Government, of respect for law, and of all the things that we have fought for not once but many times. If that is the Opposition's approach to such matters then I would be sorry if the people of this State ever agreed to encourage it to take office.

Mr. Loveday: They would enjoy a true democracy.

Mr. JENNINGS (Enfield): I support the motion which, although not pleasant, is an important motion to which, I believe, the attention of this House is properly directed. What you, Mr. Speaker, did when you arranged for this election to be called on fairly early was based on the premise that a seat should not be left without a representative for longer than was really necessary. The election was called on quickly as a consequence of this time-honoured precedent and, now that the people of Semaphore have spoken decisively, the member for Semaphore, who is not yet declared, is kept out of the service of this House and kept apart from the service of the electors of Semaphore. You, Sir, I think properly pointed out, too, that you had had discussions with the Returning Officer for the State and also with the Assistant Returning Officer. You also made it perfectly clear in your explanation to the House today that you were not criticizing Judge Gillespie at all but that you had merely taken the matter up with

him as custodian of the privileges of this House. I am at a loss to understand the judge's attitude when he says that he believes that this was something sudden; nor can I understand how a distinguished public officer can have been caught completely unaware of the action we are taking today, when the Speaker of the House of Assembly and the Leader of the Opposition have been in touch with him complaining about his attitude to this matter. In fact, the Speaker and the Leader have been in touch not only with the chief of the Electoral Department but also with the returning officer for the district. Of course, no-one would know anything about that!

Mr. Dunstan: What is his Minister doing?

Mr. JENNINGS: His Minister is in the House and certainly must have known what was going on. There is not the slightest doubt about that. Nothing that has been said today by either the Premier or the member for Onkaparinga can get over what we complain about when we draw the attention to a difference between what happened on this occasion and what happened in regard to the Stirling by-election. In that case I think it was even worse because the House was adjourned because of a member's death, just because the Government did not have the numbers. Then the by-election was held and the result was not nearly so decisive as that of the Semaphore by-election, yet the present member for Stirling was declared elected on the next Monday and sworn in in this House on the Tuesday. I think the member for Norwood said that no objection was taken to this by the Returning Officer for the State and that no objection was taken by the Government or by anyone else. I emphasize that no objection to that procedure was taken by members on this side of the House, because we realized that the Stirling electors were entitled to their representative in this House.

What was good enough then should be good enough now. There is no possibility of a few hundred outstanding postal votes, which might never be returned, in any way affecting the result of the election. Indeed, if there were 2,000 outstanding postal votes it could not affect the result of this election. It is quite usual for elections to be declared before the seven days, for example, and before the outstanding postal votes are returned. I think that on every occasion when I have been elected the returning officer for my district has telephoned me and said, "When would you like your poll declared?" He might also have said, "There are probably 1,500 outstanding

postal votes but they cannot conceivably alter the results of the election." I have said on every occasion, "Give my opponents an opportunity to attend the declaration of the poll, and get it over as quickly as we can." I know that has happened at the elections of other members of this House and also of Commonwealth members of Parliament. We, because of this position, cannot help thinking that the Government does not mind the Returning Officer for the State being rather biased against the Opposition in the State Parliament.

Mr. Loveday: It encourages it.

Mr. JENNINGS: What other conclusion can we come to, when we see one action being taken in one case and an entirely contrary action being taken in another?

The Hon. G. G. Pearson: The Government does not quibble with the decisions of the umpire; it never has.

Mr. Dunstan: That does not accord very well with the Stirling poll declaration.

Mr. JENNINGS: It was only purely coincidental that the member for Stirling was declared elected on the Monday and sworn in on the Tuesday! The Minister of Works says that the Government does not reproach the umpire. Unfortunately, what really happens in this State is that the Government does not need to worry much about the umpire because it makes the rules itself, and very unfair rules at that.

The Hon. G. G. Pearson: You are saying that we gave certain instructions to the State Returning Officer.

Mr. JENNINGS: I do not doubt that for a moment.

Mr. Millhouse: Do you say that seriously?

Mr. JENNINGS: Yes.

The Hon. Sir Baden Pattinson: I can see a few judges being sacked if Labor ever gets into power.

Mr. Lawn: One is well over the retiring age now.

Mr. JENNINGS: The Premier said that he had never, in all his experience of dealing with the Opposition, brought down some motion about which the Opposition had not been previously informed. He implied, therefore, that he always took the Parliament into his confidence, but we know that that is absolutely ridiculous. The Premier treats this Parliament contemptuously. He has been asked here at question time on a Wednesday something concerning public affairs in South Australia and he has denied any knowledge of the subject of the question, but we have found out afterwards that it comes

over television channel ADS7 and that he had his talk recorded before the question was asked in this House. As I say, the Premier treats this Parliament with absolute contempt.

The member for Onkaparinga (Mr. Shannon) came up with a very peculiar suggestion that we were not sincere about this motion because one of our members was away. I remember only a week or so ago the honourable member saying exactly the same thing regarding another debate. I think it is established beyond any doubt whatever, by agreement between the Parties, that if a member is genuinely sick and there is no doubt whatever about that—as in the case of the member for Wallaroo (Mr. Hughes)—a pair is granted. The member for Onkaparinga then went on and said (he did not mention it, but I know he was referring to a certain vote in the Senate on one occasion) that our Party was put in the position of having to bring in a sick member. It is true, Sir, that we did, and I can assure the House that our colleagues in that House certainly did not like doing what they had to do; but the reason they had to do it was that our opponents would not grant a pair to a sick member. That is the reason it was done.

Mr. Dunstan: And he talks about contemptible actions.

Mr. JENNINGS: Yes. There is not the slightest doubt in my mind that the Returning Officer for the State has certainly not lived up to his responsibilities in this matter. His action on this occasion is not consistent with the actions he has taken on previous occasions, and as a consequence I think this motion should be carried.

Mr. MILLHOUSE (Mitcham): I want to say one or two words in this debate, which, of course, has taken members on this side of the House by surprise. It certainly has taken me by surprise.

Mr. Ryan: We will write you a letter next time.

Mr. MILLHOUSE: Thank you. I had no opportunity of knowing about this—as I think is the case with every other Government member—before the Leader moved his motion, so I cannot say I know the facts in this case, and I have not had any opportunity of finding out what they may be. All I rise to say is this: that I have known Judge Gillespie for a very long time, both in his capacity as the Local Court Judge and as the Returning Officer for this State, and I do not believe that Judge Gillespie would be a party to any action which



was biased or unfair. And, Sir, I am certainly not prepared, without knowing the facts of this case and without his having an opportunity to let us know his side of the story, to support a motion of condemnation of him. I think it is a very poor show that the Opposition should introduce a motion like this, which, as the Premier said, is a condemnation of a public officer. It was done suddenly and unexpectedly.

Mr. Jennings: It was done in the House, not to a reporter outside the House.

The SPEAKER: Order!

Mr. MILLHOUSE: The member for Enfield has had his say, and I listened to him in silence, although it was not easy to do. I hope the honourable member will give me the same courtesy. I am saying that the judge, who is the Returning Officer for this State, has not been given any opportunity to explain his actions or to support his decisions at all. I certainly do not think that this House should take any action to condemn anyone in those circumstances. Sir, the only other thing I can say is this: in my experience of him, Judge Gillespie's courtesy is undoubted. I have never known him to be discourteous, and I find it very hard indeed to believe that the judge would be discourteous to anybody: to you, Mr. Speaker, the Leader of the Opposition, or anyone else when speaking on the telephone. I say, finally and very definitely, that I think this motion is ill conceived and entirely unfair to the Returning Officer for the State.

Mr. LAWN (Adelaide): I wish to add a few words, first because I was present at the meeting of our executive yesterday morning when our Leader telephoned the judge and, secondly, because the member for Onkaparinga has seen fit to mention me in this debate. First, I would like to reply to the member for Mitcham, who supports the attitude of the Premier that we should not condemn a public officer. The member for Mitcham went outside this House recently to condemn a public officer—the Prices Commissioner.

Mr. Millhouse: That is absolute nonsense, and the member for Adelaide knows it.

Mr. LAWN: It was published in the press that the honourable member criticized the Prices Commissioner, and that was referred to in this House. The honourable member's own Leader made a statement to the House concerning the honourable member's action in going outside the House and criticizing a public officer. Now the honourable member denies it.

Mr. Ryan: Didn't the Premier say that any criticism should be made here?

Mr. LAWN: Yes. I heartily agreed with that at the time, and I still do; and that is what we are doing today in this place, which is the only place in which we can criticize this public officer. This man is not a departmental officer but the Returning Officer for the State of South Australia. Another reason the member for Mitcham said he would not support the motion was that he knew the judge concerned to be a most courteous person. Well, everybody who knows the Prices Commissioner knows that he is just as courteous as anyone. We know, too, that he was not given a chance to explain his attitude to the honourable member for Mitcham before the honourable member went off at a tangent, and now he says that we have not given Judge Gillespie a chance to explain his attitude. When I was at the meeting of the executive of our Party yesterday I thought that something like this might happen, because I know the gerrymander that we have in this State and know the dictatorship that exists here. I suspected that that dictatorship and all its rottenness would permeate into the courts of this State. I say no "beg pardons" to the Minister of Education: I would like to see a few of these judges go, particularly this one, who has let down the people of this State. We cannot have any further confidence in Judge Gillespie as the Returning Officer for this State, and nobody can have any confidence in him as a judge if he appears before him.

The Hon. Sir Baden Pattinson: I hope the honourable member's statement that he would like to get rid of the judges is recorded in *Hansard*.

Mr. LAWN: I did not say I would like to see all of them go. As the Minister knows, one judge is over 80 years of age, and the honourable Minister would probably like to see him go, too. I well remember what happened last year at the Stirling by-election. The election was on the Saturday; the successful candidate was in the gallery at 2 o'clock on the following Tuesday and he was immediately sworn in. I suspected that that would not happen today in the case of the member for Semaphore. When the Leader rang the judge and pointed out the section referred to by the Premier, the judge said that seven days must elapse before the poll was declared. The Leader quoted to the judge the case of the Stirling by-election last year, but the judge refused to discuss the matter with him. That is a fact. The Hon. A. F. Kneebone, M.L.C., was elected

to the Legislative Council on Saturday, September 16, and sworn in on the following Tuesday, September 19, 1961.

Mr. Ryan: That is on a voluntary vote.

Mr. LAWN: Yes. Less than seven days elapsed in that case.

Mr. McKee: It does not matter up there.

Mr. LAWN: No. I was declared elected on March 9, 1962. The election had been held on March 3, when the House was not in session. Therefore, six days elapsed in my case. On that occasion the returning officer said that there was a number of outstanding votes, not only postal votes but (because it was a general election) absent votes. This did not apply in the Semaphore by-election. He said that these votes could have no effect on the result and consequently declared me the elected member for Adelaide. My colleague, the member for Millicent (Mr. Corcoran), was likewise elected in less than a week before all postal and absentee votes had come in. It is not a pre-requisite that they should come in as you, Mr. Speaker, drew to the attention of the House and of the State Returning Officer. You told members and Judge Gillespie that if the outstanding votes could not affect the result the poll could be declared. The representations made by the Leader to Judge Gillespie got nowhere. I am sure that all members of the Opposition, the electors of Semaphore and the democratic people of South Australia must be pleased to have heard the statement you made to the House today, Mr. Speaker. It gives Opposition members more confidence than we have had in this place for a long time. We know that Government members believe in the gerrymander and that they go to any steps to keep themselves in office. They have proved that time and time again. This is an instance of that. They treat us with contempt and their attitude breeds contempt for Her Majesty's Opposition. The State Returning Officer yesterday treated the Opposition with contempt.

I shall refer to the principle of Parliamentary Government, which may not be known to members opposite but about which I think, you, Mr. Speaker will agree, that the people should not be left without Parliamentary representation any longer than is absolutely necessary. In this case the people of Semaphore are not being treated in accordance with that principle of Parliamentary Government. I do not know whether I am right or wrong, but I understand that you, Mr. Speaker, suggested that the election be held a week earlier, which would have given the people of Semaphore representation in this House for one week longer. The

date of the by-election was put off for a week. If that is correct, then the Government has denied the people of Semaphore an additional week's representation here, and now, by the action of their appointed returning officer, the people will be deprived of a further week's representation. What is the effect of this position? The Government has 19 members at present and the Opposition 18. Since 1962, when this Parliament commenced, there has been a unanimous agreement between the Government and the Opposition (not only the two Whips) that provided a member is sick a pair will be granted. There has been no departure from this. At the moment there is a pair so that the relative strengths of the Parties is that the Government has 18 members and the Opposition 17. This gives the Government a majority of one. However, had the member for Semaphore been sworn in today (in the same way as was the member for Stirling) then the voting in this House would have been equal and the casting vote would have been left to you, Mr. Speaker.

While the Government is denying the people of Semaphore their representation in this House the Government has a majority of one. That is contrary to the principles of democracy and I am sorry that such a position has arisen. However, I suspected that it would. In the interests of democracy and of the people who believe in Parliamentary Government, the action of the State Returning Officer must be condemned and the only way this can be done is by supporting the Opposition's motion. I hope that all members who claim to support democracy, Parliamentary Government and fair play (and we have heard much about fair play from the member for Mitcham recently) will support this motion and that it will be carried unanimously.

The Hon. G. G. PEARSON (Minister of Works): Many things have been said today that would have been far better left unsaid. It has been said that the Government has repeatedly treated Her Majesty's Opposition in this House with contempt. That, however, cannot be proved or demonstrated. It is strange that on the first occasion it suited them that I can recall after 13 years in this place, Opposition members brought up this motion without revealing their intention to the Premier or any other member. I have never seen the like of this motion in my time as a member of Parliament. It is a rather sorry day when we find that a judge of the court is referred to as he is in the terms of this motion.

The main point of contention advanced today is that the State Returning Officer has deliberately and with malice aforethought denied the Opposition representation for 24 hours.

The Hon. Sir Baden Pattinson: The honourable member said he connived with the Government.

The Hon. G. G. PEARSON: The member for Enfield was candid enough to admit, when I interjected, that he believed that the Government issued an instruction to the State Returning Officer that this should be done.

Mr. Shannon: True to his form.

The Hon. G. G. PEARSON: I accept that. It was a most objectionable suggestion. Indeed, if I may use a good Australian term, it was a lousy suggestion.

The Hon. B. H. Teusner: And irresponsible.

The Hon. G. G. PEARSON: I do not think it was irresponsible; I think it was deliberate and premeditated. Let us examine the facts of what happened in the Stirling by-election and in this by-election. The late Mr. Jenkins died on August 31, 1963. His successor, Mr. McAnaney, was sworn in in this House on October 1, 32 days after the date of Mr. Jenkins's decease. Mr. Tapping died on September 6; his successor is to be sworn in on October 7, which will be 31 days after Mr. Tapping's decease. This is one day less than was the case in the Stirling by-election. The Leader and the members for Norwood and Enfield drew comparisons between what happened in the Stirling by-election and what has happened in the Semaphore by-election. However, I have given the facts of the position. I am sorry that the memory of the late member for Semaphore has been so affected by the kind of debate we are having today. I do not want to make an issue of that aspect, but I am sorry that a debate of this nature is ensuing after he has passed on. It is a fact that upon Mr. Tapping's decease, the Premier, Leader of the Opposition and the Speaker considered what the date of the by-election might be. As honourable members know, a certain period of time must elapse before an election can be held. The Electoral Act states that a period of time must elapse so that all Parties desiring to contest the election should have the opportunity to do so. The Liberal and Country League had no candidate ready for this by-election as it had not expected that it would need one at this stage, and no steps had been taken to select one.

Mr. Jennings: You need not have had one, as it turned out.

The Hon. G. G. PEARSON: If the L.C.L. were to have an opportunity to select a candidate for this by-election, as it was concerned to do in the interests of the people in the area who desired to support the Government, there were two probable dates that would have met the case, either October 3 or October 10. I am informed that these dates were discussed, and the Leader of the Opposition, who is inherently honest in these matters, did not object if the election were to be held on October 10. Does he deny that? No, he does not. What is all the fuss about?

The Hon. Sir Thomas Playford: I agreed to October 3.

Mr. Dunstan: That does not answer anything.

The Hon. G. G. PEARSON: The election was held on October 3. It is interesting that these things should be stated and known, and I hope that some publicity is given to them. In addition, I am informed that the Government, after the death of the member for Semaphore, offered to the Opposition that, during the enforced absence of a member or because of the lack of a member, one Government member would abstain from voting on vital matters during the period that the Opposition was deprived of the representation of this member, on condition that if a similar unfortunate instance occurred and the ranks of the Government Party were depleted, a similar courtesy would be extended to the Government. I am informed that that offer was not availed of. It is ridiculous for the member for Hindmarsh to say that the Government could not give a pair, because he knows that a Government member would have been asked to refrain from voting. Why does the honourable member heap ridicule on the Premier's suggestion that today we would grant a pair for the absent member?

The Hon. Sir Thomas Playford: Some time ago we did it in the case of the member for Mount Gambier.

The Hon. G. G. PEARSON: I make a few observations about the way this motion came forward and what it means, because there is more to it than meets the eye. I am satisfied that the public of South Australia appreciates that point and I want to ensure they do. In the last few years particularly, we have listened to one attack after another on authority—on the authority of law and order in the community. We have had attacks on the Judiciary, with things said about judges in this House that should not have been said by a member of a Parliamentary

institution. We have had repeated attacks on the Police Force, not only direct attacks but snide and slanted attacks on the force in the execution of its duties. Where do we get as a Parliamentary institution when we set out deliberately and repeatedly to undermine the rule of law in this community? The community lives as an ordered community by the rule of law. I pose that question seriously because it is one to which I have given much thought. We live in a community by the rule of law. Members of the legal profession in this House know far more than I do and far better than I do what is the effect of undermining the rule of law. If sufficient people in the community flout the law, automatically the law becomes of no effect.

