

# Legislative Assembly.

Wednesday, 1st November, 1944.

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

## QUESTION—METROPOLITAN WATER SUPPLY.

### *As to Reserves for Future Requirements.*

Mr. McLARTY asked the Minister for Works:

(1) What are the names of rivers or streams, the waters of which are reserved for future metropolitan requirements?

(2) Is it considered necessary to continue to reserve these streams?

(3) Could any of them be made available for future irrigation projects?

The MINISTER replied:

(1) Canning River and tributaries; Wungong Brook and tributaries; Serpentine River and tributaries down to the falls.

(2) Yes.

(3) So far as can be determined at present—no.

## BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

Introduced by the Minister for Lands and read a first time.

### LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Withers (Bunbury) on the ground of urgent public business.

## MOTION—RURAL MORTGAGES.

To Inquire by Select Committee—Ruled Out.

Notice having been given by Mr. Berry of his intention to move the following motion:—

That a Select Committee be appointed to inquire into and report upon suitable legislation—

(a) in respect of existing mortgages of rural land and where the security has been handed over to the mortgagee—

(i) to prevent mortgagees from proceeding on the personal covenant without a court order; and

(ii) to enable mortgagors to obtain relief by a court order from liability on the personal covenant,

(b) in respect of all future mortgages to prohibit actions on the personal covenant taking into consideration the methods adopted in the Civil Rights Limitation Act, Chapter 88 of 1939, of the Province of Saskatchewan in the Dominion of Canada and any similar legislation elsewhere—

Mr. SPEAKER: I regret that I have to draw the attention of the House to the fact that this motion must be ruled out of order on the ground that it concerns the same subject-matter that was dealt with by the House on Wednesday, the 25th October. The motion would have been in order if the hon. member had moved it in these terms—

That, in accordance with the decision of this House on the 25th October, a Select Committee be appointed to inquire into the necessity of introducing legislation dealing with the personal covenant.

I further draw the attention of members to the fact that Standing Order No. 180 reads as follows:—

No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

There is nothing to prevent the member for Irwin-Moore from placing the requisite notice of motion on the notice paper for tomorrow.

THE MINISTER FOR LANDS: Mr. Speaker—

Mr. SPEAKER: Order! Does the Minister wish to disagree with my ruling?

The MINISTER FOR LANDS: I do not wish to disagree with your ruling, Mr. Speaker, but I should like to say a word or two in explanation.

Mr. SPEAKER: Very well!

The MINISTER FOR LANDS: When the Leader of the Opposition moved the original motion dealing with this matter and it was debated, the view was expressed by me that the issue was of such importance and had such ramifications that it should be the subject of an inquiry by the best authorities available. To that end I suggested that before such legislation was approved the matter should be referred to a Select Committee. If the Select Committee is not to be appointed in consequence of your ruling, Mr. Speaker, it puts the Government, and me as its spokesman in this matter, in a false position.

Mr. SPEAKER: Order! I draw the Minister's attention to the fact that I have indicated to the member for Irwin-Moore how he can get over the difficulty. I have not ruled that a motion for the appointment of a Select Committee to deal with the matter can not be moved.

HON. W. D. JOHNSON (Guildford-Midland): Would it be in order, Mr. Speaker, to take the motion as it is, and for someone to move an amendment to bring it into conformity with what you have suggested?

Mr. SPEAKER: I could not allow the notice of motion to be proceeded with in its present form. As I see it, the only way by which the member for Irwin-Moore can proceed with the matter is to place on the notice paper for tomorrow's sitting a notice of motion in the form I have suggested.

Motion ruled out.

### MOTION—INDUSTRIAL ARBITRATION COURT.

*As to Power to Order Improved Processes, Etc.*

MR. NORTH (Claremont) [4.38]: I move—

Since modern conditions are gradually transforming the once useful Arbitration Court into a bottle-neck between industry and progress, action should be taken to increase the powers of the court to enable it to—

- (1) order the installation of improvement of process in any particular industry;
- (2) certify that the funds necessary from time to time to give effect to No. (1) are for a purpose worthy of special rates of interest and amortisation; and
- (3) order that anyone losing employment because of the introduction of improved process receive full award rate of pay until further employment is obtained.

The motion deals with a matter that has been referred to on occasions during debates over past years, namely, the provision of some method of improving, if possible, the functions of the Arbitration Court. Personally, I think that court has proved a very great success. When effect was given to the Industrial Arbitration Act it was found to be one of the finest Acts of its type in the world at the time. The fact remains that over the years conditions have changed, and this House should give some consideration to altering the Act to meet the later circumstances before the time arrives after hostilities cease when the court will be working harder than it is at present. It may be startling for members to realise that over the past 30 years one-third of the period has been spent by the nation at war. That means, in effect, that on one day in every three during the last 30 years we have been at war with Germany and this time with Japan. This has affected our industrial conditions here under two separate sets of circumstances.

The conditions of war are very different from those of peace; and I think, dealing more particularly with the three suggestions in the motion, that it is reasonable for us to give a thought to conditions applying in war in regard to production and distribution of goods. In wartime careful supervision is made to ensure that production is stepped up to the highest point, and secondly that there is highly effective distribution of the goods produced. During the last war, for instance, Mr. Lloyd George was put in charge of munitions, for it was found to be impossible to leave that matter in the hands of private concerns. When it came to the distribution of shells, so careful was the Government in regard to their distribution to the right places that planes were sent up to guide the artillery to the right spot. Such tremendous attention to distribution is most striking in comparison with the way in which we look at distribution during peacetime, or, as I might put it, to "the other two days" out of the three during the last 30 years.

Coming down to the question of the motion, I ask why it is necessary to suggest changes in the Arbitration Court? The reason is that, in the first place, industrial processes are changing very fast. Back in

1924 there was a slight conversation in this Chamber between the member for Boulder and the member for Murchison and myself in regard to the difference between the production of the United States and Canada, amounting to over £500 per head, as compared with the production in Australia, something over £300 per head. That difference was explained at the time by the member for Boulder as being due to more effective machinery in America than obtained here. As the years have gone by there has been most important improvement in machinery and processes, and the time is coming when those factors will have a very strong effect after the war, if we have not some easy means of installing the necessary improvements in machinery both in State concerns and, possibly, private concerns as well. To show the House in a way which I believe will surprise members, let me state a change that was recently effected in Russia.

During the last six months there has been one of the greatest military drives in history effected by Russia. It is said that the Germans have been astounded at the tremendous production of tanks and all the various paraphernalia of war in a way never heard of previously. And what is done in war repeats itself frequently in peace. During the last few months Russia has been producing its machinery for the war by robots. It is generally known to be one of the secrets of the war, a secret weapon. Here is a statement showing what is being done in Russia today, a statement which will undoubtedly receive notice in the Arbitration Court in due course—

Have you ever seen a "robot," or mechanical man? These are electrical oddities that obey simple instructions when spoken to, such as getting up off a chair, walking, shaking hands. For many years writers have toyed with the idea of robots that could actually think, or, at least, work at manual labour. Now in the Soviet Union a robot machinist is actually at work. This robot has electric wires in place of nerves. Instead of thoughts the robot's brain is buzzing with electrons which have eyes, never make mistakes, never get tired, never even blink. Its eyes stare hour after hour at strange drawings. This weird creature made of copper and glass and electrons sits in an office, but its arms and hands are half a mile away, working in a machine shop!

What on earth does such a contraption work at? Just this: its photo-electric eyes read a new type of blue-print. This blue-print shows the design of a complicated piece of machine

work—say, a steel fitting for a big gun breech. The robot reads the blue-print, flashes electron-thoughts over its wire nerves to the electrical hands, and these hands operate all the controls of a huge metal-turning lathe. In other words, this machine takes the place of a human lathe operator.

But the purpose of this Soviet invention was not to displace human labour. In several important respects the robot machinist is far superior to the most highly skilled human worker. First, it reads the blue-print with highest accuracy, and the lathe tools follow this accuracy at all times. This makes possible mass production within extremely close limits. Then again, the robot cannot possibly make an error. Its machining never needs to be checked, for what is on the blue-print will be in the finished piece. Further, the robot machinist works twenty-four hours a day without rest periods. It never gets tired or sick, or has an accident. Finally, this astounding machine with one set of eyes and one glass-tube brain can control two, a dozen, fifty, a hundred lathes—all turning out the same job!

Anyone can appreciate what such an invention means to the mass production of high-quality heavy armaments. It was to this invention and others of somewhat similar nature that Sheherbakov referred when he spoke of new methods worked out by Soviet scientists for the utilisation of Russian raw materials, methods "of great importance for the country's military might." The Soviet Union solved the "impossible" problem of training many thousands of highly skilled machine operators within a period of a few months. The problem was solved by turning the machine over to electronic brains. To train these robot operators how to run a new machine is simply a question of handing them a new blue-print. No design looks strange to electron eyes.

That may be an extreme instance of the change that is coming over industry in the world, but the point at issue in regard to this motion is whether our existing Industrial Arbitration Court is in a position to deal with the question when it affects industries. The present tendency, I think, would be to say that as regards the existing Arbitration Court the aim is not unduly to displace existing workers with machinery, because that creates unemployment. Indeed, a recent member of this Chamber, who now unfortunately has left us—I refer to the late Mr. Sampson—once announced that he could have installed much machinery in his printing works but that he had refrained from doing so in order to maintain the employment of his workers. That principle must naturally affect the court both in private industry and in State concerns. There must be an obvious clash between the desire to modernise our equipment here in Western

Australia, and the consideration that we cannot do that without displacing workers.

In the past, it might be said, we had a compromise; that there have been improvements in certain cases but that on the whole there has not been that large change which we might have expected if there had been in force a wholesale policy, both for private and public concerns, of replacing men by machinery. That policy was initiated by the Bank of England, which termed it a "rationalisation policy"—to instal the latest developments of machinery in certain industries regardless of how many men were displaced. We know that in the Old Country there was huge unemployment, amounting to 2,000,000 workers. In Australia we had about a quarter of a million artisans, together with their dependants, out of work when the war started. So if this paradox between the high standard of living available and the actual standard attained by the present Arbitration Court is to be reconciled, we shall have to place some powers in the hands of the court, some means to enable industry to change over without too much hardship or too much friction, such as would be likely to ensue if matters were left to take their course. I need only refer members to New South Wales and other Eastern States to show how an element that in this Chamber is considered intolerable, and how the difficulties confronting the Commonwealth Government and numerous unpleasant incidents reported in the Press arose from the alleged fact that industrial equipment was not up to date.

One method of dealing with this question is to ignore the discontents, to refuse to face the position, to let matters take their course or endeavour to fight them by force or legislation or push those concerned into the Army. But this other method seems more equitable: to find out what can be done through science and invention. The first suggestion in the motion is that the court should be enabled to order the installation of improvement of process in any particular industry. Of course, I do not suggest that should be done in every case, but merely that the power should exist. When would such power be exercised? Not normally, of course, because we would not expect the court unduly to interfere with industry. The power would be exercised in cases in which equipment was found to be out of date and when the real wage of the

workers was being affected by reason of the fact that, taking industry as a whole—over 100 per cent. of its ramifications—quite a proportion of the equipment and methods was obsolete. In such circumstances, however efficient the arbitrators, the workers could not receive that income which industry could give them if the improvements I have mentioned were installed. Many—but not all—private concerns are efficient and do not need assistance in this direction; but, when we consider State enterprises, we discover that there is a tremendous field for the improvement of equipment.

We only need to look to the much discussed railways to see what an enormous effect would have been achieved had this power been vested in the court over the years. The first thing the judge would have said to his two fellow-assessors would have been that here was a case where millions of pounds must be spent to modernise the equipment before the workers in the department could be given the wage they were entitled to. Furthermore, it would have been seen that many of such workers might be earning a better income somewhere else. If the latest equipment is installed in any particular industry, the fact must be faced that employees are likely to have before them the prospect of a change of employment. If that occurred, if the court made some decision in regard to that industry or any other industry along the lines I have suggested, obviously there would be risk of industrial friction. It is true that this State has had a much finer record in that regard than has any other State, and it might be said that the court is functioning perfectly well from that point of view and that there is no reason for a motion of this sort.

However, the few facts that I have adduced, together with others that will occur to members, will show that while we have succeeded in restraining industrial friction, the enormous impact of science upon society is bound to force upon us this dilemma sooner or later: Either we are going to see industries forcibly modernised, with industrial friction; or there must be an amendment of the Industrial Arbitration Act to enable the matter to be carried out in an orderly fashion, enabling the various industries to make a change-over without any trouble. The second part of the motion, which follows from the first, concerns finance. Before dealing with that,

I would like to consider the Federal side of the question, because we know that, for the most part, we have hitherto had very little power in this connection. The present Commonwealth Government has a platform which one may assume will be put into effect in a few months' time: and one of the planks of that platform is as follows:—

The ensuring of essential community purchasing power by the organisation of employment and the expansion of social services to enable Australian primary and secondary industries to operate at their maximum capacity.

Another plank is—

Control of interest rates to reduce the burden upon public and private undertakings. Those two planks affect considerably the second part of my motion, namely, that the court should be enabled to—

Certify that the funds necessary from time to time to give effect to No. (1) are for a purpose worthy of special rates of interest and amortisation.

It is obvious that, if we are to commence a policy of industrial improvement after the war, there must be some financial co-operation; and, if it is true that the Commonwealth Government intends to put its policy into effect, it will either have to provide sufficient purchasing power to ensure full-time employment or provide for the expansion of social services. We are faced with the problem of the person who loses his employment because of improvements in industrial processes. Has that not been the cause of much industrial friction? Was it not that which caused workers 150 years ago to break up some machine or other because they thought its introduction would mean that their job would be gone? Under the latest Federal policy in relation to social security, a worker out of employment is to receive £1 5s. a week and his wife £1 a week, or £2 5s. in all. Is that to be the result of modernisation of equipment after the war? It might be a very forward policy with regard to ordinary social security; but it is not a very wise procedure, when dealing with expert artisans and skilled workers, to tell them that the establishment in which they work is to be modernised, and that a third or even a half of them are to be sacrificed; that they are to leave their place of employment and receive a social security allowance represented by the figures I have quoted. That is not scientific. It may be

a good policy, as things stand today, to provide for the payment of such social security money; but the effect of the improvements in industrial processes should be taken into consideration.

