The CHIEF SECRETARY: I move—

That new Clause 10 be amended by striking out all the words after the word "or" in line 9 of paragraph (b) and inserting the words "artificial limb. Provided that any artificial limb shall be in accordance with the standards laid down by the Commonwealth artificial limb factory" in lieu.

Amendment put and passed.

New clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Returned from the Assembly without amendment.

BILLS (4)—ASSEMBLY'S MESSAGES.

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1, Native Welfare.

2, Radioactive Substances.

3, State Government Insurance Office Act Amendment (No. 2).

4, Betting Control.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Received from the Assembly and read a first time.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

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

Question put and passed.

House adjourned at 11.39 p.m.

Legislative Assembly

Tuesday, 7th December, 1954.

CONTENTS.

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

QUESTIONS.

AGRICULTURAL SOCIETIES.

As to Land Tax Liability.

Hon. A. F. WATTS asked the Treasurer:

(1) In what circumstances (if any) is land held by an agricultural society liable for land tax?

(2) If there are any circumstances in which such land is liable for tax, does the department consider they apply to the Kendenup Agricultural Society?

(3) If the answer to No. (2) is in the negative, why has the Kendenup Agricultural Society this year, for the first time, received an assessment for land tax?

The TREASURER replied:

(1) Land held by an agricultural society but used for purposes other than agricultural show purposes, may be liable for land tax.

(2) Yes.

(3) The land tax return furnished by the society discloses that the land which has been taxed was used as a golf course. The showground area has been excluded from the assessment.

NARROWS BRIDGE.

(a) As to Tunnel Under River.

Mr. J. HEGNEY asked the Minister for Works:

(1) Will he inform the House whether the engineers advising him on the proposed construction of a traffic bridge at the Narrows made any examination or gave any consideration to the alternative proposal of building a tunnel under the river?

(2) Was the tunnel proposal rejected on engineering or financial grounds, or both?

The MINISTER replied:

(1) Yes.

(2) On engineering grounds.

(b) As to Toll Charge.

Mr. J. HEGNEY asked the Minister for Works:

Is it proposed to charge a toll on motorists using the bridge, similar to charges made on crossing the Sydney Harbour Bridge and at many similar crossings in other parts of the world?

The MINISTER replied:

Various proposals for financing the bridge have been examined, but no decision has been made.

RAILWAYS.

As to Machinery, etc., Midland Junction Workshops.

Mr. BRADY asked the Minister for Railways:

(1) Is all new machinery purchased for the Government Railway workshops at Midland Junction, now operating?

(2) If the answer is in the negative, what is the reason?

(3) Is machinery in operation working to capacity?

(4) If the answer is in the negative, what is the reason?

(5) What skilled tradesmen are the workshops short of?

(6) Have any efforts been made to obtain blacksmiths from overseas per medium of the Immigration Department?

(7) Is the Railways Commission planning to fabricate all new rollingstock at the workshops after the present lag of repairs and new work has been caught up?

The MINISTER replied:

(1) Out of 242 machines, 226 have been installed and are operative while the balance will be installed progressively.

(2) Installation is being carried out as convenient to meet rehabilitation plans without seriously interrupting normal production.

(3) Yes, apart from effects of shortages of tradesmen staff.

(4) Answered by No. (3).

(5) Turners, blacksmiths and wagon builders.

(6) The Railway Department is pressing the immigration authorities to increase the intake of immigrants to this State to cope with the general shortage of staff including tradesmen, semi-skilled and unskilled workers.

(7) Yes.

UPPER DARLING RANGE RAILWAY LANDS REVESTMENT ACT.

As to Availability of Land.

Mr. OWEN asked the Minister for Lands:

(1) Is it proposed to make available to local government authorities concerned, and to adjoining settlers, any of the land covered by the Upper Darling Range Railway Lands Revestment Act of 1953?

(2) If so, when will this matter be finalised?

The PREMIER (for the Minister for Lands) replied:

(1) Yes, subject to Government requirements.

(2) When the Darling Range Road Board's town planning scheme is finalised.

EDUCATION.

(a) As to New Classrooms, Jolimont School.

Mr. NIMMO asked the Minister for Education:

(1) Can he state when the three new rooms at Jolimont school will be commenced.

(2) What is the estimated date of their completion?

The MINISTER replied:

Tenders will be called early in the New Year.

(b) As to School Ground Improvements.

Hon. C. F. J. NORTH asked the Minister for Education:

Is it correct, as stated in the current number of the "Teachers' Journal" that no improvements have been made to school grounds during the past few years?

The MINISTER replied:

No, but the majority of works of this nature have been deferred owing to shortage of loan funds.

RADIO INTERFERENCE.

As to Prevention.

Hon. Sir ROSS McLARTY asked the Minister for Works:

(1) Is he aware that there is considerable interference with radio reception in districts throughout the State?

(2) Is there any co-operation between the Commonwealth Postmaster-General and the State Minister in charge of electricity to minimise interference?

(3) If so, what action is being taken?

(4) Have any regulations been issued under the Electricity Act in which authority is provided to deal with electrical interference?

(5) If not, is it proposed to issue such regulations?

The MINISTER replied:

(1) Complaints have been received concerning interference to radio reception in various places.

(2) Yes.

(3) Wherever a case is reported to the State Electricity Commission, it enlists the co-operation of the Commonwealth radio inspector to trace the source.

(4) No.

(5) There is much more involved in this than the gazettal of regulations, and co-operation between Commonwealth and State departments is essential. Steps will be taken to see if this can be achieved.

ELECTORAL DISTRICTS ACT.

As to Issuing Proclamation.

Mr. YATES (without notice) asked the Premier:

When is it intended to issue a proclamation under the Electoral Districts Act to provide for a redistribution of seats?

The PREMIER replied:

No date has yet been decided upon.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Introduced by the Treasurer and read a first time.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Message.

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

Second Reading.

Debate resumed from the 3rd December.

MR. COURT (Nedlands) [4.41]: I rise to oppose the Bill in its present form and at this particular time. My main reason for so doing is that I feel a vital principle is involved in respect of the circumstances that have led the Government to bring down this measure. Some of our subjects have within the law of the land attacked some legislation in the other States which they consider to be outside the Constitution. They went to the highest tribunal to which a subject can appeal, and the tribunal held that the subjects were correct in their contention. In this case the appellant was a limited company.

It was proved to the satisfaction of the tribunal that the restrictions imposed by the several States, particularly the Eastern States, were outside the Constitution of Australia. I ask: What is the reward that a subject can expect if, after acting within the law of the land, a Government, with all its financial backing and all its legal resources, is not magnanimous and generous in the interpretation of the law as upheld by the Privy Council?

Even before the judgment of the Privy Council is generally available to the people of Australia, we have the Governments of several of the States bringing down hasty legislation to defeat the decision of the Privy Council either in whole or in part. At the best I suggest that the action of the several States in hastening such legislation through Parliament is nothing more or less than a stop-gap, but I am fearful that the bigger States, far from intending it to be temporary, mean it to be of a repressive nature and thus force the subjects concerned to engage in a full-scale attack on those Governments and again appeal to the Privy Council.

If the question of approaching the Privy Council were a cheap and easy process, one would not feel so concerned, but we are led to believe that an appeal to the Privy Council involves a cost which might be £20,000, £40,000 or even £100,000. Therefore it is not easy for any subject or group of subjects to take advantage of the full facilities of the law and appeal to the Privy Council on such a matter. If the legislation being enacted in the other States is parallel with the measure before us, the Eastern States, where this is such a vital issue in the matter of revenue, are sailing so close to the Constitution that they want to force people into the expense, delay, embarrassment and inconvenience of going to the Privy Council.

It seems to me that rather than being constructive legislation, it is an attempt at being destructive or, to say the least, to hold up the operations of road transport. I should like to make it quite clear that, from my point of view, there is no suggestion that road transport, either interstate or intrastate, should be allowed to use our roads willy-nilly without any form of control, but it is important that the control be in such a form that it is reasonable and certainly not repressive.

If we examine the situation, it is quite apparent that the States generally have failed to face up to the bigger issue. This bigger issue is not one of imposing restrictions on the mechanical efficiency of a vehicle or the capacity of a man to drive it or the general restraint that it is necessary to place on vehicles and their operation in the interests of the public. The bigger issue is the overall national problem of the co-ordination of transport. If we are not prepared to accept the fact that road transport in its several forms is an integral part of the national transport system, we are misleading ourselves. We shall have to accept that fact sooner or later.

Instead of any repressive legislation that might be attempted by the States, a system of co-ordinated transport, both interstate and intrastate, must be built up so that there is a clear understanding by all sections of the transport industry as to where they stand. Whether we like Section 92 of the Constitution or not is beside the point; the fact is that it is part of the Constitution of the country.

It is equally apparent from the many decisions that have been given over the years, that the Constitution presupposes freedom of trade and intercourse between the several States. It has been argued at length, particularly in the High Court of Australia, that this does not mean that there may not be reasonable restrictions—for instance, to protect the safety of the people—but it has been made quite clear that once the restrictions become repressive in any way, they are outside the Constitution.

If we acknowledge that fact as far as the Constitution is concerned, and also acknowledge that road transport has a part to play in the national transport system, it is only reasonable that the several States, together with the Commonwealth, should get down to a consideration of the roles to be played by sea, rail, road and air transport. Having framed those roles and agreed upon them, legislation should be implemented to give effect to the proper role of each of these various forms of transportation.

If that approach is adopted, I feel that a lot of the misunderstanding and bitterness and general dissatisfaction that tends to creep into the several States on this question of road transport and its clash with major Government transportation facilities, will be removed. We do not see so much of it in this State, but this clash between the respective interests of major Government transportation facilities and road transport is quite a bitter one in the States which have very large volumes, or potential volumes, of interstate traffic, and which use it so much more than we do in this State.

As I see it, the question of interstate road transport is not a very great one in Western Australia. Of course, it could develop and it could be that, given complete freedom from any form of taxing, it would expand considerably. But I have my doubts, because we are seeing an intensification of the competition between interstate rail and sea transport. It is a healthy sign because it makes it so much better for the consignors and consignees and also has the effect of inducing better service, and a consequent holding down of the rates while these two major facilities are competing. However, there is a certain type of freight which can effectively be transported interstate by road.

The great distance between the South Australian border and the capital of this State, approximately 894 miles, is such that it militates against large volumes of freight using these means. I feel that this Bill—not necessarily in this form—could well have been left for the time being and we in Western Australia could then view, in a few months' time, the effect of allowing interstate road transport to try the situation out without the restrictive provisions that have prevailed in the past. In other words, they would be able to operate as of right interstate, and we would see to what extent this influenced those desiring freight transported from one State to another to use the road facilities.

As I see the present measure, it does seek to put into the State Transport Co-ordination Act certain powers which are already in existence and which are amply covered for the most part by the Traffic Act, and certain other powers are already held by such departments as the Main Roads Department. I repeat that I am not suggesting that there should be an open go. Far from it. It has been amply established in other States from time to time that when there is an open go as far as road transport is concerned interstate, it reacts against the public interest and, what is more, I think it reacts against the interests of road operators themselves more quickly than any other group in the community.

However, the restrictions must be the minimum that are necessary for the protection of public safety and should under no circumstances be prohibitive, discriminatory or oppressive. The Bill is a comparatively simple one to read but I feel there are some aspects of it that should be commented upon. While some of its provisions are quite reasonable and come within the category of the minimum restrictions I mentioned earlier, so as to keep well within the Constitution, there are others which are open to grave doubt as to whether they do discriminate against interstate vehicles.

There is one provision that gives very sweeping powers of delegation. Under it, the powers of the board, or any of its powers, can be delegated to persons as yet unknown. It is presumed that it

would be the board's intention to delegate these powers to officers of the board, but we in this Chamber, at the time of the passing of the Bill, would not know who would be the likely recipients of this delegated authority. I feel that if it is necessary to delegate the powers, and I can well imagine that it would be to deal with interstate vehicles at remote depots, there is adequate facility to use the Police Force.

I emphasise the Police Force because, under the existing law of this State, without the passage of this measure, there is ample provision for protection of the public safety. For instance, the police have to satisfy themselves regarding the efficiency and fitness and capabilities of the driver of the vehicle who receives a licence. I understand there is some reciprocity between the States in this respect, but nevertheless there is a licence from an authority which says that the driver is a suitable person to be in charge of the vehicle.

Furthermore, the police in this State have very strong powers in respect of the mechanical condition of a vehicle. They can order a vehicle off the road if it is not mechanically fit and safe. They have full power in respect of such matters as lights, the effectiveness and placing of lights, the effectiveness of brakes and the dimensions of loads, as to whether they are overwidth or too high. All these aspects are amply covered by the existing traffic laws of this State.

They have full powers in respect of matters such as speed and driving to the public danger. Here again they have ample power at the present time to control all those matters, and I do not feel it is necessary to bring into this particular Bill this power, especially directed at vehicles described as those in the course of interstate trade, intercourse and commerce.

I invite the attention of members to one particular subclause wherein these delegated powers go as far as this: They say that—

> Where, by the provisions of this Act, the exercise of a power, or the discharge of a function by the board; or the effective operation of a provision of this Act,

is dependent

> upon the board being of a certain state of mind, whether it be that they think certain matters fit, or are of a certain opinion, or are satisfied as to certain matters, or otherwise.

and when the board has, under this particular provision, delegated the exercise of the power or the discharge of the function to the delegate, the delegate himself may exercise this state of mind. I feel that that is giving an authority to somebody—a delegation of authority to somebody—which is going too far, and it is much too dangerous to be embodied in legislation of this type. As a layman, I understand that that is more or less giving him such sweeping powers of discretion that it is almost impossible to see where the boundary of those powers exist.