The Hon. Sir Baden Pattinson: They are being incited to do that in this House.

The Hon. G. G. PEARSON: That puts the position more clearly than I could express it. This kind of talk incites people in the community to flout the rule of law. In this House, we have never, as a Government or a Party, come down to that level of criticism in discussion where we have deliberately set aside, or sought to, or questioned the decision of the umpire. It is a lot of rot for the member for Adelaide to talk about the gerrymander in connection with this motion. The Returning Officer has nothing to do with the allocation of electoral districts in this State, and the member for Adelaide knows it. It is strange to me that the member for Unley (and I am sorry that he is not in the House now) derived much amusement from this debate when I said (by way of interjection) something about the decision of the umpire. The member for Unley has been a cricketer of world renown, and no doubt has accepted the decision of the umpire on the cricket field as every sportsman should, yet he lends support to a motion that has a more far-reaching effect in the community than any decision on the cricket field, and apparently thinks it is proper to deride the umpire in this instance. This action gives one much food for thought. It would be far more appropriate if members opposite aimed their criticism not at the judiciary and not at the people who administer the laws of this State and who carry them out, but at the hierarchy that governs their movement. I refer to the 36 faceless men who would have governed Australia had Mr. Calwell been successful at the last election.

Mr. CLARK (Gawler): I do not intend to belabour the points that have been canvassed in this debate. I listened with interest to the Minister of Works and thought that he of all

Government members who have spoken was the only one to make some attempt to answer the case under discussion. What a pity he had to advert at the conclusion of his remarks to that jargon about the 36 faceless men. That sort of talk is simply the Communist type of argument—no real reason behind it but if repeated often enough it has some effect on someone.

Mr. Millhouse: You seem pretty sensitive about it!

Mr. CLARK: The honourable member for Mitcham is not in a position to judge sensitivity. I claim that I am much more sensitive about remarks than is the honourable member. I am not sensitive about his remark because I am sure that most people realize that talk about 36 faceless men is silly. It is a long while since we have seen two Ministers in the one debate coming to the defence of the Government. Obviously they thought that some defence was necessary, as indeed it was. I appreciate the Minister of Works (Hon. G. G. Pearson) rising on this issue, for he probably realizes, as do the rest of us, that other Government members who have spoken in this debate have not attempted to answer the case that we have advanced. They have simply wandered all over the place arguing about something that really does not come into it at all. The Minister attempted to do that but all he could give us was a political argument which, of course, this matter is not. What is the issue here? I have risen to speak as a member of the Parliamentary Labor Party Executive, of which I am proud, and I, too, was present when the conversation took place with the gentleman who, according to the Premier, has had no opportunity to state his case or to give reasons for his action.

All of us remember how the Stirling by-election took place as soon as possible so that the member for Stirling could take his place here and vote in accordance with his principles, after having been declared elected, sworn in and given the opportunity to do so. I have no complaint with that; nor have I any complaint about the member for Stirling. The only thing against him is his political viewpoint, but he is entitled to that as well as I am to mine. If it was convenient for that honourable gentleman to have the opportunity to take his place and to vote in this House at the earliest possible moment on that occasion, so too should it have been convenient on this occasion. Why has that not been done here? The Leader of the Opposition has been told and so has the Speaker. Indeed everybody

had been told except the Premier, it seems, and apparently when he was told he did not hear it. The Premier told us quite definitely that we did not know the details. With great respect, Mr. Speaker, you told us the details and may I compliment you on the way you did so this afternoon, for I believe that it was in the true tradition of worthy Speakers in this Chamber. It appeared to me that the Premier called you a liar.

The SPEAKER: Order!

Mr. CLARK: I know he did not say that in so many words but he obviously did not believe the story that you had told him as to the reasons given by the Returning Officer for the State. The member for Mitcham referred to the learned gentleman and used such words as "no opportunity to explain". There again, you have given him the explanation, and so has the Leader of the Opposition, but I do not expect members opposite to believe the Leader. I know that he is a truthful man but they apparently have their doubts about it. In all fairness to you, Mr. Speaker, when you rise to make a detailed and careful statement your remarks should be believed. I certainly believe them. We of the Opposition, at least, were well aware of the approaches that you made to the Returning Officer for the State and appreciate them. The Premier this afternoon made what would possibly be his most humorous remark in the House this session when he talked about granting a pair.

Mr. Ryan: That is the joke of the century.

Mr. CLARK: I find it hard to believe that a pair can be granted in respect of a member who has not yet been sworn in as a member of Parliament. When the Premier started to say that he would help us out I thought he would say that he would be only too happy to adjourn the House for the day, and then the member for Semaphore could be present tomorrow to take part in proceedings. If the Government is sincere and wants to hear the story from the Returning Officer for the State it has the numbers on its side of the House, so let it adjourn this debate and invite the honourable gentleman concerned to the Bar of the House to explain his motives. I think honourable members, including the Premier and the member for Mitcham, would be only too happy to apologize to you, as the Speaker in this place, and to the Leader of the Opposition for doubting your word concerning the actions of the Returning Officer for the State in this matter. I, of course, support the motion.

Mr. FRANK WALSH (Leader of the Opposition): I always try to avoid interjection when a speaker is on his feet. Frankly, I admit that I was not the least perturbed at the suggested date of the by-election as either October 3 or 10. I indicated my preference for October 10 because I had been informed that the Government had decided to make a pre-selection to contest that by-election. However, I was reminded that the Monday following that weekend was a public holiday which could have had some bearing on the election, so, whilst I realized that a football final was being held on October 3, I believed that the people could vote quite normally on that day. I notice that the Minister of Works went out of his way in an endeavour to justify his opposition to this motion, and he referred to the "umpire". I am concerned with only one umpire and that is the people. I have always advocated, except on one occasion, the Party system of Government, whereby the Party elected with the greatest number of members forms a Government. This is the only place that I know of under the Party system of Government where the Party gaining the greatest number of votes is denied the right to form a Government. I do not know what conniving the Minister or any other member of his Party did. The result speaks for itself, so I do not think we need to go into the question of the umpire in this matter. I do not think it is necessary for me to go out of my way to tell the Government everything that will be going on; I do not think I am here for that purpose. Every time I do something regarding a matter which I believe needs rectification, I am accused of doing something else. Well, I have taken a fair bit during this session and I am prepared to take more, but when it comes down to a question of personalities I think I am entitled to draw the line somewhere in these matters. Regarding the matters raised by the member for Onkaparinga, I have never heard of anything so crooked in all my life.

The SPEAKER: Order!

Mr. FRANK WALSH: The honourable member referred to the member for Wallaroo. My understanding throughout the whole of this Parliament has been that if any member was genuinely absent because of sickness he would get a pair, and that if any Minister of the Crown was away on important State business he would also be granted a pair. Let the Government deny that that is so. I told the Whip that this Party would not agree to an

such arrangement in the case of some member walking out because of the vacancy, for I do not ask anybody to do something I am not prepared to do myself.

Regarding the comments of the member for Mitcham (Mr. Millhouse), I wish to state that I respect this Parliament; I do not go outside and make statements as the honourable member did. I had ample opportunity to go to the press yesterday about this question, which was a rather burning one, but I reserved my remarks for this place. I will always ask the Minister in charge of a department or the Government itself to defend an officer. After all, the Returning Officer has been appointed by the Government to do a certain job. I have already spoken of what happened at the Stirling by-election. In this case my colleague, the member for Norwood (Mr. Dunstan), was asked to give a legal interpretation. We can come to no other conclusion than that the member for Semaphore, who has rightly won the position, should have been treated in exactly the same way as the member for Stirling, and that was our contention all the way through. We were not considered on that matter, for what reason I do not know. Whatever the challenge may be, I accept your explanation, Mr. Speaker, that it was your intention that the new member for Semaphore should take his place here as soon as it was practicable, according to the result of the election.

When I spoke to the State Returning Officer yesterday I reminded him of what happened at the Stirling by-election, but he did not seem to be the least concerned. I do not know whether Judge Gillespie had jurisdiction in that particular matter or whether somebody else determined it in his absence. All I can say regarding the present by-election is that the result was known Saturday evening and it was obvious then that it could not be upset. In those circumstances, there was every reason for the declaration to take place yesterday and not tomorrow afternoon. I believe there has been a miscarriage of justice in respect of the electors of Semaphore.

The House divided on the motion:

Ayes (17).—Messrs. Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hutchens, Jennings, Langley, Lawn, Love-day, McKee, Riches, Ryan, Frank Walsh (teller), and Fred Walsh.

Noes (18).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Harding, Heaslip, Laucke, McAnaney, Millhouse, and Nankivell, Sir Baden Pattinson,

Mr. Pearson, Sir Thomas Playford (teller), Mr. Quirke, Mrs. Steele, and Mr. Teusner.

Pair.—Aye—Mr. Hughes. No—Mr. Shannon.

Majority of 1 for the Noes.  
Motion thus negatived.

## QUESTIONS.

### PETROL.

Mr. CASEY: In reply to a question in the Commonwealth Parliament recently (according to a newspaper report) the Minister for Trade and Industry, the Deputy Prime Minister (Mr. McEwen), announced that his Government would introduce a petrol subsidy so that the petrol prices in rural areas would be not more than 4d. a gallon above city prices. Has the Premier information regarding that statement?

The Hon. Sir THOMAS PLAYFORD: No. I hope to have the information for the honourable member tomorrow.

### WOOL PACKS.

Mr. HARDING: A news item from Canberra stated that the South African Wool Commission was sponsoring promising trials with strong paper wool packs weighing about 10 lb. that might be pressed for shipment with 300 lb. of raw wool and that a big part of the South African wool clip was now being shipped in the new containers, which were rapidly becoming more popular. Should the paper wool packs now on trial prove satisfactory, will the Minister of Forests investigate the possibility of having similar wool packs manufactured in South Australia?

The Hon. D. N. BROOKMAN: I will examine the position.

### DARLEY ROAD FORD.

Mr. JENNINGS: I have been approached by a number of my constituents regarding what is described as a ford over the Torrens River at Darley Road. Because of the excessive rain it has lately been flooded and many cars have become stuck in the middle of the river. A few children have been swept off their bicycles and one boy was almost drowned as a consequence. I have raised this matter with the Minister of Works, representing the Minister of Roads, and with the office of the Minister of Roads, and I believe that a reply is available.

The Hon. G. G. PEARSON: The honourable member informed my colleague about this. I have a rather lengthy report which I shall not read in full. The first point made in the

report is that this is a district road and therefore not under the jurisdiction of the Highways Department. A number of such roads run towards the river and have similar circumstances associated with them. The Minister of Roads reports:

The Highways Department has no plan at all for a bridge at this point at the moment, but it is possible that a major interchange will be scheduled near to this point on the new North-East freeway, when obviously the department will become interested and will co-operate with the local government body.

#### BLACKWOOD SCHOOLS.

Mr. MILLHOUSE: From time to time over the last few months I have raised with the Minister of Education, both in and outside the House, the question of an access road to the new Blackwood High and Primary Schools. I last mentioned the matter on September 1, when the Minister said he had not yet received from the Public Buildings Department an estimate on the cost of the access road. Last week I saw in the *Coromandel* (the local paper) an announcement by the Deputy Director of Education that the estimate had been received from the department and was being considered by the Minister. Will the Minister authorize the acceptance of the gift of the land by Mr. Ashby and the construction of the access path?

The Hon. Sir BADEN PATTINSON: An estimate was received by the Education Department and considered departmentally. I received two recommendations, one from the Superintendent of Primary Schools and one from the Deputy Director of Education. Neither of them favoured the request, which they considered was unwarranted but, because of the honourable member's persistence on behalf of his constituents and because of the publicity given in the local newspaper, I deemed it prudent to refer the matter to Cabinet. This I did, and Cabinet unanimously decided to take no action in the matter.

#### EYRE PENINSULA RAILWAY SERVICE.

Mr. BOCKELBERG (on notice):

1. What progress is being made in re-laying the railways on Eyre Peninsula?

2. In view of good seasonal conditions, does the Minister consider that the railways will be able to handle the coming harvest?

The Hon. G. G. PEARSON: The Railways Commissioner reports:

1. Miles relaid: 1950 to 1954, 4 miles 42 chains; 1955 to 1959, 19 miles 10 chains; 1960 to 1964, 67 miles 60 chains. It is planned to re-lay 20 miles a year if practicable.

2. Yes.

#### PUBLIC WORKS COMMITTEE REPORTS.

The SPEAKER laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Brighton Boys Technical High School,  
Outer Harbour Passenger Terminal.

Ordered that reports be printed.

#### FESTIVAL HALL (CITY OF ADELAIDE) BILL.

The Hon. Sir BADEN PATTINSON (Minister of Education) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Power to construct Festival Hall."

The Hon. Sir BADEN PATTINSON (Minister of Education): I move:

To strike out subclause (5) and insert the following new subclause:

(5) Notwithstanding any provisions of the Local Government Act, 1934-1963, to the contrary, the council is by this Act authorized to borrow such amounts of money as may be necessary to enable it to contribute towards the cost of the construction and provision of the Festival Hall in accordance with the provisions of this Act.

Due to a misunderstanding between the Parliamentary Draftsman and representatives of the Adelaide City Council, no provision was made giving the council authority to borrow such sum as might be necessary to enable it to contribute towards the cost of the construction and provision of the festival hall without a poll of ratepayers. Accordingly, this amendment gives the council the same power as it already has under the recently passed Morphett Street Bridge Act. The Lord Mayor, the Town Clerk, and the Parliamentary Draftsman agreed that this provision should be inserted. The Lord Mayor and Town Clerk said they understood that that was the purport of the Bill. Therefore, it was requested that it be inserted and all members of the committee so recommended.

Mr. MILLHOUSE: Can the Minister say whether the question of the site for the hall was considered by the Select Committee and, if it was, whether any conclusion was reached on it? Secondly, were powers to be given to the Treasurer under subclause (3) considered and what, if any, views had the committee on this matter?

The Hon. Sir BADEN PATTINSON: I answer "Yes" to both questions. The primary purpose of the committee was to ascertain whether there was opposition to the Bill and, if there was, to examine the nature, scope and validity of such opposition. Immediately after its appointment, the committee advertised in the *Advertiser*, *News* and *Sunday Mail* inviting interested persons to give evidence. My statement inviting witnesses to give evidence received wide publicity in the press and on radio and on television. Although 15 witnesses appeared before the committee, no-one opposed the Bill or the proposals embodied therein. However, there was a divergence of opinion about the site recommended by the Lord Mayor's Cultural Committee and approved in principle by the Adelaide City Council. Objections were raised whether it was the most aesthetic site, whether it was sufficiently close to other cultural institutions on North Terrace and, also, from a more practical utilitarian point of view, whether it was the proper location for the many patrons who would journey to and from it on foot, or travel by railway, tram or bus transport. The Town Planner gave valuable evidence on this matter. The President and another member of the Town and Country Planning Association gave constructive evidence on this matter, as also did some members of an architectural research group. There was no unanimity as to whether the Carlew site was the best. The Lord Mayor, the Town Clerk, and Professor Bishop, who is the artistic director of the Festival of Arts, were strongly in favour of this site, but, as I say, the Town Planner and some other witnesses were almost as strongly of the opinion that it was not the best site, for a variety of reasons.

The question of the word "Treasurer" being inserted in subclause 3 also received the attention of the members of the committee and we examined the Parliamentary Draftsman, the Lord Mayor, and Town Clerk concerning this matter. For a time we believed that we should alter the word "Treasurer" to "Government" or "Governor in Council" but on reflection we decided that there was no real substance in the objection. In many Acts the word "Minister" is used, and we know from practical experience that that really denotes the Government. We believe that the word "Treasurer" would leave the matter in safe hands.

Amendment carried; clause as amended passed.

Clause 4—"Vesting and control of Festival Hall."

The Hon. Sir BADEN PATTINSON: Although the report of the committee is on honourable members' files they would not yet have had the opportunity to discuss it. We were concerned with the care, control and management of the hall, and after investigation we considered that it was right and proper that these remain vested in the City Council. We also considered that as this was to be a joint venture between the Government and the council there should be a more adequate liaison between Parliament and the council. Secondly, we were influenced by the evidence of expert witnesses in that great care should be taken concerning the hall's architecture or the architectural ability of persons selected to construct the buildings, and we considered that now was the time to have the widest possible advice concerning this aspect.

The Select Committee considered that the personnel of the Lord Mayor's Cultural Committee was excellent already but that it would be strengthened by the addition of an additional member of the House of Assembly, preferably the member representing the City of Adelaide, whoever he might be in either the present or the future, and that the committee should continue to function as an advisory body to assist the council first in the location and then in the construction and administration of the hall. We did not include an amendment to that effect here but I would add as an addendum that we recommend that the Committee pass clause 4 having in mind when we are publicly making that recommendation to the Adelaide City Council.

Clause passed.

Clause 5—"Financial provision."