In wartime, when a man goes from one unit to another, or from one operation to another, or when he is sent to the back line to rest or for some other purpose, his financial position is not thereby altered, he is still the same purchasing unit. I wonder whether we can engage upon a complete policy of modernisation in State and private industry, if thereby great numbers of men are to be dismissed and thrown upon the social security provisions! Under my proposal, the court would first of all be given power to order the modernisation of certain enterprises. Then the enterprise concerned should receive a certificate from the court indicating that the particular modernisation effected would cost so many thousands of pounds and that finance should be available to the parties concerned—either the private individual or the State—from the Commonwealth Bank at a special rate to be decided. I am not going to say whether the finance is to be private, or found by a Commonwealth department, because that does not affect this motion. If the House agrees to the principle involved, the details are not my business. But modernising our equipment is the only way by which we can raise the standard of living. We cannot do it by juggling with figures. For 20 or 30 years we have had this court working as an efficient registering machine of the living standards. It has done good work in every direction.

The Minister for Mines: What about the reduction of hours?

Mr. NORTH: The court has the power to deal with the reduction of hours today. I understand that it can not carry out these proposals, but that it can deal with the question of hours if it wishes to. If we face the fact that the employees concerned are surplus for a time, then we must recognise that there should be a fund to carry the cost of the dismissed workers. This is not a very ambitious proposal when we look at the real facts of industry today, although it may be ambitious compared with what occurred in the days gone by. It is going beyond the security rates. What is perfectly obvious to us on the real facts of the position is that every time we modernise

a process we improve the real standard of living. Otherwise why is it done? The facts are that we do not reflect these improvements in our actual wages. Some people say that the purchasing power is hardly as good now as it was 30 years ago. That may be an exaggeration. When one considers the benefits of science in the direction of radios, talkies, motorcars and the hundred and one other things that one can think of, one realises that the real purchasing power appears greater. But it is generally admitted to be true that the real purchasing power of industry is not commensurate with the scientific improvements either in use, or available to the people.

It is not proposed in this motion to bind the court in any way to a decisive improvement in the standard of living of the people. It is only suggested that, if we are to obtain the benefits of science and invention after the war, we should make it possible for the court at least to maintain the existing standard of living during the process of transformation. That is all, and no more! Let me take one simple concrete case of what I am trying to explain, because long words do not get us very far. In the district I represent there is a transport service different from the average. Most such services employ a conductor. The service in the Claremont district, in one case at least, operates with a driver and no conductor. If for the sake of argument the big bus companies decided, because of the introduction of some little gadget or other, to remove all the conductors or conductresses from their buses, the court would take no action at all. But still such action on the part of the bus companies would result in a falling off of purchasing power in the community, and a direct loss to the few people concerned. That is a small concrete illustration of what is aimed at by this motion. The girls who would be dismissed would have been earning under the Arbitration Court award, just under £3 per week—£2 19s. I think—and they would immediately go down to £1 5s. a week under this social security payment which will be in force after Christmas. There would be a loss of purchasing power in the metropolitan area in the case of the few displaced because of the reasons I have just given.

That small instance, of course, can be multiplied right up to the railway system where £3,000,000 or £4,000,000 or perhaps

more could be spent. But by doing that, labour would be saved in all directions. Would we be wise in saying—and we are assuming for the moment that the war is over—that an expert artisan who leaves a factory like Hoskins or the Railway Workshops at Midland, should go the following week into public works? Is that efficient? Does that correspond to the military machine which is operating today? No! The military authorities are more careful in the handling of their human material or should be. There is a war on and they want to get the best available. If we have surplus artisans, because of some worth-while improvement being installed in a factory, we want to see them at some similar occupation within the shortest possible time. If they cannot be re-absorbed in a similar occupation, then they should be given a course of training in some occupation more suitable to their particular capacities rather than be thrown on to public works. That is how the position appears to me. Therefore, I think that this motion does bear upon the Arbitration Court position that will face us after the war.

The motion is not in any sense detrimental to the present functions of the court, but is an attempt to try to move with the changing processes affecting the world today. It also aims at enabling this country to face any modern improvements without fear of any loss, or industrial trouble, or personal hardship on the part of anyone concerned. We might even apply the principle to this Chamber. It is possible that by some mechanical means 10 or 20 members of Parliament will be able to do in this House in the future what today requires 50—that may come about through television or some other mechanical device—and the Chamber be as efficient as it is now. We might even lose our friends the reporters, who correspond in this Chamber to the observers in the aeroplanes in wartime in seeing that the goods are delivered to the enemy—they now tell the world how we deliver the goods—and who might be superseded by some mechanical device; perhaps by television and wireless. What is the present position? We can imagine members trying to find reasons to maintain this Chamber. They would probably say, "We have had 50 members for many years and we must continue to do so."

The Minister for Works: It is a pity someone cannot invent mechanical electors whom we could control!

Mr. NORTH: That would be handy. Of course if 20 members were able to do the work that 50 do at present and the remaining 30 were superseded the electors might say, "Serve them right." But in industry, as in this Chamber, we should expect some provision to be made for those who are superseded. In the changes over the years we have been doing something, not to maintain the standard of living, but to improve it because that is what the mechanical devices are for. Great improvements have been made available to the people. Yet many members seriously argue that 30 years ago the average person did as well as, or better, on his wages, salary, legal fees or whatever sort of remuneration he received, than he does today. This motion presents one way of tackling the question. Its ramifications are enormous. It sounds a small thing but, the process will have to go the full distance after the war if this country is to take its place with the other nations and compete with the rest of the world, and even with the Eastern States.

There is also the other side to it. Are we not anxious to encourage industry here from the Eastern States? Will not the proposed powers of the court, enabling those who come here to live on the highest standard of living possible and the employers to be certain of avoiding industrial strife, have a big influence on that aspect? The motion will cause only slight consternation to the financial interests who will be asked for the money, which was willingly given 20 years ago in this State when we had the group settlement scheme for the South-West. That was Sir James Mitchell's scheme. On that occasion, money at one per cent. in millions, was found for that purpose. Although today money is costing a good deal more, we know that the scheme has more than justified itself, and I have no hesitation in suggesting that we should put it up to the Commonwealth after the war that the financial side of this proposal should be handled on similar terms to those conceded in the early stages of group settlement. In every instance the amount of funds required would be certified by the court as being requisite to improve the processes in industry and consequently im-

prove the standard of living of the people.

With these few remarks, I think I have covered the points set out in the motion. The proposal certainly breaks new ground, and I shall not be surprised to find that members are critical of it or even go so far as to reject the motion on the voices. Judging by my experience when I have introduced other motions that seemed at the time to be unusual or even queer, and which with the passage of years and changes in the situation have shown the Government and the people to be willing to adopt them, I cannot see that there is much wrong with this motion. I am glad that it has emanated from this side of the House, because it cannot be charged that an attempt is contemplated to do something for the benefit of one section as against another section of the community. Rather is it a motion that should receive the approval of all the people in their own interest, and when I say "all the people," I have in mind particularly the farmers and the industrialists.

Mr. Doney: What about the farmers?

Mr. NORTH: That is one point upon which I have not dwelt particularly, but the farmers will be closely concerned. Perhaps they will be most affected of all the people in the State. They have been working under a system which is one of the harshest to be found in the industrial life of the State. This system has required them to work from sunrise to sunset at certain periods of the year and even longer than that, and naturally they grudge the industrialists of the city the better conditions they enjoy. If a motion of this sort were given effect to, it would, provided agricultural workers came under the Arbitration Court, apply to the farming industry. This would mean that farmers would be enabled to work their farms on a shift basis, just as can be done in other industries, because the financial provisions would permit of a change-over to the use of the very latest in machinery and processes of all sorts, such as I have referred to as being in operation in Russia. In this way with the surplus labour gained the farmers would be put in a position to enjoy good living conditions more comparable with those now prevailing in industries in the city.

On motion by the Minister for Works, debate adjourned.

## METROPOLITAN MEAT SUPPLY SELECT COMMITTEE.

### To Adopt Report.

**MR. SEWARD** (Pingelly) [5.20]: On behalf of the Select Committee I present the report. It reads—

As a result of a motion that was carried in the Legislative Assembly on the 13th September, 1944, your committee visited the Midland Abattoirs, and the Meat Works at Robb's Jetty. In response to invitations issued, witnesses on behalf of the following organisations appeared and gave evidence, viz.: the Live Stock Salesmen's Association; Meat and Allied Trades Federation; Wholesale Butchers and the West Australian Livestock Buyers' Association; Wileox, Moffin, Ltd.; Wheat and Wool Growers' Union of W.A.; Australian Meat Industry Employees' Union, while the Controller State Abattoirs; Deputy-Controller Meat Supplies; and the Chairman State Meat Advisory Committee, also gave evidence, the latter witness also appearing on behalf of the Primary Producers' Association of Western Australia, and the Pastoralists' Association.

### Slaughter and Sale on a Weight and Grade Basis.

This method of disposal of fat stock has been requested by a section of producers for some time past, and is, as a matter of fact, in operation at the present time both at the Meat Works at Robb's Jetty, and at the Albany Freezing Works. The question your Committee was called upon to decide, therefore, was whether it would be advisable to establish such a system in lieu of existing methods, or to continue the latter, viz.: the sale by auction at Midland Fat Stock weekly market with the option to stock owners of sending their stock to the Meat Works for treatment on the weight and grade method.

In deciding the question whether or not the present system of sale by auction at Midland weekly market should be dispensed with, consideration must be given to the state of the agricultural industry, and to the size of the consuming public. During recent years a change has taken place in the sheep population of this State with the result that the majority of sheep are now in the agricultural districts whereas formerly they were in the pastoral areas. This is having the effect of over-supplying the Midland Fat Stock market, particularly during the spring-time, because the consuming public is not increasing in the same proportion as are the available supplies of mutton. If, therefore, the method of sending all fat stock for slaughter and sale on a weight and grade basis solely were to be introduced, serious difficulties might arise in its disposal, particularly the lower grades of mutton, especially when it is borne in mind that all meat

depreciates in value from 1d. to 1½d. per lb. as soon as it is put in the freezers and, of course, that loss would fall on the producer. Many producers are influenced towards the weight and grade system by the fact that it operates with lamb, but whereas lamb is divided into three classes, mutton would require a class for wether as well as for ewe mutton, and also separate grades for each class. A further consideration to be kept in mind when considering a change from the present auction market at Midland is the fact that many small growers send down sheep which have a greater value for their wool, or if ewes, for breeding purposes, than they have as meat, and these graziers are able to purchase to the benefit of the producer. If the sale on a weight and grade method were adopted, some method of determining the price of the various grades of mutton would have to be adopted. At present, of course, under war-time arrangements, we have an export price for mutton, but that did not exist in pre-war days, and it is very problematical that it will continue after the war on the present basis, in which case there would be no basis on which to rest values. If an export market can be established after the war, and it is hoped that every effort will be made to establish one, then the matter might be revived, but we feel that until such a market is in sight it would be very undesirable to fill up the freezers with mutton.

The main reason for the demand for the change-over to a weight and grade system is the violent fluctuations that take place in the fat stock sales at Midland from time to time, which fluctuations are unpredictable, and cause serious losses to producers. These fluctuations are caused largely by the supply of stock to the Midland market.

The matter of supply is, to a certain extent, in the hands of the fat stock firms, insofar that producers wishing to send sheep in to the market must order the railway trucks through the stock firm, and not from the Railway Department. This system, however, fails to accomplish its objective, because the firms have no power to refuse any owner's order.

The following figures of some yardings of sheep at Midland were supplied in evidence:—

Minimum No.			
1938	....	18th July	7,951
1939	....	14th February	7,294
1942	....	3rd June	9,021
1943	....	3rd July	10,993
Maximum No.			
1938	....	25th October	24,246
1939	....	12th October	16,691
1942	....	6th October	22,700
1943	....	27th October	25,404

Evidence tendered reveals that the weekly requirements of the sheep market are approximately 15,000 for slaughter, so that it can be seen that while the demand is short-supplied at times, it is heavily over-supplied at other periods of the year. If this fluctuation could be overcome, your Committee feels that much of the criticism of Midland market from the producers' point of view would disappear without any increase in price of meat being oc-

casioned to the consumer. Just how to accomplish that is difficult but, as a means, your Committee recommends that all yardings be in the hands of the stock firms, so that all stock intended for sale at the weekly Midland market, whether sent by rail or road, must be nominated with the stock firms by midday on the Thursday preceding the sale. At present, stock sent by road are not so nominated. As a further effort to stabilise the Midland market, it is recommended that agents endeavour to have as much store stock as possible sold in country markets. This would tend to increase the size of such sales and thus ensure a larger attendance of graziers.

It has been suggested that fat stock and store stock be not sold at the one market at Midland, and while this may have advantages in the more populous States, it is not considered practical in this State at the present time, when we have so many small growers whose consignments of stock are not of even quality, but who have to include some not up to the level of the others in order to fill the truck.

MR. SPEAKER: Does the hon. member desire to read the whole of the report? It is not necessary that he should do so.

MR. SEWARD: Then I shall content myself with referring briefly to a few matters in connection with the weight and grade system. Regarding the Midland abattoirs, complaints were made that the work done there is not to be compared with the work done on the export floor at Robb's Jetty. We do not know whose fault this is, but it was adduced in evidence that the slaughtering at Midland Junction is done at a great rate and that hides and skins are cut and damaged in the process. The butchers stated that the men were in a hurry and rushed through the work, whereas the men contended that the butchers were in a hurry to get their meat and consequently haste on their part was necessary. At any rate, the present system is not satisfactory, because it was brought out in evidence that the skins are sold on a damaged basis. Buyers do not contemplate getting good skins, and so they tender for them at a damaged rate, with the result that producers lose on them.

