

# Legislative Assembly

Wednesday, 19th September, 1951.

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

## ELECTORAL—SWEARING-IN OF MEMBER.

Mr. SPEAKER: I have received the return of a writ for the vacancy in the Boulder electorate caused by the resignation of Mr. C. T. Oliver, which shows that Arthur McAlister Moir has been duly elected. I am prepared to swear-in the hon. member.

Mr. Moir took and subscribed the oath and signed the roll.

## QUESTIONS.

### HOUSING.

*As to Naval Base Accommodation for Evicted Tenants.*

Mr. LAWRENCE asked the Minister for Housing:

(1) Has he inspected the buildings being erected at Naval Base for the families who are being evicted under the Increase of Rent (War Restrictions) Act?

(2) Does he not consider that the buildings are sub-standard as human dwellings?

(3) Is he aware that no provision is made for a bath?

(4) If these types of buildings are considered as temporary accommodation only, what is the maximum time a family will be allowed to occupy them?

(5) What is the cost of these buildings complete, including the cost of the communal laundry?

(6) Has he a report or reports from tenants or inspectors regarding the suitability of these places as dwellings, and would he table such correspondence?

(7) If he has no such reports, would he take steps to procure same?

The MINISTER replied:

(1) Yes.

(2) No.

(3) Yes, showers have been provided. The Commission is considering the practicability of supplying baths.

(4) These buildings are to provide temporary accommodation only, for evicted families, until such time as they can find other more suitable accommodation.

(5) Approximately £660.

(6) No reports received.

(7) Reports not considered necessary.

### MOTOR SERVICE STATIONS.

*As to Companies' "Tied-House" Policy.*

Mr. GRAHAM asked the Premier:

What is the attitude of the Government towards the "tied-house" policy being pursued by certain oil companies in relation to motor service stations?

The PREMIER replied:

This matter has not come before the Government for consideration.

### FREMANTLE HARBOUR.

*As to Stone Used for Breakwaters.*

Hon. J. B. SLEEMAN asked the Minister for Works:

How many cubic yards (or tons) of stone from Rocky Bay quarries were used in the construction of the breakwaters at Fremantle Harbour?

The MINISTER replied:

In the construction of Fremantle Harbour approximately a million and a half cubic yards of rock were used to form the two moles. The moles were constructed of limestone ex Rocky Bay quarries and of granite. Records do not indicate the relative quantities of each material.

### POWDERED MILK.

*As to Shortage of Supplies on Goldfields.*

Mr. KELLY asked the Minister for Supply and Shipping:

(1) Is she aware that Goldfields towns depend largely on powdered and condensed milks for their domestic supplies?

(2) That condensed milk has been rationed for months?

(3) That there have been no powdered milk stocks for the past six weeks?

(4) That part supplies of Sunshine powdered milk are now in the hands of the distributors, but no deliveries will be made until further stocks from Melbourne come to hand, and that in the meantime Goldfields residents are almost completely without milk?

(5) Is she aware that when distribution does begin, retailers will receive only about 45 to 50 per cent. of Sunshine normal deliveries?

(6) And that as there are no supplies of Trufood, Mafco, and Farmers' Union milk available, the Sunshine quota will supply only about 30 per cent. of the total Goldfields requirements?

(7) What steps does she contemplate to overcome this serious position?

The MINISTER replied:

(1) Yes, but not entirely on these milks, as they get a considerable quantity of fresh milk from Perth—420 gallons daily.

(2) Yes. Waroona factory output has been reduced through the encroachment of the Milk Board requirements from dairies in the Waroona district.

(3) No. Not correct. Eighty-five tons came on the "Barwon" on 7th August. Sixteen tons to Esperance and 36 tons to Albany on the "Koomilya" on the 6th August, and in addition there was a rail consignment of 1,000 cases during the period.

(4) Supplies of Sunshine powdered milk are now in process of being distributed to the retailers on the Goldfields.

(5) No.

(6) There are no supplies of Trufood coming forward at present. There is a very small quantity of Mafco coming monthly and a fair amount of Farmers' Union powdered milk from South Australia.

(7) We have had offers of roller processed powdered milk from New Zealand and South Australia in bulk, and through the courtesy of the Department of Customs have arranged for powdered milk of New Zealand origin to be admitted duty free, but it could only be supplied in bulk owing to shortage of tinplate.

The Health Department agreed to its distribution in cellophane packages or laminated aluminium foil, but supplies of these materials, which come from England, have been cut by 50 per cent. by the British Government, and to date, in spite of extensive inquiries, have not yet succeeded in obtaining the required cellophane film.

## CHILD WELFARE ACT.

### (a) As to Tabling Reports.

Hon. J. T. TONKIN asked the Minister for Child Welfare:

(1) Why have reports on the working of the Child Welfare Act not been laid before Parliament in accordance with the requirements of Section 12 since the law was amended in 1947?

(2) Will a report be tabled this session?

The MINISTER replied:

(1) and (2) The report covering operations to the 30th June, 1947, was tabled in both Houses of Parliament. A report is being prepared to cover the intervening period ended the 30th June, 1951, and will be tabled in due course.

### (b) As to Delinquent Boys and Provision of Detention Home.

Hon. J. T. TONKIN asked the Minister for Child Welfare:

(1) How many boys are at present in Fremantle gaol as a result of their having been before the Children's Court?

(2) Are there any boys under the age of 16 years at present in the gaol at Fremantle?

(3) Has the Government yet approved of any proposals for the establishment of a detention home for delinquent boys?

The MINISTER replied:

(1) Five.

(2) One.

(3) Yes, but the erection of buildings for the purpose at this juncture, in view of the very small number of delinquents and in face of the need for housing and schools, presents extraordinary difficulties. The total of 35 boys and girls are catered for by two church authorities, and in this connection a position similar to that which has existed for a long period of years continues. For some time past the Government has been exploring the possibility of acquiring an existing property which could be developed along the lines of a farm training school, and other proposals suggested as a result of discussions between the Director of Education and the Secretary of the Child Welfare Department are also under consideration.

## WATER SUPPLIES.

### As to Metropolitan Charges.

Mr. GRIFFITH (without notice) asked the Minister for Works:

Does he consider that the headline in this morning's issue of "The West Australian"—page 2, column 7—dealing with the Water Supply, Sewerage and Drainage Act Amendment Bill, introduced by him in the House last evening, leads the public of the State to believe that the Bill provides for an increase in water rates?

Hon. A. R. G. Hawke: It is a preliminary to it.

The MINISTER replied:

I did feel that the headline was somewhat misleading. As members know, there is no intention to increase the maximum water rating or the charge for excess water. The Bill dealt only with increasing the minimum charge from 10s. to £1 and affecting only those who held vacant blocks, etc.

#### **BILLS (2)—FIRST READING.**

- 1, State Housing Act Amendment.  
Introduced by the Minister for Housing.
- 2, Factories and Shops Act Amendment.  
Introduced by the Minister for Labour.

#### **BILL—PARLIAMENT HOUSE SITE PERMANENT RESERVE (A1162).**

*Third Reading.*

**THE MINISTER FOR WORKS** (Hon. D. Brand—Greenough) [4.42]: I move—

That the Bill be now read a third time.

**MR. PERKINS** (Roe) [4.43]: Unfortunately, other engagements prevented me being here yesterday and I want to take this opportunity to have it placed on record that I reluctantly acquiesce in the passing of this Bill. It is only because there does not seem to be any alternative at the moment, in the provision of necessary accommodation for the Public Works Department, that I believe the House is justified in accepting this Bill and the course of action proposed therein. I cannot help thinking that if different plans had been adopted earlier to deal with the shortage of Government accommodation—I do not mean 10 or 15 years ago but within the last three or four years—it might have been possible to obtain a better set-up of our Government buildings.

A good deal of office accommodation for State Government departments has been provided within the last two or three years. Although it is difficult to put one's finger on any particular building where one could suggest something different, I feel that this proposed building adjacent to the other Public Works buildings, when it is completed, will not by any means meet the full needs of the office requirements of that particular department. No one could pretend that when this building is completed the Public Works Department will be suitably housed. All members must sympathise with officers who are called upon to work in the somewhat unsatisfactory and inconvenient offices provided in the old Barracks. To that extent I would have liked to have seen a start made with proper housing for our Government departments.

Hon. J. B. Sleeman: Hear, hear.

**MR. PERKINS**: I would rather have seen a new set-up altogether for this important department and that perhaps

some other department could have been housed in these temporary offices. Good office accommodation is necessary for the housing of the Public Works Department because of the considerable amount of work undertaken by its officers and its importance to the State generally. However, as I say, there is no other alternative that any of us can suggest at the moment. The urgent calls on the various items of building equipment and supplies, many of which are in very short supply, enable no other course to be taken.

There is another point which is easy to overlook because of the difficulties that confront us in the day to day organisation of Government business—that is the question of the proper development of our city. Unfortunately, in Perth, because of the rapid growth of the State and the fact that extraordinary difficulties have beset us since the 1930's, it has not been possible to do some of our planning on a really permanent basis. Therefore it has been necessary for Governments to plan on what one might call a hand-to-mouth basis. That has inevitably resulted in temporary buildings being erected which are not exactly a credit to the city.

**Mr. Totterdell**: Only by the Government.

**MR. PERKINS**: I do not make any distinction, but possibly the Government has been the worst offender. My point is that this particular reserve is the finest building site in Perth. The original architects of this parliamentary building drew the plans with the idea that the building would eventually face the Terrace. One does not need much imagination to envisage the fine vista it would give looking up St. George's Terrace. This street is already developing into a fine thoroughfare which compares favourably with any street in any of the other cities in Australia.

What a wonderful sight it would be to look up that street towards gardens at the western end and a fine building eventually overlooking those gardens! I hope that any temporary buildings constructed on this particular reserve will not make it impossible, or at least extraordinarily difficult, eventually to carry out that fine vision of town planning which those men had in mind. It is very easy to under-estimate the importance of the development of civic pride, not only in the city but throughout our community generally. One needs only to move around country towns to notice the difference in the outlook of the people and to see what has been accomplished there. In some cases, a great amount of civic pride has been displayed but in others perhaps there has not been so much. In Western Australia, unfortunately, we do not have many public buildings that we can point out to visitors with any great feeling of pride. The University is possibly the only public build-

ing we have to which we can take visitors and be proud of what we are showing them.

We have natural conditions in this State that are probably unsurpassed in any other part of Australia, and I hope eventually it will be possible to ensure that some of our manmade buildings or public offices are such that we can also point them out to visitors with the same pride with which we display our natural beauties and advantages that cannot be surpassed in any other State. I hope that in future permanent structures will be erected which we can point out to visitors with pride and satisfaction. I desire to have it placed on record that only reluctantly am I acquiescing in the passing of this Bill. I can see no other course of action and therefore I must support the third reading.

**MR. GRAHAM** (East Perth) [4.53]: Might I refer to two points? Last evening the Minister for Works accused me of speaking airily when I suggested there would be a falling off in public works in Western Australia as was indicated in yesterday afternoon's Press. To show how airily I was speaking, to use the Minister's words, I quote from this evening's "Daily News"—

It had been found necessary to stop reclamation work on the Swan River because of the limited amount of loan money made available by the Loan Council, Works Minister Brand said today.

The second point I wish to mention, and I trust this will entice the Premier to his feet—

**Hon. A. R. G. Hawke:** You will have him a bit on his head!

**Mr. GRAHAM:** —is that I would like him to explain to the House—

The Premier: We did all the explaining last night.

**Mr. GRAHAM:** The explanation was not given and I seriously ask the Premier for it now. What I want to know is, why, in view of the fact that the Joint House Committee had pointed out to his Government that it was unlawful to proceed with building operations on Parliament House grounds, and why, when the Solicitor General had informed his Government through the Attorney General that it was contrary to the Land Act that this work should be undertaken and persevered with, did his Government, far from ceasing building operations, actually continue them and increase their tempo until such time as it was threatened with legal action? The members of this House and the public are entitled to an explanation from the Government on that point.

The Premier: I gave you an explanation last night.

**Mr. GRAHAM:** The explanation was not given last night. If the Premier considers he did give an explanation I would be pleased if he would elaborate it and satisfy members, a number of whom that I have spoken to feel that the matter was left in the air.

**Hon. A. R. G. Hawke:** I found the Premier jazzed around the question I asked him on the same point.

**Mr. GRAHAM:** If it was the intention of the Government to fly in the face of the law when the position was explained by the State's premier legal advisers, surely it does call for a forthright explanation.

Question put and passed.

Bill read a third time and transmitted to the Council.

### MOTION—RAILWAYS.

*As to Welshpool-Bassendean Chord Line.*

**MR. BRADY** (Guildford-Midland) [4.56]: I move—

That in the opinion of this House, an independent engineer should be appointed by the Government to hear and determine if the Bassendean Road Board's proposals regarding the chord line between Welshpool and Bassendean are more desirable in the interest of the State than those proposed by the Chief Civil Engineer, Railways.

In moving the motion, I feel I should give members some history in regard to the measures introduced into this House towards the end of last session. These measures ultimately became Acts and enabled work to be commenced on a marshalling-yard at Bassendean, and also enabled the resumption of property for a chord line between Welshpool and Bassendean. At the time the Bills were introduced, Standing Orders were suspended to allow the first and second readings to be taken on the one day. On the 29th November, 1950, two Bills were introduced, one for the chord line and one for the matter of paying compensation for the resumption of property for the marshalling-yard. They were both passed within a week; the first and second readings were completed on the 29th November.

At the time, these measures came as a great shock to the residents of Bassendean, and particularly to the people living in the streets and areas where the marshalling-yards and the new chord line were to be built. The measure also came as a shock to members of the road board, and consequently protest meetings were called. At the Bassendean Town Hall meeting, over 400 people authorised a committee of nine to interview the road board and oppose both projects. When he introduced the Bill, the Minister representing the Minister for

Railways, pointed out that the proposals for the chord line and the marshalling-yard had been considered by a committee representative of the Perth City Council, numerous transport committees, the Town Planning Commissioner, and a number of other people. Of course, the Belmont Road Board and the Bassendean Road Board, who were mainly concerned in the matter, were not taken into the confidence of that committee at all; hence the very great shock the boards received.

To cut a long story short, various members in the House from all parties protested, loud and long, against the action of the Minister in introducing the Bills at such a late stage of the session. They also protested against the action of the Government in not taking into its confidence members of the various road boards. It was pointed out that the typists, the surveyors, and the secretaries of the various departments were given this information before the road boards mainly concerned. The Minister, when introducing the measure, made a point that it was designed mainly to overcome the congestion in the city of Perth, particularly in the Perth yard and at West Perth where the goods yards are located. He also pointed out that at least six overhead bridges would have to be built in various road board areas in order to cope with traffic crossing the line. He expressed regret that the chord railway would have to pass through a residential area and that approximately 30 houses would have to be pulled down and re-erected elsewhere or entirely done away with.

The important point made by him was that, by having the marshalling yards at Bassendean, the existing smoke and dust nuisance in the city of Perth would be alleviated. I question the advisableness of making this transfer from the city of Perth, particularly as Bassendean is already getting more than its fair share of smoke, dust and fumes from existing industrial establishments, including the chemical works in that area.