Mr. RICHES: On the second reading I drew attention to the different treatment which this Government is prepared to mete out to various parts of the State when it comes to catering for the cultural requirements of the community. Although I have no objection to the Government's assisting the City Council in establishing a festival hall, I again appeal to the Government that it reconsider its attitude towards efforts in the country to provide facilities for cultural activities in country areas. At this time when we are voting £500,000 as a gift and £500,000 at a much reduced rate of interest to cater for the cultural activities of the State just in the metropolitan area, the Education Department is cutting down on expenditure and therefore certain activities in country centres. Last week the Minister of Education handed me a list of provisions that



are recommended to be made at the Port Augusta Adult Education Centre. I noticed all the promises that had been made regarding a suitable hall and cultural activities had been removed from that list and that concentration had been placed on the training of apprentices only. Of course, in no part of the State have local government bodies been able to get even a loan at a preferential rate of interest, let alone a grant towards the establishment of a hall of any kind. Certain communities are faced with the necessity of providing halls, not necessarily on a grand scale, but halls to which people can go for any activities such as symphony concerts by visiting orchestras and concerts which, by reason of assistance given through the Elizabethan Trust, are being taken to country centres. Difficulty is being experienced in arranging for suitable accommodation for artists performing in such concerts. This Bill has been considered by a Select Committee, so I do not think we can object to this clause. We look to the judgment of that Select Committee regarding whether or not the State can finance this festival hall, and that committee reports that we can. I expect that its assurances cover an assurance that our experience will not be similar to the one in New South Wales. If the State can finance this hall, then we are all pleased about it.

I urge that the Government consider making similar provision and showing the same concern for other people who are just as interested in cultural activity. I refer to those people in some country places who are interested on a percentage basis (I think it has been demonstrated) probably more than the people in the city.

The Hon. Sir BADEN PATTINSON: Any persons who opposed the Bill or any of its proposals were invited to give evidence. Despite that wide publicity in the press, on the radio and on television, no person in the whole of South Australia came along and gave any evidence or submitted anything in writing in opposition to the Bill. The whole of the 15 witnesses from a wide diversity of occupations who came along were all emphatic in their support of the Bill and all its provisions.

Doubts were expressed by several competent witnesses as to the feasibility of obtaining a world-class festival hall, including all the necessary appurtenances, for the cost of £1,000,000 envisaged in the Bill. Some witnesses said the cost might even be nearer £2,000,000 when all the amenities and facilities were finally added. However, it was never contemplated that all

these facilities and amenities would be included at present, any more than it was contemplated by the Education Department, and particularly by the Minister of Education, that all these amenities and facilities would be included in the Port Augusta Adult Education Centre at the outset. I assure my friend, the member for Stuart, that the letter that I wrote to him last week telling him what was envisaged for that centre at the very outset showed the practical and utilitarian aspects of it, but I reserved the right (and if I am still in the position I make the promise so that it is recorded here and now) to have those other amenities added as soon as it is humanly possible to do so.

Clause passed.

Bill read a third time and passed.

#### METROPOLITAN AREA (WOODVILLE, HENLEY AND GRANGE) DRAINAGE BILL.

Returned from the Legislative Council without amendment.

#### PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 1. Page 1200.)

Mr. LAWN (Adelaide): The member for Mitcham (Mr. Millhouse) spoke on this matter last Thursday. However, I thought his was a most uninspiring speech, one of his worst efforts ever on legislation for the continuation of price control. It was not until the last sentence of his speech that he seemed to put any vigour into his remarks. His last sentence was, "I intend to oppose it as vigorously as I can." The member for Port Pirie (Mr. McKee) has done much boxing in his time, and he will agree that no fighter leaves it until the last round to take the offensive: he takes the offensive right from the start.

The member for Mitcham, during the course of his remarks, threw out a challenge to me: he said that the member for Adelaide would be Little Sir Echo to the Premier in support of this Bill. I do not necessarily follow anyone, and I make no apology for supporting this Bill. I accept the honourable member's challenge, and I say that the member for Adelaide is now ready, willing, and able. The member for Mitcham said:

The reasons I have given in the past still stand, and they have not been impeached at all.

He gives no reason for opposing the Bill on this occasion. I have examined the reasons he gave in the past to find out what they were.

I shall mention them to refresh the honourable member's memory. In 1962, he said:

That is all I want to say on this, but perhaps I can briefly sum up why I oppose price control again this year. First, I believe it is unfair to some manufacturers and merchants who are controlled. There is no more reason why their profits should be controlled than those of people who manufacture and sell articles not under control. Secondly, this is not really price control at all—it is profit control. The fact that the Prices Commissioner calls for balance sheets and uses them proves that. Thirdly, price control has not been effective in keeping down prices in South Australia. Our living costs are much the same as those of other States. Fourthly, the South Australian economy is part of the Australian economy. The rest of that economy is not controlled and, therefore, it cannot possibly be effective to control prices in only one part. I remind members of the way in which Queensland has deliberately turned its back on price control—an example to us.

The member for Port Pirie interjected:

Do you agree with wage control?

The member for Mitcham ignored this and said:

I believe I have everything on my side except the numbers, but we shall see what they are when the House divides.

In 1963, the honourable member said:

I consider that I should briefly mention the six reasons why, on principle, I oppose price control. First, it is unfair to some manufacturers and merchants who are affected by price control, whereas others are not. Secondly, it is profit control, not price control. Thirdly, it has not been effective in keeping prices down in this State. Our cost of living is much the same as that in other States that have abandoned price control. Fourthly, South Australia is the only part of Australia (it is an Australian economy as a whole, not six State economies) continuing this control, as other States have abandoned it. Queensland is the last State to do so and there seems to be no disposition in other States to resume control. It is a telling argument against those put up annually by the Premier and the Prices Department in favour of price control. Whether the other States have a Labor or Liberal Government, they have not re-imposed price control. So much then for the imagined benefits of it. Fifthly, it is a waste of time and money, and a greater waste of private time and money than of departmental time. It is a waste that cannot be computed in any way. Sixthly, it interferes, I believe unduly, with personal freedoms.

Later he said that seven reasons were given why price control should be continued. I fail to see any significance in the number of reasons. I know that the number of reasons could be enlarged in favour of price control. However, I remind the member for Mitcham that in 1962 he gave four reasons against

and in 1963 he gave six. I can understand why there would be a greater number of reasons as the years go by. In 1963 the honourable member said, referring to the Premier:

I think it is a pretty poor compliment to the House (if I may say so, with respect, to the Premier) that the reasons he dishes up to us every year vary.

In a similar speech in 1963, he said:

In his second reading explanation, the Premier said why these provisions had been included in this Bill. With the greatest of respect to him—and I always speak respectfully of and to the Premier—those reasons are entirely specious.

We know the respect that the honourable member holds for his Leader. We know what he does at Government Party meetings. The member for Rocky River, as Chairman of the Party, in opening the meetings says, "Shall we stand and sing our master's hymn?" This is what they sing—

The ACTING SPEAKER (Mr. Coumbe): Order! This Bill has nothing to do with Party meetings.

Mr. LAWN: They sing:

I worship thee, sweet master,  
And all your words I adore,  
And every day I will, I swear,  
Love thee more and more.

He goes on to say, "What does sadden me—

The ACTING SPEAKER: Order! I request the honourable member to confine his remarks to the Bill.

Mr. LAWN: Why don't you listen? I am reading the remarks of the member for Mitcham from *Hansard* of last Thursday:

What does sadden me is that the general tenor of all these reasons is that the traders and merchants and manufacturers in this State cannot be trusted to do the right thing and will do the wrong thing, the unfair thing, if they are given half a chance to do so.

The honourable member is a Tory and believes he has blue blood in his veins. Of course, he has none: all blood is red.

Mr. Bywaters: He was born with a silver spoon in his mouth.

Mr. Millhouse: That certainly is not true.

Mr. LAWN: The member for Mitcham wants to return to the good old days and I have, reprinted by courtesy of the *Adelaide Retailers Digest*, something which happened in the good old days. I hope I am in order in referring to this because this is a time when no price control applied. I shall not read the whole article, but I have extracted a few parts that would apply if we returned to the good old days, as suggested by the member for Mitcham. I shall refer to a copy

of office rules issued by an Adelaide firm in the year of grace, 1864, just 100 years ago. The name of the firm is Millhouse and Steel, but I am not suggesting there is any significance in the name "Millhouse". I shall quote the rules for the clerical staff of the Merchants and Ships Chandlers, Adelaide Town, 1864:

1. Godliness, cleanliness and punctuality are the necessities of a good business.

2. On the recommendation of the Governor of this Colony, this firm has reduced the hours of work, and the clerical staff will now only have to be present between the hours of 7 a.m. and 6 p.m. on week days. The Sabbath is for worship, but should any man-of-war or other vessel require victualling, the clerical staff will work on the Sabbath.

3. A stove is provided for the benefit of the clerical staff. Coal and wood must be kept in the locker. It is recommended that each member of the clerical staff bring four pounds of coal each day, during cold weather.

4. No member of the clerical staff may leave the room without permission from Mr. Millhouse. The calls of nature are permitted and the clerical staff may use the garden below the second gate. This area must be kept in good order.

5. Now that the hours have been drastically reduced, the partaking of food is allowed between 11.30 a.m. and noon, but work will not, on any account, cease.

Then, in the article, a list of new increased weekly wages is set out as follows:

Junior boys (to 11 years) . . . .	1s. 4d.
Boys (to 14 years) . . . . .	2s. 1d.
Juniors . . . . .	4s. 8d.
Junior clerks . . . . .	8s. 7d.
Clerks . . . . .	10s. 9d.
Senior clerks (after 15 years with the owners) . . . . .	21s. 0d.

The article concludes:

The owners hereby recognize the generosity of the new labour laws, but will expect a great rise in output of work to compensate for the near utopian conditions.

They were the good old days and the member for Mitcham would like to see us return to those days. There were no industrial laws then and the need for them brought about the start of the Labor Party in 1893. Some representatives of trade unions approached the Premier's grandfather and he said that if they wanted industrial laws they would have to put people in Parliament. Then the trade unions formed the Labor Party. Last Thursday the member for Mitcham also said:

. . . and I should be grateful for an answer from any other honourable member: why are some items and some services to be controlled and not others? Why should some trades be controlled and not all trades? To me it is one of the most unfair parts of the whole thing that some people should be subject to control and not others.

I agree with him, but he is not consistent. He believes that employee's wages should be controlled by the Arbitration Court but that traders, merchants and manufacturers should not be subject to control. He wanted to know why they could not be trusted to do the right thing. I have given one instance of that, but, no doubt, there are many others. The recent action of the Prices Commissioner has proved that the merchants, traders and manufacturers cannot always be expected to do the right thing. He would not have had to issue the order, to which the honourable member referred unless that had happened. We believe price control should be extended to cover all articles and services.

I draw the attention of the House to a particular instance. A general practitioner treats a patient for perhaps a couple of months and then refers him to a specialist. On the first occasion the specialist may spend half an hour with the patient and concludes that the patient needs tablets. He gives the patient a prescription for 30 tablets to be taken one a day. Instead of referring the patient back to the general practitioner for a repeat prescription, the specialist tells the patient to come back to him, and the patient then pays £3 3s. each time to receive a prescription for a further 30 tablets. That is daylight robbery. The member for Mitcham referred to an item in last Thursday's *News* stating that funerals and other services were to be recontrolled.

I have knowledge of an instance concerning the charges made by an undertaker to a woman whose husband had died. The woman asked the undertaker to provide the cheapest possible service as she did not have much money, and she wanted the plainest of coffins and a hearse only. The undertaker, when presenting his account, said that he had taken £5 off because he realized her circumstances. Will the member for Mitcham say how much that funeral cost? As he does not reply he apparently has no thoughts on the matter. The final account was for £75, and this, no doubt, points to the fact that the Prices Commissioner must have every justification for the action he has taken. The Prices Commissioner is not a law unto himself, as suggested by the member for Mitcham. Neither the Police Commissioner, in charge of the Police Department, nor the Railways Commissioner, in charge of the Railways Department, is answerable to a Minister. However, the Prices Commissioner makes recommendations to the Minister in charge

of prices, the Premier, and if these recommendations are not accepted they do not come into effect. The member for Mitcham said:

All members, including myself, would like to see prices lower than they are now. Everybody would like that (nobody likes rising prices) and it is very popular, of course, to try to reduce prices; but I do not think we should allow our quest for popularity to outrun our sense of what is fair and right.

He then objected to the reduction in the prices of soft drinks and ice cream. I do not support price control for the sake of adopting a popular attitude. I am not a politician or someone who will do or say something to gain support. My Party has a policy, and it believes that the only way of preserving the living standard of people and to ensure they get as much value from the pound as possible, is to control prices just as wages are controlled by the Arbitration Court. The workman has one commodity to sell, his labour, and the price of that is controlled. The trader, the merchant and the manufacturer have many goods to sell, and they should be controlled in the same way as are the wages of the labourer or the tradesman who produces the goods.

I have referred to the respect that the honourable member pays to the Premier in the House and in the Party room. We recently heard his outburst against the Prices Commissioner, not against the Premier. He has referred to this legislation as profit control, and that seems to be one of his greatest objections to this Bill. Within the last year or two the member for Port Pirie said that the member for Mitcham was the Liberal Party's "sugar bag" man. We are approaching an election, and obviously the member for Mitcham is ensuring by these outbursts against price control that when he goes to the traders, merchants, and manufacturers he will expect them to fill the sugar bag. On this occasion, no doubt he hopes to fill a wheat bag. The member for Mitcham complained about the judgment of the Commonwealth Arbitration Commission for increasing the basic wage by 20s. a week. He said that he had not read the judgment of Mr. Justice Nimmo but he particularly referred to the judgment of Mr. Justice Gallagher, one of the judges, he said, who believed that the increase should have been only 10s. In quoting Mr. Justice Gallagher he said:

Smaller adjustments made with greater frequency are preferable to substantial adjustments made after lengthy intervals.

The trade union movement fought tooth and nail against the employers' application granted by the court to stop the quarterly adjustment, as referred to by Mr. Justice Gallagher. We asked for the restoration of quarterly adjustments but this was refused. Mr. Justice Gallagher supported the trade union policy that there should be a greater frequency of wage adjustment instead of waiting for a lengthy period and making a substantial adjustment. The member for Mitcham said that the commission was split. With his experience as a barrister he must know that often judges differ but the majority decision prevails in all cases. In 1929 the union of which I have the honour to be a member went to the Arbitration Court consisting of three judges, Mr. Justice Beeby, Mr. Justice Lukin and the Chief Judge, Mr. Justice Dethridge. We submitted a case, called witnesses and gave evidence in support of a claim for a 44-hour week. Mr. Justice Beeby was in favour of the application but Mr. Justice Lukin, who sat through all the court proceedings with his eyes closed and never said a word, gave a decision against a 44-hour week, and the Chief Judge, who had the casting vote, said that he knew of no industry more entitled to a 44-hour week than the motor body-building industry but that, because of existing conditions, he would not grant the application unless the union agreed to adopt piecework. Courts consisting of three judges often bring down a split decision; the High Court itself often delivers a split judgment, but I discovered that whenever I cited a minority judgment in support of my case it was automatically ruled out, and I was told that no value could be placed upon it but only upon a majority judgment. I am sure that the member for Mitcham would realize that. Later on the honourable member said:

Up to the present soft drinks and meat pies and pasties have been controlled and now other articles have been controlled. As I am against price control, I do not agree with those items being controlled.

He also referred to the size, content or weight of the pies and pasties. I do not know whether the Prices Department has any control over the size, content or weight of pies and pasties although I would agree that a minimum be fixed in regard to each of those. I go to the races on a Saturday afternoon, generally in the derby enclosure, and in between races I like to have a pie with sauce and a cup of tea. That used to cost me 2s. 1d. and until

the recent re-control by the Prices Commissioner it had been increased to 2s. 2d. It is again 2s. 1d. but the honourable member seems to think that States such as Victoria, where there is no price control, are better off than we are. I had the pleasure last Saturday week of attending the races at Moonee Valley and I thought that in between races I would have my usual pie with sauce and a cup of tea. As I lined up in the queue on the first occasion I saw the price of a pie and said to my son-in-law, "Have a look at the price of pies; they must be a good size." He said that he did not think I would find them any different from the normal size, although I replied that they would have to be for that price. I went through with my tray and picked up my knife, fork and teaspoon and said to the girl, "A pie with sauce and a cup of tea, please," and when I went to pay I was told that it cost 4s. 6d.

Mr. Clark: How many pies did you have?

Mr. LAWN: One pie—4s. 6d. in a State like Victoria where there is no price control! If no other reason justifies price control, that does.

Mr. Coumbe: They saw you coming.

Mr. LAWN: Many other people paid 4s. 6d. for similar pies.

Mr. Bywaters: Was it a special sauce?

Mr. LAWN: No, it was ordinary tomato sauce.

Mr. Millhouse: People in Victoria do not seem to mind much; they elected the Bolte Government.

Mr. LAWN: I have seen 15,000 marching in protest against the Bolte Government in Victoria.

Mr. Bywaters: He is not prepared to go on with his income tax provisions, at any rate.

