Legislative Assembly.

Wednesday, 15th September, 1943.

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

QUESTIONS (3).

NORTH FREMANTLE PROPERTIES AND WHEAT STORAGE.

Mr. DONEY asked the Minister for Lands: 1, Has any acquisition of property been made or any compensation yet been paid in respect of those houses that deteriorated in value through being in the vicinity of the North Fremantle wheat hospital? 2, Has the elevating or other machinery necessary for the treatment of wheat before export yet been installed in this wheat hospital? 3, If installed and in operation, what quantity of weevil infested wheat has been treated to date in the hospital elevator?

The MINISTER FOR THE NORTH-WEST (for the Minister for Lands) replied: 1, No. 2, Installation is practically complete. 3, Not yet in operation.

TROLLEY-BUSES.

As to Control of Passenger Traffic.

Mr. NORTH asked the Minister for Railways: 1, Has any action been taken to meet the trouble arising from crowding on to trolley-buses in the Terrace by increasing the number of vehicles on the run to Swanbourne and Nedlands? 2, If so, what is the number on the run now compared with 12 months ago?

The MINISTER replied: 1, Yes. 2, Sixteen buses in regular service now compared with 12 buses in regular service 12 months ago.

AGENT GENERAL.

As to Extension of Appointment.

Mr. NORTH asked the Premier: 1, Has the appointment of the Agent General been renewed or extended? 2, If not, when does it terminate?

The PREMIER replied: 1, Mr. Troy was originally appointed Agent General for three years from the 16th March, 1939. At the expiration of that term he was reappointed for a further three years. 2, This was announced in "The West Australian" of the 5th February, 1942.

LEAVE OF ABSENCE.

On motion by Mr. North, leave of absence for two weeks granted to Mrs. Cardell-Oliver (Subiaco) on the ground of ill-health.

BILL—ELECTORAL (WAR TIME).

Third Reading.

THE MINISTER FOR JUSTICE [4.34]: I move—

That the Bill be now read a third time.

Question put.

Mr. SPEAKER: I have counted the House and assured myself there is an absolute majority of members present, and there being no dissentient voice I declare the question duly passed.

Question thus passed.

Bill read a third time and transmitted to the Council.

BILL—COAL MINE WORKERS (PENSIONS).

Report of Committee adopted.

MOTION—FREMANTLE HARBOUR TRUST ACT.

To Disallow Bagged-Wheat Charges Regulation.

MR. HILL (Albany) [4.36]: I move—

That Regulation No. 148 made under the Fremantle Harbour Trust Act, 1902, as published in the "Government Gazette" of the 4th June, 1943, and laid upon the Table of the House on the 10th August, 1943, be and is hereby disallowed.

I understand that this regulation was promulgated in lieu of one that was rescinded some time ago. The effect of the new regulation is to increase very substantially the handling charges on bagged-wheat. I have a comparison regarding the charges under the new regulation and the earlier one that was rescinded. The particulars are as follows:—

	Rates per Bag. New. d.	Old. d.	Increase. %
(a) Receiving, including the unloading of railway trucks and stacking where required, the Trust giving a receipt for the number of bags only, and delivering from stack to vessel for loading by means of—			
(i) Gantry loaders (see amendments (a) and (b) 1 to Regulation 148)	4·250	2·275	87
(ii) Vessel's own gear or crane (see amendments (a) and (b) to Regulation 148)	4·500	2·275	98
(b) Delivering to the platform of road vehicles, including the customary single bag weighing, or loading into, and stowing railway wagons without weighing (see amendment (c) to Regulation 148)	2·65	1·75	51
(c) Discharging direct from railway wagons and—			
(i) Loading on to gantry loaders	1·25	·625	100
(ii) Slinging for vessel's own gear or crane (see amendment (f) to Regulation 148)	1·5	·75	100

On all sides complaints are heard regarding the high charges imposed by the Fremantle Harbour Trust, and we have to ask ourselves whether the complaints are fully justified. To compare the charges levied at the various ports is very difficult as they have different methods of fixing those charges. A few years ago—I do not know if the position has altered materially since—I had full reports and revenue details regarding operations at the main ports of Australia. If the total revenue were a direct charge on the tonnage of the cargo going through those ports, the amount per ton necessary to meet the resulting charges would be approximately as follows:—

Melbourne	2s. 6d. per ton.
Sydney	2s. 8d. per ton.
Adelaide	3s. 8d. per ton.
Fremantle	5s. per ton.

In each instance the cost quoted would not include handling charges. It should be explained that not all the port authorities handle cargo. In this State the Fremantle Harbour Trust is also the stevedore. The only comparison regarding the Fremantle handling charges that I can make on a basis of similarity is with the position at Albany. The Westralian Farmers, Ltd., handle wheat from truck to shed at Albany at an average cost of 1.555d. per bag and from shed to truck at 1.620d. per bag, or a total of 3.175d. per bag. That can be compared with the Fremantle Harbour Trust charge for similar operations of 4.5d. per bag. On Saturday I was speaking to the manager of a firm that handles wheat at Albany, and he advised me that with the increased cost he would be happy to do the handling at 1½d. per bag that had formerly been done for 1d. a bag.

As the Fremantle charge which I first mentioned, 4.5d., means double handling, the whole of the work of loading would be done at 3d. per bag. The main factor affecting port costs is capital expenditure. The Melbourne Harbour Trust is, I consider, one of the best managed port authorities in Australia. It has spent £9,000,000 on the port. One-fifth of its total revenue has to be paid into Consolidated Revenue. In addition, it has to allocate £100,000 a year to dredging maintenance. In spite of those drawbacks, the Melbourne Harbour Trust has been able to pay back £4,000,000 of its loan indebtedness, leaving today an indebtedness of only £5,000,000 out of the £9,000,000 spent. The Fremantle figures are interesting. The return submitted to Parliament shows the total loan authorisation for Fremantle as £3,059,000. The return submitted with the Annual Estimates for the current financial year shows that the loan liability of the Fremantle Harbour Trust amounts to £2,836,000, besides other works representing £682,000—a total of £3,518,000, on which interest has to be paid. I will quote the remarks of one of the leading port experts of the British Empire in this connection, the late Sir George Buchanan. His report was published on the 9th October, 1926, and paragraph 351 thereof reads—

> A few remarks on the subject of administration at the port of Fremantle are due. There is obviously too much interest taken in Fremantle harbour by politicians, and this I respectfully suggest is detrimental to the progress and well-being of the port. The reports of the parliamentary debates in the Legislative Assembly bear eloquent testimony to this state of affairs. It is one thing for a Minister of the Crown to control a department entrusted to his care, but quite another thing for a great undertaking to be controlled in its administrative acts by debates and divisions in Parliament. Again, if the functions of the Port Commissioners were those of earners of revenue for the State,

a case might be made out for political control. But the port is not a tax-collecting organisation; the sole concern of the Fremantle Commissioners is to devise and control an undertaking that will hand on to consumers, whether in Australia or overseas, at the lowest possible cost, all produce passing through the port, and therefore the political interest taken in Fremantle Port affairs, and the close control exercised by the Government, I venture to suggest, are misplaced. State control over the ports exists throughout Australia, and I have pointed out, State by State, where this control hampers progress. In no other State, however, are such burdens laid upon ports, or, in other words, upon trade, as those that exist in Fremantle, and in no State perhaps is the need for a reform in methods of administration more urgent than is the need in Western Australia.

That was the suggestion of one of the leading port administrators of the Empire. Unfortunately no notice was taken of his recommendation, and the same slipshod methods of port administration have been allowed to continue in Western Australia. I have here also the report of the Commonwealth Transport Committee, presented in 1929, from which I quote—

> The ports of the capital cities show an annual profit of £500,000, most of which enhances State revenues. Minor ports on the mainland States make an annual profit of about £490,000, which is met from State revenues. About 80 per cent of the oversea trade is carried out by the main ports, and thus oversea trade is at present being taxed to some extent to meet the losses incurred at minor ports.
>
> Many minor ports have for a lengthy period shown annual losses, failing to earn even their working costs. Other outports are losing trade on account of motor transport concentrating trade at larger ports.
>
> The tonnage now used in the oversea trade is in excess of requirements.
>
> It is recommended that—
>
> (a) The finances of the main ports should be separated from those of the States, and port charges adjusted to ensure that the annual revenue of the main ports shall be sufficient only to meet working costs, interest and amortisation.
>
> (b) Losses at minor ports should be met from State revenue, and annual losses now incurred be reduced by closing certain ports and by rail and road transport concentrating the sea-borne trade at other more suitable ports.

Those recommendations were also ignored by our State Government. It is now interesting to learn what the Commonwealth Grants Commission has to say about port administration in Western Australia. Paragraph 178 of the 1941 Report of the Commission states—

Mr. SPEAKER: Order! This has nothing to do with the handling of bagged-wheat.

Mr. HILL: It is all connected with port charges.

Mr. SPEAKER: The hon. member is not dealing with the handling of bagged-wheat now.

Mr. HILL: All we are dealing with—

Mr. SPEAKER: Order! I have allowed the hon. member a great deal of latitude.

Mr. HILL: I am sure all members will agree that we want to keep down costs today. It is obvious to anyone who studies the port administration of this State that what we need is a sound co-ordinated policy of port administration, and not increased charges, so that we can make ends meet not by increased charges but by administration. I commend to members the motion standing in my name.

THE MINISTER FOR THE NORTH-WEST: The member for Albany in moving that the regulation be disallowed bases his argument on his desire for a reduction of port dues of the Fremantle Harbour Trust. In other words, he indicated to the House that the Fremantle Harbour Trust was making a profit out of the wheatgrower to meet general expenses. This assertion, of course, is entirely incorrect. It is well for the House to understand that the regulation which is challenged represents purely the cost of handling of bagged-wheat alone. There are no harbour dues or wharfage charges or charges of any other description included in it. To put the position clearly, for the benefit of members who have not studied the regulation closely, let me say that there were regulations and a special schedule of rates made in 1912 for the benefit of our primary industries—not the wheatgrowing industry alone. These regulations have been in operation from 1912 until December of last year. The rate has never been altered, and neither has the regulation ever been altered. It was a special concession given to primary industries, in connection with which concession the Fremantle Harbour Trust has never made any charges whatever.

The Harbour Trust found in latter years that because of the regulation it was losing a considerable amount of money per annum

in the handling of wheat in particular. Having in view the possibility of the inauguration of the bulkhandling system and the elimination of the bagged-wheat system in course of time, it preferred to carry the losses rather than interfere with the regulation as it existed. So it was not until December of last year that this regulation was altered, and then the Harbour Trust did not alter it without giving some warning to those concerned. It wrote to the Australian Wheat Board, which has to do with the people affected in any alteration in charges. The Wheat Board, like any other organisation asked to increase costs, at first objected but, realising that the Trust had some justification for its viewpoint, suggested that the matter be referred to the Price-Fixing Commissioner. That was done, but the Commissioner said, "This is a matter between the Harbour Trust and the Australian Wheat Board, and should be fixed up as between those two bodies without my coming into the matter." Naturally, the Harbour Trust introduced the regulation in question. It was not done without due consideration by the Trust. As I have pointed out, had it not been for war conditions Fremantle would have dealt with very little, if any, bagged-wheat. It is much more economical to deal with wheat in bulk. Due purely to war conditions, and for the convenience of shippers, the majority of wheat exported in the last year or two has been exported under the bagged-wheat system in preference to the bulk system.

The Premier: In parcels.

The MINISTER FOR THE NORTH-WEST: I think that is the technical term. In plain language, wheat that has been exported has left the country in bags rather than in bulk. If it had not been for existing conditions, the bagged-wheat system would have been eliminated and it is on the bagged-wheat system that the Trust lost money.

Mr. Watts: What was the profit of the Trust for the last 12 months?

The MINISTER FOR THE NORTH-WEST: We are not dealing with profits in any shape or form. We are dealing with a regulation that applies only to the handling of wheat.

Mr. Watts: You said the Trust was losing money, when you know perfectly well it is not.

The MINISTER FOR THE NORTH-WEST: The Trust is losing money on the handling of wheat. The charge for handling is merely to cover the cost. The Harbour Trust does not get a shilling out of it. It charges the producer or consignee only the exact amount it costs for handling the bagged-wheat. The hon. member who moved the motion quoted figures relating to other States. He had information which I did not have myself, because I did not think it necessary to quote what occurred in other States in order to convince the House that there was some reason for the introduction of increased charges. He told members that in Sydney the charge was 2s. 9d. per ton, but what he did not say was that in Sydney there is a wharfage charge of 9d. which brings that 2s. 9d. to 3s. 6d. In South Australia, 2s. 8d. per ton is paid, plus 1s. 4d. wharfage charge. That wharfage charge is not paid in Western Australia. All primary products are exported from here free of wharfage. In Western Australia only the handling charges are paid, but in South Australia, through handling charges, plus 1s. 4d. wharfage rate, the total cost is 4s. per ton.

The hon. member said that in Albany 3s. 1.7d. was paid, but he did not tell the House that wharfage dues are not payable, which would have to be paid if the Harbour Trust decided to impose such rates for purely financial reasons. I shall give members some indication of how costs have risen in Western Australia in connection with the handling of wheat in particular. It can readily be understood that there has been a lot more handling of wheat in the last year or two than there was prior to the inauguration of the bulk-handling system. Every member knows the extra handling that has taken place with bagged-wheat. As the result of weevil, and for other reasons, much of the wheat had to be re-bagged before being loaded on to the boats. All the extra handling has involved extra cost and it is surely not right to ask the Fremantle Harbour Trust to bear the loss. In 1934, 7,300,629 bushels of wheat were exported from this State in bags as against 6,740,309 bushels in bulk. In 1935, only 4,000,000 bushels were exported in bags, whereas the amount exported in bulk increased to 10,000,000 bushels. That process continued until, in 1940, 456,327 bushels were exported in bags as against

9,314,928 bushels in bulk. Having that in mind, the Harbour Trust realised that if it had not been for war conditions we would have had no bagged-wheat system at all.