As a means of overcoming this difficulty, it has been suggested that instead of the slaughtermen being employed by the wholesale butchers as they are at present, all the employees at the Midland Junction abattoirs should be brought under the control of the Controller of Abattoirs so that, when anyone buys stock at the Midland sales, the stock would be branded, passed on to the

abattoirs and would be under the control of the abattoirs authority from the time it arrived until it was handed out to the owner at the chiller. All the killing would be undertaken by the abattoirs authority. This is the system operating at Robb's Jetty. It is also the system in South Australia, save that South Australia goes further and delivers the meat from the abattoirs to the premises of the wholesaler and retailer. We have not recommended the delivery system that is operating in South Australia. In view of the fact that alterations are to be made to the Midland Junction abattoirs in the near future, however, we have recommended that the change be introduced there when the alterations are made so that the whole of the work of killing—the employment of the men and everything else—will be under the control of the abattoirs authority. The evidence showed that at times the water and offal are sent down the one chute, and the skins, in addition to being damaged during the slaughtering, become stained before they are picked up and taken away. We hope that the system being practised at Robb's Jetty will be brought into operation at the Midland abattoirs.

Then the question arose as to whether the chain system should be adopted at the Midland Junction yards. It is in vogue at Robb's Jetty, where it seems to work well from one point of view, but from the point of view of the men it may not. They object to the system. They contend that it slows down the fast slaughterman to the level of the slowest. I think there may be something in that objection; but, on the other hand, if the present unsatisfactory method at Midland Junction cannot be overcome, the men will have to put up with the chain system. However, the committee has not recommended that the chain system be adopted at present. The committee, however, does recommend that if alterations are being effected at Midland Junction, consideration should be given to the introduction of such a system at a later stage and the buildings completed in such a way as to enable that system to be put into effect, if it is decided to adopt it later on. The question of the branding of meat also came up for consideration, and it was felt by the committee that the system should be introduced here. It would protect the consumers, because then, instead of their getting

third-class meat in the guise of lamb, the meat would be branded and they could see exactly what they were buying. Branding was introduced in New Zealand, but unfortunately the committee was unable to get any information from New Zealand as to how it works there. Notwithstanding that a cable was sent to the Minister, up to date no reply has been received. Some witnesses recommend that the system should be introduced as soon as the necessary facilities could be obtained. The committee, therefore, recommends that it should be introduced in this State.

With regard to the method of providing a market for surplus mutton, this is a matter causing serious concern, and I think it will cause increasingly serious concern as time goes on. As I have stated, much of the mutton that is sent to the Midland Junction markets is store mutton—there is no question about that—but the difficulty is that many growers are not able to distinguish between fat or prime stock and store stock. I have personal knowledge of that fact. I know a grower who would be mortally offended if anyone dared to tell him that he could not tell store stock from prime stock, but nevertheless he receives store prices for his stock. If the weight and grade method were adopted here, we greatly fear that under present conditions it would have the effect of filling the market with low-grade mutton. That is the whole difficulty; and, until such time as we are able to raise the level of the stock being sent to Midland Junction, it is inadvisable to bring in the weight and grade method as the sole method of disposing of store mutton. As was pointed out in an earlier part of the report, the growers have an option. If they desire the weight and grade system, they can send their stock to the Albany freezing works or the Fremantle freezing works. On the other hand, if they do not desire to do that, the committee thinks the present system should continue.

The committee made inquiries to ascertain the prospect of disposing of mutton oversea. Both the witnesses who gave evidence on that point stated that at present there is a market under the Meat Agreement; but that before the war efforts to export mutton did not meet with success. It was considered that at the termination of

the present agreement there would be no likelihood of its being renewed. There is a prospect for lamb, if the Americans could be induced to remove the duty on it. At present, the duty is 3d. a pound. Another matter which the committee was asked to inquire into was the question of prices. The committee is unable to answer the question put to it with regard to prices, because it had no basis to work upon. At present, while there is an export market, the export price is a basis, but when that market fails there is no basis. There is no basis, either, for the cost of production. One producer might grow large quantities of fodder for his stock and top-dress and so on; another producer might be less favourably situated and obviously his costs would not be as much as the costs of the other producer. For that reason, the committee was unable to arrive at any estimate of price. The recommendations of the committee are as follows:—

1. Your committee is unable to recommend the adoption of a slaughter and sale of stock solely on a weight and grade basis at present, but recommends the continuance of the existing methods, viz.:—

- (a) Sale of fat stock at Midland weekly market by auction; and

- (b) slaughter of fat stock and sale on a weight and grade basis at Robb's Jetty works either directly on growers' accounts, or to wholesalers, and principally for freezing for the export market.

2. That stock firms take greater care to so regulate the supply of fat stock to the Midland market as to meet as nearly as possible the weekly demand. As a means to that end it is recommended that all stock, whether being forwarded by rail or road, must be nominated with the stock agents before midday on the Thursday preceding the weekly sale day; and that producers be encouraged to market store stock at country markets instead of sending them to the fat stock market at Midland.

3. That present killing arrangements at Midland Abattoirs cease as soon as the necessary alterations and extensions can be made. Future killings to be entirely under the control of the abattoirs from the time the stock is delivered at the works until the carcass is delivered to the owner. All buyers of stock for slaughter to be given killing time on days specified by them, such times to be allotted proportionately to their weekly purchase of such stock.

4. In any alterations or extensions effected at Midland Abattoirs provision to be made for killing and freezing accommodation so that meat intended for export can be treated there as well as at the Robb's Jetty works.

5. The committee favours the adoption of a system of branding of meat according to quality, and recommends the introduction of such a system as soon as the necessary equipment can be procured.

I overlooked one point, and that is the question of the control of supplies of stock to the Midland Junction markets. At present the control is in the hands of the stock firms, but they have no power to refuse any stock if the owner persists in sending it. It was suggested in evidence that some statutory body should be vested with authority to control the marketing of stock. But if such a body were established certain interests should be represented on it, such as the producers, the consumers and the abattoirs, and the representatives would be paid for their services. But the point is that if such a body refused to accept a consignment of stock sent to the markets, the owner of the stock might not be able to hold it. He would say, "I must get rid of it." If such an authority were created, then it would not have the facilities which the stock firms have at present to deal with such stock. The firms have agents in country districts, and the work which they are doing could not be done by a body such as was suggested.

The Minister for Agriculture: Do you think a store stock sale day at certain times of the year might be a solution of the problem?

Mr. SEWARD: I will deal with that point in a moment. We have recommended the continuance of the present system, but we have urged the stock firms to give greater care to store stock, so as to raise the quality of such stock to be sent to the Midland market, and also to keep as much store stock as possible in the country where it is required. By so doing, the sending of store stock to Perth and returning it to the country would be obviated. With regard to the Minister's suggestion to have a special market for store stock distinct from the Midland market, that matter was also considered by the committee. It has been mentioned to me many times in country districts, but, in view of our sheep population and our buying population, the time has not yet arrived when it would be profitable to establish such a market. I think I mentioned earlier that frequently a consignment of fat stock is sent to Midland that would have a higher value for breeding purposes or for wool, and that

graziers buy these sheep at prices higher than the butcher can pay for them. If they were sold for meat by a weight and grade method, the producer would lose that value and the consumer would gain no benefit. One witness pointed out that in New South Wales a grazier picked out as many as 6,000 lambs that were being sent to the fat stock market, and that these were bought up and sent to paddocks of lucerne. That may be possible in New South Wales, but I do not think it is possible in this State at present. It might be possible when our stocks increase to a much greater extent than their present numbers. I move—

That in the opinion of this House the Government should give effect to the recommendations of the Select Committee appointed to inquire into the Meat Supply in the Metropolitan Area.

On motion by the Minister for Agriculture, debate adjourned.

## **BILL—CROWN SUITS ACT AMENDMENT.**

### *Second Reading—Ruled Out.*

Order of the Day having been read for the resumption from the 27th September, of the debate on the second reading,

Mr. SPEAKER: I rule this Bill out of order on the ground that by raising the amount that can be claimed in a suit against the Crown from the present amount of £2,000 to an unlimited amount, it creates a charge or burden on the people.

**MR. McDONALD** (West Perth) [5.43]:  
Mr. Speaker—

Mr. SPEAKER: Does the hon. member wish to move to dissent from my ruling?

*As to Dissent from Speaker's Ruling.*

Mr. McDonald: I formally move—

That the House dissent from the Speaker's ruling.

I was aware that the Bill contained provisions as to which it could be suggested that some charge might be imposed on the revenues of the Crown; but I felt that the result of the judgment of the High Court early in this year on the interpretation of the Crown Suits Act, which had been in force for nearly 50 years, left the remedy in our State against the Crown subject to very severe limitations. I felt there was an area in relation to legitimate rights and remedies of the people against the Crown

as to which they are now, in consequence of the decision of the High Court, deprived of all redress, and that therefore the earliest means should be taken to bring before the Government and the House the situation now existing, in order that something might be done to restore to the people the remedy which they previously had. I will, Mr. Speaker, if it is required, move—

Mr. Speaker: Order! I understand the hon. member is moving to dissent from my ruling. Is that correct?

Mr. McDonald: I propose to withdraw my motion. I shall not proceed with it, having allowed myself a slight opportunity to explain the circumstances surrounding the Bill. I felt I would like, in view of your ruling, to say under cover of my motion that the Bill related to a matter of importance as to which I hope the Government would soon take action. Having said that, I do not propose to proceed with my motion.

Motion, by leave, withdrawn.

*Debate Resumed.*

Bill ruled out.

### **MOTION—STATE-WIDE POST-WAR WORKS.**

*As to Government Planes for Official Inspections.*

Debate resumed from the 25th October, on the following motion by Mr. North (as amended):—

This House realises that it cannot adequately handle the various problems which arise in the 1,000,000 square miles of our Western Australian territory unless the most modern transport facilities are utilised. It therefore advocates that the Government should acquire some well-found transport planes to enable Ministers, members of Parliament, and particularly engineers of the P.W.D., etc., to cover all parts of the State including the Kimberleys.

to which an amendment had been moved by Mr. Watts as follows:—

That the following words be added:—“paying particular attention to the need for and possibilities of water conservation and the utilisation of the rivers of the north-west of this State and the development of tropical and semi-tropical agriculture.”

**THE MINISTER FOR THE NORTH-WEST** (on amendment) [5.45]: I am not enamoured either of the motion or of the amendment, because I do not think either

is necessary. Probably, to unsophisticated members representing southern areas who are not au fait with developments in the North and events that have taken place there, both the motion and the amendment are full of merit, but those who keep themselves in touch with modern methods of transport and the attention that has been paid by experts in various walks of life to such questions would know the impracticability of either the motion or the amendment.

Mr. SPEAKER: We are only discussing the amendment at present.

The MINISTER FOR THE NORTH-WEST: I intend to confine my remarks to the amendment. I am merely pointing out that the amendment is really wrapped up in the motion itself. Both are unnecessary at the moment because those things that are referred to are already in operation. The Government makes use of the very efficient aerial service provided by the Airways Company for the purpose of ensuring quick transport for engineers and any other officials, who can ill afford to lose much time by travelling overland or by boat. The amendment proposes that attention should be paid to our water supplies, irrigation, and to tropical and semi-tropical agriculture. It is well to remind members that there is on record quite a lot of information in reference to all those questions. There is the information that was gleaned by the late Mr. Despeissis, Director of Tropical Agriculture, who made a very extensive tour of our North-West just prior to his decease. All that information is still available for the various departments controlling these activities. A very comprehensive survey and much information were placed on record by the present Minister for Lands, Hon. F. J. S. Wise, while acting as tropical adviser to the State Government. Already we have a Tropical Agriculturist to the State Government, and we also have a tropical adviser who for the past three years has been experimenting in our northern areas. Very much information is on record as a result of the activities of the present engineer for the North-West, Mr. Drake-Brockman, concerning the possibilities of irrigation in connection with our rivers in the North and North-West.

Members will thus see that we have already given particular attention to those questions which have been raised both in the

motion and the amendment. The Government at the moment is in close collaboration with the Council of Scientific Research and Commonwealth engineers in regard to the experimental and research work that is taking place in the North-West, and has been in such close collaboration for the past three years. This Government realised the necessity for such research work as far back as 10 years ago. There has been an irrigation scheme in operation on the Gascoyne River for over 10 years. That was inaugurated by the present engineer, Mr. Drake-Brockman. The river sands in the Gascoyne were surveyed and pumping plants were erected, and today an irrigation scheme is in operation there by means of which the metropolitan area has been supplied by bananas from 50 plantations. That scheme has been of exceptional benefit to Western Australia, particularly during the war period, when it has been impossible to import bananas and other fruits from other States and countries.

The experimental station on the Ord River has been in operation for three years. As most members representing agricultural areas know, it takes some years to provide the proof of what is or is not possible to succeed with in any irrigation scheme. It is known, through Press reports, that in conjunction with these experiments, a dam site has been selected on the Ord River. The necessary surveys have been made, and a dam-site has been selected, and a stage has been reached when it is possible to test the dam-site for foundation purposes by means of a diamond drill. If that diamond drilling is successful it is hoped to be able to build a dam of approximately 130 ft. in height, with a capacity of 2,000,000 acre feet of water. The present capacity of the Hume reservoir is 1,250,000 acre feet. The comparison I have given will indicate to members how much water it is hoped to impound on the Ord River. It is known that in the country surrounding this area there are 150,000 acres of what is termed plain country, good black and red soil, first-class ground, adjoining the particular experimental plot. The Government has not lagged behind in this matter, because this particular area has already been surveyed or is in process of being surveyed, and 80,000 acres have already been surveyed. If, therefore, the diamond drilling is satisfactory to the engineers, it

will be possible to go ahead with the design for a power house, pumping station, channels, etc., and for the whole design in general. It is likely that many other places of a similar character will be found throughout the various river basins such as the Ord River, the Drysdale, the Leonard, the King, the Isdell, and the Fitzroy, which are the main rivers in our northern area.

