

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 15 OCTOBER 1954**

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Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

QUESTION.

BITUMEN SURFACE, TOWNSVILLE-CHARTERS TOWERS ROAD.

Mr. AIKENS (Mundingburra) asked the Minister for Transport—

“Will he inform the House if it is proposed to complete the bitumenising of the Townsville-Charters Towers Road during the present financial year?”

Hon. J. E. DUGGAN (Toowoomba) replied—

“A decision on this matter will be conveyed in due course.”

PAPER.

The following paper was laid on the table:—

Regulation under the Explosives Act of 1906.

PROFITEERING PREVENTION ACT  
AMENDMENT BILL.

SECOND READING.

Hon. W. POWER (Baroona—Attorney-General) (11.3 a.m.): I move—

“That the Bill be now read a second time.”

Having explained the provisions of the Act fully and given the reasons for the Bill I content myself now with moving the motion.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.4 a.m.): The Attorney-General made a long introductory speech, but on the second reading he is restricted to principles.

There are some very interesting provisions in the Bill that should be examined thoroughly. Certainly it is a machinery measure and, as the Attorney-General said, to put it briefly, it streamlines prosecutions under the Act. Although prosecutions may be necessary in certain circumstances, it is desirable to make the methods as flexible as possible. Nevertheless, the policy that has been followed to a great extent by the Attorney-General in not prosecuting unless it was absolutely essential is one of the best methods of obtaining the results desired under this legislation. It must be admitted that many price breaches are the result of ignorance of the law, and one cannot blame people for that when we look at the number, variety and complicated nature of the regulations. Even the man who is trained to comply with the regulations under this Act can very easily make a mistake. In such cases, a warning would be just as effective as any prosecution, but if prosecutions are necessary and desirable to prevent flagrant breaches of the Act, they should be carried through.

The first amendment relates to the evidence prices officers seek to obtain by calling upon those who may have broken the law. In justifying the introduction of this amendment, the Attorney-General mentioned that Mr. Shand, the secretary of the Butchers' Association, had instructed his members that they were not to answer questions. The Minister referred to it in a way that implied that there was something behind Mr. Shand's instruction designed to obstruct or hinder the operations of the Prices Branch. When all is said and done, Mr. Shand was merely giving a sound warning because it is not compulsory for anybody who is likely to be prosecuted to answer questions when those answers may be used in evidence against him later. But I do agree with the Minister that it is necessary that they give at least their names and addresses as well as the name of the owner of the premises. That could not be called incriminatory evidence.

My point is that in mentioning Mr. Shand in the way in which he did, the Minister implied something that was not correct. As secretary of the butchers' organisation, Mr. Shand was only doing his duty in telling his members that they should be careful when answering questions to avoid incriminating themselves because those answers might be used against them later.

In any case, why make all this row about ascertaining who owns the shop and the name and address of the person occupying it? Under the Health Act as well as other Acts, every butcher's shop in the country is registered with another Government department. It is the simplest thing in the world for the Prices Branch to ascertain who is the owner of the shop and the name of the occupier. All that information is available to it from other departments.

The next alteration makes it necessary for the trading accounts to be produced to the Commissioner within the time specified. When carrying out an investigation into alleged prices breaches, and to protect a person who may be charged under this Act, that evidence is necessary, but one cannot expect a person conducting a business, especially if that business carries a number of departments, to be able to produce forthwith the trading accounts of his activities. I trust that the Minister will do as he said he would do on the first reading and allow a reasonable time for the production of these accounts.

**Mr. Walsh:** "Forthwith" does not necessarily mean tomorrow.

**Mr. NICKLIN:** I know that, but if you have officers who are keen to get prosecutions against certain persons they might use the provisions of the Act in the harshest possible way. In circumstances such as these, common-sense should prevail and the Government should give those whom they are asking to produce trading accounts a reasonable time to furnish the information. The Attorney-General, in his introductory remarks, said

the new provision would be administered in a common-sense way and not to the detriment of people.

**Mr. Power:** You need have no fears about that. This is only to catch those people who will not send in their balance sheets.

**Mr. NICKLIN:** As with every Act of Parliament I agree that the law has to be administered reasonably.

The next provision says that declared goods must be sold by number or weight or measure or by some multiple or part thereof. This applies particularly to fruit and vegetables and is an interesting one. It is a subject to which I have given much thought and study over the years. The question whether these goods should be sold by weight, measure or unit value is one that is pretty hard to determine. There are differences of opinion about it in the wholesale and retail sections of the trade and amongst buyers themselves. Some lines of fruit lend themselves very readily to sale by units; some are impossible of sale by units and have to be sold by weight.

**Mr. Power:** You would not sell cherries by the unit?

**Mr. NICKLIN:** It would be rather difficult. Apples, pears, citrus fruits and peaches are a few of the fruits sold at the present time by unit and by weight. I am of the opinion that fruit of that kind should be sold by the unit method. It is the most desirable method of sale because in selling it by the pound you experience difficulty in getting the exact weight. It involves ounces and fractions of a penny, and things like that. Generally the seller is on the winning end when it comes to fractions in the sale of fruit by weight. He does not give the benefit of the fractions to the buyer; he retains it for himself. The fruits I have mentioned are all sold in the markets on a case basis, not on a weight basis, and the value is judged by the two methods—the grade and the number of fruit in the case. The end of the case is marked with the number of fruit in it and that is what the buyer goes by. For instance, oranges, with a count of 84 to 96 would be large oranges. It is not a popular type of orange for the family trade. They are bought by a few retailers in the city who have a specialised trade. Some people want large oranges and do not care how much they pay for them. The smaller sizes, however, are the most popular for the family trade. The medium-sized orange generally brings the highest price. Although the large-sized orange is the best quality fruit, it generally brings a lower price than the medium-sized orange.

**Mr. Power:** The Bill merely gives the Commissioner the right to clarify the position. At present some people are selling by weight, while others are selling by unit.

**Mr. NICKLIN:** I realise the intention of the Bill, but nobody can fix a price for all oranges of the same size. The grade of an

orange has to be considered as well as its size, and there are three different grades—fancy, choice, and plain.

Peaches are sold usually in half-bushel or bushel cases, and the price depends on the number of units in a case.

In the case of stone fruits, which are generally small in size, particularly plums in the early part of the season, the retailing is done mostly by weight. No number appears on the end of the case as the number of fruit in it. Of course, fruit such as grapes cannot be sold other than by weight.

Bananas are marketed in two ways, on bunches and in cases. Those sold in cases are graded according to the length of the banana. People in the trade know how many dozen bananas there are in a case according to the grade. However, in the case of bunches, at the top of the bunch we have the large fruit, and the very small fruit at the bottom. It would be impossible to fix a set price for bunch bananas.

**Mr. Power:** We are fixing the price on the cost into store.

**Mr. NICKLIN:** That is so but the method of selling must be taken into consideration. Case bananas are better sold by the dozen, and bunch bananas by weight.

**Mr. Power:** Our policy is not hidebound. We will receive any representations that the trade likes to make.

**Mr. NICKLIN:** I am examining the method of selling fruit and pointing out some of the difficulties in deciding whether it is to be sold by weight or by unit.

In the case of vegetables, selling by weight is the better method. Tomatoes, too, although generally cased in the same way as some fruits, are usually retailed by weight. In the same way, peas, beans, and similar vegetables can be sold only by weight.

I suggest to the Minister that he consult with trade representatives, both wholesale and retail, before he makes a final decision whether the method of selling fruit and vegetables will be by unit or by weight. I can assure him that he will find quite a difference of opinion in regard to it. I believe it could be worked out on a broad general basis. Where fruit is sent into the markets with the number indicated on the case, it should be sold on the unit basis, but where there is no number marked on the case, and there is no easy method of determining the number in it, the weight method should be used. However, that will be one of the easier things to work out in this Bill.

One of the most difficult things will be to ascertain the cost into the store. It is very easy to say that if the sellers in the market issue a docket, the docket can be produced by the retailer and from it the sale price can be worked out. That sounds very easy in theory but some of these theoretical things are not so easy in practice. The Minister is going to find himself in a lot of trouble before he introduces an effective and efficient docket system for the sale of fruit.

**Mr. Power:** We do not propose to put a docket system in.

**Mr. NICKLIN:** That is what he said when he introduced the Bill.

**Mr. Power:** We do not propose to ask the retailer to give a docket.

**Mr. NICKLIN:** What else can he do? The only way he can ascertain the price into store is by ascertaining the price into the wholesale market.

**Mr. Power:** We take the price into the store plus the other costs.

**Mr. NICKLIN:** How is he going to ascertain the cost into the market?

**Mr. Power:** We are going to examine his books.

**Mr. NICKLIN:** The Minister said during the introductory stages of the Bill that he was going to have a docket system in the markets.

**Mr. Power:** We are not going to put a docket system into the retail trade. I think we are at cross purposes.

**Mr. NICKLIN:** The hon. member is "butcher happy." I am referring to a docket system for the wholesale trade, and I can tell the Minister he is going to get more headaches over that than he has had over his butcher docket. At the present time there is a docket system but if the Minister went to the markets any day of the week he would see waste-paper baskets full of them. They have been swept up off the floor after having been thrown down by the people to whom they were issued. The agents have to issue them to the buyers in accordance with the law, but in 99 cases out of 100 they are thrown away.

In Sydney they tried to bring in a docket system but a riot developed and the police had to be called in to sort the matter out. The buyers absolutely refused to take the docket.

**Mr. Power:** They are not as efficient down there as we are here.

**Mr. NICKLIN:** I do not think we are as wild as they are down there but the Minister is going to have a few headaches just the same.

**Mr. Aikens:** The retail docket system in Brisbane has become a farce.

**Mr. NICKLIN:** Yes it has, and this will become a farce too.

What is to be written on the docket when a sale is made? I take it that the Minister will insist on the variety of the fruit being stated, such as oranges or apples, and then the grade. I have already mentioned that they are sold on a dual basis.

You have fancy, choice, and plain and the count of the fruit. You would have to mark on the docket, the grade—fancy or plain—and the count. You would also have to have the number of cases, the different grades, and the different counts marked on the

docket. Let us visualise what happens in the markets. Not a great number of wholesale buyers buy in big lots; the majority want from two to five or six cases of fruit of two or three different brands and varieties. Those would have to be marked on the docket if the Minister is to ascertain the exact cost of the fruit into store. In addition you have the different varieties of apples—democrat, delicious, Granny Smith, and so on. Each variety sells at a different price. If you just put “apples” on the docket you are giving the retailer the opportunity to mix things up and there will be no opportunity of tracing the prices. By the time the fruit salesman has written in all those details he will be a candidate for Goodna.

We now come to the name and address of the buyer. That is where the Minister will strike trouble. The practice of the markets is to sell not on the name and address, but initials. They know the names and addresses of quite a number of buyers, but there are many buyers whose names are not known to them although they may have dealt with them for years. They do not know where they live and they just go by the initial, S.P. or G.J.

**Mr. Power:** There is no S.P. in this Bill.

**Mr. NICKLIN:** The Minister may find himself in more trouble with fruit than with the S.P. Bill when it comes to dockets. Great difficulty will be encountered in putting the necessary information in the docket to ascertain the true cost into store because of the conditions under which sales are made in the market. I suggest to the Minister that he take a job in the markets for a week and endeavour to carry out the Bill. If he does I prophesy that before he has finished half a day he will come back to his office and scrap the docket system as being absolutely impracticable. The wool sales are a Sunday School picnic compared with sales in the market. You have sellers in keen competition yelling their heads off and buyers bidding here, there, and everywhere and vehicles clattering up the markets. It seems chaotic to the outsider, but all the time sales are going through the hands of these trained operators. It is difficult enough to keep up with the sales as they are made now, but if these conditions regarding the filling in of dockets are insisted on, the position will become impossible. I am always glad to help the Minister to overcome the difficulties that he seems to be keen to get himself into. I have a suggestion to make about the buyers. The wholesaler may not know who P.K. is. He may not have dealt with him before.

**Mr. Power:** The income tax people might be interested too.

**Mr. NICKLIN:** That might be one of the reasons for this Bill. Some buyers might buy a dozen different varieties. Any number of people may want to know who they are but the job of the fruit merchant is not to inquire who the man is who buys from him so long as he hands over the money. The agent is able to do the job for his

client, the grower, to get the best possible price for the goods. That is all he is concerned with.

**Mr. Aikens:** Who is responsible for the big difference between the price the grower gets and the price the consumer pays?

**Mr. NICKLIN:** I will deal with that question later. I suggest to the Minister that if he insists on having the name and address of every buyer written on the docket he should try the practice of having a buyers' register. Of course, one could not register every buyer but one could register the recognised ones. It would mean that 90 per cent. of the regular buyers would be registered and instead of having to write on the docket “Bill Somebody or other” and then the address, the buyers' register would save time. Nobody knows how to spell the names of some of the New Australians operating on the markets, it would take about ten minutes to write the names down. If they were on the buyer's register and operated under an initial plus a number, such as “G.I.” that information could be written on the docket. The register could then be turned up and one could ascertain from it who “G.I.” was. It is very well organised at the markets and there should be no difficulty whatsoever establishing a register of buyers. This would simplify that part of the docket system at any rate.

