more readily because legislation has already been passed by both Houses. The Minister has all the power he wants, and it is only a question of the Government's proclaiming the Bill which was passed last year. It could apply to any area at all. Why does not the Government proclaim it? The only point at issue, as the Minister for Works well knows, is the question of 24-hour trading in the metropolitan area. There is no question that last year Government policy was to permit 24-hour trading in the metropolitan area, and in many places outside, if they wanted to do it. Apparently the Minister for Works does not want to come back on this.

Let us quote again the Minister's statement from last years Hansard—

> If this Bill becomes law, there should be nothing to prevent Sydney Andersons or the Tivoli Garage from carrying on as they have done in the past.

Does the Minister for Works want to change his ground on that point, in view of that statement by the Minister for Labour? If he does not, there is no need for the Bill. If he wants to change his ground, I think we are entitled to be told why. I do not think even the Minister, whom we know from experience has the capacity to argue a case whether or not there is substance in it, is buying into this question because he is sitting there with a grin on his face.

Hon. D. Brand: He is only waiting to adjourn the House otherwise he would not be here.

Mr. HEARMAN: I do not know whether that is a hint to sit down; but if I could only get another interjection from the Minister, I could go on.

Hon. D. Brand: Try the Minister for Transport.

Mr. HEARMAN: He is lying very low, too. I cannot get the Minister for Labour to bite at all. I hope the Minister will make it clear to us what all this misunderstanding is about and how it came to pass. What caused the misunderstanding and who caused it? I think the Minister for Labour is wasting his time if he thinks he can talk us out of this question.

The Minister for Labour: I am not the only one wasting everybody's time.

Mr. HEARMAN: That could be a matter of opinion. I think the Minister on one occasion spoke for about four hours. I think I could take a postgraduate course from him in that regard. Personally, I feel that there has been no need for a change in Government policy as was clearly defined in both Houses last year, and there is no need for this legislation. If there has been a change of Government policy, the House is entitled to be told what it is and why the change has been made. It is unreasonable to expect us to agree to this measure in view of all the facts I have mentioned, unless we have some clear and convincing explanation as to why the Government has changed its policy and why it has found it necessary to take this action. I want to know why the Government has not proclaimed the Bill which was passed last year.

It indicates to me that there is no real urgency about the matter. It would have been a simple matter for the Government to have proclaimed last year's legislation and, if necessary, the Government could have amended it this year and cut out the 24-hour traders. If the Automobile Chamber of Commerce felt it was absolutely essential for the welfare and well being of its members that this legislation should be introduced and implemented as soon as possible, the Government could have done it months ago. I oppose the second reading.

On motion by Hon. A. F. Watts, debate adjourned.

House adjourned at 6 p.m.

Legislative Council

Tuesday, 17th September, 1957.

CONTENTS.

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

QUESTION.

MARBELLUP SIDING.

Provision of Ramp and Platform.

Hon. J. McI. THOMSON asked the Minister for Railways:

(1) Has the Railway Department at any time considered providing a ramp and platform for the convenience of passengers and the handling of perishable goods at the Marbellup siding. If so—

(a) when was such considered;

(b) what facilities were considered;

(c) why were they not proceeded with;

(d) what was the estimated cost?

(2) In view of the steadily increasing number of passengers embarking and disembarking, and the volume of perishable goods being handled at this siding from Denmark, Nornalup and beyond, could these necessary facilities be provided in the current financial year?

(3) Has the department any proposals under consideration to meet these requirements?

(4) If not, will he undertake to investigate the possibility of providing these necessary facilities?

The MINISTER replied:

(1) Marbellup was examined for the purpose of establishing the most practicable rail point to serve road transport connection to Nornalup when rail services are terminated. To achieve economy, Marbellup siding was rejected in favour of Elleker, where better facilities exist.

(2), (3) and (4) As long as traffic warrants, Marbellup will continue to be used as a siding.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Introduced by Hon. L. C. Diver, and read a first time.

PAPERS—PHYSIOTHERAPISTS.

Tabling of Files on Practice in Western Australia.

HON. N. E. BAXTER (Central) [4.38]: I move—

> That all files in connection with physiotherapists and the practice of physiotherapy in Western Australia since the passing of the Physiotherapists Act No. 75 of 1950, be laid on the Table of the House.

I move this motion because of what has occurred in this State in regard to physiotherapists. Members may recall that recently when we were discussing legislation of a similar nature in this Chamber, I brought to light the fact that the law relating to physiotherapists in this State had not acted in the best interests of the physiotherapists and their training here.

During the last six or seven months, the matter having been brought to the notice of the Psysiotherapists' Board, it has by various means tried to get over the difficult position in which it found itself by advertising not only in this State but also in England, for a teacher qualified to train physiotherapists. They asked a physician of some standing, who was in England, to interview applicants there; but considering the salary offered by the board, it is doubtful whether it will secure anyone from England who would be up to the standard of several locally-born physiotherapists who reside in this State.