There is another provision, in Subsection (3) of proposed new Section 47F which is so sweeping that I feel it is open to abuse. It might not have been the draftsman's intention, but if I read the section aright it means that, regardless of the roads which the transporter wants to traverse, if there is any road in Western Australia which the board or its delegate feels is unsafe for that particular vehicle, the licence can be withheld. I submit that it is an extraordinary state of affairs if that road was one which the board or its delegate had no intention of allowing that vehicle to traverse.

I can imagine many cases where it could be used to the detriment of the applicant and for no other purpose than of being oppressive, discriminatory or prohibitive. Another clause is that which refers to reasonable charges for operating interstate vehicles. The Minister, in his second reading speech, explained that it was the intention of the Government to see that these fees were not increased beyond the existing rates for intrastate vehicles. I think he referred to the existing charge for the 900-mile trip as being £200 per ton.

The Minister for Transport: £2 per ton.

Mr. COURT: I am sorry; £2 per ton. I feel that that in itself could be held to be discriminatory against interstate vehicles. For instance, the flat charge in South Australia per vehicle is £5. The mileage from border to border is over 1,000 miles. That is well in excess of the mileage from our coastline to the South Australian border. That charge is not fixed on a per ton basis and it seems to be a more equitable way of licensing a vehicle to traverse through a State.

If this Bill does pass through the second reading stage, I propose to move an amendment to that particular clause because I feel that we should not have any charges, envisaged by this measure, which are in any way discriminatory. I think that we have a duty to see, to the best of our ability, that this Bill will go through in a form which will not in any way contravene the Constitution. I would not like to think that we are trying to pass legislation which goes up to the borderline of the Constitution and possibly a little bit beyond, in the administration of it. I am not suggesting that the South Australian fee of £5 is excessive or insufficient, but it does appeal to me that, having regard to road distances, it is a fairer approach than the Western Australian system and probably

more closely related to the basis of licensing local vehicles operating entirely within a State.

After all is said and done, the licence applies to a given journey and it is assumed that a vehicle would traverse a State many times in the course of a year. On the question of what are reasonable charges I think we should accept the fact that we cannot expect the interstate freight operators to maintain, in its entirety, the Eyre Highway. For instance, to make that a basic consideration in assessing charges would be unfair because that is a road of national defence significance;and one of terrific mileage. Therefore it would be most unfair to expect a small group of operators, by comparison, to maintain such a highway.

I know some people will say, "Well, these people are going to operate on this highway; they should be responsible for its maintenance." Under certain conditions the answer would be "Yes," but under prevailing conditions I would say "No," and they should only be expected to make a reasonable contribution towards the maintenance of the road they traverse. There are many people using that road. There is an ever-increasing number of high speed cars using it from east to west and from west to east, and they probably do their share of damage as much as these bigger and slower trucks.

A further clause provides for the fees that have been paid under the existing law to be irrecoverable. I consider that that is a bad provision to insert in a Bill because if the people are entitled to recover the fees, why not let the ordinary principles of law prevail and allow them to establish their claim against the Government? I understand there are certain established principles of law that if the payment were taken under a mistake of law, it cannot be recovered. If it were a mistake of fact, it can be recovered. Why not allow the matter to sort itself out with some of these people who have paid amounts totalling £7,000 or £8,000 wrongly in the past and who want to recover them? Why not let them recover them under the ordinary principles of law instead of trying to circumvent it by the insertion of this provision in the Bill?

I think it is paltry to try and stop these people from recovering something that was charged to them wrongly. After all, a subject does not get many wins when paying money to the Government, so let us be mangnamimous when they do have a victory. But, in fact, it is not a victory because they have only had their rights established through proper constitutional channels.

The last point I want to refer to is the failure of the Bill to provide a right of appeal. Under the existing State Transport Co-ordination Act there was a right of appeal for a certain time given to the omnibus people. They had a right of appeal for three years from the coming into effect of the Act. There was also the right of appeal to aircraft operators, but I think their time for lodging an appeal has expired. Nevertheless, there is still the right of appeal in the Act for commercial goods operators.

It does seem strange that these people, who are skating along on the thin ice of Section 92 of the Constitution should be denied any right of appeal. At the appropriate time, in Committee, I propose to move for a right of appeal to be inserted in the Bill, because I consider that the least we can do for these people is to give them the right of appeal to some competent authority in the same way as our own operators in this State have.

In conclusion, I want to reiterate what I have said. I feel it is premature to race this legislation through in this State. We are not greatly affected by interstate road transport. Here is an opportunity to allow the position to develop without the restrictions existing before the recent Privy Council decision. I feel that the subjects concerned have established their rights. We should give them an opportunity to demonstrate whether they can or cannot use those rights without being unreasonable. I feel that there is ample provision in our existing law to protect the public interest in respect of vehicle safety, and ample provision in the existing law to recover a reasonable. charge for the use of our facilities. Therefore, I oppose this measure because I feel it is unnecessary at this particular stage.

MR. PERKINS (Roe) [5.10]: I followed carefully what the member for Nedlands had to say and I am inclined to agree with him that perhaps the Minister should have left this legislation for another session. It is a question that I do not think any of us would like to be dogmatic about at this particular stage.

It does appear that the competition from interstate road transport with the Government services of Western Australia could not be very serious at least for the next 12 months and it is hard to imagine, over any foreseeable period, that motor transport could compete to a serious degree with the rail transport system, which I take it the Minister for Railways is mainly concerned about. I have heard the Minister state in this House on very many occasions that serious competition from road transport with the Railway Department is only for comparatively short hauls on the higher rated lines of goods.

However, when it comes to interstate road transport in Western Australia, it is obvious if he is thinking of the haul from Norseman to Perth, that there the railway freight rates are very heavily telescoped indeed and one would think

that that would be the most difficult run in the whole of the State for road transport to compete successfully with the Railway Department. So on that score I think the Minister could very well have left the law as it is for the time being and waited to see how the position worked out.

I think the member for Nedlands is correct when he says that there is provision at present to deal with any questions of safety and actually the only question that is of much moment is that of competition between road transport and the Railway Department. Under the provisions of the Bill it is quite obvious that if the Transport Board chose to administer the Bill —if it becomes an Act—in its most far-reaching and most restrictive form, it could put interstate road transport in Western Australia off the road entirely.

Whether that would be legal or not might still be open to question. But there again the only redress that an operator would have would be to appeal through the courts and possibly that would involve eventually a very expensive appeal to the Privy Council. In ordinary circumstances, unless there was a considerable amount of money involved, obviously, it would not justify any operator going to that expense. In the other States the position is different, because I understand there is a considerable volume of road transport across the borders, particularly those of South Australia, Victoria, and New South Wales.

At any rate, I agree with the member for Nedlands, and I, too, would like to urge the Minister to reconsider this matter, let the Bill lapse for this session and, if necessary, bring the matter before Parliament again in the next session of Parliament when perhaps there will be a little more time to deal with this question. Certainly we are now in the last few days of the session and it does not give any member much opportunity to investigate thoroughly the provisions of the Bill to ascertain just how far-reaching this measure could be. On the face of it, it appears to me that it would enable the Transport Board, if it were so minded, to eliminate entirely interstate road transport in Western Australia. If that is so, it is obviously a matter that should be given considerable thought. I applaud the member for Nedlands in the attitude he has adopted regarding this measure.

HON. D. BRAND (Greenough) [5.16]: I would like to support the remarks made by the previous speakers on this measure. I understand the attitude of the Minister in bringing the Bill before the House. No doubt in the first place he was influenced by what was being done in other States, because there the position was more or less of a departmental nature and the Privy Council decision created a position that could be grave and almost vital from the financial angle.

But we in Western Australia are isolated from the Eastern States, and we are connected with only one road which is not always in the best of condition. Accordingly, I do not think we need immediate legislation along the lines suggested in the measure. I think we should wait six months and allow matters to develop. Then, when Parliament sits again, we could perhaps take some action, as suggested by the member for Nedlands, with respect to the overall problem of national transport.

Surely the decision of the Privy Council does highlight the need to get down to tintacks around a conference table, and, if necessary, amend the Constitution in order to take advantage of modern transport developments. No matter what our attitude may be towards any form of transport, surely the developments of our modern age should compel us to review the whole situation and, indeed, co-ordinate what transport can do today in the interests of the overall economy. I understand that transport costs involves a very large percentage of the national economy.

Mr. Oldfield: It is 28 per cent.

Hon. D. BRAND: The member for Maylands says the figure is 28 per cent. Accordingly, I would stress the need for review by a competent authority. I think the Minister said, when introducing the measure, that Western Australia would be involved to the extent of some £8,000 if claims were made for the return of all licence money to transport drivers and road hauliers. As outlined by the previous speaker, I feel these people would not give the matter a second thought and would certainly take no action for the return of such a meagre sum which would have to be divided between the number of hauliers that operate in this State.

There have been times when we were glad to have the services of road transport operators in order to bring vital material from the Eastern States, and I think we could still encourage all those who are interested to continue those services. The member for Geraldton and myself, representing as we do an area where tomatoes are grown, appreciate the advantage—and I think it is an advantage—that road transport has provided for the Geraldton tomato-growers, because they have been able to transport their tomatoes by road direct to Perth; and I assume it is more economical from the angle of the producers.

The Minister for Transport: Do most of the tomatoes go by road or by rail?

Hon. D. BRAND: I cannot say. The road hauliers have been called upon for this service; they have made it available, and evidently the growers have been very satisfied and happy to have such a service provided.

The Minister for Transport: It must have been before the fast diesel service.

Hon. D. BRAND: The Minister knows well that that is so. We also know that the Commonwealth Railway Department is very anxious to influence trade in another direction. I understand there are Commonwealth officials in this State seeing what they can do to arrange to be more competitive with sea transport. I should have thought that Western Australia would have been very happy about that, because the greater the competition there is from the Eastern States with respect to freights, the greater the advantage to us here.

The Premier: I wonder if that is really so.

Hon. D. BRAND: If there is to be competition, and there should be a reduction of freight charges—and the Commonwealth Government is anxious to win freight for its Railway Department—it will become competitive and they will be in the best position to be so.

The Premier: I was wondering whether it was good for Western Australia to continue to import such a tremendous volume of goods from the Eastern States.

Hon. D. BRAND: That is another question, but in the meantime we can take heart that we may get cheaper materials here to enable us to build up and establish our own industries and, ultimately, become competitive ourselves. It must be acknowledged that there should be some control over these road operators, and accordingly there should be an issue of some licence. But under the existing Act that degree of control would remain.

As the member for Nedlands said, the Main Roads Department, the Police Force, the Traffic Department, and other authorities have sufficient control to direct and administer all the interstate transport that comes to Western Australia. For that reason alone, I trust the Minister will reconsider the position and that he will arrive at a decision that legislation should be introduced at a later stage based on the experience we might gain. At the best, the legislation can only be salvaging legislation as a result of the Privy Council's decision.

The Minister for Transport: Do you not think we should have some control over interstate vehicles?

Hon. D. BRAND: I have just said that I feel some control should be exercised, and that is evident in the existing legislation. I do not think for one moment that anyone would expect the interstate hauliers to pay the cost of maintenance of Eyre Highway. I think they should contribute, however, to the cost of the overall roads.

The Minister for Transport: That is all we are asking.

Hon. D. BRAND: That is what is being done at present, and no protest has been raised about it. But whilst the position is in a state of flux, I feel that we in Western Australia, who are not involved to the extent of millions as New South Wales is, or to the extent of £250,000, as Victoria is, should wait.

The Minister for Transport: It is the same principle.

Hon. D. BRAND: We should establish what is necessary as the result of our experience and then introduce legislation, if it is essential to do so. I oppose the second reading.

HON. A. V. R. ABBOTT (Mt. Lawley) [5.25]: I appreciate the fact that the Minister is placed in the position of having had to make a very sudden decision right at the end of the session. Perhaps the Minister will tell us whether he consulted his colleagues in the Eastern States through the Crown Law Department, and whether he was influenced by what they are doing there.

Our position is not comparable. Only those goods that were urgently required, or were of such a nature that transshipment caused considerable damage, could possibly be competitively brought all that distance by road haulage. The Minister did not say whether or not anything could be done under the existing Act. Of that I am not aware. I am not referring to the State Transport Co-ordination Act but to the Traffic Act. The Minister asked whether we thought we should have some control of these vehicles. Of course he has absolute control over the method in which they are driven, as he has over every other vehicle on the road.

The Minister for Transport: There is no provision in the Bill for that.

Hon. A. V. R. ABBOTT: The Minister said he had no control over them.

The Minister for Transport: I did not. Have a look at my speech.

Hon. A. V. R. ABBOTT: Did not the Minister ask the member for Greenough if he thought he should have some control over them?

The Minister for Transport: Is that saying that we do not have it?

Mr. Oldfield: It is inferring so.

Hon. A. V. R. ABBOTT: I think the Minister suggested that he did not have it.

The Minister for Transport: That is your usual specious reasoning.