The House was urged by the Premier to pass the Bill in order that preparations for the chord line and the marshalling yards might be proceeded with. To facilitate the passage of the Bill through the House, he told members on the Thursday night, I believe, that on the following morning they could view the plans of the proposed railway and marshalling yards at Parliament House and expressed the hope that members interested would do so. On the following morning only four or five members of the 50 in this Chamber attended and the only additional information made available was the aerial photographs displayed in the library. Thus the projects were placed before the House with a minimum of information, and though some members of all parties—Liberal, Country, Independent and Labour—protested the Bills were passed.

I attribute their passing to the fact that the Minister representing the Minister for Railways, in reply to protests against these measures being rushed through, stated that the road boards would be given an opportunity of placing their objections before the Minister for Railways and that the fullest consideration would be given to their viewpoints. I feel that if the Minister representing the Minister for Railways were in my place tonight, he would laugh at the consideration that has been given to the viewpoint of the Bassendean Road Board in particular. True, the Belmont Park Road Board, for some reason best known to the Government, has had its proposal considered by an independent engineer, but the Bassendean Road Board has been completely ignored as regards having consideration given to its views.

I do not say that certain consideration has not been given to its viewpoint, but let me analyse what has happened. Following the introduction of the Bills, members of the Bassendean Road Board, together with members of the Belmont Park and Bayswater Road Boards, were permitted to go to the offices of the Commissioners of Railways and view the plans of the projects and try to estimate how their districts would be affected. At that time they were able to glean only a smattering of what was involved. The inspection of the sketches and plans probably lasted less than an hour and one or two protests were entered against the passing of the Bills, but apart from that and the fact that the Minister for Railways met representatives of the Bassendean Road Board a fortnight or three weeks ago, and announced that Cabinet had decided to proceed with the building of the railway, not much consideration appears to have been given to its viewpoint.

The board wrote a lengthy letter to the Minister, asking that consideration be given to its alternative programme and I personally, as member for the district, wrote in a similar strain. The reply received by the road board and by me from the Minister was to the effect that it would not be very helpful to change the plans of the Chief Civil Engineer. Thus it would appear that the road board has been appealing from Caesar to Caesar. When the Minister for Railways received a deputation, the Chief Civil Engineer heard the board's viewpoint and stuck to his guns, declaring that his was the only project suitable to him, and the Minister backed him up. Evidently Cabinet in turn has backed up the Minister for Railways because, according to the Minister, Cabinet has adopted the Chief Civil Engineer's scheme.

I am hoping that members will be fair enough to carry the motion because I am satisfied that, for a number of vital reasons, an independent engineer should be appointed to hear the views of the Bassendean Road Board and, if possible, endeavour to save the State a sum of ap-

proximately £100,000, as well as obviating various difficulties that will arise under the Chief Civil Engineer's scheme.

The Bassendean Road Board has made available to members of this House and of the Legislative Council a sketch of its project in order that the Chief Civil Engineer's scheme might be compared with it. If members consider the merits of the two schemes, they will appreciate the great possibilities that the Bassendean Road Board's has over that of the Chief Civil Engineer. Apparently the outstanding and vital reason why the Chief Civil Engineer is insisting upon his scheme being adopted is that he considers that there must be a minimum curve of 15 chains off the Great Eastern line in order to develop the scheme, but in course of conversation he told us that some of the Government lines already had curves of nine and 10 chains. I believe that on the Collie line there are curves as low as  $7\frac{1}{2}$  chains and they carry heavy traffic on normal grades. Yet the Chief Civil Engineer is sticking out for a curve of 15 chains.

Mr. May: He is very lucky on the Collie line.

Mr. BRADY: He may be lucky on all his lines, but the fact remains that the smaller curves are there and have been doing the job for the last 20, 30 or 40 years. He might have mentioned that there was a 10-chain curve leading on to the bridge at North Fremantle, and I believe that quite as much traffic passes over the Fremantle bridge as will go into the new marshalling yards in the long run.

Therefore it would appear that if a nine or 10-chain curve suffices at the Fremantle bridge and a  $7\frac{1}{2}$  chain curve on the Collie line, a 10-chain curve would be sufficient to handle the traffic at Bassendean. This is the main point in the proposal of the Bassendean Road Board because, by putting in a 10-chain curve, approximately two miles of line could be saved and thus the Government could effect a saving of between £70,000 and £100,000. Such a saving at this stage is a major factor that ought to be considered, especially in view of the fact that the Loan Council has expressed a desire that loan expenditure should be curtailed as far as possible.

A number of other objections have been raised to the proposal of the Chief Civil Engineer. His scheme includes the provision of two overhead bridges to take the traffic normally handled by seven through roads. This could have no other effect than the slowing down of free transport by road. If members recall how the bridges over the Swan River slow down the traffic, they will appreciate how the traffic carried by seven roads concentrated on two overhead bridges will slow down traffic at Bassendean and, of course, ingress to and egress from the city will be similarly slowed down.

In the area where the Chief Civil Engineer contemplates building the chord line, there are a number of industrial establishments already operating, while new establishments are being built and others again are projected. All of these establishments require raw materials to be carted into the factories while the finished products have to be carted out, whether those products be super, tractors, farm machinery or those of Hadfields iron and steel works. All these enterprises have been built up in this area, and I feel that insufficient consideration has been given to this aspect. We are going to have four or five dead-end roads whereas in the past they have been through roads. The Chief Civil Engineer stated that he could overcome some of these difficulties by resuming more property but, if he makes some of these thoroughfares semi-through roads, traffic will still be slowed down.

During recent weeks we have given consideration to the question of the building of a railway south of the river to link with Fremantle. If Parliament decided that such a line should be built, much of the railway congestion in Perth would be relieved and the advantages of the Chief Civil Engineer's chord line as against the Bassendean Road Board's proposal would not be quite so strong. The congestion in Perth is occasioned to some extent by the hauling through the city of much of the traffic destined for Fremantle and, given a line south of the river, that congestion would be relieved and the necessity for the chord line would be reduced accordingly. When introducing the Bill, the Minister made the point that 60 per cent. of the traffic on the South-West line goes through Perth and over the eastern line towards Midland Junction. No doubt that traffic consists mainly of coal for railway purposes; stock for the abattoirs at Bushmead; and other products going north and on to the eastern line, possibly coal to Northam and Wongan Hills and other places.

If the Bassendean Road Board's proposals were considered it would be found that, in the event of the existing line being not pulled up, the line could handle quite a lot of this traffic. It could deal with the traffic going to the abattoirs, and the coal going to Midland Junction, and goods being taken north to Wongan Hills and Northam and to Kalgoorlie. It is indeed most desirable that this line should be retained to handle that traffic.

Another feature to be taken into consideration in this matter is the continual reduction of the open spaces available to road boards and the general public for health reasons and for sports and recreational purposes. In recent years, this House has passed a number of Acts enabling Class A reserves to be taken over for the construction of houses for workers and the erection of industrial establishments. The area over which it is contemplated that a chord line should be built

is an open one adjoining the Swan River; and in my opinion, and that of the board, it is not desirable that it and other open spaces available to the general public should be reduced in number. But I would remind members that this scheme does not involve a single line but a double line installation, and the consequent resumption of land that will be necessary will reduce the open spaces available to the general public.

A further point is that Bassendean has already more than its fair share of dust and fumes from industrial establishments in the vicinity, and it is not desirable that residents of that area should be subjected to the further smoke and dust that would result from the building of a chord line through that district. I doubt whether the fact that diesel electric locomotives will be used extensively in the future and will haul bigger and heavier loads, has been sufficiently considered in connection with this matter. That is another means by which railway traffic can be handled over the existing eastern line rather than the proposed chord line, if it is to be retained for taking traffic into the marshalling yards instead of being pulled up.

Almost daily there are other reasons coming to hand why the Government should appoint an engineer to consider the Bassendean Road Board's proposal. When I went home last night from this House, I received from that day's mail a huge pamphlet advertising a vacant land sale at Bayswater to take place on the 29th September in the Bayswater Town Hall. The people concerned set out the desirability of building in the area where this chord line is to be installed.

I do not know whether they are aware of the fact that the line is to be constructed there; but whether that is so or not, inside their pamphlet they show in colour all the area they have for sale, set out the fact that electricity and water supply are available and indicate the decided advantages of building in Bayswater. Right alongside where it is proposed houses shall be built, the chord line is to be established. I have marked the pamphlet in black to show where the line will be taken, in accordance with the proposal of the Chief Civil Engineer. Right opposite I have shown the loopline which the Bassendean Road Board wants to have established to connect with the eastern line already in existence.

If the projected chord line is built, in addition to the Bassendean Road Board losing 160 quarter-acre blocks which are desirable for housing sites, the Bayswater Road Board will lose 40 or 50 desirable building sites. Those two boards will have to forgo considerable revenue, and revenue today is very vital to road boards. Most road boards, and particularly these two, are finding it very difficult to carry on their activities, and anything like this project that will reduce their revenue

should be given greater consideration by the Government and should be examined by an independent engineer. There is the other prospect of the loss of important building sites at a time when we want all that we can secure close to the City of Perth.

In addition to receiving the pamphlet to which I have referred, I read in "The West Australian" this morning a statement made by the chairman of directors of Hadfields at the annual meeting of shareholders, in which he expressed very grave concern about the encroachment by the Railway Department upon the company's land at Bassendean. He said the matter had been ill-conceived and had not been given the consideration necessary. The company has brought in technical experts to consider the position and intends to make representations to Parliament about the Government's having grabbed its land for this chord line.

For these reasons I consider that an independent engineer could be of very great service to the Government. He could consider the objections by Hadfields and the Bassendean Road Board, and he could decide whether he thought it desirable that the company's land should be encroached upon to the extent intended. He might think it desirable to take the line closer to Cuming Smith's superphosphate works, and that it would be preferable to take more land from that area rather than at the point the Chief Civil Engineer suggests.

Those are a few of the objections that can be raised against the construction of the chord line as proposed. When the Bill was introduced originally, I suggested that a Select Committee be appointed, and the member for Middle Swan actually moved to that effect. However, as a result of the insistence of the Minister and the Premier, the House allowed the measure to go through, being assured that the fullest information would be obtained and the most careful consideration given to the objections of the road board. That has not, however, come to pass, and the very least Parliament can now do for the road board is to give it an opportunity to submit its proposals to an independent engineer in order that he may consider it in relation to the project of the Chief Civil Engineer.

Last session, the member for Canning pointed out that nobody could give the Government better advice as to what it should do in connection with the resumption of land than the road board concerned. The Belmont Park Road Board, in his electorate, found itself in exactly the same difficulty as that which faces the Bassendean Road Board. The Belmont Park Board considered that the line should be taken north approximately three-quarters of a mile, and had deputations to the Minister for Railways and the Commissioner. However, the board met with

a refusal, being told that the Chief Civil Engineer's project was the desirable one.

I would like the House to consider this fact. During the discussions and correspondence on this matter, the Chief Civil Engineer was asked whether he had considered the construction of a line approximately three-quarters of a mile further north, and he said he had not. We were led to believe that he had considered all the possibilities in connection with the building of this line; yet, although the obvious alternative route suggested by the Belmont Park Board was staring him in the face, he had not considered it.

The Bassendean Road Board also had an alternative which should have been considered. The Belmont Park Board received a three-page letter from the Minister, setting out reasons why the board should be content to accept the Chief Civil Engineer's project. The board replied with a three-page letter, setting out reasons why the Chief Civil Engineer's project should not be accepted, and pointing out that its proposal was far superior from its point of view. So insistent were the board and the member for Canning that ultimately the Government decided to give the board the right to have an independent engineer investigate the matter.

In view of the fact that the Government said it would give fullest consideration to all viewpoints, the very least it could have done when giving the Belmont Park Road Board the right to an independent investigation, was to give the Bassendean Road Board the same consideration. If members have regard to the justice of this proposal, they will agree that my motion should be carried, and that an independent engineer should be appointed. I estimate that the most it would cost the Government would be £50, or perhaps £100. That is not a large sum where £100,000 is likely to be involved; where a great deal of inconvenience may be avoided; where economic considerations affecting the road board are involved; and where a different decision from that made would result in the saving of potential home sites. I think all those things build up very good reasons why this House should agree to the appointment of an independent engineer.

When speaking to the Bill of last year the member for Canning said that the utmost co-operation would be given by the local authorities, and the Bassendean Road Board is prepared to give that co-operation. On Thursday the 6th September, the Bassendean Road Board had a deputation to the Minister for Railways, who had with him the Chief Civil Engineer. During that interview the Minister made certain statements, as did also the Chief Civil Engineer. I will deal with those statements in order to bring members up to date with regard to what has transpired with relation to the desire of the Bassendean Road Board to have an independent engineer appointed.

As soon as the deputation met the Minister, he said he felt he had already explained to the road board why the scheme of the Chief Civil Engineer should be adopted. He more or less staggered the deputation by saying that Cabinet had already decided that the line, as proposed by the Chief Civil Engineer, was to be built, which was tantamount to saying that the deputation was wasting its time. During the deputation it transpired that the Chief Civil Engineer was still getting his way with regard to the scheme though, to be fair to the Minister, he did say that the reasons advanced by the Bassendean Road Board had been considered, but that it had been decided that its scheme was more costly than that of the Chief Civil Engineer and more likely to upset the residents of Bassendean.

I find it hard to understand how the Minister and the Chief Civil Engineer could arrive at that conclusion. The Minister was trying to establish reasons why he should not change his mind, when he advanced the argument that two or three people who were concerned had stated that they wanted the Government to get on with the resumption so that they could build elsewhere. The Minister, in other words, was putting the viewpoint of two or three people against a protest meeting where 400 people gave the road board the right to object to the whole scheme. Among other things the Chief Civil Engineer said that he proposed to build a bridge over Geraldine-st., though at the moment Geraldine-st. has not been made. If he builds that bridge the road board will have to build the road. Already the road board is having financial difficulties in its administration, and it should not be called upon to build roads to link up with the bridges that may be built by the Chief Civil Engineer in this way. We are to have two overhead bridges where seven through roads exist at present.

Even though members may be only laymen in relation to this project, do they think it desirable to have two bottlenecks as against seven through roads? It was pointed out to the Chief Civil Engineer, in one case, that there was no through road and he said, "We can resume another four houses and make it a semi-through road." That is how easily he would get out of his difficulties. He said, "My job, as an engineer, is to have a good marshalling yard." Probably that is desirable from the engineering point of view but, as "The West Australian" pointed out in a leading article recently, when dealing with the project advanced by the member for Fremantle in regard to an outer harbour, there are other things to be considered besides the viewpoints of engineers. There must be considered the desirability of the project to the State and its effect upon the community generally.



If we are to create bottlenecks and an ugly outer metropolitan area, as well as other difficulties, what is the use of having the railways working smoothly if it means upsetting everybody else? It does not take much logic to realise that other things besides the engineering viewpoint must be considered. The Chief Civil Engineer admitted that there are three or four curves on the railways in this State where 7½, 10 and 12 chain circuits are made. In this case he is insisting on a 15-chain circuit and we think that is not desirable.

I believe the Minister for Railways feels that in appointing an independent engineer he would be letting down his own Chief Civil Engineer and staff, because the Chief Civil Engineer admitted to us, following the deputation of the 6th of September, that at least six of his officers had considered the matter. The Chief Civil Engineer, therefore, will not be lightly swayed to change his ideas though he seemed to change them to some extent. When he first addressed the protest meeting at Bassendean I understand that he said he wanted a minimum of a 10-chain curve, and now he says he wants a 15-chain curve. In that regard he has changed his ground a little.