Much information has been collated with regard to other rivers further south. These areas are not so well endowed as are the Kimberley areas so far as the better class of river is concerned. The country is also different and will require much experimentation and examination before any particular scheme is launched. The central rivers between the De Grey and the Gascoyne are situated in what are known as unreliable rainfall areas. The percentage departure from the mean varies between 30 and 50 per cent. The possibilities of these river basins will be further examined, although on account of the unreliable rainfall several years' storage may be necessary in any scheme that is decided upon. The Gregory Gorge on the Fortescue River has recently been inspected. It is proposed to follow this up with geological and engineering surveys when the staff becomes available. Whilst much progress has been made in the last three years, that has not been as great as we would like because of the lack of manpower and materials. There is also the Millstream, which is well known through the Press. Millstream is on a tableland out from Roebourne. There are two long stretches of water in the bed of the Fortescue River where the water level is maintained by flows from spring water. Much more information will be required of that area before any particular plan can be drawn up for its development.

There are also other places where large water resources are under supervision and investigation at the moment. As we have all this information on hand, I do not see the necessity for the amendment. We have had many lesser experiments along agricultural lines at places like Derby where investigations were made into the growing of cotton. I refer particularly to what was done at the Knowsley Area. Peanuts have been grown in the Sale River and Drysdale areas. Whilst most tropical fruits or vegetables can be grown successfully, there are many other problems that require to be

overcome before people can be expected successfully to develop the industry as their means of livelihood. Some 35 acres of cotton were grown at Nulla Nulla in 1927. It was a sight for sore eyes; I saw the crop myself. The cotton was exceedingly good. Some of it was exported to England and topped the market in London for what was known as middle-class cotton. The men who grew this crop, however, lost approximately 2d. per lb. on their bargain, because the cost of transport and other charges were so great that they could not compete with cotton grown elsewhere. Then these people ran into trouble. They could not get enough seed and missed the next season. Then with half-an-inch of rainfall their seed matured but as there was then no rain for a month, what with the steam rising from the ground and the heat of the sun, the cotton turned black. Then they recultivated the area and resceded, but the same thing happened again. They got 10 inches of rain and could neither cultivate nor seed, so that they grew no cotton at all in that year.

That is proof that cotton can be grown successfully with irrigation. If a scheme of irrigation were available so that water could be turned on and off as required, we could be assured of excellent cotton crops. However, the industry was proved to be economically unsound and so these settlers gave up the idea of growing cotton for a livelihood. Then again peanuts have been successfully grown in three districts in the Kimberleys, but the transport difficulties were so great that, like so many others interested in the land, private producers went broke and walked off their properties. At the Munja Government station 30 odd tons of peanuts were grown in a year, and most of the output was consumed by the native settlements, so that the few tons that were sold convey no indication of whether it would be financially possible for people to engage in that branch of production. Any estimate arrived at on that basis would be mere guess work. A small quantity of nuts has been grown along the Drysdale River and the output was absorbed in the local market by firms like Plaistowes. In that district the large Queensland nut and small Spanish nut were grown successfully, but the transport difficulties confronting the growers when they endeavoured to despatch their output proved altogether too great.

In time possibly those difficulties will be overcome and then the opportunity will be there for agriculturally-minded people to go in for the production of peanuts in conjunction with other types of tropical fruits. Ultimately they may be able to make a good living when the transport problem is much easier than it is today.

We have on record much information with regard to tropical agriculture which was compiled by Mr. Despeissis and also by the present Minister for Lands when he was associated with the Agricultural Department. Many hundreds of types of grasses were introduced by Mr. Wise during his regime and, in fact, he was the first to encourage the growing of peanuts. Furthermore, he was responsible for developing the banana industry in the Carnarvon district. I hope before the consideration of the motion as amended is finalised, the Minister for Lands will find time to give the House some further detailed information based on the extensive knowledge he has of tropical industries. Members would possibly accept facts from him more readily than from me. I have seen the cotton-growing experiment in the Derby district and I remember that much criticism was levelled at the type of man employed on that work. I can say quite frankly—I was there prior to being elected to Parliament—that the cultivation and planting of the crops were splendid and I do not think could have been bettered.

The Premier: How far out was the plot?

The MINISTER FOR THE NORTH-WEST: About 14 or 16 miles from Derby. However, the experiment was not successful because after the land had been cultivated and planted, the rainfall was short with the result that the seed matured and then the steam from the ground and the heat of the sun burnt the crop, which was lost. The same result attended a similar experiment at Nulla Nulla some years afterwards. In my opinion, cotton growing under irrigation could be carried out successfully in the North, but whether it would prove an economical proposition I could not say. I have no objection to the motion as amended and I will leave the matter to the judgment of the House. If the motion as amended is carried it will mean nothing; it will compel the Government to do nothing. To my mind it is purely a waste of time dis-

cussing these amendments and such a motion.

Amendment put and passed.

**MR. McLARTY** (Murray-Wellington): I support the motion, as amended, and am of opinion that it should apply to the whole State. There is need for members to travel. Fast transport as suggested by the member for Claremont would assist greatly in that direction, and would enable members to visit parts of the State that otherwise they could not reach. I am confident that if members knew the State better it would be of great benefit to all concerned. Vast sums of money have been spent in districts not very far from Perth. My own electorate has been rather fortunate with regard to the expenditure of public moneys. Irrigation works have been established there with the result that secondary industries have sprung up. Even though those works have been carried out in close proximity to the metropolitan area, quite a large percentage of members of Parliament have never seen them, and they do not appreciate what results have been achieved in consequence of irrigation. If they were to see what the results have been they would become keen advocates of further irrigation works. As I mentioned, secondary industries have sprung up as the result of those undertakings. Nestle's factory has been established at Waroona and flax factories have also been started. If members could visit the factories and see the work that is being carried out they would be more appreciative of what Western Australia is capable of producing. It is said that travel broadens the mind and is educational.

Obviously it is essential for members of Parliament to be educated, and, I think, in some instances, for their minds to be broadened. Western Australia's principal industries are agriculture, pastoral, mining and timber. It is necessary for members representing agricultural districts to know something about mining. I do not suggest that they would become mining experts merely because they paid a visit to the gold-fields, but if they were to go there and look around they would gain a better appreciation of the mining industry and its requirements. So also members representing mining constituencies should visit the agricultural areas and also the timber coun-

try. The less a member travels the greater is the possibility of centralisation. I do not think there can be any doubt about that. If we are to secure decentralisation in Western Australia we must have a greater opportunity for members of Parliament to travel round the State and know it better. That applies particularly to members of the Commonwealth Parliament. It is generally agreed that the smaller States suffer because members representing thickly-populated sections of the Commonwealth do not know the outback and have no appreciation of the difficulties that settlers there are confronted with. That lends point to my assertion that if members of Parliament were to travel more and were to learn to know the State and its requirements better, the resultant benefit would be of considerable value to all concerned.

During the course of his speech the Minister for the North-West told us something about the Kimberleys. There is no doubt that the Government is trying to do something towards the development of that part of the State. Investigations are being carried out in connection with the Ord River irrigation scheme, and experimental work in connection with tropical agriculture is being carried out. I am afraid few of us appreciate quite what is being done in that part of the State. I am positive there are fewer still who have any idea at all of what the North-West and the Kimberleys are capable of producing, nor yet what population could be carried by those sections of the State. In days gone by it was customary for arrangements to be made to enable members to visit various parts of the State. Special trains were provided and members availed themselves of the facilities quite freely. It is many years since that was done. There are difficulties in the way today when the necessary transport is not available for such trips. In the post-war period I hope members will be given the advantage of the facilities suggested in the motion in order that they may visit distant parts of the State and so be enabled to formulate ideas regarding future development. There is no doubt that in the time to come air travel will become more popular.

It may be suggested that it is impossible to see very much from the air but the planes can alight in distant parts and obviously a trip by air would represent a

saving of time which is very valuable from the point of view of a member of Parliament. Of course, if anything of the sort were done we could expect some criticism. I remember there was criticism regarding trips taken by members of Parliament in days gone by when such opportunities arose. But that is criticism that can easily be answered. If members are to be representatives of the State—every member should strive to be a State member and not merely a parochial or district member—it is essential for them to know the whole of the State. The motion moved by the member for Claremont is worthy of support and the amendments that have been moved by the Minister for Works and the Leader of the Opposition respectively add value to it. I certainly hope the House will agree to the motion as amended.

**MR. McDONALD** (West Perth): I do not propose to detain the House for long, but I would just like to say a word or two to allay the fears of the Premier regarding the expense likely to attach to the provision of the transport planes as suggested in the motion. We have the Minister for Railways who could be in charge of one plane, the member for Claremont who could take charge of another and then we have the member for North Perth, who is also an experienced pilot, who could take charge of a third plane. Thus we have in the Assembly an array of flying talent which will assist materially in the prosecution of this proposal.

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

**Mr. McDONALD:** Unless some facilities are offered by the Government, members can hardly be blamed for not possessing knowledge of a State the size of Western Australia. The object of the motion is to enable members to decide matters with a judgment based upon actual knowledge of the locality concerned. That, in my opinion, is a very desirable objective. If there were any doubt about the motion, probably inquiry as to the parts of the State that individual members of this House have not seen might prove highly instructive. Of course I do not blame members, for it takes both time and expense to visit outlying portions of Western Australia. Two-thirds of this State lie above Geraldton, and those northern areas are not only important industrially, but, as we now

know better than ever, are extremely important strategically. They represent a part of the State that, I venture to think, very few members have visited; and there are also other areas of importance which are distant from Perth and which it is difficult for members to visit.

The Minister for Lands: It has been the practice for Governments to take members of both sides of the House to the North. That practice has been influenced by the war.

**Mr. McDONALD:** I recollect that the Minister, not very long ago, expressed to me the hope that the practice could be resumed in the near future.

The Minister for Lands: I took 12 members up to the North—seven of them from the other side of the House.

**Mr. SPEAKER:** Order!

**Mr. McDONALD:** In these days, as the member for Claremont has pointed out, there are alternative means of transport to travel by sea and travel by land, which can be made use of to save time and to enable members to see a much larger portion of the State in a comparatively short time. I feel that the objective of the motion is highly important. A leading civil servant in our State service spoke to me recently in relation to this motion, expressing the opinion that it would be a great advantage if when members spoke on matters affecting the administration of the service, they did so with a knowledge obtained from actual opportunities of visiting the localities themselves. I venture to say that the objective is an important one, and I feel that it will receive the commendation of the House.

**MR. MARSHALL** (Murchison): It is refreshing to find that, although rather belated, a great deal more enthusiasm now exists regarding the possibilities of the North-West and the urgent necessity for giving close attention to its development. I agree that to a large extent State Governments have been tardy in their desire to do something in the way of developing that portion of Western Australia, chiefly because of the chronic shortage of finance. It needs no argument that the further removed from the seat of Government, the more neglected an area will be. Numerical strength can impose its desires upon Governments; and if in close proximity to the seat of Government, an area has great in-

fluence because of its direct negotiation with Ministers of the Crown.

Mr. Doney: That was what we asserted in the Referendum campaign.

Mr. MARSHALL: If that assertion was made in the Referendum campaign, it was still belated. However, the statement is true and can easily be verified from the everyday, ever-present condition of affairs. The motion deals with the whole of Western Australia, and from that aspect I can support it. I am not, and never have been, one inclined to the idea that the major portion, the internal part, of Western Australia is a desert. There may be a few acres here and there from which it is beyond the possibility of human activity to produce anything good; but the idea which has grown in the minds of Western Australians as well as of visitors to this State, that a large portion of the extensive area of the State is nothing more than a barren desert impossible of cultivation, or usage, is unfounded. Some of the most fertile lands, better lands even than those in our South-West, are to be found in the area that many people gladly describe as an unproductive desert. What is wrong is that we lack vision, lack confidence, in our own country, and that those who do try to visualise what can be done with the great area in question are derided.

Well do I remember an ex-member for Roebourne addressing the Assembly and on more than one occasion making reference to the powerful influence used against him personally, because he spoke favourably of the productive possibilities of tropical agriculture in our North-West. At that time other State interests were more concerned in the development of that area, and for their own purpose they made the production of wool, and to a lesser degree the production of beef, their main objective. So everything possible was put up in those days to obstruct him in even experimenting to prove his contentions, and his efforts were therefore barren. Thus we find this idea getting gradually but surely inculcated in the minds of large numbers of the people of Western Australia, that the area north of Geraldton is of little use other than for the purposes to which it is now being put. It is very remarkable that gentlemen who are in the main connected with the war and have come here from foreign countries—

engineers and other men of accomplishment in their own lands, which have been well developed on scientific lines—can see at a glance the possibilities of Western Australia and have vowed that they will return to develop those possibilities. The war has brought it forcibly home to all of us that the most vulnerable part of Australia is its northern part, and that it is one of the most fertile portions of the continent—and I say that without decrying other portions. We realise the expansive nature of the zones there, and the temperatures applying in those zones.

With scientific methods that country is capable of producing almost anything demanded by human needs and desires. We have developed the more southern portion of Western Australia, and that portion only, depending upon the goldmining industry to maintain some semblance of population in two-thirds of the State. Reference was made by the Minister for the North-West to the development of the possibilities of marketing anything that may be produced in our North-West. Realising the geographical position of the northern portion of Western Australia, and realising also what has been achieved with the wool clips from that portion of our State, we readily appreciate what can be done in regard to any produce that Europe demands, by development of that portion of Western Australia. All the wool clip up to and beyond the northern ports and the hinterland thereof, is haled there and brought to Perth, and marketed here—sold here and put on the very ship that brought it from Port Hedland and sent back to Singapore for transshipment to England, following an unnecessary sea trip of something like 600 to 800 miles.

I point out that England always has been a large importer of pig-meat of all kinds; England has always offered a great market for that product. Members who know anything about the North-West realise the great possibilities there of the pig industry. As an experiment only, the Emmanuel Bros., who held large pastoral areas in the North-West, put swine on their runs and turned them loose. Until—as a result of closer settlement—they were destroyed, they grew and developed rapidly and prolifically. I suggest that any tropical or semi-tropical growth can be produced in those areas. I am even convinced that, fol-

lowing experimental trials and with the application of science, we could produce tea at least equal in quality to that which we are importing today. Furthermore, coffee, cotton, tobacco, pig-meats, wool and beef—all these things could be produced in huge quantities. It is true, nevertheless, as the Leader of the Opposition said, that water conservation is essential. It is true also that one would be disheartened if one had only the last few years to guide him as to the possibilities of rainfall. The seasons have been particularly dry; but we do not expect that condition to last for ever. However, there is an alternative to water catchments.