Hon. A. V. R. ABBOTT: I think the Premier will agree, because he is smiling at the Minister. I think the Government has rushed into this on the advice of the Eastern States, where it is a matter of much more importance. We only get a certain class of goods that can easily be damaged.

The Premier: Like motor tyres!

Hon. A. V. R. ABBOTT: I do not think motor tyres come across, and if they do, they must be urgently required. I am sure the Premier does not want the transport system of Western Australia to be held up because of shortages.

The Premier: That is not the reason they are brought by road.

The Minister for Mines: Motorcar bodies are coming through eight at a time.

Hon. A. V. R. ABBOTT: If that is so, it is only because they are easily damaged or urgently required. The motor industry is highly competitive. It does not transport motor bodies by a more expensive method if there is a more reasonable one available.

The Minister for Mines: Yes, it does, if only to get ahead of its competitors.

The Minister for Transport: General Motors Holdens paid a 100 per cent. dividend.

Hon. A. V. R. ABBOTT: Yes, but I do not think it would make any great gift to Western Australia; I think General Motors Holdens is interested in itself. It is not going to pay more in freight than is necessary under the circumstances. But there is a class of goods that is damaged on the railways. I had an experience of that only recently. The goods were badly damaged coming from Clackline.

The Minister for Transport: Goods are damaged during transport by road. They go up in smoke. Goods worth £10,000 were damaged that way on the Nullabor.

Hon. A. V. R. ABBOTT: They were fully insured.

The Minister for Transport: That does not matter.

The Premier: Were you damaged from Clackline to Perth in a railway train?

Hon. A. V. R. ABBOTT: I might have been, but I was not. But I had occasion to have some goods brought down from there and they were badly damaged. In all seriousness, I am quite sure that these vehicles could be licensed under the Traffic Act where they are travelling over our roads. So why the need for this special authority?

Reference has been made to a reasonable fee. On a question of fact, what chance has an individual in a case like that, when the Government says the fee charged is a reasonable one? Who can prove that it is not? It is almost impossible in a court of law to prove that what the Government considers reasonable is not reasonable. How many people could afford to conduct litigation against the Government?

The Premier: The oil firms and the motor companies.

Hon. A. V. R. ABBOTT: They could, but private individuals could not.

The Premier: They could help private individuals.

Hon. A. V. R. ABBOTT: The member for Mt. Lawley would not dream of doing so. It would be too expensive. I do not think the member for Northam would dream of it either.

The Premier: The member for Mt. Lawley and the member for Northam would think of it if they had the backing of the oil companies.

Hon. A. V. R. ABBOTT: They would give it serious consideration.

The Premier: They would probably brief Mr. Abbott to conduct the case.

Hon. A. V. R. ABBOTT: They could probably do worse. I do not want to try to convince the Minister in this case, but he could have waited. He has a tremendous natural protection in the distance the goods have to be taken. In that respect Western Australia is not like the other States. Hasty legislation sometimes gets on to the statute book and is regretted. It would have been advisable to wait. No one can say what is a reasonable fee; that is extremely difficult to decide. The Minister might say that I am not being reasonable now, but I think I am. It will be seen therefore how difficult it would be to decide what was reasonable in a case like that under consideration. We know that only urgently needed goods, or those that are likely to be damaged by frequent trans-shipment by rail, or those that cannot be transported by ship, are brought by road. I do not intend to support the Bill.

MR. JOHNSON (Leederville) [5.34]: I support the Bill. It introduces a number of interesting subjects for thought, some of which have been dealt with by speakers opposite. A degree of unanimity exists now that did not previously obtain, to the effect that something should be done to co-ordinate the interstate transport of goods. I have a mild recollection that some years ago a movement was made in this direction in regard to the abolition of the break of gauge of railways and the establishment of a standard gauge; and that certain persons now on the Opposition benches, were not very co-operative about the idea. But that, unfortunately, is part of the overall problem to which they have referred.

One of the factors that enters into the problem with which we are dealing is the break of gauge at Kalgoorlie. It is that break of gauge which makes it more attractive to transport certain goods interstate by road instead of by rail. I agree with Opposition speakers that this is a matter that could be very carefully coordinated throughout the whole of Australia. In fact, I agree that all matters in relation to the transport of goods—and possibly of passengers—should be examined with the idea of co-ordinating the various forms of transport and ensuring that each method receives that share of goods which it is particularly suited to carry.

The Bill was brought about by a set of circumstances that are well known, and the object is to preserve for Western Australia the rights that it has, and to see that people who come from other States are subject to identical conditions. We realise that if any action were taken under this proposal which was in any way restrictive of interstate people as compared with folk inside the State, it would be open to the same appeals as were responsible for the situation which started the whole circle. Anybody who thinks that it is possible, under this propositon, to differentiate between people outside the State and those inside it, is taking an illogical view. That brings us to the other side of the penny: Anybody who opposes the Bill is doing so to give a benefit to people outside the State as against those inside it.

Hon. A. V. R. Abbott: Do you not think that the Bill should fix the charges?

Mr. JOHNSON: I do not think it is necessary that the Bill should fix the charges if they are already fixed under various Acts; because, as I showed, while the hon. member was talking of somebody else, it is impossible under this legislation, without the matter being laid open to appeals, to treat people coming from outside any differently from those inside Western Australia. So it is unnecessary to fix charges. But the opposition to the Bill indicates that the people opposing it are attempting to give a benefit to those outside at the expense of the local people.

Hon. A. V. R. Abbott: Why?

Mr. Court: Not necessarily.

Mr. JOHNSON: That may not be the intention, but that is the effect of the action they are trying to take. I think that is fairly obvious.

Mr. Court: These things operate two ways.

Mr. JOHNSON: If under this Bill we treat people from outside the same as those inside, then, if we do away with it, it becomes fairly obvious that we are not changing the conditions inside the State or the conditions of the people inside the State. The only ones whose conditions are being altered are those from outside.

Hon. A. V. R. Abbott: Do you not think that the matter could be dealt with under the Traffic Act?

Mr. JOHNSON: The Minister's qualified advisers do not think so.

Hon. A. V. R. Abbott: The Minister did not tell us so.

Mr. Court: He did not say that.

Mr. JOHNSON: He would not have introduced the Bill if they had not advised him.

Mr. Court: He gave very explicit reasons why it was introduced.

Mr. JOHNSON: There were some sound reasons which appealed to me, and I think that the red herring being raised by the member for Mt. Lawley is just a red herring.

Mr. Hutchinson: What he said was very logical.

Hon. A. V. R. Abbott: It would ensure that they were treated the same as the local drivers.

Mr. JOHNSON: That is the objective of the Bill.

Hon. A. V. R. Abbott: Why have a Bill?

Mr. JOHNSON: I do not follow the interjections. They do not make sense. As I have been trying to point out, whether they know it or not, the people opposing the Bill are trying to give, or will, in effect, give—if they have their way—a benefit to the people from outside as against the people who are in Western Australia. Furthermore, they are suggesting a delay of this legislation to ensure that people who have paid certain fees under what was believed to be good legislation, will have that money repaid to them by the Government. I do wish members on the other side would constantly remember, as they should, that the Government represents the taxpayers when it comes to paying out money; and that members of Parliament, as trustees of the taxpayers, should not encourage the giving away of the taxpayers' money because there has been some fault in a law which was thought to be a good one, and the objective of which had the approval of this Parliament, while similar legislation had the approval of Parliament in all the other States.

Mr. Yates: The transport operators did not think it was good law.

Mr. JOHNSON: They, like every other minority, do not regard any law that operates against them as a good law. I am not in favour of taxation laws when they hit my pocket. Everybody speaks through his pocket in that regard.

Mr. Oldfield: Ah! From materialist to capitalist!

Mr. JOHNSON: Crawl back into your cheese! The point I am making is that without this legislation, it would almost automatically befall that some of the taxpayers' money would be handed back to the transport operators, and it would be Western Australian taxpayers' money that would be going to operators outside Western Australia. That in itself is perhaps not a large point, but one on which there is some slight sentiment, and I do not think we should encourage it.

Furthermore, though there may be some legal quibbles about the right to charge these fees, there is no doubt that that very important body—the majority body of public opinion—is in approval of the charging of fees for the use of roads by

road hauliers. I think that future experience will prove the necessity for amending the Commonwealth Constitution, with the consent of the majority of the people, to make it possible to cover the weaknesses that have arisen since the Constitution was framed, as the result of the wording of this section.

Mr. Court: They need not necessarily be weaknesses. They could be the strength of the Constitution.

Mr. JOHNSON: They could be. Being very largely a unificationist myself, I think that the tendency that way appears to be natural, and that may be one of the strengths of the Constitution in forcing us into unification, whether we like it or not. However, the intention of the fathers of the Constitution in regard to this particular placitum was to ensure that there were no tariffs at the borders. It was not intended to deal with the matter of the transport of goods across borders because at that time the transport of goods across borders, in nearly every instance, was by sea.

It must be remembered that the Constitution dates back to 1900. Had this particular problem been before the fathers of the Constitution, they would have provided power to deal with it in much the same manner as has been envisaged, but which has been got around by the shystering of legal thought, which is frequently not quite in accordance with the desires of the people who pass the laws. I support the proposition before us because I think it has the support of public opinion in that it imposes charges on the folk who do destroy our roads by using them too heavily.

Mr. Oldfield: Would you not say it was about time a tax was imposed on dieseline the same as it is on petrol? Would not that help to overcome your argument?

Mr. JOHNSON: I also support the Bill because it corrects an anomaly and ensures that the people who come from outside the State and use our roads will be treated the same as those within the State. Furthermore, I support it because it ensures that money which was paid into our Treasury, and which we can ill afford to pay out, will remain in the Treasury. Even though there was some legal loophole, there is no doubt that the State has a moral right to the money. I support the Bill.

THE MINISTER FOR TRANSPORT (Hon. H. H. Styants—Kalgoorlie—in reply) [5.48]: When introducing the measure, I stated that it contained four main conditions and I said then that they were fair, equitable and reasonable, and I still say they are. The Bill contains nothing to which any fairminded person can take exception, but there does seem to be quite a lot of opposition to it because two or three members on the other side have said that they intend to oppose it. Let them state here just which of these four principles they object to. The first is that an interstate vehicle—one coming from the Eastern States—should have a licence to operate on our roads. Is there any objection to that? Why should such a vehicle be permitted to operate on our roads on conditions other than those which apply to the intrastate road haulier?

Hon. A. V. R. Abbott: Could you not do that under the Traffic Act?

The MINISTER FOR TRANSPORT: How can we licence a vehicle coming from Queensland, under the Traffic Act?

Hon. A. V. R. Abbott: I do not know, but have you tried?

The MINISTER FOR TRANSPORT: Yes, and it is impracticable. The police have no authority beyond Mundaring in the direction of the Eastern States. Members opposite know quite well that outside of a 20-mile radius, the local authorities are the traffic authorities. That being the case, who is going to license these vehicles between here and the South Australian border?

Hon. A. V. R. Abbott: I do not know, but you could probably require them to be licensed in Perth if they are not licensed by a local authority.

The MINISTER FOR TRANSPORT: Having regard to the principle, with which members say they agree, that a vehicle should be licensed, does it make any difference whether the licensing is done by the Police Department, by any one of the six or eight local authorities between here and the border, or by the Transport Board which has State-wide jurisdiction? The member for Mt. Lawley admits the principle; it is just a quibble on his part to say that it should be done by some authority other than the one that has the power to do it.

Hon. A. V. R. Abbott: I say this is an ill-conceived and ill-considered Bill.

The MINISTER FOR TRANSPORT: The hon. member admits the principle is right but he endeavours to raise some obstacles. He wants the police to do the licensing but he knows they have not the authority to do it; and that it is impracticable for the six, eight or maybe twenty local authorities between here and the border to do it. But we have an authority with State-wide jurisdiction—the Transport Board—that can do it, and that is the authority which is provided for in the Bill. The road haulier can get his licence as of right provided his vehicle is in a safe condition so that it is not a danger to other users of the road, and provided the driver is of good character. Does the hon. member want to apply to the interstate vehicle conditions that are different from those that apply to the local vehicle?

Mr. Court: The whole argument is about the administration. If what you have said is to be implemented, is implemented, it will be all right, but how will it be implemented?

The MINISTER FOR TRANSPORT: We will deal with that in Committee. Many valid queries were raised by the member for Nedlands, and I propose to explain how some of his suggested amendments are quite impracticable and will have no application. I want to know what objection members opposite have to the four principles embodied in the Bill.

The next one is the right to charge a fee for the use of the roads on the same basis as that which applies to our local road hauliers. Why should we permit a vehicle to come from the Eastern States and use our roads without paying a fee? What logic is there in saying to our local men, who operate between here and Geraldton, Carnarvon or Shark Bay, "You have to pay certain licence fees in addition to your vehicle licence fees for the purpose of maintaining the roads," and not apply the same procedure to the interstate hauliers?

Hon. A. V. R. Abbott: They are not all reasonable.

The MINISTER FOR TRANSPORT: What are not?

Hon. A. V. R. Abbott: The intrastate charges.

The MINISTER FOR TRANSPORT: The charge from the border to Perth is the cheapest interstate charge by far of those operating in Australia.

Hon. A. V. R. Abbott: I said "intrastate."

The MINISTER FOR TRANSPORT: I shall deal with the suggestion made by the member for Nedlands that only £5 a year is paid in South Australia.

Mr. Court: Per trip; I made that clear.