Mr. LAWN: We have been asked why, if price control has the many advantages that honourable members churn out in this House year after year when supporting it, it is not operating in any other State? In Tasmania the Government re-introduced price control legislation but it was rejected by the Legislative Council. I think that also happened in Western Australia. I believe that price control is still upon the Statute Books in New South Wales and Queensland, although it may not be applied there in practice. I remind the member for Mitcham that about a month ago 15,000 Victorian workers stopped work and walked to Parliament House to interview the Premier, Mr. Bolte, in protest against prices. Since then, General Motors-Holden's stopped

work last Friday week and again on Monday, and it has now completely stopped work in a protest by employees at the reduction in value of their wages. They have demanded £3 a week increase as a direct result of soaring prices in Victoria and the devaluation of money. I picked up the Melbourne *Sun* of September 15 to see how the companies were faring in Victoria, and of the 15 listed that day every one of them had increased its profit over the previous year by an average of nearly 50 per cent. That is what is going on in Victoria; dividends—or profits as the honourable member terms them—are being reaped in a State where there is no price control, but at the same time the wage-earner who, although he received a recent £1 a week marginal increase, has had more than £1 of his wages absorbed by increased prices. May I remind the member for Mitcham that the 15,000-strong protest to the Victorian Premier is pertinent to a meeting held in Australia Hall here recently. The honourable member said that only 100 were present although I believe it was a considerably greater number than that. If we had no price control here I believe that we would have had a demonstration by numbers approximating the Victorian mark.

Mr. Millhouse: How many did go to the meeting?

Mr. LAWN: I was not there.

Mr. Clark: Take the newspaper figure and double it!

Mr. LAWN: Yes. The member for Mitcham then referred to a statement by the Leader of the Opposition in the Commonwealth Parliament: "The States cannot effectively control prices." However, the Premier said, "My Government can and will control prices." The Opposition maintains that this State alone cannot effectively control prices. If the Prices Commissioner had control of all prices, I think he would do a good job, but we know there are many instances where he does not have full control of all prices. Effective price control can only be achieved by complete control throughout Australia, and that is what the Leader of the Commonwealth Labor Party meant.

Mr. Jennings: And that is what the Premier said when he was opposing our amendment to the Address in Reply.

Mr. LAWN: Yes. On that occasion the Premier made an identical statement to what we said in 1948 and what Mr. Calwell said in the statement referred to by the member for Mitcham. In 1948 the Commonwealth

Labor Government submitted a referendum to the people of Australia that the power of price control should be transferred from the State Parliament to the Commonwealth Parliament, and during that campaign statements were made in support of the carrying of that referendum along the lines indicated by the Leader of the Opposition on the occasion referred to by the member for Mitcham.

Mr. Millhouse: Unfortunately, I did not vote in the 1948 referendum.

Mr. LAWN: That reminds me that the honourable member said when he came in here that he did not have the experience or the intelligence to be a member of the Legislative Council because he was too young.

Mr. Bywaters: He did not have the senility, either.

Mr. LAWN: The honourable member is like Peter Pan, the little boy who refused to grow up. Unfortunately, the honourable member is no different today. One would only have to put a lace collar on the honourable gentleman and he would look just like Peter Pan; he certainly acts like him.

Mr. Clark: I think you are thinking of Little Lord Fauntleroy.

Mr. LAWN: The honourable member then referred to a statement by Mr. K. C. Wilson, M.H.R., and a statement by the Editor of the *Australian Financial Review*, and he said:

I do not suppose that all honourable members will agree with me simply because I quote that, but it is some comfort to me in this House to know there are others outside, anyway, who agree with the arguments I am putting forward.

Mr. Millhouse: It was a good point, though.

Mr. LAWN: On a previous occasion the honourable member, when speaking on price control, was very pleased that he had the support of somebody else. That person was none other than Professor Shrapnel, but the honourable member, in putting forward this alleged support, found that the professor exploded in his face! Then he selects people such as Mr. K. C. Wilson and the Editor of the *Australian Financial Review*, and claims that it is worth something to know they are on his side in this debate. The honourable member does not always agree with himself, either, for on another occasion he said, "In other words, South Australia still has the least price increase of any State." Right through this debate he has argued that price control in South Australia is not effective. He called upon Mr. Wilson and the Editor of the *Australian Financial Review* to support his view

that price control was not effective, yet only a few weeks ago he said, "In other words, South Australia still has the least price increase of any State." He was on that occasion justifying price control in South Australia.

Mr. Jennings: I think he was wrong both times.

Mr. LAWN: Of course he was. The honourable member is not consistent. He is talking to the traders, the manufacturers, and the merchants, hoping to get their support when he goes around with that wheat bag. The honourable member said:

In fact, it means that the Prices Commissioner or the Prices Minister (if we like to refer to Ministerial control) is above Parliament. He is not answerable to Parliament because we are never permitted to know the facts.

The honourable member is not consistent there, either, because he supports a policy that the Housing Trust, the Electricity Trust, the Municipal Tramways Trust, and the Railways Department are all above Parliament. It is the policy of this side of the House that all State instrumentalities should be answerable to a Minister, but the honourable member does not agree with us on these occasions. However, on this occasion he holds an opposite view just to suit his purpose. The honourable member then referred to the secrecy of price control. The honourable member, who is a barrister, said:

I remind members that in our courts of law it is competent for anybody to fight, not only for his liberty but for his property and his rights. No matter if it concerns only ten bob, anyone can go to law and get a hearing in open court, where all the facts are put.

Well, that is inexperience speaking again. I have appeared in cases and I have been interested in many arbitration court cases in which the unions have asked the court to demand the production of employers' balance sheets, but I have never known of one such application being granted by the court.

Mr. Loveday: That would cost your union a fair bit of money, too, wouldn't it?

Mr. LAWN: Yes, it would cost a great deal of money to present our case. Employers have said they cannot afford to pay an increase, that the competition between Australia and America is so keen that the weight of a feather would turn the scale, yet the courts would not order them to produce balance sheets. Therefore, we do not get these good courts that anyone can go to to fight for his liberty, his property, or his rights, or to get a good hearing.

Mr. Loveday: You don't mean to say they would believe in that secrecy the member for Mitcham is talking about?

Mr. LAWN: Yes, they apply that secrecy in the courts.

Mr. Millhouse: You seem to have had a good afternoon attacking the Courts.

Mr. LAWN: I attack anything that is wrong and unjust, and I have every reason to speak as I have spoken this afternoon, to uphold justice which we badly miss in South Australia.

The SPEAKER: Order!

Mr. LAWN: The member for Mitcham also said that price control was an unfair waste of public money. However, to my amazement, during the Budget debate the honourable member failed to attack the line providing for the Prices Department. Imagine my surprise when right before my eyes the honourable member sat down and let the line go by without any comment whatever.

Mr. Millhouse: You seem almost disappointed.

Mr. LAWN: I remind the House, having in mind the advocacy of the member for Mitcham, that we would be better off if we adopted a system such as that operating in Victoria. I understand that this is Wine Week, and I think there are some members on both sides of the House who are interested in the wine industry. I think we can sum up the honourable members words and his advocacy of "open go" by saying:

When you go out to dine, give away the wine; try a cup of tea, which might be free. I support the Bill.

Mr. CUMBE (Torrens): In rising to support this Bill I suggest that it might be a good idea to get back to the provisions of the Bill, which sets out to do two main things: to extend price control administration for another year, and to extend and tighten up certain provisions inserted in the Act last year dealing in the main with certain trade practices. First, I want to say that I support the re-enactment of this legislation this year, because I believe it is in the best interests of many people in my district. Many of my constituents benefit from the provisions of the Bill. The extra provisions in it dealing with trade practices are necessary because it has been proved that, since the introduction last year of certain provisions, the curtailment of certain malpractices has, to my knowledge, worked well. However, further provisions are necessary to tighten and intensify the work being done.

Mr. Millhouse: Don't you think that they could be included in a separate Bill?

Mr. CUMBE: The honourable member may have a point there, but as we are now debating this Bill I shall deal with it. The member for Mitcham could move to have certain clauses in the Bill included in a separate Bill.

Mr. Millhouse: Don't you think it is a trick to bolster price control?

Mr. CUMBE: As I said at the outset, I shall support the Bill, so the honourable member can draw his own conclusions from that. I know he has certain views with which I do not agree entirely and he has expressed himself at some length on them recently. It is apparent that some goods are advertised for sale today at various establishments in the city and suburbs and, possibly, in the country, below the cost of the normal selling price, and this is done solely to get people into the store where they are induced to buy other commodities. That is understandable. Such special offers are often made where the goods are either not available or are in varying limited supply. I have known of instances where very few of these articles have been available, yet it has been freely advertised that they are available. Without doubt, much misleading advertising has been practised and bargains offered (quite unusually cheap bargains) simply to get customers into the store to induce them to buy other goods. Sometimes people are asked to buy cheap lines, or cheap lines are available to them, but only when they buy dearer goods that they would not normally buy.

I suggest that some clauses we are now considering go a long way towards softening some of these malpractices and I do not believe that such clauses would interfere unduly with normal trade practices where a person can keenly cut his prices on a competitive basis. I do not believe any member would object to that; it is normal for a keen trader to do that. I believe this legislation is making the practices that I have referred to illegal and that it is in the interests of the buying public as well as the genuine storekeeper. The Government considers that this legislation is necessary and that is why it has been introduced. It furthers the Government's avowed principle, which has been stated on many occasions, of ensuring protection and fair treatment for all sections of the community and especially for the small buyer and the small shopkeeper. I should be the first to

criticize the Government if it did not bring in such protective legislation. I do not know whether the member for Mitcham would agree with me on this point, but I believe that the Government should introduce protective legislation and I am glad that it has.

Mr. Millhouse: Would you care to express an opinion on the question of the recontrol of men's hairdressing prices?

Mr. CUMBE: All I know about that is that certain items have appeared in the daily press. I do not know on what authority they have appeared. I have also seen that boy's haircuts are to be 6d. cheaper on week days. I am afraid that, even if one has less hair, one still has to pay the same price as would be paid by a person with a delightful head of hair like that of the member for Onkaparinga (Mr. Shannon). I believe it is necessary to protect small shopkeepers in the community who play a large part in family and community life. We should support legislation such as this that will tend to protect and retain in business the small trader who is so necessary to us. We often hear the phrase "the small shop around the corner". It may be the small shop around the corner or a little larger one, but it is the small trader who is suffering today. He is a man who tends to give personal or individual service and in these days, when not many deliveries are made, he is often the only man who is prepared to provide home deliveries. He needs supporting. I have seen in my district (and no doubt other honourable members have seen this too) small shops forced out of business because of the advent of the larger supermarkets, some of which do a good job and some of which do not. I have seen many small shops being forced out of business. Some of them are owned by a man and his wife who have put all their earnings into a shop, and have saved diligently for this, only to see their business disappear within a few months of the opening of a big establishment in their area. The tragedy is that so often the cut prices that force the small man out of business are raised as soon as he is out of business. I am not criticizing all large business houses or all supermarkets in this connection because I have taken advantage of some of the services they have provided when doing my household shopping. However, I have seen unscrupulous conduct cause much distress and hardship to many people in my district and I want to see it stopped. Therefore, I support

the Bill, which will halt some of these bad features and give better protection to many individual shopkeepers in my district and in other districts.

I believe that assistance should be given to some small shopkeepers in the circumstances I have described because so many of them are ruined by lost-leader selling, which is the term used in the trade by the large State-wide and, in some cases, nation-wide stores. Commercial history has shown that price-cutting on a large scale generally results in the survival of the financially strong whose urge to assist the consumer with lower prices weakens considerably the position of the small competitors and causes their disappearance through unfair trade. I have seen this happen in the metropolitan area where many traders have made a good living. What happens is that a large organization comes within a few hundred yards of a smaller store and deliberately cuts prices to force the small trader out. Immediately the trader is forced out, up go the prices again. I don't want to see that type of thing continuing.

Today, with the growing power of monopolies, the small business man is finding it more difficult to survive and prosper. I have seen small traders who wish to introduce a self-service system: it represents many problems in providing equipment, self-service refrigerators and display counters, and in many cases the shop is not suited as it does not have sufficient floor space. Hardships are common among these smaller traders. The strength and initiative of industry and commerce in this country have sprung from the small but enterprising firm that works hard with a determination to turn a small business into a successful enterprise. Some small businesses may not be as efficient in some respects as are the larger organizations, but their continued existence in the community is socially desirable to prevent the larger, well-established corporations and supermarkets from obtaining a stranglehold over the consumer. If the small man disappears little alternative will be offered. The small man around the corner, if working on his own or with his wife, is prepared to stay open at all hours. If children want a bottle of lemonade in the evening he is open, but the supermarket is not prepared to stay open to give that service.

Mr. Millhouse: You would favour relaxation of the Early Closing Act the way you are speaking?

Mr. CUMBE: The Early Closing Act has much merit and should be and, no doubt, is



enforced. Certain establishments, like delicatessens and other small businesses, provide a real service to the community but do not sell lines that are prohibited from sale after hours.

Mr. Fred Walsh: You subscribe to the system that they should not sell prohibited articles?

Mr. COURCELLE: I agree that certain lines should be sold but I subscribe to the principles of the Early Closing Act for other lines.

Mr. Millhouse: You are so enthusiastic that you sound as though you would like them to sell everything.

The Hon. Sir Baden Pattinson: That should not be a fixed and an arbitrary limit for all time?

Mr. COURCELLE: The proprietors of many small shops in the suburban areas would be pleased to sell many goods if they were allowed. The member for Adelaide dealt, in the main, with the speech of the member for Mitcham, and the member for Mitcham dealt mainly with the last clause that inserts "sixty-six" in lieu of "sixty-five".

Mr. Millhouse: The honourable member will agree that that is the most important clause in the Bill.

Mr. COURCELLE: It stands or falls on that clause, but I would have thought that the member for Mitcham would have spoken on the numerous clauses.

Mr. Millhouse: There may be a chance in Committee to do that.

Mr. COURCELLE: The Premier, in explaining the Bill, referred to many factors, but especially that of decimal currency. This Bill will be in force until 1966, and we hope that this legislation will be continued when decimal currency is introduced in February, 1966. That is a time when there will be much thought given to the change-over from our present currency system to decimal currency, and a time when there will be opportunities for malpractices to occur. We amended the Weights and Measures Act last session to include certain provisions in weighing and selling goods. In displaying goods or a price on them, there must be safeguards so that the consumer will know what he is buying and what price he will pay.

Mr. Millhouse: You don't believe the merchant can be trusted at all?

Mr. COURCELLE: I did not say that, and I am not having words put into my mouth. The member for Mitcham made a long speech and put forward his views, and now I am

putting mine forward. Clause 6 is an important one, providing for a ticket, label, placard or notice to be attached to goods. With the introduction of decimal currency, the price in both systems should be displayed as a guide to the consumer. The Prices Commissioner and his department should check prices to ensure that there is no abuse by certain merchants or sellers who may be taking advantage of the change-over to the detriment of the consumer. One practice that concerns me is selling sweets in small pre-packed cellophane packets. Previously, one asked for a shilling's worth of peppermints, and the shopkeeper ladled them out. Now they are pre-packed in packages that do not show the weight. Although this problem should be considered under the Weights and Measures Act, it also comes within the province of the Prices Commissioner.

Mr. Millhouse: How?

Mr. COURCELLE: The weight is related to the price, and these things should be in balance. I thought that sweets were sold at so much an ounce.

The Hon. P. H. Quirke: Unless they are in fancy bags.

Mr. COURCELLE: They should have the weight shown on them.

Mr. Millhouse: That is what the Minister is saying. He was in charge of that Bill.

Mr. COURCELLE: I am ensuring that there is no opportunity for malpractice.

The Hon. P. H. Quirke: That is being looked after.

Mr. COURCELLE: I am glad to have the assurance of the wide-awake Minister. In supporting this Bill, I am glad that two things are occurring: that this Bill is introduced to re-enact prices administration for another year, and that provisions are being made to protect consumers against certain malpractices occurring in the trade. Although my remarks may seem to have been devoted entirely to food shops, they apply in some measure to other traders and other types of goods.

Mr. Millhouse: Does the engineering business do this?

Mr. COURCELLE: That is not under price control. It is interesting to note in the latest figures the proportion of the total income of a family that is used for food and how much is devoted to other things. So it is essential that such legislation as this should be enacted, and enacted impartially and correctly for the benefit of the consumer. That is why I have pleasure in supporting the Bill.

Mr. LOVEDAY (Whyalla): It was pleasing to see the member for Mitcham nodding at the member for Torrens in his concluding remarks. Whether, of course, they were nods of assent or dissent one can only draw one's own conclusions.

Mr. Millhouse: Don't be too hopeful.

Mr. LOVEDAY: This Bill which re-enacts the prices legislation for another 12 months not only continues the legislation from this point of view but also contains clauses that deal with a number of other matters to which I shall refer later. I want to refer to remarks made by the member for Mitcham with reference to the reasons put forward by the Premier for reintroducing the Bill this year. The member for Mitcham seemed to think that the Premier's reasons varied considerably, and he drew attention to the fact that on this occasion the Premier gave seven reasons. I think I should draw the attention of the member for Mitcham to the fact that two of these could be said to relate particularly to the present situation. One of them, of course, deals with the traders' preliminary moves to take advantage of the changeover to decimal currency, and the other one is the recent increase of £1 in the basic wage and the fact that resultant price increases have been in many cases quite excessive. In other words, these two particular reasons relate to matters that are current issues, and they are therefore particularly good reasons. It is important that we look to the question of the traders' preliminary moves in relation to the changeover to decimal currency. Some while ago I drew attention to the fact that the proposal to make the dollar worth 10s., instead of 8s. 4d., was bound to produce situations in which traders could take considerable advantage of the changeover and make increased profits as a result of it.