Although I was not present at the finish of the protest meeting I am informed that the Chief Civil Engineer said he would stand or fall by his scheme. If he said that at a protest meeting of 400 people he is not lightly going to see his scheme go overboard in favour of that of the Bassendean Road Board, and so he will fight it all the way. He will stick by his staff and his own project. If the worst came to the worst from the point of view of the Bassendean Road Board, the land that is proposed to be resumed could be resumed and ultimately the chord line could be put through, but there is no necessity for the chord line, as such, to be proceeded with.

I think the Government would be well advised at least to try out the project of the Bassendean Road Board, as against that of the Chief Civil Engineer, because it would stand to gain immediately £60,000 or £70,000 and, if the road board's scheme ultimately turned out a dismal failure, the Government would at least have saved that much money temporarily and the scheme of the Chief Civil Engineer could then be advanced. The worst that could then happen to the Government would be that it would have an existing line and a 10-chain curve over and above what is at present contemplated. I understand from the Bassendean Road Board's conversations with the Belmont Park Road Board that the Government does anticipate using this 1½ or 2 miles of line that runs past the Cresco Superphosphate Works, Hadfields, Cumming Smith's and so on.

The Government would be well advised to consider the scheme of the Bassendean Road Board. The deputation met the Minister for Railways on the 6th of September and he did not do very much to soothe the road board in its approach to the scheme. He promised to let the board have a plan of the marshalling yard and his viewpoint in writing, through the Chief Civil Engineer, within the next few days. On the 12th of September the Bassendean Road Board received a letter from the Chief Civil Engineer and that night it considered the project again, having the plans before it. Having considered the plans it had received, together with the letter from the Chief Civil Engineer, the board decided unanimously that it still wanted an independent engineer appointed to consider its scheme.

I do not think the board viewed the matter from a party political point of view or tried to embarrass the Government from a party political angle, because there are, on the board, all shades of political opinion. I am inclined to think that the majority of the members of that board are Country Party and Liberal Party supporters rather than Labour supporters. Putting the interests of their own board first they decided unanimously to ask me—as member for the district—and other members from whom they thought they would get support, to endeavour to have an independent engineer appointed. On the following day they wrote to the Minister for Railways a letter reading as follows:—

It is desired to acknowledge receipt of the letter and litho re the Bassendean end of the new marshalling yards received from the Chief Civil Engineer of the Railway Department on the 12th inst.

The above were dealt with by a full meeting of the Bassendean Road Board together with reports from representatives of the board who waited upon you recently, and after fully discussing the position and examining the litho forwarded, it was the unanimous decision of the board that the request for the appointment of an independent engineer to report upon the route proposed by the department's engineers, and the suggested amended route as made by the Bassendean Road Board should be proceeded with.

Now that the board has a litho showing the proposed location of the railway tracks in the new marshalling yard, the establishment of a curve connecting the existing line to the marshalling area is still considered worthy of investigation, especially in view of the acknowledgment that eight (8) chain radius curves are actually in use on the existing railways, and a reported written statement to the

Belmont Park Road Board from the Railway Department that a curve is to be constructed connecting the existing line to the siding at Whatley.

This latter statement would mean that all the Bassendean Road Board is asking for is that an independent engineer's report be procured by the Government as to the possibility of building about eight (8) or ten (10) chain of a railway curve at Bassendean, and so avoid the construction of approximately two (2) miles of new railway line, the advantages to the Bassendean district and also to the Government of the Board's proposal having already been set out in previous communications. It is not proposed to repeat them in this communication.

The Board does, however, desire me to point out that it has not raised any great objection to the marshalling yard area itself, also, owing to its belief that such a proposal was mooted, the Board had during the past two or three years issued no building permits in the main marshalling yard area, neither had any roads been made there, despite numerous requests from ratepayers concerned.

It is not the desire of the Board to belittle the engineers in the Government's employ, but it is again earnestly requested that you give the request of the Board your further consideration.

The Bassendean Road Board is also anxious as to where provision is to be made for road traffic on the north side of the line to cross over to the Perth-Guildford road, as up to date, despite inquiries, no information has been received upon this point, and it would be appreciated if you will advise upon this if such information is available.

So, even at this stage, after ten months' deliberation, the Bassendean Road Board has not yet received information on the proposed scheme to construct roads and bridges on the north side of the line. That is material to the board because it is less than 12 months since a through road was built on the north side of the line from a point near the Bassendean station, past those new industrial establishments to which I have referred, to the Cresco super works.

As stated earlier, the road traffic is growing in intensity and it may result in the building of another overhead bridge. I believe these bridges are to be built of concrete. It can be easily visualised what an enormous expense that will be to the Government on the one hand and on the other hand, what considerable inconvenience will be caused to the residents and the road board itself.

Also, what an ugly appearance that will present in the Bassendean area with two concrete overhead bridges constructed on the south side and possibly another on the north side! That will be a most depressing sight to visitors to the State and particularly to residents in that area.

I ask members who may have the sketch prepared by the road board in front of them to peruse it, and they will see for themselves the position of the marshalling yards as proposed by the Railway Department. Unfortunately, the road board did not show in that sketch that the main line to Perth will pass through the marshalling yards and not along the existing route as it does at present. The main line will pass approximately through the centre of the marshalling yards. By looking at the sketch members will notice that the loopline proposed by the Chief Civil Engineer will affect approximately 250 building blocks which will be lost to both the Bassendean and Bayswater road boards.

If the proposal by the Bassendean Road Board is accepted instead of that by the Chief Civil Engineer, it may mean that the marshalling yards may have to be extended slightly north. In that direction there are practically no residences whatsoever because there is a great deal of vacant land and therefore there will be a minimum of inconvenience to those residents and not a great deal of inconvenience as stated by the Minister when he met the deputation recently.

Members will also notice from the sketch that slightly north-east, where the proposed loopline enters to the north side of the railway line, is Hadfields steel works and in this morning's Press the chairman of directors of that firm expresses grave concern because the line is entering at that particular point. Finally, if members will visualise the existing line between the Cresco super works and Cumming Smith super works, they will see on the sketch what is already known as the Perth-Midland line. That line, according to the Chief Civil Engineer, when attending the protest meeting held at Bassendean, is to go overboard. In other words, a line which would cost anything up to £60,000 or £70,000 to build today is to be short-circuited in order that the main line shall pass through the marshalling yards. If that is permitted by the Government and this House it will be a grave economic waste. Therefore, the existing railway line should be retained and the system, as proposed by the Bassendean Road Board, should be linked with it and meet the State's needs for the next 25 or 30 years.

If the Government desires, the land along the proposed line could be resumed and the existing houses left standing and ultimately, if it be then found that the line must follow the proposed loopline as propounded by the Chief Civil Engineer,

the existing line could be superseded. Apart from reading the letter which the Bassendean Road Board has set out on the back of the sketch forwarded to members, I have nothing further to say. The board has a reasonable alternative plan and the least the Government could do for this board, having regard to the assurance given the House when the Bill was introduced, is to appoint an independent engineer to investigate the board's proposals. I have much pleasure in moving the motion.

On motion by the Minister for Education, debate adjourned.

### **BILLS (2)—FIRST READING.**

1. Feeding Stuffs Act Amendment.
  2. Potato Growing Industry Trust Fund Act Amendment.
- Received from the Council.

### **BILL—PROTECTION OF TRADE.**

#### *Second Reading.*

**MR. GRAYDEN** (Nedlands) [5.57] in moving the second reading said: I believe that the principles of this Bill will find general acceptance among members of the House. I say that because I believe it is fully in accord with the principles of the parties on this side of the House and it is inferred in the platform of the party that sits in opposition. I have here a copy of the official platform of the Liberal Party of Australia issued by the Federal Secretariat in November, 1948. At page 9, under the heading of "Employment," in paragraph (3) there is this—

The effective regulation and supervision of monopolies and trade combinations inimical to the public interest.

I think that sets forth quite clearly the Liberal Party's opposition to those restraints upon trade and commerce of a monopolistic nature.

**Mr. May:** Are you sure that this is not a little red-herring.

**Mr. GRAYDEN:** I believe that the Country and Democratic League subscribe to that point of view. In the State platform of the Labour Party there is this contained in the interpretation of its objective—

(b) That wherever private ownership is the means of exploitation it is opposed by the party; but

(c) that the party does not seek to abolish private ownership even of any of the instruments of production where such instrument is utilised by its owner in a socially useful manner and without exploitation.

I contend that it is only in the monopolies, and the monopolistic practices which may creep into free enterprise, that one finds those abuses of free enterprise which would enable the Labour Party fairly to claim

that the public was being exploited and which they would therefore nationalise. In the Labour Party's platform I think there is an inference of opposition to monopolies and I feel quite sure that the members of the Opposition do not support the continuance of monopolies and monopolistic practices. I therefore feel confident that the principles upon which the Bill is based will find general acceptance among the members of this House.

We who sit on the Government side of the House believe in free enterprise. We believe in it not because we merely like the sound of the name, but because we believe in the principle and because it embodies certain virtues that are of benefit to the public. The benefits which we believe free enterprise offers the people, include efficiency both in production and distribution. We believe that cheaper production means cheaper goods being made available to the public. We hold the opinion that private enterprise displays towards its customers more courtesy than perhaps does State enterprise. We believe further that free enterprise fosters in the individual a sense of independence. I feel it is that hardy independence of the little man that is the backbone of the parties represented on the Government side of the House.

**Hon. J. T. Tonkin:** The little builder!

**Mr. GRAYDEN:** These benefits flow only from free enterprise in competition. If these benefits are examined, it will be seen that they occur only when there is competition. We get efficiency in production and distribution because of the competition between firms vying with each other to capture the market. We get cheaper goods because the competing firms are trying to bring their goods to the people at the lowest competitive prices. We believe that the courtesy extended arises from the desire of competing companies to retain their respective customers and their business. All these things tend to be fostered by the competitive spirit.

The vital factor underlying all these considerations is competition, and I see no reason to believe that any of these benefits necessarily flow to the public when there is no competition. I maintain that competition is the vital factor in ensuring the continuance of free enterprise and that it is an essential factor in ensuring that the benefits of free enterprise are passed on to the public. It needs very little imagination to see that restraints to trade and monopolies do harm to the people.

**Mr. Graham:** How would you classify "The West Australian" and the Swan Brewery?

**Mr. GRAYDEN:** I trust the hon. member will permit me to jump that hurdle when I come to it. I will explain the contents of the Bill and in the meantime would like to proceed on the even tenor of my way.

Mr. Graham: I shall endeavour to be patient.

Mr. GRAYDEN: We believe that monopolies that are formed for the sole purpose of putting up prices to consumers are harmful to the public. There can be no doubt about it. Where people join together to form a monopoly, either for the purpose of raising the price of an article to the public or of restricting the production of that article so that it will be allowed to reach the public only in reduced quantities, in fact, all practices of that type are, I believe, harmful to the public and should not be tolerated by Parliament.

Hon. J. T. Tonkin: Are there firms that really do that?

Mr. GRAYDEN: Again, I think I will take that hurdle when I come to it. During the war period a great deal of control was exercised over business enterprises, materials and so on, and quite necessarily so. However, since the war, there has been on the part of some people engaged in private enterprise an attitude of, "Let us continue in the same way. We got through the war years all right, so let us continue as we were then." Surely we should get away from that feeling if we wish free enterprise to continue in Western Australia. The Bill I am introducing is one opposed to socialism, in that—

Mr. Brady: Now you are spoiling a good speech.

Mr. Hoar: You funny man!

Mr. GRAYDEN: —it will remove abuses of free enterprise upon which socialism feeds. I feel that socialism gains much of its ammunition from these practices of free enterprise.

Mr. Hoar: Is not this Bill aimed against monopolies?

Mr. GRAYDEN: Yes.

Mr. Hoar: Against private monopolies?

Mr. GRAYDEN: Exactly! If we can cleanse free enterprise of these abuses, I feel the people will have no cause for complaint against that form of business activity. There will be no grounds for them to switch over and become socialists. Members on the opposition side of the House will have to make up their minds whether they will support this measure which will, in the long run, act to the detriment of their long-range objective. I feel that they will stick to their principles and support the measure because its provisions are fully in accord with what they have said in the past. People who at present may have a monopoly over some particular product should, I feel, be very careful regarding their attitude to the public, because it is the attitude of a few of these people that might very well serve to draw Australia from the path of free enterprise and place it on the road to socialism.

Hon. A. R. G. Hawke: That would be good.

Mr. GRAYDEN: The Bill is based upon other well-tryed legislation. It is neither a new nor a radical Bill. Its provisions are somewhat similar to those of Acts that have been in operation in another part of the world since 1890. I refer to America.

Mr. Marshall: That is no advertisement for the legislation!

Mr. GRAYDEN: The member for Murchison says that is no advertisement for the Bill. He says that apparently not knowing before tonight that such legislation was in operation in the United States, and not knowing anything about how it worked or the benefits it conferred on the people of that country.

Mr. May: No, he is pretty dumb!

Hon. E. Nulsen: Is that legislation still in operation in America?

Mr. GRAYDEN: Yes and, since the war, 140 cases have been launched under its provisions. Counterparts of the Acts also operated in the various States.

Mr. Hoar: Do you mean to tell me there are not any monopolies in America!

Mr. GRAYDEN: I am saying that the American people and their legislators have tried as far as possible, in connection with large-scale industrial expansion, to minimise monopolies, and I can quote case after case to prove that statement. I can show that the American laws deal very harshly with monopolists and have broken up monopolies time and again. Under the legislation in that country, nearly 1,000 cases had been before the courts up to 1949. The laws set out in the legislation have been well tried, and quite a number of amendments have been made to them over the years with the object of making the measures more effective and bringing their provisions more into line with present-day industrial thought.

So I say that this is no rash Bill, for similar provisions have operated over a period of more than 60 years in America. Some of the cases dealt with in America and the judgments given are very interesting, because they indicate the effect of the legislation in breaking up monopolies. For instance, there is the case of the United States v. the Diamond Match Co. The American Government brought charges against six American corporations, five foreign companies, two American agents of a Swedish company, and six individuals. In the summary of the case, the following appears:—

The complainant charges that defendants maintained an international cartel in the manufacture and distribution of matches; allocated world markets; established production and sales quotas; suppressed inventions and improvements in the match art; controlled patents, raw materials,

chemicals, machinery, and processes; and acquired competing match producers and distributors to prevent competition. The quantities of matches imported into the United States from Sweden, Russia and Japan have been curtailed and prices have been fixed by agreement with the Diamond Match Co. with the approval of the other American defendants.

On April 9, 1946, a consent decree was entered dissolving the cartel. The decree provides that defendants are enjoined from carrying out past or future arrangements to allocate territories, restrict production or fix prices; all present Diamond patents or applications are to be licensed royalty-free and are completely unenforceable—

That means that other companies may use their patents without charge. To continue—

—all present Swedish Match United States patents on the "Everlasting" match are to be royalty-free and unenforceable; immunities under corresponding Swedish Match foreign patents are to be given to American manufacturers desiring to export such matches; Swedish Match must license any person, at reasonable royalties, on any patents taken out in the next five years relating to "Everlasting" matches; Diamond for the next five years must furnish technical information and know-how regarding match machinery to anyone at a nominal and non-discriminatory charge—

Members will see that this is a very harsh judgment indeed. It goes on—

Swedish Match is prohibited from appointing any of the defendants as exclusive selling agents in the United States for the distribution of matches, and Diamond is enjoined for five years from any selling of Swedish matches in the United States; Diamond, its affiliates and certain individuals are required to divest themselves of stock interests in two domestic producers within a stated period; voting privileges are enjoined as to stock held by Diamond in Eddy Match Co., a non-consenting defendant located in Canada; while Diamond holds stock in Eddy, it must sell matches at non-discriminatory prices to all exporters.