The MINISTER FOR TRANSPORT: The hon. member did not say that, but that they paid a licence of £5 in South Australia.

Mr. Court: I explained later that it was for a particular trip.

The MINISTER FOR TRANSPORT: I will accept what the hon. member says, because there is one person in this House that I would believe, and that is the member for Nedlands, because I do not think he plays party politics. The second principle in the Bill is that we should have the right to demand a fee from the owners of interstate vehicles for the use of our roads. The next is that the fees which have already been paid, under the impression that we had the power to levy them, shall be irrecoverable. As these interstate hauliers have had the use of our roads at quite reasonable fees, is there any fair and logical reason why we should not retain them?

If it is admitted—I think the Opposition will admit this—that we are entitled to levy a fee for the use of our roads—these roads cost thousands of pounds a year for upkeep and millions for the purpose of providing them in the first place—then I do not think that any hon. member will say that we should not have the right to make a charge; and that is all we have done in the past. We have charged a reasonable fee for the use of our roads, and we say we charged it in good faith, and we consider we should retain what has been paid in.

This would not be the first time that moneys have been received by the Crown in good faith and in the belief that it was entitled to levy them, and that subsequently validating measures were introduced to make matters right. This is not a precedent, but is similar to what has happened on many occasions. The hauliers have had the use of our roads at reasonable fees, and they should be prepared to pay those fees.

We have to bear in mind that the type of vehicle which is used almost exclusively on interstate haulage is diesel-powered. Whilst the private motorists pays 10½d. a gallon Customs duty and a portion of that money, or the whole of it, according to the formula, is returned to the various States for the purpose of providing roads on which these vehicles may run, the diesel powered vehicle does not pay any such tax, because it does not apply to dieseline. All the diesel truck owner pays is a vehicle licence, and if we do not admit the principle that he should pay an additional fee for the use of our roads, he will be incomparably better off than the intrastate road haulier if he has a vehicle which is powered by a petrol engine.

Those are the only principles embodied in the Bill, and if members can show that there is anything unfair or unreasonable in them, I shall be prepared to accept an amendment because we want to be fair and reasonable. In Committee I propose to deal in rather more detail with some of the objections that have been raised. The member for Nedlands handed me, at the commencement of the sitting, a number of amendments that he proposes to move. I shall be prepared to accept some, but others I think are impracticable. I hope that the House will agree to the main principles of the measure because they are fair and reasonable.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 2 amended:

The MINISTER FOR TRANSPORT: I move an amendment—

> That the word "and" in line 13, page 2, be struck out and the word "or" inserted in lieu.

I think the clause will read better if this amendment is agreed to.

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

Clauses 3 and 4—agreed to.

Clause 5—Part IIIA added:

Mr. COURT: Proposed new Section 47B says that a licence will be required for an interstate vehicle operating on a road in the State. Under the parent Act the First Schedule sets out certain exemptions and included, under an amendment made in 1948, is a provision which deals with the carriage of household furniture.

As I understand the situation at the moment there is no necessity to obtain a licence to operate in the State for the purpose of transferring furniture. A large volume of furniture is transferred from residences in one State to residences in other States and that is a desirable service, particularly where people are transferred from one job to another. I want to know whether it is the Government's intention that the existing provision shall be continued or whether it will be necessary for a licence to be obtained for the carriage of furniture, which, at the moment, is an exempt function.

The Minister for Transport: There is no intention to alter the existing provision.

Mr. COURT: With that assurance from the Minister I do not propose to move an amendment which I had in mind. I move an amendment—

> That after the word "delegate" in line 13, page 3, the words "to a member of the Police Force" be inserted.

I must apologise for not being able to give notice of these amendments, but I did not receive the Minister's speech until this morning. In the implementation of this measure, I think it necessary to have some readily available authority already existing, and which has the necessary overall knowledge in regard to the operation of transport, to be able to give quick decisions which will be accepted without question by the operators. As the Bill stands we have no idea of who the person might be. I have no doubt that the Minister will say that the Transport Board would not appoint an officer who was not a fit and proper person. However, there would be much more satisfaction among the operators if a member of the Police Force were delegated for the purpose.

Members of the Police Force—including traffic control authorities throughout the local governing areas—have all the powers with respect to the control of traffic, mechanical fittings, vehicle widths, heights, loads and the like. For that reason, I believe a member of the Police Force would be a fit and proper person to act as a delegate, particularly as I envisage that at least one point in the State will be at a rather isolated spot, having in mind that the first depot will possibly be placed at Norseman.

The MINISTER FOR TRANSPORT: I agree in part with the amendment and if police officers were available in all places, I would agree entirely. We had in mind a depot at Southern Cross and another at Norseman as well as one in Adelaide. If a road haulier wanted to start from Adelaide he might find it more convenient to take out his Western Australian licence in that city rather than go to the trouble of looking for a policeman if he arrived in Norseman in the middle of the night. We had in mind the transport authority in South Australia acting on behalf of our own Transport Board.

In addition, all road hauliers might not stop at Perth. They might find it more convenient to go to Albany, Bunbury or some other place. I am not at all sure that members of the Police Force have any authority to issue licences and have anything to do with road transport outside the metropolitan area. While it was the intention to have the police doing this work at Southern Cross and Norseman, I think it would be just as convenient for a road haulier wishing to get a licence to back-load to the Eastern States, to go to the Transport Board office in Perth. I think the amendment will be restrictive and not in the interests of road hauliers.

Outside the metropolitan area road hauliers can go to the local authorities in such centres as Geraldton, Albany, Bunbury and so on to get their Western Australian licences issued. I think, to a large extent, the hon. member's desires will be met by the intention of the Transport Board to appoint a member of the Police Force in all places where it is considered to be convenient and practicable.

Mr. YATES: It appears that the Minister agrees in part with the amendment. I suggest we add the following words to the amendment which has been moved:—"Where one is conveniently available."

The Minister for Transport: If you make it "a member of the Western Australian Police Force," it would be more appropriate.

Mr. YATES: That would be better. I move—

> That the amendment be amended by inserting before the word "Police" the words "Western Australian."

If this is agreed to, I shall move a further amendment on the amendment to add the words "where one is conveniently available."

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: I have no objection to the words being added to the amendment in view of the other words which the member for South Perth has suggested, namely, to qualify the reference to the Police Force by stating that the clause will apply where a member of the force is conveniently available. With regard to the Minister's comment on the proposed service, I overlooked the fact that the Government might desire to establish a depot outside the State. On giving it some passing thought, I felt that the Government might find some constitutional difficulty in establishing such a depot. If one is established, then the inclusion of the words "where one is conveniently available" will overcome the difficulty. I do not envisage that there will be a delegate operating in Perth because the board would look after all matters here.

The Minister for Transport: There will be no delegate in Perth.

Mr. COURT: I was referring to delegates in remote areas. The problem of delegation does not arise. Where the board is available, there would be no need for delegates.

Amendment on amendment put and passed.

Hon. D. BRAND: I move—

That the amendment be further amended by adding after the word "force" the words "where one is conveniently available".

Amendment on amendment put and passed.

Amendment, as amended, agreed to.

The MINISTER FOR TRANSPORT: In order to make for better reading and correct grammar, I move an amendment—

That the words "it is" in line 18, page 4, be struck out.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after the word "State" in line 29, page 4, the words "on which it is proposed to operate such vehicle" be inserted.

During the second reading, I explained that Subsection (3) of proposed new Section 47F read as if the board or one of its delegates could refuse to grant a licence if the use of such a vehicle on any road in the State would endanger public safety. I cannot imagine that is the intention, and this amendment will put the meaning beyond doubt. I am not altogether happy with proposed Section 47F because far too much discretion is left to the board or to its delegates, which could be used to the detriment of operators. It is not inconceivable that, by stretching the long bow, under proposed Section 47F an operator could be refused a licence, in which event he would have to appeal to the High Court or the Privy Council to prove that the board acted wrongly.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after the word "administration" in line 4, page 5, the following words shall be added:—"In determinining what is a reasonable charge regard shall be given to the amount charged by a local authority in licensing a vehicle of like nature."

I can well imagine the Minister criticising the exact wording of the amendment, but this was the best I could do to overcome the difficulty in the short time available. The whole legality of this provision hinges on whether the charges and condition imposed are restrictive, discriminatory or repressive. While it might be considered all right by the other States, which derive large fees from transport operators, to force them into law cases to test the constitutional issue, there would be no object in doing so in this State. Therefore we should define the limit of such a charge.

The object of the amendment is to see that the charges to be made against operators will not be in excess of ordinary charges for registering a vehicle of the same type in Western Australia. I understand that in South Australia it is intended to impose the same registration charges as apply to vehicles within that State. I would point out that some vehicles operating in this State will be registered in the Eastern States and some in this State. It is my understanding of the Constitution that free trade between the States is envisaged, and if an operator registered a vehicle in Western Australia he would be permitted to drive it to another State, and vice versa. By this I mean licensing of vehicles only. There is a degree of reciprocity, but this might react in favour of the other States.

The Minister for Transport: That provision operates in South Australia, but in Victoria another licence must be obtained.

Mr. COURT: The Victorian system is not right. The authorities there are attempting to extort money from the operators. If it is specified that in determining the charge the board will have regard for the normal authority licensing fee, then, if I am successful in my later amendment, some idea will be given to the magistrate as to the limit of such charges. It has been said that the present charge of £2 per ton is light.

The Minister for Transport: It is a reasonable charge.

Mr. COURT: I do not think it is, having regard to the services rendered in return. The charge for a 15-ton vehicle would be £30. If that vehicle is registered in Perth, the £30 would be additional to the ordinary traffic registration. When we

consider that such a vehicle will trundle over 900 miles in three days, and back in another three days, it is really paying £30 for one week's use of the road facilities, and if an operator is fortunate enough to have loading all the year round, he will pay a fee of £1,500. Of course, they do not operate as frequently as that. I do not consider £2 a ton is reasonable. It has been said by the Minister that interstate vehicles will not be charged any more than the intrastate operators.

That is not the only comparison to be used because many of the intrastate rates are fixed, having regard to special circumstances. With the pasage of time, it could happen that a penal rate could be imposed against intrastate operators to assist some other form of transportation. Just because the intrastate rates have been so increased, I would not like the same increases to be applied to interstate rates. In any case, we would find ourselves in serious difficulties if an operator tested the constitutional position. Because all these considerations are so closely interwoven with the question of reasonableness, I decided to move the amendment.

The MINISTER FOR TRANSPORT: I do not altogether like the amendment because the Bill is designed to bring interstate vehicles under conditions identical with those observed by intrastate vehicles. I cannot understand the hon. member's intention. The transport authorities in the various States will have no power to charge a vehicle licence fee; they will be able to charge only an operating licence fee for the use of the roads. The hon. member instanced a person in Perth having to pay a vehicle licence fee, plus an operating fee as far as the border, and said that that person would be at a disadvantage because he would be paying two fees.

It must be remembered that, under the system of reciprocity, when that person crossed the border, he would be due to pay there an operational licence fee and not a vehicle licence fee. Thus he would be brought into a position similar to that of a person who paid for his vehicle licence in South Australia or Victoria. We in Western Australia would get no portion of that vehicle licence fee; all we would get would be his operational licence fee for his use of our roads.

In the past we were under the impression that we had the right to levy certain fees and we adopted the same charge for an interstate vehicle as we did for a vehicle operating intrastate. We propose to retain that principle. The operational fee will not be levied by the local authority. The local authority will impose the vehicle licence fee and the operational licence fee will be imposed by the Transport Board. Therefore I consider that the amendment has not much application.

The Premier: None at all.

The MINISTER FOR TRANSPORT: I suggest that the hon. member does not proceed with his amendment, as there is no need for it.

Mr. COURT: I realise that there is a difference between the vehicle licence fee and the operational licence fee. That is the point behind my amendment. If we can demonstrate that the interstate operator is not subject to discriminatory treatment, we can feel sure that the measure cannot be challenged on constitutional grounds. For that reason, I have stipulated that the charge shall be based on the normal charge made by a local authority for licensing a vehicle of a like nature.

The Minister for Transport: The licence fee for an interstate vehicle will be the same as for a local vehicle carrying a similar load.

Mr. COURT: I do not agree that the present charge of £2 is beyond challenge as it might be held to be discriminatory. It would be preferable not to pass the Bill because ample provision has been made in existing legislation. I wish to define a reasonable charge that would not be held to be discriminatory.

Hon. J. B. SLEEMAN: I should like somebody to explain how we can get over Section 92 of the Commonwealth Constitution which reads—

> On the imposition of uniform duties of customs, trade, commerce and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

Parties have successfully appealed to the Privy Council. Not everybody can afford to go to the Privy Council with an appeal of this nature. I may be wrong or dense, but I think this measure will be interfering with interstate transport and that it will only be necessary for somebody to take an appeal to the Privy Council and the Government will be in the same position as before. Whatever we provide in our legislation will not affect the Constitution.

The MINISTER FOR TRANSPORT: As to the charge being discriminatory, I have worked out that on a 15-ton load from the border to Perth, approximately 900 miles, and taking an average charge of 9d. per ton per mile, a road operator would receive £529, and it is not unreasonable to ask him to contribute £30 towards maintaining the roads.