The Commonwealth committee on decimal currency had reasons, of course, for not accepting 8s. 4d. as the figure for the dollar and those reasons may be good ones, but unfortunately the fact remains that by having the dollar equivalent to 10s. many opportunities will arise for traders to make a profit. In my opinion, already some moves have been made to increase prices so that the prices in question will be nearer another rise, which will be met by these traders when the decimal currency comes in. It was estimated some while ago when the question of the 10s. dollar was being canvassed, as against an 8s. 4d. dollar, that with a family of two adults and two children, on the

buying of ordinary commodities for the household every week, a distinct probability might occur that would enable traders to push up prices to the extent that such a family might incur a 6s. a week increase in the cost of living. There is not the slightest doubt that, with the Act being reviewed for another 12 months, the Prices Department will be in a position to at least meet some of this increase and to deal with it more effectively than had there been no price control at all.

The additional items in the Bill, apart from the re-enactment of the prices legislation itself, are aimed at strengthening the provisions relating to limiting the number of goods supplied to any one purchaser by a trader. A new section will require more informative ticketing of goods for sale to ensure that the notice shows clearly the full cash price in lettering no smaller than the largest lettering elsewhere on the ticket. On this side the Opposition has some further amendments designed to protect the consumers against restrictive trade practices, against unfair trade practices and also against misleading advertisements. As the member for Torrens has already remarked, these will be of considerable assistance to small shopkeepers and, indeed, I hope they will, although I fear that the scales are weighted so heavily against them these days, by virtue of near monopolies and association between companies, that they are barely preserving their position in the community.

As the member for Torrens has said, after the small shopkeepers have been eliminated from the scene it is often found that the people who eliminated them immediately put their prices up and take advantage of the situation in which competition has been reduced. The member for Mitcham, although he dealt extensively with the Prices Act, dealt with what I would call general terms concerning it. He never got down to actual facts in regard to the benefits, or otherwise, of prices legislation. He did not examine the question of whether the Prices Act or the department really was a financial advantage to the State. He merely discussed the matter in general terms and said that we should get rid of it as quickly as possible; he was totally opposed to it; "it was quite unfair and so, really, was of no value to anybody in the State." That was the general trend of his thoughts on the question. He did not examine it to see whether there was any financial advantage as a result of the functions of the Prices Department.

As far as I am concerned, there are three outstanding reasons why this Act should not only be extended but be made permanent. The first is the savings to the community in terms of the prices that consumers have to pay, and these savings are obviously many times more than the cost of running the department to the community. The Auditor-General's Report shows the cost of administering the Prices Department at £71,000, and if the member for Mitcham cares to work it out he can see, in the light of the millions of transactions that occur in connection with goods that are controlled, that the advantage to the State financially must be many times the cost of this department to the community. In fact, to recoup the cost of the department to the community one would need to have only about 1,000,000 transactions showing a benefit of 1s. 6d. on each transaction to the consumer to offset the cost of the department to the community, so it is obvious that the department, on a straightout financial basis, is a tremendous advantage to the State, and it shows a distinct profit to the community by virtue of its existence. The second most important reason is the knowledge that the Prices Department is actually in existence, which has a restraining effect on those business organizations that are out to raise prices to the limit that the market will stand. There are, in fact, organizations of that character; I am not including all business organizations in that description, but nevertheless the Prices Department's existence has a restraining effect on the activities of those that are evident.

Thirdly, apart from the work associated with price-fixing, the department's activities in investigating cases where consumers cannot get a fair deal with regard to the transactions that they have already made provide a valuable assistance to the community. I have had personal experience in such transactions and I found that the department has done and is doing an excellent job in seeking at least a measure of justice for people who are unable to get any consideration at all from the organizations with which they have had business transactions. The readiness with which some of these organizations will follow the Prices Department's requests and directions when all other approaches have failed indicates that they are restrained very much by the influence of the Prices Department. These three reasons are very good reasons indeed why this department should not only be maintained and kept on year after year but should be made a permanent part of the community and its organizations.

The member for Mitcham referred to the fact that the Leader of the Opposition in the Commonwealth House said that the States cannot effectively control prices. Well, we on this side of the House have never claimed that they could, and in this sense the word "effectively" obviously means the sort of control that would be adequate in all directions. We do not claim that State control of prices is adequate in all directions. It is quite obvious, when one looks at what is happening on the economic side, that control is far from adequate in all directions. However, it is far better to have a department which does the amount of good to which I have referred, and which has a tremendous influence in restraint regarding prices, than to have nothing at all.

I want to refer now, Mr. Acting Speaker, to some remarks made by the member for Mitcham in looking for what he calls a more detached observer regarding the question of price control generally. He quoted the Editor of the *Australian Financial Review* in a statement said to have been made as late as last Monday. The statement that he quoted was to the effect that blanket price control as a means of suppressing inflation was a negative proposition in peace time in a free-market economy which must depend on the pricing mechanism to signal its wants and allocate its resources according to its preferences, and that uniform price control's distortion of demand and supply forces must be expected to lead to chaotic situations of over-supply in some sectors and black market demand in others. The quotation went on to say that we should never contemplate such a defeatist departure from the market system. The honourable member quoted this as coming from what he called a detached observer, but, of course, those observations of the so-called detached observer are, in my opinion, observations which are quite unrealistic in today's situation. These observations suggest that we are still dependent upon the market system to determine prices, in other words, that the market system really does follow the law of supply and demand. I have not the slightest doubt that the law of supply and demand operates to a certain degree, but it operates only to a certain degree and only in certain cases, and it is that field of operations in which the law no longer operates about which we are most concerned and which quite distorts the picture drawn by the so-called detached observer.

I want to quote from the remarks of other observers, not so detached, perhaps, as the Editor of the *Australian Financial Review* but

observers with a very strong position in the business field. So far from being detached, it might be said that their views would be coloured by being a part of the business field. And, of course, I want to mention here that, with price control generally, the powerful business interests involved in our economic arrangements in Australia are strong advocates of price control, provided they fix the prices themselves. As I said, the observers I will quote are perhaps not so detached as the Editor of the *Australian Financial Review*, The Financial Editor of the *Sydney Morning Herald*, on December 7, 1962, said:

The natural end of business competition is to destroy competition, to suppress your rival, and each time you win a round you become strengthened and advantaged to win the next one.

That, of course, does not fit in at all with the views of the *Australian Financial Review*, the editor of which seemed to think that the law of supply and demand and the market situation alone determined prices. The second one I turn to is an editorial in the *Commerce, Industrial, and Mining Review* of August 1964. This editorial dealt with the question of Commonwealth legislation to control unfair trade practices, and although I do not propose to quote it in full, one or two lines in it are relevant to this situation. I am not extracting these lines because they give a different sense from the rest of the article, but simply because they are particularly relevant to what we are discussing. That editorial states:

It cannot be denied that industries in this country are falling virtually into the control of a few major companies who have swallowed up their rivals in the post-war years. In this regard, certain trade practices do prevent cut-throat competition which eliminates all but the powerful, who then control a whole field of enterprise.

Further on, the editorial states:

The Canadian committee on banking recently pointed out that free enterprise is about the last thing most businessmen want. By take-overs and mergers they seek to remove that competition and at the same time stultify free enterprise. The charge is a lesson for Australians.

Further on still the editorial states:

In their approach to the Federal Government, businessmen should be conciliatory and responsive to the challenge of any new legislation which will purify business. In this mood, it will gain the support of the public. It should attempt to guide the Government in its proposals, recognizing that in today's complex world the laissez-faire of the late 19th century is a dead gospel.

Listening to the member for Mitcham, one would imagine that he has still a strong adherence to the laissez-faire gospel of the late 19th century. No doubt when he does grow up regarding his economic outlook he might think along somewhat different lines in this matter. The fact is, of course, that there has been a tremendous growth of monopoly in Australia and also a tremendous growth of business association which has quite done away with the free market system regarding control of prices. This is shown in many ways. For example, looking at the number of Australian workers employed in factory establishments it is interesting to see how they have been steadily concentrating in fewer establishments. In 1923-24, 50 per cent of Australian workers were employed in about 6 per cent of the establishments in Australia. In 1942-43, 50 per cent of the Australian workers were employed in 3.9 per cent of the establishments, and in 1962 the same percentage of workers was employed in 3.1 per cent of the establishments. This shows a steady and growing concentration of workers in fewer establishments, caused by the take-overs, the association of companies, and the establishment of monopolies. Take-overs have increased rapidly in recent years, accompanied by issues of free bonus shares to shareholders—something for nothing, of course, on which these shareholders expect to receive the usual dividends, the same as they do on the shares for which they actually paid money. There is not the slightest doubt that this is affecting our price levels. I was interested to hear the member for Mitcham refer to the increase in the basic wage as one that he felt might have a very serious effect on the economy and its stability. However, I have never yet, during the years I have been in this House, heard him refer to some of the other matters that have such an effect on prices and on the stability of the economy.

I shall now refer to capital gains which have increased so much in recent years in Australia and, of course, which are further evidence of the growth of monopoly and company association. It is interesting to see that in 1960, 48 companies issued free bonus shares worth over £50,000,000 to shareholders on which, as I said before, those shareholders expect to get the usual dividends that they have been receiving on the shares that they previously held. In 1961, 25 companies issued free bonus shares worth £27,000,000 and in the aggregate this must be having a huge effect on the prices in our economy, but one never hears any criticism

of this from Government members. In the 1962 *Investment Review of Australian Companies*, in the estimate of a firm of Sydney Stockbrokers, it was noted that during the period October, 1951 to October, 1961 very many companies made great capital gains. I shall not weary the House by reading out the names of the companies and the capital gains that they made but, briefly, 13 companies in this list during the period October, 1951 to October, 1961, made an average increase in their capital gains for shareholders of £594 for every £100 invested in the year 1951. These capital gains range from £226 to £1,283 for every £100 worth of shares which the shareholders held at the outset of this period.

The aggregate effect of this distribution of capital gains to shareholders upon prices must be great in the whole economy. It is a factor that is definitely overlooked when we hear so much about the effect of the basic wage rise upon the economy. It is interesting to bear in mind the inquisition to which the wage earner is subjected by the Arbitration Court in relation to his standard of living. Every aspect of his standard of living is examined in the most minute manner before an increase is given and yet these companies make decisions in a manner which, in many instances, shows no signs of sensibility to the effect on the economy. They make them without being subjected to any form of control whatsoever. The capital gains so distributed are tax-free and are money for nothing. The people who receive them expect to get interest on their money for nothing for an indefinite period in the future.

If anyone cares to give this matter a little careful consideration he will see what a great effect it is having on prices in Australia. I believe that the highlight of this attitude towards capital gains can be seen in an article in the *Melbourne Age* of September 19 when, at a directors' meeting of the Broken Hill Proprietary Company Limited, a large shareholder was strongly critical of the present dividend rate of 7.7 per cent, which was named as the dividend at the meeting. He described that dividend as inadequate and unjust and said that the amount of profit being retained was excessive and deprived shareholders of capital issue opportunities. He expressed the opinion that the dividend should be raised from 7.7 per cent to 10 per cent and that there should be a one for four bonus share issue by March 31 next. He also urged that a one for 10 bonus issue be made whenever there was a surplus fund to cover the required dividend.

He said that the B.H.P. Co. Ltd. had been able to produce cheap steel for the Australian and oversea markets at the expense of the shareholders who had been deprived of a just return for the past 25 years. This shareholder's family is said to hold 317,000 B.H.P. shares and it is understood that they are the largest single shareholding family in the company.

It is interesting to note that in 1960 the B.H.P. Co. Ltd. made a free bonus issue of one free share for two shares held. This raised the paid-up capital from £64,000,000 to £96,000,000 and the company continued to pay the old rate of dividend on the increased capital. This is called capital but, of course, from a strict economic point of view it is not capital at all. There is a 50 per cent increase in dividends in addition to the tax from capital gain. This man is still not satisfied in the great increase in the value of his investment over the years. He wants more bonus shares handed out regularly and wants to get some dividend on them indefinitely. It is obvious from his remarks that he considers this is correct thinking and that it can be done without any adverse effect on the economy. I think the alarming thing is that this kind of thinking is taken as correct—that this type of thing can be done without an effect on the economy.

Mr. Riches: It is done in every company.

Mr. LOVEDAY: Yes. This is accepted over a wide field as being the correct thing to do and in the aggregate it must be having a tremendous effect on our economy in terms of prices. The wage-earner is from time to time lectured to the effect that he cannot possibly expect an increase in his wages without increased productivity and yet the very people who give him these lectures are those who accept money for nothing by means of their bonus shares. They are not taxed on them and they expect to get the same dividend on their bonus shares as on their other shares; yet they have the nerve to lecture wage-earners and tell them that they cannot expect any increase in their wages unless they increase productivity. In other words, something for nothing is taboo to them.

In fact, the average working man knows jolly well that he does not get anything in this world honestly unless he works for it. You have to apply your labour to materials in order to produce something and unless you do there is no result, but these people want

their results without doing anything. I emphasize this because we never hear from these people, who are criticising the continuance of price control, any criticism whatsoever of this aspect of the economy. It is becoming an extremely serious one, particularly when a shareholder with this enormous quantity of shares, who has been in receipt of bonus shares, wants even more and thinks that the directors are not doing the right thing. He believes they should not only give him regular bonus shares but also raise the dividend rate, and it is simply astonishing that this viewpoint can be accepted as being sound by people who pose as business consultants and sound businessmen.

Mr. Riches: He advocates an increase in the price of steel to do it.

Mr. LOVEDAY: Yes.

*(Sitting suspended from 6 to 7.30 p.m.)*

Mr. LOVEDAY: I notice, too, that apart from the question of the distribution of bonus shares the major companies in Australia have been doing particularly well of late, and the results for 1963-64 show that about three-quarters of the main companies have achieved increased earnings and about one-third have raised their dividend rates. A recent stock-brokers' review listed 10 well-known companies whose profit rise in each instance was 20 per cent or more in the last year, and in each case the earning rate and the dividend had been increased. The percentage rise in these companies in the net profit ranged from 20 to 78 per cent, with an average rise of 45 per cent, and the percentage rise in the dividend ranged from nine to 40 per cent, with an average rise of over 20 per cent. This, of course, shows that, despite all the talk that we have heard about the effect of an increase in the basic wage on the economy, actually other things are having a serious effect on prices and the economy generally.

The member for Mitcham (Mr. Millhouse) referred to the powers possessed by the Prices Commissioner and complained that the Prices Act gave the Commissioner and his officers enormous power and authority. I think he quoted sections 8, 9 and 10 of the Prices Act. He described this power as almost irresponsible but I point out to him that it is quite clear, in view of the way in which a number of associations of companies endeavour to defy the Commissioner from time to time, that without these powers he would have little hope of doing an adequate job with price control. There is not the slightest doubt that

these powers are given to the department to ensure that its work can be effectively carried out.

Mr. Millhouse: Of course, there are provisions in the Act for the formation of committees on various commodities. Don't you think that that would help?

The SPEAKER: Order! The honourable member for Whyalla.

Mr. LOVEDAY: I think we have plenty of evidence of the recent behaviour of some business organizations to show that these powers are necessary. I agree that they are powers that are to some extent extraordinary. I agree also that in this set of circumstances they are necessary for the department to carry out its work. Then the honourable member complained of the secrecy of much of the department's work. The business organizations themselves would be the first to complain if the details of the department's investigations were not confidential. If the department did not pursue its business in this manner it would be lacking in the efficiency it has today.

I cannot help comparing this aspect with the manner in which companies decide matters of tremendous importance to the economy. They decide them in private with no surveillance from any authority with power to deal with the question from the point of view of the effect on the economy. They are able to make very important decisions completely in private, yet I have never heard any complaints by the honourable member about the effect of any of those decisions.

My experience of the Prices Department has been a good one. I have found the department a great help to many of my constituents, particularly in achieving for them some degree of justice in many hire-purchase transactions and other transactions in which the consumer has been unable to get reasonable and fair consideration from the business organization concerned. In my opinion, the department always endeavours to be absolutely fair in its dealings with business organizations. It certainly does not unduly favour anyone who has difficulty in securing reasonable and fair consideration from a business organization. I have never known the department to lean unduly one way or the other in giving fair treatment in any case I have put before it. I have heard none of the complaints made by the member for Mitcham about the department, and I have always found its officers co-operative and reasonable in every way. I have much pleasure in supporting the Bill.

Mr. HUTCHENS (Hindmarsh): I, too, support the Bill. So many good speeches have been made in its support that it is almost unnecessary for me to speak, but as I have risen to deal with one aspect I shall deal also with one or two others. The Bill has been introduced to do three things, the first of which is to continue price control legislation for another 12 months, which I believe for more than one reason is necessary. It is necessary particularly for the reason given by the Premier, who said that the measure would carry us over the period of conversion to decimal currency. As explained by the member for Whyalla (Mr. Loveday), there is no doubt that many people will try to take advantage of the change-over if there is not some form of control.

The second proposal in the Bill is that the Public Service Commissioner will be able to refer to the Public Service Arbitrator salary claims made by officers of the Prices Department. The third provision relates to limits on purchases and "gimmick" ticketing. I intend to deal only with the first and third proposals. The necessity for the continuation of price control is obvious to those who have seen the recent actions of people that have made it necessary for the Prices Department to bring back many commodities under control. I do not know that I need elaborate on that point, because many members have already spoken about it. My remarks will be directed mainly to the proposal to deal with the ticketing of goods and to wipe out some of the "gimmick" advertising that is becoming so prevalent. As the member for Torrens pointed out so effectively this afternoon, the large retail chain department stores in this State have nation-wide and even world-wide branches. These people have a terrific advantage over the little businessman who has been known for years to give the service to the consumer that the big business concerns do not give.