It is on the bagged-wheat system and the extra handling that the increased charges have been based. In 1941, the number of bushels exported in bags increased from 456,327 to 1,086,000. In 1942, the figure had increased to 4,027,125 bushels. In 1940, when only 456,000 bushels were exported in bags, the loss to the Harbour Trust in handling charges was £781. In 1942, when the amount exported in bags had increased to 4,000,000 odd bushels in bags, the loss was £6,196. I draw attention to the fact that in 1934, when the huge quantity of 7,000,000 odd bushels of bagged-wheat was exported, the wage for lumpers was 2s. 8d per hour. In 1942, when 4,000,000 bushels were exported under the bagged-wheat system, the wage was 3s. 9d an hour. It will be seen, therefore, that the increased charge has not been imposed, as was suggested by the member for Albany, in order that the Trust might show a surplus. There are sound reasons to indicate that it is purely to meet a loss for which the Trust is not responsible. The whole of the money collected by the Trust is paid out in handling charges. Members will realise that circumstances have forced an increased cost on to the Harbour Trust. This has been due not to mal-administration, but to circumstances over which the Harbour Trust has no control.

I think that answers the charges made by the member for Albany but, for the benefit of members, I want to point out something else, namely, that consideration has been given to the wheatgrowers, in particular, for many years by the Harbour Trust. I said earlier that these regulations were introduced in 1912 and since then the primary producers have paid no wharfage charges. If it is reasonable for them to pay 1s. 4d. per ton wharfage in Adelaide then we should be entitled to 1s. 4d. a ton at least in this State. That has been a benefit to the wheatgrowers since 1912. Again, can the member for Albany visualise what this has meant to our wheatgrowers? Surely consideration that ought to be appreciated has been extended to them. I remind members that I have stated that in 1934 the Harbour Trust became cognisant of what it was losing through the handling of bagged-wheat. Even when the Harbour Trust realised that it was losing money it preferred to carry on because of the possibility of eliminating the bag system. It hoped that before many seasons had passed the loss would be wiped out by the bulkhandling system. However, even in that period the Harbour Trust has lost £15,000 on account of bagged-wheat. That is the second assistance given to this particular industry. In my opinion the Harbour Trust would have been entitled to raise the price on bagged-wheat when it discovered that it was losing money by handling it.

I also remind members that if this motion is agreed to there will be no legal price covering bagged-wheat, or wheathandling at Fremantle. The regulation in question was rescinded in December last. This House took no exception to that. The present regulation, No. 148, proposes to replace the one that was rescinded. If the motion is carried there will be no regulation covering the price for handling wheat at Fremantle. I do not know what the position would be, but if I were one of the Harbour Trust officials I would be inclined to say, "Well, we will charge on the basis of general cargo rates." I have not those figures, but I imagine they would be greater than what the regulation suggests. I do not know that any other argument was put forward by the member for Albany. All I can do is to emphasise the serious position that this motion, if passed, would create. I ask members to consider, firstly, that I have given good sound reasons why the Harbour Trust has increased the price; and, secondly that it has given much consideration to all primary industries, and particularly to the wheat industry. It has lost money for many years in succession by handling bagged-wheat simply because it charged for the handling costs only. That means that the whole of the money it collects from the grower or from the Australian Wheat Board which, at the moment, is responsible for the export of wheat, is paid out in wages to the lumpers and others employed in handling the wheat. I hope the House will not agree to the disallowance of this regulation.

MR. WATTS (Katanning): I propose to support the motion moved by the member for Albany, because I think that on general principles it is one I should support. The Minister, who has just replied to the remarks

of the mover, has indicated that the Fremantle Harbour Trust, although it makes a profit and a fairly substantial one, and succeeded last year in exceeding its estimated revenue by £94,000, makes a loss on bagged-wheat, and that as a consequence it becomes reasonable and proper that it should increase its charges by approximately 100 per cent. for handling bagged-wheat. Some rose by 100 per cent. and others ranged from 51 per cent. to 87 per cent. on the calculations made by the member for Albany, with which I agree. If we are going to carry that argument to its proper conclusion then all the Minister has to do is to come along to this House with a regulation to double the transport cost on superphosphate, and to increase the railway transport charges for wheat from 51 to 87 per cent., using the time-worn arguments of the Railway Department in regard to those two matters. The railways, however, if one thinks carefully on the matter, have a better case because they cannot make a profit.

By comparison we are told that the transport of wheat is done at a loss by the railways. We are told that the handling of wheat is a loss to the Fremantle Harbour Trust. But the railways do not promptly double the charges levied in respect of these services and, as a matter of fact, if there is a shortage in the production of wheat the railways promptly tell us how greatly troubled they are by having less wheat to carry. As a result I have never been quite able to appreciate how this loss was made. Then again the railways contend that superphosphate is carried at a loss, so that if this Fremantle Harbour Trust regulation, which aims to impose an increase, is accepted without argument or complaint we are going to lay ourselves open to similar proposals in regard to these other things.

The general principle is that it is our duty, in every way possible, to keep down the costs of the persons concerned in the growing of our primary products which are not yet at a profitable figure, and which for many years past have been at a decidedly unprofitable figure. So long as the Fremantle Harbour Trust is able to make a substantial profit and pay a large contribution to Consolidated Revenue, then for so long is it not justified in making the increase in the charges on the lines that it has done. The Minister, not in so many words perhaps, but by suggestion indicated that the Australian Wheat Board is paying these extra charges and that the decision as to whether the charges should be paid, or increased or not, was one for discussion between the Fremantle Harbour Trust and the Australian Wheat Board. Well, there is no lack of evidence of what the Australian Wheat Board receives, but on the other hand any extra money it spends comes, finally, from the pockets of the producers.

The Minister for the North-West: I did not argue otherwise.

Mr. WATTS: Then I do not agree that the price controlling officer did his duty properly when he said, as I believe he did, because the Minister told us so, that this was properly a matter for discussion between the Australian Wheat Board and the Fremantle Harbour Trust. If that is to be the basis upon which all price control is to be regulated it is most extraordinary. The landlord will discuss with his tenant how much rent is to be paid and we will not need to worry about National Security Regulations. The grocer will discuss with his customer how much shall be paid for a tin of jam so that we will not have much control by the prices controller. Of course, the proper thing was for the prices controller to have said definitely, "I want to know whether these charges are justified or not." The Minister also told us that the wages of the lumpers had increased from 2s. 8d. to 3s. 9d. per hour. That was the only definite argument he advanced in favour of the increase made by the Harbour Trust.

The Minister for the North-West: What about the weevily wheat, and wheat in bags? You know that it is well justified.

Mr. WATTS: I am dealing with the question of the difference between 2s. 8d. and 3s. 9d. per hour wages paid to the men who work in the handling of this wheat. That is an increase of a little over 50 per cent. Even if that is acceptable as a justification for increasing these charges, it does not justify an increase of 100 per cent. The regulation is, therefore, bad because it goes even further than the evidence would reasonably allow. The Minister suggested that if we disallowed this regulation the Fremantle Harbour Trust would be in the position of being able to charge what it liked because there would be no regulation in existence. Of course, if he wishes to adopt that attitude and threaten Parliament

with that penalty for exercising its undoubted right in regard to this matter I am surprised, because he knows perfectly well that the Executive Council can make new regulations in two days' time, just as it made this regulation, which is made with the approval of the Lieut.-Governor and the Executive Council, and is signed by the Acting Clerk of the Council.

I assume that the charges made by the Fremantle Harbour Trust are subject to control by further regulations of this character, if the hon. gentleman will only take the trouble to prepare them, should the decision of this House go contrary to his views. I am surprised that he should make the suggestion here that in the event of this House exercising its undoubted right as a democratic Assembly, and disallowing this regulation, the whole matter would go by the board and he would do nothing about it. That is a most extraordinary utterance, and I do not hesitate to say, that, notwithstanding the great respect I have personally for the Minister, I am very astounded. The proper place to deal with this regulation is here. If the House disagrees with the Minister he has his obvious duty, namely, to find some other regulation that is more in conformity with the views of members. I do not want to be unpleasant about the matter, but if he wants me to get cross I will. This argument should be conducted on a friendly basis.

Undoubtedly there are two sides to this case. I am putting one side forward and say that it is an unnecessary incubus on the primary producer indirectly, and later on probably directly if the Australian Wheat Board ceases its operations, and this regulation still stands. It would be wrong not to disallow this regulation, because if we are going to admit the principle in this instance we are going to admit it in a great many other instances. The Fremantle Harbour Trust is not making an over-all loss and is not entitled, therefore, without the clearest proof to say that every halfpenny and in fact even more, of this increased charge should have been imposed. The people of this State should not be asked to pay any more for the services that the Harbour Trust renders.

MR. BOYLE (*Avon*): I support the motion. We have heard of the benevolence of the Government towards the wheatgrower. According to the Minister wheat is carried on the railways at a loss and is handled on the wharf at Fremantle for nothing. I am sure the wheatgrower should be eternally grateful to the Government for its consideration. I only wish it were true. The ships that enter the Fremantle Harbour to load wheat have certain charges to pay, but it might interest the House to know that a vessel of 8,000 tons gross register pays £150 per day to the Fremantle Harbour Trust.

Mr. SPEAKER: I do not think that is dealing with the handling of bagged-wheat.

Mr. BOYLE: The 2d. per bag imposed for handling wheat must be added to the present charge. The Trust certainly receives £150 per day from an 8,000 ton vessel, and if the vessel stays for five days, which is not uncommon when bagged-wheat is being loaded—this is a slower process than loading bulk wheat—the Trust would receive from a vessel up to £1,000. Today the bagged-wheat position is very serious for the wheatgrower, who ultimately pays the whole of these costs. That fact is not disputed. When we consider that South Africa will take only bagged-wheat, we can understand why the Government is anxious to impose this additional charge. It means that on every cargo of bagged-wheat shipped to South Africa, the wheatgrower has to pay another £533.

It is said that the Australian Wheat Board is the party on the other side. The board is merely responsible for receiving, handling and selling the wheat. The proceeds are paid into a fund, and against the fund is debited every penny piece of expenses against the farmer's dividend. A good deal of the wheat would be paid for by the board at a rate of only 1s. 10d. per bushel. Under this regulation, the wheatgrower is asked to face an additional impost at a time when his product is bringing the lowest price in the world. He is to pay another 2d. per bag, which is equivalent to 2s. per ton, for every bag going over the wharf at Fremantle. I do not suppose that ever in the history of the Fremantle Harbour Trust has the harbour been so busy or have conditions been so prosperous. Why one particular line—I presume there is only one—should have been picked out as the subject of a special regulation is beyond me. There is a difference between f.o.r. and f.o.b. at ports of ½d. per bushel, and that ½d. is charged for wheat-lifting

ships. The farmer has to meet that ½d. rate.

I regret that the Government has brought down the regulation at this time. One could understand it perhaps if the Trust were working at a loss or if conditions generally were normal. I suppose that 75 per cent. of the bagged-wheat will be used for topping cargo and for straightout cargoes for transport to countries like India. Wheat for India will have to be shipped in bags, because that country has not facilities to receive bulk wheat. I can see that presently we shall be shipping bagged-wheat from Fremantle wholesale, with the consequent special tax of 2d. on each bag. I consider we are justified in objecting to any further taxes, imposts or charges of this sort being levied against the wheatgrower.

MR. HILL (Albany—in reply): The Minister did not grasp the actual position in comparing the charges made here with those levied in the Eastern States. Each port has a way of fixing its charges different from that of other ports. I arrived at my figures by dividing the total tonnage shipped from the port into the total revenue. Those figures show what wheat has to pay at the port.

The Premier: That was a rough and ready calculation.

Mr. HILL: How could it be ascertained in any other way?

The Premier: By specific inquiries!

Mr. HILL: The Minister told the House that wheat was not charged a wharfage rate, but charges are imposed upon the ships and those charges are added to the freights quoted by the shipping companies, and the wheatgrower has to pay them. Directly or indirectly, the primary producer foots the bill every time. The Fremantle Harbour Trust, since its inception, has paid into Consolidated Revenue profits amounting to over £3,250,000. It would be interesting to know how much of that profit has come out of the earnings of the primary producer.

The Minister for the North-West: Yet you accused the Minister of maladministration.

Mr. HILL: I accused the State of maladministration. We in Western Australia have no Minister for Ports, although an amount of £7,000,000 is invested in ports.

Mr. Perkins: If the charges are made high enough, the Harbour Trust must show a profit.

Mr. HILL: Yes. The handling charges at Fremantle are higher than those of any other capital port in Australia. Unfortunately I am not permitted to refer to the deterioration that has taken place in our port finance.

Mr. SPEAKER: Order!

Mr. HILL: In conversation with the manager of an Albany firm about the handling charges on wheat he said, "We do not aim at making a profit on the handling of wheat. What we are concerned with is the storage." The aim of the Government should be to assist the primary producer and not try to make a profit out of him.

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

Ayes	17
Noes	19
Majority against	2

AYES.

Mr. Berry	Mr. Patrick
Mr. Boyle	Mr. Perkins
Mr. Hill	Mr. Sampson
Mr. Keenan	Mr. Seward
Mr. Kelly	Mr. Shearn
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney
Mr. North	*(Teller.)*

NOES.

Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. Hawke	Mr. Bodoreda
Mr. J. Hegney	Mr. F. C. L. Smith
Mr. W. Hegney	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Leahy	Mr. Willcock
Mr. Marshall	Mr. Wilson
Mr. Millington	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mrs. Cardell-Oliver	Mr. Wise
Mr. J. H. Smith	Mr. Graham
Mr. Stubbs	Mr. Collier
Mr. Thorn	Mr. Raphael

Question thus negatived.

BILLS (2)—RETURNED.

1, Public Service Appeal Board Act Amendment.

2, Farmers' Debts Adjustment Act Amendment.

Without amendment.

MOTION—PROPERTY OCCUPIED BY A.R.P.