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

Mr. GRAYDEN: Before tea I was quoting one of the judgments given under the American anti-trust laws and showing how rigidly those laws are enforced with the object of breaking up monopolies and cartels. I showed how that judgment had

broken up a cartel by making the companies concerned give their patents on a royalty free basis, making the patents unenforceable, and making them furnish technical information to others who wished to engage in the industry. The judgment went on—

... further stock acquisition by Diamond in match companies is prohibited; interlocking directorates among defendants or with other match producers are banned, except as to one defendant on the board of Eddy who may so serve for five years; and defendants are enjoined from acquiring any domestic company manufacturing matches, machinery or chemicals except after affirmative showing that the acquisition will not unreasonably restrict competition.

That is a sample of how these laws apply to monopolies and cartels in America. The Bill I am introducing has no penalties as harsh as those contained in the American Act, but I feel that when a great bastion of free enterprise like America finds it necessary and desirable to bring down such a law prohibiting these things, we must all consider whether these things are for or against free enterprise.

As I have said, America is a great bastion of free enterprise and the people subscribe wholeheartedly to these laws. I am sure they would not accept any laws aimed against free enterprise; yet they have found it necessary to maintain, and from time to time to alter, these laws so as to widen their scope. Knowing the spirit of the American people regarding free enterprise, I say it is obvious, from their attitude to these laws, and knowing that their country is a bastion of free enterprise—

Mr. Hoar: What law in this State operates against free enterprise?

Mr. GRAYDEN: I am afraid that is begging the question a little. I do not see that it has anything to do with this argument. I am pointing out that the American people are wholeheartedly in favour of free enterprise and would not tolerate a law against it, and the fact that this law has been in operation since 1890 tends to show that it does not operate to the detriment of free enterprise.

Mr. Hoar: I heard you say so, but I wanted to know whether there was any law here operating against free enterprise.

Hon. E. Nulsen: There is no law operating against free enterprise in this State.

Mr. GRAYDEN: I did not say there was. That has nothing to do with the question at all. I am endeavouring to prove that these laws are not against the interests of free enterprise. I would say that this is very largely a Bill for the future. If ever monopolies, cartels, price-fixing arrangements, and so on are to be stopped, surely it is easier to stop them in the initial stages of their operations. The

longer we wait to introduce such a law, and the longer these trends have time to grow and reinforce, the bigger upset there must be to the economy of the country.

Mr. Kelly: Have you any instances of cartels operating in this State?

Mr. GRAYDEN: I will come to that in a moment. I am trying to point out that if we allow cartels to grow and be reinforced, and become strongly entrenched, it is far more difficult to put a end to them when they have reached that stage. Surely with the growth of industry in Western Australia, and as we become more closely settled, the scope for such operations will become greater. I feel, therefore, that we should pass this measure as a preventative law to preclude these monopolies and cartels from being formed in this State in the future. Only by doing this can we ensure that free enterprise will follow the right lines in this State: We should take advantage of the American experience in administering and revising these laws. America has had an experience of 60 years in this connection, so that I can safely claim that in that country laws of this kind have been long tried and well tested.

Hon. A. R. G. Hawke: What would happen under this measure to an existing monopoly?

Mr. GRAYDEN: I will deal with the provisions of the Bill in a little while. I want to preface my remarks on that score by saying that I have tried to make allowances as far as possible for existing legitimate trading activities. I do not want to upset trade in this State. I do not feel that any person, legitimately engaged in trade, in competition with anybody else, should have the slightest fear of what is contained in this Bill. I consider its effect will be confined to a relative few. That is a big argument in favour of introducing it now, so that only a few will be affected, and with the prohibitions contained in the measure no one will be affected in the future.

I am prepared for, and indeed I expect, many amendments to this Bill before it has passed through all its stages, and I am quite prepared to accept amendments. In fact I would welcome any amendment to provide for existing trading conditions where such trading conditions are legitimate and not to the detriment of the public. But I cannot be conversant with every trading condition existing in the State, and it is only by people who are affected contacting their members, and pointing out where the Bill affects them, and making representations through those members, that difficulties can be ironed out.

The provisions of this measure will not apply to the State and its instrumentalities or to the Commonwealth and its instrumentalities. It will not prejudice the operation of any statute at present in

force in this State—for instance, the statute setting up the Potato Board, and so on. It will not affect instrumentalities of the State or of the Commonwealth and it will not apply to persons licensed by the State or the Commonwealth or by the instrumentalities of either of them, to be the sole distributors of any goods within the State, or in any specified part of the State. For instance, the Transport Board might allocate a certain bus route to an omnibus company, which would then have a monopoly of that particular route. The Bill would not prejudice that monopoly.

Hon. A. R. G. Hawke: Why does the hon. member exclude socialised monopolies from his Bill?

Mr. GRAYDEN: If the Leader of the Opposition likes to move an amendment to bring them within the provisions of the Bill, I will gladly accept it.

Hon. A. R. G. Hawke: I am asking the hon. member why he excludes them.

Mr. GRAYDEN: I am afraid the remainder of my remarks would not be audible if I dealt with that point because of the noise that would come from members opposite.

Mr. Kelly: You need not worry on that score.

Hon. A. R. G. Hawke: Has the Bill been approved by the Parliamentary Liberal Party of both Houses?

The Premier: Do not answer.

Mr. GRAYDEN: I cannot see that the hon. member has any right to ask such a question.

Mr. Kelly: If you set yourself up as an authority, you must be prepared to be asked all sorts of questions.

Mr. GRAYDEN: I agree, and I expect sensible ones.

Mr. Kelly: You just said that the Leader of the Opposition had no right to put the question he did.

Mr. Marshall: When Frank Downing sees this, you will be ostracised by the party.

Mr. GRAYDEN: I have no fears on that score. I would like to carry on with my explanation of the provisions of the Bill if members opposite will allow me.

Mr. Hoar: Go ahead and tell us who is behind the Bill.

Mr. GRAYDEN: I am the only person behind the Bill. The provisions of the measure will not apply to professional services such as those performed by doctors. I believe there exists in the professions a special kind of relationship between the person giving the service and the one receiving the benefit of it, and it should not be broken into by the purely economic aspect. So I have excluded them from the measure.

Hon. J. T. Tonkin: Would it apply to the sale of newsagencies?

Mr. GRAYDEN: As I deal with the provisions of the Bill, the hon. member will be able to see how they will apply because I hope to show, by my explanations, how its provisions will affect the different provisions that interest members opposite.

The measure hinges on two important provisions, the rest of it being mainly concerned with machinery clauses and the blocking of any loopholes that may be left in the two main provisions. The first of these two principal parts deals with the restraint of trade or destruction of industry, and provides that any person who either as principal or agent makes a contract or is a member of a combination, or conspires with any other person to restrain trade or commerce within the State, or to destroy or injure by means of unfair competition, any industry in the State, which is advantageous to the State, is guilty of an offence, and the penalty is £500, or, in the case of a continuing offence, £500 for each day during which the offence continues. Every contract made or entered into against this provision, whether made before or after the passing of the Bill, will be illegal and void.

But this part does not apply to what I might term branded products. That is to say, if we have three cornflour manufacturers in the State, each putting up a branded produce—Jones's cornflour, Smith's cornflour and Brown's cornflour—each of these people, provided he does not join with the others, is allowed to allocate his cornflour where he likes. That is his right. He is not then entering into any combination or conspiracy in restraint of trade. He can arrange for his own agents, and so on. But if the three manufacturers join together, say, to restrain the output of cornflour, so as to keep the price up, or something like that, they are engaging together in a combination, conspiracy or restraint of trade which is here declared illegal.

Mr. Marshall: Why do you specifically exclude banking institutions?

Mr. GRAYDEN: I have excluded them from only one portion, as the hon. member will see later.

Mr. Marshall: But why?

Mr. GRAYDEN: If the hon. member will wait until I come to the particular provision concerned I will attempt to explain it to him.

Mr. Marshall: I think you are a regular visitor to the Synagogue.

Mr. Bovell: The member for Murchison is allergic to banks.

Hon. J. T. Tonkin: Does this make bargain sales illegal?

Mr. GRAYDEN: No. I shall explain all these things as I go, if members will bear with me. This provision would prevent two of the three manufacturers of cornflour from joining together to destroy,

by unfair means, the other competitor, or some rival industry producing a substitute that might have commenced operations in the State. The next important provision—and as I have said it is on these two provisions that the whole operation of the Bill hinges—is that any person who monopolises or attempts to monopolise or combines or conspires with any other person to monopolise, any part of the trade or commerce within the State, is guilty of an offence.

Hon. J. B. Sleeman: An indictable offence?

Mr. GRAYDEN: This portion further provides a penalty of £500 for each day during which the offence continues, or one year's imprisonment, or both; or in the case of a corporation, £1,000 for each day during which the offence continues. It is further provided that any contract made or entered into in contravention of the provision to which I have just referred is declared absolutely illegal and void, whether made before or after the commencement of the operations of the Bill.

Mr. May: Does powdered milk come under that?

Mr. GRAYDEN: Milk comes under a statutory authority, the Milk Board. Also this part of the Bill specifically excludes the monopoly of a single branded product—not the product as a whole, but the monopoly of a certain trade name or trade mark. For instance, getting back to cornflour again, we have three brands, and there is nothing to stop a person monopolising Jones's cornflour, but this provision will prevent anyone from monopolising the distribution of Jones's, Smith's and Brown's cornflour, because he would then have achieved a complete monopoly of cornflour in the State. But it is easy to see the reason for the provision, because if Jones, Brown and Smith are all manufacturing cornflour there is plenty of competition; and this Bill is designed to ensure that element of competition in all transactions. These two main provisions, however, leave certain loopholes, which I have endeavoured to block by means of further provisions. Discrimination in price is made unlawful by providing—

Any person engaged in trade or commerce who, in the course of such trade or commerce either directly or indirectly discriminates in price between different purchasers of goods of like grade or quality—

- (a) where any of the purchases involved in such discrimination are in trade or commerce;
- (b) where the goods are sold for use, consumption or resale within the State; and
- (c) where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of trade or com-

merce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them,

is guilty of an offence.

Let us assume that the manufacturers of cornflour have a monopoly over the bulk product and wish to keep it to themselves; they could easily evade the first two provisions of this measure by making a discrimination in price in favour of each other. Brown, if he had control over bulk supplies and wanted to keep the monopoly between himself, Smith and Jones, could say, "I will sell cornflour to Smith and Jones at £5 per ton and to other people at £10 per ton," and so the monopoly would be preserved by the difference in price. If any member knows of a more effective way of blocking the loopholes left by the main provisions of this measure I would like it to be put forward for consideration by the House, as those provisions must be rendered workable.

The next provision is to prevent any person receiving commission, discount, brokerage or any other compensation or allowance without having provided some service for that consideration. Here, again, the manufacturers of cornflour could say, "We are not allowed to make a price discrimination in favour of each other," and then Brown could say, "Although I cannot make a price discrimination in favour of Smith or Jones I will allow them a discount on their services, or I will sell to the other people through them and will say that there is to be paid a commission of £5 per ton to Smith and Jones." That would leave a loophole that could be exploited.

Mr. J. Hegney: Your object is to tighten up that provision?

Mr. GRAYDEN: Yes. If they could not be evaded the two main provisions would stand on their own, but they leave loopholes that I am endeavouring to block so that no-one will be able to escape the force of the measure. The Bill provides a prohibition against unfair concessions to customers. Brown could preserve a monopoly with Smith and Jones and prevent others entering the field by saying "It costs £3 per ton to truck this stuff but I will give the trucking facilities free to Smith and Jones, and will make all other purchasers pay that cost." In that way they would ensure that others were unable to compete and so the monopoly would be preserved.

Another provision sets out that if there is any discrimination between one customer and another with regard to goods bought for resale with or without processing by furnishing or contracting to furnish or by contributing to the furnish-

ing of any services or facilities connected with the processing, handling, sale, or offering for sale of the goods so purchased, upon terms not accorded to all purchasers on proportionately equal terms, the person responsible shall be guilty of an offence. He must therefore give his customers equal treatment in regard to those facilities.

Hon. A. R. G. Hawke: What about big retail firms that can buy in very large quantities at special prices, as against the small retailer who cannot do that?

Mr. GRAYDEN: Provision is made for that later in the measure. The Bill must be read as a whole, as few of its provisions will stand examination alone. The Bill provides that it shall be an offence to try to induce or receive that unfair discrimination between customers, or to try to persuade somebody to give one an unfair discrimination. It provides also that any person engaged in trade or commerce who makes a sale of his goods no matter whether they are branded or unbranded, on the condition that the person to whom he sells them will not deal in any way with the goods of a rival, where the effect of that condition in the sale is substantially to lessen competition or to tend to create a monopoly in any line of trade or commerce, is guilty of an offence. That is to say that Brown could get a country shopkeeper not to touch the goods of his competitor Jones, and there would still be competition in that kind of goods because there would be other shops selling a different type of those goods and competition would not be substantially lessened, but if there was only Jones who was a big cornflour manufacturer while Smith was a small manufacturer, and Smith was not allowed to sell to the shops that Jones supplied, that would clearly be in restraint of trade and would force the smaller man out of business.

Hon. A. R. G. Hawke: Would the Bill compel a retailer to buy brands of goods that he did not wish to buy?

Mr. GRAYDEN: No, it must be a condition on the side of the seller, making it compulsory for the purchaser to purchase other of his goods, that is illegal. The shopkeeper would exercise his right to reject or purchase any manufacturer's goods.

Hon. A. R. G. Hawke: He could say he was exercising his own right in order to get round this provision of the measure.

Mr. GRAYDEN: In the circumstances the purchaser would feel little inclination to evade the provisions of the legislation. It is the seller who would gain advantage from evading the provisions. The purchaser would, if anything, be damaged by such an evasion. The Bill also provides that any person who gives discounts, rebates, allowances, or advertising service charges to a purchaser, which



are not available at that time to his competitors in respect of the sale of goods of like grade, quality and quantity, is guilty of an offence. That particular clause goes on to say that any person who sells or contracts to sell goods in any part of the State at prices lower than those charged by such person elsewhere in the State, for the purpose of destroying competition, or eliminating a competitor in such part of the State; or sells, or contracts to sell, goods at unreasonably low prices for the purpose of destroying competition or eliminating a competitor is also guilty of an offence.

A good deal of that goes on now. The experience of America before the introduction of anti-trust laws is most illuminating in that regard. In that country big companies would sell an article in one State at perhaps 5s. and in the next State sell the same article at perhaps 2s. 6d. They did that until they had driven out all competition and then the price of the article was immediately raised to 5s. or more. Where it can be clearly shown that the price of an article is unreasonably low—for instance below cost—and the same article is selling elsewhere in the State at well above that price, then it is obvious that the object is to destroy competition in the area in which the article is being sold at a lower price.

Hon. E. Nulsen: Is there any similar legislation in Australia?