We go to the markets and we buy the fruit. The information is written on the dockets. The fruit is taken to the retailer's store. Up to the time the fruit or vegetables leave the market the trouble for the Minister and his officers is big enough but he gets into real trouble when the fruit goes into the store. The Minister and his officers will have tremendous difficulty in ascertaining the price of the fruit on display in the store. Certainly they have the docket but the one docket may have many grades of certain fruit on it.

**Mr. Power:** Do you not think we have established that without any difficulty and have had successful prosecutions on more occasions than one.

**Mr. NICKLIN:** The hon. gentleman might have been successful with some but there are hundreds in which he has not been. I quote one single example, that of beans. The price of beans in the market may vary as much as 6d. a lb. between the first sale and a later sale. Beans may drop by 6d. a lb. because of the fact that the train arrived late from the North Coast with beans. These beans are then dumped on the market. Unfortunately the late arrival of trains is not something that happens only occasionally. Nowadays it is almost a regular rule and vegetable growers suffer very much as a result.

**Mr. Aikens:** A train arrived in Townsville on time yesterday but it was the train for the day before.

**Mr. NICKLIN:** Ha!

Beans might be 6d. a lb. at the 7 a.m. market but by 9 o'clock the same quality might have dropped to 3d. a lb. A retailer might buy some at 6d. and some at 3d. Upon arrival at his shop, he could mix the two lots and sell them at 9d., the price that he is allowed to charge for the beans for which he paid 6d. In this way, he would be getting 9d. a lb. for beans for which he paid 3d. He has the dockets and he could have on one side a small heap of beans for which he has paid 3d. How can the Minister or any of his officers tell which of those beans cost 6d. and which cost 3d.?

**Mr. Power:** It would be most difficult. They might get way with it with beans in one or two cases, but this legislation will give us sufficient protection to meet any other cases.

**Mr. NICKLIN:** The Minister always was an optimist but he is going to find no end of trouble and have some terrible headaches in working this out.

**Mr. Jesson:** You are not saying that they do that in the C.O.D. shops, surely?

**Mr. NICKLIN:** I do not know why the hon. member for Hinchinbrook has such a "set" on the C.O.D. He was an employee of the C.O.D. at one time and possibly might know more about these things.

**Mr. Burrows:** Why would not the retailer average the price of his beans?

**Mr. NICKLIN:** Possibly many of them would, but this legislation is aimed not at that man but the one who exploits the public. I am merely mentioning ways in which it is so easy, notwithstanding the docket system, to so confuse things as to make it possible to take greater profit from the public than is necessary or desirable. That is the man the Minister wants to catch.

**Mr. Power:** I do not want to catch anybody; I should much prefer that they do not break the law.

**Mr. NICKLIN:** I do not think any legislation will be really effective in giving to the public fruit and vegetables at the best possible prices from their point of view.

**Mr. Burrows:** That is a very negative outlook.

**Mr. NICKLIN:** The hon. member for Port Curtis is always singing out from the back seat, and most of his interjections only illustrate his ignorance of the matter about which he interjects. I am pointing out the difficulty of controlling these things by legislation. But again I have a suggestion to offer the Minister. It could help the housewife to get fruit and vegetables at the best possible prices. This can be done best not by legislation but by educating the housewife and giving her some regular indication of the prices she should pay for the goods in the shops according to the wholesale prices ruling in the markets. I do not know whether the hon. member for Port Curtis knows it, but at the end of the Queensland news each Thursday night the

Australian Broadcasting Commission gives housewives a guide for the week-end. That guide states the prices that should rule in retail shops, in the city in particular, according to the wholesale prices in the market. Most of the daily newspapers publish the same information, but only spasmodically. If the discerning housewife either listens to the radio or reads her paper she will know of these prices—

**Mr. Power:** What about the housewife who is too poor to buy a radio?

**Mr. NICKLIN:** If there are many who are too poor to buy a radio, what a terrible indictment on 20 years of Labour rule! It is time the housewife changed the Government and put a decent party into power and then she would be able to buy a radio. The housewife, although she may not realise it, is the greatest factor in fixing the price of anything. She is the best price fixer I know. During the time I was in England about 12 months ago I saw the effect that the housewife had on the price of goods. For the first time the housewife had an opportunity of choosing her quality and getting the article at the price she thought she should pay after all controls had been lifted, and my goodness, what an effect she had on the prices of many articles! Unfortunately this effect was adverse to the sale of many of our products, particularly when it was broadcast that control of meat prices would be lifted and the prices would be such-and-such. If the housewife did not think that they were the right prices to be charged, the meat stayed in the butcher's shop and the butcher could not pass over to her the scrag pieces he had been selling before because the housewife refused to buy. Prices came down to a fair level. The same thing happened in regard to every other product. I just mention that fact as a solution of the many headaches the Attorney-General is getting over the price of meat and other things at the present time.

Any housewife who walks from one end of George Street to the other on any day of the week can get a very good idea of comparable grades of any product and she will find that there are three to four different prices. A little bit of discernment on her part, keeping in mind the prices notified in the Press and by the radio will fix prices and prevent any exploitation of the housewife by any unscrupulous trader much more effectively than legislation, particularly when there are so many things involved in the issue of dockets to establish price.

**Mr. Burrows:** Do you know anything about the facts of life?

**Mr. NICKLIN:** I know this fact, that the hon. member for Port Curtis is a damned nuisance in this House.

**Mr. SPEAKER:** Order!

**Mr. NICKLIN:** I mentioned the radio and Press prices as something by which the situation might be improved. At the present time average prices are quoted, not the top price and not the bottom price. The quoting

of the average price has an effect on the wholesale price of fruit sold in the market. The price quoted over the radio and in the Press fixes the wholesale maximum price of fruit in the markets. If the housewife was told the prices she should pay according to market conditions and enforce the tremendous power she has on the retailer, we could fix this business up in a couple of weeks. There would not be any need for all this intricate legislation to bring about control. After all, in the long run controls are not very effective. The smart man will always find a way round them, and in an endeavour to catch him everybody is handicapped. The small advantage that may be gained from catching one or two people must be weighed against the definite disadvantage to everybody who is playing the game. Instead of using involved legislative methods, I suggest that the Minister should approach the matter from a common-sense angle and encourage the housewife to be the real price-fixer.

**Mr. Aikens:** In other words, you believe in giving the exploiter an open go?

**Mr. NICKLIN:** I have made a practical suggestion to the Minister. It is all very well for the hon. member for Mundingburra to say I believe in giving the exploiter an open go. Let the hon. member offer some suggestions. I believe he conducted a fruit shop in Townsville, so let us have the benefit of his experience.

**Mr. Aikens:** We made a profit of £2,000 last year, and it all went back to the people.

**Mr. NICKLIN:** What was the turnover?

**Mr. Aikens:** About £40,000. I will tell you all about it later.

**Mr. NICKLIN:** I should like to hear it.

The other provisions of the Bill, as I said before, are more or less machinery, although there is one interesting provision to the effect that publicity about reductions in prices is prohibited if the alleged former price is greater than the maximum declared price. The Minister knows all about the time-honoured practice that has been going on for years when articles are supposed to be reduced in price at sale-time. It would take half the spice out of the life of the housewife to interfere with the bargains that she gets at sale-time. I suggest he should leave it to the housewife. She will not be deceived by the tickets on the articles; she will test before she buys. She has a ton of fun going round trying to find bargains. The Minister should not be a kill-joy by taking from the housewife the little bit of fun she gets by going to places that say they have marked things down to half price.

One other provision to which I should like to refer is the limiting of time for the institution of a prosecution. The time limit will now be 12 months after the commission of the offence instead of six months after discovery.

**Mr. Power:** That operates today, but we have been challenged on it. We are introducing this provision to ensure that the position will be quite clear in future cases.

**Mr. NICKLIN:** I am not objecting to the amendment; I do not think it will make very much difference to the present practice. As the Minister has said, there has been some doubt about the position and this clause is an attempt to clarify it. However, I hope that when the Minister's officers discover that an offence has been committed, an undue length of time will not be allowed to elapse before a prosecution takes place. If an offence was committed today, it would be absurd to allow 9, 10, or 11 months to elapse before a prosecution was instituted. I admit that a good deal of investigation is required in some instances before a prosecution can take place, but it should not be necessary to extend the time unduly. To me, 12 months seems to be a very long time before going ahead with a prosecution.

In conclusion, I agree that the provisions of this Bill are mainly of a machinery nature. The only new principle is the one dealing with the price of fruit and vegetables, and I suggest to the Minister that before he administers that provision he should buy himself a packet of Aspros because he is going to have a few headaches.

**Mr. AIKENS (Mundingburra)** (11.51 a.m.): This legislation is typical of the Labour Party, concerned as it is with Brisbane and the interests of Brisbane people only.

Speaking on behalf of the people of North Queensland whom I have the honour to represent I say that this legislation has been drafted on what we might call the McCallie policy—give everything to Brisbane, everything of the best quality and give the scraps to the country, and particularly to North Queensland.

I think it is obvious to everyone that this legislation was introduced purely and simply because of the chaotic conditions that exist in Brisbane as a result of what is known as the meat muddle caused by the same governmental policy. The Brisbane Abattoir was set up and given a monopoly.

**Mr. SPEAKER:** Order! I remind the hon. member that there is nothing about the abattoir in the Bill.

**Mr. AIKENS:** Surely I can bring the abattoir in with meat prices. As the result of that monopoly all meat sold in Brisbane has to be slaughtered at the abattoir with the result that a buyers' ring or clique, or racket—call it what you like—has been set up and Brisbane consumers have to pay high prices for poor quality meat. The Government, concerned only with the interests of the people of Brisbane have been trying to find a solution to the problem.

As far as I am concerned the Government, in this matter, can stew in their own political juice. I am concerned only with the people of the country and particularly with the people of Northern Queensland, but unfortunately the Government tie the retail price of meat throughout North Queensland to the price paid for cattle by the wholesalers at the Brisbane Abattoir.

In other words, the whole price structure of Queensland with regard to meat is tied to, and fixed by, the prices paid for cattle at the Brisbane Abattoir. It is all very well for the hon. member for Aubigny to stand up in this House and boast that his cattle are selling for £59 or £69 a head at the Brisbane Abattoir, and I believe that to be a fact.

**Mr. Sparkes:** Would you like a few?

**Mr. AIKENS:** I should like some of the meat because it is the best meat in Queensland. Unfortunately, they do not get it here in Brisbane. We do get good meat in North Queensland.

These wholesalers at the Brisbane Abattoir are operating on both an export and local market and they can afford to pay high prices to graziers like the hon. member for Aubigny. Unfortunately, I can foresee in the very near future that we are going to have another rise in the price of meat. The Attorney-General has only one way of solving any problem. He has done it over and over again. His way is to throw up his hands and to say, "To hell with the whole matter, I give in." Consequently the price of meat in Brisbane is going to rise, but what I am concerned about is that when the price of meat in Brisbane rises it will also rise in the country areas of this State.

I can see no reason why the price of meat in Northern Queensland should be fixed on the prices ruling in the meat hall of the Brisbane Abattoir. In North Queensland butchers go out and buy their stock from the graziers. They bring the stock in, slaughter it at their own slaughter-houses, and sell it and they are making a profit. They are all doing well and in the main they are giving their customers good meat at the prices operating. I for one object very strenuously to the people of North Queensland being compelled to pay through the nose simply because the Government have made an unholy hash of the meat system, the buying system and the price system as they operate from the Brisbane Abattoir. When the price for meat in Brisbane goes up, as it assuredly will, I resent very strongly that it should be passed on to the northern people.

**Mr. Sparkes:** When you get a good season it will come down.

**Mr. AIKENS:** I do not think it ever will. Nevertheless I fail to see why the whole economy of this State should be bound up with industry in Brisbane. While we are dealing with the principles of the Bill I take it that they are to prevent the exploitation of people in the prices charged for certain commodities. I think we should tie in with that, the quality of the commodities. While on the question of meat, let me deal with the particularly pernicious racket that is worked in the meat trade. Let us take the ubiquitous pork sausage. We know that one can go into any butcher shop in Brisbane or the suburbs or in the south-eastern corner of the State where small reputable butchers do not make their own pork sausages and

buy from the chain stores and butcher shops as many pork sausages as one likes, and one pays the price fixed by the Prices Commissioner for pork sausages. Anyone with an elementary knowledge of the trade and these snide practices will tell you that there is not one ounce of pork in 10 tons of pork sausages. Pork sausages are made here by big manufacturers such as Swifts, Borthwicks, and Redbank, out of stewed tripe with synthetic pork seasoning. The hon. member for Aubigny will be able to confirm that. The pork sausage made by the small butcher is filled with pork and mutton scraps; at least you do get some pork in it. In Brisbane if anybody is stupid enough to pay a high price for pork sausages he is just buying stewed tripe with synthetic seasoning.