As to Payment of Compensation.

MR. McDONALD (West Perth) [5.28]: I move—

That in the opinion of this House the Government should immediately make adequate

compensation to the widow of Leading Aircraftsman Rosenberg, in respect of the compulsory occupation of her premises in Charles street, West Perth, as an A.R.P. headquarters.

In asking the indulgence of the House to explain the circumstances of Mrs. Rosenberg's case, I think all members, including the Minister for Civil Defence, will agree with me that she has suffered and, as circumstances are today, is likely to suffer grave injustice. The question is, how can that injustice be redressed? I ask members to assist me in finding what can be done to ensure that this lady is not deprived of what is due to her. The facts are that Rosenberg for a number of years had a garage at the corner of Charles and Carr-streets, West Perth. At the end of 1941 or the beginning of 1942 he joined the R.A.A.F. and became a leading aircraftsman.

The Japanese menace at the time was serious and the west ward of the A.R.P., which covers that area of which Charles-street is part, was finding great difficulty in securing suitable premises for its headquarters and wardens' posts. Really, the only suitable premises, I am told, were this particular garage which, on account of its situation on the corner with a runway through from one street to another, was peculiarly fitted for A.R.P. headquarters; in addition, the premises had fairly large accommodation because normally they had to accommodate motorcars used in the business. Mr. Rosenberg thereupon told the Perth City Council and the west ward of the A.R.P. that they could have his premises for their A.R.P. headquarters and wardens' post at a rental of £2 a week. I speak subject to correction, but I think the rental was £2 per week. In fact, the premises were worth at least £3 or £4 a week. Mr. Rosenberg said that he was prepared to let the west ward of the A.R.P. have these premises at this low rental as his contribution to the war effort; he was at that time in receipt of his pay as a leading aircraftsman in the R.A.A.F., and also in receipt of allowances for his wife and children. The City Council accepted those terms and the premises became the headquarters of the A.R.P., west ward. Fairly extensive structures were placed in the premises in the shape of bunds, which were filled with sand, and similar bunds were placed in front of the building. Other alterations were made so that the premises might become suitable for the requirements of the A.R.P.

This happened at the end of 1941 or the beginning of 1942. Unfortunately, very shortly afterwards—on the 17th March, 1942—within a month or two of the arrangement being made—Rosenberg was killed at Parafield in South Australia, I believe by being struck with the propeller of an aeroplane while in the course of his duties. He left a widow and two young children, who, of course, are dependent now on the war pension, which is by no means a large one. I will endeavour to make the history of the case as short as I can, but my desire is that members should understand the difficulty which has arisen. By what is called the Public Authorities and Corporations Powers Order, made by the Premier on the 23rd February, 1942, under powers delegated to him by the Commonwealth under National Security Regulations, the Premier made an order by which he empowered local authorities compulsorily to occupy any premises —in effect—for the purpose of civil defence. The peculiar thing about this order is that it contains these terms—

> No public authority shall be liable in respect of any loss sustained by any person in connection with any act or thing done or in pursuance of any order made by the Premier under the said Regulation 35A.

This order was made under that same Regulation 35A. To make the matter still clearer, the order of the Premier made on the 23rd February, 1942, went on to say—

> No claim or action by the owner or occupier or other person interested in any land or building shall lie or be maintainable against a municipal council in respect of anything which the council may bona fide do or cause to be done in on or about such land or building in the exercise of any of the powers conferred by this clause.

So we find an order—quite understandable —made by the Premier under the authority of National Security Regulations by which a local authority could compulsorily occupy any premises for the purpose, among other things, of A.R.P. installations, but containing the extraordinary provision that the local authority should not be liable to pay any compensation to the owner or occupier whose premises have been so taken, and definitely barring the owner or occupier from maintaining at law or otherwise any claim for rent or compensation at all.

After this order had been made by the Premier, the Perth City Council, which had been paying this reduced rent for these

premises under the offer of Rosenberg and had established the west ward A.R.P. centre there, received from the Under-Secretary for Civil Defence a letter dated the 26th May, 1942—a few months after this order was made by the Premier—saying that Rosenberg's premises were declared to be suitable and should be available to the public as an air-raid shelter. The letter also states—

This notice is given to you——

That is, to the Perth City Council—

—so that the City of Perth may exercise its powers under Clause 5 of the Public Authorities and Corporations Order of the 23rd February, 1942.

The Minister for Mines: That wants emphasising—an air-raid shelter!

Mr. McDONALD: The Civil Defence Council therefore gave the City Council notice which entitled the latter to occupy these premises which, as the Minister rightly said, had an air-raid shelter in front of them for the use of the public and of the personnel inside the A.R.P. centre. The premises also had installations and bunds inside the premises for the use of the A.R.P. personnel. Under the order of the 23rd February, 1942, made by the Premier, the right of the local authority compulsorily to occupy premises for A.R.P. purposes does not arise until the Civil Defence Council certifies that the premises are suitable to be so occupied. However, the Civil Defence Council did give the certificate or notification and thereupon the Perth City Council, pursuant to the powers granted to local authorities by the order of the Premier, gave notice to Rosenberg's widow that the council intended to enter upon and take possession of the premises under the authority of the order.

The Minister for Mines: The A.R.P. had already been there five months.

Mr. McDONALD: Yes, and the moment it received this notice from the Civil Defence Council that the Perth City Council was entitled to occupy these premises under the Premier's order, it took steps to act under that order and immediately ceased to pay any rent. They went in during June of last year and ceased to pay any rent, including the reduced rent, and have never paid any since. The widow of this man has had her premises occupied for a year and some months since the Perth City Council acted under the Premier's order and the authority of the Civil Defence Council, and during the time she has received no rent, nor any compensation at all.

The Perth City Council adopted this attitude: It said, "We are authorised by the Premier's order compulsorily to acquire premises, and we are told that we are not to be liable to pay anything for them. It is not our duty to our ratepayers to pay out any money which, by the Premier's order, we are not required to pay." Personally, I consider that attitude was wrong. The council should have said, "The Government shall say by whom the owner of the premises is to be compensated and, if the Government is not going to compensate the owner itself and we are not prepared to compensate the owner, we will not take the premises at all. We are not prepared to be the agent of anybody to take premises under circumstances that are oppressive and unfair to any citizen." But the Perth City Council did not do that. It walked in and took the premises, and has never paid any rent.

Mr. F. C. L. Smith: The Perth City Council could not pay it, could it?

Mr. McDONALD: In justice to the Perth City Council, it says it has been legally advised that in view of the terms of the Premier's order exempting it from payment of any compensation it has no power to pay rent. That is a legal question on which there may be a difference of opinion, but the council has been so advised and, having regard to that advice, considers it beyond its powers to pay any rent in view of the terms of the Premier's order. We can understand the attitude taken up. These premises were and are subject to a mortgage of £1,200, on which the annual interest is £65. Rates, taxes and insurance bring the total outgoings up to very nearly £2 a week, or £100 a year; that is, without taking into account painting, repairs and depreciation. This woman has been liable all this time, during which her premises have been taken without any payment being made for them, for inescapable outgoings, by way of interest, rates, taxes and insurance, amounting to £2 a week. She has a small pension.

Mr. Marshall: What is the mortgage?

Mr. McDONALD: The mortgage is £1,200 on which the interest is £65 a year. When to that are added rates, taxes and insurance—leaving out painting and repairs, etc.—the total that has to be paid is nearly

£100 a year. The council has been sending in rate notices all the time, and the Government has regularly forwarded and asked for payment of its water rate bill. Of course, the widow of this man has not had the means to pay these outgoings. Interest and rates and taxes have piled up. I dare say she has paid the insurance. She or the mortgagee would have to do that. In the meantime, while the City Council has had these premises for A.R.P. purposes for a year and some months without any payment being made to the owner, the rates and taxes have accumulated to the extent of £120 or £130. On three occasions I asked the Minister questions about this matter. On the 19th August, 1942, the Minister said—

I am aware of two instances in which premises have been so requisitioned. As far as I know the owners are not receiving rent or compensation.

There are one or two others in the City of Perth in the same position as this woman but their circumstances are possibly better than hers.

Mr. Marshall: This is one of the equalities of sacrifice we have been told about during the war, is it?

Mr. McDONALD: Apparently it is. The Minister went on to say—

This matter has been fully considered by the Civil Defence Council, which is of the opinion that Civil Defence funds should not be used for the purpose of compensating such owners. Where the council requisitions premises for its own use, it pays reasonable rental in every case.

Whatever that last sentence means, I do not know, but in this instance it did not pay a reasonable rental; it did not pay any rental.

The Minister for Mines: Because we did not have the premises.

Mr. McDONALD: The Minister said that where the council requisitioned premises—

The Minister for Mines: That refers to the Civil Defence Council.

Mr. McDONALD: I was under a misapprehension. I am glad to know that the Civil Defence Council recognises the principle that when it requisitions premises it should pay a reasonable rental in every case. On the 16th September, 1942, I asked the Minister whether he knew that this woman was still without any payment for her premises and, getting rather desperate, I said—

Will he take up the matter with the Commonwealth Government to ensure that an injustice such as this is not allowed to continue?

Still nothing happened and still no rent was paid, and on the 10th December I returned to the matter in a further question to the Minister, who replied—

Full details of this matter were placed before the Commonwealth authorities when my attention was previously drawn to it.

But nothing was done by the Commonwealth or by the Minister or by the Perth City Council. In the meantime the interest, rates and taxes have been piling up and the woman has received nothing at all. This woman, who is the widow of a man killed in the R.A.A.F.—I do not want to emphasise this, but the circumstance is material from the point of view of justice—is providing from £90 to £100 a year out of her pocket for the civil defence of Perth, which other citizens are not contributing. It amounts to a special tax on her. Then the City Council had some stirrings of conscience.

Mr. Marshall: Where did it get the conscience?

Mr. McDONALD: It has some conscientious views on the matter, and its contention has been that this money should have been paid by the Civil Defence Council, or by someone other than itself.

The Minister for Mines: Passing the buck!

Mr. McDONALD: Yes. Everybody does it. On the 8th July, 1943, the Town Clerk wrote to the Under Secretary for Civil Defence in these terms—

As the City of Perth acted as the agent it is prepared to make an ex gratia payment of £2 10s. per week from the 29th May, 1942, to Mrs. Rosenberg on a fifty-fifty basis.

The Perth City Council decided apparently on the advice of the City Valuer, that £2 10s. per week was a fair rent and was prepared to pay half if the Civil Defence Council would pay the other half. The Civil Defence Council denied that the City of Perth had acted as its agent in taking possession of the premises and, of course, refused to pay or contribute anything towards the arrears of rent. The City of Perth then wrote on the 27th July last to the Civil Defence Council saying that the City of Perth was paying Mrs. Rosenberg £65 in respect of the past occupation of her

premises, being at the rate of £1 per week. This payment, the City of Perth said, would be ex gratia; an act of grace. It was not an act of justice, or the payment of a debt, but a kind of benevolent payment to this woman at the rate of £1 a week in respect of premises which it assessed, in a letter to the Civil Defence Council, as being worth £2 10s. a week.

The Returned Soldiers' League became concerned about this case and interviewed the Minister and the Perth City Council in an endeavour to get justice for Mrs. Rosenberg, but in the end gave up. The league found itself up against a brick wall and could do no more. But in response, I believe, to its suggestions or protests, the Government did amend the original order of the 23rd February, 1942, by a further order which appears in the "Government Gazette" of the 11th June, 1943. This amendment stated—

(i) Nothing in this clause shall be deemed to prohibit or shall prohibit the payment ex gratia by any public authority out of its funds or revenue of compensation in any amount to any person for or in respect of any loss or injury sustained by such person as mentioned in this clause, whenever such public authority is satisfied that the circumstances of the case warrant payment of compensation and is willing to make such payment;

(ii) paragraph (b) of clause 3 of this Order shall extend to and authorise the payment of compensation as aforesaid out of the funds or revenue of the public authority; and

(iii) this proviso shall operate and have effect and shall be deemed to have been in operation and to have had effect as from and including the 23rd day of February, 1942.

In other words, it dated back to the original order. The result of that is this: The local authority was not ordered to pay back-rent or compensation; it was simply told, "You can pay if you want to; it is left entirely to you." The order also said, "If you pay you are authorised to pay, not as a debt or as compensation, but ex gratia, an act of grace." The payment became a benevolent one to the owner concerned for the use of premises compulsorily taken. The original order of the Premier entitling local authorities to occupy, compulsorily, the premises of citizens without paying any compensation was, in my opinion, clearly unconstitutional. The right to occupy premises is granted only under the Constitution of the Commonwealth, because the order was made by delegated authority from the Commonwealth, and the Constitution clearly lays down that compulsory acquisition is only allowed upon just compensation.

In all other regulations and, I think, in every other activity of the Commonwealth Government, including the Army regulations, the Army authorities or military authorities are required to pay just compensation for premises they occupy even if it is only for a week or two. I feel disinclined—in fact it would be a great responsibility for me—to advise Mrs. Rosenberg to sue the City of Perth, which has acted under an order in respect of which there is now an amending order. It is, prima facie, under no obligation at all to pay. Mrs. Rosenberg would have to take the constitutional point as to the validity of the exemption from liability for compensation contained in the order, and might have to go to the High Court. What money has she got to go to the High Court? The result is that this woman has had her premises compulsorily taken under the authority of the Government's order and occupied for considerably more than a year—a year and some two or three months at least—without any payment being made to her, while all the time she has had an accruing liability at the rate of nearly £2 a week for inescapable commitments on the land.

Mr. Marshall: I thought you said she had one ex gratia payment of £65.

Mr. McDONALD: The City Council offered her that amount, but so far she has not cashed the cheque. She feels, and I entirely agree with her, that she does not want payment as an act of grace. She wants what she is justly entitled to.

Mr. Marshall: The cashing of that cheque would not interfere with her rights.