As to the constitutional question raised by the member for Fremantle, if he had had an opportunity of perusing the decision of the Privy Council, as I have, he would have seen that the opinion expressed was that there was nothing to prevent a State from charging for the use of its roads, but the charge must be reasonable. The appeal was won because the fees that

had been imposed, in the opinion of the Privy Council, amounted to a prohibition of interstate road transport.

The best legal brains in Australia have considered this matter, and there is not the slightest doubt about the right of the States to levy transport fees on interstate vehicles, provided they are reasonable. Our intrastate vehicles operate under the charge of £2 per ton and why should not interstate vehicles? There has been no complaint by intrastate hauliers about the transport fees because they realise that, as compared with the charges in the Eastern States, ours are a mere bagetelle. In the Eastern States there was a surcharge of 2d. per ton per mile on the gross weight of the vehicle, plus the load.

We had the opinion, not only of our Crown Law officers, but also of Mr. Menzies, Crown Solicitor of Victoria, who was here recently, and had had to advise his own Government. Anyone of that name should be a recommendation to members of the Opposition. I noticed in tonight's paper that South Australia is introducing legislation, if not identical with, then very similar to ours. In view of the fact that Comrade Playford approves of this principle, members of the Opposition should be prepared to accept the Bill without further argument.

Mr. COURT: I wish to comment on the advice of the Crown Solicitor of Victoria.

Hon. J. B. Sleeman: Can you explain how we can get over it?

Mr. COURT: That is a very sore point with me. Parties appeal to the Privy Council and obtain a decision, and, before the ink is dry on the judgment, everyone is rushing around to pass laws to defeat it.

The Minister for Transport: Have you read the detailed judgment?

Mr. COURT: No, but I have read the judgment of the High Court, and I agree that, provided the charge is reasonable, we have constitutional authority to impose it. With all due respect to the Crown Solicitor of Victoria and the name he bears, I point out that he is advising his Government how to defeat the transport operators, and that is something we should not do. They are trying to prevent these operators continuing, as they want to bolster up interstate rail transport. They are endeavouring to find ways of getting around Section 92. The Crown Solicitor of Victoria is advising his Government in that regard and I do not think we should approach the Bill on that basis.

Amendment put and negatived.

Mr. COURT: I move an amendment—

That a new subsection be added as follows:—

(6) There shall be an appeal to a stipendiary magistrate against the decision of the board or its delegate in refusing to grant the application or against any condition imposed or payment required. In relation to any such appeal the provisions of Subsection (2) of Section 25 shall apply with the necessary modifications.

The present Act provided that omnibus operators had a right of appeal to a stipendiary magistrate, but that applied only for three years after the coming into operation of the Act. In addition, there was a right of appeal for aircraft operators but that has expired. The right of appeal for commercial goods vehicle operators still obtains, and I think it is only just that these people should have the right of appeal to a stipendiary magistrate in this regard.

The MINISTER FOR TRANSPORT: When the State Transport Co-Ordination Act was placed on the statute book it contained a provision giving a right of appeal to the owners of certain vehicles for a period of three years, but it is questionable whether there would now be a right of appeal against the decision of the Transport Board if it refused a licence to a road haulier.

Mr. Court: They contested that in the court recently.

The MINISTER FOR TRANSPORT: It was never contested. Two appeals were heard under that provision and in each case the court upheld the decision of the board. If the Transport Board had the money to go to the High Court of Australia and then the Privy Council, I do not think the right of appeal to a magistrate would be upheld. The intention of the measure is to bring interstate hauliers here into line with their opposite numbers in other States. I would have no objection to the interstate haulier having a right of appeal to a magistrate if if he were refused a licence.

Amendment put and passed.

Mr. COURT: I move an amendment —

That proposed new Section 47G be struck out.

If these people have a claim against the Government, I think we should let them take the ordinary processes of law. Where there was a mistake in law, they would have no chance of recovery but where there had been a mistake in fact, I believe they would be able to recover. I believe this provision is being included in the legislation of the other States in order to deal with people who paid money under protest.

The MINISTER FOR TRANSPORT: This is a classic example of "cop the lot." The Transport Board in this State, in good faith, levied certain fees on interstate transport operators and that money has been expended in maintaining the roads used by those operators, less administration costs and certain other commitments. The

Transport Board estimates that 78 per cent. of the money has gone back into the roads in question. The classic example of "cop the lot" is that these operators have charged the consignees transport fees levied on the basis of these costs, and if they get this money back, they will keep it.

Is it suggested that they will not pocket the money already charged to the consignees? The hon. member knows as well as I do that when the freight rates from the Eastern States to this State were arrived at between the haulier and the consignee, the standard fees which operated from the border of Western Australia would be included in that freight. Now he suggests that those fees should be refunded to the hauliers and that they should pocket that money, too.

Hon. A. V. R. Abbott: He is not suggesting.

The MINISTER FOR TRANSPORT: He is.

Mr. Court: No, I said that we should let the normal principles of law prevail.

The MINISTER FOR TRANSPORT: After 19 years' experience in this Chamber, I can recall a number of instances where the Government levied charges against people in good faith and subsequently found that the receipt of those moneys by the departments concerned was not in accordance with the statutes. For that purpose validating Bills have been brought down in order to legalise the receipt of those moneys by the Government. The essential reasonableness of this provision should commend itself to anyone who approaches it from other than a parochial angle.

Mr. COURT: If the payments were made under a mistake of law, they would not be recoverable, but if made under a mistake of fact, they would be recoverable but it is unlikely that a mistake of fact would be established. I believe it is doubtful whether any of the huge sums paid in the Eastern States are recoverable, with the exception of that paid by the successful litigants, as the rest of the money was paid under a mistake of law and those concerned did not go to the Privy Council and establish their constitutional right as Hughes and Vale did. There is no danger in striking out this provision.

The Minister for Transport: And no justice either.

Mr. COURT: Yes, there is. In any case, there is such a small amount involved in this State that it would not be very serious.

The Minister for Transport: These people were always pleased with the treatment they received.

Mr. COURT: Was any amount paid specified as being paid under protest? If so, I think we should protect those people, and if none of it was paid under protest, I do not know what the Minister is concerned about. I feel it would be wrong to retain this drag-net clause.

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

Ayes	17
Noes	20
Majority against	3

Ayes.

Mr Abbott	Mr. Manning
Mr. Ackland	Sir Ross McLarty
Mr. Brand	Mr. Nimmo
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Watts
Mr. Hill	Mr. Yates
Mr. Hutchinson	Mr. Bovell
Mr. Mann	*(Teller.)*

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. Sewell
	(Teller.)

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—BOOKMAKERS BETTING TAX.

Returned from the Council without amendment.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Loan, £14,808,000.

2, Fauna Protection Act Amendment.

3, Motor Vehicle (Third Party Insurance) Act Amendment.

4, Argentine Ant.

5, Soil Fertility Research.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Second Reading.

HON. A. F. WATTS (Stirling) [8.23] in moving the second reading said: This is a small measure to amend, in one particular, the Native Administration Act and it has already been passed in another place. From time to time the point has arisen and has been commented upon in the Press and elsewhere, that a coloured person, either of the aboriginal race or a descendant from it who has served with the Imperial Forces, particularly overseas during the last war, is not privileged with any citizenship rights.

This Bill, as introduced in the Legislative Council, seeks to remove that deficiency. It provides that any person, whether of the

full blood or of less than the full blood descended from the original inhabitants of Australia who has served in the Territory of New Guinea or beyond the limits of the Commonwealth of Australia as a member of the Naval, Military or Air Forces of the Commonwealth and has received or is entitled to receive an honourable discharge, shall be deemed to be no longer a native for the purpose of this or any other Act. I think everyone will agree that a man who has been eligible to give, and has given, such services and has received, or is entitled to receive, an honourable discharge should be entitled to the benefits proposed by this measure.

As far as I read, that was the provision in the Bill as it was originally introduced in another place. I understand, however, that the addition, which is now in the Bill, was inserted by the Minister for the North-West who took charge of the measure so far as the Government in that House is concerned. This addition provides—

> or who has served a period of not less than six months' full time duty as a member of the Naval, Military or Air Forces of the Commonwealth and who has received or is entitled to receive an honourable discharge.

The sponsor of this measure had no objection to the addition of those words and, in consequence, I understand they were incorporated in the Bill practically with the unanimous consent of all concerned in another place. So the measure now comes before us, in effect, to grant citizenship rights, or otherwise to completely lift out of the law relating to native administration all those persons who have either served outside Australia in the Naval, Military or Air Forces of the Commonwealth and who have received an honourable discharge, or who have served a period of not less than six months' full time duty in those forces and who have received or are entitled to receive an honourable discharge. I do not think the measure requires any fuller explanation that that.

Suffice it to say that if the Bill is passed, those persons to whom I have referred, whatever their colour, will no longer be regarded as natives under the Native Administration Act and therefore will be entitled to the rights of an ordinary citizen. I think the measure is justified and I move—

> That the Bill be now read a second time.

THE MINISTER FOR NATIVE WELFARE (Hon. W. Hegney—Mt. Hawthorn) [8.27]: As the member for Stirling has said, this is a short Bill and I do not propose to seek any adjournment of the debate. It is very pleasing to learn that there is some change in the attitude towards granting citizenship rights to natives. When the Bill was introduced into the Legislative Council, the position was not quite as the member for Stirling indicated, because the provision in the measure as introduced by Mr. Roche had the effect of removing from the definition of "native" a man who had served in New Guinea or overseas and was entitled to receive an honourable discharge. However, on account of the wording of the clause, such a member of the Australian Forces would still not be able to obtain citizenship rights.

It is true that the Minister for the North-West introduced an amendment which extended the scope of the Bill and the measure now before this Chamber provides that in addition to any native who has served overseas, or in the territory of New Guinea, and who is entitled to an honourable discharge, a native who has served in the Naval, Military or Air Forces of the Commonwealth and has received or is entitled to receive an honourable discharge; or who has served a period of not less than six months' full time duty as a member of any of the Australian forces, shall be deemed to be no longer a native.

Even if the Bill as introduced in the Legislative Council originally had been passed, a restriction would still have been imposed on the particular native with whom we are now dealing. I might mention that during this session it was decided by the Government that it would not introduce into the Native Welfare Bill an amendment to the definition of "native" on account of the opposition to the legislation experienced last year, and it was considered that it would be better to leave the definition of "native" as it is and try to remove from the Native Administration Act as many of the repugnant provisions in it as possible. That will be done within the next 24 hours.

In the not-far-distant future the Government will direct its attention to liberalising certain provisions concerning restrictions now imposed on the native community. As I previously indicated, this is a step in the right direction, but I have in mind people in a category which demands very serious attention. It may be of interest to know that there are a few young women who are regarded as natives in law, but who are serving their time as nurses, and, before very long, we hope they will be fully qualified nurses.

It may be that some of those very fine young women will be nursing a member of Parliament in hospital; they may be nursing a judge of the Supreme Court or a highly qualified lawyer or some of the people who demonstrated such great hostility towards them. Yet their profession demands they give humane treatment to all those patients. Would anyone suggest that those fine types of women should have their citizenship rights restricted because their skins are darker than ours?

There are young men who, before long, I hope, will be qualified school teachers, and their skins are a little bit darker than mine. Yet those people will be teaching boys and girls in different schools.

Hon. A. V. R. Abbott: Will they not get citizenship rights?

The MINISTER FOR NATIVE WELFARE: I am now dealing with matters that arise out of this Bill. The member for Mt. Lawley will have an opportunity to give this House the benefit of his experience when he speaks. Those teachers will be teaching boys and girls, and it would not be very nice for a boy or a girl in school to ask the teacher why he is not entitled to the same rights as the parents of the boys and girls he is teaching.

Now we come to the old point of the Natives (Citizenship Rights) Act which the member for Mt. Lawley continually mentions by way of interjection. At the risk of boring, I will reiterate what I have said here before. The people to whom I have just made reference, and indeed any member of the community, black, white or brindle, if born in this country should not have to apply for a licence to say whether he is entitled to be a citizen, and if he commits an offence under a certain law he should not have his certificates cancelled overnight. Because he was born in this country and lived as a white man does, he should automatically be entitled to citizenship.

This deals with a specific category; it is a move forward. I hope the native community, and those who understand the workings of our laws—and some of them find it difficult to do so—realise that it is an indication that this Parliament will, from time to time, give serious consideration to the rights which they do not now enjoy. I have much pleasure in supporting the second reading and trust that within a short period this will become law.

MR. YATES (South Perth) [8.35]: This is a matter that has been under consideration by the R.S.L. over a long period. Anything that could be done to assist those with coloured skins who served in the forces during the war has always been supported by the R.S.L. Some members of this Chamber who were on service did on occasions make contact with these men who were in uniform. I think without exception they fitted into the army way of life equally as well as the Australian soldier himself. The unit in which I served had a number of Australian natives and they performed all the tasks allotted them with the greatest credit.

While on leave both abroad and in Australia, they carried themselves with all the dignity one would expect of those superior to them. So much good did they do in the various fighting services, that on many occasions they were commended by the higher authorities for their contribution to the defence of Australia. I well remember the full newspaper publicity given to the first commissioning of an Australian native into the Australian Military Forces. A number of them received decorations during the war for their outstanding bravery, courage and devotion to duty, and I think this Bill should have been introduced into Parliament much earlier. I give full support to the measure and I also trust the day will come when further consideration will be given to other sections of our native population who have done so much towards assisting the white community of Australia.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—CITY OF PERTH (RATING APPEALS) ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd December.