There is nothing to prevent sub-artesian waters from being used as a relief for the fresh water conserved in dams along the waterflows of the North-West: for our sub-artesian waters are wonderful in the extreme. There is not the slightest hindrance to our engineers—for these men have never failed us—using the tides of the North-West coast and installing hydraulic power to generate electricity from which we could draw, from the wells, sub-artesian waters to relieve the conservations that may appear to be drained too rapidly, having regard to the season. I believe that the Shannon scheme in Ireland is wonderful, and that was installed many years ago. It harnesses the tide, but I venture to say that the tide that rises and falls around that coast is not comparable to that which rises and falls on the North-West Australian coast. Great engineering propositions can be installed in places overseas, and they could be installed here. At the Wiluna goldmines there is sub-artesian water many hundred of miles from the coast, and many more hundreds of miles from the basin which is considered by scientists to be the actual artesian basin from which the supplies come. We have a series of wells, one of which is known as the Abercrombie, and which has never been drained out. It is a regular underground river; and, even though engineering appliances have been installed, it cannot be drained.

The Minister for Justice: It has been down since 1896.

Mr. MARSHALL: Doubtless the Minister, as a boy, played around that well. There is a wonderful supply of sub-artesian water through to the North-West. As to

the fertility of the soil, it has no equal in this State or anywhere in the Commonwealth. Perhaps I am exaggerating when I say it has no equal; but there are few areas in the Commonwealth that can surpass it. I admit that in some places the cement appears, and shallows the natural depth of the loam; but these are isolated instances and cover very few areas, having regard to the extensive nature of the State as a whole. There are no greater possibilities anywhere in the Commonwealth than in those localities, with the one reservation that we must first be assured of a definite water supply. There are two things with which Nature has blessed us. It seems marvellous that where there is some doubt as to a consistent and regular rainfall there will be found, a few feet below the surface, underground rivers. So we should not look altogether hopelessly upon the development of this part of the State. I think that the Minister for the North-West can boast that so far as his electorate is concerned, an assured rainfall, offering possibilities of water conservation, is ready at hand. The references I have just made may apply to between, say, Yalgoo and the Kimberleys—probably a distance of approximately 1,000 miles. All that area has possibilities.

Members opposite know that since we developed the wheat industry in Western Australia by experimental and scientific research and application, we have also developed a wheat especially suitable for production in Western Australia. With proper scientific research into the production of sub-tropical commodities, I consider we might be able to develop those products along similar lines. We might be able to produce that type of commodity, acclimatised to suit the dryness and limited water supply of the country. Indeed, we might be able to produce a commodity better than that which is to be found further North. I appeal to the Government not to plead poverty, but to get to work. I know there are plans in the Public Works Department which were compiled by the secretary of the Meekatharra Road Board many years ago when there was much talk about developing Western Australia, but when little was done. That was the time when we were getting cheap money as an encouragement from the Old Land. These plans and specifications were sent to Perth and were

designed to provide for water conservation and the development of that area known as the source of the Gascoyne River. The plans were worked out on an actuarial basis, and the scheme was advanced as one that might be acceptable to the organisation that came here on a visit from England to give consideration to proposals for the development of Australia generally. I have seen the plans and I know they are fairly accurate because I have been over practically every foot of the country, prospecting and electioneering.

Up to date, one would think that the only possibilities of developing that part of the State depended upon the development of primary production. But within the area from Yalgoo to the Kimberleys and into the Kimberleys, we have an area which is laden with metals of all descriptions. All classes of metals are to be found there. It matters little what the engineer requires to manufacture, anything within the scope of his capacity can be found in that area. So I put it to the House that if we could inaugurate a closer settlement policy and encourage primary production, we would also make it possible, by virtue of that development, to provide cheap transport; and many of our low-grade gold mines and metaliferous deposits could be opened up and conditions made more amenable to dwellers there by the growth of small interdependent communities in and around those areas. We have men, women and children living hundreds of miles away in those places; and every scrap of perishable food they consume has to be sent to them from Perth—even green vegetables! One can imagine the lot that they experience for years on end in those isolated portions of the State. In the district of the member for Roebourne, the development of blue asbestos has begun in the Hamersley Ranges. There is to be found a community of pioneering people, putting up with improvised shacks and handicapped in all directions. All their perishable products come from the city. In close proximity to them, there are possibilities of water conservation schemes being established as a result of which there could be closer settlement, the population would be increased, and amenities would be provided for all. That is the only way we can build up this State.

Metals are in abundance in that part of the country and there is the possibility of the development of mining along with agri-

cultural production, the communities living side by side and sharing in the general development. Thus life would be made worth while and the country would be developed, and enmity from those living in cramped countries further north would be minimised. There is a possibility of the export of pigmeats and other commodities to European countries. Immediately north of us there are hundreds of millions of people who, we are told, have cast evil eyes on Australia because of its sparsely-populated areas. If we can develop the State—and we can, by scientific application—and can provide these people with as much as the State can produce, their envy will disappear. If we produce all that the country is capable of producing and let them have what they want, there will be no virtue in their going to war to take what they can get without war. There are great possibilities for our goods in the North and Far East. I was there for nine years in all. There are wonderful possibilities so long as we do the job scientifically, supplying what they want in the way they want it. It is refreshing to find that on both sides of the House members have come to the conclusion that the time has long passed when greater consideration should be given to the development of this most important fertile area—the North-West of Western Australia.

**MR. MANN (Beverley):** I desire to support the motion, and wish to refer to the last part dealing with members of Parliament. I had an opportunity in 1930 of seeing something of the North-West when I went to Derby, but I saw very little of the inland areas. A vast area has been lying idle there for a long time. How many members know their own State? Very few! The average member of Parliament cannot afford to travel to see his own State.

**Mr. North:** This State is one-third the size of Europe.

**Mr. MANN:** It is a sad reflection on the Government that members do not know their own State properly. I hope this motion will be carried so that we shall be able to make an inspection of the North and South-West, too. The men who know the most about the northern part of Western Australia are the soldiers who have been there a long time. I have seen letters from young men stationed there. They have written to say what a marvellously fertile country

it is. The farmers' sons up there are very impressed. One young chap, who was a teller in a bank, said he would never go back to the banking life, but that he would give the North a try when the war ended. There is another aspect regarding the Murchison and the areas further north. In a flush season the pastoral areas are troubled with the green fly, which is going to have a tremendous effect on the mortality of the sheep. In the dry season the sheep die from starvation and in a flush season they die as a result of the green fly! There is no control. Many large stations which at one time were prosperous are carrying an enormous debt today. They will never get back to a state of prosperity because the severity of taxation will be too much for them. Whatever they may make in a good season will be taken by the Taxation Department. Many properties on fertile country will go out of existence and smaller holdings, or other propositions, will take their place.

I hope that before any great undertakings are effected experts will be sent abroad to find out what the position is in the other countries of the world. America has faced many problems. Certainly it is an older country than ours, but it is sad to learn that very few of our head officials and experts have been sent outside of Western Australia. I have in mind the case of a Railway Department man in the construction section. Prior to the war he told me he intended going abroad on his long service leave to gain further information on railway construction. Why should this man spend his few pounds and his long service leave in going abroad without any encouragement from the State? Let us send our competent men oversea to make thorough investigations and bring back the knowledge they gain. If we do not intend doing anything with the North-West, then the sooner we hand it to the Commonwealth or to some other nation the better it will be for us. We will not otherwise be able to hold it. If, in 25 years' time, the North remains as it is at present, and no attempt is made to populate or exploit it, we shall have no right to say that it is part of our pastoral country.

Ours is a large State and my opinion is that the Commonwealth Government should take charge of our North-West, or else it should be formed into a separate State. We are not justified in allowing Western Aus-

tralia to control this large tract of country without making any attempt to improve it. I commend the member for Claremont. We who have been in Parliament for a number of years know the conditions of stagnation. I believe that there are tremendous possibilities in the Murchison in the way of hydro-electric schemes. We have huge rises and falls of tide, but no experimentation has been carried out. Much has been done in the way of tropical growth at the Millstream station. We are not helping to populate the North-West by continuing to ask a handful of people to go on battling year after year with very few of the comforts of life or of the facilities that we have here. I hope this Parliament will take definite notice of this motion in handling our North-West proposition, as otherwise we shall lose our right to that part of the State.

**THE MINISTER FOR THE NORTH-WEST:** I do not intend to keep the House very long in passing a few remarks on this motion. When speaking to the amendment, I said it was unnecessary, and I still say that. Most of the speeches that I have listened to have referred to the possibilities and the fertility of the country and the necessity for developing the outskirts of Western Australia. While I agree with most of the remarks passed in reference to the fertility and the possibility of water conservation, this motion has nothing to do with those things, and will not help in any shape or form if agreed to. I agree with the principle of inviting Opposition members to visit the North-West. That idea was inaugurated when the Minister for Lands was Minister for the North-West. I have said from public platforms that I would like every member of Parliament to visit the extreme north of this State, but I would not extend an invitation to members to visit it by aeroplane. They would see nothing and learn nothing by doing that. It would be ridiculous for any member of Parliament or any stranger to try to get an idea of the fertility of the country, or its possibilities, by travelling on an aeroplane.

The Minister for Justice: Could not such a person land at various spots?

**THE MINISTER FOR THE NORTH-WEST:** It was said by the member for Murray-Wellington that aeroplane travelling would be a time-saver. In what way would

it? To start with, it would take a man the best part of the morning to get from Perth to Carnarvon by plane. When he landed he would have no chance of seeing the district by motorcar in less than a week. Having then dispensed with the motorcar he could regain the plane and go on to Onslow. He would see little or nothing of the country between those two places, because he would be at least 8,000ft. in the air. And so it would go on until he arrived at Wyndham. It takes time to see that vast country, and the only way to do it is to travel overland at a fairly steady pace. It is no use thinking that one can land, as suggested by the Minister for Justice. One would be so pressed for time that one would have very little chance in which to see the country, but would have to accept the evidence given by the people one met. It takes a fairly long time to size up the North.

Mr. Seward: When travelling by land you only see what is in your immediate vicinity.

The MINISTER FOR THE NORTH-WEST: One would see something, and not only what is in the immediate vicinity. One would see the water supplies, etc., when travelling overland, but they cannot be seen when travelling by aeroplane. It would not be a time-saver because the visitor would not see the intervening country between the towns.

Mr. McDonald: All the scientific and big businessmen go there by plane.

The MINISTER FOR THE NORTH-WEST: Yes, but they go for a particular purpose. They do not care what is between Wyndham and Geraldton if they are going to examine a proposition on the Ord River, or something of that type. No one has reckoned what the cost is likely to be for this aerial transport scheme. It would cost many thousands of pounds. I dare add that the outback parts of the State would not get the same benefit from such a scheme as if the same amount of money were spent on the introduction of veterinary officers and other scientists, such as botanists, to do the necessary work there. I am satisfied that this State would get much more benefit by the expenditure of such a vast sum on scientists to do a job there than by making available facilities for people to be dashing about by aeroplane. There is no need for the Government to spend so much money on this particular transport system. Today we have an efficient air transport system which

carries both passengers and freight throughout most of the outback districts of the State. There is a special plane service to Wiluna, one throughout the North-West along the coast, another inland through Marble Bar, and one dealing with the Northern Territory. Another services the whole of the Kimberleys. It would be cheaper for the Government to use that service than own a service itself.

The Minister for Lands: It would be a good thing to give them some experience on the roads.

The MINISTER FOR THE NORTH-WEST: That was one object I had in inviting members to travel overland. Any money spent would be better used in the employment of veterinary officers and other scientists than on an air transport system.

On motion by the Minister for Lands, debate adjourned.

## **BILL—CRIMINAL CODE AMENDMENT.**

### *In Committee.*

Mr. Fox in the Chair; Mr. McDonald in charge of the Bill.

Clause 1—agreed to.

Clause 2—Reckless, negligent or dangerous driving:

Mr. McDONALD: I move an amendment—

That in line 2 of Subsection (1) of proposed new Section 291A the words "or negligently" be struck out.

During the second reading, the member for Brown Hill-Ivanhoe made some remarks which in my opinion contain a certain amount of substance. From a strictly logical point of view, I am in sympathy with his criticism. If in the ordinary way one person unlawfully killed another, he would be guilty of manslaughter and liable to imprisonment for life. The hon. member asked why, if the death of another person is caused by a motorcar, there should be a section in the Criminal Code under which he could be charged with an offence punishable by only five years imprisonment. If a man in a fit of anger strikes another and merely gives his victim a black eye, the assailant is liable only for common assault which is punishable by six months' imprisonment. But if the same act resulted in the death of the man struck, then the assailant is liable for manslaughter, the punishment for which is imprisonment for life.

The quality of the act is the same in both cases, but the seriousness of the offence is determined by the result of the act—in the one case a black eye and in the other case a man's death.

This Bill has been introduced at the request of the Justices' Association, which is composed of men who in many instances act as coroners in cases where death has been occasioned by the use of a motorcar. One of the reasons for drawing some distinction in the case of motor vehicles is that they have become a factor in our social and commercial life. There are tens of thousands of them in quite a small community, and people not only drive cars legitimately for their pleasure, but are almost compelled to drive motor vehicles in the discharge of their business. In the old days, however, manslaughter was a comparatively infrequent crime occasioned, say, by men fighting or by some very negligent act.

The Minister for Justice: More or less intentional.

Mr. McDONALD: Perhaps not quite, but arising in infrequent circumstances. I suppose it now arises 10 or 20 times more often in the case of motorcars than in other cases. The view has been taken that the law ought to be in touch with the everyday life of the people, and that it should be realised that people are more or less compelled to use motor vehicles, and that there should be a recognition of the fact by making special provision to deal with cases of this class where there might possibly be some extenuation, due to the fact that motorcars are now an essential part of the life of the community.