Mr. GRAYDEN: That provision is contained in one of our Commonwealth laws. I just cannot remember for the moment what the name of the Act is, but I will look it up for the hon. member and show him that there is an identical provision in the Commonwealth law in relation to this subject. None of these provisions regarding discrimination between customers prevents differentials which make only due allowances for differences in the cost of manufacture, sale or delivery of goods, resulting from the differing methods or quantities in which the goods are sold or delivered to purchasers. That answers the question raised by the Leader of the Opposition, for that particular provision allows a person to make differences according to the size of the sale; where a far greater quantity of goods is ordered, the cost per article is less and so price differentials are allowed in those instances.

The Bill does not prevent persons engaged in selling goods in trade or commerce from selecting their own customers provided that the transactions are bona fide and not in restraint of trade. The measure goes on to provide that nothing in it shall prevent price changes from time to time where, in response to changing conditions affecting the market for, or the market ability of, the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods or sales in good faith in discontinuance of

business in the goods concerned. That explains the question raised by the Deputy Leader of the Opposition concerning bargain sales which usually occur at the end of the season. People who have bargain sales are getting rid of seasonal stocks which are becoming obsolete. They are allowed to put those goods out with a price difference because they are price changes in response to changing market conditions and not made merely to restrain trade. I want to point out the provision in the Bill regarding the proof of these cases. It states that after a *prima facie* case has been made out, showing that there has been a price discrimination, the burden of proof will be on the accused to show the reason for that price discrimination. If that person cannot show a reasonable excuse then he is guilty of an offence. That is the only possible way to police this measure.

Hon. E. Nulsen: You will have the opposition of the member for Fremantle to that particular provision.

Mr. GRAYDEN: The Bill provides that where a person makes a price discrimination—and I am quite sure that the Crown would not act recklessly in these cases—and the Crown proved that there had been discrimination between customers, the person who had made the discrimination would be called upon to explain why. He is the only person who could explain his actions and if he could produce a legitimate reason, such as that the goods were out of season, they were going bad, he had to get rid of them, they were damaged stock or some other perfectly legitimate reason, he gets off scot free. There is nothing to prevent that person from rebutting a *prima facie* case.

That is covered by the Bill which provides that nothing in Clause 15 shall prevent a seller from rebutting a *prima facie* case thus made if he shows that the lower price charged, or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor or the services or facilities furnished by a competitor. That means that if a person went into a wireless shop in town and paid £14 for a wireless and another person followed him into the shop and, on being told that the price was £14, said "I am not going to pay that price because I can get the same wireless round the corner for £13" the shopkeeper would be quite in order if he sold that wireless for £13. He could do this because he would be reducing the price of his goods to the price of the identical goods being sold by his competitor. That would be a perfectly legitimate excuse and would be a rebuttal of a *prima facie* case.

Now I come to a most important provision in the Bill and one on which there will no doubt be a lot of questioning and comment; it deals with the activities of companies. I might explain here that

there are two forms of combinations or trusts which achieve monopolies, one is the vertical and one is the horizontal. The vertical trust or combination is one which purchases all the shares in all the subsidiary organisations and thus achieves a monopoly. The horizontal combination or trust is one that achieves a monopoly by linking all the different firms engaged at the same level of commerce by interlocking directorates.

Mr. Kelly: In which category would you place the brewery?

Mr. GRAYDEN: I think the brewery is a little of each.

Mr. Cornell: It would be vertical because they all go down.

Mr. GRAYDEN: Which might leave the hon. member horizontal. The Bill provides that no company engaged in commerce shall acquire, either directly or indirectly, the whole or any part of the stock or other share capital of another company engaged also in trade or commerce within the State. That only applies where the effect of the acquisition is to lessen substantially competition between those companies or to restrain trade or commerce within the State, or create a monopoly in any line of trade or commerce. That is to say, a company is allowed to buy the shares in another firm provided it is not creating a monopoly or restraining trade or commerce.

The clause goes on to provide that no company shall acquire the whole or any part of the share capital of two or more companies engaged in trade or commerce within the State where the use of the shares by the voting or granting of proxies would have the effect of substantially lessening competition between those companies, or restraining trade or commerce for the purpose of creating a monopoly. But this provision does not apply to any company which purchases the stock or other share capital of another company solely for investment and does not use the shares or stock obtained by voting or in any other way to bring about a substantial lessening of competition. The Bill, however, stipulates that nothing in that provision will prevent a company engaged in trade or commerce within the State from causing the formation of subsidiary companies for the actual carrying on of the immediate lawful business of such company, or the natural and proper branches or extensions thereof, or from being the owner and holder of all or a part of the stock or other share capital of the subsidiary company, when the effect of such formation does not substantially lessen competition.

The Bill does not affect or impair any right that, up to that time, has been legally acquired. That is to say, if one company already owns another company, even although it is in restraint of trade

at the present time, that legal acquisition of shares is not upset by this Bill. It would, however, prevent further shares being bought. It merely preserves the legal right which now obtains. That is very necessary, because otherwise we would force these companies to divest themselves of shares and flood the market with them. As it has not been illegal up to now to do that, they should be allowed to hold their present stocks.

After the 1st January, 1954, no person shall, at the same time, be a director of two or more companies, either of which has a capital surplus and undivided profits aggregating more than £100,000, if those companies are engaged either wholly or partly in trade and commerce within the State and if they have been or are, by virtue of their business and operation, substantial competitors, so that the elimination of competition by agreement between them would be an offence against the provisions of the legislation. The eligibility of a director under that provision is determined by the aggregate amount of capital, surplus and undivided profits, exclusive of dividends declared but not paid to shareholders, at the end of the fiscal year of the company next preceding the election of directors.

When a director is elected lawfully under these provisions, even if his election afterwards becomes illegal by reason of the company's assets amounting to over £100,000, he is allowed to continue in office for one year afterwards. The provisions regarding directors do not apply to banks, banking associations, trust companies, life assurance companies, or fire insurance companies. When a company commits an offence against this legislation, the offence shall be deemed to have been committed by the individual directors, officers, attorneys or agents of the company who authorised or ordered that act to be done and, upon conviction, they are liable to a fine not exceeding £500, or to imprisonment for one year, or to both.

The provision contained in the American Act to the effect that a person injured by contravention of those Acts is similar to that included in this Bill and such person can sue the person who injured him for treble damages. That has been in the American trust laws since their inception. I consider it would have great restraining influence upon people who might commit these acts and will also assist in bringing into the open any offence committed against the Act. Nothing in the measure applies to any co-operative society. Co-operatives are definitely excluded from its provisions. It does not prevent discrimination in prices or services or facilities by any person or company in favour of his own employees, officers or directors.

We have a system in general use in this State whereby, for instance, the management of Boans allows the members of its

staff a discount on the purchase of goods. There is nothing wrong with that, and it should be allowed to continue. Therefore, that provision excludes that sort of practice from the operation of the legislation. It does not apply to purchases of supplies for their own use, or use by schools, colleges, universities, public libraries, churches, and hospitals, and by charitable institutions not operated for profit. Nothing in the provisions of the Bill shall be construed to forbid the existence and operation of labour, agricultural or horticultural organisations instituted for the purpose of mutual help, and not being conducted for profit, or to forbid or restrain individual members of such organisations from lawfully carrying out the legitimate objects thereof; nor shall such organisations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade. The Bill also provides that the court has power to require the attendance of persons before the court and the production of documents. I consider that that is necessary to enable proper investigation of the offences against this Act to be made.

The Governor is empowered to make regulations which may be necessary or convenient for carrying the legislation into effect, or for facilitating its operation, including the prescribing of forms which may be used under the measure, and may, by any such regulation, impose a penalty not exceeding £50 for a breach of any regulation. Those are the provisions of the Bill. I do not feel that a great number of people will be seriously affected; firstly, because I do not believe that this sort of thing is widespread today and secondly because it does not prejudice any statute at present in operation in this State. I point out that the Prices Control Regulations still hold good, and so the measure would not interfere with its statutory authority. Therefore, that will minimise any hardship imposed upon certain sections of the community. As price control is gradually eased, the effect of this measure will be cushioned.

As I said before, I believe that the operation of this measure would have the effect of cleansing free enterprise of many of the present abuses and would do much to strengthen the case that free enterprise has against socialism. If we allow these abuses of free enterprise to continue and spread to other industries, there will come a day when the people will say, "We have had enough of monopolies; let us turn to socialism." I am sure that none of us wants that to happen. I have a copy of the international edition of the American magazine "Life" of the 18th June, 1951, which, at page 4, puts the point of view that many people have regarding monopolies. It is a letter to the editor from an Englishman replying to an article in "Life" commenting on the results of the British general election, and it reads—

#### England's Revolution:

I read and enjoyed Thomas Griffith's article on the Labor government of this country (Life International, April 23). However, one matter was not given sufficient stress and that is our alternative choices.

I believe that in 1945 and again last year the majority did not vote so much for Labor as against Conservatism and all that it stood for—mainly so-called "free enterprise" with unlimited scope for cartel and monopoly builders, whose restrictive practices deprived our main industries of new capital equipment during the interwar years. Instead of building new plants, they spent their money in dividends that were really ill-afforded luxuries . . .

It is not surprising, therefore, that there is a demand to nationalize some of our industries to protect the public against monopolies, which cause us to pay more for our goods than they are honestly worth.

I have read that letter, not because I believe that the Conservative Party in England is in favour of monopolies, but because I consider that it puts the point of view of a substantial proportion of the people. I know from my own experience that many people are turning towards socialism because of the abuses of free enterprise, and steps should be taken to cleanse it of those abuses.

Mr. Marshall: I wish R. G. Menzies were here listening to you. He would think you a great disciple of his, having regard to the regimentation he is going in for in the East.

Mr. GRAYDEN: We must look to the future; we must not look just around us and say, "Everything is all right now. We need not do anything in the matter. There are only a few of these practices going on." That is like having an aching tooth where there is only a small piece of decay. Surely the thing to do is to have it filled, instead of allowing the decay to go on and on until the whole tooth has to be extracted! That will be the way with free enterprise if we allow existing abuses to go on. Because this Bill accords with the principles of all parties and because, by ensuring that the element of competition is present in business transactions, it will do much to benefit the people of the State, and will guide us along the lines of free enterprise in future, I move—

That the Bill be now read a second time.

On motion by the Attorney General, debate adjourned.

**MOTION—FREMANTLE HARBOUR.***As to Upstream or Seaward Extension.*

Debate resumed from the 12th September on the following motion by Hon. J. B. Sleeman:—

That, in view of the fact that, in his report, Mr. Tydeman states—

- (1) if the harbour extension goes upstream, insoluble difficulties will be left to posterity; that port expansion is better seaward, and not upstream;
- (2) expansion seawards in the vicinity of the Swan River mouth is the most rational, providing not only for immediate needs, but unlimited adequate space for port requirements of posterity;
- (3) seaward extension more to the advantage of town planning;
- (4) one accident to a tanker, just inside the port, may put the port out of commission for years, but No. 1 berth will have to continue until seaward expansion takes place;
- (5) schemes for seaward expansion provide all requirements, but up-stream schemes have insufficient land for unrestricted layout;
- (6) up-stream development is more expensive than seaward development when the whole scheme is considered, but in the initial stages is cheaper;

and that Mr. Meyer, in his report, states—

If the harbour be extended upstream there will be occasion for special precautions against this nuisance occurring, namely, physical pollution finding its way into Freshwater Bay . . .

this House requests the Government to go on with the outward to the south scheme instead of the up-river scheme that it has adopted.

**HON. J. B. SLEEMAN** (Fremantle—in reply) [8.25]: Referring to the remarks of the Minister for Works in dealing with my motion, I would say that they were notable for the points he did not try to criticise rather than for those he did. He did not attempt to criticise the main part of my speech, but merely brushed them aside. I had pointed out that according to Mr. Tydeman seaward extension was more rational and that, if development were carried on outside, we would have everything that was required

for a harbour whereas, by going upstream, there would be insufficient land. Those facts the Minister did not question.

His speech contained inaccuracies and mis-statements as I shall proceed to show. He stated that Sir Alexander Gibb had agreed that there should be a limited development upstream and that consideration should be given to a northward extension, and that this opinion had been endorsed by the last engineer to report on the project, namely, Mr. Meyer. If we turn to page 4 of Mr. Meyer's report, we find that he does not say anything of the sort, so there we have mis-statement No. 1 by the Minister. He agreed that primarily we should go upstream, but not to going northward. He said—

I do not in fact view the alternative of seawards development to the north of the existing entrance with any favour at all, even as a later measure of port development.

Therefore, what is the use of the Minister's saying that Mr. Meyer recommended that extension should be made upstream and then outside to the north.

The Minister for Works: I did not say that.

Hon. J. B. SLEEMAN: I have it in "Hansard." Perhaps you, Mr. Speaker, would like to see it.

Mr. Hutchinson: Anyhow, it has little bearing on what is right or wrong.

Hon. J. B. SLEEMAN: Never mind that; I shall have a little bearing on the hon. member later. At the moment I am dealing with the remarks of the Minister for Works. He stated definitely that Mr. Meyer had recommended the same as the other engineers—that we should go upstream primarily and then outside to the north. Mr. Meyer did not say anything of the sort. He said he agreed with Mr. Tydeman that extension should be made upstream, but he did not view seawards development to the north with any favour at all. If the Minister repeats that sort of thing often enough, he will come to believe it.

The Minister for Works: That will be following your example.

Hon. J. B. SLEEMAN: Mr. Tydeman, in his report, stated that this would mean insoluble difficulties. In Volume 1, page 9, paragraph 6 of his report, he said—

Posterity will thus be confronted with what may prove to be insoluble problems resulting in impasse . . .

If port development takes place upstream, existing rail and road bridges also must be re-sited further upstream. In consequence there will be an even greater extent of intensified township area downstream on both river banks,

requiring direct cross-river communications for the greater traffic involved; more high level bridges or tunnels (the only positive communication method that does not obstruct shipping) will be required in consequence. This problem to posterity, of virtually insoluble difficulties of bridges high enough to pass increasingly large ships beneath, or tunnels deep enough to allow gradually deeper navigable dredged depths of water, will thus be intensified by up-river development.

He does not say "may be" but "will thus be."

High level bridges and tunnels are costly structures running into several millions of pounds.

The Minister for Works: The problem will be with us whether we go upstream or seawards.

Hon. J. B. SLEEMAN: The Minister laid stress on the word "purely." I agree. Mr. Tydeman says—

Purely from the viewpoint of cross-river communications, in order to avoid immediate complications, or to hand on to posterity intensification of future insoluble or extremely expensive problems, upstream development of the port is better avoided. Port expansion, therefore, if undertaken, would be better seawards and not upstream, unless there are cogent reasons for doing so.

The Minister tried to tell the House that I never mentioned this before; that I dodged that portion. When cornered, he said it must have been the member for Melville. I am not responsible for anything the member for Melville says, but I can tell the Minister that I did not dodge anything. We will take these cogent reasons to which Mr. Tydeman refers, and see what they are. He says—

Such important reasons exist. Both rail and road bridges should be re-sited upstream in the near future.

He has already said that if we do re-site them upstream we may leave insoluble difficulties for posterity. He continues—

This will automatically open up the river for expansion.

A very important reason why the existing rail bridge must be re-sited further upstream is that reasonable and economic port railway operating efficiency is impossible with rail approaches as they are today, limited by the location of the existing rail bridge. The rail river crossing is too close to the berths for proper port rail lay-out. Re-siting the rail bridge further upstream near the road bridge would only improve rail approaches partially, and though it would open up the best upriver dry dock site and permit limited upstream berth expan-

sion, would not improve port rail operated efficiency sufficiently to justify the cost involved.