In addition, the small businessman giving that service is at a disadvantage because he must buy in small lots and has little or no bargaining power. The type of advertising conducted by the larger organizations is misleading and should be controlled in the way provided for in this Bill. If evidence is required, I draw the attention of members to a full-page advertisement appearing in today's *News* and offering for sale an 11-cubic foot Westinghouse refrigerator. In small type are the words "Retail price, £208 19s." It then states "Pay only £85", and this is displayed in large letters.

The average reader, on observing this, would imagine that here he was being offered a magnificent machine for £85, but the advertisement continues with the words "This is with your trade-in", and stipulates a working refrigerator—electric, gas or kerosene; in other words, any old refrigerator. The average person can go along to a company selling secondhand stock and buy such a secondhand refrigerator for £10 or £12. He would then be in a position to be given the £119 5s. allowance on it when purchasing a new machine. This is the gimmick, and it is going on all the time. The small trader is unable to compete with this type of selling. I have a quantity of cuttings showing that this type of gimmick is being used by manufacturers throughout Australia, particularly in regard to soap powders. Printed on the carton of these soap powders are words to the effect that the price per packet is reduced by 7d. or 10d. The actual words are "7d. off" and "10d. off". But what is it off? The answer is that it is off nothing. To take something off it must be put on beforehand.

Mr. Jennings: Unless you put on 1s. you cannot take off 7d.

Mr. HUTCHENS: Yes; it is put on before it is taken off. I submit that this is not true advertising. I have the support of the honourable Premier in this, and I congratulate him on the introduction of this legislation, as these practices are detrimental to the purchaser. Sometimes a month or two later more packages come out and they show 10d. off. I am not exaggerating and, if Standing Orders permit, I would produce cartons with the words "7d. off" and another carton with the words "10d. off". There is no difference in the product or in the quantity contained in the package: the only difference is in the words on the packet. It is just a gimmick.

The retail price is the same whether the words are "10d. off" or "7d. off". There is no honesty in that at all. This shows how difficult it is for the small shopkeeper, the small trader, to compete with the type of advertising that is used day after day in a full page cover in the various journals distributed throughout the State. This advertisement shows a 12-cubic ft. refrigerator with a price of £240, but a saving is made of £84 so that the customer pays 149 guineas. The average customer goes into a shop and asks about the advertised refrigerator for 149 guineas but says that he does not have a trade-in but wants to pay cash. This customer is told that because it is a special price 149 guineas only is required and

that is the amount paid for the refrigerator. This is an unsatisfactory type of advertising.

Obviously an agreement exists between the large traders (I shall not quote their names) because I have sheets of advertisements showing identical prices and trade-ins by firms supposed to be competing against each other. Invariably all of them allow the same amount for a trade-in, but the small trader cannot compete with this type of trading and advertising because he is unable to buy in bulk. I agree with one aspect referred to by the member for Mitcham in that the legislation is unusual: the Prices Act and restrictive trade practices are joined in the same legislation. Surely that is for administrative purposes only. It should be tidied up, and restrictive trade practices dealt with in separate legislation, as these matters, although somewhat related, are entirely different. I believe that price control should be continued and that restrictive trade practices should be controlled, and I support the second reading, hoping, as does the member for Whyalla, that this legislation will be continued for a longer period and be made permanent legislation. The member for Mitcham who opposed the Bill said:

I am amazed that members on both sides of the House can sit by complacently session after session and not make a protest about this.

He was referring to the increased costs. On behalf of the Party of which I am proud to be a member, I suggest that the honourable member may recognize that what he said about sitting by complacently is not correct.

Mr. Millhouse: It looks pretty correct to me!

Mr. HUTCHENS: It may seem correct to the honourable member but during the Address in Reply debate members on this side of the House spoke much about prices, and I believe that their efforts resulted in moves being made to control prices. In spite of that, can we be accused of sitting by complacently in regard to this problem of prices which, indeed, has been ably explained by my colleagues on this side as well as by Government members in relation to its effect on the economy of the country? The member for Mitcham cleverly made the following remark:

If the advantages are so obvious—and, of course, he was referring to price control—

why isn't price control re-introduced in, say New South Wales, which has a Socialist Government, or in Tasmania, which has a Labor Government? The question has never been answered nor has any attempt been made by any other member of this House to answer it.

The suggestion is that the Labor Party is divided on this question.

Mr. Millhouse: That is an admission, anyway.

Mr. Lawn: He is talking about the member for Mitcham.

Mr. HUTCHENS: The South Australian Labor Party makes its own decisions. The Labor Parties in New South Wales and Tasmania have not been correct and have even been unwise, but that is no reason why we should follow them.

Mr. Lawn: Prices legislation was defeated in the Legislative Council in Tasmania.

Mr. HUTCHENS: I acknowledge that the Liberal Party was the cause of that defeat.

Mr. Millhouse: That is not so in New South Wales.

Mr. HUTCHENS: No. Of course a difference of opinion exists on this matter.

Mr. Millhouse: Who is right and who is wrong?

The SPEAKER: Order!

Mr. HUTCHENS: We permit it. I am concerned about who is right and who is wrong. I believe that the economy of the country should be protected and that our particular policy in this State is right. I have already said that I appreciate the Government's action but we have been told many times by the member for Mitcham that such legislation is contrary to Liberal Party policy, which greatly concerns me. While Cabinet supports such legislation at present, how long can it withstand the challenge of those in the Liberal Party who are opposed to this price protection and its benefit on the State's economy? I am convinced that the member for Mitcham, in his advocacy for the abolition of price control, is gaining support in his Party, and I think that he is even confident that he will overthrow Government policy and introduce what he considers to be Liberal Party policy. I sincerely hope that the member for Mitcham will not be successful in defeating this or any similar legislation in the future.

Mr. McKEE (Port Pirie): I suppose practically everything that can be said in support of this Bill has been said. I find myself in rather an unusual position when Bills such as this are introduced in having to support the Government. I support this Bill and I most certainly support the retention of price control. Although I feel that it is only a half-hearted attempt at price control, I support it because it gives a measure of protection to the people. It is right and



necessary that the standard of living of workers must be safeguarded. Of course, the effect today of monopolies upon the people's lives calls for positive action.

Mr. Lawn: You would not want to return to the good old days when there was no control over prices?

Mr. McKEE: An example of that can be seen in Victoria, Western Australia and Queensland, and New South Wales is not very happy about it, either. Victoria is a glaring example of the conditions that prevail. I suggest that the Government should introduce very strict price control that will prevent monopolies from fixing prices. Legislation could be introduced to control greed. Unfortunately, we will always have greed, and greed must be controlled.

Mr. Bywaters: We will have that as long as we have the human element.

Mr. McKEE: That is so, and that is the reason why I support this Bill. I feel that several Government members agree with the member for Mitcham, supported, of course, by his business backers. Of course the honourable member and some of his colleagues are obliged to make every effort to convince the people that competition will find an equitable level of prices. I am quite sure that all the wage earners will agree with me when I say that there is little or no competition on the Australian market today. There is not the slightest trace of competition evidenced in the recent price rises. All honourable members will agree with me when I say that the retailers today are pretty well organized; they fix the prices to suit themselves, and heaven help any trader who disobeys: he finds that he is not in business very long, for the other retailers simply advise the wholesaler to stop that person's supply of goods.

Mr. Bywaters: They have price control in reverse.

Mr. McKEE: Yes. That is the position with the monopolies today, and it seems that they have a policy that profits must keep rising. To prove this, one only has to check the financial columns of the daily press, where one can see reports of rising profits and expanding business. During the recent Budget debate members opposite were boldly declaring that the State was bursting with prosperity. Well, Sir, if that is so I am at a loss to understand why a business which, after all, is only a partner in the national effort of production, should be allowed to make huge profits. Why should business not bear their share of the

burden of absorbing the wage increases? I do not think that is too much to ask. I think the member for Adelaide will agree with me on that.

Mr. Lawn: I am always on your side.

Mr. McKEE: The worker puts all his efforts, which involve his health and his welfare, into this job of production.

Mr. Bywaters: He can sell only one commodity.

Mr. McKEE: That is so, and without the labour power of the worker industry would be completely worthless. That has been proved when work stoppages have occurred, and it appears that another stoppage will occur shortly. I have noticed in this morning's paper that General Motors-Holden's is holding a gun at the heads of Australia's workers. Because 8,000 workers have decided to strike in Melbourne, it has decided to hold the workers of South Australia for ransom. This company makes a huge profit each year and is not prepared to absorb the increased wage given to the workers. The recent price increases are completely unjustified and have caused a reduction in the wage earners' purchasing power. Wage earners are merely informed of these rises in prices and are expected to pay them without question. However, the time has come when they are questioning unjustified increases. The price increases have made the £1 wage increase of no value whatever.

Mr. Lawn: The pound is now worth about 5s. compared with 1939.

Mr. McKEE: Yes, the purchasing power of £1 is disappearing and before long a £1 note will not be worth the paper it is printed on. The Labor Party believes that all people who receive wages, salaries or pensions are entitled to have their remunerations periodically reviewed in the light of the prevailing circumstances of prices and of the cost of living. I believe it is wrong for a wage rise to be the cause of an automatic lift in prices. Wage increases have been awarded because of increases in prices and because the court has decided that the Australian worker is entitled to a share of the prosperity that he works so hard to produce. However, the member for Mitcham would not agree with this. He and his supporters believe that the worker should work and produce all kinds of goods for various people, but that he must confine himself to the bare necessities of life. That is the class distinction that is so dear to the hearts of the member for Mitcham and his supporters.

Mr. Lawn: The blue bloods.

Mr. McKEE: Yes. They believe that the worker should produce these goods for various classes of people but should confine themselves to the bare necessities of life. However, in view of what has repeatedly happened as an aftermath of wage increases—an immediate increase in prices—there exists an urgent necessity to maintain price control. On the one hand it is necessary for the trade unions to prove to the industrial commission that a need exists for an increase in wages whilst, on the other hand, any benefit given from the increased wages is immediately grasped upon and used as a reason to increase prices. This takes away the spending power from the people. For this reason there is a great necessity to maintain price control and the human element has to be controlled also.

Mr. FRED WALSH (West Torrens): I have been studying the Arbitration Commission's basic wage judgment again in order to reply to the member for Mitcham (Mr. Millhouse). It has been marked so much by honourable members that it will be worn out by the end of the session. We as a Party do not apologize for supporting this Bill. We have supported the Government's retention of price control ever since the Government continued it after the war, when it reverted to State control. That was mainly because the Commonwealth Government did not have the power to continue price control. Otherwise, I am confident that at least while a Labor Government was in office it would have continued price control throughout the Commonwealth. However, because of its limited powers it was unable to do so. It passed the buck, so to speak, to the States, and South Australia has been the only State that has accepted that authority and carried on the good work of price control.

Although the Bill does not go as far as we on this side would like it to, as indicated by the foreshadowed amendment to the Bill, it does go some way to meet our wishes. Nevertheless, it retains the principle of price control which, in itself, is something. The Australian Council of Trade Unions has seriously considered this matter in the last 12 months and has come to the conclusion recently, because of the price increases that followed the last increase in the basic wage, that the only way to safeguard the wages of the workers after any further basic wage increases is by some measure of price control throughout the Commonwealth. It has been decided by the A.C.T.U. State executive for the respective

branches of that body to approach the various State Governments with a view to their introducing price control in their States. That will not be necessary in South Australia because price control is already on the Statute Book, but we hope it will happen in the other States. When wages were adjusted on a quarterly basis in accordance with the cost of living fluctuations, price control was not as important as it is today. Since automatic adjustments were suspended in 1953, an inflationary spiral resulting from a continued increase in the cost of living has been created. Although quarterly adjustments provided a way for the worker to be given his equivalent in money values in his wages, the fact remains that there was no price control to keep prices reasonably stable.

Mr. Shannon: But the honourable member will agree that those on fixed incomes are equally deserving of protection.

Mr. FRED WALSH: That is true, and they were not provided for. As the member for Onkaparinga (Mr. Shannon) remembers, the Chifley Government introduced a system of adjustments to pensions according to basic wage fluctuations, but when the basic wage was reduced by, I think, a shilling pensioners strongly objected to a reduction. Naturally, they could not have it both ways, and the adjustments were discontinued. As a result, Acts of Parliament had to be passed from time to time to increase pensions to a figure that the Government in office at the time thought reasonable. I think everyone now agrees that the pensioners made a mistake when they complained about a reduction. There have been very few reductions in the basic wage since then and if the system had not been altered pensions would have been adjusted automatically. However, this would not have assisted people on fixed incomes.

The member for Mitcham (Mr. Millhouse) quoted Mr. Justice Gallagher's comments. Like many people do in the course of debate, he quoted only the passage that suited his particular line of argument. He quoted from the minority decision. If he had quoted from the full decision he would have found that Mr. Justice Kirby expected that, as far as possible, employers would absorb any increase in the basic wage instead of passing it on. Unfortunately, that has not happened, and there has been a general increase in prices since the decision. This has brought about the present unfortunate situation.

I entirely agree with what the member for Torrens (Mr. Coumbe) has said about small traders and storekeepers. With the development of supermarts, chain stores, and the like, it will be more difficult for the corner grocer to carry on in future. These large organizations are able to buy at very low prices and sell for much less than the small storekeeper can do, so the small man cannot compete. The member for Mitcham spoke about the Prices Commissioner, and possibly I would be out of order if I dealt with that aspect; I intended to have much to say about it. The honourable member referred to this matter during this debate, as he could not get away from the fact that he had had a feud with the Commissioner. He did not mention Mr. Murphy's name, but I think all members knew he was referring to Mr. Murphy. He resented something said about a certain party this afternoon, but we resent his statement about Mr. Murphy whom we have found to be one of the fairest of men. We consider him to be one of the most competent men to occupy the office of Prices Commissioner, and believe that nobody is more able to fairly judge the position concerning matters raised by the member for Mitcham and reported by the press and over the television channels. I was glad that the member for Barossa corrected his position, as I was perturbed to think that he would hold the opinions reported in the press concerning a gentleman like Mr. Murphy. I have all the cuttings here, and intended to speak at length on this matter.

I was concerned that the member for Mitcham took it upon himself to speak as he did outside Parliament against a man holding the position of Prices Commissioner. At times it appears that the honourable member has not profited from his experience in this House, and I often compare him with one of the babes in the wood because of his attitude to members on this side. He often speaks in total ignorance, and sometimes ignorance of his own Party. Also, he has attacked his own Leader, an action that would not be tolerated on this side. The Premier tends to make ill-considered utterances; indeed, he did so today when speaking of alleged disunity on this side. When speaking of price control, however, what is the policy of the Liberal Party? From what I can gather, at a recent conference of the Liberal Party, a resolution submitted by the Mitcham branch on the discontinuance of price control was defeated. Because of that it could be assumed that the Liberal Party stood for price control; that would be a

natural assumption following the defeat of such a resolution. I take it that the Premier acted on that, and that is why he brought down this Bill to continue price control. My only objection to the Bill is that control is continued only until 1966, and not until Parliament sees fit to repeal the legislation. The resolution from the Mitcham branch of the Liberal Party was defeated and that was a good thing. I dare say the Premier had reason to believe that, too. The member for Mitcham referred to soft drink prices. I believe that he represents sectional interests and does not represent the people at all. I believe that he was not competent to speak on this matter. Concerning chain stores and supermarkets, we must consider the prospect of the little man competing with them. It is possible to buy a bottle of cordial at grocers in and around Adelaide for as low as 2s. 9d. to 2s. 11½d.; one has to pay 4s. for that same bottle in the refreshment rooms in Parliament House; workmen in factories where it is produced have to pay 3s. 2d. for it, and it costs 4s. 6d. in shops.

Mr. Bywaters: That is what they call a "lost leader".

Mr. FRED WALSH: Yes. What chance has a small shopkeeper of competing with this sort of thing? It does not apply to all soft drinks. I do not know whether the member for Mitcham considered these points or not. The Chamber of Commerce would wholeheartedly agree to the repealing of this legislation if it could get away with it, because Mr. Thomas, the President, when presenting his annual report to the chamber, said:

I call on all leaders of industry and commerce to make a consolidated effort to preserve private enterprise in the field in which it rightly belongs. The State Government by regulation and other means was encroaching more and more on private enterprise . . . it should continue to press for the repeal of prices legislation . . . the announced discovery of natural gas at Gidgealpa 500 miles from Adelaide could be the means of providing South Australia with future fuel if further exploratory wells yield satisfactory results. If, as seems certain, oil was discovered the possibilities of growth were considerable.

These people do not mind receiving all the advantages that the State can and will provide, but they are not prepared to accept any controls: they want a free hand and an open go for private enterprise. They cannot have it both ways whether they represent the Chamber of Manufactures or the Chamber of Commerce. We say that it is the State's duty

to provide capital, knowledge, and, if necessary, to bring experts from overseas to develop the State to its fullest possible extent. It would be of benefit not only to the people I have mentioned but to the whole State generally. Such people must accept certain controls. I do not wish to delay the House any longer beyond saying for the benefit of the member for Mitcham that, in addition to the people I have mentioned being controlled by the Prices Department, so should the profession to which he belongs, because if ever a profession exploited the public it is the legal profession. I need cite only the case where a man, one Carbone, who was accused of murder, was acquitted but only at a cost of £2,000 that was all tied up in legal expenses. He will spend half his life now paying for that. In addition, undertakers' charges should also be covered by price control.