**Mr. Sparkes:** How can you sell for 1s. 9d. something that costs you 5s. 6d.?

**Mr. AIKENS:** The hon. member is buttressing my argument, as I expected he would, knowing him to be an honest man.

I wish to refer to a racket within the meat trade that strikes at the type of people that the Labour Party profess to represent—the working class. We know that when the wealthy members of the Liberal-Country Party and the people they represent go to a butcher shop they do not order a rib roast; they order a sirloin roast. The worker, like myself, asks for a rib roast. Most reputable butchers do not use this pernicious dirty little snide practice in regard to the rib roast. There are several reputable butchers in Townsville—I shall not dodge the issue—and those reputable butchers do not employ this snide practice. But there are some butchers in Townsville who do; and nearly all the butchers in Brisbane do it. They cut the rib off and cut the succulent portion from the rib and sell it separately as rib fillet, and then they roll the long stringy sinewy part called the rib-flap into a circle and fill the middle with shin beef and scraps from the block and sew it together with string and sell it to the unfortunate housewife as prime rib roast, charging her the full price. Apparently prices inspectors in Townsville and Brisbane are deaf, dumb, and blind to the practice.

**Mr. Sparkes:** I thought the hon. member was an engine driver.

**Mr. AIKENS:** I have a fair amount of knowledge of the meat trade. I am not surprising the hon. member because he knows of this racket. I feel sure I am surprising some hon. members and the members of the Press. I repeat that in Townsville most reputable butchers do not resort to this snide practice but there are some butchers who do. Nearly all of them in Brisbane do. I reiterate that it would appear that the prices inspectors are deaf, dumb, and blind.

The Leader of the Opposition dealt with fruit prices and the need to do something to protect the continued exploitation of the people in that regard. The Bill deals specifically with fruit. It is well known that this Parliament has passed several pieces of legislation to prevent the exploitation of the

people in the purchase of fruit and vegetables but these Acts might as well have been written in water for all they have done to protect the unfortunate buyer and consumer. We in this Parliament passed an anti-topping Act. That Act compelled the fruit and vegetable shopkeeper to sell fruit and vegetables off the stack. But do any of them do that? Go to any fruit stall in Brisbane today. One will find there a fine array of fruit and vegetables on the stack in front of the shop. When one asks for a dozen apples or bananas or a cabbage the shopkeeper runs to the back of the store, puts the article in the bag, brings it to the buyer in the closed bag. When he gets home he finds half are specked, half are rotten, and not up to the quality of those displayed on the stack in front of the shop. There is an Act of Parliament to stop that kind of thing but for all that Act matters it might as well be written in water. The same will happen when this legislation goes through.

The Leader of the Opposition stated that we tackled the problem in Townsville. We did, by the opening of the Municipal Fruit and Vegetable Market. That market has been an outstanding success, so much so that people there can buy stone fruit grown on the Granite Belt in Queensland or even in Tasmania or Victoria cheaper in Townsville than in Brisbane, despite the fact that it has to be transported an additional 800 miles to Townsville. In Townsville every fruit and vegetable shopkeeper must have a clean and reputable shop. There are no dirty and disreputable fruit barrows in the streets of Townsville. Every shopkeeper must have a clean shop. I think they are a model for the whole of Australia. No shopkeeper is allowed to serve a customer on the footpath. No customer is allowed to stand on the footpath to be served. No produce of any kind, including fruit and vegetables, can be stored on the footpath. I have heard the argument here, and I think it was the Leader of the Opposition or one of his cohorts, that the fruit stall, because the owner does not pay anything other than the annual licence to the City Council in Brisbane, or the Police Department, or whoever it is that issues the licence, will be and should be able to sell fruit and vegetables cheaper to the public than those who have to rent or buy a shop in order to do it. In Townsville we have dispelled and disproved that stupid argument. There are not fruit stalls in the streets of Townsville. The fruit shops there, one and all, are a credit to the city and a model and example for the rest of Australia. There cannot even be a case or part of a case on the footpath. If there is a case on the floor of the shop it cannot jut out even one inch onto the footpath.

**Mr. Nicklin:** I do not think I was so very impressed by the way it was displayed up there.

**Mr. AIKENS:** How long is it since the hon. gentleman has been in Townsville? The Municipal Fruit Market in Townsville has been remodelled and is, I think, an example for the whole of Australia. I will admit

that previously it was not as good as some of the modern shops but it has been completely remodelled.

**Dr. Noble:** Did the hon. member for Hinchinbrook set the standard?

**Mr. AIKENS:** It is a long time since he has been there, so long that he would now have to take someone round to introduce him. There they have forgotten what he looks like.

The price of stone fruit from the Queensland Granite Belt and from Victoria and Tasmania is cheaper in Townsville than in Brisbane, because the Brisbane Municipal Fruit Mart keeps all the prices of fruits and vegetables in Townsville back to its price.

**Mr. Nicklin:** It could not do that.

**Mr. AIKENS:** It does it by competition. It forces the others, by competition, to keep down to its price.

**Mr. Nicklin:** You know that fruit from the Granite Belt is sold on the Townsville market, and sometimes it is lower than in Brisbane.

**Mr. AIKENS:** Before I left Townsville last Saturday, I bought good Jonathan apples at the Municipal Fruit Mart in Townsville for 1s. 6d. a lb. and I am paying 1s. 10d. a lb. for the same apples in Brisbane.

**Mr. SPEAKER:** Order! The hon. member is giving us a dissertation on how to run fruit shops. There is nothing about that in the Bill. I ask him to confine his remarks to the measure before us.

**Mr. AIKENS:** I will, and I suggest that if the Government want to tackle the problem that is the way in which they should approach the question of the price of fruit and vegetables.

I know there is a misconception in the minds of some people in Townsville. I know that the Trades and Labour Council carried a resolution based on false premises the other day. That Council suggested that because the price of fruit and vegetables at the Townsville Fruit Mart was on the same level as the prices charged for fruit and vegetables by private fruit and vegetable retailers the Townsville Fruit Mart's prices were being kept up to the private retailers' prices. The opposite is the case. The private fruit and vegetable retailers have to keep their prices down to the municipal fruit mart prices. Last year the municipal fruit mart—

**Mr. SPEAKER:** Order! There is nothing about the municipal fruit mart in the Bill.

**Mr. AIKENS:** If you will not let me conduct a minor Back-to-Townsville week, I shall have to get onto something else and connect my remarks with the Bill. I now propose to do that.

We know that the Attorney-General, as the Minister in charge of prices, has an excellent administrative officer. I have interviewed Mr. Fullagar on several occasions and I hold him in the highest possible regard. I do

not say that because he is in the lobby now listening to me, but unfortunately he has to do what he is told. It is all very well for the Attorney-General to tell us, as he did when introducing this Bill, that Mr. Fullagar can tell him to go and jump in the lake. We all know how long Mr. Fullagar would last if he tried that. Nevertheless, within the limitations placed upon him by the Government and their policy, I am convinced that Mr. Fullagar does a good job.

But I cannot say the same thing for many of his prices inspectors. If they are doing their jobs, if they are doing all they possibly can to stop the exploitation of the people in connection with fruit and vegetable prices, then there is something radically wrong with the law or the regulations made under it. Gross and glaring examples of over-charging and exploitation go on not only in Brisbane but in Townsville, and nothing seems to be done about it.

I shall not turn the knife in the gaping wound of the Attorney-General by referring to the horrible mess he made of potato price control last year, when he assessed the price in Townsville for second-quality Tasmanian potatoes at 7½d. a lb. and the price for first quality Woodstock and Burdekin potatoes at 4d. a lb., with the result that all the Burdekin and other northern potatoes had to go to Brisbane for sale while we in the North, where the finest quality potatoes in Australia are produced, had to be content with eating second-quality Tasmanian potatoes. In the interests of the peace of mind and conscience of the Attorney-General, I shall just mercifully pass over that incident.

**Mr. Power:** I will deal with you on that one.

**Mr. AIKENS:** I wish the hon. gentleman would. What is more, since the Attorney-General is so eager to deal with me, I ask him to come up to Major's Creek or Woodstock and I shall get up on the public platform with him and, in front of the potato-growers—

**Mr. Power:** I will go there when you pay the £100 to the spastic children.

**Mr. AIKENS:** If the Attorney-General will let us look at the minute books of the T.R.E.B. and it is found that I am wrong, I shall pay the £100. As a matter of fact, I shall probably finish up bribing someone with £100 to give me a look at the minute-book.

**Mr. SPEAKER:** Order!

**Mr. AIKENS:** I shall pay £100 in a bribe one of these days to get a look at those books; and, boy, will they be worth reading!

The Leader of the Opposition in his sensible and restrained manner suggested that perhaps the housewife would be the best check on exploitation and excessive prices. I want to say, unfortunately, that I cannot agree with him, because it has been my experience of people that they go along to a

place such as a fruit and vegetable mart—and I will not deal particularly in view of your ruling, Mr. Speaker, with Townsville—and this could apply to all other shops in which they go and buy goods—and pay higher prices than they know they should pay, but they do not complain to the store-keepers. They simply come out of the shop and complain to the first person they meet. When they get the ear of a politician they fill his ear full of complaints.

**Mr. Munro:** With competition, why would they not go to some other shop?

**Mr. AIKENS:** Perhaps the hon. member can tell me. If the hon. member can tell me why they do not go to some other shop, I should be happy. That is one of the unsolved mysteries of all time. Why does a person pay a higher price for an article when he knows in his own heart that he should not pay it, and when he knows in his own heart that he can buy the same article cheaper down the street? Why does he continue doing that and complain afterwards?

**Mr. Munro:** I will answer your question. If they were not tied up with so many artificial regulations they would do so.

**Mr. AIKENS:** In reply to the interjection by the hon. member for Toowong, and it appears to be as sensible as the hon. member can make it, I say that the great mass of the people do not know that the regulations exist; they do not seem to be interested. They come to me, and I suppose they have gone to you, Mr. Speaker, and I do not want to embarrass you, and I suppose to every other member of Parliament, and complain that they were overcharged for a particular commodity. I say, if they come to me in Townsville and make these complaints, "Go down and see the Prices Inspectors and lay your complaint." Invariably they come back and say to me that they had seen the Prices Inspectors and those gentlemen said that they would have to make a written complaint, send in written statements, and produce reputable witnesses and if necessary go into the witness box at the police court and give evidence. Then they say to me "Mr. Aikens, I am not prepared to do that because I do not want to get tangled up in court proceedings. I made my complaint and I thought that the Price Fixing officers would deal with it." Believe me, Mr. Speaker, that is the whole grub in the apple of price control—that the Prices Inspectors should be getting the evidence for prosecutions and not relying on the people to get the evidence.

I interjected when the Leader of the Opposition was speaking that the docket system with regard to the purchase of meat in Brisbane was a farce. So it is. Go into nine shops out of 10 and you will find that the docket pad is on the counter with a pencil beside it, but you do not get a docket for your meat unless you ask for it. If you get one it is a false docket, and sometimes you are abused by the shopman if you ask for a docket. People are expected to act as unpaid agents or informers for the Prices Branch. Why do not the Prices Inspectors

collect this evidence themselves and give evidence in the police court and arrange for prosecutions? Why must the public have to give written statements and why should the public have their names bandied about in court proceedings by the Prices Branch against the unscrupulous shopkeeper or exploiter? That is the whole grub in the apple of price control; it is the rotten spot in it. I have come to the inescapable conclusion as a result of my investigation that many prices officers for some reason or other are reluctant to do the job they are being paid for.

The Leader of the Opposition said that the people will make the best choice. In Townsville we have a man who started off in a fruit and vegetable shop with one case of apples. He took that case of apples up to the Greek Club where the Greeks play cards at night, and sold the apples to them as they were playing cards. From one case of apples he got to two, and from two to three, and so on, with the result that he eventually opened a fruit and vegetable shop, and I suppose that he is now one of the wealthiest men in Townsville.

**Mr. Sparkes:** More power to him.

**Mr. AIKENS:** The hon. member says, "More power to him." I suppose there are more complaints about his charges and the quality of his fruit and vegetables than there are about all the other shops in Townsville. When people come to me and complain I say to them, "Why bother to go there? Why not go to the other shops?" But they do not. They are bitten, and then they go back to be bitten again.

**Mr. Nicklin:** I am surprised that you have not educated the people up there.

**Mr. AIKENS:** All I can do to educate them is to tell them what I think.

Early this year there was a record submerision of the Burdekin bridge; I think it was submerged for about seven weeks. The result was that no fruit and vegetables could get through to Townsville, or to places further north, except by intermittent boat services and by air. The fruit and vegetable retailer to whom I am referring probably realised that the Burdekin bridge was likely to be submerged at any time and had laid in a stock of potatoes and onions. Within a week or a fortnight of the Burdekin bridge being submerged, when stocks of onions and potatoes in the other shops of Townsville had been exhausted, this man suddenly advertised that he had onions and potatoes for sale that had been brought up by air. He was charging—and this is common knowledge to everyone in Townsville, from five-year-old children to our oldest inhabitant—3s. a lb. for potatoes and 3s. a lb. for onions. In addition, when a customer went into the shop and was condescendingly allowed to purchase a couple of pounds of potatoes at 3s. a lb. and a couple of pounds of onions at 3s. a lb., he had also to buy about 10s. worth of specked fruit. When I asked people why they were paying 3s. a lb. for onions and potatoes they said, "He

brought them up by air. That is to compensate for air freight." However, I checked with the air-line companies and discovered that at that time not one potato or one onion had been flown to Townsville. That went on quite openly.