When the Criminal Code was drawn up at the end of last century, motorcars were not a factor at all. In the Code specific provision was made for cases which it was thought should be dealt with in a rather different way. The following are some of the sections—

Section 307—Endangering safety of persons travelling by railway.

Section 308—Sending or taking unseaworthy ships to sea.

Section 309—Endangering steamships by tampering with machinery.

Section 310—The like by engineers.

Section 311—Evading laws as to equipment of ships and shipping dangerous goods.

Section 312—Landing explosives.

Although I agree with the member for Brown Hill-Ivanhoe that from the point of

view of logic or juristic reasoning these things do not altogether fit in to a perfect pattern, the reason for the Bill is that it is felt that motor vehicles have now become such an inescapable feature of our daily life and commerce that the situations arising from their use should be the subject of special provision in the Code.

Mr. Smith: Are you discussing the clause or the amendment?

Mr. McDONALD: I have been discussing the clause rather freely.

Mr. Needham: Making a second reading speech.

Mr. McDONALD: Manslaughter arises where the action of the accused can be described as reckless. It does not arise where the action of the accused is merely negligence and the negligence is not of an extreme character. I originally included the words "or negligently" with some hesitation, and I now propose that they be deleted so that there will be no chance of a person's being convicted when he has been guilty possibly of only slight negligence in the use of a motor vehicle, such as perhaps crossing an intersection at 17 miles an hour, whereas the by-law under the Traffic Act prescribes 15 miles an hour. If the words are deleted, the offence would consist in driving a vehicle recklessly or at a speed or in a manner dangerous to the public, etc., which are the words used in the recently-passed Queensland Act, although, as I pointed out on the second reading, the Queensland Act does not require that a person shall be killed or even injured. In order that we might not inadvertently bring under the provision persons who might act with only slight negligence, I propose that those who are to be included should be those who use a motor vehicle recklessly or at a speed or in a manner dangerous to the public.

The MINISTER FOR JUSTICE: I introduced a similar Bill last session and the clause was based on Section 266 of the Code. I think that would be a better provision than the one in the Bill, because it provided for taking reasonable precautions to avoid danger. I have no objection to the proposed new section provided the words "or negligently" are not deleted, because they are most important. I would prefer to provide for any person who drives a vehicle negligently to the danger of the public, etc. Under the Traffic Act, a person

who drives negligently or recklessly is liable to be punished. Therefore I feel we are not dealing with the matter as we should. Some people are more dangerous through driving negligently than are others who drive recklessly. I have mentioned that, when driving along the street with the Minister for Works recently, we wanted to pass another car and the driver of it turned without signalling with his hand, so that there could easily have been an accident. That driver was negligent. On the other hand, it is hard to discriminate between the efficiency or inefficiency of a man who drives recklessly at times and a person who drives at only 20 miles an hour. The latter might be more dangerous to the public than the motorist who drives at an excessive speed.

The member for Brown Hill-Ivanhoe has definite ideas about motorcar accidents. If a man struck another man on the head with a chair and killed him, that would be a deliberate action. One of the reasons why the Justices' Association has asked for a charge less than manslaughter is that juries take the view that a motorcar accident is not deliberate and they do not wish the person involved to have the stigma of manslaughter. As it is, such persons could be punished under the Traffic Act. This Bill is virtually a repetition of the Traffic Act, and I feel it will not have the effect that it is intended to have. Not long ago I had a chat with a jurymen whom I know. We were talking about a case in a friendly manner and I told him I thought that he had had a clear case, but he said the jury were not at all clear about it and thought the stigma of manslaughter was too great. He said that the jury might have convicted the man on a charge less than manslaughter.

Amendment put and passed.

Mr. SMITH: I move an amendment—

That in lines 3 and 4 of Subsection (1) of proposed new Section 291A the words "whereby death is caused to another person" be struck out.

This is possibly the only State in the Commonwealth, and probably the only place in the world, where a person guilty of such culpable negligence as to cause the death of a person can, if charged with manslaughter, have a nolle prosequi entered. The naive way in which the Minister for Justice spoke of a motorist who caused the death of a person by reckless driving was most touching. Had the motorist intended

to kill a person, the charge against him would be murder. If a person left a trap-door open and somebody fell through it, then, if it were the legal duty of the person to close the trap-door, he could be charged with manslaughter if the person who fell down was killed. The member for West Perth said that it had been found in cases where death was caused by reckless or dangerous driving, juries were hesitant about convicting the accused person. How does the hon. member know that? Juries are entitled to exercise some hesitancy, because in most instances they are charged by the presiding judge with the responsibility of giving the benefit of the doubt to the accused person.

People who drive dangerously and recklessly along our roads have much sympathy extended to them if, through their dangerous and reckless driving, they kill some person. People say, "They are not ordinary criminals." The fact remains that they are persons who lack that measure of self-control which enables them to have a proper regard for the rights of their fellow-citizens and a proper regard for the pedestrian, who has the first right of the road. The ordinary criminal is a person who, because of certain hereditary tendencies, lacks that measure of control which would enable him to live according to the rules of civilised society. Society, however, has no regard for his hereditary tendencies, even though he be the descendant of some famous duke. The reason is because the law is based not on justice, as most people think, but of necessity on the basis of social defence. That is why persons who drive recklessly and dangerously, and by so doing cause the death of a person, should be treated in the same way as we treat criminals. If my amendment be accepted, I propose to move a further amendment to reduce the penalty from five years' imprisonment to one year's imprisonment. Reckless driving has caused the death of five persons during the past month.

It is said that juries are hesitant about convicting persons for manslaughter if it is the result of a motor accident; but I say it is the Crown Law Department that is hesitant about launching prosecutions. If a person is tried for the crime of manslaughter because he killed some person through dangerous and reckless driving, what are the facts that the jury has to decide. The jury is not concerned with

whether a person has been killed or not; there is the dead body, if the jury wishes to view it, and there is the death certificate. Counsel for the Crown might give some formal evidence of the death of the person which counsel for the defence will not deny. What the jury has to consider is whether the accused person was the person driving the vehicle that caused the death and whether he drove the vehicle dangerously and recklessly. That is all that will have to be considered under this proposed provision. Even if my amendment is agreed to or the amendment of the member for West Perth is carried, where the death of a person is caused by an individual who drives a motor-car dangerously or recklessly, the Crown Law Department will have no more justification than it has now for reducing the charge from one of manslaughter.

Mr. McDONALD: The object of the Bill is not to allow motorists to escape the penalties of the law, but to ensure the punishment of more motorists who drive recklessly and dangerously than has been apparent in the past. With much that the member for Brown Hill-Ivanhoe has said I am in agreement, but it must be remembered that the law is framed in some respects to meet public opinion. Under the Criminal Code, if a man steals a will, he is liable to 14 years' imprisonment, but if he merely takes a domestic article from a house, he is liable to only three years' imprisonment. The quality of the action in respect of both offences may be the same and also the moral reprehensibility; but nevertheless, if the same penalty were to be inflicted there would be less likelihood of convictions for the theft of the less valuable article.

It is true that the law does not take into account the fact that heredity may have had an effect upon the commission of the offence, but it is equally true that the law does not take into account that heredity may have been a factor contributing to the negligent driving of a motorcar that resulted in the death of an individual. The hon. member would like a Bill substantially along the lines of the Queensland Act, under which the penalty is two years' imprisonment, but I propose to adopt the alternative indicated in the Bill by which the offence for the time being is limited to those where death has been occasioned. At first I intended to include the offence of causing grievous bodily harm but, after consultation with the Crown

Law Department, decided not to go on with that phase. In practice, I believe that if the Bill is passed, a motorist will be charged with manslaughter. The jury will have to consider, with regard to negligence, virtually the same questions in regard to manslaughter as under the Bill.

Mr. MARSHALL: I suggest to the Committee that if they were to vote the clause out and destroy the Bill, they would establish a precedent that might ultimately have major repercussions. The clause, together with the amendment moved by the member for Brown Hill-Ivanhoe, seeks to extend a special concession to a special section of the community in relation to a crime. Before any charge will be laid against an offender, and naturally before there is any possibility of a conviction, it will have to be borne in mind that evidence must be forthcoming that the person concerned has driven a vehicle dangerously or recklessly. This does not affect the person who innocently destroys life as a result of a pure accident. The motorist concerned must have driven his car dangerously and recklessly; that is the substance of the charge that must be proved. If I were to advance a proposal that an individual who had destroyed the life of another should be subject to a penalty not exceeding five years' imprisonment, would it be accepted? Of course not! But, because the offender is a car-owner, a special concession must be made to him, notwithstanding that he may have driven his car dangerously and recklessly.

The Minister for Justice: The man could still be convicted of manslaughter.

Mr. MARSHALL: But can the Minister not see that if the Criminal Code is left alone, everyone will be on the same basis and there will then be no class distinction? I regard this proposal to single out one section of the community for special consideration as one of the most abhorrent in principle that has yet been introduced in this Chamber. Will not such a provision encourage rather than prevent the practice of reckless driving?

The Minister for Justice: No!

Mr. MARSHALL: How unsophisticated is the Minister; how little he knows! The point about convictions has been dealt with thoroughly by the member for Brown Hill-Ivanhoe. The stigma attaching to a conviction on a charge of manslaughter would remain with a conscientious individual for

life. The fear of the penalty would have little bearing on the matter for such an individual. As it is, some of the penalties that have been imposed in such cases have been out of all proportion to the seriousness of the crimes and the manner in which they were carried out. We had the glaring case that occurred on Riverside-drive. A man's life had scarcely departed from his body before it was thrown into a car and dragged like a dog into the bush—and the penalty was one of four years' imprisonment.

If the Committee wishes to do justice to all sections of the community, irrespective of whether people are car-owners or not, and has no desire to encourage that section which indulges in reckless driving, members had better agree to the amendment and then defeat the clause as amended. There is a section of motor drivers in this city, and probably in other cities, who realise at present that they are liable to be brought up on a charge of manslaughter, which can result in a sentence of 20 years' imprisonment. But if this measure passes, they will realise that the maximum penalty so far imposed is four years. Some drivers have little or no regard for human life. Special privileges should not be granted to any small section.

Mr. McDONALD: The object of the Bill is not to grant special privileges. Indeed, it might be said that the Bill seeks to rope in motorists who otherwise might escape conviction. Any alteration to our criminal law which affects the rights and the liberties of the people is something which should be embarked upon with the greatest care and a deep sense of responsibility. I would like an opportunity of discussing this clause with the Minister for Justice.

Progress reported.

#### **BILL—SUPPLY (No. 2), £1,400,000.**

Returned from the Council without amendment.

#### **BILL—CHURCH OF ENGLAND DIOCESAN TRUSTEES (SPECIAL FUND).**

*Second Reading.*

Debate resumed from the 25th October.

**THE MINISTER FOR JUSTICE [9.7]:** The Government has no objection to the Bill.

The member for Perth explained the measure quite clearly, and his reasoning was understood perfectly. It concerns a will made by a formerly well-known gentleman, Mr. S. E. Burges, and it proposes to give power to the Supreme Court to deal with surplus income over which at the present time the court has no jurisdiction. Mr. S. E. Burges died on the 25th May, 1885, leaving a son, R. G. B. Burges, his heir. The will provided that the clergyman of the Church of England in York should receive an annuity of £10 during the life of R. G. Burges the son, and after the decease of the son £20 for ever. R. G. Burges died on the 25th September, 1905. A precedent further to this Bill is one which Parliament passed in behalf of the Salvation Army, namely the Salvation Army (Western Australia) Property Trust Act of 1931. Therefore the present Bill does not really represent anything new. The member for Perth said, and rightly so, that the testator builded better than he knew. The investment of £500 brought in an amount in excess of the annuity of £20, and it is to deal with such surplus income that this measure provides that the trustees may obtain directions from a judge of the Supreme Court. I raise no objection to the measure.

**MR. PERKINS (York):** I desire briefly to indicate my agreement with the Bill. It affects a part of my electorate and I have made some inquiries as to what the actual position is. The trust in question was created a long time ago and it has developed in a way which was not expected at the time it was created. The will of the testator is not wholly explicit as to the way in which the surplus income shall be dealt with; and it is necessary that more elasticity should be given to the trustees than they at present enjoy. I understand that under the terms of the trust it is at present impossible for the court to make an order dealing with the surplus income. This is being added to the capital fund year by year, and it is consequently necessary to pass this Bill to enable the Church of England to apply to a judge in chambers for an order to deal with the surplus revenue. Unless such an order is obtained, the income will continue increasing until the end of time. I understand that the principal sum of £500 has already risen to £1,000 or more. As the position is get-

ting out of hand, some such action as is proposed by this measure should be taken, in order to put the trust on a satisfactory basis. I commend the measure to the House.

Question put and passed.

Bill read a second time.

### *In Committee.*

Mr. Marshall in the Chair; Mr. Needham in charge of the Bill.

Clause 1—Short title:

Mr. NEEDHAM: I move an amendment—

That the words "Church of England" be struck out and the word "Perth" inserted in lieu.

This is necessary because of a misunderstanding which arose as to the correct name of the trustees. The mistake was only discovered after the Bill had been drawn.

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

Clause 2—Interpretation:

Mr. NEEDHAM: I move an amendment—

That in the definition of "The Trustees" the words "of the Church of England in Western Australia" be struck out.

This is a consequential amendment.

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

Clause 3, Preamble—agreed to.

Title:

Mr. NEEDHAM: I move an amendment—

That the words "of the Church of England in Western Australia" be struck out.

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

Bill reported with amendments and an amendment to the Title.