MR. JOHNSON (Leederville) [8.40]: This small Bill is one of the most completely non-party measures that has come before this Chamber and is of purely local origin, as explained by the member for Wembley Beaches and by the Minister for Railways. It is the result of action that has taken place in the area in which we live, and the Bill is presented by the joint action of the member for Wembley Beaches and myself. It is presented by that hon. member because it affects a greater number of people in his area than it does in mine. I wish to say that we are in complete agreement as to the necessity for the measure.

When the Bill is in the Committee stage it is my intention to move for the deletion of the last two paragraphs, because, after consultation with the mover and the Minister for Railways, and having seen Crown Law opinion on it, I think I can say—speaking for the others as well as myself—that we are of the opinion that those two paragraphs have a restrictive effect that is not precisely what we desire. The whole purpose of the amendment is to amend the provisions of the City of Perth (Rating Appeals) Act that apply only to the City of Perth, and which allows appeals on rating to a special body set up under the Act, and not, as in the other case, to the board or council whichever is appropriate.

From the experience of the people in our area, and from our own experience, we have found that that particular Act

has one failing, and the intention is to overcome it. As has already been explained, the failing is that as at present constituted, and according to the wording under which it works, the board does not take any notice of differences in valuation between one property and another.

We have the experience that a person can appear before this court in an appeal and produce evidence to the effect that the property in respect of which he is appealing has been valued at a certain sum while other properties in other parts of the City Council area—some of them quite close and some of them further away—which have an identical or higher market value, are rated at a lower value for rating purposes, the net result being that the complainant is paying a greater amount of rating on a property that is not as valuable as other properties paying lower rates.

Those to whom such an act applies think it is unfair. However, the court acts on the meaning of the word "unfair"—as if "unfair" exists in a vacuum—and will not allow any appeal based on a comparison of values. That was not the intention of Parliament when the Act was passed, and we desire to amend it for that purpose.

Hon. A. V. R. Abbott: Can they not bring up the lower rate?

Mr. JOHNSON: It was my experience, in appealing against my valuation, to be told, when I said that property at such-and-such a place had a higher value than mine but was rated lower, that the owner was enitled to appeal on the ground that his assessment was unfair because he was rated too low. Legally, that is quite true; but practically, it is ludicrous. Nobody appeals against being asked to pay less money. If by some accident one's rates are lower than is just, but legally so, the normal practice is for one to be like Brer Rabbit and "lay low and say nuffin."

Hon. A. V. R. Abbott: If the court considered the rating on any property was too low, the council would just increase it, would it not?

Mr. JOHNSON: That has not completely been our experience. It has been our experience that if one indicates exactly that a certain property is under-valued in comparison with one's own, the valuation of that property is raised or may be raised. But it is not the duty of a ratepayer to do valuations for the City Council—which is, in effect, what is being done. It is our desire to ensure that all the rates imposed by the council shall be comparable one with another.

I have reason to believe—though I have not got it in writing—that the standard method adopted in making valuations for the council is to set them at 60 per cent. of the market value. The reason for that standard valuation is that the 40 per cent. allowance provides a very big margin of error to prevent the possibility of a successful appeal. I have not the slightest doubt that that is the situation. I am aware that members of the appeal court and members and officers of the council are all quite aware of the situation, and have been aware for some years that they can proceed quite legally to be unjust to any particular group and to individual ratepayers they happen to choose. If the amendment is successful, there is not the slightest doubt that that situation will be greatly improved and that the intention of Parliament that there should be fairness as between one and another will be maintained.

For my part, I know it is the intention of the principal Act that all revaluations should take place at one and the same time and at the same standard of valuation. But there has been this loophole, and I think I am justified in saying that the council members and the appeal court have been neglectful of their duty and their public trust in not advising the appropriate Crown Law authority of the necessity to amend this Act so that it would operate justly.

I strongly support the Bill and remind all members that this is a completely non-party matter, the Bill having been introduced as the result of co-operation between members of two adjoining electorates, belonging to different parties, the object being to do the same thing for the people they represent in their respective electorates.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Brady in the Chair; Mr. Nimmo in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 9 amended:

Mr. JOHNSON: I move an amendment.

That paragraphs (b) and (c), page 2, be struck out.

This will remove a couple of restrictions that are thought to be a little cramping on the intention of the Bill.

Mr. NIMMO: I am quite prepared to have these paragraphs struck out.

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

Title—agreed to.

Bill reported with an amendment and the report adopted.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Message.

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

Second Reading.

THE TREASURER (Hon. A. R. G. Hawke—Northam) [8.55] in moving the second reading said. There are five points in the Bill. The first is to provide for an increase of 50 per cent. in members' contributions to the fund, taking the present contributions from £52 per annum to £78. The second point provides for a 50 per cent. increase in the contribution by the Government to the fund, taking the present contribution from £4,120 to £6,240 per annum. The third point is that the existing rates of pension will be increased by 50 per cent. in respect of all members who lose their membership of either House of Parliament after the 31st December, 1954. Those three points are related and are all part of the one set-up.

The next paragraph has relation to the maximum amount which a member who has lost his membership in Parliament is allowed to earn without his rate of pension being detrimentally affected, if any such member becomes a member of any other Parliament of Australia or is employed by the Crown in any part of the Commonwealth. The amount provided in the Act is £312; the Bill proposes to substitute £546. The actual figure of £312 should have been altered when the Act was amended last year, but the necessity to make the alteration was overlooked by the draftsman.

The last point contained in the Bill deals with the destination of moneys payable under the Act but which have not been claimed within a period of six years after they became payable. Instead of such moneys going into Consolidated Revenue, the Government is making a very wonderful gesture to the Parliamentary Superannuation Fund by providing that they shall remain part of the fund. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned till a later stage of the sitting.

(Continued on page 3621).

BILL—LICENSING ACT AMENDMENT.

In Committee.

Resumed from the 3rd December. Mr. J. Hegney in the Chair; Mr. O'Brien in charge of the Bill.

Clause 3—Section 44A, 44B and 44C added:

The CHAIRMAN: Progress was reported on the clause to which an amendment had been moved by Hon. J. B. Sleeman to add the words "the employer" after the word "by" in line 21, page 2.

Hon. J. B. SLEEMAN: Since we last dealt with the Bill, I have considered this matter and I now think the words I moved to be inserted are not necessary. The other evening, we had no more than a few minutes to look at the question. Here everything rests on the Licensing Court, which will not issue a licence unless it is satisfied that it is necessary or desirable. It would be quite safe to leave the clause as it is. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. O'BRIEN: It appears that some members do not know what they want. Certain words have been deleted from this clause and I now move an amendment—

That the words "the employer" be inserted in lieu of the words struck out.

This will make the clause readable, and will not destroy the Bill.

Mr. NORTON: I move—

That progress be reported.

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

Ayes	23
Noes	17
Majority for	6

Ayes.	
Mr. Ackland	Mr. Lawrence
Mr. Bovell	Mr. Mann
Mr. Brady	Mr. Manning
Mr Brand	Mr. Nalder
Mr. Cornell	Mr. Norton
Mr. Doney	Mr. Perkins
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Sleeman
Mr. Hill	Mr. Styants
Mr. Jamieson	Mr. Watts
Mr. Johnson	Mr. Sewell
Mr. Kelly	*(Teller.)*

Noes.	
Mr Abbott	Mr. Nimmo
Mr. Andrew	Mr. Nulsen
Mr. Court	Mr. O'Brien
Mr. Graham	Mr. Oldfield
Mr. Heal	Mr. Owen
Mr. Hutchinson	Mr. Thorn
Mr. Lapham	Mr. Yates
Sir Ross McLarty	Mr. McCulloch
Mr. Moir	*(Teller.)*

Motion thus passed.

Progress reported.

BILL—NATIVE WELFARE.

Council's Amendments.

Schedule of 14 amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Native Welfare in charge of the Bill:

No. 1. Clause 8, page 3—Delete all words from and including the word "substituting" in line 18 down to and including the word "of" in line 20 and substitute the words "inserting in."

The MINISTER FOR NATIVE WELFARE: I move—

That the amendment be agreed to.

There is nothing contentious or vital in this amendment.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 8, page 3—Insert after the figure "(6)" in line 21 the words "after the word 'natives'."

The MINISTER FOR NATIVE WELFARE: There is nothing contentious in this amendment, either. I move that—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 3. Clause 14—Delete.

The MINISTER FOR NATIVE WELFARE: Clause 14 provided for the resumption of land necessary for the purposes of native welfare to be made under the provisions of the Public Works Act, 1902. Another place has deleted the clause, and it is not proposed to contest what it has done. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4. Clause 39, page 16—Delete the word "or" in line 25.

No. 5. Clause 39, page 16—After the word "soon" in line 27 insert the words "as possible."

No. 6. Clause 39, page 16—Delete the words "as possible" in line 28.

No. 7. Clause 39, page 16—Delete the letter "(a)" in line 29.

No. 8. Clause 39, page 16—Delete the letter "(b)" in line 31 and substitute the figure "(i)."

No. 9. Clause 39, page 16—Delete the figure "(i)" in line 34.

No. 10. Clause 39, page 16—Delete the words "for the native" in lines 34 and 35.

The MINISTER FOR NATIVE WELFARE These amendments merely seek to remove superfluous words from the Bill, or to tidy up particular clauses. There is nothing contentious or of any substance in the amendments. I move—

That the foregoing amendments be agreed to.

Question put and passed; the Council's amendments Nos. 4 to 10 agreed to.

No. 11. Clause 50, page 18—Insert after the word "licence" in line 27 the words "at his discretion."

The MINISTER FOR NATIVE WELFARE: A fair amount of discussion took place on Clause 50 and, as the Leader of the Opposition will recollect, an amendment was agreed to and a proviso was placed in the clause. The Council's amendment clears up the position regarding the licensee's discretion and a further amendment, No. 12, removes from the proviso reference to natives exempted from the Act. The purport of the Council's amendment is to allow the licensee to use his discretion about the entry of natives on licensed premises and a native need not necessarily be exempt from the provisions of the Act.

Hon. Sir Ross McLarty: For food and accommodation?

The MINISTER FOR NATIVE WELFARE: Yes. Under a further amendment, No. 13, the licensee will not be liable under Section 151 of the Licensing Act. I think the position will work out all right and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 12. Clause 50, page 18—Delete the words "exempted from the provisions of this Act" in lines 28 and 29.

The MINISTER FOR NATIVE WELFARE: I discussed this amendment when dealing with the previous one and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 13. Clause 50, page 18—After the word "lodging" in line 31 add the following words:—"and for the purposes of this proviso the provisions of section one hundred and fifty-one of the Licensing Act, 1911-1953, shall not apply."

The MINISTER FOR NATIVE WELFARE: For the reasons I have outlined, I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 14. Clause 58, page 20—Insert after the word "by" in line 14 the following:—

(a) adding after Subsection (1) the following proviso:—

> Provided that nothing in this subsection shall apply to natives living or domiciled in that portion of the State bounded on the north by the 26th parallel of latitude reaching from the coast to the 123rd meridian of longitude, thence by that meridian of longitude southwards to the southern ocean.

(b)

The MINISTER FOR NATIVE WELFARE: When the Bill passed the Legislative Assembly, no reference was made to Subsection (1) of Section 61. The Bill

proposed to repeal Subsections (2), (3) and (4), but the Legislative Council's amendment is to add a proviso to Subsection (1) of Section 61 and that subsection reads as follows:—

> No admission of guilt or confession before trial shall be sought or obtained from any native charged or suspected of any offence punishable by death or imprisonment in the first instance. If any such admission or confession is obtained it shall not be admissible or received in evidence.

As I said, we made no reference to that subsection, but the Council has amended the clause by adding a proviso to it. This proviso would nullify the provisions of the subsection in respect of natives living in the area referred to in the proviso. This provision was placed in the Act to protect natives against making admissions which could be used in evidence against them. It was inserted approximately 19 years ago because it was considerd that a native was backward when compared with the white. When on this side of the Chamber the member for Mt. Lawley, as Attorney General, introduced a Bill to amend the Supreme Court Act. That referred to this particular point.

Hon. A. V. R. Abbott: The Evidence Act.

The MINISTER FOR NATIVE WELFARE: That is so. I think the hon. member withdrew the Bill after it was introduced in 1951.

Hon. A. V. R. Abbott: We did not go on with it.

The MINISTER FOR NATIVE WELFARE: The hon. member must have had sound reasons for not doing so. It has been said in argument in favour of the Council's amendment that the natives in the area concerned are in every way cognisant of their responsibilities in the same way as are white people and therefore should not have the protection of the subsection. If that is a sound argument there is no valid reason why those natives should not have the same rights as every person in this Chamber. I indicated when I introduced the Bill that if members demonstrated a reasonable measure of co-operation, there would be reciprocity on my part and it must be admitted that the Bill as passed in this Chamber has been, in a large measure, adopted by another place.

I am prepared to give this amendment a trial. But if I am occupying this office next year and, after a reasonable trial, the amendment works to the detriment of natives, I shall do my best to repeal this provision. But I hope there will be no necessity for that. There was a proposal to make this proviso operative in the South-West Land Division, that is from a point just north of Geraldton and, if a line were drawn from that point, it would intersect with longitude 119.