**Mr. Sparkes:** I will bet he does not vote for you.

**Mr. AIKENS:** If I knew such a man as that voted for me, I should ask the Attorney-General to declare his vote informal, or to give it to the Labour Party.

**Mr. Nicklin:** How had he kept the potatoes and onions?

**Mr. AIKENS:** There are quite a lot of freezing works and cold stores in Townsville.

As I say, it went on quite openly, and we have prices inspectors in Townsville. It is possible that they may have tried to do their job, but it is a regrettable fact that they failed lamentably, because the racket continued.

Some potatoes and onions may have been flown to Townsville later on, but I doubt whether there was any great quantity. I know that other vegetables and fruit were flown up; I paid 1s. 10d. a lb. for cabbages at the municipal markets. I knew they had been flown up. Other reputable fruit and vegetable shops had stocks flown up to them, and extra prices were charged to compensate for the staggering air freight.

**Mr. Nicklin:** A lot of stuff was ferried across the Burdekin, too.

**Mr. AIKENS:** That is so, and the tragic thing was that irrespective of whether it was ferried across the Burdekin, it was all air-freighted when it was sold in the shops, and not one prosecution was launched. As far as I know, not even one investigation was made. How can the Minister expect the Townsville people to have any faith in the prices arrangements in this State or any confidence in the prices officials who operate there? I want to be quite honest and say that I do not personally know any prices officers in Townsville at the present time so nothing I am saying about them has any personal implication. It is possible they are doing as much as they can within the framework of the law and the regulations that have been gazetted under the law. I do not know whether they are or not, but let us assume in all charity that they are doing as much as the law will permit them to do. If it is the most the law permits them to do it is a tragic farce.

**Mr. BURROWS** (Port Curtis) (12.21 p.m.): The hon. member who has just resumed his seat, when speaking about a man who made a lot of money by selling fruit and vegetables, brought forth the interjection from the Opposition, "More power to it." A section of the Opposition calls itself the C.P. but it should be the F.P., the Friends of the Profiteers.

The Leader of the Opposition reminded me of a pettifogging political pipsqueak. He said that if a man bought a quantity of

beans at 6d. and another quantity at 3d. and mixed them who would be able to find out what price a lb. he paid for them? I hope our educational system has improved since the hon. gentleman went to school. I despair completely for Her Majesty's Opposition when I hear such irresponsible remarks like that coming from its leader. I would hate to think what might come from a man like the hon. member for Aubigny.

The hon. gentleman says that the housewife is protected because every Thursday night at a certain hour she is advised by some announcer over the wireless that a certain price should prevail. That would have a lot of effect if she were to go down to the fruiterer and tell him that the price according to the wireless should be such-and-such. It is like a man I heard of who was too lazy to put a fence around his lucerne so he put a notice up warning the cows to keep off. It is just as ridiculous for the hon. gentleman to claim that those statements over the air are an effective means of price control. I shudder to think what would happen if by some political catastrophe the hon. gentleman and his colleagues became the Government. They would probably be introducing legislation dealing with space ships and other imaginary things. Did you ever hear such a ridiculous suggestion; it is like protecting the lambs by turning the wolves into the pen.

**Mr. Aikens:** That is exactly what he suggested.

**Mr. BURROWS:** They say they want to protect the producer and the consumer.

I suggested here the other day that price control be instituted in regard to pork and I challenged hon. members opposite to support it. This week it averaged from 19d. to 26d. a lb. yet it is 4s. 6d. in the butchers' shops. The hon. member for Aubigny wanted the House to go into mourning, to declare a national day of mourning for the butchers because they paid from 19d. to 26d. for pork that they were retailing for 4s. 6d. The hon. member said that they must go broke. They are like the Jew who said, "I sell it at a loss, but it is on the turnover that I get my profit." Hon. members opposite obstruct all social legislation designed to prevent the exploitation of the public. If that is their conception of their duty, then I am sorry for them. It is pleasing to see that they are so small in numbers compared with the total in the House. When hon. members cannot rise above that line of thought, I think it would be better, instead of waiting till after lunch and clearing out, if they did not attend at all.

**Mr. HEADING (Marodian) (12.27 p.m.):** During my absence I understand that the hon. member for Mundingburra made derogatory remarks about the innocent pork sausage. As one who is connected with a firm that makes pork sausages I claim to have some knowledge of the matter. For the information of the hon. member there is no tripe in the pork sausages made by my firm. I

am sure the hon. member has not heard of such a thing as essence of pork; I have not, anyhow.

**Mr. Aikens:** I said "synthetic pork."

**Mr. HEADING:** Atlas pork sausages are made of pork and other ingredients. You could not put in pork alone; if you did you could not eat them because they would be too fatty and rich. Pork and beef are included with binders, some of which are made of soya beans. We also put in breadcrumbs and seasoning. It is entirely wrong for the hon. member to make such damaging statements against firms who make pork sausages. The suggestion that tripe is one of the ingredients in the average pork sausage is wrong; it certainly does not apply to the sausages made by the Atlas Company.

**Mr. Aikens:** What is the percentage of pork in your pork sausages?

**Mr. HEADING:** How would I know the percentage. It depends on how much fat there is on the pork. If there is a lot of lean in it you would not need such a big percentage of it.

**Mr. MUNRO (Toowong) (12.29 p.m.):** The Leader of the Opposition made an able and effective speech on the Bill. We have already had an opportunity to discuss it on the introductory stage and I propose to limit my remarks now.

However, I feel that I should issue a word or two of warning to the Attorney-General.

On this particular occasion we on the Opposition side cannot help him out of the many difficulties he has got himself into, by suggesting any specific amendment. On many occasions, having experienced men on this side of the House, we are able to bring forward appropriate amendments that may assist but on this occasion I regret it is not possible to do that. When it is a Bill based on sound principles, then, generally we can do something with it, but while this question of price control appears to be something with a most desirable objective it is an edifice built on shifting sands. Its foundations are so insecure that there is nothing we can do to amend the Bill to make it right or effective. It is not built on secure foundations. What we have is an artificial feature in marketing. It is so ineffective that from whatever angle you look at it, you cannot by further endeavours at this stage, make it right.

**Mr. Aikens:** That means you are going to vote against the whole Bill.

**Mr. MUNRO:** No. As a matter of fact, the inherent weakness in the foundations lies not in the Bill itself but in the administration of the original legislation. Although this Bill will go through in its present form, at this stage I suggest to the Attorney-General that he have a careful look at the general question of price control. He should consider it in the light of the very informative speeches that have been made from various quarters of the Chamber during the introductory stage and now on the second

reading stage. The hon. gentleman must recognise these principles. The first is that it is not possible to protect the consuming public of this State by a series of artificial regulations. The real solution of the difficulties will be found in two or three ways. First, there must be encouragement of production. There cannot be reasonable supplies or reasonable prices unless there is adequate production. Secondly, these conditions must be created and if they are not operating at present, they must be brought about. If they are here at present there is reasonable competition between traders. With most of the commodities that have been discussed during this debate there is already the trading field of competition. All that these artificial regulations do is to tend to drive the honest traders out, thus reducing competition, and, as I have indicated on previous occasions, in the long term to make the position worse than it otherwise would be.

The third requirement is, to a certain extent, a matter of education. We must play our part in letting the people understand. The vast majority of the people already understand that if a person has only a certain amount of money to spend, the only way the interests of that person can be protected is by care and discernment on the part of the person in the way he spends his money. It cannot be overcome by artificial controls because these cannot cover selection and cannot cover quality. Pork sausages is a recent example of this which one can understand quite readily. There might be very effective control of some very necessary foodstuff, but if the buyer does not exercise care and discernment, he might spend his money on something that is quite unnecessary or of very poor value, or he might even go down the street and spend it in a betting shop.

Those are the principles that should be recognised, and for that reason my conclusion is that however much we might support the basic objective of the Attorney-General in getting more commodities available at more reasonable prices, it cannot be attained on the basis of this Bill. It requires something more and I feel that we can let the discussion go at this stage. In Committee, one or two clauses will call for discussion in detail. Although I can see some weaknesses in them, I cannot see how they can be improved by amendment.

**Hon. W. POWER** (Baroona—Attorney-General) (12.36 p.m.), in reply: The hon. member for Marodian dealt effectively with the allegations by the hon. member for Mundingburra, who is the most irresponsible person I have ever met in all my travels.

**Mr. Aikens:** Bar you.

**Mr. POWER:** I repeat that he is the most irresponsible person I have ever met. He comes into this Chamber and makes statements that are without any foundation in fact. In a very few moments, I shall show how irresponsible he is and how untrue his statements are. The hon. member for Marodian dealt effectively with his charges

relating to the manufacture of pork sausages. It is true that most pork sausages are manufactured at bacon factories and are subject to test. What has been said by the hon. member for Marodian has been borne out by those tests.

The hon. member for Mundingburra then made a most astounding statement. He said that during the time of the floods in the North the prices of potatoes and onions went up to 3s. a lb. and that the women of Townsville went to the Prices Commissioner's office in Townsville and complained about the exorbitant charges being made.

**Mr. AIKENS:** I rise to a point of order. I did not say the women of Townsville went to the Prices Office in Townsville and made complaints only about the prices of potatoes and onions. I said in a general way that the women and other citizens went to the Prices Officers to make complaints. I said it in a general way. I did not say that it was to complain only about the price of potatoes and onions.

**Mr. POWER:** The hon. member is trying to get out of it because he knows he has been caught out in another one of his irresponsible statements. We have caught him out in another of his filthy canards. There has not been any control over the price of onions for the last three years and potatoes have been decontrolled over twelve months. How could they complain to the Prices Commissioner when there is no control over these commodities? The statements by the hon. member are absolutely groundless and worth nothing. I do not propose to waste further time on him. I have proved that his allegations are untrue and he wants to remember that when he is dealing with the Prices Branch we always have evidence to support what we say.

The Leader of the Opposition approached this matter in a reasonable manner. He referred to the fact that the department had endeavoured to police the Act in a reasonable manner. It is true that we have tried to avoid prosecutions. As he has pointed out, it is also true that mistakes have been made on occasions and I have adopted the attitude that it is better not to prosecute if a case is genuine. There have been cases in which the overcharging has been only slight, and for that reason we have thought it better merely to issue a warning.

Then he spoke about Mr. Shand. I say emphatically that Mr. Shand attempted to defeat the purpose of the Act by sending a circular to his members telling them not to answer certain questions and not to give their names. I have pointed out already that I have no desire, nor do I expect my officers to compel a person to answer any question if his answer might tend to incriminate him. Further, I shall never be a party to bringing down legislation making it compulsory for a person to answer questions if by doing so he might incriminate himself.

All we ask is the name. The Leader of the Opposition said we could get the names

from the records of the Factories and Shops Department. The Solicitor-General has advised me that that would be of no value as there might be occasions when there would be a change of ownership and no re-registration. We know of one instance where an officer of the Department asked a certain butcher his name and this butcher rang up Mr. Shand and Mr. Shand said, "Don't give it." That substantiates my statement. Mr. Shand said that if the inspectors found an alleged prices offence and instituted proceedings 12 months ahead, which they could do under the new Profiteering Prevention Act Amendment Act, it might be convenient for the branch if the meat crisis had by then quietened down, but it would not be "cricket." That is utterly incorrect. We are not making any variation at all with prosecutions. Our interpretation has been challenged. We are not interfering with the right of the person making the challenge to our interpretation. The challenge is before the court and if the court decides we are right then everything is all right, but if the court decides we are wrong the amendment will clarify the position in the event of any further prosecution and there will be no difficulty in the future.

The Leader of the Opposition referred to the fact that it was difficult to obtain the names of people dealing with wholesalers. If that is so, they have been getting away with it for a long time and no doubt the Commissioner of Taxes would be interested in their activities. The provision is required to protect the buyer.

On the question of the time for production of balance sheets I can assure the Leader of the Opposition that common sense will be used. We can compel these people to give their balance sheets. There might be some good reason why the balance sheets cannot be supplied within a certain time. Of course it is realised that balance sheets come out at different times of the year. Some come out at the end of June and others at the end of September. It is a pity the oil companies did not issue their balance sheets at the one time as it would make things easier for the department.

**Mr. Bjelke-Petersen:** There would be more accurate figures if they all closed off at the one time.

**Mr. POWER:** That is so. The Leader of the Opposition said that I might be having some headaches. I do not fix prices; that is a matter for the Commissioner of Prices.

**Mr. Nicklin:** I said the administration of your department.

**Mr. POWER:** I am assured by my departmental officers that they will be able to police the Act. The amending Bill will help them to get out of some of the difficulties that arise from time to time in connection with prosecutions. At a later stage I shall produce evidence to show how successful we have been.

**Mr. Aikens:** How are you going to deal with—

**Mr. POWER:** I do not propose to waste time on someone who comes into this Chamber and makes wild, extravagant and untrue statements. I will not waste my time on someone who accuses somebody of doing something at a time when price control was not in operation.