Mr. McDONALD: The City Council wrote to her and said that it would make a payment of £65 as an act of grace. She is an independent woman and said, "I do not want any act of grace. I do not want to take your money on such terms, or as a benevolent payment. I want whatever is a fair thing for my property." She is right in her attitude. It is a course that anyone who had any feeling of self respect would adopt. This woman could go to law and challenge the constitutionality, under the Australian Constitution, of the exemption for liability of compensation contained in the Premier's order. But if that is fought by the City Council on a matter of principle and in order to protect its reputation with the ratepayers, what would be the expense by the time the action arrived at the High Court? Constitutional questions, I

might add, must go to the High Court. The case would probably be heard in Melbourne. She has no money to do that. In the absence of a law suit, which is beyond her means, her present position is this: Under the order of the Government she cannot sue the Perth City Council for the £2 10s. a week, which it admits is a fair rental for the premises for the year or two that it occupied them.

The Civil Defence Council says it has nothing to do with the matter because the City Council did not act as its agent, and therefore disclaims liability. The Federal authorities stand aloof and take no interest and I do not blame them. They provided a certain amount of money to the State for civil defence and say it is up to the State Government to attend to the civil defence liabilities of the State. I think the Commonwealth Government has a good case for keeping out. Therefore the woman, unless she goes to the High Court, cannot get any redress against the Premier's order either from the Government or from the Perth City Council. Certain letters passed between the woman and the Perth City Council, but the parties got tired of the argument. After having spent £100 or more for equipment, etc., inside the premises, the City Council will have to spend £20 or £30 to remove it, because the place has to be restored for civil use, and it will be necessary to incur the expense of adapting other premises for the purpose.

All that this woman can get in respect of the sum due to her at the rate of £2 10s. a week over the period of occupation, totalling £160 or £170 in all, is £65 offered to her as an act of grace by the Perth City Council. This is an intolerable position for any citizen to be placed in, and I would not have brought it before the House if I and the R.S.L. had not reached a complete impasse. It is the sort of thing that no one should allow to happen. I ask members to support me in the opinion that the State Government should pay compensation to this woman for the period her premises have been occupied. The reason why the Government should accept the responsibility is that, when it decided that local authorities might have compulsorily to acquire premises for civil defence purposes, it should have decided on two things. The first of these is that if any premises were compulsorily occupied for an indefinite period of weeks, months or years, as in the case of Mrs. Rosenberg, the owner should receive fair compensation. The second principle is that the State Government should have said definitely by whom the compensation should be paid. Instead of that, by these orders, the Government has created a position under which this woman cannot get payment at all. I doubt whether there is any power under which the Premier could order retrospective payment, so that the Perth City Council should be required to pay the back rent from the time the premises were taken over in June of last year.

It is due to a lack of appreciation on the part of the Government of the principles involved that this trouble has arisen, and I consider it is up to the Government, as an act of justice and fairness, to accept responsibility for what has happened. I would not care very much how the Government arranged the matter—it and the Perth City Council might pay half each—but I think it is the obligation of the Government to see that this woman receives compensation. Rightly or wrongly, other local authorities have recognised this principle. I believe that the Nedlands Road Board and the Fremantle municipality have paid the rent of such premises, but not so the Perth City Council. As the matter stands under the Premier's order, if the City of Perth ought to pay it cannot be made to pay. I would be glad if members would assist me to have this injustice rectified. It is reasonable to ask the Government to accept the responsibilty, and I hope members will agree it is not unreasonable of me to ask their support of the opinion that the Government should ensure the payment of compensation.

THE MINISTER FOR MINES: I agree with the mover of the motion that Mrs. Rosenberg has had a raw deal, but not from the State Government or from the Civil Defence Council. There has been talk of "passing the buck;" but in spite of all the arguments advanced by the member for West Perth in regard to the lady being a widow, the question is merely one of responsibility. This is not a case standing by itself. The decision in this case will mean the decision in several cases so far as the Perth City Council is concerned; and those other cases are not cases of widows. As the member for West Perth has gone into

some detail from his point of view, I desire to furnish some particulars of exactly what has happened in the matter. In the first place the Perth City Council as a local government body comes under Section 10 of the relevant Act passed by this Parliament. Regulation 25 was promulgated under that section. Paragraph 3 of that regulation reads—

> The cost of any administration expenses incurred by the Head Warden or Deputy Head Wardens shall be borne and paid by the local authority in whose district such expenses were incurred.

Now, the Head Warden is appointed by the Perth City Council and is paid by that body, and his administration expenses under the Act and under the regulation in question are the responsibility of the Perth City Council. In view of that fact the wardens set out on their job as representing the ratepayers from an A.R.P. point of view to do certain administrative acts in regard to civil defence. One of the first things done was that a statement was sent out on the 19th November, 1941, signed by Professor Bayliss, then Chief Warden, setting out the functions of wardens. I wish to emphasise that these instructions refer to depots, because under the order promulgated by the Premier, to a large extent the issue is what is a depot and what is an air-raid shelter. The circular was sent to air-raid wardens employed by local government bodies, and we have never had any expressions of opposition to it. In those circumstances the Perth City Council, as the member for West Perth stated, was looking around in West Perth for a depot and a first-aid base—not for an air-raid shelter. There was certainly an air-raid shelter built outside the premises here under consideration, but not at that particular time.

And so the Perth City Council or the West Perth Warden decided to occupy the premises of Mr. Rosenberg on the corner of Carr and Charles streets. An agreement was drawn up by Mr. Rosenberg providing for a rent of £1, not £2, per week. I make that statement on the authority of the Perth City Council. I understand Mr. Rosenberg said he thought the garage was worth £2 per week but he was prepared to accept £1 for it as his contribution to the war effort. So the City Council got the place all ready for a first-aid post and Head Warden's base. The City Council went into possession of the place, a garage, on the 29th January, 1942. It is a very big garage. It was occupied at £1 per week, and that rent was paid from the 29th January up to the 31st May, 1942. In the meantime the Perth City Council wrote to the Civil Defence Council pointing out that in the event of an air-raid there should be preparations for people then in the city to be able to take shelter in suitable places.

It was suggested to the Civil Defence Council that a reservation be made on buildings in Perth with a view to ascertaining which were suitable for air-raid shelters in the event of a raid taking place. A Shelter Committee had been formed, of which Mr. Dumas is chairman, and on which the Perth City Council is represented by the City Surveyor and other experts in that work. They made a survey of the City of Perth for buildings suitable, in their opinion, for the purpose of air-raid shelters. Having done that, and announced a number of A, B, and C shelters, they sent that information to the Civil Defence Council and the Perth City Council.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR MINES: I was dealing with the question of air-raid shelters, and pointing out that the Perth City Council had asked for surveys to be made of the larger buildings in Perth. This was done. The City Council then raised the question as to who should be responsible for any damage done to the buildings in the event of an air-raid. The outcome of the discussion on that point was the order promulgated by the Premier and known as the Public Authorities and Corporations Powers Order, which was issued on the 23rd February, 1942. The order was designed to exempt local government bodies from responsibility for any damage that might occur owing to a rush of people into air-raid shelters in the event of a raid. This is an important point: Buildings taken over for air raid shelters would be used only during an air-raid, and the occupier or owner would not be prevented from carrying on his business during such time as a raid was not taking place. The surveys I refer to were submitted to the Civil Defence Council, which then notified the City Council in these words, which have already been read by the member for West Perth—

> I hereby give you notice that each of the undermentioned buildings in the City of Perth

has been declared by the Civil Defence Council of Western Australia to be suitable for and shall be available to the public as a public air-raid shelter. This notice is given to you so that the City of Perth may exercise its powers under Clause 5 of the Public Authorities and Corporations Powers Order dated the 23rd February, 1942.

I again emphasise the point that all the Civil Defence Council did was to certify that those buildings—of which Rosenberg's was one—were suitable for air-raid shelters. The City Council used Rosenberg's premises for an air-raid shelter. They were used as a warden's post and a first-aid post. No air-raids in fact occurred and consequently the notification which I have read did not come into the question at all.

Let us examine the dates, which are interesting! As I said, the garage was taken over by the Perth City Council on the 29th January. The Public Authorities and Corporations Powers Order was issued on the 23rd February, so that the council was actually in possession of Rosenberg's premises before any question arose under the order promulgated by the Premier. The City Council had paid £1 a week rent to the Rosenberg family up to the 31st May, 1942, notwithstanding that this authorisation was published in the "Government Gazette" of the 23rd February. Then suddenly, for some unknown reason, the City Council decided to cease paying the rent, sheltering itself behind the order promulgated by the Premier. So the argument started. The first we knew about it—I say this quite honestly and sincerely—was when the Civil Defence Council received a letter from a Mr. Miles, if I remember the name rightly, who was agent for Mrs. Rosenberg. Indeed, that was the first intimation we had had that the City Council had taken over the premises at all, because the council took them over under its own organisation and rules. About this time the City Council decided to appoint what is known as the A.R.P. Advisory Committee, presumably to advise the council as to what should be done in regard to A.R.P. matters.

Whether the advisory committee was responsible for the cessation of payment of rent I do not know, but it was just about that time that payment ceased. At no time was the Civil Defence Council consulted about taking over the premises from Rosenberg. In the meantime, as the member for West Perth said, Mr. Rosenberg was accidentally killed and Mrs. Rosenberg became an airman's widow. That brought the R.S.L. into the matter; it is part of the League's work to see that justice is done to the widows of soldiers, airmen and sailors. The League took up the matter and the State president interviewed me. I let him peruse the file and he, having read it carefully, arranged a deputation with his colleagues to the Lord Mayor. The Lord Mayor disclaimed any knowledge of the matter and decided that the Civil Defence Council ought to pay. After two or three deputations, an extraordinary idea came into the minds of the deputationists. It was suggested that if the R.S.L. were to pay £1 a week, the council should also pay £1 a week. Some of us did not quite agree with that idea. However, it was partly agreed to but, when it was put to Mrs. Rosenberg, she would not have anything to do with it. She said, quite justifiably, that she did not want charity, she wanted justice. That proposition consequently fell to the ground, and nothing further was done with regard to it.

The Civil Defence Council has had to requisition buildings, just as the Nedlands Road Board, the South Perth Road Board and other boards have had to do. The Civil Defence Council requisitioned all kinds of buildings for the purposes of warden's posts, first-aid posts, siren posts, etc. Large numbers of those buildings so requisitioned were let free, but the council has had to pay a rental for some of them. An extraordinary point is that the Perth City Council refused to pay Mrs. Rosenberg any rent after a certain date, employing the argument that it was not obliged to do so under the order issued by the Premier; yet my advice is that there was nothing in the world to prevent the council from continuing to pay the rent out of its 3 per cents, if it desired to do the right thing. This case is only one of several. The Perth City Council said to the Civil Defence Council, "We want the North Perth Town Hall for a depot, the lesser hall in Cambridge-street for a depot, and the Victoria Park Town Hall for a depot and first-aid post." The Civil Defence Council replied, "You can have them at such-and-such a rent." After much discussion as to the rental to be paid, the matter was submitted to an arbitrator, who fixed the rent of the North Perth Town Hall at £2 18s. 4d., the

Victoria Park Town Hall at £4 6s. 8d., and the lesser hall at Leederville at £2 3s 4d.

So while the City Council says it is not going to pay anybody else, if the Civil Defence Council desires to take over any of the City Council's buildings for the protection of the metropolitan area it is informed it can do so and is told what it is expected to pay. It is illogical for the City Council to argue that it cannot and is not going to pay other people, and yet when anybody else, even the Civil Defence Council, wants to use the City Council's buildings, a payment has to be made. The Civil Defence Council has paid and has never refused at any time to do so. The R.S.L. was very incensed over this matter. I do not blame that organisation for its attitude. After some time, although the City Council had agreed to pay £1 a week and up to a certain date had done so, it wrote to the Civil Defence Council and said that it was prepared to pay £2 10s. a week back to the date it had ceased paying, provided the Civil Defence Council paid half.

I know there are some fairly shrewd heads connected with the City Council, but one or two members of the Civil Defence Council knew what was going on. Winterbottom's, and some others in the same position were waiting for something to be settled, and had the Civil Defence Council agreed to this procedure there would have been a number of claims on the Civil Defence Council to do the same thing again. Consequently, the Civil Defence Council did not agree, and told the Perth City Council it was that organisation's responsibility and not the responsibility of the Civil Defence Council. Then the Perth City Council decided that it would pay at the rate of £1 a week, £65, that being the amount owing from the time it had ceased to pay any rent. As the member for West Perth has stated, the lady concerned was not prepared to accept £65. She received a cheque, but it has not been cashed, and therefore she asserts that she has not accepted it. The Commonwealth Government does not come into this matter at all. At the request of the Perth City Council I brought the matter to the notice of the Commonwealth Government, but I was justifiably told it was our job. I expected that.

It is not a matter for the Commonwealth Government, and I claim that it is not a matter for the State Government either. Under Regulation 25 of the Civil Defence (Emergency) Powers Act, local governing bodies are given certain obligations and the City Council accepted those obligations. It went into Rosenberg's garage and evidently made a contract to pay £1 a week. When the order was issued which, as I said, was issued for the purpose of protecting the City Council against anything that might happen in the event of a raid, it sheltered behind that order. Legally it may have been right; I do not know. Morally, however, it was very wrong and knew it. I agree that Mrs. Rosenberg has not had a fair deal, but the unfair deal has been given by the City Council, which went into this matter without consulting anybody at all. The garage was never used as an air-raid shelter. There is a big shelter outside which is not connected with the inside of the building.

[Resolved: That motions be continued.]