## **BILL—RURAL RELIEF FUND ACT AMENDMENT.**

### *Second Reading.*

MR. SEWARD (Pingelly) [9.20] in moving the second reading said: I present this Bill to the House with confidence. I say that because it is practically the same measure that was introduced into the House in 1939 by the member for Katanning, the present Leader of the Opposition. This being a similar Bill, it is not necessary for me to cover the ground traversed by him

on that occasion. Members will find his remarks set out on page 534 of the 1939 "Hansard." I will content myself with reminding members that the measure passed through the House on that occasion but was subsequently defeated in the Legislative Council. It might be advisable to recall that when the Bill was before the House then, some concern was expressed by you, Sir, during the second reading debate, as to whether you might have to rule it out of order. However, you indicated that you would give the matter further consideration and that if the Bill reached the third reading stage you would then give your ruling. Subsequently the Bill reached that stage and passed through this House without your having to intervene on account of the measure being contrary to the Standing Orders. As this Bill does not depart from the Standing Orders in any way and does not impose any claim on the Crown, I predict that you will consider it in order.

The object of introducing the measure is to afford a certain number of farmers who are burdened with debt some relief from those debts. Twice during this session we have heard expressions from members on both sides of the House concerning the necessity of giving relief to people labouring under difficulties caused by the depression of 1931 and the two following years. In view of the period we are now entering upon, and in view of the fact that we are laying the foundations of a new order, when much land settlement will be undertaken for returned soldiers and much money will be spent in many ways, if some relief is not now given to people suffering from the burden of those depression years I do not see much chance of its being given later on. I would remind members that legislation along similar lines has already been in existence in Victoria and New Zealand for some years, and the dire calamities that it was predicted would take place as a result have not occurred in those places.

I do not relish introducing a measure of this kind. No-one in this House would relish having to do so; but it cannot be avoided; and I think it can also be fairly stated that, if farmers have been labouring under a burden of debt for 12 years and are still carrying on, they cannot be accused of not being triers or practical farmers. Consequently they are fully entitled to some measure of relief. In saying that,

I do not want to pass any strictures on any particular institution in this State. I know that many—possibly all—have already reduced their securities voluntarily; but there are some debtors remaining to be attended to—how many I do not know. However, it is only fair that they should be dealt with. I make that statement advisedly, because I remember one institution which, in 1928-29, set out to expand its business and practically forced farmers to borrow money. Twelve months later that institution was calling up the money.

Farmers are good businessmen, in many instances, but they are inclined to rely on branch bank managers as financial guides and when such men press them to borrow more money, farmers cannot be blamed if they accept that advice. Not all the banks did that, but one bank did. The others might have been reluctantly compelled to follow that example, though I do not know whether they did. If that was done, by no stretch of imagination can the whole of the blame be placed on all the farmers, who were victims of circumstance, and are fully entitled to any relief that can be given to them. I remember discussing the matter with one of the bankers when the depression hit us. I asked him what was going to happen, and he said, "There will be colossal losses." We deprecate having to suffer losses, but the farming community must not be asked to carry the load. Farmers must be given some relief, and it is for that reason that the Bill is being introduced. It is practically on the lines of the 1939 measure. It contains a definition of "secured creditor," which is extended to cover assets purchased under hire-purchase agreement. Again, it gives power to the Trustees to deal with the first mortgage, whether the farmer's application mentions him or not. It also extends the period set down in the Farmers' Debts Adjustment Act in which the Trustee has power to issue a stay order where the farmer is deserving of it, and where it will afford him a reasonable prospect of carrying on. The period was up to three years; the Bill proposes to extend that to not more than five years.

The Trustees have power to extend the operations of a stay order for a total period of four years. The Bill extends it to six years. The measure also gives the Trustee power to determine, as soon as practicable,

the value of the assets on which any secured debt is secured, and also sets out the basis on which such valuation is to be made. It also declares that no interest shall be payable on that portion of the debt that is in excess of the valuation of the asset during the period of suspension; and when the Trustees have declared that any secured debt or portion of it shall not bear interest, it shall be unlawful for any secured creditor to receive it. Again, when the secured debt exceeds the value of the assets, the rate of interest payable on that portion of the debt that bears interest shall not exceed 5 per cent. At the end of the period of suspension of secured debt, or earlier with the consent of the farmer and the secured creditor, the Trustees shall have power to reduce the principal debt by the amount that it exceeds the value of the assets, such valuation to be determined on a basis as provided in the Bill. It gives the Trustees power to value an asset that has a wasting quality or is used by the farmer in producing the product of his farm. The valuation is to be adopted on the productive capacity of the farm assets. It shall be an amount equal to the net annual income that can be derived from the assets by an average efficient farmer, capitalised at 6 per cent. per annum. The gross income shall be calculated on the average prices of farm products over the period of ten years, preceding June, 1944.

The values at the end of the suspension period have to be the average of such prices over a period of ten years immediately prior to that time and based on the last Government Statistician's return. That means that when the farmer makes his application for the suspension of his debts, they will be valued on the average price of farm products for the period of ten years prior to that application. It has to be based on the figures for the ten years immediately preceding the application. The net income has to be arrived at after deducting certain expenses from the gross income. These expenses are to include rates and taxes, also fair remuneration paid to the farmer and any members of his family engaged in producing that income. In order to afford a periodical review of the average farm prices, the Government Statistician is to draw up at intervals of 12 months a certified list of these various farm products and their prices. The list is to be published in the "Government Gazette,"

so that we shall have a continuous record over the years which will be available when required. As I have already stated, the assets of the farmer include the chattels which he has acquired under hire-purchase agreements.

It is provided in the Bill that in the case of there being any guarantor for the debt of a farmer, and that total debt is written down, then the total liability of the guarantor shall be reduced by a corresponding amount. Then again there is to be no power to contract out of this measure by any farmer in the future. No farmer is to be deprived in any way of the benefits of the measure. When any farmer, before the commencement of the Act, has made application to the Rural Relief Fund, or has entered into an arrangement or composition with his creditors, he can still make application to the Trustees under this Act and if the Trustees are of opinion that writing down, or suspension, is necessary to ensure the farmer's carrying on, and that the farmer has managed his farm with reasonable efficiency, then they may exercise all the powers contained in this Bill in favour of that farmer. The Bill does not extend any liability to the Crown other than is contained in the principal measure. Those are all the provisions of the Bill. They are the same as were contained in the one introduced by the member for Katanning in 1939 and passed by this House. I commend the measure to members and move—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

## **BILL—RURAL AND INDUSTRIES BANK.**

*In Committee.*

Resumed from the previous day. Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

Clause 81—Powers of Bank to make appropriations and to determine place of payment (partly considered):

Mr. DONEY: I move an amendment—

That at the end of Subclause (1) the following proviso be added:—"Provided that no such appropriation shall be made by the Bank unless such person fails to appropriate the said moneys before the expiration of 28 days after the Bank has forwarded, by registered letter addressed to the last known place of abode of such person, a notice setting out the various

accounts on which such person is indebted to the Bank and requesting such person to appropriate such moneys."

Members who have read the clause will notice that the bank shall exercise in a rather arbitrary way powers that are likely to be somewhat annoying to the borrower. At best the clause, assuming it finds favour with the Committee, can be of only minor use to the bank. All I seek to do is to afford to the borrower a sufficient interest in the conduct of his own account. This amendment leads to no loss of revenue on the part of the bank. All that it can possibly mean is that the credit can be transferred from where the Rural Bank might wish to place it to another account where the client might wish to reduce his indebtedness, particularly with regard to that special account. No one can fail to realise how unreasonable is the clause as it now stands. Members will agree that in any agreement or arrangement between two parties fair play must be shown to each. It cannot be claimed that such equality is displayed here. In many instances the client would be kept in the dark as to the state of his transactions, and would not even know that money to the credit of his account had been received by the rural bank. The money concerned in this matter would be the property of the client and he should, therefore, be permitted a voice in its disbursement. I commend the amendment to the Committee.

The MINISTER FOR LANDS: The hon. member said the clause is unreasonable.

Mr. Doney: As I interpret it.

The MINISTER FOR LANDS: Not only is his proposed amendment unreasonable, but in practice it would be unworkable and must re-act to the embarrassment of the farmer. What happens today and what will happen after the Bill is passed is this: A client owes money on many accounts—for wire netting, for interest on a special loan, to the I.A.B., etc. A cheque is paid into his credit, and if the client does not specify to which account it should be credited, it will be credited to the most appropriate account, which might be the one most in arrears. The client receives a receipt on which is specified the account to which the credit has been lodged. This meets with the approval of clients, because only once or twice in the history of the Act has a request been made for an alteration of the allocation, and where the request has been made, the alteration

has been made. The amendment asks that the bank shall send a registered letter to the client requesting him to specify to what account the money shall be applied. Towards the end of the financial year this would cause serious embarrassment. The money would have to be paid into a suspense account, the client would not get credit for it, and thus the proposed proviso would involve him in more costs. The accountant has assured me that the amendment would seriously embarrass the simple practice now operating and would be prejudicial to the client.

Mr. DONEY: There is nothing in the clause to indicate that it bears the interpretation given by the Minister. Had I known of the explanation, my attitude to the clause would have been different, but the clause, as printed, can bear no interpretation other than the one I have placed on it. From the wording, one would conclude that the bank could adopt a most arbitrary attitude to clients. Something should be included in the clause to ensure that the harshness I fear will not occur.

Mr. WATTS: I do not doubt that the system the Minister has explained has been operating under the Act of 1934, but I submit that considerable differences will occur under this measure. The Bill provides for two classes of institution—one in which the farmer may keep a current account, and the other in which certain past debts now to come under the Government agency department are in process of amortisation or are being dealt with in some other way to their ultimate extinction. A sum of money reaches the bank in those circumstances, either in the normal course or in the exercise of some authority the commissioners will have under the measure. They in their wisdom credit the sum to one of the Government agency accounts, the amortisation account. Had the farmer been advised of the provision and been asked, he would probably have desired that a substantial portion of the amount should be credited to his current account, for operative purposes during the year.

Probably the average farmer does not know his rights, and does not realise what could be done by the commissioners under the new system, which is very different from the old. I do not for a moment doubt the Minister's statement that in the past objection has been taken to transactions of this

character, and that upon complaint being made the position has been rectified. It seems only reasonable that when proceeds come to the bank, the client should be advised and asked to what account he would wish the proceeds to be appropriated. If the Minister is not satisfied with the amendment, I still would ask him to consider amending the clause in such a manner as to indicate that there shall be some obligation upon the bank to inquire of the debtor what shall be done with the money.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	22
Majority against					9

AYES.	
Mr. Berry	Mr. North
Mr. Hill	Mr. Perkins
Mr. Keenan	Mr. Seward
Mr. Leslie	Mr. Thorn
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Doney
Mr. McLarty	

(Teller.)

NOES.	
Mr. Coverley	Mr. Nathan
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Rodoreda
Mr. Hawke	Mr. Smith
Mr. Hoar	Mr. Telfer
Mr. Holman	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Kelly	Mr. Willcock
Mr. Leahy	Mr. Wiser
Mr. Millington	Mr. Wilson

(Teller.)

PAIRS.	
AYES.	NOES.
Mr. Willmott	Mr. W. Hargney
Mrs. C. Tell-Oliver	Mr. W. Hargney
Mr. Stubbs	Mr. Collier

Amendment thus negatived.

Clause put and passed.

Clauses 82 to 84—agreed to.

Clause 85—Power of distress:

Mr. THORN: I move an amendment—  
That Subclause (1) be struck out.

This is the provision for distress for interest and principal. We strongly opposed that principle in 1936, when the member for Canning put up a case here for abolition of distress for rent. This clause is of a similar nature.

The MINISTER FOR LANDS: Enforcement of securities as provided for in Subclause (1) is a power or authority that is used very rarely. Originally it was placed in the 1934 Act to cover the very many cases, in those days where wholesale

abandonment took place, particularly in certain districts, and where there were organised attempts on the part of clients to remove every movable thing from the property, and transfer all such chattels to some other property, usually in the same district. Since Acts of a temporary nature such as the Mortgagees' Rights Restriction Act do not bind the Crown, it has been considered necessary to have a clause of this nature, so that when the temporary legislation is not in effect the Crown will have this opportunity in the kind of cases I have mentioned. The powers given to all other lending institutions, powers which I could quote at some length, give to all other institutions, if a Mortgagees' Rights Restriction Act is not temporarily in the way, authority equal to that contained in this clause. But there is also this position, that under the Transfer of Land Act, and also under the Land Act, we have all the necessary provisions for the enforcement of securities. In this case, however, as in the former case, the desire is to be specific as to the authorities to be conferred upon the new institution. The member for Toodyay considers this clause gives authority to the bunk that may be presumed to be harsh. If it can be shown that Subclause (2) of this clause can be suitably amended, I am not particularly hostile to that being done. I point out, however, that under the Transfer of Land Act, and in the case of new business under the appropriate clauses of a mortgage, we have the authority that is considered to be necessary. Mr. Chairman, I ask for your ruling on that point. If Subclause (1) is struck out, may I amend Subclause (2), which will then become Subclause (1)?

#### *Point of Order.*

The Chairman: The Minister desires to strike out Subclause (1) and to amend Subclause (2) so as to make it read intelligibly and so that it shall be consistent with itself. It appears to me, however, that the amendment, if carried, would prevent the Crown from enforcing its rights of control over its securities. To the extent that such enforcement is prevented, there would be loss of Crown revenue, and thus an obligation would be cast upon the Treasurer to appropriate further money to make good the loss. Looking at the matter from that angle, it would appear as though the amendment

would, in an indirect sense, be appropriating Crown revenue; at the very least it would prevent the Crown from enforcing its legal rights. It is not the prerogative of a private member to move such an amendment. Having regard to the view I hold and to the fact that the subclause would not be intelligible or consistent with itself, when read with the clause, I rule the amendment out of order.

#### *Amendment ruled out.*

The Minister for Lands: I endeavoured to explain clearly the attitude of the Government with regard to the enforcement of securities and the rights and authorities given to it under the Transfer of Land Act. Is it possible for me to move that Subclause (1) be struck out, and subsequently to amend Subclause (2) in the way I have indicated?

The Chairman: It is no more competent for the Minister than it is for a private member to move an amendment which would make a clause unintelligible or inconsistent. I cannot allow the amendment, because it would deal with clauses of the Bill which the Committee has not yet reached. I therefore say to the Minister, as I said to the member for Toodyay, that the amendment would not be intelligible or consistent with itself. I cannot grant the Minister a privilege which I have refused to the member for Toodyay.