The Leader of the Opposition spoke about bananas, and I assure him that we propose to have a discussion with the interested parties on the matter of selling by unit and by weight. We know, of course, that some commodities must be sold by weight and others by unit. However, at present some people are selling certain commodities by weight while others are selling them by unit. The practice will have to be made uniform. I think everyone will admit that it is much easier to police prices where the goods are sold by unit. Of course, commodities such as peas and beans cannot be sold in any other way than by weight.

There has been a lot of dishonest advertising for the purpose of luring people into shops in the belief that they will get something at a reduced price. In many cases investigations have disclosed that there have been no reductions in prices, and many legitimate traders have complained about the practice.

I shall dismiss the remarks of the irresponsible member for Mundingburra. I do not propose to waste any more of my time on him.

**Mr. Aikens:** I will ask Alderman Easton.

**Mr. POWER:** I am not concerned about either the hon. member or Alderman Easton. The hon. member is the most irresponsible person in this House. He is not prepared to honour his obligation to pay £100 to the spastic children.

**Mr. AIKENS:** I rise to a point of order. Let us end this backing and filling. If the Attorney-General will let me have a look at the minute books of the Townsville Regional Electricity Board I will pay the £100.

**Mr. DEPUTY-SPEAKER:** Order! The Attorney-General.

**Mr. POWER:** Let us see how successful we have been with prosecutions. We have had successful prosecutions in Rockhampton, Ingham, Mareeba, Babinda, and Brisbane. I have here quite a long list of successful prosecutions.

**Mr. Nicklin:** Were there any in respect of peaches?

**Mr. POWER:** I think peaches are the only stone fruit that are controlled.

Reverting to the necessity for price control, let us have a look at what the Royal Commission on Fruit and Vegetables had to say in 1944. The chairman of that Royal Commission was the Hon. R. F. B. Philp, a Judge of the Supreme Court of Queensland,

and the other members were Mr. H. J. Harvey, who is now a member of the Industrial Court, and Mr. G. E. V. Wort, a fruit and vegetable grower. In their conclusions they said—

“Assuming that the principle of price fixing of fruit and vegetables is justified—and it certainly seems that it is to protect the pegged wage-earner—the facts warrant the fixation of the prices of all fruit and vegetables and the reduction of agents’ commission.”

That was a finding, not by me or the Government, but by an independent tribunal, the chairman of which was a judge of the Supreme Court. Those men said in 1944 that price control was necessary, and they recommended accordingly.

In another part of the report they dealt with investigations by detectives into prices. This is what they had to say—

“The primary duty of the detectives was to discover whether proper returns were being made by agents to growers and for that purpose some 150 sales by agents were investigated. In each case it appeared that the agent had returned the proper sale price to the grower. Approximately 125 of these sales were then followed through the retailers and the prices charged by them noted. We mention this to show that the retailers whose mark-up was investigated were selected by chance.

“Out of these 125 cases it was found that in all cases except one the mark-up was 50 per cent. or more and reached as high as 600 per cent.”

The mark-up of the retail price was as high as 600 per cent. The report continues—

“A rough calculation shows that the mark-up averaged about 100 per cent. Some of the goods investigated had prices fixed by law but in no such case was the law being observed.”

That was at a time when price control was being operated by the Commonwealth Government, and that was the recommendation of an independent tribunal. In some cases the mark-up was 600 per cent. and in the great majority of cases, 100 per cent. That in itself, in my opinion, is sufficient justification for the continuation of price control.

There is no need to suggest that I might get myself into some difficulty. I appreciate the kindly advice of the hon. member for Toowong, my shadow in the Opposition, but in conclusion I should say that the idea behind this legislation is to help the department to overcome any difficulties they have found in administering the law. There is nothing revolutionary in it, it is merely for the purpose of clearing up the anomalies that exist.

Motion (Mr. Power) agreed to.

#### COMMITTEE.

(The Chairman of Committees, Mr. Clark, Fitzroy, in the chair.)

Clauses 1 and 2, as read, agreed to.

Clause 3—Amendments of s. 21 (7); Power of the Commissioner, etc., to obtain information—

**Mr. MUNRO (Toowong)** (12.53 p.m.): Although I realise the necessity for a clause of this nature, I think I should point out that in its present form it could have a very wide effect and there is a possibility that some harm could come if it were not carefully administered.

It is a proviso to sub-section (7) of section 21 of the original Act. Section 21 authorises the Commissioner or an authorised officer to require any person to answer any questions put to him. Although the proviso sought to be inserted deals primarily with the name, address, and ownership of any business, it also contains the words, “an answer relating to.” I ask the Committee to note those words “relating to,” because the proviso goes on to say, that any such answer “shall be admissible in evidence in any proceedings under this Act against the person who gave that answer.”

As I said, I do realise the necessity for some assistance to be given to the administration in dealing with these cases, but I should like some further explanation from the Attorney-General, and in particular I should like to have some assurance from him that the power in this proviso which contains the words “relating to” will not go any further than the specific items mentioned in the proviso.

**Hon. W. POWER** (Baroona—Attorney-General) (12.55 p.m.): It only means in relation to his name and address, nothing else. I assure the Committee that I shall not authorise anything further.

Clause 3, as read, agreed to.

Clause 4—Amendment of s. 22; Production of balance-sheets and other accounts and statements—

**Mr. MUNRO (Toowong)** (12.56 p.m.): This clause has been referred to by the Leader of the Opposition and we have had some explanation of it by the Attorney-General. I wish to say a few words from the viewpoint of the convenience of the community. It is a very wide power to require documents to be produced within the time specified in any notice. This is an amendment of section 22 of the Act which refers to such things as balance-sheets, manufacturing, trading, profit and loss statements etc. The point I make is this: That there are already quite a number of Government departments, mostly in relation to matters of taxation, that have these wide powers to require documents—sometimes original documents—to be submitted to them. Might I emphasise, that if we get down to fundamentals we have to recognise that a trader keeps accounts and documents primarily for his own protection and convenience in carrying on his trading operations. It can be extremely inconvenient for a trader and detrimental to the interests of the community if these documents are

taken away from him at short notice, and the position is aggravated if they are retained for long periods.

**Mr. Power:** He could give a copy of the document.

**Mr. MUNRO:** The point is that there are numbers of documents such as balance-sheets and profit and loss accounts that are written up in the trader's original record; they may be fairly lengthy, and the trader may not have adequate facilities for having the documents copied at short notice. It would be unwise for any Government department to exercise a power of this kind without having full regard for the convenience of the trader. I realise that the Attorney-General has told us that this provision will be administered in a common-sense way. I should like the hon. gentleman to add something to that. Perhaps he would be prepared to say that, without prejudice to the rights of the department concerned, full regard will be had to the convenience of traders.

**Mr. Power:** The power is already in the Act and we have never had much trouble with it. Some people try to break the law and prevent us from getting the evidence required.

**Mr. MUNRO:** I ask the Attorney-General for additional information particularly as to the administration of the clause.

**Hon. W. POWER** (Baroona—Attorney-General) (2.16 p.m.): The hon. member for Toowong draws attention to the time limit concerning balance sheets. This is inserted only because there has been a great deal of trouble to get people to furnish them. There are some who do not furnish them and others take a long time to do so. I agree with the hon. member that one must exercise common sense in administering legislation. We did consider a fixed time for balance sheets to be completed but people close their financial year at different dates and it would cause great inconvenience to have a fixed date. We have no desire to embarrass anybody. We want to work happily with them all.

Clause 4, as read, agreed to.

Clause 5—New s. 27A inserted; Goods to be sold by unit of number, or weight, or measure to which maximum price is related—

**Mr. BJELKE-PETERSEN** (Barambah) (2.18 p.m.): Sub-clauses (4) and (5) of this clause deal with the meaning of the term "cost." The determination of cost is of great importance, particularly in relation to the economy and development of certain industries and commodities in Australia. I draw attention to the Government's dangerous practice of crippling or attempting to cripple industry by price control. The purpose of the Minister and his Government is to have goods on the market at the cheapest possible prices, especially foodstuffs. Their aim is to benefit the consuming public. But they are inclined completely to lose sight of the fact that in so doing they are crippling or destroying

the incentive of producers to develop. We have seen it in the past, in relation to potatoes, onions, and peanuts. They will create stagnation in industry, particularly those industries that may be described as specially selected victims. Once confidence is lost or shaken it is very difficult to regain it, consequently a long period is necessary before it is possible to have expansion and development again.

**Mr. Power:** Can you tell us one industry we have crippled?

**Mr. BJELKE-PETERSEN:** I shall come to that in a moment. I cannot understand why the Minister has selected it for unjust treatment. His methods do destroy the stability of these companies.

I am concerned about the Government's interference with private enterprise, competitive enterprise in particular. By their interference with an industry like the oil industry, he is destroying the incentive of those people who provide so much employment for that section about whom the Minister seems to be mainly concerned. I am concerned about his interference with these companies because I know he has not the proper opportunity of determining what a fair price should be. The Minister agreed with my interjection this morning that with the various companies balancing their accounts at different times of the year it is most difficult to arrive at a fair solution. I have been trying to emphasise that fact for some time.

I have mentioned the Minister's lack of opportunity for arriving at a proper basis for the determination of a fair price. I say that after having read statements published by oil companies. The Minister has worked on an entirely different profit basis from the oil companies. For instance, he took £12,500,000 as a basis for arriving at a determination that the price of petrol should be reduced by 1d. a gallon. In yesterday's Press appeared an advertisement under the heading "Fair Play." The Minister does not seem to be taking that into account. When fixing the price of petrol and many other commodities, he is concerned mainly with only one side of the matter. He is concerned about arriving at a fair price to the people whom he claims he represents, the consumers, and neglects to give any consideration to how his decisions affect producers or industries.

**The CHAIRMAN:** Order!

**Mr. Collins:** There seems to be a lot of unnecessary bowsers going in these days.

**Mr. BJELKE-PETERSEN:** Admittedly the companies have established a number of one-brand stations. This has cost £14,000,000.

**The CHAIRMAN:** Order!

**Mr. BJELKE-PETERSEN:** This is related to costs and the Minister's method of arriving at a figure.

**Mr. Rasey:** Do you say it cost £14,000,000?

**Mr. BJELKE-PETERSEN:** Yes. The Minister and his officers neglect to take into account the cost of expanding an industry and the fact that the expansion brings about a saving in servicing, maintaining, and re-fuelling the stations. The companies had to meet a cost of £18,000,000 for expansion, but by adopting the method they have they saved £4,000,000. It has meant a saving in the long run. If the Minister or any hon. member on the Government side cared to read a pamphlet entitled, "Service or Stagnation" issued by one oil company, he would see the true figures revealed.

**The CHAIRMAN:** Order. The hon. member is not in order in quoting from the pamphlet.

**Mr. BJELKE-PETERSEN:** I shall quote some other factors in relation to costs.

**The CHAIRMAN:** Order!

**Mr. BJELKE-PETERSEN:** I submit that the Minister and his officers should take these facts into account in determining costs. These factors have been bandied about the place and it has been said that the oil companies have spent so much money in establishing one-brand petrol stations whereas that is not the true position at all. There were 50,600 petrol stations in 1950, and in 1953 there were 42,700. More petrol is being sold today and by doing what the companies have done they have added to the efficiency of their organisation and at the same time cut down costs very considerably. I refer to the newspaper article headed "Fair Play" and say that whilst the Minister based his calculations on a £12,500,000 profit by the company the actual profit of the companies was—

**Mr. Power:** There is nothing about that in the Bill.

**Mr. BJELKE-PETERSEN:** I am dealing with the question of costs and asking if in relation to the £7,700,000 net profit the Minister or his departmental officers took into account that that profit includes the profits on oil tankers?

**The CHAIRMAN:** I must rule the hon. member out of order in talking about petrol stations because we are only dealing with prices.

**Mr. BJELKE-PETERSEN:** I am giving the Committee some facts on those lines. The Minister has reduced the price of petrol by a penny a gallon, but does he know that thereby he has left a return of only 1.5 per cent. on the shareholders' money? That is what is left to them after the Minister took the action he did. If he knows it then apparently he is not very much interested or concerned. If he does not know it, then it shows that his price-fixing methods are not what they should be and he should not accept the responsibility for dealing with the companies as he has. Has he taken into account the oil and kerosene aspect? I understood the Minister to say that the companies should call up fresh capital if they want to expand. Would he invest his

capital on a return of 1.5 per cent? It is apparent the Minister does not take these things into account.

There are many points in the Government's method of price fixing that I feel should be elaborated. For instance, the Government could not have taken into account the huge amount of money that is needed to expand and develop our State. The oil companies have in view at the present time a programme of £100,000,000 for developmental work in Australia. Even if they were able to seek additional capital, would the Government allow them to go onto the market for such a vast amount of money? I feel quite sure that the Minister does not realise the amount of money that is involved. The oil companies have a plan of expansion throughout the world today, the estimated cost of which is £2,000,000,000.