Mr. Shannon: The undertakers are, of course.

Mr. FRED WALSH: I could refer to a particular case, but I shall not because I believe it has been handed to the Premier. Not only should undertakers be brought under the control of the Prices Department but their services should also be supervised, although I appreciate that that would be difficult. An undertaker might provide a certain standard funeral at, say, £40 or £50, but the coffin can be made of the commonest of deal which, when coated with, say, a mahogany stain and polished up, can be represented as a different type of timber altogether, and with chrome handles, it is difficult to know, until it is tested, just whether it is of any value or not. I suppose it would be impractical to have an inspector testing every coffin manufactured, especially if it contained a corpse, anyhow. I shall not argue that point further except to say that many things could be brought under price control, which at the moment are not. However, it is gratifying to see that the Prices Department is to cover at least some of them. While that may not seem of much account at present, it may warn others to play the game where the general public is concerned. I have pleasure in supporting the Bill.

Question—"That this Bill be now read a second time"—declared carried.

Mr. MILLHOUSE: Divide.

*While the division was being taken:*

The SPEAKER: As there is only one for the Noes, the division is declared off. Under Standing Order 219, I declare the second reading carried.

Second reading thus carried.

Mr. FRANK WALSH moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider amendments relating to resale price maintenance, restrictive trade associations, misleading advertising, and unfair trade practices.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Repeal and re-enactment of section 33a of principal Act."

Mr. MILLHOUSE: I refer particularly to proposed new section 33a (3) (c) (i). New subsection (3) provides a number of defences for the offence that is created by new subsection (2). Let us take the case of the defence created under subsection (3) (c). Subsection (3) provides:

In any prosecution under subsection (2) of this section it shall be a sufficient defence—

I. am not sure what the word "sufficient" means. I think it is surplusage. The subsection continues:

to show that on the occasion in question the goods in question were not readily available—that phrase is inexact: I do not know what it means.

—from his wholesale sources of supply in sufficient quantities or numbers to meet the normal requirements of retailers.

I find it hard to work out exactly what that means or what it is intended to mean by that subsection. Apparently, if the retailer is prosecuted he has to show that he went to his wholesaler and that the supplies of goods were not readily available, but he could prove the rest of this subsection only by getting his wholesaler to come along to explain what he (the wholesaler) thought was meant by sufficient quantities or numbers to meet the normal requirements of retailers. It seems to me to be a little mixed up. What is purported by this and what does the Government expect will be necessary to prove this defence? This is a defence and the onus of proof will be on the defendant. It will not be on the prosecution to prove the offence. That is already done. This is a defence to be proved by the retailer and I think any retailer will find it difficult indeed to prove this defence.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): New section 33a (2) creates the offence. This states that, if a person refuses to sell articles offered for sale, it shall be an offence, but it is well known to the Government that a retailer may have a limited quantity of stock, that he may not be

able to get additional stock, and that some people would expect to share the stock he has. It is an offence, therefore, for him to save sufficient for his normal customers. However, many items are known to be in ample supply. One item with which we had much trouble is butter. Everyone knows that there is a standard price for butter and some people would offer butter at a ridiculously low price merely to get customers into the shop. The whole purpose was to offer butter at 1s. a pound, or something like that, and when the customer went to purchase the butter he would find that he was expected to buy 20s. worth of other goods in order to get it. That is an offence. This new section is to make it an offence where a practice is likely to cause unfair competition. It will apply in cases where a chain store will charge one set of prices at one store and another set at another store. If these items are not readily available to the wholesaler and he cannot replace stock there is a defence.

Mr. MILLHOUSE: If that is the case, why is not new subsection (3) (c) (i) limited as follows:

The goods in question were not readily available from his wholesale sources of supply.

The Hon. Sir THOMAS PLAYFORD: It is not something detrimental to the trader: rather, it is giving him a wider field of defence. The wholesaler may have had some stock, but overall stocks may be short. It is improving, not weakening, his defence.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—"Price tickets."

Mr. MILLHOUSE: This clause did not receive much explanation on second reading. It makes a fundamental change in the law, if my interpretation is correct. It provides that, if one puts a price ticket on a thing, one has to put on the cash price at which it is available in as big letters or figures as any other writing. There may be a good reason for doing that but it seems, by this drafting, that once one has put a cash price on an article, whatever it may be, as provided by this clause one has to sell it at that price. The law is at the moment and always has been, except during war-time when it was changed under the National Security Regulations, that a price ticket is simply an offer to treat: that is, it is something to get somebody into the shop; the retailer does not have to sell at that price, but it is something at which to start bargaining. That is the law; it always has been the law.

This clause changes the position to that operating during the war when, under the National Security Regulations (which in one line dealt with what we are doing in about 15 lines), it was provided that a price ticket was an offer not only to treat, as it is now, but to sell at that price. That was a war-time measure. The way in which the clause is drafted brings about the same result. If one puts a price ticket on a thing that people will see, one must put on the price at which one will sell for cash. This may be good or bad but the Committee should realize that, if my interpretation is right, we are in this clause making a fundamental change in the law of buying and selling, as it now stands, not only for motor cars but also for everything exhibited for sale.

Clause passed.

Clause 7—"Amendment of principal Act, section 53."

Mr. RICHES: This is the most important clause of all. This Parliament obviously has confidence in price control and has voted overwhelmingly in support of its advantages to the people. It has never been satisfactorily explained to me why this legislation cannot be placed permanently on the Statute Book, as is the case with other important legislation. I cannot understand why the Government insists on allowing this legislation to operate for merely one year at a time, then requiring Parliament in the last days of each session to extend its life for another year. An explanation can be given, but I do not know whether it is the real explanation or not; the effect of it is that price control can remain only while this Government is in office. I hoped that this year the matter would be lifted above Party politics and that for the sake of this Parliament and of the State this legislation would remain until altered by Parliament without there being a time limit placed on it year after year. We know that this legislation is desirable now and that it will be just as desirable next year as it is now. This Committee should express itself accordingly. I do not intend to move an amendment because I think the Premier, having been assured of the overwhelming support of members for price control as administered in this State, should agree to allow it to remain on the Statute Book until altered by Parliament.

The Hon. Sir THOMAS PLAYFORD: The honourable member has asked a pertinent question about this legislation. True, for many years the Government has seen fit to renew the principal Act from year to year. This has

been the case even in the first session of a Parliament. The honourable member's suggestion that this legislation can be controlled only by a Liberal Government is not true. There is a good reason for this legislation to come before Parliament from time to time. If the honourable member looked at the principal Act and listened to some of the remarks made by the member for Mitcham (Mr. Millhouse) he would realize that wide powers are vested in the Prices Commissioner, who is under an oath of secrecy. I believe price control has been successful in this State, and if it had not been for the lengthy debate on another matter this afternoon I would have concluded the debate on this Bill by giving one or two facts about the economy of this State that I think would have been rather surprising and pleasing to honourable members.

I think the success of price control has been due to the fact that it has been under review from time to time by Parliament. I do not see any harm in this; I think it is a good thing, because not only does this enable members to state their views from time to time but it means that Mr. Murphy as Prices Commissioner knows that his actions will be scrutinized by Parliament and that every member will have ample opportunity to express his views. I make no complaint about the member for Mitcham not favouring this legislation; every member is here to state his views on any legislation before Parliament. I do not share the views of the member for Mitcham, or I would not have brought in this legislation. When the legislation comes before Parliament it is under scrutiny, and as an effective piece of legislation I believe it is better because of that.

Mr. RICHES: If the explanation is that a time limit is placed on this legislation, I suggest that it is a weak reason and one that the Committee should examine as every piece of legislation is subject to the scrutiny of Parliament. If any action or operation of the Prices Department did not meet with public favour Parliament would quickly hear about it in the debates during the year and in the Address in Reply debate. If excesses are committed, legislation can be introduced at any time to amend the prices legislation. But here this legislation is singled out for special treatment. No other legislation that I know of is placed on the Statute Book to operate for only one year at a time.

The Hon. Sir Thomas Playford: Rent control is revised periodically.

Mr. RICHES: And when it suited the Government it went out altogether.

Mr. Heaslip: And this might go out altogether.

Mr. RICHES: If there is to be a move made to have it placed permanently on the Statute Book it should be made now. The attitude of placing a time limit on legislation that is considered desirable by both sides of Parliament is merely playing politics.

Clause passed.

New clause 6a.—“Misleading advertisements.”

Mr. FRANK WALSH (Leader of the Opposition): I move to insert the following new clause:

6a. The following section is inserted in the principal Act after section 33e thereof:

33f. A manufacturer or wholesale trader who has in his custody or under his control any goods whether declared or not for sale by wholesale, shall not refuse to supply such goods to a retail trader on the grounds that the retail trader is not a member of a particular association or group. Provided that the retail trader is a *bona fide* retailer of such goods and has made every endeavour to qualify for membership of the particular association or group.

Since the matters with which I do not desire to proceed were placed on members' files, I have sought further information on this subject and have seen a report from the Prices Commissioner. Although I do not desire to involve the Prices Commissioner in this, he suggested this alteration in lieu of my previous amendment. This amendment is contained in the Prices Commissioner's report.

The CHAIRMAN: This is all one amendment contained in the new clause 6a.

Mr. FRANK WALSH: We will proceed with the remainder of the amendment, which deals with misleading advertisements. It may need some minor alterations. Section 33g aims at controlling advertising in any form that is untrue, deceptive or misleading and, therefore, it applies to all goods and services whether they are declared or not. It is considered, however, that the responsibility should not be placed on the printer or the publisher but rather on the person who has the goods or services to sell and is authorizing the misleading advertising.

Section 33g makes it an offence for such a person to carry out misleading advertising himself or to enter into any obligation for an advertiser or publisher to carry out the misleading advertising. Section 33h seeks to stop the unfair trade practice of advertising goods

that the owner has no intention of selling. When a prospective purchaser enters a shop he may be informed that all goods advertised at the catch price have been sold but that others are available at a higher price. Another method is for a salesman adversely to criticize advertised goods with the object of persuading the customer to buy a more expensive product on which there would be a higher profit margin. In short, the whole purpose of the advertisements was to ensnare a customer for a high-pressure salesman to work on.

This is an unfair and dishonest trading practice which is fairly widespread in Adelaide and which should be stopped forthwith. As I have said, we are dealing with prices legislation but at the same time unfair trade practices. Seeing that I am unable to move amendments that I believe should come within the ambit of unfair practices legislation, I am confined to moving an amendment in the appropriate place in the Prices Act. Already the Committee has adopted certain provisions relating to unfair trade practices. I do not wish to go into the pros and cons of advertising; but to repeat that only recently an advertisement appeared for a certain combined television set and record player at £100 which, on closer scrutiny, disclosed the word "deposit" in the smallest of print. This should not be permitted. In addition, I hope that the Prices Commissioner examines a question that I raised in Parliament seeking information in relation to wholesalers and traders who sell commodities for a livelihood, and who should always have a ready supply at their disposal to permit them to continue their livelihood.

The CHAIRMAN: I draw honourable members' attention to the Leader's amendments on the files. I point out that sections 33f and 33g are replaced by new section 33f, which was just read by the Leader, and that new section 33h on honourable members' files will become new section 33g; new section 33i will become 33h. The question is that the amendment of the Leader of the Opposition to insert new clause 6a be agreed to.

The Hon. Sir THOMAS PLAYFORD: The amendments of the Leader of the Opposition are rather a mixed bag, if I may say so, for they deal with a number of subjects, the first being a question of refusing to supply goods. I do not know the full ramifications of this amendment. I point out that associations are not necessarily bad in themselves. Some associations with which honourable members have close affiliations are very strong on the point that if people are to have the benefits

of the association they should be members of it. Many associations stand for ethical standards and for orderly marketing, and I believe those associations deserve the support of the community.

I do not think that the amendment would operate very well. How is anybody to prove the ground upon which the supply was refused? The only ground upon which an offence would be created would be the ground that the supplier had refused to supply a person because he was not a member of the association. Any person not wishing to supply anybody would only have to say, "I am very sorry, but it is not convenient to supply you; I am otherwise engaged today." If he did not put his excuse in such a form that it could be proved that his ground for not supplying was that the person concerned was not a member of an association, I think it would be impossible to launch a successful prosecution. This matter has already been dealt with in section 29 of the principal Act. Although it is in a different form, it is in a form which I as the Minister have found almost self-policing in its effectiveness. That section states:

(1) A person who has in custody or under his control any declared goods for sale in respect of which a maximum price has been fixed under this Act, shall not refuse or fail on—

(a) demand of any quantity of the declared goods; and

(b) tender of payment at the price fixed for the quantity demanded, to supply any such declared goods in the quantity demanded.

(2) In any prosecution under this section, it shall be a sufficient defence to show that, on the occasion in question, the defendant supplied a reasonable quantity of the declared goods. Subsection (2) goes on to enumerate other things that will be a sufficient defence. That section applied, of course, to declared goods. Members opposite will say, "But this amendment does not apply to many goods which are not declared." The whole point is that the Prices Commissioner can recommend that any uncontrolled goods be controlled, and it is very important to the person concerned that he does not infringe this section. Therefore, it is self-policing. No-one wants his goods controlled, and if a person refuses to supply he knows that his goods will probably be controlled. On the few occasions when I have had to intervene because there has been a refusal to supply and when I felt there were grounds to intervene, immediately I raised the question the goods were provided in accordance with the relevant section. Therefore, having

this amendment inserted in the Bill would not take the matter any further.

Anyone who refuses to supply goods knows that the person who had the supply refused can immediately go to the Prices Commissioner. This has been quite effective in ensuring the supply of goods. Under the amendment, provided the person concerned does not give the reason for not supplying goods, I doubt whether it would be possible to prosecute successfully.

I hope that the Committee does not accept the Leader's other amendments, which are extremely wide. Most advertisements that appear these days would undoubtedly infringe the interpretations that the Leader has given. It is true that he makes a provision that the newspaper that prints the advertisement would be exempt from prosecution and so would the agent of the printer or the employee of the printer. They would not be involved in a prosecution unless they knew they were doing something wrong. However, what would happen to the agent and employees of the firm that inserts the advertisement? Where does the prosecution ultimately lie? I doubt very much whether the full implications are known to the Leader. I do not hold with false advertisements. Some sections in the Act are there specifically for the purpose. In many instances advertisements are deliberately worded to confuse the public. I was looking at some prices the other day and I could not tell whether they were the deposit, the total price, or the weekly payments.

Mr. Hutchens: Were they hire-purchase prices?

The Hon. Sir THOMAS PLAYFORD: Yes, but the hire-purchase firms are not singular because I believe that they are far reaching. I will have the whole question of advertisements examined at an appropriate time, but these amendments should be considered with a good deal of care. Otherwise the position could arise that the member for Onkaparinga (Mr. Shannon) and a firm with which he is associated—South Australian Farmers' Co-op. Union Limited—would be in trouble immediately, but I do not think for one moment that anybody is misled by that firm. I hope the amendments will not be carried.

Mr. DUNSTAN: When this Bill was before Parliament last year an amendment was moved by this side in the terms contained in the original amendment placed on the file by the Leader of the Opposition, the first two proposed sections that have now been withdrawn. Those

proposals related, first, to resale price maintenance, a practice that has been reported on by the British Monopolies Commission and by the Commonwealth Attorney-General as being contrary to the public interest in all cases; and secondly, to the restrictive trade associations that are enforcing resale price maintenance unreasonably and are refusing to certain people in their trades the right to obtain goods except under the most stringent conditions, in some cases excluding reasonable competition by preventing people from getting supplies in the trades they seek to enter.

Specifically in South Australia there have been a number of retail trade associations deliberately designed to be restrictive of competition and with registered rules specifically excluding people from their industry and providing for "stop" orders: that is to say, if somebody infringes the provisions of the association in relation to supply or price, he may have his supplies stopped by the wholesaler. When we moved these amendments last year the Premier said he would have the matter examined by the Prices Commissioner and asked the Opposition to withdraw its amendments in order that an investigation by the Prices Commissioner should take place. We agreed to this and the Premier agreed that there was probably some case to be made out against restrictive trade associations. He did not bring a report from the Prices Commissioner very early in the next session although he had said that he would give us an early opportunity this year to discuss the matter; but, eventually, the report from the Prices Commissioner came to hand and it recommended against the original wide terms of our proposals in relation to resale price maintenance, and probably on some good grounds because it had been found in taking action against restrictive trade practices that the best way of dealing with resale price maintenance was to have some form of administrative inquiry into resale price maintenance agreements. That could not be provided for by Opposition amendments under this Bill, so we were prepared to accept the view of the Prices Commissioner on that score. However, the Prices Commissioner, after examining these amendments, said there was undoubtedly a case to be made out in relation to restrictive trade associations. He recommended that if action were to be taken by Parliament on this score an amendment in these exact terms was the one he would put forward.

Mr. Millhouse: That shows he is no draftsman, doesn't it?



Mr. DUNSTAN: I do not know. The Parliamentary Draftsman had a look at our amendment and suggested to me a slight amendment, but otherwise he thought it was workable. With great respect to him, I do not think his slight amendment is necessary to make this new section workable. The Premier has said that he disagrees with this amendment on two grounds, the first of which is that it is not necessary because there is at the moment in section 29 a provision that enables the Commissioner to threaten, or at any rate to make an implied threat to, people engaged in the unsavoury activities of restrictive trade associations in South Australia. All I can conclude from that is that the Premier is apparently not aware of how many restrictive trade associations there are in this State. I know of returned servicemen engaged in small businesses in my district who have been adversely affected by the restrictive trade association in the furniture trade. It is not rare for comments to be made about the nature of the furniture trade association, which is extremely restrictive and which excludes from the trade people who should be able to enter it. The Premier knows instances of this kind, but no action has been taken by the Prices Commissioner, as far as I can discover. I know of cases in my district where supplies have been refused to traders of standing; these men have had supplies cut off because they have not been in the furniture trade association.