Except when called on to pay part of the rent, the Civil Defence Council was not consulted in any way in this matter and did not have anything to do with the garage, which is used as a first-aid and head warden's post. It never has been used as an air-raid shelter. The member for West Perth, probably not knowing much about A.R.P. work, said it was there for the people who were working inside, but the people who would be working inside, except in connection with practices, would not be inside apart from when they rushed in to get their gear in the event of the sounding of the air-raid siren. They would not be inside at all, but outside, doing their job. The air-raid shelter was put there for the purpose of protecting the civil population. I hope that notwithstanding the plea of the hon. member, the House will not agree to this motion because it means the passing of the buck by the Perth City Council, which is actually responsible, and—I say it very definitely—is not playing the game either in this particular case or in regard to one or two other cases which will probably come to light sooner or later. I hope the House will put the blame where it properly belongs, namely, on the Perth City Council.

MR. McDONALD (West Perth—in reply): It is true, I understand, that the premises were occupied in the first place, by arrangement, as A.R.P. headquarters up to the 29th May, 1942, that is, for some three or four months before the Perth City

Council refused to pay any rent on the ground that the premises were an air-raid shelter. How they can come to be an air-raid shelter is shown by a letter written three days before, namely, on the 26th May, 1942, by the Under Secretary for Civil Defence to the Town Clerk of Perth. In that letter the Under-Secretary says that Rosenberg's premises are declared to be suitable and shall be available to the public as an air-raid shelter. The letter proceeds—

> This notice is given to you so that the City of Perth may exercise its powers under Clause 5 of the Public Authorities Incorporation Order of the 23rd February, 1942.

In other words, on the 26th May, the Civil Defence Council said to the City of Perth, "These premises are suitable for an air-raid shelter and we suggest that the City of Perth take them over under the Premier's order which, of course, means that it takes them over without any liability for paying compensation for such premises so taken over as an air-raid shelter." Just outside the front of the building is an air-raid shelter. It has a large overhead bund and is available to the public. It is built on Mrs. Rosenberg's land. Inside the premises themselves there are one or two bunds enclosing a foot or two of sand and rising 8 or 10ft. high which would also be available in cases of emergency, not only for A.R.P. personnel but no doubt for the public also. The Perth City Council apparently considered that it was using the premises as an air-raid shelter.

The Minister for Mines: We have not had a raid yet.

Mr. McDONALD: That does not matter.

The Minister for Mines: It is everything.

Mr. McDONALD: I do not think so. That an air-raid shelter is not an air-raid shelter except in a raid is an impossible argument. There would be no object in all this if that were the suggestion because, after all, these structures are built and cannot be removed. They are in the drive-way of these garage premises. It is an external air-raid shelter. The City of Perth apparently thought it then came under the Premier's order and it proceeded to occupy the premises as an air-raid shelter. The council immediately claimed under the Premier's order that having used the premises as an air-raid shelter and occupied them for that purpose, it was exempt from paying rent. If the council is right in that, it does not matter if, in addition to the premises being used as an air-raid shelter, they are also used for the assembly of A.R.P. personnel, or for any other purpose. Once premises have been used as an air-raid shelter then the council or local authority can automatically say, "We are not liable under this order of the Premier to pay rent."

The Premier: They can take over a ten storey building and use the whole lot of it.

Mr. McDONALD: Hardly. When premises are so altered that they become impossible of letting to any civil tenant, as is the case here, they then become an air-raid shelter. The City Council took over the whole of these premises, and when it did that it said, "We take over the land and the premises on it."

The Minister for Mines: There was a bund there.

Mr. McDONALD: Yes, but when the Premier made the order, and when the Minister suggested to the City Council—

The Minister for Mines: That is not fair!

Mr. SPEAKER: Order!

Mr. McDONALD: Let me read this letter from the Civil Defence Council to the Town Clerk, Perth—

> This notice is given to you so that the City of Perth may exercise its powers under Clause 5 of the Public Authorities Corporations Order of the 23rd February, 1942.

The Minister for Mines: As an air-raid shelter.

Mr. McDONALD: Yes.

The Minister for Mines: It was never used as such.

Mr. McDONALD: That was a definite suggestion that the council should take over these premises as an air-raid shelter. It acceded to that suggestion and immediately, in accordance with the Premier's order, said, "We will now pay no rent because we are not liable for it." This argument of the Minister is interesting. I appreciate it. It is a legal point, but it does not help Mrs. Rosenberg, because it seems to me that if a local authority takes over premises under that order and uses them as an air-raid shelter, and so becomes exempt from any rent or compensation, it does not lose that exemption because it allows air-raid personnel to be on the premises. I do not think it would lose the exemption even if it parked a municipal steam roller or other municipal equipment there. The Perth City

Council has a fairly sound legal argument. The City solicitor has backed it up on this, that having built air-raid shelters on that land and taken over the property, the council becomes exempt from rent. I understand, but the Minister can correct me if I am wrong, that the bunds were built at half cost to the City Council and half to the Civil Defence Council.

The Minister for Mines: No. The local governing bodies had to undertake that responsibility. They had to build their own bunds.

Mr. SPEAKER: Order!

Mr. McDONALD: If the Government thought that the City Council was dodging its responsibilities it could have amended the Premier's order and provided that any premises used for any purpose other than an air-raid shelter, should be paid for in respect of their use as A.R.P. administrative quarters, or the rent should be apportioned, or whatever it may be. But that was not done.

The Premier: No. Vacant property could be used as an air-raid shelter; that was all.

Mr. McDONALD: These and other premises in the city have been taken over for months and may be held for years. No rent or compensation is being paid, and there is no intention to pay any. Why should any premises belonging to rich or poor be taken over and wholly occupied, or even partly occupied, by any local authority without payment being made? Is it not contrary to the principle that no citizen —this man here or that woman there—shall be singled out and his premises occupied under compulsory powers granted by the order of the State Government on the terms that that man and that woman do not get a penny compensation?

The Premier: How many buildings are used exclusively as air-raid shelters?

Mr. McDONALD: Not many! This is one and I know of one other where a man's semi-detached house, in North Perth, has been taken over for more than a year and is still held by the City Council purporting to operate under the Premier's order and not paying a penny rent.

The Minister for Mines: That is a warden's post, too. It is Stenberg's place.

Mr. Triat: They are all "bergs."

Mr. McDONALD: It is wrong. This order was to occupy the whole of Rosenberg's premises—all his land and buildings—and prima facie the council need pay no rent. This woman might go to law, but I do not want to see her do that. Why should she?

The Minister for Mines: I do not think she should either. The City Council should do its job.

Mr. McDONALD: The blame lies in its zealousness in following the Government's order. When the Government does these things it should make them clear. I do not care what it puts into its order in one respect. I would not have minded a great deal if it had said that if any premises are occupied, belonging to an owner who cannot afford to give them free of charge, then the local authority should pay a fair rent.

The Premier: It was not thought that any buildings would be occupied in that way. It was to put trenches on vacant land. That was what I was asked to make the order for.

Mr. McDONALD: That is not what the Premier's order says. The order of the 23rd February, 1942, which the City Council acted upon, provides that the local authority may enter upon and take possession of any land or buildings and shall not be liable to the owner for any loss occasioned by so doing. The City Council entered upon and took possession of this land, and has remained there for more than a year. Had this trouble not arisen it would have stayed there indefinitely. In order to see that this woman, or any other owner in a similar position, received justice the Minister, when he had notice as far back as August, 1942—more than a year ago—and when the matter was first raised, should have requested the Government to amend its order to compel the City Council to pay. This matter was brought under the Government's notice last year, and it knew then that this woman was getting no money and that the City Council was refusing to pay. It could have amended its order at that time and given the right of recourse for reasonable compensation against the City Council. But nothing was done. While I appreciate the explanation of the Minister, I point out that Mrs. Rosenberg cannot sue the Perth City Council if the premises are used in any way as a shelter, as that body says they are. The supplementary order by the Premier merely says that the council may, if it wishes, pay compensation, but it is not compelled to do

so. Of course, the City Council does not wish to pay.

I ask the Government to pay because it has created this position, and could have remedied it long ago by amending the order and casting the liability on the local authority. The Government, however, has not done so, and by allowing things to run on all these months, the woman is left without redress. I need not say anything about the local authorities that have paid voluntarily, but I urge that this is a case in which the Government should see that justice is done to Mrs. Rosenberg. If the Government elects to make any payment to her, and even if an ex gratia payment were made by the Perth City Council, I would advise her to accept it, provided it was a fair and reasonable payment for the period of occupation. If the motion is not agreed to and the Government is not asked to meet the liability to this woman, I do not know what will happen. So far as I can see, she will never be paid, and there will be no recourse for her except the doubtful expedient of going to law.

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

Ayes	19
Noes	17
Majority for	2

AYES.

Mr. Berry	Mr. Perkins
Mr. Doyle	Mr. Rodoreda
Mr. Hill	Mr. Shearn
Mr. Keenan	Mr. F. C. L. Smith
Mr. Kelly	Mr. Styants
Mr. Leahy	Mr. Thorn
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney
Mr. North	*(Teller.)*

NOES.

Mr. Coverley	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Trint
Mr. W. Hegney	Mr. Willcock
Mr. Johnson	Mr. Wilson
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Cross
Mr. Needham	*(Teller.)*

Question thus passed.

MOTION—POST-WAR RECONSTRUCTION.

To Inquire by Royal Commission.

Debate resumed from the 8th September on the following motion by Mr. Cross:—

That in the opinion of this House, a Royal Commission should be appointed to inquire and report upon the possibility of successfully preparing a five-year plan for post-war reconstruction. Such a plan to embrace the establishment of new industries (including heavy industry)the establishment of factories to produce nylon, butadiene, nitrates, and consumption goods, the electrification of the State, the extension of existing primary and secondary industries, the provision of a comprehensive building scheme to provide adequate public buildings and sufficient houses for the people, and generally, to prepare to place the population in reproductive industry after the war.

to which Mr. North had moved an amendment as follows:—

That after the word "upon" in line 3 the words "the advisability of setting up a Council of Scientific and Industrial Research for Western Australia and" be inserted.

THE MINISTER FOR INDUSTRIAL DEVELOPMENT (on amendment) [8.8]: Whilst not being in favour of the amendment because I am opposed to the motion, I think it will be better to state the case against the whole proposal when it will be permissible for me to do so. Therefore, instead of speaking against the amendment, I propose to wait until it has been disposed of, and will then present the case for the Government against the motion irrespective of whether the amendment is passed or defeated.

Amendment put and negatived.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: The motion asks the House to express an opinion favourable to the setting up of a Royal Commission for the purpose of inquiring into and reporting upon the possibility of successfully preparing a five-year plan for post-war reconstruction. It then proceeds to outline just what is to be embraced by the plan. The speech of the member for Canning in support of the motion contained a deal of valuable information and some useful suggestions and proposals.

Mr. Thorn: All new, I suppose?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: If everything contained in that speech had been new, I would this evening have been giving my utmost support to the motion. However, about 90 per cent. of that which was contained in the Speech is not new, and as a great deal of it has already been acted upon, or is being acted upon, by the Government the necessity for a motion of this kind becomes a very weak necessity. In my opinion the House would be acting altogether unwisely

to endorse the motion, and would be imposing on the taxpayers of the State an unnecessary and therefore unwarranted burden if it were to carry the motion.

Mr. Doney: That is not to say you would give effect to the motion if it were carried, either!

The MINISTER FOR INDUSTRIAL DEVELOPMENT: The House, I consider, should be particularly serious in regard to a motion of this character. I do not think members should support it in the feeling that even if it is carried the Government need not act upon it. We should face up to the motion squarely and decide either in favour of it or against it on its merits, at the same time, of course, taking into consideration the work that has already been attempted and achieved by the Government along the lines of the motion. Take, first of all, the idea of developing a five-year plan of post-war reconstruction in respect of the technical advice and skill that would have to be obtained to enable such a plan properly to be developed. Some of those in this House will remember that in 1938 the Government introduced a Bill having for its main object the setting up in Western Australia of a bureau for scientific and industrial research, and for the establishment in the State of new industries, and also for the expansion, wherever possible, of our existing industries. Parliament in its wisdom defeated that Bill, and so the Government was deprived of the opportunity to obtain legal power to develop an organisation under statute along the lines which the Government then thought to be necessary.

As the opposition of Parliament on that occasion to the Bill in question was based largely upon a fear that the Government would, if the Bill were passed, set up a large, expensive new department, the Government did not accept that decision of Parliament as being a decision opposed to the idea of setting up in Western Australia an organisation whose main object would be the greater development of the industries of the State, and particularly the secondary industries. Therefore the Government set to work to establish an organisation without special Parliamentary authority for the purpose of achieving, as far as possible, the objective which we then had in mind. Members of this House will know that we have appointed engineers and chemists to the staff of the Department of Industrial Development. Those officers have applied themselves diligently and, in my opinion, with considerable success, to the objectives I have just mentioned.

Furthermore, we have established a system of using the knowledge and skill and advice of all suitable technical officers in the service of the Government. In addition to the officers actually associated with the Department of Industrial Development, we use the appropriate technical officers of the Mines and Public Works Departments and of other Government departments. We have also set up panels whose work it is to investigate and report upon any particular proposal or project which might be regarded as coming within the realms of practical possibility, so far as the establishment and operation in this State of any proposed new industry is concerned. Not only did we appoint to those panels appropriate technical advisers of the Government, but we drew upon the ranks of private industry for the purpose of ensuring that the best technical advice procurable in private industry shall be available in the consideration of the problems which I referred to the panels for consideration and advice.

In addition, we took advantage of the technical skill and advice available in the large organisations of the Commonwealth Government. Members are aware that there is in operation in Australia a Council for Scientific and Industrial Research, which is an organisation set up and officered by the Commonwealth Government. Members are also aware, I am sure, that highly skilled technical men are associated with that organisation. When we can use that organisation's services regarding any particular proposal or problem that confronts us, we apply for the use of the organisation's services, and never has there been an occasion when advice and assistance have been refused to us. Furthermore, we have available to us the use of experts associated with our local University. In connection with the charcoal, iron and other industries we have used effectively the services of experts at our University. When there has been any shadow of doubt about the possible success of establishing a new industry, or of extending into some new avenue the production of an existing industry, we have adopted the method of laboratory test experiments. This has been especially the case where the experts have not been able

to convince us beyond the shadow of doubt about the local success of any proposition. Similarly we have financed the construction and operation of semi-commercial pilot plants for the purpose of making absolutely sure that any project to be put in hand will be safe and successful from the scientific and technical points of view.