Mr. Watts: On a point of order! Will the Chairman tell the Committee why the striking out of Subclause (1) would make Subclause (2) unintelligible? The latter subclause stands by itself.

The Chairman: I direct the attention of the Leader of the Opposition to the following words in Subclause (2):—"If at any time any instalments or interest or any part thereof referred to in Subsection (1) of this section." The clause would be meaningless if the words "referred to in Subsection (1) of this section" were retained.

#### *Committee Resumed.*

The MINISTER FOR LANDS: That is the point upon which I asked your opinion, Sir. Is it competent for me to render Subclause (2) intelligible by striking out the words to which you have referred and by inserting the words "under any security vested in or held by the bank by or under this Act"? This would be transposing the words in Subclause (1).

The **CHAIRMAN**: If the Minister will give me his assurance that he will ultimately amend Subclauses (2), (3) and (4) so as to make them intelligible, he may proceed.

The **MINISTER FOR LANDS**: Only two amendments will be needed to effect my desire. I move an amendment—

That Subclause (1) be struck out.

**Hon. W. D. JOHNSON**: I appreciate the Minister's desire to get his Bill through and I think he is to be commended for endeavouring to meet any reasonable objection that might be raised against any of its provisions. The Committee must realise, however, that Clause 69 has already been amended to a considerable extent. We must bear in mind that the bank's power to enforce payment has already been seriously modified because of the Minister's desire to meet the wishes of the Opposition. I do not object to that, but I wish the Opposition to realise that the power of the bank to recover and enforce payment of its loans has been reduced considerably as the result of amendments which have already been passed. It is not my desire that the Bill should confer powers upon the bank which may be too exacting and may drive away likely clients of the bank. Subclause (1), as the marginal note indicates, was inserted in the Agricultural Bank Act of 1934; and, as the Minister pointed out, it was put there for a specific purpose, because farmers were not just as scrupulous as they might have been in regard to assets over which they had lost control as they had failed to meet their obligations. Although the provision was there, it was not used to any great extent, but it was a deterrent.

Those who failed to meet their obligations knew that immediate action could be taken to repossess the asset; and therefore they hesitated to do things that had been done. No doubt, owing to the 1934 amendment, the doing of those things was considerably reduced, if not prevented altogether. We are taking that power away from the new bank, and I want members to realise that the effect will be that we may have unscrupulous borrowers who will start to do again what they did previously, and what caused that provision to be introduced in 1934. All these provisions and precautions put into measures are not inserted for the purpose of injuring those who meet their obligations, but for the purpose of punish-

ing those who try to batten on any loan advanced by the State or any other institution; because every time they get away with actions of that kind, they are penalising their fellow-farmers. Members of the Opposition are receiving consideration from the Minister which is straining the measure as far as it can be strained.

**Mr. CROSS**: I can scarcely agree with the views of the member for Guildford-Midland. I would like to point out that the first subclause perpetuates the horrible practice that has come down through the ages, giving the right of distraint on goods and chattels and all the things in a home. The Minister said it was very rarely this was done. I believe the public of Western Australia consider it should never be done. There is no provision whereby, if distress takes place, even a baby's cradle would be exempt. This is a provision that members on all sides have assisted to have removed from the Landlords and Tenants' Act, the Bills of Sales Act, and other measures, and this is one of the only two measures in which the cruel process of distress remains. I hope something will be done to have it removed. If it is not, I would be prepared to vote against the whole measure rather than see the practice perpetuated.

Amendment put and passed.

The **MINISTER FOR LANDS**: I move an amendment—

That in lines 1 and 2 of Subclause (2) after the words "interest" the words "or any part thereof referred to in Subsection (1) of this section" be struck out, and the following inserted in lieu:—"or of an instalment under any security vested in or held by the bank by or under this Act or any part of such interest or instalment."

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

Clauses 86 to 88—agreed to.

Clause 89—Further powers to Commissioners in possession of land.

**Mr. SEWARD**: This clause gives the bank, when in the possession of the land of mortgagors, the power to lease it. I move an amendment—

That in lines 4 to 6 of Subclause (2) the words "the estate or interest in the land of the borrower, and all persons claiming under him as well as upon" be struck out.

The present powers contained in the clause seem rather excessive. The bank is given the right to lease the property and then to

charge the borrower as well as the lessee with the repayment of the loans. It is against all rules, surely, that the borrower should be charged with amounts advanced to a lessee, but that is what is permitted here.

**THE MINISTER FOR LANDS:** It often occurs, when a property is leased that, in the interests of the borrower, the maintenance and the better working of the property, and also of the lessee, certain improvements should be effected. The house may have to be repaired, a dam desilted, or fencing considerably reconditioned. When repossession takes place after abandonment and a sale is effected the borrower is credited with any excess from the sale over his indebtedness. In the same way, a charge is made against the borrower for moneys expended, after abandonment, on improvements which might ultimately benefit him.

**Mr. Watts:** If the money spent is not recovered, will this clause make the borrower personally liable for the extra amount?

**THE MINISTER FOR LANDS:** In this case the money expended has to be charged to some account, and it is charged to the account of the borrower. We might find cases where outside creditors have put the farmer in such a hopeless position that he abandons the property. Any payments from the lessee are credited to the borrower. That happens today. Moneys received from a lessee in the case of short term or cropping leases are not credited to the profits of the institution but to the account of the borrower. This ensures that after the property is valued on abandonment it is possible for the borrower, because of appreciation in values and a better realisation being made, to have credits paid to his account as well as debits charged against him. In practice it is essential to have the opportunity of charging these sums against the interest or the estate of the borrower, and also to have the lessee pay some added sum in his rental, or have it charged against his interest in the lease.

**Mr. WATTS:** It seems to me that in the past, on the realisation of a property which had been abandoned by the mortgagor, there has been no possibility of any equity being received by him. In the future I question, particularly under the Government agency department, whether there will be any such equity for a mortgagor. The real question involved in this clause is whether any amount lent to the lessee for the pur-

pose of the repairs or the improvements indicated by the Minister will be charged up to the land and recoverable only from the proceeds of the land when it is sold, or whether it will be a personal liability of the mortgagor under the personal covenant provisions. I am not able to determine, especially in view of Subclause (3) of this clause that it would not be a charge against his personal obligation. If expended wisely it would undoubtedly improve the land. Consequently it might reasonably be expected that the extra amount would be recovered from the sale of land. It would need to be a very desirable property before the commissioners would expend money on it after it had come into their possession and had been leased. If after the mortgagor has left the property, and it is leased, money is advanced without his consent and knowledge but he is still to be held personally liable in respect of that extra amount, it seems to me that this clause should not be here, or at least not in its present form. The member for Pingelly has taken the shortest way to ensure that additional future obligations will not, in these circumstances, be imposed on the mortgagor. If the Minister for Lands can dispose of these difficulties I am sure the member for Pingelly will agree to withdraw his amendment.

**Mr. McDONALD:** On the explanation given by the Minister, it appears that the wording of the subclause can be justified. If a farm is abandoned and the bank has occasion to take possession, then any money expended by the bank, either directly or by an advance to a lessee for improvements on the property, ought to be charged against the original borrower, and I see no objection to its being made a personal liability as well as a charge against the estate. I feel somewhat uneasy, however, as to the wording of the subclause, because it apparently goes beyond what the Minister accepts as its intention. Subclause 2 begins—

The commissioners may make loans to any lessee or person mentioned in Subsection (1) of this section.

The subclause does not stipulate that the loans, which shall be not only an obligation of the lessee, but also a charge against the borrower, are necessary to improve the farm. The provision would cover a loan quite outside of that. If some words could be inserted to the effect that any loan to

a lessee or other person for expenditure on or in connection with the security shall be a charge against the lessee and against the borrower, then the subclause would be in order. Some limiting words are desirable to show that the loan to the lessee, which is to be charged against the original borrower, must be expended in connection with a farm and not for some extraneous purpose.

Mr. SEWARD: This provision is not confined to abandoned farms. It deals with the bank as mortgagee in possession. If a man died and his widow was unable to carry on, the bank would take over as mortgagee in possession, and under the subclause any money advanced to a lessee to carry on the farm would be a charge against the estate. There is no limit to it. The Minister spoke of money being advanced to repair fences or clean out dams on an abandoned farm. If a farm got into a condition where that work was necessary, the bank inspector could not have kept a watchful eye on the property, and the bank should accept some responsibility, instead of charging the whole amount against the borrower and the lessee.

The MINISTER FOR LANDS: The point made by the member for West Perth is quite valid, but the additional matter raised by the member for Pingelly really does not relieve the borrower of the responsibility. All such anticipated happenings are amply covered in any average mortgage document. Clauses 13 and 31 of one of the most-used mortgage documents relate to effecting improvements, renovating buildings, pulling down buildings and re-erecting them. Mortgagees have all sorts of authority in respect to the action that may be taken and the charging of the amount to the borrower. It is very necessary to protect the interests of the Crown in such cases as are covered by the subclause where properties the subject of leases are controlled by the commissioners and leased by them in the best interests of the borrowers, and for the better conduct of the properties. A similar provision has stood and has been used in connection with leases of larger properties, for the reason that the lessee, unless these terms and conditions were applied, might not be able to pay the amounts due, because of the heavy expenditure necessary at times to render a property fit for leasing. To make it clear that the loans

are to be for the particular farm being leased, I suggest that after the word "loans" in line 1 of Subclause (2) the words "for expenditure on or in connection with the farm" be inserted.

The CHAIRMAN: The Minister cannot move in that direction unless the amendment before the Chair be first withdrawn.

Mr. SEWARD: In the circumstances, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. McDONALD: I suggest that the Minister consider using in his amendment the word "land" instead of the word "farm." The word "land" has previously been used in the clause.

The MINISTER FOR LANDS: I move an amendment—

That in line 1 of Subclause (2) after the word "loans" the words "for expenditure on or in connection with the land" be inserted.

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

Clause 90—Power to eject borrower:

Mr. THORN: I oppose the clause. It is one which proposes to place police on the property, at the wish of the Commissioners, to eject the borrower. I do not think police should be used in the circumstances.

The MINISTER FOR LANDS: The clause contains a provision which has caused considerable discussion in this Chamber. After giving the matter a great deal of thought, I am quite prepared to follow Crown Law advice. I do not like the conscription of the police for this purpose. Apparently in the bad old days this clause was considered necessary, but the present times are more enlightened.

Mr. WATTS: Under the proposals of the clause the commissioners might think there would be trouble in enforcing their decision upon the borrower, and would call up the police and have the man ejected.

Mr. DONEY: I rise to express pleasure at the Minister's attitude towards the clause.

Clause put and negatived.

Clause 91—Bank not to be "owner" within the Road Districts Act, 1919-1943, or the Municipal Corporations Act, 1906-1943:

Mr. DONEY: I am against this clause, which proposes that the new bank is to have all the remedies but not the responsibilities of a bank in possession.

Mr. WATTS: In poor districts abandonments have been frequent, and have pre-

sented to local governing bodies a considerable problem. In fair play to local governing bodies, the clause should be voted down. Associated Banks when in possession cannot hide behind a clause such as this. Then why should the proposed bank be entitled to do so?

Progress reported.

*House adjourned at 10.50 p.m.*

## Legislative Council.

*Thursday, 2nd November, 1944.*

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

### QUESTION—RAILWAYS.

*Port Hedland-Marble Bar Line.*

Hon. A. THOMSON asked the Chief Secretary:

(i) What is the annual amount lost each year on the Port Hedland-Marble Bar railway?

(ii) What is the total accumulated loss on this railway since it was constructed?

(iii) Is it the intention of the State Government to apply to the Commonwealth Government to recoup the Railway Department for the annual loss sustained in keeping the Port Hedland-Marble Bar railway open?

The CHIEF SECRETARY replied:

(i) 1935, £11,193; 1936, £9,104; 1937, £13,233; 1938, £10,008; 1939, £18,822; 1940, £14,705; 1941, £18,505; 1942, £20,087; 1943, £20,617; 1944, £12,658.

(ii) £454,075.

(iii) This matter is under consideration.

### BILL—HEALTH ACT AMENDMENT.

*In Committee.*

Resumed from the previous day. Hon. V. Hamersley in the Chair: the Honorary Minister in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 15.

Clause 15, Title—agreed to.

Bill reported without amendment and the report adopted.

### BILL—LAND ALIENATION RESTRICTION.

*Second Reading.*

Debate resumed from the 25th October.

HON. L. CRAIG (South-West) [4.36]: I am not going to oppose the Bill, though I think it is unnecessary. Had I been the Minister for Lands, I think I would have resented the Bill. All it proposes to do is to prevent Crown lands from being sold to anybody but a soldier, except with the written consent of the Minister. I take it that the Government has that policy in view now. It has indicated from time to time that land is to be held for soldiers, and requiring the written authority of the Minister is only saddling him with more work. I cannot see any use for the Bill, but it has gone through the Lower House and there seems to be no real objection to it. By passing it, we are merely adding to our legislation a little unnecessarily. After securing the adjournment of the debate, I looked through the Bill very carefully and, as a result, I do not intend to oppose it.

HON. W. J. MANN (South-West): I was hopeful that we would be given a little more justification for the introduction of this Bill. I am perfectly in accord with the idea of reserving Crown lands for a period for returned soldiers and sailors—not only those who have been abroad, but also those who have served in the Forces in any capacity. We need to be very careful how we deal with some of these matters; otherwise there will be quite a lot of heartburning amongst people who will be disadvantaged. But for the fact that it is proposed the Bill shall not continue in force after 1946, I would strenuously oppose it, because there are heaps of young men coming along—sons of farmers and men in all walks of life—who will have to be catered for in the matter of land selection.

Hon. L. Craig: And sons of soldiers, too.

Hon. W. J. MANN: I do not see any reason for the Bill; it seems to be playing-up to somebody. However, because of the idea behind it that the land shall be reserved only for a period, I intend to support the measure. Here and now, I say