The second ground of the Premier for disagreeing with the proposal is that this will not be effective even if it is written into the Act, as we shall never be able to prove an offence. He said, "How can you prove an offence when you must show that the ground upon which a man refuses supply is that the person who is seeking the supply is not a member of the association? The supplier could perhaps give some other ground." Apparently the Premier is not aware of the provisions of the Commonwealth Conciliation and Arbitration Act, under which it is an offence to take action that disadvantages someone on the ground that he is a member of a union. It may be asked how it can be proved that any action is taken against a particular individual because he is a member of a union, as the employer could say, "I am sorry; I did not find you to be a satisfactory employee". The Premier may ask how the case could be proved in those circumstances. I assure him that I have successfully prosecuted many employers under this section and that they have been penalized by the court, as it is not too difficult to show

what the real ground of refusal is. It is necessary only to make a few inquiries. It is not much good for an employer to put up an illusory ground thinking he will get away with it before the court; the court is not such a fool.

I do not agree that the draft sent forward by the Prices Commissioner is unworkable. It cannot do any harm if it is in the Act. As the Prices Commissioner agrees that there is something to be said for taking action in relation to restrictive trade associations in this way, I suggest that we accept his recommendation. The Opposition has been prepared to withdraw its amendments and press for the Prices Commissioner's suggestions on this score. Concerning the second proposal regarding misleading advertisements, the Premier says that practically every advertiser in South Australia would be caught under this. With great respect, I do not think that he bothered to read the amendment carefully. This is not an original piece of drafting on the part of the Opposition, because the clause has been taken from chapter 217 of the Acts of 1958 of the Commonwealth of Massachusetts, which is an act of legislation in these specific terms.

I point out to the Committee that recently an American professor, experienced in business administration, pointed out that Australia was a long way behind the times in legislating effectively for trade practices in this country and that we needed to bring our legislation up to the standards that have already been found necessary in the United States of America, that haven of private enterprise where the ingenuity of traders has already established the kind of practices about which we have to be careful and which are being indulged in here in South Australia as our local sharks catch up with what has been done in the United States. Where is the harm from this legislation? Let me read the section to honourable members:

Any person who, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly to the public for sale or distribution, or who with intent to increase the consumption of or demand for such merchandise, securities, service or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made published, disseminated, circulated or placed before the public within the Commonwealth, in a newspaper or other publication . . .

It then sets out the forms of advertising: It continues:

. . . an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading,

Those are statements or allegations, that an advertisement is untrue, deceptive or misleading, that have to be proved beyond reasonable doubt in a court of law. Where is the harm in saying that nobody may put into the paper things which are obviously untrue, deceptive or misleading and which can be proved beyond all reasonable doubt in a court of law to be so?

Mr. Pearson: What about "Beer is best"?

Mr. DUNSTAN: I do not know whether the Minister for Works suggests that this is something that is untrue, deceptive or misleading to the public. I should think that, concerning a puff advertisement of this kind, it would be difficult in a court of law to show that the advertisement was publishing something untrue, deceptive or misleading. Puff advertisements of the kind that do not make statements of fact clearly do not deceive or mislead and are not statements that are untrue. Such an advertisement will not be caught, but those things are clearly defined.

Mr. Millhouse: How can you draw the line?

Mr. DUNSTAN: In the U.S.A. it has not been found that the administration of this section has created any great difficulties by way of proof, and the honourable member cannot for one moment suggest that we do not have many advertisements in South Australia at the moment that clearly come within the terms of this section. There are advertisements by land agents in South Australia that would be within this section; there are advertisements of many retail traders that are clearly designed to mislead and deceive. Where is the harm in this provision? No honest man is going to have anything at all to fear from it. However, crooks and rogues will not like it much. They are the only people who need to fear anything from the enactment of this legislation, which has been proved elsewhere over a period of seven years to be effective in protecting the public. Proposed section 33h is a codification of the instruction issued by the United States Federal Trade Commission. Under the provisions of the Federal Trade Commission Act it is unlawful to engage in unfair methods of competition and unfair or deceptive acts or practices in commerce, and the Federal Trade Commission has circulated a guide on bait advertising. This states that anyone carrying on the practice in contravention of that guide will be liable to prosecution under section 5 of the Federal Trade Commission

Act, namely, that he is engaged in unfair or deceptive acts or practices in commerce. This proposed new section is a simple codification of those directions.

Bait advertising is going on in South Australia, the most obvious place being in the electrical goods trade. A retailer in Gawler Place uses bait advertising daily on a large scale. I have many advertisements, if honourable members wish to look at them, showing what this company puts in the newspapers daily. The Premier is well aware of this and has been approached by reputable retailers in the trade protesting about the situation that exists, that this firm may advertise goods that it has no intention of selling to the public. It advertises the goods in such a way as to get customers into the shop. Basically, this is the sort of thing that the Premier protested about in relation to advertising by grocers, which brought, unfairly, people into shops by a gimmick, as compared with their competitors in the trade. What are the gimmicks here? This company often advertises brand new, crated, superseded models that are illustrated in a form quite unlike the form in which they exist within the warehouse. Several investigations have been made of this company's activities.

When people go into the shop they often find that the goods, which are supposed to have been in a crate for some years (and that is what they call brand new), have shelves missing or that someone has dropped the crate and there is a dent in the goods. On one occasion this company advertised a radiogram that had been carefully dressed up with a purple cloth over the speaker in order to make it unattractive to people who came into the shop. The salesman disparages the particular goods that are advertised and tells the prospective customer that something better is available at a slightly higher price. Undoubtedly, this is unfair and dishonest practice. People are being brought into the shop by a deceptive gimmick in order to be pressured into buying something else. Of course, this sort of advertising adversely affects all reputable traders in this particular sphere. This is not a new system of trading; bait advertising became well known in the United States of America, and the Federal Trade Commission had much to say about it, which I think I have quoted in a previous debate. All these things are, in effect, taking place here in South Australia.

This legislation is designed to see that that sort of practice does not continue. If we are to do anything to bring ourselves up to the

stage reached in the U.S.A., and if an effective attempt is to be made to see that fair competition exists within the retail trade in South Australia, then all these amendments are necessary and wise, and I commend them to members.

The Hon. Sir THOMAS PLAYFORD: I certainly was not aware that this type of legislation had been enacted in the U.S.A. and I thank the honourable member for acquainting me with that fact, but let me say that that does not remove my objections to it, because I have been to the U.S.A. and have seen a fair sample of the television advertising that takes place there under this type of legislation. I have seen various types of medicine advertised that should cure anything from a bald head to a sore toe. If that is the result of this particular legislation all I can say is that it is singularly ineffective because, if honourable members take the trouble to look at any one of the American magazines that come into this country and at the extravagant claims made for all sorts of cures, they will see that the effectiveness of this legislation is questionable. However, I am not particularly concerned with the U.S.A. at the moment.

One or two suggestions have been made that the amendments of the Leader of the Opposition are in accord with reports from the Prices Commissioner. It is true that the Leader asked me for certain information of the Commissioner and I supplied him with the relevant docket to examine; the amendment which the Leader placed in the docket was in the precise wording that the Prices Commissioner himself had suggested. I shall read what the Commissioner actually said because it rather puts the matter in a different light. The Commissioner dealt with the Leader's previous amendments and advanced certain reasons which I think the Leader accepted as being cogent, but he had this to say about the first of the amendments that we are considering:

If, however, the Government considers that there should be some legislation providing for the supply of goods to *bona fide* traders who are unable to gain membership of an association, it is considered that the position could be met by replacing the amendment along the following lines.

He then states the amendment which is on members' files and which we are now considering. The Commissioner goes on to say:

The two amendments put forward by the Leader of the Opposition are, in my opinion, too sweeping, and if implemented could have adverse repercussions against some of the very people he has designed his amendments to protect. In the circumstances I regret that I am unable to recommend that his amendments should be accepted.

What the Commissioner said is that if the Government considers that some legislation should be provided this would be the form that he would suggest. However, I have come up against no problem regarding supply. When people have come forward and said that they have been unable to get supply, I have not always ordered that supply should be provided because certain circumstances can arise in which it would be grossly unfair to order supply. However, when I have said that supply should be given, that supply has afterwards been given. That is the whole point about it: if goods are not controlled, people are more anxious to comply than when the goods are controlled, because they do not want their goods to be controlled. The other amendments of the Leader are also reported on by the Prices Commissioner. I did not think of showing this report to the Leader, nor did he think to ask for it, so I do not believe he has actually seen it. Regarding the other matters, the Commissioner said:

The main purpose of the legislation introduced in the Prices Act Amendment Act, 1963, was to make illegal certain practices being engaged in by some traders, to the detriment of small retail traders in particular. Practically all of these unfair and undesirable practices concern the sale or offer for sale of goods, and for this reason the legislation was made to apply only to goods. The legislation has operated very satisfactorily up to the present, and any extension or amendment to embrace services as well as goods is not considered warranted.

With regard to Mr. Walsh's specific proviso regarding newspaper owners, etc., it is considered that this matter is already suitably covered in the existing legislation by reason of the wording, "which is to his knowledge false or misleading". This wording would appear sufficient to absolve a newspaper owner, etc., in respect to any offending advertisement published in good faith by him for another person. With regard to section 33 (i)—

I realize the numbering will be different now—this would make it an offence for any person to advertise goods for sale not with a view to selling those goods but simply as a means to obtain the attendance of members of the public at a place mentioned in the advertisement. Under section 33b of the Prices Act Amendment Act, 1963, a person is already prohibited from advertising goods if they are not available at all or are not available in the number or quantity implied in the advertisement. It was this form of advertising which was previously used fairly freely by some traders simply as a pretext to obtain the attendance of members of the public at the advertised place of business, where an attempt was then made to sell them alternative goods. However, the practice has virtually ceased since section 33b became law, and in the circumstances the legislation now proposed, which is

already largely covered by the existing legislation, is not considered necessary.

Mr. Walsh's proposal goes further than the existing legislation and would appear to even preclude a salesman from pointing out in good faith to a buyer any drawbacks or weak points in goods offered for sale or the unsuitability of a product for the buyer's particular purpose. Many buyers rely on a salesman for guidance and any legislation which could involve a seller in a possible offence for supplying such guidance must be regarded as undesirable.

Therefore, the Leader must see that the Prices Commissioner does not have any quarrel at all with the purpose of his amendment (nor have I) but at present, having regard to the operations of the Act and the methods upon which it is operated, I believe that the amendments are unnecessary and should not be accepted by the Committee.

Mr. DUNSTAN: The only remark that the Premier made in relation to the amendment as far as misleading advertisements are concerned is that this now includes services as well as goods and that the Prices Commissioner had said that the previous amendments we have made relate to goods and it is not considered desirable to extend any legislation to services. The Commissioner does not add anything about why this should be. If there are misleading advertisements in relation to services and, in some cases, there are, why should they not be prohibited as well as misleading advertisements concerning goods? On that I am afraid that the Prices Commissioner has, on this occasion, observed a masterly silence and I do not follow his logic in the absence of some reasons given to the Committee. It is a bald statement that has nothing said in support of it. The second remark the Prices Commissioner makes is that proposed section 33 (h) is unnecessary because, at the moment, the legislation provides that a person who advertises goods for sale must have a sufficient quantity of these goods for sale on hand and be able to supply them. What the Commissioner is completely overlooking is the nature of the bait advertisement technique, specifically the one used in the electrical trade. There they advertise a limited number of goods anyway. In some cases they advertise one item only that they have been able to procure. It is there already for people to look at, but the point is that it is presented in such a way that people do not want to buy it. However, the advertisement has led them to believe that it was going to be something much more beautiful. That is not covered in the present legislation and for the Prices Commissioner to say that these previous practices have virtually

ceased is entirely overlooking what is happening in Gawler Place every day. One can look in the newspapers any day and see advertisements from these people that are affecting the reputable trade—elsewhere in the city who do not want to go in for this sort of thing or to mislead the public. It is not true that these practices are not taking place or that the existing legislation covers them.

The other remark made by the Prices Commissioner was that it would make it an offence for a servant to disparage an item advertised for sale. The amendment does not do that: it simply says that this is a *prima facie* proof that bait advertisement has been engaged in, but it can easily be shown, where there has been genuine advice given to a customer, that this is not an offence within the Act. That is to say in fact the person had not advertised the goods for the purpose of enticing somebody in there with no intention of selling them to him. It is apparent that the Prices Commissioner has not read this section clearly. What he suggests we are making an offence the proposed section is not making an offence: it is merely facilitating proof, but the defence that this was genuine advice given is completely open to anybody acting genuinely. On these scores the Treasurer's contention to the Committee that these amendments are not necessary, that these things are already adequately covered in the Act, is obviously not well based. The reason for the introduction of these amendments is that these things are not adequately covered in either the present legislation or the present administration. We should not have introduced them otherwise. In these circumstances, I suggest that the Committee carry the amendments.

Mr. SHANNON: I am disappointed that the member for Norwood did not give some concrete examples of false advertisements of services. As regards the honourable member's saying he would not permit Mr. Murphy to make a false statement, I draw his attention to his own shortcomings. Some attempt has been made to mislead the Committee about Mr. Murphy's views. When the Leader of the Opposition made his statement that he had adopted the Commissioner's recommendations, I asked the Treasurer to show me the report from the Commissioner. Nothing could be further from the truth. Even the amendment that the Leader adopted verbatim from Mr. Murphy's report was not a very strong recommendation from Mr. Murphy. It was only to the effect, "If you desire to do something in this field, this is what I suggest you do." It was not a direct instruction to the Government, "We

think this is desirable." The other two amendments we are now considering (which will become "g" and "h" instead of "h" and "i", as they appear on the files) Mr. Murphy rather condemned.

While acknowledging the lawyer's approach to this problem, I maintain that the Commissioner's practical approach is something that this Committee cannot disregard. Such encomiums as have been uttered by the Leader of the Opposition about Mr. Murphy's administration of the Prices Department would surely have some weight with honourable members opposite, and they would listen to his advice. However, be that as it may, I hope this side of the Committee will listen to the Commissioner's advice in this matter. There is obviously some misunderstanding among members opposite. I do not know whether they think they can get something into this Bill for which they can take the credit when the report from Mr. Murphy states that all these things are adequately covered by the 1963 amendments made in this place. I hope we shall not be offered misleading evidence from the Opposition in regard to what an important officer has to say about matters that come here for discussion.

Mr. DUNSTAN: If the member for Onkaparinga wants some examples of misleading advertisements in relation to services, I can give him these. Land agents frequently advertise for sale premises to which all sorts of services are supposed to be connected. That has occurred particularly in the district of Barossa, and I am sure the member for that district knows of cases in which land agents and development companies have erected signs stating "Shopping centre here" or "Schools here" and have sold land on this basis when these things were not going to be put there, have never been put there, and will never be put there.

These things are going on all the time and it is extremely difficult to catch the land agent concerned in an outright action for fraud because he can say that he intended that these things would be put there. This sort of thing needs to be caught. Although no goods are being sold, people's savings are being taken. An example of advertising of goods is the following:

Five brand new refrigerators all under £100. Brand new sealed unit full freezer, 49 guineas, 11-cub. ft., as shown.

The advertisement showed a nice looking sealed-unit refrigerator with crisper drawers, shelves, and so on. When this was examined at the firm's premises, it was found that the inside lining

was badly clipped and that pieces were broken out of it. The refrigerator was very dirty and the "full freezer" consisted of an L-shaped shelf without a door. When the shopper asked for the 11-cub. ft. refrigerator as advertised, he found it had no crispers, yet the advertisement showed a crisper drawer. The refrigerator in the shop did not have a crisper drawer and that was the one for which 49 guineas was asked. The shopper inquired for the one advertised. People are engaging in this misleading bait advertising, and it was clear to the shopper, who was an expert employed by another retailer in Adelaide who was protesting at this sort of thing, that this was old, superseded and broken down stock, yet it was advertised as new for 49 guineas. This sort of thing is going on practically daily, and if the honourable member requires further examples I shall be pleased to make them available to him.

The Committee divided on new clause 6a:

Ayes (17).—Messrs. Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, Frank Walsh (teller), and Fred Walsh.

Noes (18).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Harding, Heaslip, Laucke, McAnaney, Millhouse, and Nankivell, Sir Baden Pattinson, Mr. Pearson, Sir Thomas Playford (teller), Mr. Quirke, Mrs. Steele, and Mr. Stott.

Pair.—Aye—Mr. Hughes. No—Mr. Shannon.

Majority of 1 for the Noes.

New clause thus negated.

Title passed.

Bill read a third time and passed.

#### PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

#### MENTAL HEALTH ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

#### LEAVE OF ABSENCE: MR. HUGHES.

Mr. Frank Walsh, for Mr. LAWN moved:

That two weeks' leave of absence be granted to the honourable member for Wallaroo (Mr. L. C. Hughes) on account of ill health.

Motion carried.

#### ADJOURNMENT.

At 10.9 p.m. the House adjourned until Wednesday, October 7, at 2 p.m.