**The CHAIRMAN:** Order! The hon. member is out of order in referring to oil companies.

**Mr. BJELKE-PETERSEN:** This is a very important matter, and is something that the Minister and his department did not take into account. However, at a later stage I may have an opportunity of ventilating to the full all those things that are so evident to anyone who is concerned with the welfare of an industry that is playing such an important part in the development of our country. The Minister, and the Government, are evidently unable to visualise the tremendous development and expansion that this country needs, and the oil companies deserve much better treatment than has been meted out to them. We all know what Dr. Mossadeq did to the oil companies in Persia, and although I should not like to accuse the Minister of being another Dr. Mossadeq, his price-control methods are having a very detrimental effect on the development of this great industry.

**Hon. W. POWER** (Baroona—Attorney-General) (2.33 p.m.): In reply to the advocate of the oil companies, I am not at all concerned about being referred to as another Dr. Mossadeq. My concern is in seeing that the people of this country are not compelled to pay more for petrol than what the investigating officers of the various Prices Departments of Australia regard as a fair price. Unlike the hon. member for Barambah, I have no brief for the oil companies, I come here with an open mind.

The hon. member put up a plea for the oil companies, and said that as the result of my actions, and the actions of my Government, the oil companies are being strangled. I shall show hon. members how they have been strangled. According to their certified balance sheets, the oil companies' profits have been as follows:—

	£
1942 .. .. .	2,136,896
1943 .. .. .	5,439,497
1944 .. .. .	5,290,836
1945 .. .. .	5,062,083
1946 .. .. .	5,809,774
1947 .. .. .	1,707,658
1948 .. .. .	1,267,783

Those profits were earned when prices were controlled by the Federal Government. Now let us see what has happened under State price control, about which the hon. member cries so much. Just listen to the remarkable increase in the profits of the oil companies since price control came under the jurisdiction of the State. Yet the hon. member for Barambah comes into this Chamber—

**Mr. Bjelke-Petersen** interjected.

**Mr. POWER:** The hon. member has had his say. He will have to take the medicine I am going to give him. He is not going to mislead this Chamber with the pious attitude that he adopts. I am going to ram these figures down his throat, and I am going to give them to the public to show the margin of profit made by these "poor" people he is talking about. In 1949 their profits amounted to £5,116,532. That is an increase of £4,000,000 over the previous year. The figures for the succeeding years are—

1950	..	..	..	£5,479,674
1951	..	..	..	£3,636,834
1952	..	..	..	£5,044,658

In 1953 the profits of the oil companies were £12,524,800. The hon. member challenged the figure, but did not have the evidence that the investigating officers had.

**Mr. Bjelke-Petersen** interjected.

**Mr. POWER:** I knew he would come in. Fools rush in where angels fear to tread. The figures I am quoting are before taxation was allowed, whereas the figures he quoted were after taxation had been allowed, but he did not tell the Committee that.

**Mr. Bjelke-Petersen:** You look at "Hansard."

**Mr. POWER:** He did not tell the House that it was after taxation had been allowed. These figures were not taken out by me; they were taken out by my officers and they were taken from the balance-sheets of the oil companies. They were collated and that was the evidence that was submitted to, and accepted by, every State in the Commonwealth, and by Mr. Waldron in Victoria.

These companies are able to put advertisements in the paper costing £500 an issue. At my own home I have six of the same type of pamphlet and they demonstrate the extravagant advertising that is taking place.

I know the oil companies are doing a very good job, and I am not suggesting that they are in any way dishonest, I should hate anybody to think that I am.

The oil companies have every right to put a case before the Prices Commissioners, and they have every right to have their case investigated, but the investigations of the Price Commissioner from Victoria show that there should have been a reduction of 3d. a gallon. My officers went to the Prices Ministers' conference and it was agreed by every member that the figures they had before them were irrefutable.

The hon. member for Barambah is misleading the Committee in not telling the true position. I am going to quote from a publication issued by the Shell Company, and I admit that the company has done a very good job.

The Leader of the Opposition was not prepared to tumble into what the hon. member for Barambah tumbled into. They know that these figures are taken from certified balance sheets. They are not concocted by me or prepared by Mr. Fullagar, they are taken from certified accounts. It was admitted at the conference of Prices Commissioners that the profit for the year 1953 was £4,000,000 more than the estimate. Some Commissioners did not tell their Ministers of this excess profit. The hon. member tried to pull the wool over the eyes of the members here.

I quote the following from the Shell House Journal—

"In 1953 the Group's total income from sales and dividends was some £1,710 million, an increase of £84,000,000 over that for 1952."

The hon. member for Barambah alleges that as a result of the action of the Prices Ministers the oil industries are being strangled.

**Mr. Bjelke-Petersen** interjected.

**Mr. POWER:** The hon. member should keep quiet; he has had his say. They increased their income by £84,000,000. It is about time the true story was told. We are being continually asked by the primary producers for a uniform price for petrol. I give these figures to show how irresponsible the hon. member for Barambah is when he complains about the way that we are strangling the oil industry. Let us see how they dealt with this problem.

I quote from the same journal—

"During the year the costs and expenses of the Group's operations amounted to—

	£
Operating expenses,	
royalties, oil purchases	977,000,000
Sales taxes, duties, etc.	
paid by consumers ..	348,000,000
Depreciation, depletion,	
etc. .. .. .	148,000,000
Interest on long-term	
borrowings .. .. .	6,000,000
Taxation of profits ..	83,000,000
Leaving £130,000,000 as net earnings of the Group (excluding some £16,000,000 applicable to minority interests)."	

Yet the hon. member for Barambah has the temerity to come here and say that we are crippling and strangling the oil industry. Their net earnings were £130,000,000. That is contained in their own booklet—something that was not prepared by me or by the Prices Commissioner. I say that the oil companies have done a very good job.

**Mr. Bjelke-Petersen** interjected.

**Mr. POWER:** The hon. member should not get in any further. He is not going to wriggle out of it as far as I am concerned. Nobody would suggest that the Prices Commissioners are going to fix a price for petrol that will cause the consumer to pay sufficient to enable these people to expand in the manner that they have. My idea of financing a business is that if you wish to expand you are entitled to call up your capital and relate your capital to the capital investment.

**Mr. Bjelke-Petersen:** They got a return of 1.5 per cent.

**Mr. POWER:** Try and buy some of the shares that are returning only 1.5 per cent! Go to the Stock Exchange and try to buy them; that is the test whether they are a good investment. If they are only showing a return of 1.5 per cent, as the hon. member claims how did their earnings increase from £84,000,000 to £130,000,000 in a short space of one year? I am not antagonistic toward the oil companies; I have no quarrel with them. I received a deputation from the oil companies and they said they were not going to make any money because of the actions of the Prices Commissioners.

I pointed out that they had made a substantial gain in output last year and expected an even greater output this year. The hon. member did not take that into consideration in making his statement. Up to date no evidence has been advanced that the oil companies have been disadvantaged by what has happened. If the oil companies are dissatisfied they are at liberty to submit another case to the Prices Commissioners and it will be investigated. It was found that one company made its balance sheet at one date and another company, at another. There was no uniform closing date for the balance sheets of the oil companies. If the oil companies are dissatisfied and want an individual price for petrol we will give it to them.

**An Opposition Member:** A uniform price?

**Mr. POWER:** We will give them an individual price. We are quite prepared to do it. But under those circumstances the oil companies will have to compete with one another. Today there is no competition at all. On more than one occasion I have been told by Opposition members that competition is the only way to bring prices down. If the oil companies want competition we shall be glad to give it to them. Competition ruled long before the war. We are told from time to time of how the oil companies under-cut each other in their tenders to the Brisbane City Council. There was competition on that occasion. If the oil companies want individual prices they can have them at any time. We are quite prepared to give it to them.

**Mr. Bjelke-Petersen** interjected.

**Mr. POWER:** I am done with the hon. member. I have wiped my hands of him. He did not tell the true position. He said

the oil companies made £7,700,000. His figures are wrong. He said my figures were wrong. He tried to mislead the Committee.

**Mr. Gair:** You must be tolerant with that hon. member.

**Mr. POWER:** The hon. member is not giving the true position to the Committee. He is putting forward the idea that I am giving the public wrong figures; I am not. I did not compile these figures. They are compiled by my officers and it is unfair to imply that officers of the department are giving me wrong information.

**Mr. Bjelke-Petersen:** They did in relation to the hon. member for Aubigny.

**Mr. POWER:** No, they did not. There again, the hon. member is not honest in his statements. I am not asking my officers about that matter. I have never been ashamed to admit a mistake but I will not be misquoted by the hon. member for Barambah.

**Mr. Bjelke-Petersen:** Your figures for potatoes and onions would not have been correct then.

**Mr. POWER:** When there was price control on potatoes, the producers were getting £38 a ton. What is the position today? Price control is no longer on potatoes and potatoes are down as low as £22 a ton and the growers are being exploited by certain merchants. They are getting £10 a ton for onions but the public is paying 8d. a lb. for them. That is the position since price control on potatoes and onions was abolished. This morning the hon. member for Mundingburra complained about the prices that the potato-growers at Woodstock got. The hon. member for Mundingburra was not a bit interested in the consumer. When potatoes were controlled he wanted the Commissioner of Prices to give the Woodstock growers the same price as Tasmanian potatoes were costing landed in Townsville. In other words, he asked that the Woodstock growers be allowed for freight that they did not pay. The Tasmanian potatoes attracted freight from Tasmania to Townsville and this naturally would be included in the landed cost.

Then the hon. member spoke of onions in cold storage. I should like to see the cold store where one could put onions. I am required to spend a good deal of time here replying to stupid statements by incompetent people who are unable to give the facts. I stated that the oil companies made a profit of £12,500,000 before the payment of taxation and I stand by that. The hon. member for Barambah said that they made only £7,700,000, but he omitted to point out that this was after payment of taxation.

**Mr. Nicklin:** But taxation is a charge.

**Mr. POWER:** I know it is a charge, but it is not a bad effort to go from £1,000,000 in 1948 when price control was administered by the Commonwealth to £12,524,800 last

year under the present system of control. That £1,000,000 to which I have referred was before payment of taxation.

I have no quarrel with the oil companies. I have met their managers and various officers and have found them to be excellent, courteous people. The whole point is that my figures are taken from their own balance sheets. If they can establish that there is anything wrong, the Commissioners will investigate it.

Our investigations show that some companies could reduce their prices further. The distribution costs of some companies are much lower than those of others. The allowance for distribution on an industry basis is, I think, roughly 7d. a gallon, and it is based on distribution throughout Australia. The distribution costs of some of the smaller companies are much lower because they do not distribute the distance that other companies do. That being so, they could reduce their prices. We are fast reaching the time when we shall have to abolish industry prices and introduce individual prices.

Last month an oil company spokesman advised in the Press that there would be no need to increase the price of the higher octane spirit to the consumer when it was marketed in October. Now they are asking for an increase. They say the added cost of the higher octane is .35d. a gallon. That is something under one half-penny and the public should not be required to carry that. A great deal of money has been spent on these one-brand service stations. Admissions were made to me in my office that money had been handed out to certain people. These companies have invested £14,000,000 in one-brand service stations. What have the consuming public got for that?

We were told that by the establishment of one-brand petrol stations the companies would be able to reduce distribution costs but to date they have not. We were also told by a service station proprietress that one of the companies said, "Unless you are prepared to take our brand of petrol we will build a station here and a station over there." The woman stood on her dignity and said, "You can do as you like."

**Mr. Bjelke-Petersen:** That is competition.

**Mr. POWER:** Competition, my grandmother! I am talking about the way money is being thrown about. What is more, thousands and thousands of pounds are spent in advertising. I do not say that industry should not do a certain amount of advertising but the consumer should not be called upon to pay for extravagant advertising. Petrol sells itself; it is a commodity that everyone must have. There is no need for the companies to indulge in the extravagant advertising that is going on today, not only with petrol but soap and other things. These charges are being passed on to the public. Industry is entitled to a fair return and a fair margin of profit; the price is based on 10 per cent. net profit on capital invested. I again say that if they want to expand, and I should like to see them expand, they can call

up fresh capital but the users of petrol today should not be called upon to pay for the erection of refining plants to be there for years and years. If expansion is to take place it can be done by calling up capital. I do not think the hon. member for Barambah has presented a case to answer; what is more, I think the whole debate has been out of order.

**Mr. SPARKES (Aubigny) (2.58 p.m.):** The final words of the Minister are hardly convincing. He spent half an hour replying to the hon. member for Barambah yet he said there was no case to answer. Apparently we have been wasting our time for half an hour.

**Mr. Gair:** Are you anxious to get home?

**Mr. SPARKES:** Not at all. The hon. gentleman spent 53 minutes in this Chamber last week and did not put in as much time in it as I did. Whether the Committee agrees or disagrees with the hon. member for Barambah hon. members must know that he was sincere. He is a big user of petrol. He was sincere in putting forward a case and that is demonstrated by the length of time that the Minister spent in replying.

For the benefit of the Attorney-General I want to tell him that we have the prices that cattle are bringing for export on a trader-to-trader basis. As the Government are fixing prices on cost let me tell the Committee that cattle are bringing from £7 10s. to £7 15s. a 100 lb. That figure is authentic and £7 15s. would be equal to the price you would need in Brisbane. To be a realist you would have to increase your selling price in Brisbane for meat. I ask the Minister to be a realist. He told me that he would take all these things into consideration.