So I submit to members that the organisation built up by and used by the Government, regarding the expansion of industry, is an organisation which meets every reasonable requirement. One might appoint any Royal Commissioner that can be named, but I think it would be found that, if such a gentleman were appointed, he would seek most of his advice and evidence from the very men who are part and parcel of the Government's organisation under its policy of expanding our industries. After this Royal Commissioner had been appointed and had carried out all his investigations and taken all evidence available, with considerable cost to the taxpayers, he would probably make a recommendation endorsing to a very large extent the steps which have already been taken by the Government along the lines I have briefly indicated. The Government believes in a post-war reconstruction plan, but not necessarily for only five years. Some of the plans already prepared by the Government are designed to cover a period much longer than five years. We see no particular virtue in a policy limited to so brief a period, and consequently our plans are intended not merely to carry us over what will probably be the five very difficult years immediately following the war, but are based on permanency so far as the future of the State is concerned.

We are not regarding the early post-war years as those which can be properly met by merely emergency measures, mainly for the purpose of ensuring that men should not be unemployed. Any post-war plan which has that as its main principle—the mere provision of employment—will prove of very little value in the long run. The post-war reconstruction plans of this Government envisage something much greater. The Government started its post-war reconstruction and development plans some 18 months ago. We realised that unless those plans were ready for operation before hostilities ceased, we would probably be facing chaos when the war did end. Members will doubtless agree that unless the plans are ready and capable of being put into operation immediately after the war, we will face no end of difficulty with regard to unemployment, as well as other disabilities, when the war does end. My experience is that once unemployment occurs, it is exceedingly difficult to prevent it from expanding, because unemployment breeds unemployment. If we merely waited for the war to end and allowed the unemployment problem to arise, we would find that it would expand so rapidly as to make it almost impossible to bring it again under control. One of the main principles guiding the Government in the actions which it has already taken for post-war reconstruction has been the principle of ensuring that plans will not only be prepared before the war ends, but will be capable of immediate application as soon as the opportunity and the necessity arise.

I propose to give members brief information with respect to the work which has already been achieved by the committees and the general organisation set up by the Government some 18 months ago. One of the most important of the committees is the Public Works Post-war Reconstruction and Development Committee. This committee operates under the chairmanship of the State Director of Works, Mr. Dumas. I do not wish members to gather the impression that the committee will deal only with plans for public works and that its activities will be limited to that sphere alone. The personnel of the committee is such as to ensure that consideration will be given to the carrying out of suitable public works, the development of farming, secondary and mining industries which will be served by proposed public works. This committee has already prepared schedules of work to be put in hand in almost every part of the State. Some information has already been made available to members and to the public about the plans already being prepared. These cover the extension of existing water supplies, the establishment of new water conservation schemes, railways and developmental schemes in many parts of the State, including the Kimberleys and the North and North-West districts.

There are associated with the Government's plans, as I have said, schemes for the consolidation of primary industries, the further extension of those industries where that can safely be done, and the greater development of existing secondary and min-

ing industries, as well as the establishment of new industries in both of these fields. This committee has listed the works under three heads: First, works which are regarded as being likely to be fully reproductive; second, works which may ultimately be productive or partially productive, but which in any event will be required to assist in the greater development of the State's industries, including primary, secondary and mining industries.

Under the third heading, there is a schedule of proposed works which would never be reproductive from a financial point of view but which might be regarded as necessary, and certainly could be put into operation should the provision of employment become a matter of paramount necessity. In the development of this plan the Public Works Post-War Reconstruction and Development Committee has certainly given consideration to the question of how much employment would be provided in the list of works which has been prepared. The committee has estimated that if it plans under these proposals to provide full-time employment for 10,000 men a year on the basis of 50 weeks' work per annum, it will be providing the maximum amount of employment likely to be required in this State in respect of activities in the early post-war years.

I do not want members to think that the total planning of the Government for post-war reconstruction and development is limited to the provision of full-time employment for 10,000 men. The Government certainly hopes that it will not be necessary for it to provide employment for more than that number. At the same time, members will realise it might very easily be necessary for the Government to provide employment for more than 10,000. Therefore, in its planning the Government is providing for putting into operation proposed projects in addition to those being handled by this particular committee. That means that if it is found that more employment is required from month to month or from year to year the Government will have developed, ready for operation, proposals additional to those I have mentioned in order that extra employment will be available if and when required. So that in this State we may carry out other activities for the greater development of Western Australia's industries and undertakings, the Public Works Post-War Reconstruction and Development Committee has in its schedule of proposals 320 different works embodying separate proposals covering, as I mentioned earlier, practically every district of the State.

In connection with 64 of those proposals complete plans have already been developed and the estimated cost of carrying them out is £25,000,000. In the analysis of the estimated cost of these proposals, we have taken out in detail the estimated wages to be paid, the cost of materials to be purchased and the total number of man-weeks that each proposal is likely to provide from the standpoint of employment. I mentioned a minute or two ago that the proposals of the committee had been listed under three headings, namely, fully reproductive, partly reproductive and non-reproductive. Under the first heading proposals already developed will cost £5,000,000 and will provide employment for 1,000 men for three years. Under the second proposal, which relates to partially reproductive works, the estimated expenditure involved is £20,000,000, which will provide full-time employment for 10,000 men for two years.

With respect to the non-reproductive works, which come under the third heading, the estimated cost is £1,200,000 and the employment provided will be for 1,000 men for approximately 2½ years. It will be seen, therefore, that the committee has proceeded a very considerable distance towards the completions of its deliberations and work. If the war were to end this year, we would be in a position straightaway at the beginning of 1944 to put these proposals into immediate operation, and thus prevent any unemployment difficulties from developing within Western Australia.

Mr. Boyle: How will the operations be financed?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: The member for Avon will know that the Commonwealth Government has been busy upon this particular problem for at least a year and, to a very large extent, that Government will undertake the financing of works as recommended by the several States.

Mr. Perkins: Has the Government any definite proposals?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes, and in any event the prevailing system of raising money for the purpose of carrying out works will be

continued so that there can be no doubt the necessary money will be available to enable the State to carry out such works that are regarded as essential for the development of industries and for the provision of necessary employment. I remember hearing some months ago the broadcast of a speech by the Commonwealth Treasurer, Mr. Chifley. It was certainly a good while prior to the recent elections. He dealt with the financial aspects of post-war reconstruction activities, and laid it down as the policy of the Commonwealth Government that what was regarded as being physically possible of achievement in Australia would be made financially possible. I think all Governments in Australia and, I believe, all political parties throughout the Commonwealth will lend the utmost possible measure of support in the provision of money to ensure that after the war sufficient funds will be available to avert the tragedies that followed the 1914-18 war, and the even greater tragedies that were visited upon Australia during the worst years of the financial depression from 1930 to 1934.

The committee I have mentioned has sought the co-operation of all local governing authorities within the State and has received from a great majority of them a reasonable measure of assistance. The local governing authorities have been invited by the committee to submit suggestions and proposals for works within their respective districts. Many of the suggestions and proposals of those authorities have been accepted and have become part and parcel of the plans of the committee. Members will know that Parliament towards the end of last year passed legislation to enable local governing authorities to establish reserve funds so that with the termination of hostilities and labour and suitable materials becoming available, each local authority will be able to draw upon its reserve fund so established and thus make possible the carrying out of essential works, attention to which has been delayed on account of war conditions.

Mr. Doney: What is the cost of such works as you have adopted? Is that included in the £25,000,000 to which you refer?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes. I am sure every member knows that in his own local government district there will be a considerable amount of road work particularly to be done by the local governing authorities when the war is over. I know from painful experience that some of the roads in the Northam municipality have, by compulsion of course, deteriorated rather dreadfully over the last two or three years.

Mr. Boyle: That is pretty general.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: This committee has also been giving consideration to the development of electric power schemes, although that problem is one more particularly associated with the Electricity Commission which operates in this State under special statute. The Government realises that the provision of additional electric power after the war will be an absolute essential in this State if our existing industries are to be maintained at full productive capacity, and even more so if we are to increase our productive capacity in the years after the war. I think members are aware that the Government has already developed plans for the establishment of one new large power house.

The other proposal in regard to the development of additional electric power has to do with the South-West portion of the State. It has been thought for many years that an electric power scheme should be established at Collie or somewhere within the vicinity of Collie. As members are aware, there has been a Royal Commission on that matter. The scheme put before the Royal Commission was found to be uneconomic. That is not to say that an economic scheme for the production and reticulation of electric power cannot be developed at Collie. Members probably read in "The West Australian" a few days ago a statement by the Minister for Works on this particular matter. If so, they will have seen that the Government is now having a further investigation carried out for the purpose of ascertaining whether there is any economic foundation upon which an electric power scheme could be developed in the Collie area. If the proposed huge water reticulation scheme for portions of the Great Southern and other areas of the State is developed it will, of course, be essential to have a large electric power scheme in the South-West and, if the proposed water reticulation scheme is carried out, that will immediately make economical, practicable and desirable in every way the establishment of a suitable

electric power scheme in the South-West area.

As to Leave to Continue.

The PREMIER: I move—

That the Minister for Industrial Development be granted leave to continue his speech at the next sitting.

Motion put and passed; debate adjourned.

MOTION—STANDING ORDERS, AMENDMENT.

As to Time Limit for Speeches.

Debate resumed from the 8th September on the following motion by Mr. North:—

That in the opinion of this House the Standing Orders need amendment in the direction of limiting the time of speeches, and extending the powers of private members, and in other ways, and requests the Standing Orders Committee to give its consideration to these questions.

MR. MARSHALL (Murchison) [8.47]: It is difficult to get a correct alignment on this motion of the member for Claremont. I respectfully suggest to the hon. member that when he is next about to move a motion, having completed the framework himself, he should approach the member for Canning with a view to an all-embracing motion being placed on the notice paper so that members may have a clear conception of what is intended to be conveyed by it. This motion reads—

That in the opinion of this House the Standing Orders need amendment in the direction of limiting the time of speeches and extending the powers of private members. . . .

The member for Claremont knows there is no limit to the powers of private members, with one exception only, and that exception is embodied in the Constitution of this State. I can give him an illustration of the powers that a private member has in this Chamber. He will remember that some years ago a former Minister for Mines, the late Mr. Munsie, and myself were at variance in regard to the propriety of allowing large areas of land to be held by individuals and companies for the purpose of mining gold. I sought to influence the Minister to alter his convictions upon that aspect and entirely to change his policy in the matter.

Although, like the member for Claremont, I moved a motion and that motion was carried by the House, the Minister was adamant and would not give effect to it. So I took the only step open to me under Standing Orders and moved for the introduction of a Bill forcing the Minister to do it. What limit is there to a private member's rights in this Chamber? The hon. member when speaking did not give us any illustration. It is true he said that the Government did not obey certain of the resolutions carried. He argued along those lines, but there was no substance in what he said to show that private members' powers were limited. A private member can follow up his rights. He is not restricted in any shape or form.

Mr. North: He cannot move to spend a pound.

Mr. MARSHALL: That has nothing to do with Standing Orders. It is provided for in the Constitution. Standing Orders and the Constitution have little or no relationship. They are two distinct authorities, which all members must obey. The only limitation on a private member is in regard to legislation which has anything to do with the appropriation of funds—commonly referred to as "money Bills." That provision was included in the Constitution by those who framed it, and in doing so they displayed great wisdom, foresight and vision. Without that stipulation no Government could exist, because its right to control the public purse, would immediately disappear, and it would become the plaything of private members. Very little time would be devoted to Government business in a Chamber that allowed a private member to handle the Consolidated Revenue of the State according to his likes and dislikes.

The man who wrote, "Government is finance and finance is government" well knew what he was saying, but that has nothing to do with Standing Orders. Standing Orders make no reference to that subject. It is to be found in the Constitution. I therefore consider that the motion has no value as far as that aspect is concerned. I do not think there is any harm in the Standing Orders Committee giving some consideration to the suggestion of limiting members' speeches. At the same time I respectfully suggest, from the experience of the Standing Orders Committee in past years, that if after its deliberations it comes forward with a proposal to limit the length of members'

speeches, the proposition would meet with immediate and intense hostility.

Mr. Seward: We are not too bad.

Mr. MARSHALL: Let the hon. member review what has happened in this Chamber since he has been here. I do not think he could quote one case where a member has been unduly lengthy in expressing his ideas on any particular subject. That privilege has never been abused. The hon. member said we would probably get more logical speeches if they were condensed, as suggested by this motion, and that they would contain more substance in fewer words. I suggest that he would be placing a severe handicap on some members. It would not apply to me because I would speak more frequently! Some members have not and cannot develop the art of couching a great deal of logic, or expressing opinions, in a few words. That art is a gift, and very few members of this Chamber are masters of it.

Mr. J. Hegney: The member for Claremont based his case on what occurred in 1932. He harked back that far.

Mr. MARSHALL: The business of this House is in the hands of the Government. If it at any time feels that a particular member is unduly labouring some debate, it has a remedy. Standing Orders provide for it.

Mr. Thorn: The year 1932 was when you were stonewalling.

Mr. MARSHALL: The hon. member does me wrong when he accuses me of stonewalling. There is a line of demarcation between stonewalling and vigorously fighting for a principle which one contends to be worth fighting for. I do not remember having taken any part in a stonewall—that is merely to waste the time of the House with no great purpose in view. I have, however, taken part in a vigorous fight against the Government passing a measure which I felt embodied principles that were most undesirable and objectionable.