That says nothing! He says that re-siting the rail bridge further upstream would open up the best upriver dock site but that an upstream dock site is not the best. This is what he says further on—

If future extensions of the port are ever carried seawards, many unfettered sites for graving docks will become available. There are no bores in these areas. Seaward sites are the most favourable future solutions.

What is the use of saying that a cogent reason for upstream development is that it will provide the best upriver dock site and then saying that, if a good dock is required we must go outside, and that that is a point in favour of seawards extension? Another of his cogent reasons for going upstream was that it would—

not only improve upriver flood conditions and downstream currents, causing inconvenience in ship manoeuvring, but would permit more land to be acquired by resumption and reclamation, land essential for ensuring improved existing and future port and railway operating efficiency at both North and South Quays.

On page 32, paragraph 94, in Vol. 2, he says—

Maximum inner harbour currents are no more than one knot at present and ships are handled without difficulty.

Yet one of the cogent reasons for going upstream is that it will be easier to handle ships! In connection with his cogent reason that it would permit more land to be acquired, it is not much good getting more land if we are not going to get enough; and Mr. Tydeman says that if we proceed upstream we will not get enough. It is not a matter of getting more land; we want enough land. On page 88 of Vol. 2 he says—

Any site chosen must:—

- (i) Be near the existing trade centre of Fremantle.
- (ii) Have good road and rail access, i.e., undeveloped flat land.
- (iii) Have ample land for port development.
- (iv) Provide safe ship navigation and entry.
- (v) Have shelter from north-westerly seas and southerly swells.
- (vi) Be free from silt or sand drift.
- (vii) Cater for Swan River flow or flooding.

But if we go upstream there will be insufficient land for an unrestricted layout. Earlier he said that if we went upstream we would get more land. Here he says

that schemes for seaward extension provide all these requirements; but I think I have said enough about Mr. Tydeman's cogent reasons, and we had better stick to that part of his report where he says seaward extension is better.

The Minister for Works: And toss out his recommendation of upstream extension?

Hon. J. B. SLEEMAN: I cannot hear what the Minister says. In his speech he said—and this is most startling—

As most members know, the present railway bridge is in a state of collapse.

I do not think it is; but if the Minister thinks so, he should be indicted. He should have one of those £1,000 fines inflicted on him or receive two years' imprisonment for risking the lives of the people. Fancy saying the bridge is in a state of collapse! If the Minister believes that is so, he should tell the people and prevent them from travelling on the railway. I suppose the Minister will say that he did not mean that; that he did not mean it was in a state of collapse. But he said so. I myself do not think it is correct; but if he thinks so, he should do something about it. Suppose he woke up in the morning to find there was a train in the ditch! What would he think of himself for telling us the bridge was in a state of collapse and doing nothing about it? If it is not in a state of collapse he should reassure the people; but if it is, he should prevent any trains from travelling over it until it is in perfect order. I want to quote what the Minister for Railways said on the 23rd July, 1926, after the washaway. He said—

There should be no misapprehension on this point. The bridge itself did not fail. The land at the northern end was washed out by excessive flood waters, and the approaches and abutments gave way and the end of the bridge with no support inevitably fell.

The Minister also had this to say—

Had the bridge been unsafe, I would not have taken the responsibility of allowing a train to go over it.

The Minister for Lands: Neither would anybody else.

Hon. J. B. SLEEMAN: Why does not the Minister do something about it if it is in a state of collapse? If this were not serious it would be really funny. He went on to say—

In fact, not so many years ago it was found necessary to deposit tons of rock around the piles to prevent it from tipping over.

Whatever stone was put there was not to stop the bridge from tipping over; and it was not put there in recent years.

The Minister for Works: You informed me it was placed there in 1909.

Hon. J. B. SLEEMAN: When I first asked the question the stone was supposed to have been placed there in 1926 after the washaways. After persevering I got these answers, that the first stone was placed there prior to 1926; 1,310 cubic yards were placed there in 1919, and some stone was placed there many years before 1906. The Minister told us that it was put there to prevent scour, not to stop the bridge from toppling over, as he told us later.

The Minister for Works: If there were sufficient scour, I suppose the bridge would topple over.

Hon. J. B. SLEEMAN: In 1947, after the traffic bridge was built, 300 cubic yards were placed there.

The Minister for Works: That was to stop scour.

Hon. J. B. SLEEMAN: The bridge now has cement covered piles so that the teredo cannot get into them. To destroy the present beautiful bridge and go further upstream would be a sheer waste of £75,000. The bridge is good for another 50 years. Let me quote from the file that the member for Cottesloe mentioned the other night.

Mr. Marshall: He has vanished now.

The Minister for Lands: He could not stand you any longer.

Hon. J. B. SLEEMAN: This is a letter from the State to the Commonwealth, appealing for money—

Immediately upstream of the harbour is constructed the railway bridge, connecting Fremantle with the main system, crosses the Swan River. This timber bridge is now many years old and will have to be re-built to meet present-day loading. To construct a new railway bridge adjacent to the existing bridge is estimated to cost £250,000, whereas to build a new rail and road bridge approximately one half mile upstream, as recommended, is estimated to cost approximately £4,600,000.

A new railway bridge can be built close to the present one for £250,000, yet the Government wants to go half a mile upstream and build a double bridge there at a cost of £4,600,000. I wonder what the Rt. Hon. Robert Menzies will say when the Minister wants £4,000,000 from him. Will he say, "Here is the money"? If he does he will be treating the Minister much better than he treated the people in Victoria. He has not found too much money for them. I think the Minister will be in a little trouble if he thinks he is going to raise £4,600,000 to build two bridges at Fremantle when he can build the railway bridge for £250,000.

Hon. J. T. Tonkin: He is already in trouble. He has had to stop the work at the Causeway.

The Minister for Works: We have not stopped the work there at all.

Hon. J. T. Tonkin: The paper said so.

The Minister for Works: It did not, and you know it.

Hon. J. B. SLEEMAN: The Minister referred to Mr. Meyer—I do not know why—and said he suggested there might be a railway south of the river. He emphasised the word "might."

Mr. Marshall: Did he spell it "mite" or "might"?

Hon. J. B. SLEEMAN: He spelt it "might". Mr. Meyer, at page 5 of his report, has this to say—

I certainly find myself in accord with those who believe that rail access to Fremantle, alternative to that through Perth will be a future necessity, and I venture to suggest that it would be very timely at this juncture for the Government to decide upon at least a future connection between Midland Junction and Fremantle by way of the south side.

There was certainly no "might" about Mr. Meyer. He was definitely in favour of a south-of-the-river railway connection from Midland to Fremantle. The Minister went on to say that Mr. Tydeman said that the State might be limited to 3,000,000 or 4,000,000 people because of the water supply. Well, if our catchments will not be able to cope with more than 3,000,000 or 4,000,000 people in the days to come, I understand we have a sub-artesian basin which could be used. I believe that even now the Minister's department is putting down a bore at Applecross in order to provide the people with water other than from a catchment.

The Minister said that if the new railway bridge were constructed on the present site there would be no headroom, so that navigation on the Swan River would be limited to small ships. I say, "Three cheers for that." If the larger ships will be prevented from using the river by the construction of a bridge on the present site, then let us have one there as soon as possible so that our beautiful river may never be more polluted than it is at present. I do not want to see any vessel larger than the "Zephyr" trading on the river. The Minister seems concerned because there would not be sufficient headroom for the larger ships to go up the river.

The Minister for Works: I was quoting the engineer.

Hon. J. B. SLEEMAN: The Minister then went on to deal with the foundations at Point Brown. He said they were to be only halfway across the river because half of the river on the south side was to be reclaimed. He said it was not necessary to make an examination further than halfway across. I do not think that when these bores were put down there was any talk of filling in half the width of the

river there. While Mr. Tydeman proposes to fill in the river halfway across, the previous engineers agreed to go only some of the way.

The Minister for Works: Every plan put forward—

Hon. J. B. SLEEMAN: Every plan is not the same, and the Minister knows it. One man has gone 10 yards, another 50 yards, and the other halfway across.

The Minister for Works: They all recommended going up to Point Brown.

Hon. J. B. SLEEMAN: On one of the plans the first line shows the distance that Buchanan wanted to go, the next the distance that Mr. Stileman wanted to go, and the one drawn halfway across the river is the one relating to Mr. Tydeman's scheme.

The Minister for Works: All up to Point Brown.

Hon. J. B. SLEEMAN: Quite right. That is straightening the river.

The Minister for Works: And the river will be filled in halfway, on the south side.

Hon. J. B. SLEEMAN: The Minister said I did not know anything about the foundations. After telling us this fairy tale about the river the Minister said, "The actual foundations are, I believe, as the member for Fremantle pointed out." Thank God I have been right for once! I have been telling those concerned for some time but they have said, "You do not know and neither do the people who worked on that job," but now the Minister says that the actual foundations are as I pointed out. He then went on to say something about the examination halfway across the river. When you interfere with nature you do not know what you will get.

The Minister for Works: I'll say you don't.

Hon. J. B. SLEEMAN: It seems that there will be a big scour when a flood hits that side of the river. The Minister can look at the plan—

The Minister for Works: I have had a look at it.

Hon. J. B. SLEEMAN: I was right about the foundations and so I might be right about something else.

The Minister for Works: I hope so.

The Minister for Lands: It is a very small possibility.

Hon. J. B. SLEEMAN: After saying that I was right the Minister said, "This may prove difficult but we cannot assess the position until we receive the report from the surveyors under Sir Alexander Gibb now being made on the site." To quote further, "As for the difficulties of dredging, I feel sure that they in their turn will be no greater than those associated with the present harbour." He said that

there was no satisfactory bottom there and that they could not tell what it would be like until the surveyors' report was received, but that no matter what it was like it could be fixed up because it would not be worse than what they had to put up with in making the harbour. I have read the history of the harbour and have not heard of many difficulties in its construction. The only way successfully to install bridges at Point Brown would be to suspend them from balloons filled with the hot air that the Minister has given us lately. That would be one way of dodging the problem of foundations.

The Minister for Works: You should talk of hot air!

Hon. J. B. SLEEMAN: The next thing mentioned was the difficulty of manoeuvring large ships, but it was said that in the event of upriver extension there would be a limitation imposed on those ships. The Minister attempts to get out of that by saying that the tendency today is to have small ships. I will not argue that all the new vessels are to be "Queen Marys" or "Queen Elizabeths" but the trend today is towards larger and not smaller vessels. I think Mr. Tydeman says that also.

Mr. Marshall: Larger and faster vessels.

Hon. J. B. SLEEMAN: Mr. Tydeman says that the ships will be increasingly large. I will see if I can find where he says it.

The Minister for Lands: Let us take it as read.

Hon. J. B. SLEEMAN: He says, "This problem to posterity—." We are back there to that insoluble difficulty. He says, "This problem to posterity of virtually insoluble difficulties of bridges high enough to pass increasingly large ships." He does not say they would have to pass increasingly small ships such as the Minister tells us about. The Minister would tell us that we will have toys floating up and down the river and, if the width of the river is ultimately to be what he envisages, nothing larger than toys will be able to use it.

The Minister for Works: I had my advice from Mr. Tydeman.

Hon. J. B. SLEEMAN: But the Minister does not take that advice. Mr. Tydeman said that by going upstream—

Mr. Marshall: Insoluble difficulties for posterity!

Hon. J. B. SLEEMAN: The turning of the "Hood" was mentioned. I saw that, and know they had to keep the harbour practically empty.

The Minister for Works: I said there would have to be special provisions made.

Hon. J. B. SLEEMAN: The pilot who did the job tied the "Hood" up in about a quarter of an hour and I am told that it was a wonderful effort. We are told

"We can surely handle these large ships when they come into the harbour" and I will now quote from paragraph 35 on page 2 of Vol. 1 of the report.

The Premier: Would that ship depicted on your tie be able to get into Fremantle harbour?

Hon. J. B. SLEEMAN: It would never be able to get into the harbour that the Minister wishes to make in the river. If one went up the river in this little ship, after the Minister has had his way, one would soon be on a bank. Mr. Tydeman says—

The width of the existing waterway in the port, viz., 1,400 feet (and the existing narrow, curved harbour entrance), limits the use of the port to ships of about 750 feet long in favourable wind and current conditions and with full baggage requirements. Thus in upstream development, unless this stream width is increased in the existing inner harbour or a larger diameter turning basin created at the expense of many of the existing berths, ships of no greater size than at present will ever be able to use the inner port. If seawards expansion takes place there will be no difficulty in creating immediately a turning circle of sufficient size to admit the largest ships afloat today or likely to exist in the reasonable future. Thus seawards extension has an advantage in the matter of ship size.

In paragraph 120 on page 49 of Volume 2 we see—

If regular calling ships of greater length than 750 feet are contemplated, either seawards extension of the port will be essential for providing larger turning circles, or the entrance channel must be widened at great cost, and the inner harbour amended to accommodate a larger turning circle, at considerable expense and the loss of three berths.

On page 57 in paragraph 137 we read—

Although ships of over 600 feet in length constitute a very small percentage of vessels using the port, and contribute but little revenue, nevertheless the port must be equipped to handle them if it is to retain its first-class status. More of this class of ship will use the port in the future, and if to keep to regular schedules will require to berth and leave irrespective of most weather conditions.

So I do not see where these small ships that the Minister talks about come in. Everywhere I looked in Mr. Tydeman's report he mentioned increasingly large ships. Now we come to my remarks on the danger of inflammable cargo, either in peace or wartime. I said that acci-



dents happen even in peacetime, but the Minister glossed over that statement by saying that it might happen in any port.

The Minister for Works: Of course it might.

Hon. J. B. SLEEMAN: That is no answer. Why not do something if we can? If an accident had ever happened in Fremantle, the town would not be there now. If an accident happened to a ship with inflammable cargo, the whole town would blow up. Mr. Tydeman definitely tells us that the present position of the berth, which caters for this type of ship, is dangerous. He said that it will have to remain until such time as an isolated berth seaward is available.

But let us get something done to provide such a berth. This is the main port of the State and an accident could happen at any time. Yet the Government intends to take the risk because an accident has never happened at the port. It is likely to happen at any time, and the Government passes it over by saying that such an accident is likely to happen in any other port. The Government has a duty to see that if an accident happens in Fremantle then the position of the berth will be well away from the populated part of the town. Even now, before the outer harbour is commenced, something could be done about making provision through the Parmella or Success banks. We could find a way of bringing oil ashore from there. I have read from Mr. Tydeman's report before that in some ports of the world oil ships are not brought alongside at all; a pipe is taken from the ship and the oil is discharged direct to the shore. If anything happens to Fremantle, I shall be in the position of being able to say, "I told you so."

What is the Premier going to do about this? Something must be done about the safety of the port. If anything happens to one of these tankers, then the whole town can be blown up. Mr. Tydeman says that it could happen, either in wartime or peacetime, and that one accident could put the port out of action for years. Does the Premier intend to take a risk on this question merely because an accident has never happened? One might happen there tomorrow.

The Premier: I think Mr. Tydeman said that it was extremely unlikely.

Hon. J. B. SLEEMAN: They all think that

The Minister for Works: It might happen in any harbour.