**Mr. Gair:** I am leaving the Chamber again.

**Mr. SPARKES:** I am sorry the hon. gentleman is leaving. He would learn quite a lot if he had the guts to stay here.

**Mr. Power:** We will listen to you.

**Mr. SPARKES:** I am glad the Attorney-General appreciates my advice.

As we know, the trader-to-trader basis has been operating since the first of this month, and the meat that is now on its way to the United Kingdom has been sold on that basis. The realisation on overseas meat to the producer is about £7 15s. a 100 lb., whereas the ceiling price in Brisbane is approximately £6 a 100 lb. The ceiling price here will have to be increased by £1 10s. a 100 lb., otherwise there will be no meat for the people. It is too stupid for words to talk about quotas. The Government might just as well close the abattoir altogether.

**A Government Member interjected.**

**Mr. SPARKES:** I am in no hurry to go home. We are here to do the business of the State. Let the Premier come in here and attend to the business of the State.

**Mr. Power:** He has some able Ministers to do that.

**Mr. SPARKES:** I admit that.

As the Commissioner of Prices is in attendance, I hope he is listening to what I am saying. The price of meat in Sydney on Monday was £10 3s. a 100 lb., and in passing, I should like to inform the Committee that general rain is falling throughout New South Wales. That will do more to bring about a reduction in the price of meat than anything that the price-fixing Ministers and Commissioners can do.

Clause 5, as read, agreed to.

Clause 6—Amendment of s. 32; Power of the Commissioner to prohibit sale of goods or supply of services before maximum price or rate fixed—as read, agreed to.

Clause 7—Amendment of s. 33; Inter-wholesale transactions—

**Mr. MUNRO (Toowong) (3.3 p.m.):** We are now coming to clauses of the Bill that contain some objectionable features, and with your concurrence, Mr. Clark, I should like, in speaking to Clause 7, to make passing reference to Clause 8, partly by way of analogy, because both clauses are very closely related.

I took the opportunity earlier of mentioning, particularly in relation to Clause 8, that on this occasion we were not able to give the Attorney-General our usual friendly service in bringing forward desirable amendments. The reason for that was that this Bill merely brings into the legislation further artificial props, and we did not think we should do very much about it because of the insecure foundation. After having had another look at Clause 8, however, I find that it is not so much an artificial prop as a keg of gunpowder. When we come to Clause 8, therefore, it will be necessary for me to submit an amendment, the nature of which will be evident to the Attorney-General from the comparison that I shall now make between the opening words of the new sub-sections that are to be inserted in the legislation by Clauses 7 and 8.

Clause 7 deals with a wholesaler who purchases any declared goods from another wholesaler, and Clause 8 is intended to cover similar circumstances in the case of a retailer who purchases any declared goods from any other retailer. In looking at Clause 8 I discover that it does not relate to declared goods, but to any goods, and therefore would have an extremely wide, and I should imagine, dangerous and unintended effect. I am unable to say any more in reference to Clause 8 at this stage. I merely make those preliminary remarks so that the Attorney-General will have the opportunity of discussing that clause with his legal advisers.

Returning now to the wording of Clause 7, which, as I say, applies to a wholesaler who purchases any declared goods from another wholesaler, we find that the clause is in two parts. The first part covers the case where at the time of the sale the maximum price at which these goods might be sold by the seller is fixed and declared by the Commissioner. The general purpose of that

part of the section is that in those circumstances the wholesaler shall not sell those goods at a price in excess of the maximum price. That is the part that is covered by subparagraph (a), and I do not think there is anything that can be objected to in that.

When we come to subparagraph (b) we find that in the same circumstances, where, at the time of the sale by the buyer, the maximum price is not fixed and declared by the Commissioner, then the wholesaler shall not sell these goods at a price in excess of the cost to him. I realise that that particular clause is only a part of Section 33 of the Principal Act which has other provisions for some modification of that clause, nevertheless, even reading it in its context, and taking into consideration the whole of the Profiteering Prevention Act, I feel it is an unnecessarily restrictive clause. I will put it this way: it certainly has some objectionable features, and before I pass on to a discussion of Clause 8, which has even more objectionable features, I should like the Attorney-General to make some comment as to the intention of the administration of Clause 7, particularly in relation to the new subparagraph (b).

**Hon. W. POWER (Baroona—Attorney-General) (3.10 p.m.):** The point raised is in relation to the wholesaler who buys from another wholesaler. The first wholesaler's profit is based on a margin.

If one wholesaler buys from another instead of buying on the ordinary market he should not be entitled to a profit. The clause is there to prevent a profit being made by a sale from one wholesaler to another, otherwise the retailer would have to pay a higher price. It deals with the case of one wholesaler buying from another wholesaler. The wholesaler who buys at the market is entitled to a reasonable margin of profit, but if he sold to another wholesaler, that other wholesaler could not also add his margin of profit. If there was not some provision there all sorts of malpractices may occur. The same thing applies to a retailer. The purpose of the provision is to prevent trafficking between wholesalers.

**Mr. MUNRO (Toowong) (3.11 p.m.):** I appreciate the explanation of the Attorney-General, but that does not complete the matter. I realise that if you are to have price control you do not want to permit a succession of sales amongst wholesalers each one making a percentage of profit, but on the other hand I do say this clause is rather drastic and objectionable. In this instance it says the wholesaler in respect of that transaction is not entitled to receive any gross profit notwithstanding the fact that he has to carry on his establishment. This applies to wholesalers of all types as though they were a very uniform class. In some classes of industry you have various grades of wholesalers. In sub-section 6 of Section 33 the wholesaler is referred to as "any person who purchases those goods and sells or supplies them for resale or for manufacture for sale." You sometimes have

intermediate types of wholesalers. Sometimes there is a main distributor for Australia and up in Mundingburra there may be a person who purchases goods from the Australian distributor and sells them to small retailers in that area. This is not quite as simple as it would appear. In some circumstances those provisions contained in sub-paragraph (b) can be rather harmful and restrictive.

**Hon. W. POWER** (Baroona—Attorney-General) (3.14 p.m.): I point out to the hon. member that distributors are not affected by this at all. That is taken into consideration when the cost is being fixed in the first place. The wholesaler buys at a certain price, which includes the distributor's margin of profit. To give an illustration, there are two wholesalers, but instead of both going to the abattoirs and buying a bullock, one buys from the other.

If one wholesaler sells to another wholesaler we are not prepared to allow the second wholesaler the margin of profit on that sale.

**Mr. Munro:** Not even if he buys at a very low price.

**Mr. POWER:** If we did that there would be all sorts of malpractices. It is only to deal with such cases. This is only to meet special circumstances that might arise. It is only put in so that it is available for use. The same applies to the retailers.

Clause 7, as read, agreed to.

Clause 8—Amendment of s. 34; Inter-retail transactions—

**Mr. MUNRO** (Toowong) (3.16 p.m.): I desire to move an amendment on this clause but I regret that notice of such to the Attorney-General has been short. It is necessary to explain the reason for the amendment. Clause 8 is very similar to Clause 7 excepting that this clause refers to the circumstances of a retailer purchasing from another retailer.

**Mr. Power:** Probably typographical.

**Mr. MUNRO:** I should be very pleased to know that it is. I am questioning the clause as it reads in the Bill. Sub-clause (b), has the same objectionable feature as is contained in Clause 7. It provides that in certain circumstances a retailer shall not sell or offer for sale goods in question at a price in excess of the cost to the retail buyer. I know this is just an approach to a particular problem but I would submit that it is a completely unreasonable provision to have in any prices control legislation. Any retailer must have material costs by reason of the fact that he is selling in very small quantities. Obviously, if he purchases goods from any source at all, by virtue of his being a retailer he sells in relatively small quantities. Then there is this unduly restrictive provision applying to the transactions which come within the ambit of this clause. In the course of my reading of this clause just now for the purpose of explaining to the Committee, I discovered that it is so worded that it places any retailer who purchases any goods of any kind whatever from any other retailer within the ambit of the clause.

If that is the position, it would be not only objectionable but manifestly absurd. I think the Attorney-General, by way of interjection, did say something to the effect that this might have been a typographical error.

**Mr. Power:** No. I thought you were referring to the word "declared".

**Mr. MUNRO:** I am asking for some further information with reference to the clause. I move the following amendment:—

"On page 4, line 6, after the word 'any' where it first occurs, insert the word—

'declared.'"

If the Attorney-General will accept the amendment, it will improve the clause materially, although I must say that even with the amendment I do not regard it as a completely satisfactory clause.

**Hon. W. POWER** (Baroona—Attorney-General) (3.21 p.m.): I propose to accept the amendment. It is something that was omitted in the printing.

As to the other matters raised by the hon. member the same position applies with the retailer as between wholesaler and wholesaler.

Amendment (Mr. Munro) agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10, as read, agreed to.

Clause 11—Repeal of s. 47; Production of genuine invoices as evidence—

**Mr. MUNRO** (Toowong) (3.22 p.m.): This a simple clause that does not convey very much. It merely says—

"Section 47 of the Principal Act is repealed."

It becomes necessary to examine Section 47 of the Principal Act. A certain part of Section 47 could be repealed without any objection at all from this side, but the latter part might be of considerable value in protecting the legitimate interests of honest traders. For that reason, we should examine what the effect of the complete repeal of Section 47 would be. The section now reads—

"A plea that the price at which any goods were sold was justified by the cost at which such goods or the raw materials used in the manufacture of such goods were purchased shall not be a defence to a prosecution under this Act—"

It goes on—

"—unless the evidence as to the cost of such goods or raw materials, as the case may be, is supported by genuine invoices showing full particulars of the cost, including the date of purchase and the name and place of business of the supplier."

If we take out the whole section we leave something in the nature of a vacuum in that we have no wording in the Act to indicate what the exact position is. I bring this matter under the notice of the Attorney-General in the hope that he can give us some further explanation. In particular, I should like to know if, after the repeal of Section 47, the position will be substantially as is outlined in the latter part of that section.

In other words, I should like to know if it will be a defence to a prosecution if evidence is given as to the cost of goods or raw materials, supported by genuine invoices showing full particulars of the cost, including the date of purchase and the name and place of business of the supplier. I cannot express an opinion offhand but that may be an effective defence without any particular provision in the Act. If that is the reason, the explanation is satisfactory, but I should like something further from the Attorney-General as to the intention behind the repeal of the section and the legal effect of it.

**Hon. W. POWER** (Baroona—Attorney-General) (3.26 p.m.): This clause deals with the repeal of section 47 of the principal Act. Legal difficulty has been experienced with section 47 due to an apparent misinterpretation of its real intention. It has been claimed that notwithstanding the fact that the Commissioner of Prices has fixed a specific maximum price, by reason of the existence of section 47, a person may charge a greater selling price for goods than the price fixed by the Commissioner of Prices because his invoice price was in excess of such fixed price. In an effort to defeat price control, dishonest traders could issue or arrange for the issue of inflated invoices, and it would be impossible in such cases to disprove their genuineness. This section was not intended to have this meaning. It was taken from the National Security (Prices) Regulations, and was, I understand, inserted in those regulations principally to cover inter-wholesale and inter-retail transactions and in addition certain cases where prices were fixed on a formula basis. In view of the proposed amendments to sections 33 and 34 of the principal Act covering inter-wholesale and inter-retail transactions and as this section is not required under State Prices Legislation, there is no necessity for its retention.

Clause 11, as read, agreed to.

Clauses 12 and 13, as read, agreed to.

Bill reported, with an amendment.

## MAGISTRATES COURTS ACTS AMENDMENT BILL.

### COMMITTEE.

(The Chairman of Committees, Mr. Clark, Fitzroy, in the chair).

Clause 1—Short Title—as read, agreed to.

Clause 2—Amendments of s. 4; Jurisdiction of Magistrates Courts—

**Hon. W. POWER** (Baroona—Attorney-General) (3.30 p.m.): I move the following amendment:—

“On page 1, lines 15 and 16, omit the words—

‘one thousand pounds’

and insert in lieu thereof the words—

‘six hundred pounds.’”

When this matter was first considered, having in view the change in the value of

money, it was decided to widen the jurisdiction of the Magistrates Courts to include actions involving amounts up to £1,000. However, on further investigation it would appear that an increase to £600 would be more in keeping with the changed value of money.

Amendment (Mr. Power) agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, as read, agreed to.

Clause 5—Amendment of s. 11 (3); Appeal—

**Mr. NICKLIN** (Landsborough—Leader of the Opposition) (3.32 p.m.): I intend to move an amendment on this clause. I have the same idea as the Attorney-General had when he moved his amendment to Clause 2. This clause deals with the amounts involved in actions in respect of which an appeal lies. At present the amount is £20 and this clause seeks to increase it to £75. My amendment is aimed at reducing the amount of £75 to £40. In my opinion the increasing of the amount to £75 would be more of a detriment than an improvement in cheapening the cost of litigation. Further, the amount of £75 does not bear a true relationship to the changed values of money.