While I agree with the member for Claremont—and there can be no harm in his motion being carried—you, Mr. Speaker, along with me, realise that many Standing Orders might be so worded as to be more explanatory and effective. At the same time, we have other Standing Orders that are redundant and could be completely removed from the book of Standing Orders. Others could be amended so as to simplify their aims and objects. But to do any of these things at this juncture would be unwise. I put it to the hon. member that I have twice been concerned in reports of the Standing Orders Committee being submitted to this Chamber for endorsement. Although I have not gone back over the records to find out the exact number of amendments, additions or alterations that were proposed in those two reports, you, Mr. Speaker, will remember that the obligation was on you to submit one report here. You will recall the hostility with which that report was received. On the second occasion it was my responsibility to submit a report amending certain Standing Orders. Again, it did not have a very pleasant passage, although it was perhaps, more successful than on the previous occasion. The member for Claremont should realise that it is easy to suggest amending the Standing Orders, but the experience has been that when the Standing Orders Committee has done its best to effect some improvement, quite an effort has been necessary to get the alterations approved by the House.

At this juncture the Government Printing Office is particularly burdened with work, and in my opinion it would be wrong for the Standing Orders Committee to present a lengthy report giving effect to the motion. I assure the hon. member that when the Standing Orders Committee meets again the one point in his motion that can be dealt with will be considered. As to giving a private member the right to introduce legislation appropriating funds, such a proposal could not be entertained.

My personal view is that many of our Standing Orders might with advantage be amended and some might be deleted. If I am re-elected and am still a member of the committee, I will take an opportunity to bring the matter forward and have the Standing Orders reviewed. It would be unfortunate if the committee met at this stage and added to the vast amount of work the Government Printer has on hand. We ought not to consider the matter this session. We have only a short period of the session ahead of us and a fair amount of business requires attention, and on these grounds I suggest that the House should not agree to the motion.

MR. NEEDHAM (Perth): With the member for Murchison I cannot support the motion as it is worded. Had the hon. member confined himself to the question of limiting the speeches of members and secur-

ing its reference to the Standing Orders Committee, I would have no hesitation in supporting him, because I think there is much to be said for the suggestion that the committee might consider this matter. The objection raised by the member for Murchison was that members might have some difficulty in condensing their matter in such a way as to conform to any specific time agreed upon. I cannot believe that any difficulty would arise on that score. When I was first a member of this Parliament there was no limitation on the time a member might occupy in delivering his speech. In another sphere of parliamentary activity also, there was no limitation. Later a limitation was introduced, and so I have had experience of both systems. When the motion was moved in the Senate to limit the time of members' speeches, I strongly opposed it. I felt somewhat as the member for Murchison does tonight, namely, that I would be interfering with the rights of members. But I lived to learn that I had been wrong. In the course of time I found that the imposing of a time limit was good for members themselves. It caused a member to concentrate on his speech.

Mr. North: It should result in an improvement in speeches.

Mr. NEEDHAM: It resulted in a better tone of debate.

Mr. F. C. L. Smith: What was the time limit?

Mr. NEEDHAM: For a second reading speech, 1½ hours for a Minister and one hour for a private member, with provision for an extension of time if the House so agreed. No extraordinary effort was required of a member so to condense his matter as to deliver his speech within the space of 60 minutes. Much can be said in one hour, and I venture the opinion that what would be said in an hour would be more effective than if the speech were spread over 1½ hours. The art of condensation referred to by the member for Murchison would not be necessary. The hon. member describes it as an art.

The only difficulty I have experienced in condensing speeches has been where a speaker broadcasting has to confine his remarks to a space of 10, 15 or 20 minutes. Under those conditions, if a speaker is to express himself adequately, the art of condensation is necessary.

If the House approves of limiting the time of speeches, the limitation should apply all round. I repeat that having had experience of both systems and having been opposed in the first place to a time limit, I found in practice it was a good thing. True, in this House, there has not been any immoderateness in the time occupied in delivering speeches. Sometimes members might elaborate a little too much and those elaborations could be restricted. I think the Standing Orders Committee might take it as an instruction from the House to bring in a report on the question of the time that members might occupy with their speeches. Here I disagree with the member for Murchison, who contends that if the Standing Orders Committee brought in a report it would meet with much hostility in this Chamber. But if members gave a direction, by carrying the motion, they could not then very well oppose a report by the Standing Orders Committee in favour of limitation of speeches as being directed against them.

I would support a recommendation of the Standing Orders Committee for a time limit on speeches, not only in second reading debates and on motions upon notice, but also in the Committee stage. Despite the vigilance of the Chairmen of Committees members sometimes in Committee deliver second reading speeches on the principal clauses of a Bill. Such things happen despite the vigilance that is exercised by those who preside over our discussions. A limitation on speeches in Committee as well as on those delivered in the full House would prove an effective check. On the other hand, if a member delivers a speech of 15 minutes in Committee and another member follows him for two minutes, the latter would probably feel inclined to have another go.

MR. DONEY (Williams-Narrogin): The motion is not nearly specific enough. It contains no actual direction to the Standing Orders Committee. I am rather hopeful that the mover of the motion will take steps to adjourn the debate, so that his proposal may be re-drafted. Undoubtedly it has merits, but if it is passed as it stands by the House the Standing Orders Committee certainly would not know what to do with it. The motion says—

> That in the opinion of this House the Standing Orders need amendment in the direction of limiting the time of speeches . . .

That is specific to a degree, but even so I do not know that it could with benefit be carried. After all, questions submitted by way of motion or Bill to the Chamber vary considerably in importance. Some might demand of the mover a speech of not more than five minutes, whereas others might be of a degree of importance warranting the mover in speaking for an hour. At all events, if a member is guilty of repetition, the Speaker or the Chairmen of Committees have power to pull him up. Yet if it happens that what he is saying is germane to the issue before the House, members would like to hear it; and I would not care to assist in restricting his opportunities in any way.

Mr. Marshall: There never has been any complaint about the Standing Orders in that respect.

Mr. DONEY: No. There is no sense of hardship on the part of members because in the past the Standing Orders have been interpreted as is the case. I do realise, however, that in many respects the Standing Orders are in need of amendment. On the other hand, the motion gives something in the nature of a roving commission to the Standing Orders Committee; and, if that committee carries out the spirit of the direction, its members will certainly not have the satisfaction of knowing, at the end of their labours, that they have acted in accordance with the wishes of the House. Conceivably they might find, when submitting their report, that they had merely wasted their time. If the motion is submitted as it stands, I shall find myself compelled to vote against it. However, I repeat that the proposal has merits, and it would be worth the while of the mover to secure the adjournment of the debate for the purpose of amending his proposal.

MR. J. HEGNEY (Middle Swan): Because I consider the wording of the motion to be contradictory, I oppose it. First of all it seeks to limit the time of speeches, and then it goes on to complain that the powers of members are insufficient and therefore should be extended in other ways. Thus the first part of the motion is aimed at restricting members' powers in speaking on motions or Bills, and yet the second part desires to increase other powers. That is self-contradictory.

Mr. Doney: No. The hon member can still require the two things with consistency.

Mr. J. HEGNEY: The mover definitely asks for increased powers to be given to members and yet seeks to circumscribe their powers of debate in this Chamber. If there were justification for that, I would support him; but it seems to me that here the preponderance of members does not rush to enter into debate. Many of them take no particularly active part in debates, especially when the motion before the Chair has been debated threadbare. But I fear that if the time of speeches were limited, every member would get up and exercise the full limit of his powers under the Standing Orders—take his full hour or half-hour as the case might be. In a matter of importance, say the Bill relating to workers' homes, there was much difference of opinion on the principle last night; and yet there was much repetition of arguments by one member and another.

If in order to justify ourselves before the electors we all took our sixty minutes or half hour as the case might be—instead of, as at present, one member speaking a little longer than he should—greater difficulties would be created for us than exist now. Furthermore, under the Standing Orders there is power for either the Speaker or the Chairmen of Committees to call attention to tedious repetition on a member's part. If the repetition persists, it can be decided, under our present Standing Orders, that the member be no longer heard; or, if a member went beyond the bounds of what is reasonable in making a lengthy speech, the same course could be adopted. Indeed, one evening here I heard members read their speeches. Once I listened to a celebrated reading lesson given by the member for Toodyay, who quoted "Hansard" for hours on end. If this motion is carried he would be precluded from reading his speech. I feel that most members do not want a repetition of that incident.

Mr. Thorn: It is the only privilege left to private members.

Mr. J. HEGNEY: The member for Toodyay would have been prevented from doing what he did on that occasion. The Standing Orders at present give members ample opportunity to bring forward motions and to speak to Bills that come before the House. Many members do not talk perhaps as much as they should, while others occupy too much time. Most members confine themselves to the matter before the Chair and do not re-

peat themselves too much. Of course, to emphasise an argument it is sometimes essential to re-state it in a different form; such repetition is quite permissible. The motion now before the House is one that can well be left to the new Parliament, which will probably be comprised of most of the present members with a sprinkling of new ones.

In the new order to which we are looking forward we shall probably have short, concise speeches. I consider that I have not been at any time unduly long in my remarks in this Chamber. I have, of course, always risen to speak on matters affecting my electorate, but I have not unnecessarily prolonged the agony, so to speak. That rule has been followed by most members. The member for Claremont mentioned an occurrence some 10 or 12 years ago, when there was a no-confidence debate. I entered Parliament just one year before that took place. Since then, however, Labour has been in charge and has set a good example. The Opposition has followed that example and has not violated the Standing Orders. The conduct of members generally has been exemplary during the last nine years. As we are complying punctiliously with the Standing Orders and, as these are serving their purpose, there is no need for the motion, which I oppose.

MR. THORN (Toodyay): I am afraid I cannot support the motion. During the period I have had the privilege of being a member of this House, it has only been on very rare occasions that members have spoken at such length as to become wearisome. I remember one occasion when the present Government decided to have an all-night sitting.

The Minister for Mines: I know someone else on the opposite side who had one.

Mr. THORN: I remember that the Minister for Mines was one of the offenders.

The Minister for Mines: No. I was in the Chair.

Mr. THORN: That is my mistake. Nevertheless, I feel that this is about the only privilege private members have left; they certainly now have the opportunity of rising and expressing their views. All the other privileges which private members enjoy, both inside and outside the Chamber, have gone and I still wish to retain the right to express my views.

Mr. Needham: You are expressing them now.

Mr. THORN: Definitely. I do not favour restrictions of this nature. I hope the motion will not be carried.

MR. NORTH (Claremont—in reply): I deemed it my duty to bring these matters forward, not to try to force the motion through the House but to enable members to make suggestions to the Standing Orders Committee, upon which I have served some years, as to whether members think some changes are desirable. The first point is the question of a time limit for speeches. This is already in force in other parts of Australia. Of course, there would be need to make provision in the Standing Orders for an extension of time, should such be deemed necessary. The other parts of the motion are, in a phrase, necessarily nebulous. It was not a matter of giving specific instructions to the Standing Orders Committee, but a matter of members, as they have kindly done, expressing their views in such a way that the Standing Orders Committee would be advised of any changes that might be considered desirable and necessary. I have brought forward the motion because there has been a big demand outside Parliament for an alteration in our Standing Orders. Many people are anxious that Parliament should be run more on the lines of a local government body, that there should be no parties and that every member should have the right to bring forward motions and so take his share in running the country. We cannot go as far as that.

I would be the last to favour the breaking up of the party system, which I think is a splendid one, as it keeps this country from a dictatorship. If, for the sake of argument, Labour had obtained all the seats in the Commonwealth Parliament, that would have meant the end of democracy; we should have had a unificationist Government. If our State Labour Party wins all the seats during the forthcoming election, then it will smash up democracy in this State. The Labour Party should not be so greedy as to seek all the seats, because it might meet the fate of the dog who dropped the bone into the brook having grasped at the shadow. The motion, if carried, would enable Parliament to comply with a general request made outside the House that there should not be such complete party control. There

should be a chance for an individual member, if he can secure the support of the House, to have a motion brought forward by him carried into effect.

Motions are sometimes carried to which effect is not given, and that drives people outside to say, "Why this hypocrisy? A motion is carried, but nothing is done." That is my reason for urging that an instruction should be given to the Standing Orders Committee to devise some method to overcome the difficulty. The Committee might not be able to do it; under the expert guidance of our Clerk the Committee might be told that it is impossible, under the Standing Orders, to provide for such an instruction. But if it can be done, what objection should be raised to it? For instance, the member for West Perth brought forward a motion today which was carried and which might involve the Government in an expenditure of £150 or £200. Probably, however, there is only one chance in a thousand of the motion being given effect to. That is a case directly in point. If one person in a thousand reads the reports of our deliberations——

Mr. Doney: You saw what happened to the motion moved by the member for Irwin-Moore.

Mr. NORTH: Which motion is that?

Mr. Doney: You surely do not require me to specify it?

Mr. J. Hegney: It was the one dealing with the dissolution of Parliament.

Mr. NORTH: One swallow does not make a summer. The motion moved by the member for West Perth is a specific instance of the point at issue. Those few gentlemen sitting on the Government side of the House who saw fit to support that motion upheld a proposition which will, if effect is given to it, mean that the lady concerned will be recompensed in consequence of her premises having been taken over for A.R.P. purposes. Even if what I suggest were agreed to, that would not prohibit the Government, if it so desired, from preventing private members from carrying Bills into effect. If the proposal were accepted by the House, would the position of the Government be adversely affected? Not a bit. I have brought this subject forward merely to allow members to express their opinion on the advisability of effecting changes. If they do not desire that step to be taken, my duty will have been accomplished.

Question put and negatived.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st August.

MR. TONKIN (North-East Fremantle) [9.33]: The Minister for Works, when moving the second reading of the Bill, said the measure was necessary in order to enable certain new agreements between the North Fremantle Municipal Council and the Fremantle Municipal Tramways and Electric Lighting Board to be put through. He also remarked that so far the transactions between the board and the council had been carried out in a most amicable manner. In my opinion, both those statements were incorrect. The transactions between the Fremantle Tramway Board and the North Fremantle Municipal Council have not been carried out amicably—for very good reasons. In 1916 the Government entered into an agreement with the Fremantle Tramway Board under which it undertook to supply electric current to the board at a cost of .85d. per unit, and also to refrain from supplying current direct to any municipality within five miles of Fremantle. That meant virtually a monopoly of supply being given to the tramway board within a radius of five miles.