Hon. J. B. SLEEMAN: They all think it extremely unlikely, but surely the Premier can do something to prevent it while he is on the business of altering the port. It means that No. 1 berth at the North Wharf is going to be used for many years to come, and if the Government in-

tends to continue with this upstream development, it has no right to leave the berth, which is now used for the discharge of inflammable cargo, in its present position. Some precautions should be taken. I repeat that Mr. Tydeman says that in a lot of ports the ships do not come alongside the wharves for the unloading of inflammable cargoes.

The Minister for Works: He is an engineer, and manager of the Fremantle Harbour Trust. He would make it a recommendation if he thought it worth while.

Hon. J. B. SLEEMAN: He has warned the Government of the dangers.

The Minister for Works: But he recommended upriver development.

Hon. J. B. SLEEMAN: It appears that this berth must remain until we can get one outside which is more isolated, and when the seaward development is proceeded with. I notice, too, that the Premier came into this argument the other night. On page 71, paragraph 166, vol. 2, Mr. Tydeman said—

The use of one berth for the discharge of inflammable oils in an enclosed waterway and constructed port area, containing many ships and much valuable cargo and port property, as is now the practice at No. 1 berth, North Quay, is dangerous. There is no alternative except anchoring tankers in Gage Roads at buoys and pumping the oil ashore via submerged pipelines. This is common practice elsewhere, but has disadvantages of fair weather operation, and of not having the more convenient use of an alongside berth. It is not suggested that this method should be adopted at Fremantle, except that such arrangement might prove to be a necessity for allround safety of shipping, cargoes and port during any future war. One accident to a tanker just inside the entrance to the port—

That is where the No. 1 berth is at the moment—

—might put the port out of commission for years.

Not for an hour or two, but for years. Mr. Tydeman goes on—

The use of No. 1 berth for inflammable oils will have to continue until distant future seaward extension of the port takes place, and a more remote and isolated berth can be allocated for the purpose.

That is what the Premier referred to the other evening, but I do not think the Premier needed anything more than what Mr. Tydeman had to say. Therefore the Premier should get right on with the job of providing some other facilities. An accident might happen at any time. One occurred at Singapore the other day, and I saw in the paper that oil tanks blew up

at Avonmouth, England. The people there did not think that an accident would occur, but £2,000,000 worth of damage was done. So I want to know what the Premier is going to do about this question to see that this state of affairs will not go on much longer. In his speech, the Minister said—

Perhaps he considered the time factor more important than the financial consideration and has pointed out, after making all the investigations possible from the information available from all sources, that for a 10-berth seaward extension as against an 11-berth upstream, there would be a difference of some £3,500,000 at the date of his report. He did not only take his own figures but those of previous engineers, like Sir George Buchanan and others. Therefore I feel that while some people may consider that £3,500,000 is not a real consideration it is a very substantial amount of money, especially for this time of our history.

But the Government does not think that when it appeals to the Commonwealth Government for £4,600,000 and it can do the job for £520,000. That is a horse of a different colour. But here the Minister says it is a lot of money. Let us check those figures to see whether the Minister is correct. At page 85, vol. 2, Mr. Tydeman says—

Upstream development is more expensive than seawards development when the whole scheme is considered, but in the initial stages it is cheaper and therefore preferable.

There is no difference in the costs per berth between Stilleman and Gibb schemes, but Stilleman's seawards layout is the more economical of the two.

There is virtually no difference in cost between major upstream development (Buchanan's scheme) and major seawards development.

These factors are of no moment in these schemes of twenty years ago as they are unacceptable today. The inferences drawn from analysis of estimating, however, are applicable to any schemes and can be adapted for the future.

Economics of upstream versus seawards development will thus not weigh heavily in deciding on the location of development in the future, except that upstream development initially is the cheaper.

In his report, on page 6, Mr. Meyer states—

the cost—berth for berth—of an 11-berth instalment would compare quite favourably with the cost of upstream development.

So I am wondering where the Minister got his difference of £3,500,000. The two statements do not fit in. The Minister, in his speech the other evening, said—

With regard to construction, all engineers state that to go seaward to build a harbour is to fly in the face of nature.

We will see what this nature business is going to do. I now quote from page 90, paragraph 191, vol. 2, of Mr. Tydeman's report—

If the existing railway bridge is removed and re-sited near the present road bridge, seven more berths only can be constructed (see Appendix 27). If both road and rail bridges are re-sited at Point Brown, 11 more berths are possible (see Appendix 23). This latter can be considered as a practical maximum of upriver development. On the other hand seawards extension is unlimited in area, as well as offering favourable land transport approaches. Thus, disregarding capital cost, extension seawards in the vicinity of the Swan River mouth is the most rational—

Note, that, Mr. Speaker! Most rational! Continuing—

—providing not only for immediate needs, but unlimited adequate space for the port requirements of posterity.

Assuming, therefore, that extensions become necessary in the future in batches of 7 or 11 berths, the problem resolves itself to one of relative cost which must be considered against certain advantages and disadvantages. Thus, seven or 11-berth schemes can be produced either upstream or seawards; while schemes envisaging more than 11 berths are only practical seawards.

Then we go on to paragraphs 186 and 187 at page 87. This is the part where he tells us we are going to fly in the face of nature if we attempt to go seaward. It is as follows:—

Schemes within the outer harbour would be lightened financially by nature's existing provision of islands and reefs. Partially protected deep water exists naturally and is capable of expansion by dredging. Such dredged material might be utilised for reclamation to produce port land and land also for township or commercial development, the latter contributing towards lightening the financial burden.

We will see what nature does within the harbour. Another section of paragraph 186 reads as follows:—

Schemes within the inner harbour involve costly and difficult problems of cross-river communications; nature has provided but shallow waterways which would involve considerable cost of deepening and straightening; and land resumption of surrounding township and commercial areas might prove expensive.

Then we go on to paragraph 187 relating to the choice of site and its advantages. It says—

Sites for port extension range from locations at exposed coasts far from Fremantle to areas near the existing port. Salient features of such sites are as follows:—

Site.	Land.	Land Approaches.	Harbour Works.	Trade Centre.
(a) Exposed Coast	Unlimited	Easy	Expensive	Too far away.
(b) Outer Harbour	Unlimited	Easy	Cheaper	Suitable for future.
(c) Inner Harbour	Restricted	Difficult	Cheaper	Adjacent.

It will be noted that for the inner harbour land is restricted. Wherever we go, upstream we will be restricted in regard to land. This is about the third or fourth time that I have mentioned that if we go upstream we will be restricted. It will also be noted that he has stated that the land approaches for the inner harbour would be difficult, but that the harbour works would be cheaper. I do not think that nature has been very good to them there. When one looks at the report it appears that nature has been more benevolent to the people who want to go seawards than to those who desire to go upstream. The Minister said that to go upstream would be flying in the face of nature, but when one looks at the report it will be found that nature will be kind if we desire to extend the harbour seaward, but not too kind if we want to go upstream. Now we come to breakwaters. The Minister, as an excuse for not going seawards, said it was a colossal undertaking. He stated—

The construction of a breakwater would be a colossal undertaking. To ensure that there would be continuity of work, the breakwater would have to be constructed first of all. Some mention was made of the protection afforded by the islands and reefs outside, but I have been informed that they would afford only primary protection and no real protection in the face of a storm.

Did I not tell the Government that it was taking a risk with inflammable ships in the harbour and if a storm blew up it would be nothing to what would happen compared with that which would happen with ships carrying inflammable cargo. The Minister went on to say that there was no stone around Fremantle with which to build a breakwater. Later on he said that he had been so advised by the engineers. The Minister is the laughing stock of the district. Tonight he answered a question by saying that there was 1,500,000 tons of stone in the breakwaters at Fremantle. Then he tries to evade that statement by saying that there are two sorts of stone used; limestone and granite.

You, Mr. Speaker, have seen the breakwaters and you will realise that limestone comprises the greater part of the breakwaters. The stone came from Rocky Bay quarries and yet the Minister has the temerity to say there is no stone to build the breakwaters. He must think we are a lot of dumb Doras if we believe that.

There is enough stone in Fremantle to build 100 breakwaters. Not only was stone brought from the Rocky Bay quarries to the harbour, but it was obtained a few hundred yards away for the construction of the Naval Base. There are thousands and thousands of tons of stone there for anyone that wants it. There is also a fish markets breakwater in Fremantle. That has been built of Fremantle stone, with the top end constructed of granite. When they wanted stone for the South Fremantle power house they did not have to build expensive railway lines to obtain granite for the job; they merely sent a few trucks to cart the stone which was being quarried at Spearwood. That was obtained within a mile or two of the power station and then the Minister tells us that there is no stone available. Seeing is believing!

I have here a piece of stone obtained from the fish market breakwater and I hold it up for all members to see. That is one example. Here is another piece broken off the main breakwater at North Fremantle. The Premier has seen that breakwater and knows what it is made of. He has lived for years in the nearby district. There is no need for me to tell him what the breakwater is built of, but he should instruct his new chum understrapper not to make statements such as that. Such statements reflect on the Premier especially when they are made by a man such as that in the Ministry.

The Attorney General: Are not the foundations of granite?

Hon. J. B. SLEEMAN: What has the Attorney General to say? He is a proper, too! He should know that those breakwaters are built of Fremantle stone.

The Attorney General: I understood that the foundations were mostly granite.

Hon. J. B. SLEEMAN: The Attorney General understood wrongly. That is similar to one of those useless interjections that he makes. The foundations are not made of granite at all. The end of the breakwater is built of granite and there is a little on the sides, but the foundations are of Fremantle stone and the people of Fremantle tell me that the longer it remains in the water the harder it becomes.

Mr. Marshall: They build houses with it.

Hon. J. B. SLEEMAN: Of course they do, but the Johnnie-come-lately-Minister tries to tell us that there is no stone in Fremantle. That is the last straw that

broke the camel's back! If he will agree to build a breakwater I will guarantee to get him the stone. We will find the stone for him close to the water's edge, too. If the Minister will come for a drive with me to the present Naval Base I will show him the country and also what the breakwaters are built of. I will also show him where there is plenty of stone if he wants to build more breakwaters. He will find that there is—

Mr. Marshall: He has been too long around the salt lakes on the Midland railway line.

Hon. J. B. SLEEMAN: There is another point. The Minister has told us that we have exceeded the 3,000,000 limit for tonnage in Fremantle. Colonel Tydeman has estimated that when we got the North and South Quays remodelled and the new berth in the existing harbour we would be over the 4,000,000 mark. He also said that when we get over the 4,000,000 mark, there will be something else to do. We are over the 3,000,000 mark now, and when the north and south berths are remodelled and the extra berth is put into the harbour, we will be over 4,000,000. At page 95, para. 200, Mr. Tydeman said—

As will be shown later, the port is not fully used, and were more ships and trade available, the existing maximum tonnage of some 1,800,000 (s) tons is capable of increase with improvements to 4,000,000 (s) tons. These tonnages are within the capacity of the entrance channel. Thus, if no more than the 18 inner harbour berths are to be operated, little or no change to the existing channel movement and method of ship changeover need be contemplated. But if port extensions upriver are visualised providing more berths with a capacity greater than 4,000,000 (s) tons and involving more ship moves through the entrance each day, the existing entrance channel and its method of operation will need special examination and possible modification.

So as soon as we get over 4,000,000 tons, the existing entrance channel and its method of operation will need special examination and possible modification. That might be a decent sized job, too.

Now I wish to deal with another remark made by the Minister, and this is rather serious. I doubt whether many people in the State will believe what I am about to say, but it is an actual fact. At 10 a.m. today I rang the Harbourmaster at Fremantle and asked for some information. The Minister told the House that the depth of water at Fremantle was something less than 33ft. when it should be something like 36ft. I was informed that at No. 4 berth at the North Wharf the depth is 26ft. 2in., and yet the Minister told the House that it was under 33ft. Well, it is

under 33ft. but the Minister did not say by how much. Why did he not tell us instead of trying to fool us?

Last week the member for Albany asked whether it was correct that silting had occurred in Fremantle harbour to such an extent that at one berth there was only 28ft. of water, but no definite answer was given by the Minister because he wanted to hide the facts. There is no doubt of that. Well, at one berth there is only 26ft. 2in., and I am sure people will be surprised to learn that. Now I should like to know what the Minister proposes to do. Is he going to leave it at 26 ft. 2in.?

The Minister for Works: No, relieve the position by extending the harbour upstream.

Hon. J. B. SLEEMAN: As regards the pollution of the harbour, I hope that when the Minister gets down to dealing with this matter he will be able to help his country cousins, especially in view of the shortage of super. There is no doubt that a lot of sewage is being discharged into the harbour, and it would be well for the Minister to see that it is removed instead of leaving it to silt up the berths. The Minister went on to say that the nearer one gets to the undiluted sewage, the cleaner is the river. Some people might believe that, but I would not. I am satisfied that that is a bit of a fairy tale.

The Minister for Works: We have the analyses and the tests.

Hon. J. B. SLEEMAN: He also told us that the Harbour Trust keeps the harbour clean. Mention has been made of the River Mersey. There was a report that sewage was being dredged out of the Mersey, and two or three years ago the House of Lords passed a motion for the appointment of a Royal Commission to inquire into the state of that river. Eight scientists were appointed to the commission, one being the head of the university, and they brought in a finding that the state of the river was absolutely dangerous. That was not the answer some people desired so vested interests were instrumental in getting another inquiry. The second commission found that the state of the river was not very dangerous. Then there were some regrets that the second commission had been appointed. At present sewage is being dredged out of the Mersey in order to keep it clean.

The Minister did state that the Swan River was not as clean as it ought to be and that, if we were not careful, we would make a stagnant pool of it. I quite believe that. We should hand this heritage down to posterity in a cleanly state. Mr. Meyer stated that if the harbour were extended upstream, special precautions must be taken to ensure that the pollution did not reach Freshwater Bay. That point should interest you, Mr. Speaker. For these reasons also, I hope steps will be taken to

prevent shipping from going any further upstream and thus polluting this wonderful river of ours.

Though the Minister said it was impracticable to catch the sewage, Mr. Tydeman told the Nedlands Road Board that it would be quite possible. I think he said the cost would be £200,000. When this was mentioned, the Minister said there must have been a misunderstanding. There was no misunderstanding as to what Mr. Tydeman told the road board and, as the Minister said the scheme was impracticable, he is disagreeing with the engineer.

I shall not go into the matter of the shortage of steel. The Minister is aware that the shortage is acute. The reports I have read show that we shall receive only half as much as we were getting before from England, and Ministers are of opinion that very little will be available from Newcastle. The Minister for Housing, in a statement to the Press after his recent visit to Newcastle, said he found the position very difficult because the quantity was not being turned out. Notwithstanding the promises made to the Premier, we cannot get steel from Great Britain. Of course, Great Britain will do what it can but, with the rearmament programme in hand, that country cannot do much to help us. A report shows that the United States of America and Great Britain have obtained the surplus steel from Europe and Japan and so we are cut off there.

I think I should have said enough to convince the House. But I cannot conclude without mentioning what the lad from Cottesloe had to say. He read a statement from the Department of the Navy. Why he did so is hard to say. It was an official document; but apparently it was too wishy-washy for the Minister, so he passed it on to one of his lesser lights. I intend to read it. It is dated the 22nd December, 1949, and is addressed to the Minister for Works. It reads as follows:—

As a result of the meetings between yourself and Naval representatives, it has been suggested that you would like an official expression of opinion from this department on the report on the port of Fremantle prepared by Mr. Tydeman.

2. For the following reasons, the upriver extensions in the report, including the shifting of the rail and road bridges, are strongly supported.