I move the following amendment:—

“On page 2, lines 21 and 22, omit the words—

‘seventy-five pounds’

and insert in lieu thereof the words—

‘forty pounds.’”

I have a further amendment dealing with the amount involved in an action in respect of which an appeal can be made to the Supreme Court.

**Hon. W. POWER** (Baroona—Attorney-General) (3.35 p.m.): I do not propose to accept the amendment. The amount of £75 is fixed with the object of avoiding appeals where there is no justification for them.

Amendment (Mr. Nicklin) negatived.

**Mr. NICKLIN** (Landsborough—Leader of the Opposition) (3.36 p.m.): I think the Minister should accept the amendment that I moved. However, I desire to move a further amendment in regard to the security which must be given by the appellant before he can lodge an appeal. In the original Act the amount was £15. It has been increased to £50 in the amending legislation. I think that sum is too large in the case of litigants who have limited means. After all, we do not want to prevent anybody from lodging an appeal because the security he has to find is too great.

I move the following amendment:—

“On page 2, line 25, omit the word—

‘fifty’

and insert in lieu thereof the word—

‘twenty-five.’”

**Hon. W. POWER** (Baroona—Attorney-General) (3.38 p.m.): I do not propose to accept the amendment. The security is for the purpose of meeting costs. There has been

an increase in court fees and also an increase in the charges by legal men. I think that any person who desires to lodge an appeal should provide security to meet these increased costs.

Another point I have in mind is that there could have been a number of vexatious appeals and if the security were low there may be an increase in such appeals.

In view of the increased value of money and the increase in court fees and legal fees generally, I do not think there should be a reduction in the security. I think the increase is not an excessive one, and I cannot accept the amendment.

**Mr. NICKLIN** (Landsborough—Leader of the Opposition) (3.41 p.m.): I think the Attorney-General should have accepted the amendment. The hon. gentleman referred to the mark who made vexatious appeals, but the amount would not stop that type. The person I am concerned about is the one who makes a genuine appeal. We do not want to make it any more expensive for him than is absolutely necessary. Legal costs have jumped up and we do not want to add to the appellant's costs by raising the amount of the security from £15 to £50. I am sorry that the Attorney-General has not seen fit to accept the amendment.

**Hon. W. POWER** (Baroona—Attorney-General) (3.42 p.m.): The position is that court fees have increased considerably, and there have been increases in fees charged by members of the legal fraternity. I think the amount fixed is small enough and would not nearly meet the costs of an appeal. I regret that I cannot accept the amendment.

Amendment (Mr. Nicklin) negatived.

Clause 5, as read, agreed to.

Clause 6—Amendment of s. 74; Small debts courts and petty sessions empowered to adjudicate in actions of replevin as to distresses for rent not exceeding thirty pounds—agreed to.

Bill reported with an amendment.

## PUBLIC CURATOR ACTS AMENDMENT BILL.

### COMMITTEE.

(The Chairman of Committees, Mr. Clark, Fitzroy, in the chair.)

Clauses 1 to 12, both inclusive, as read, agreed to.

Clause 13—Amendment of s. 85C (2); Court, by protection-order, to appoint Public Curator manager of estate—

**Mr. MUNRO** (Toowong) (3.46 p.m.): The clause has very wide powers, and unnecessarily wide powers to carry on with the estate of a protected person. I realise that in the case of the death of an insane or protected person there may be, and probably is, the necessity for some protection of the actions of the Public Curator. The clause in its present form goes much further than is necessary. It would have the effect

of over-riding the rights and powers of the executor of the will of a deceased protected person. I realise that the intention will be to administer this legislation in a reasonable manner but the clause in its existing form goes too far. Within the last minute or two I have had handed to me an amendment proposed to be moved by the Attorney-General.

**Mr. Power:** I asked that the amendments be circulated yesterday.

**Mr. MUNRO:** I mention this because I have not had the opportunity of reading the amendment. Perhaps the Attorney-General might like to explain the general terms of the amendment and by so doing we on this side will have the opportunity of studying it. The amendment may overcome the objection I have to the clause in its present form.

**Hon. W. POWER** (Baroona—Attorney-General) (3.50 p.m.): I move the following amendment:—

“On page 4, line 26, after the word ‘reseeded’, insert the words—

‘or, in the case of the death of the protected person, a grant of probate of the will of such person or of letters of administration with or without the will annexed, or an order to administer the estate of such person, has been made by the Court or an election to administer such estate has been filed in the Court.’”

During the introductory stage, the hon. member for Toowong pointed out that he thought the powers given to the Public Curator were much greater than was intended. There is some doubt as to whether the fears of the hon. member for Toowong are justified, but rather than have any doubt at all, I have proposed this amendment. It was never intended that the Public Curator should administer an estate after a trustee or some person authorised by letters of administration could take over the estate. The amendment I have suggested should overcome the difficulty envisaged by the hon. member.

**Mr. MUNRO** (Toowong) (3.52 p.m.): It appears to me that the amendment moved by the Minister overcomes the point that was exercising my mind and I have much pleasure in supporting it.

Amendment (Mr. Power) agreed to.

Clause 13, as amended, agreed to.

Clause 14—Amendments of s. 85D; Statutory Powers—

**Mr. MUNRO** (Toowong) (3.53 p.m.): This is a very important clause, partly because it deals with the important question of a general increase in the powers of the Public Curator in cases of this nature and partly because of the rather extraordinary provision contained in the new sub-paragraph (j) that it is proposed to insert by the last paragraph of Clause 14. This question of the powers of the Public Curator involves a principle that requires some consideration. As I understand the position, under the

Acts the Public Curator really becomes a trustee of the affairs of a protected person or any person who, in legal terms, becomes mentally ill or, in common terms, becomes insane, and, as such, is committed to the care of an institution. I feel that there is something a bit dangerous in that particularly from the viewpoint of the relationship of husband and wife. I have had brought under my notice cases where a wife of a particular person became mentally ill and the immediate effect was that the estate of the wife vested in the Public Curator, and he was in the position of being able to take over in a physical sense the custody of the property of the wife. In relation to husband and wife I think we might consider the problem in relation to the general basis of the marriage contract. It will not be necessary for me to remind married members of the Committee of the general basis of the marriage contract, in terms of which the husband takes a wife "to hold from this day forward, for better or for worse, for richer or for poorer, in sickness and in health, to love and cherish until death do us part." With that relationship, and it is the relationship on which the most successful and happy marriages are based, the husband is the one who has the care and the responsibility of the wife until such time as she dies. In illustration of that, if the wife is afflicted with some physical disability she might be rendered incapable, and we take it for granted, and it is only right and proper, that the husband is the person who looks after her affairs. Not only that, he looks after her in a personal sense. If the disability, instead of being physical, happens to be a mental one, by reason of the provisions of the Act the whole of the affairs of the wife are taken away from the husband, and that creates a tremendously difficult problem for the Public Curator. I have the highest regard for the Public Curator in a personal sense. I think he is doing an extremely difficult job as well as it would be possible for any one man to carry out such difficult tasks. I think it puts him in an unfair position when you consider all the moral responsibilities attaching to a position such as the one I have mentioned. I realise that that is one of the powers of the Public Curator which are the general subject matter of this clause. It is a matter, which is covered by the terms of the law, other than the provision of this clause, and I cannot see that we can do anything about that problem at this time. I am taking the opportunity of mentioning it because I think it is a problem to which the Attorney-General should give consideration at the appropriate time. I myself cannot see a complete remedy but I feel there could be a remedy along the lines of giving the husband and/or the wife in the circumstances some power of appointment—something in the nature of a power of attorney with characteristics very similar to a will. Every husband and wife with testamentary capacity has power to determine by the making of a will how his

or her affairs will be dealt with after death. However, neither of them has any corresponding power to declare by any document at all how his or her affairs are to be dealt with in the event of becoming mentally ill.

This is a very difficult problem and it must be approached with caution. However, it should be attacked, because the present position is not satisfactory. It may be that the mother of a family unfortunately has to be committed to a mental institution, and I think it is very regrettable that in every case of that nature the entire custody of her property must necessarily, in terms of law, pass into the hands of the Public Curator.

The second point with which I wish to deal is the very extraordinary provision contained in sub-paragraph (j), which, if the clause is agreed to in its present form, will be incorporated in the legislation. I have prepared an amendment, but it will be necessary for me to be very careful in moving it, because I understand that the Attorney-General also proposes to submit an amendment.

Speaking to the clause generally, whilst I realise that there is some necessity to protect the mentally ill in the case of certain types of contract that may have been entered into during a time when the person concerned was not of sound mind, I think that sub-paragraph (j), in the form in which it appears in the Bill, is altogether too wide. It appears to give the Public Curator power to repudiate or refuse to recognise contracts or transactions of every description to which the protected person is or, prior to the making of the protection order, became a party, and to elect in the name of and on behalf of the protected person to avoid any such contract or transaction.

The objections to that provision are manifold—countless examples could be given—but in view of the amendment of which notice has been given by the Attorney-General, I propose to discontinue my remarks at this stage to give the Attorney-General an opportunity of speaking on the clause. Whilst he is doing so, as in the previous instance, I should like to have the opportunity of studying the amendment carefully and discussing it with the Leader of the Opposition. If the Attorney-General will be good enough to do so, I think perhaps he might refrain from actually moving the amendment until I have an opportunity of considering it.

**Hon. W. POWER** (Baroona—Attorney-General) (4.4 p.m.): The hon. member for Toowong referred to the case of a man and his wife in which it may be necessary to do something to protect the estate of one of them. He said that possibly one of the parties to the marriage might be given a power of attorney to handle the estate of the other party. However, arguments can be advanced both for and against that suggestion. In the case of a husband and wife one party might be desirous of getting hold of a power of attorney which would give him the power to do what he liked with the property. I think in those cases it is much better to have a party which has no pecuniary interest handling the matter. I think it can be

properly left in the hands of the Public Curator who has functioned in that capacity for a number of years without very much complaint. It is true that the powers of the Public Curator have been challenged from time to time, and we do not raise any objection to that.

I propose to move an amendment. This again has been brought about by the matter raised by the hon. member for Toowong. It is not our desire to give extreme powers to the Public Curator, it is just a matter of giving protection in a case where it is needed. I know the Public Curator would be very happy to be able to hand over a lot of these estates if he could.

This paragraph does not permit the Public Curator to do anything more than the protected person could have done if a protection order had not been made. Any person who considers that he has grounds for so doing may repudiate a transaction to which he is a party but that does not mean that the transaction is thereby rendered null and void. If the other party accepts the repudiation the transaction would be at an end, but if he does not do so the person seeking to enforce the repudiation would either have to take court proceedings to that end or defend any proceedings brought against him by reason of such repudiation, taking the consequences of any adverse decision in such proceedings.

If a person considers that he has been wronged in any transaction to which he is a party, he can, if he is of sound mind, invoke the assistance of the law to have the wrong righted, but if that person is considered by the court to be unable to manage his affairs, he cannot himself take any action towards having the transaction set aside and someone will have to do it for him. It is considered that the Public Curator is the proper person to do this. Prior to the recent decision of the High Court it was considered that the Public Curator had this power and the judges of the Supreme Court of Queensland supported this view. There is no question of giving to the Public Curator power to set aside past transactions against the rights of the other party, who will still be entitled to have the validity of the transaction tested before the court and whose rights in law are still fully protected. The act of repudiation by the Public Curator is of no effect unless the other party accepts it or unless it is followed by court proceedings which uphold it. It is most necessary for the Public Curator to have the right to attack transactions on behalf of protected persons when there are good grounds for doing so as the following example will illustrate. An unscrupulous person may persuade another person suffering from a mental infirmity to sell his property to him at a figure very much under its true value. The person selling the property is not capable of appreciating that a fraud has been perpetrated on him and so makes no attempt to repudiate the transaction. Subsequently, a protection order is made in respect of the seller and the fraud is then brought to light. Unless the Public Curator has the power to attack this transaction, the

perpetrator of the fraud will retain his ill-gotten gains. That is a very important reason. Such frauds have occurred and successful action has been taken in the court by the Public Curator to have the transactions set aside. There have been quite a few actions of that nature and the Public Curator has applied to the court to set them aside and the court has repeatedly set them aside.

I repeat that the Public Curator is not being given any wider power than that enjoyed by any other person in relation to transactions to which he is a party, nor is any person being put in any worse position in law in respect of any transactions because a protection order has been made in respect of the other party. In view of the concern expressed by some members, and in order that the clause might meet with the satisfaction of all members I propose to move an amendment—

“On page 5, line 18, omit the word—  
'and'”

and insert in lieu thereof the words—

‘to the same extent as the protected person could have done had the protection order not been made and, to the like extent.’”

I think that will clear the matter up to the satisfaction of everybody.

**Mr. MUNRO** (Toowong) (4.12 p.m.): I thank the Attorney-General for his explanation. After studying the amendment and having a talk with the Leader of the Opposition we are prepared to support the amendment.

Amendment (Mr. Power) agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 24, both inclusive, as read, agreed to.

Bill reported, with amendments.

The House adjourned at 4.15 p.m.