I take very strong exception to persons making between themselves an agreement the effect of which is to bind other authorities that have no say whatever in the terms of the agreement. That is what happened with regard to the North Fremantle Municipal Council. Certainly it suited the Fremantle and East Fremantle Municipal Councils and the Fremantle Tramway Board to have such an agreement and to know that they were to have a monopoly of supply within the radius of five miles, while it certainly suited the Government to supply current at the price mentioned. But what about the municipality of North Fremantle? That body had no say in framing the terms of an agreement that bound it, if electricity supplies were required, to take the current from the Fremantle Tramway Board, the Government having contracted not to be a competitor. In the agreement, which was negotiated in 1916, it was stipulated that the tramway board had to supply current to municipalities that required it at a maximum price of 2d. per unit.

As members can well imagine, the Fremantle Tramway Board provided the North Fremantle Municipality with current at exactly that price—the maximum fixed under the agreement. The agreement made no reference as to where the supply was to be made available. The tramway board decided to sell the current to the North Fremantle Municipality at 2d. per unit but delivered the current outside the boundaries of North Fremantle. The effect was that the municipality had to pay for line losses at the rate of 2d. per unit, whereas the tramway board was able to purchase the current from the Government at .85d. per unit. That position would have been bad enough had the term of the agreement been short so that an opportunity would have been available later on to vary the provisions, making them more satisfactory to the North Fremantle Municipality. On the other hand, the term of the agreement was for 25 years with the option of a further like period. Virtually, the term of the agreement was for 50 years, which is a long time in the history of any municipality or in the lifetime of any individual. It is impossible to foresee what development will take place during such a long period.

Thus we find that the North Fremantle Municipality, without having had any say whatever in the framing of the conditions embodied in the agreement, was bound hand and foot to the Fremantle Tramway Board for a period of 50 years. The North Fremantle local authorities simply grinned and bore it. The conditions in the agreement were accepted always with the idea that when its own agreement expired the council could go to the tramway board and seek more satisfactory conditions. Therefore in 1939, when the expiry of the agreement was approaching, the North Fremantle Municipal Council made inquiries to ascertain whether the Government would be prepared to supply current in the event of the tramway board releasing the Government from its obligations under the agreement. The local authorities also approached the Fremantle Tramway Board to ascertain whether that body would favourably consider such a request. The board replied that it would not in any circumstances release the Government from its obligation to continue to supply current and to refrain from supplying any other body within a radius of five miles. The North Fremantle Council then wrote to the tramway board and suggested a conference for the purpose of discussing matters.

The board decided to meet a deputation later on, and I think it was in September, 1939, that the interview actually took place. The tramway board listened to the arguments submitted but paid little heed to them. Subsequently it notified the North Fremantle Municipality that it was not prepared to do as had been requested and that, as the agreement was about to expire, the best thing North Fremantle could do was to make a new agreement on very much the same terms. North Fremantle was not prepared to continue to pay 2d. a unit inclusive of line losses for current which was being supplied to the Fremantle Tramway Board at .85d., when it knew that if the Government had the right and opportunity to supply North Fremantle it would be prepared to supply at .85d. So every avenue was explored with a view to trying to force the Fremantle Tramway Board to deal reasonably with North Fremantle. When the agreement expired—that is the agreement between North Fremantle and the Fremantle Tramway Board—the North Fremantle Municipality told the board that it would not pay any more than .9d. for current.

That is all that North Fremantle has continued to pay. At the end of the month the municipality would send a cheque along calculated at the rate of .9d. per unit. The Fremantle Tramway Board would make a demand for the difference between that amount and the 2d. per unit. It took the stand that North Fremantle was still liable to pay 2d., despite the fact that the existing agreement had expired, and that North Fremantle had given due notice of its intention to retire from the agreement and not to renew it. The Fremantle Tramway Board continued to make its demands for 2d. a unit and went to the length of issuing a writ against North Fremantle for what it called under payment. The municipality did not take that very seriously. The board suggested that this was not a matter for arbitration. In the agreement concluded between the Government and the board there was a provision that in the event of a disagreement between municipalities which took current the matter could be referred to arbitration. When North Fremantle and the board could not agree, North Fremantle requested arbitration, but the board said it was a ques-

tion of seller and buyer and there was nothing on which to arbitrate, and it refused to have arbitration. This was a question of a monopolist trying to sell to somebody who had no option but to take the supply, yet the tramway board said it was a question of seller and buyer and it would not have arbitration. So there was no arbitration. In the meantime this writ was still held over North Fremantle's head, though it was not taken very seriously. For some reason best known to itself the tramway board did not proceed with the writ. North Fremantle started to take some action itself, and told the board that it would apply for the discharge of the writ if the board did not go on with it. There was an open invitation for the board to try its strength. North Fremantle knew very well that, in the circumstances, the case that the board could put up would not be very strong and, as was anticipated, the writ was withdrawn. Then, instead of North Fremantle having to ask the Fremantle Tramway Board to receive a deputation, the board made history and went to North Fremantle to discuss the proposition because it found itself in a difficulty.

Inquiring as to the legal position, the board received some very disquieting news and began to realise gradually that the agreement which it thought put it in the box seat was not what it purported to be, and that the board was not in the seat it imagined itself to be in. Consequently the board could not get an agreement concluded fast enough! That is the board's anxiety now. It wants this Bill put through so that it can successfully tie up North Fremantle for a further 25 years. At the moment, North Fremantle is in a fairly sound bargaining position, because it has been demonstrated clearly that there were clauses in the original agreement and in the Act that needed amending. So North Fremantle can say to the board, "You deal properly with us or we will call upon you to prove that you have the monopoly you think you have."

But if this validating Bill goes through and makes everything right with regard to the agreement and the Act, North Fremantle's bargaining point will have gone and, when this agreement that now exists between the board and North Fremantle expires in seven years' time, North Fremantle will be in the position that the Fremantle Tramway Board thought it was in three years ago, and the board will then adopt the same "stand and deliver" attitude as before. That attitude was, "It is just too bad! The Legislature has given us a certain privileged position and we are going to exercise our powers to the fullest extent." The board showed North Fremantle no consideration at all, as can be understood when it is realised that it charged North Fremantle 2d. per unit inclusive of line losses when the municipality could have obtained current from the Government at .85d. if the Government had been free to supply. I repeat that as soon as the board realised it was not in the sound position it thought it was in, it concluded a fresh agreement with North Fremantle, agreeing to sell current at .95d. Immediately that was done, North Fremantle passed on to its own ratepayers and consumers the whole of the £1,500 a year, which the reduction in cost meant. In fact, the attitude of the board in maintaining the previous high price was a direct impost on the residents of North Fremantle. The board was making revenue out of North Fremantle for the benefit of the ratepayers of East Fremantle and Fremantle.

The Premier: What are they charging now?

Mr. TONKIN: It is retailed to the consumers.

The Premier: At about 4d. a unit.

Mr. TONKIN: Yes, but at the earlier stage North Fremantle had to charge 4½d. a unit in order to meet the price it was being charged for current in bulk. Immediately the reduction was effected from 2d. to .95d. it meant, in round figures, a saving to North Fremantle of £1,500 a year, and practically every penny of that, within a few pounds, was passed on to the consumers in North Fremantle. The current was reduced for lighting purposes from 4½d. per unit to 4d., and a lower rate was given people for power purposes; I forget what it was for the moment, but I think it was reduced from 2¼d. to 1¼d. The area method of rating was introduced. Because there was a shortage of meters people were given the opportunity to have their premises measured up in order to give them the benefit of the lower rate. Now the small householders in North Fremantle can have the benefit of the cheap rate of 1¼d., where previously they were paying 4½d.

I point out that the North Fremantle Municipality was not anxious to obtain a reduction in order to swell its own funds and give relief in some other directions. Immediately it obtained a reduction in the price of current, it passed the whole lot on to the consumers of current in North Fremantle. Why should North Fremantle be bound hand and foot to the Fremantle Tramway Board for 25 years? North Fremantle was originally bound by an agreement covering 25 years and the board exercised its option for another 25 years. Who can say what development will take place within the Municipality of North Fremantle within the next year or two so far as industrial establishments are concerned? If it has to pay a high price for its current this must inevitably result in retarding the development of the municipality. But it will be argued that this Bill is merely validating something which was done some time ago and not done correctly. There may be a lot in favour of that argument but we would be foolish indeed, realising as we do that the original agreement was not sound, if we did not take advantage of this heaven-sent opportunity to secure, as far as we can, our position for the future.

I am anxious to have a provision inserted in the Bill to protect North Fremantle from exploitation; a provision which will say that the Fremantle Tramway Board shall not charge an exorbitant price, which is out of all proportion to what it is paying when it supplies the current to North Fremantle. I also want the Bill to provide that in the event of failure to agree between the Fremantle Tramway Board and the North Fremantle Municipality, there should be the right to resort to arbitration. It seems, however, that the provision in the agreement as it now stands is not worth anything because, when the North Fremantle Council asked for arbitration in connection with the dispute, it was told that it was a matter of buyer and seller, and that there was nothing on which to arbitrate. That expresses my views upon the point that I do not like the provision which ties the council up for 25 years. It is too long a time to restrict any municipality. If there is any way out of that difficulty we should at least make provision in this Bill so that the Fremantle Tramway Board shall deal reasonably at all times with the North Fremantle Municipal Council.

The council is all right at the moment because, when the Fremantle Tramway Board realised that it was not in the sound position it thought it was, it became quite anxious to conclude an agreement; and so the council has an agreement for the supply of current at .95d. When that agreement expires in seven years, unless some safeguard is provided in this amending measure the council will be wholly at the mercy of the Fremantle Tramway Board, which will then have an Act that will be completely validated.

Mr. Doney: Are you seeking to amend the Bill?

Mr. TONKIN: Yes. I shall endeavour, during the Committee stage, to have inserted an amendment to make some provision in the interests of the North Fremantle Municipal Council. The original agreement ties it up and the Government is disposed to honour that agreement and say that it will not supply North Fremantle for 25 years. The council cannot get its supplies from anywhere else unless it generates the current itself—a costly proposition. The best it can do is, before this validation takes place, to use its position, which is much better than it thought, to get something that will safeguard it before it is handed over. Obviously the council will be handed over for 25 years so it must see that it is done with safeguards.

I will take steps to have inserted into this amending Bill reasonable provisions, which any right thinking man would accept, to prevent the municipality being exploited by a board which showed no consideration for its rights when it was not a party to the agreement, although bound under it. Had the board shown a different and conciliatory attitude I would not have been so anxious about this, but it is perfectly clear that the stand it took was this, "We have been given certain privileges under Act of Parliament and by agreement that enable us to charge a certain price for electricity. The conditions might be irksome and the price high, but that is the position we occupy and, for North Fremantle, it is just too bad; you have to put up with it until the agreement runs out!"

Mr. Doney: The Minister in his second reading speech said that the negotiations of the board and the North Fremantle Municipality had been conducted on the most amicable basis.

Mr. TONKIN: As soon as I started to speak I said that statement was not true. In the first place the agreement was concluded under conditions which left North Fremantle no option, and immediately the agreement expired the Fremantle Tramway Board shot in a writ for the difference between the price it said it was entitled to receive and that which the North Fremantle Council was prepared to pay. I let members judge what chance the council had to succeed because, when the North Fremantle Council asked for a new agreement to be concluded, the Fremantle Tramway Board did not take the necessary steps to have it done. It would not refer the matter to arbitration. So, when the agreement expired the council took this stand, "Well, there is no agreement. There is no price fixed and in the absence of any agreement we will offer to pay what we think is a fair price. If you supply us at that price that concludes the contract, and that is all we will pay." Had the board not liked the price the North Fremantle Council offered it could have stopped the supply.

The council offered .9d. when there was no agreement. The board could have refused to supply at that price but it did not. The council maintains that, having supplied at that price, the board removed any ground it might have had for success in going for recovery of the difference. I say now that there would have been extreme difficulty in having an agreement concluded if it had not suddenly come to the notice of the Fremantle Tramway Board that some doubts existed as to the position it thought it occupied. When it realised the position it could not complete an agreement too quickly. Instead of the North Fremantle Council having to ask the Tramway Board to receive a deputation to discuss the matter it came to North Fremantle to do it. No doubt that is why the Minister said, when he introduced the amending Bill, that the reason for it was to enable certain agreements between the North Fremantle Council and the Fremantle Tramway Board to be concluded. Well, an agreement has been concluded without this validating Bill.

The agreement is perfectly satisfactory now, but the council only got such an agreement because the Tramway Board was doubtful of its position. I point out, however, that immediately the current agreement expires at the end of seven years—if this validating Bill is passed—the Fremantle Tramway Board will occupy the position it thought it occupied before, and the council will get short shrift from it. It is possible that it will endeavour to make up in the remainder of the 25 years what it has been obliged to lose during these seven years. I do not want to allow this Bill to go through until we have tied up that situation. I will attempt to amend the Bill in Committee so as to provide a safeguard—not to give any privilege to North Fremantle but to secure even-handed justice for it under an agreement to which it was not a party, but under which it was nevertheless securely bound.

Question put and passed.

Bill read a second time.

House adjourned at 10 p.m.

Legislative Council.

Thursday, 16th September, 1943.

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

QUESTION—MEAT.

As to Supplies and Rationing of Mutton.

Hon. G. B. WOOD asked the Chief Secretary: 1, Is the Government aware that the 15 per cent. reduction of consumption of mutton is causing grave concern to the producers of mutton? 2, Is the Government aware that there is no shortage of mutton in W.A., and that wether mutton is selling below production costs at Midland Junction? 3, Has any provision been made for the immediate freezing, or the disposal otherwise of the 15 per cent.? 4, If no provision is possible immediately, will the Government endeavour to get W.A. exempted from the provisions of the regulation?