But in the amendment the area mentioned will be bounded by a line which will pass just at the back of Mt. Margaret. The northern line is just south of Shark Bay and the eastern line will be longitude 123 and it runs about 50 miles north of Meekatharra. There are a number of natives in that area who are not as advanced as natives in the South-West Land Division. I do not propose to ask members to vote against the amendment and I move—

That the amendment be agreed to.

Hon. Sir ROSS McLARTY: I am glad that the Minister has decided to agree to this amendment and I do not think there will be any need to reinsert this provision in the Act next session. Many of the half castes in this part of the State are employed on public works contracts and earn wages as high as those paid to white people and they have a full understanding of the law. I am certain about that because I know a good deal about natives.

With regard to this aspect, I have a book which outlines some of the judgments given on cases involving natives in stealing, rape, murder and so on. In many of them the police have been satisfied, without a shadow of doubt, that the accused were guilty; they admitted that they had committed the offences. But because of the existing Act, an admission of guilt by the native in such cases cannot be accepted. I remember the case of a native admitting a charge of rape, but because the victim could not identify the assailant, no conviction could be made. Surely if a person knows that he is breaking the law and the consequences for so doing, no injustice will be inflicted if he is punished in the same way as the ordinary citizen.

Mr. Brady: Do the natives understand the law like white men?

Hon. Sir ROSS McLARTY: There is no question that these natives do understand the law. If the hon. member had as much experience as I have had with employing natives, he would be aware that in my electorate they are taken on as farmhands and they play in the local football teams. Those natives know the law, just as an ordinary person does. Under those circumstances no injustice would be inflicted by exempting natives from the provision. The amendment of the Legislative Council exempts a certain area of the State from the operation of the section. Natives in the Kimberleys or outback areas will continue to receive protection.

The Minister for Native Welfare: The area contemplated in the amendment takes in the Goldfields area.

Hon. Sir ROSS McLARTY: It takes in the goldmining towns where the natives are civilised and know the law. Outside that line there are many full-bloods who still require protection.

The Minister for Native Welfare: What is your reaction to extending full citizenship rights to natives in that area?

Hon. Sir ROSS McLARTY: That argument has been raised before and the Minister knows my views. These two questions are not comparable. If I can be convinced that an injustice is being done, I will agree with the Minister, but I am certain that no injustice is being done by the Council's amendment. I am glad the Minister has agreed to accept it, even though it be for a trial period.

Question put and passed; the council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Second Reading.

Debate resumed from an earlier stage of the sitting.

HON. SIR ROSS McLARTY (Murray) [9.37]: The Premier has explained this Bill and I do not need to repeat what he said. It will be generally agreed that the pension scheme provided for members under the present Act is very inadequate. In fact, I would say that there are few schemes, if any, where the contributor pays so much and receives so little in return. At present members subscribe £52 per annum. Members have to be in Parliament for 14 years before they can draw the full amount provided under the Act.

The Minister for Railways: They must be members of the fund for 14 years. I have been here for 19 years but I am not yet entitled to a full pension.

Hon. Sir ROSS McLARTY: A member must be a contributor to the fund for 14 years before he is entitled to draw the allowance of £7 a week. As members know, an old-age pensioner and his wife receive £7 a week. Apart from the normal contribution by every taxpayer, including members of Parliament, those old-age pensioners make no other contribution. We frequently hear it said that £7 a week for a married couple on the old-age pension is not adequate to meet present-day needs. A member of Parliament, in addition to his ordinary taxation, pays £52 a year to the fund.

Mr. O'Brien drew attention to the state of the House.

Bells rung and a quorum formed.

Hon. Sir ROSS McLARTY: The maximum amount which a member of Parliament can draw is £7 a week, and only for a maximum period of 10 years, after which the pension is reduced by 50 per cent. If we compare the scheme applicable in Western Australia with those in the Commonwealth and other States, it will be found that our pension scheme is not nearly as generous as the others. When a member has been in Parliament for a long period and then loses his seat, he will find it exceedingly difficult to rehabilitate himself, and this particularly applies to many members today and many in the past who have no business or profession to fall back on.

In my opinion, parliamentary life rather unfits a person to tackle the problems of every-day life. I do know of some very hard cases where members have gone out of Parliament during the time I have been here and have been almost forced on to the breadline. I cannot see any objection to the provisions of this Bill which seeks to increase parliamentary pensions by 50 per cent., that is, by increasing the maximum to £10 10s. per week.

Mr. Moir: But that only applies for a certain period.

Hon. Sir ROSS McLARTY: That is so. Members will be compelled to increase their contributions from £52 to £78 per year. Under those circumstances, and taking into consideration other superannuation schemes to which the Government contributes, I think it only fair that the Government should also contribute to the parliamentary scheme.

I am sorry that the Premier did not amend the Act in one other direction. I said at a meeting of members when the scheme was discussed that there was no justification for asking a member, who had paid into the fund for 14 years or longer and retired before reaching 70 years of age, to satisfy a committee that he had good and sufficient reasons for retiring, bearing in mind that the committee has a discretion to say whether such a member should receive a pension or not.

We might find that a member on reaching 69 years of age decides to retire from parliamentary life, in which case he will have to satisfy the committee. I would be certainly among that class; I would have no desire to continue in Parliament after that age. It may be that the committee would say, "It is reasonable that a pension should be granted in this case", but the fact remains that the committee could say, "No, you could continue to sit in Parliament and therefore you will not receive the pension for which you have paid over so many years". I ask the Premier to give consideration to that aspect. When a member has paid over a long period, he should receive his pension as a right. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Council.

BILL—RADIOACTIVE SUBSTANCES.

Council's Amendments.

Schedule of four amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Health in charge of the Bill.

No. 1: Clause 5, page 3—Delete all words in Subclause (8) after the word "votes" in line 38 and substitute the following:—"the question shall be resolved in the negative."

No. 2: Clause 8, page 5—Delete the words "inspectors and other" in line 18.

No. 3: Clause 9, page 5—Delete paragraph (b) of Subclause (1).

No. 4: New Clause—Insert a clause after Clause 8 to stand as Clause (9) as follows:—

> 9. (1) The council may appoint from time to time as an inspector a person holding such qualifications as it may consider necessary for the particular inspection it directs to be carried out.
>
> (2) Any member of the council may accompany an inspector on any inspection.

The MINISTER FOR HEALTH: I have considered these amendments and believe that they will improve the Bill. I move—

> That the foregoing amendments be agreed to.

Question put and passed; the Council's amendments agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

BILL—BETTING CONTROL.

Council's Amendments.

Schedule of 16 amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Police in charge of the Bill.

The MINISTER FOR POLICE: I should like your direction, Mr. Chairman. As I propose to accept the whole of the amendments, will it be necessary to explain the purpose of each and move each one separately?

The CHAIRMAN: The Minister may please himself whether he explains their purpose, and if there is no objection, he may move to accept them en bloc.

The MINISTER FOR POLICE: The amendments moved by the Chief Secretary in another place were consequential on amendments made to certain clauses here. The member for Mt. Lawley in his characteristic inconsequential style, moved an amendment to one clause and it affected about four clauses, but he forgot the other three.

Hon. A. V. R. Abbott: You helped me, anyhow.

The MINISTER FOR POLICE: As a result, the draftsman found it necessary to make a number of consequential amendments. I am prepared to move that the whole of the amendments be agreed to.

Mr. PERKINS: There are some amendments that deal with principles, so far as this Chamber is concerned.

The Minister for Police: If you will indicate which ones you refer to, I shall explain the purport of them.

Mr. PERKINS: There is nothing down to No. 12.

The CHAIRMAN: The Council's amendments Nos. 1 to 12 are:—

No. 1. Clause 4, page 3—After the word "on" in line 21 insert the word "the."

No. 2. Clause 4, page 3—Delete the word "as" in line 21 and substitute the word "of."

No. 3 Clause 6, page 7—Before the word "The" in line 37 insert the word "(a)."

No. 4. Clause 6, page 8—Before the word "The" firstly appearing in line 2 insert the word "(b)."

No. 5. Clause 9, page 8—Delete the word "only" in line 36.

No. 6. Clause 9, page 8—Delete the word "personally" in line 36.

No. 7. Clause 9, page 8—Before the word "upon" in line 38 insert the words "in person."

No. 8. Clause 9, page 9—Delete the words "the business of bookmaker" in line 1 and substitute the words "in person or subject to Subsection 8 of this section by his employee."

No. 9. Clause 9, page 9—Before the word "A" where it first appears in line 14 insert the word "(a)."

No. 10. Clause 9, page 9—After the word "board" in line 18 insert the word "(b)."

No. 11. Clause 9, page 9—Delete the word "and" in line 18.

No. 12. Clause 9, page 9—After the word "while" in line 23 insert the words "the premises are."

The MINISTER FOR POLICE: I shall deal first with the consequential amendments. I move—

That the foregoing amendments be agreed to.

Question put and passed; the Council's amendments Nos. 1 to 12 agreed to.

No. 13. Clause 9, page 9—After the word "board" in line 25 add the words "nor permit the business of a bookmaker to be carried out on the premises in the absence of the bookmaker unless by a licensed employee on his behalf."

The MINISTER FOR POLICE: I move—

That the amendment be agreed to.

This amendment is necessary following an amendment agreed to in this Chamber at the instance of the member for Mt. Lawley to the effect that an off-the-course bookmaker should not be permitted to leave his premises for a greater period than 28 days in any 12 months. Clause 9 (8) provides—

> A bookmaker shall not be absent from the registered premises in respect of which he holds a licence while open for business on more than twenty-eight days in any one year without written permission of the board.

The effect might be that the bookmaker would not be able to have his shop open for business if he were absent for any period at all, so provision has been made that he may have his premises kept open by an employee if he is not absent for more than four weeks.

Hon. A. V. R. ABBOTT: Reference is made in the Council's amendment to a licensed employee. There is nothing in the Bill to cover a licensed employee, but possibly it could be done by regulation.

The MINISTER FOR POLICE: We struck out references to an agent and inserted "employee" and it will be necessary to register an employee. The intention of the measure could not be implemented unless a registered bookmaker had the right to have an employee, and it would be in the interests of all concerned that the employee should be registered.

Question put and passed; the Council's amendment agreed to.

No. 14. Clause 11, page 10—After paragraph (b) add the following paragraph:—

> (c) bookmaker who is convicted of an offence against the provisions of paragraph (b) of this subsection is liable to a fine not exceeding one hundred pounds, or imprisonment for six months, and the board shall in any case permanently suspend the licence of the bookmaker so convicted and shall permanently disqualify him from obtaining a licence under this Act.

The MINISTER FOR POLICE: I move—

That the amendment be agreed to.

It was stressed during the Committee stage that provision should be made to prevent a bookmaker becoming interested in a chain of betting shops and so it was provided that registration should be personal to the applicant and that he should have an interest in one registered shop only. This amendment provides the penalties for anyone being interested in more than one betting shop.

Question put and passed; the Council's amendment agreed to.

No. 15. New Clause—After Clause 7 add a new clause as follows:—

> 8. It shall be a duty of the board to investigate and inquire as to whether the establishment of a system of betting through, or by means of the instrument known as the totalisator is possible and advisable and the board shall within twelve months after the commencement of this Act report to the Minister the result of such investigation and inquiry.

The MINISTER FOR POLICE: I move—

That the amendment be agreed to.

This amendment is self-explanatory. Having studied the question closely and after reading the report of the Queensland Royal Commission and that of the Royal Commission appointed in this State by the previous Government to inquire into the question of off-the-course bookmaking, I am convinced that off-the-course totalisators are impracticable in this State, because, if they are to be successful, there must be a complete tie-up and control of the telegraph system. That state of affairs exists in New Zealand where the Government, which sponsors the totalisators, owns the telegraph system. That is necessary because for the system to work properly betting telegrams must take precedence as the money has to reach the course where the race is being run, if public confidence and support are to be maintained.

The information I have is that whereas the betting in New Zealand is all on New Zealand races, about 60 per cent. of the betting in this State is on Eastern States' races and that means that there would have to be a separate totalisator operating for each of the Eastern States in which racing was being conducted. I have no objection to the amendment although I think it is asking a lot of the board to require it to report on this subject within 12 months, in view of the fact that the board will have a full-time job in deciding who shall obtain licences and ensuring that the premises registered are suitable.

Mr. PERKINS: I think the amendment is futile. If the board were going to inquire and report before the betting shops

were registered that would be all right, but we know that once the betting shops are set up, we will never get rid of them.

The Minister for Housing: What if Parliament does not renew the legislation in 1957?

Mr. PERKINS: What possibility is there of that happening? We know that a great deal of revenue will be derived from this legislation and we will simply have a further example of the means justifying the end. We already have an example of that in our lotteries legislation although that is less exceptionable than this measure.

Were there to be a change of Government at the next election, I would do my best to have this measure repealed; but I do not under-estimate the difficulties I would face and that is why I have fought so hard to prevent this Bill from becoming law. I believe the totalisator system would be preferable to a system of betting with bookmakers but once the latter system was estabilshed there would be great difficulty in changing over to a totalisator system. I therefore do not think the report of the board would be worth the paper it was written on.

Question put and passed; the Council's amendment agreed to.

No. 16. New Clause—Insert a new clause to stand as Clause 9 as follows:—

> 9. The board shall prepare and submit to the Minister, not later than the thirtieth day of September in each calendar year, a report on the exercise and performance by the board of its powers, functions and duties under this Act during the twelve months ended on the preceding thirty-first day of July. A copy of such report shall be laid before both Houses of Parliament.