I want members to see whether they can discover any reasons.

(a) The congestion of the port at present is such that delays occur in peace-time in the operation of the port, and during the last war, in order to meet the essential needs of the Navy for berthing Naval vessels, it was necessary to take over harbour berths, even though this involved substantial delays to merchant shipping.

That is only telling us what we all knew. The letter continues—

(b) In the event of hostilities in the future, Naval plans envisage at least as much use of the port of Fremantle by Naval forces as in the last war.

But they are not too sure, I think, just how they will go.

(c) Unless the rail bridge, which is soon due for replacement, is moved upstream of the present road bridge to Point Brown, the harbour cannot be adequately expanded upstream. An increase in the number of berths is considered to be a national requirement to allow shipping to be expeditiously handled.

We could have told them that. There was no need to get a letter from the Navy Department to tell us that there was a shortage of berths.

(d) Although there is no foreseeable Naval requirement for a graving dock or dockyard in the next 20 years, the extension of the harbour up to Point Brown would make a site for these available should they ever become necessary.

I have said before that in one paragraph Mr. Tydeman tells us that if we go upstream we will find the best upriver dock site. Of course we will! But then, in another paragraph, he says that if we want a decent dock we must go outside. He said that might be one good reason for outward extension instead of upriver extension. This letter continues—

3. Although the Civil Defence Committee is the authority on dispersion to meet mass destruction weapon attack, it is the opinion of this department that the seaward extension of the harbour planned for the Twenty-First Century would not be sound—

Why would it not be sound?

—and should the need arise, consideration in the light of the existing circumstances would have to be given to the creation of a separate port.

If members call those reasons, I do not! I am not surprised that the Minister did not read the letter himself. Though it was an official document, he handed it to the member for Cottesloe.

The Minister for Works: I forgot to read it. That is all.

Hon. J. B. SLEEMAN: I intended to continue, but I think I have said enough for one night. Whether I have convinced people or not, I am not worrying very much. I have drawn attention to the pitfalls that lie ahead if certain things are not done. Posterity will never be able to say that the member for Fremantle in 1951, when these things were pointed out by the engineer in charge, did nothing at all. But posterity will be able to say

that, although the dangers were stressed, the Government of the day took no notice, and did not care whether it was more rational to undertake seaward extension of the harbour, but decided to go upstream.

I am sorry that this appears to have been made a party matter by members opposite. Had the whips not been cracked, I think there would have been a chance of one or two supporters of the Government agreeing to the motion. I have never mentioned the matter to any member on this side of the House or on the other side, but have relied upon the case put up. No one will be able to say that I did not do my best, not only for this generation but for posterity. I trust that the motion will be carried.

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

Ayes	19
Noes	22

Majority against	3
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#### Ayes.

Mr. Brady	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sieeman
Mr. Lawrence	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Keily
Mr. McCulloch	

(Teller.)

#### Noes.

Mr. Abbott	Mr. Manning
Mr. Ackland	Mr. McLarty
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Hutchinson	Mr. Bovell

(Teller.)

#### Pairs.

Ayes.	Noes
Mr. Coverley	Mr. Totterdell
Mr. Panton	Mr. Nalder
Mr. W. Hegney	Mr. Mann

Question thus negatived; the motion defeated.

### MOTION—RAILWAYS.

*As to the South-of-River Link with Fremantle.*

Debate resumed from the 12th September on the following motion by Hon. J. B. Sleeman:—

That in the opinion of this House the Government should proceed with the building of the south of the river railway which many engineers in the past have recommended, including Mr. Meyer, who was brought here by the Government in connection with the Fremantle Harbour Scheme.

**THE MINISTER FOR EDUCATION** (Hon. A. F. Watts—Stirling) [9.40]: The member for Fremantle desires the Government to proceed immediately with the building of a south-of-the-Swan railway. I propose to show that the proposition to proceed with the construction of such a railway would, at the present time, not be a wise one, although I think I can truthfully say that there is universal agreement that such a railway is desirable and will ultimately have to be constructed. But I am obliged to take the motion as meaning that we ought to go on with the proposition in the immediate, foreseeable future. That, I think raises quite another aspect which will have to be dealt with.

The suggestion to build a railway south of the Swan River has been quite a live one for a number of years. It has been the subject of investigation and inquiry on more than one occasion, and of questions in this House. It has also been considered, in quite recent times, by the Town Planning Board. There is no doubt that the board holds the view that it is desirable; in fact, this House has been so informed. So, I think, very little room for dispute exists as to the ultimate desirability of such construction, but there is considerable room for dispute as to the time when it should be carried out. There is also some difference of opinion as to the route that the railway should follow. The question of routes is one that might be determined at a fairly early stage, if only for the reason that there may be areas along the route determined on that would mean the resumption of only vacant land.

Even though I shall strongly submit that any suggestion to proceed with such a railway in the near future would be most unwise, I propose to tell the House that some time before the hon. member moved his motion a committee had been set up to consider many phases of the matter. The committee will, in due course, report to the Government on some of the questions I have referred to which will, of necessity, be involved in any future decision to proceed with the project. But the committee will have plenty of time to pursue its deliberations and will have ample opportunity to investigate the question of the routes that might be followed.

Hon. J. B. Sleeman: No route is mentioned in the motion.

**THE MINISTER FOR EDUCATION:** That is so, but it is an important factor in the question of where the railway will ultimately be placed. Some portions of routes that could be suggested would involve considerable disturbance of the existing position—far more than is involved in the Bassendean chord railway line. In my opinion—I do not know what view the committee will take—this is to be avoided if it is at all practicable.

Here again, questions of engineering must be considered. As is already well known, the Railway Department is engaged on some works which are of a very urgent nature, because they aim at removing or at least relieving the congestion of traffic in the centre of the metropolitan area. The work involved in removing the marshalling yards from their present site to the place proposed is one of utmost urgency.

To remove the goods assembly yard from the metropolitan centre, where it has been for many years, is another matter which is much more urgent than any proposition to build a railway line south of the Swan River. If members will then look at the position that would be created in the centre of the city, they will find it is quite obvious that the ability to cross the railway line could be made much easier than it is at present. It would be practicable to remove what was then left in the immediate centre of the city, either below or above ground, sufficiently to allow of much freer access from south to north and from north to south. But the idea, as I understand the member for Fremantle, of replacing the line from Perth to Fremantle by a railway south of the river, and converting the route over which the railway at present runs into a boulevard, seems to me, and to people who are more competent to judge than I am—according to the advice given to me—most extraordinary.

I do not know what would be done without a railway line running from Fremantle to Perth, and of course onwards to Midland Junction. If the hon. member supposes that a line south of the river will take all the traffic, I think he is putting up a proposition which is not by any means soundly based, for I suggest it is necessary, subject to the alterations I have already referred to, to continue to have a railway between Midland Junction and Fremantle to handle at least some of the traffic.

Mr. Graham: There would still be the line between Midland Junction and Fremantle.

The MINISTER FOR EDUCATION: I understood the hon. member to suggest that the route over which the present line runs should be converted into what he referred to as "a beautiful boulevard."

Mr. Graham: But there would still be a line—

The MINISTER FOR EDUCATION: I think the hon. member will agree that he did not intend to have one. I do not think he will deny it.

Hon. J. B. Sleeman: I have never denied anything that I have said.

The MINISTER FOR EDUCATION: I want to be clear as to what the hon. member meant. I think members will realise what an extraordinary proposition

it was. In support of that argument, the hon. member suggested that other capitals had done wiser things by keeping their railways out of the centre of the city. Yet we find that in by far the great majority of the other capitals there is a railway line running through the centre of the city, and in some cases built-up areas have been resumed for the purpose of laying such lines. Perhaps one of the most modern railway stations in Australia is to be found in Adelaide, and the hon. member will not deny that the railway there passes through considerably built-up areas, while the station itself is in a prominent place close to the centre of the city. In the case of Melbourne, Flinders-st. station is in close proximity to the centre of the city and the railway lines running from it impinge to a great degree upon the settled areas of that metropolis.

Hon. J. B. Sleeman: You have picked the worst of the lot.

The MINISTER FOR EDUCATION: The hon. member picked on Brisbane because it was the only one that suited his case, but as I am not acquainted with the position of railways in that city I will not pursue the point further.

Hon. J. B. Sleeman: The railway in Adelaide is a dead-end.

Mr. Styants: The central station is right in the centre of Brisbane. It is only the Kyogle and South Brisbane lines that are out of it.

The MINISTER FOR EDUCATION: I am not acquainted with the railways there and so will not deal with that aspect, but I am acquainted with the position in the other capital cities and know that one does not find the circumstances there any different in principle from what they are in the metropolitan area of Perth. When we realise that any difficulties that may be occasioned by obstructions of traffic from north to south can readily be removed when the marshalling and goods yards are gone from their present sites, and that ready access can then be afforded to a number of places, I think the hon. member will agree there is no need to take the strenuous course that he has proposed in his suggestion to do away with the present railway completely and create in its stead a boulevard. Supposing he were able to do that; he would then have a road running almost parallel with Stirling Highway, over a great part of its route, and in some places almost touching it. It seems to me, on examination, to be a peculiar suggestion.

In the course of his speech, the hon. member indicated that expense in regard to bridging would be saved if the boulevard were created in lieu of the present railway and the south-of-the-river railway left to handle all the traffic, but he is wrong even in that because it would still be necessary to have rail connection between the

north and south sections of Fremantle harbour, for harbour operating purposes, and there would necessarily have to be a bridge to cross the water involved. Another ground of objection to the hon. member's suggestion to turn the Perth-Fremantle railway into a boulevard is that it would do away with the shortest route by rail from the capital to the port. I do not think it possible to conceive a time when that line will not be reasonably needed for the carriage of goods and, to some extent, for the carriage of passengers.

As the population of the metropolitan area increases, there is likelihood that the experience of other cities will be repeated here and that, although the proportion of passengers carried by rail may become less than it was some years ago, the number of persons carried by that means may increase considerably above the present figure.

Mr. Styants: That might be so if the line were electrified.

The MINISTER FOR EDUCATION: In that case there would be no doubt about it, but I was assuming that either steam or diesel electric locomotives would handle the traffic. If the line were electrified, as has been done in the major capital cities, it is probable that the passenger traffic would, with an expanded population, increase greatly. I think members will agree that the present is not the time at which this project should be seriously considered, on the grounds I have mentioned. But there are other grounds. Are there not cogent reasons why no new project should be undertaken involving the use of materials that are required for the construction of railway lines? In the course of this evening's debate, the hon. member drew attention to the fact that difficulty will be and is being experienced in obtaining certain essential supplies which are, of course, closely connected with railways. I have already indicated that two essential works—one already approved by Parliament and the other approved so far as the Government is concerned, in relation to the marshalling yards and goods yards respectively—will not proceed at the speed at which they should, owing to the difficulty of obtaining essential requirements.

The necessity for providing more rolling-stock, in the form of waggons, is an ever-present one and there again we have the absorption of these essential materials. Much of the permanent way in various parts of the State should, for safe running, be either relaid or partly relaid, and the obtaining of rails for that essential work has been and is still extremely difficult. Some supplies come forward from time to time and they are immediately used to the best advantage. But they cannot be obtained at the rate that is required to cope with the matter and at the speed which we would like.

To take, on top of all that, what the hon. member contemplates, although as I have said it is ultimately desirable, would simply add to the difficulties which are most pressing, and which will continue for a considerable period of years because of the great delay that will be occasioned by the progressive restoration of the railway service to a perfectly safe and satisfactory condition for the handling of all types of traffic.

I do not propose at this stage to make any reference to the expenditure that would be involved although that, in the face of the other work of a more pressing nature, would be considerable and would not be wise to undertake in the immediate future. Also there would not be any great ease in obtaining labour required to undertake the work in the face of so many other public works of a far more pressing nature that have to be undertaken. So the hon. member's motion, in my view, and I trust in the view of this House, is to say the least of it, premature.

Hon. J. B. Sleeman: You are not in favour of it.

The MINISTER FOR EDUCATION: I have already expressed the view that there is a consensus of opinion that a railway south of the river is desirable and should be ultimately proceeded with. So for the hon. member to say that I am not in favour of "it" may mean either of the railway south of the Swan River, or of his motion. If he means the latter—that is to say his motion—then I shall tell him that I am not in favour of it in its present form for the reasons I have, during the last 20 minutes, endeavoured to explain.

Hon. J. B. Sleeman: If you are going on with it eventually you will have to start resuming land.

The MINISTER FOR EDUCATION: I have informed the House that a committee has been set up to consider the many phases of this project. I have not their names but a committee has been set up for that purpose. This was done about six or seven weeks ago, or may be a little longer. But if the hon. member wants me to say that I support the motion in its present terms I cannot do so, because I have already tried to indicate that if this motion were carried the House would be expressing an opinion that, notwithstanding that there are works of greater urgency, notwithstanding there is a tremendous need for maintaining the existing railway construction, and notwithstanding that there is a considerable urgency for making changes which will promote efficiency and safe working, this south-of-the-river railway should be proceeded with. I do not propose to agree to that, so I intend to move



an amendment to strike out all words after the word "that" in line 1 with a view of inserting the following words:—

This House agrees that the construction of a railway south of the Swan River is desirable, but considers its construction should take place only as soon as the position of supplies and more urgent works make it reasonably practicable.

The Premier: The member for Fremantle would agree to that.

The MINISTER FOR EDUCATION: I think I will have to move it in two parts.

Mr. SPEAKER: That is so.

The MINISTER FOR EDUCATION: I move—

That all words after the word "that" in line 1 be struck out.

On motion by Mr. Marshall, debate adjourned.

*House adjourned at 10.5 p.m.*

## Legislative Council

Thursday, 20th September, 1951.

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

### ADDRESS-IN-REPLY.

#### *Presentation.*

The PRESIDENT: In company with several members, I waited on His Excellency the Administrator and presented to

him the Address-in-reply to His Excellency's Speech agreed to by this House, and His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of Legislative Council—

I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament.

### QUESTIONS.

#### NORTH-WEST.

*As to Additional Road Cartage Charge.*

Hon. H. C. STRICKLAND asked the Minister for Transport:

(1) As the fee of 15s. per ton levied by the Transport Board is an extra cost on all goods carried by road to the north of this State, will the Minister give consideration to the abolition of this charge?

(2) For what reason is the charge made?

The MINISTER replied:

(1) The Transport Board permit fee of 15s. per ton for general loading to Carnarvon is very moderate compared with other States. In New South Wales, for instance, the permit fee for a similar journey would be in the vicinity of £4 per ton. If the north were exempt from the payment of Transport Board fees, there would be no justification for the board continuing the North-West subsidy payments which total many times the amount of revenue received from the same area by way of license and permit fees.

(2) License and permit fees constitute the revenue of the Transport Board as provided under the State Transport Co-ordination Act. The bulk of that revenue is applied in maintaining roads but a large proportion is used for payment of subsidies from which the north of the State benefits very considerably.

#### DAIRYING.

*As to Farm Improvement Scheme Applications.*

Hon. C. H. HENNING asked the Minister for Agriculture:

Will the Minister inform the House as to—

(1) the number of applications received under the £300,000 dairy farm improvement scheme;

(2) the area to be cleared;

(3) the number of applications, if any, refused?

The MINISTER FOR TRANSPORT replied:

(1) Ninety-seven.

(2) Approximately 4,650 acres.

(3) None, at this stage.