The MINISTER FOR POLICE: I move—

That the amendment be agreed to.

This amendment would merely ensure the following of the customary procedure under which Government departments are required to report annually to Parliament on their activities during the preceding 12 months.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT (No. 2).

Council's Amendments.

Schedule of 13 amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Labour in charge of the Bill.

No. 1. Page 2, line 9—Add after the word "child" the words "or a person enrolled at a university as an undergraduate."

No. 2. Page 2, line 13—Add after the word "child" the words "or the person."

No. 3. Page 2, line 16—Add after the word "child" the words "or the person."

No. 4. Page 2, line 18—Add after the word "child" the words "or the person."

No. 5. Page 2, line 20—Add after the word "school" the words "or a university."

No. 6. Page 2, line 21—Add after the word "pupil" the words "or as an undergraduate."

No. 7. Page 2, line 23—Add after the word "school" the words "or the university."

No. 8. Page 2, line 25—Add after the word "school" the words "or the university."

No. 9. Page 2, line 28—Add after the word "school" the words "or the university."

No. 10. Page 2, line 32—Add after the word "school" where firstly and secondly appearing the words "or the university."

No. 11. Page 2, line 33—Add after the word "place" the words "as the case may be."

No. 12. Page 2, line 36—Add after the word "child" the words "or the person."

The MINISTER FOR LABOUR: Amendments Nos. 1 to 12 made by the Council all deal with the one question. Briefly, the Council desires the Bill to provide for persons enrolled at the university as undergraduates. Therefore, I move—

That the foregoing amendments be agreed to.

Hon. A. V. R. ABBOTT: I see no objection to the proposed amendments. They merely extend the scope of the Bill to another form of education.

Question put and passed; the Council's amendments Nos. 1 to 12 agreed to.

No. 13. Page 2, line 36—Add the following:—"In this paragraph 'child' means a person under the age of twenty-one years."

The MINISTER FOR LABOUR: This amendment refers to the amount to be provided for burial expenses. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

ANNUAL ESTIMATES, 1954-1955.

In Committee of Supply.

Resumed from the 2nd December; Mr. J. Hegney in the Chair.

Vote—Fisheries, £44,014 (partly considered):

MR. JAMIESON (Canning) [10.20]: I wish to say a few words on the lucrative industry of exporting crayfish tails overseas. I know, as a result of research by the C.S.I.R.O., the Fisheries Department is obtaining a certain amount of information on the habits and habitats of crayfish and I think that this work could be extended to cover other forms of crustacea suitable for sea foods which undoubtedly could give a lucrative return.

Particularly, I have in mind trawling for prawns, which are available in our coastal waters. On the southern coast of New South Wales deep sea trawling for prawns has proved to be quite remunerative and I see no reason why, after experimentation in those waters where these crustaceans exist during the greater part of the year, a suitable trawling method could not be found.

Further, on the North-West coast there is such an abundant quantity of fish available for the taking, that people could probably be induced to go there and operate in that industry. In this regard, no doubt some of the natives resident in the area along that coastline could be incouraged by the Fisheries Department by advising them on various types of fishing and supplying them with all the information they require.

I would like to see some set-up similar to that which exists in New South Wales relating to oyster cultivation. In that State information was made available to the people who resided along the coast and they have proved that the industry is quite lucrative. If necessary, we could easily import some of the oyster spawn from that State if the local spawn were regarded as not suitable for cultivation.

There are many ways by which the fishing industry could be extended in this State and the department should examine every avenue towards assisting its development. The export from this State of crayfish tails and other types of sea food has become so great that I think it would be well worth while if we could extend this side of the industry by fostering the cultivation of oysters and probably, to a lesser extent, the canning of fish. If this were done in the northern waters of the State, it would help to fill a gap and to offset those avenues of the fishing industry that have fallen by the wayside in the past.

MR. BRADY (Guildford-Midland) [10.25]: In the last month or so my attention has been drawn to the pollution of the Swan River. This question has been brought forcibly home to me during the last week because the children from most of the schools in my electorate have been denied the right to attend swimming classes in venues close to their schools because of the river pollution. It also appears to me that the present condition of the river must be interfering with fishing. I would like to see the Minister for Fisheries give closer attention to this problem. To most people in the country it is of no consequence, but in my opinion the position has reached a crucial stage because schoolchildren are being denied their right to attend swimming classes.

There was a time when good fishing could be had in the upper reaches of the river. From Maylands to Guildford people used to fish for bream and other fish with a good deal of success. Even today, with the pollution that has occurred, some fishing is still carried on both by net and handline. I would like to see the Minister for Fisheries co-operate with the Public Works and the Health and Medical Departments to see whether we cannot remedy the pollution in the river.

I think the various departments are closing their eyes to the fact that many manufacturing industries are pouring millions of gallons of water, the purity of which is questionable, into the river. In particular, I am referring to the superphosphate works which uses water for cooling purposes, especially in the sulphuric acid plant. The waste water from those works is emptied into the river.

This water is supposed to be purified before that occurs. However, a friend of mine put a galvanised bucket into the water that was being emptied into the river and immediately fumes rose up from the water that was in the bucket, which proved that the waste water from the works contains sulphuric acid when it enters the river. That certainly would not assist in improving the swimming and fishing facilities.

I would like to see the Minister for Fisheries, the Minister for Public Works and the Minister for Health endeavouring to establish a firm basis on which to purify the river so that swimming, fishing and boating could be enjoyed as it was in the past. In pursuance of my duty to the people in my electorate, I have had to raise this matter and I will continue to raise it in the future and hammer away at it on every possible occasion. I consider the departments to which I have referred are not doing their best in this matter. The Health Department merely says the river cannot be used for swimming because it contains a certain amount of bacteria, bacillus coli and other organisms. However, no investigations are being made to determine why it is in this state and whether a remedy can be effected.

In my opinion, if certain impediments in the river were removed, such as the sand drifts around Success Hill and in other shallows, it would have a beneficial effect. The other day I was speaking to a schoolmaster and he was concerned because his pupils had to go to Como for their swimming classes instead of just going around the corner from their school. He said that if it were possible to remove some of the shallows and have a dredge take away some of the embankments, they could experience the natural tide from Fremantle and so help to solve the pollution problem.

Hon. D. Brand: Would the member for Fremantle agree?

Mr. BRADY: I think he would, because the saline seawater would have a purifying effect. At present, without any tidal flow, the water will get worse. As I said before I will have to raise this matter on other estimates and votes, such as Health and Education, until something is done. I understand the Minister for Works is to introduce a Bill to set up a committee to control the river, and if the Minister for Fisheries could give some consideration to the aspect I have mentioned, it would no doubt help to improve the Bill to be brought down by the Minister for Works.

THE MINISTER FOR FISHERIES (Hon. L. F. Kelly—Merredin-Yilgarn—in reply) [10.33]: The member for Mt. Lawley and the member for Canning referred to the matter of oysters. Recently the Fisheries Department dealt with an application from a gentleman named Mr. Craig who, some years ago, was sent by the Commonwealth to Japan to gain information on the culture of oysters. This gentleman reported very fully to the C.S.I.R.O., and also to the Commonwealth Minister controlling the department. His report was responsible for creating a great deal of interest in Commonwealth circles in relation to the cultivation of pearl-shell. As I said, recently he applied to the Fisheries Department for the right to come to this State and commence cultivation of pearl-shell. A permit has been promised and at present he is negotiating with the Commonwealth Government because of some difficulty that has arisen there.

Hon. A. V. R. Abbott: What type of oysters?

The MINISTER FOR FISHERIES: He is to cultivate pearl-shell.

Hon. A. V. R. Abbott: For cultured pearls?

The MINISTER FOR FISHERIES: That is so. I understand that seed pearls are prolific in the North-West, and that the area this man intends to work could be the means of promoting a very fine industry in this State. There is a lucrative business in the trading of oysters in the Cossack area. An employer with a potential of seven or eight men has been taking oysters from the Cossack area for bottling, and apparently has had some success.

I would now like to refer to the matter of research. The research vessel "Lancelin" has continued to operate on the north coast beyond Exmouth Gulf for the past two years, and a fund of information has been gleaned by those visits. Last season I think four to five months were spent in the North-West, a good deal of that time being spent at Exmouth. Many interesting features have developed as a result of the time spent by the "Lancelin" in the North.

Hon. A. V. R. Abbott: Is there any supervision in relation to the gathering of oysters to see the beds are not depleted?

The MINISTER FOR FISHERIES: The matter has not reached that stage yet; the man is only in process of forming a company. I understand that £200,000 will be used in setting up this industry, The experts of the Fisheries Department feel that the cultured pearl-shell industry could be very valuable.

Hon. A. V. R. Abbott: I am talking about the natural oysters.

The MINISTER FOR FISHERIES: There is not a great deal of research done at present. As I said, there is an industry at Cossack, but it is too small for it to deplete the numbers of oysters. The inspectors of the Fisheries Department are, however, watching the position very carefully.

The matter of prawns has been receiving some investigation in northern waters by the "Lancelin", and by its officers, one of whom is a representative of the C.S.I.R.O. The take of oysters has been as much as 30 lbs. in a trial trawl. The type of gear used is experimental gear and not the commercial type. A trawl of 30 lbs. is a good return. Prawn testing has been going on from Cape Naturaliste to Onslow and some encouraging results have been obtained. The investigation has gone into its second year and there is to be a check during the summer.

The member for Guildford-Midland referred to pollution of the Swan River. That has not been a matter for the intervention of the Fisheries Department, any more than it has been one for the Health Department. It is one that is in the care of the Public Works Department, and its officers are in their fourth year of investigation. Only recently we read of a committee investigating the problem and some of the officers of the Public Works Department reported very favourably on pollution. The hon. member is probably referring to the upper reaches of the Swan, about which I am not qualified to speak; but I do know that the officers of the Public Works Department have the matter well in hand.

Vote put and passed.

Vote—Tourist Bureau, £30,992:

MR. COURT (Nedlands) [10.38]: I would like to comment briefly on this vote to ascertain from the Minister what action is under way in connection with the development of the tourist trade here. It is a fact that we have some areas with outstanding attractions. To single out one, I would refer to the immediate surroundings of Albany. Without any knowledge of the local government finance, it would appear to me that it is beyond the capacity of a normal local authority to develop the means of communication to very desirable places.

As far as the major tourist attractions are concerned, I would like to think of them as revenue producers for the whole State rather than for a particular area because, with suitable facilities, we could attract people from all over Australia, and possibly from other parts of the world. Taking the Great Southern as one case, and in particular the Albany area: It is very easy to get there as there are good means of communication, whether by road rail or air. But having got there one has to suffer considerable anguish to go by road to some of the nearby resorts.

The local authority would have to spend a very large sum if it were to develop sealed roads to these places; I refer to the part of the district south of the main harbour and the other areas north of the town. But if some scheme were worked out whereby these very desirable attractions could be assisted on a State basis, I am certain a sound economic proposition would be achieved. Whether the Government has some co-ordinated plan under consideration whereby the attributes of the different districts are assessed, and whereby consultation with the local authority takes place to see what assistance can be given, I do not know. I would, however, like the Minister's comments on the attitude to the bigger problem of tourist attractions as distinct from the expenditure listed in Division 54.

MR. BRADY (Guildford-Midland) [10.42]: Again I feel I can refer to the river for the benefit of the Minister in charge of the department. I do not think the Government realises the value of the Swan River, even from the point of view of its being a tourist attraction. I think the river would be about 25 miles in length from Fremantle to the Upper Swan, and if one could get a small boat at the Causeway and leisurely go up the river for a couple of hours, one would find some wonderful attractions and beauty, which I feel sure members have not seen. These would be well worth viewing from a boat. This could only be done by dredging to allow ferries and other boats to negotiate the river.

Apart from the fact that the scenery is beautiful from the Causeway to the Upper Swan, there are also places of historic association with the early history of Western Australia. Last week, there appeared in "The West Australian," a reference to official vandalism made by a man named James Turner. He was speaking of the spot where Captain Stirling landed in 1829 to create a new centre for governmental activities in Western Australia. At that spot he erected a cottage, and Mr. Turner went on to regret that that site is now being cleared by bulldozers and tractors to make way for a new high school.

Along the river there are a number of other sites of great historical importance. There is one where fights took place between the aborigines and whites because of misunderstanding in regard to their respective rights. Visitors could be shown where tribal wars occurred, and where the white men put the aborigines in their place and the aborigines tried to put the white men in their place.

Then there is Success Bank, where Captain Stirlings' men found fresh water. That site could be pointed out to tourists. In recent times the Guildford Grammar School has been erected, and many similar places have been established. The new high school could be a source of attraction. We could point out with pride that it is one of the achievements of the Government in the field of education.

The Tourist Bureau could find a dozen and one spots on the Swan River that could be sources of attraction to visitors from the Eastern States and from overseas. I feel I am warranted in reminding the Minister in charge of the Tourist Bureau that it would pay him to take a great interest in the development of the river, which could be a very valuable asset. As I said many years ago, even our own people get sick of looking at well-known places like Yanchep, Yallingup and National Park. But there are many spots along the Swan River that have not yet been investigated and could be sources of attraction. I hope the Minister will give some consideration to asking the Director of the Tourist Bureau to give some attention to the possibility of exploiting the Swan River, and particularly the upper reaches, as a tourist attraction.

Progress reported.

House adjourned at 10.50 p.m.