When a position like that becomes available, I believe that any person in this State who can satisfy the board that he has the necessary qualifications should be considered first for the appointment. But owing to certain matters that have transpired in relation to the board, and because of certain people in this State, the board has taken a rather peculiar view of the matter; and as a result of its own shortcomings—I think one could put it that way—it has tried to place the blame on somebody else.

Earlier in the year, Hon. A. F. Watts wrote to the Minister for Health on this subject, and it was rather astounding to see the delay that took place before he received any reply at all to his letters. A matter of several months elapsed.

Mr. Watts also called for the department's file to be laid on the Table of the House in another place; and although a file was tabled in that place, from the information I can gather it was a departmental file only. It would appear that there is another file which the board keeps itself, and which apparently contains information we have not been able to sight. I have moved this motion so that we can have all particulars dealing with physiotherapists and their activities laid on the Table of the House. This will give us an idea of what is going on in this direction and will enable us to see just what the board has done.

This matter is not a simple one. Originally the board had a trained teacher at the training school; but after a disagreement over the curriculum, and the subsequent resignation of that teacher, the board appointed an unauthorised teacher who was not recognised by the chartered society of England. The chartered society postponed taking any action concerning the question of non-reciprocity until the board had been given an opportunity to rectify the position by appointing an authorised teacher.

But the matter was allowed to slide, and the board did not do anything about it until the Western Australian Physiotherapists' Association had decided to

take some action. Because of the action that was taken by the association, a certain lady went to England, more or less upon the advice of the board, and studied at St. Thomas's Hospital. The full training she received there was followed by her teaching in England for six months. Now we find that the registrar of the board has taken umbrage and has blamed this person for the decision concerning non-reciprocity between the chartered society and Western Australia.

I would like to refer to the letters written by Hon. A. F. Watts to the Minister for Health, Hon. E. Nulsen, asking him what the position was; telling him that he had seen the file but could find no reference to the matter on it; and asking his considered opinion on the contents of his letter. The Minister replied to Mr. Watts in the following strain:—

> Following on recent allegations concerning the standard of training of physiotherapists in this State, allegations with which you are familiar, the Physiotherapy Board has made a thorough investigation into the conduct of its training school at the Infectious Diseases Hospital at Subiaco.
>
> The board has been concerned at the source of these complaints and at the appreciable number of misstatements which have been made. It is particularly concerned that the action of the chartered society in London in intimating that it would no longer recognise graduates from the Western Australian school coinicided with the imminent return of Miss Hammond to this State. I must admit that I find it difficult not to associate these two circumstances; nor am I in sympathy with the general attitude of the chartered society in England that it will not recognise graduates from a school in which the tuition has not been carried out by teachers holding the Teacher's Diploma issued by the chartered society itself. It is quite possible for a physiotherapist to be a good teacher without possessing this diploma. In all these circumstances it was inescapable that a suggestion of collusion should arise in one's mind.

I would like to interpolate here that the Minister for Health states in his letter that even though the teacher appointed here did not hold a diploma issued by the chartered society, it was quite possible that he could give the necessary training which would be recognised by the chartered society in England. Following that, the Minister, without any facts to go on at all, jumps to the conclusion that the lady I mentioned previously—namely, Miss Hammond—was responsible for the chartered society not recognising Western Australian trainees. I will prove to the House shortly that Mr. Nulsen's two conclusions are far from correct. His letter to Mr. Watts continues—

> However, it is the policy of the Government and of the Physiotherapy Board to ensure that the best possible training is afforded to our students of physiotherapy. I am confident that in the past this has been done in the existing circumstances.
>
> The commencement of a medical school in this State has led to a heightened interest abroad in matters associated with the medical services of the State generally, and this has been reflected in a large increase in applications for vacancies in our ancillary services, such as laboratory technologists, etc.
>
> After prolonged inquiry, the Physiotherapy Board has decided to place the school under the control of an honorary medical director, to employ an honorary adviser, lecturer and coordinator in physiotherapy, and to advertise new positions of lecturer and departmental supervisor. In addition, it is appointing a committee to advise on the curriculum and other matters.

It is just on seven years since the Act was passed in 1950; and only after a noise has been made by the Physiotherapists' Association, and only after the chartered society has advised the board that it will not recognise trainees in this State, has the board started to place things on a proper basis. In other words, the board now proposes to appoint the proper people to conduct the school, and a committee to advise on the question of curriculum, etc.! At last it is going to appoint somebody to go into this matter. The letter continues—

> Applicants for the new positions of lecturer and departmental supervisor are now being interviewed in London and in our own State. When these appointments have been made, I am confident that no possible reasonable objection could be made in any quarter to the standard of the training of physiotherapists in this State. As it is, of course, our graduates are registered in all other States in the Commonwealth in spite of the recent action of the chartered society in England.

I very much doubt if that last sentence is factual and graduates are registered in all other States of the Commonwealth; because, to my knowledge, there is no Commonwealth register at the present time.

Bearing out what I have already said concerning the board's attempt to place the blame on Miss Hammond in the letter to which I have referred, addressed to Hon. E. Nulsen, I would like to read a

letter dated the 25th July, 1956, written by the registrar to Miss Hammond, while she was in England. It is as follows:—

> I have been speaking recently to your mother re employment as a teacher with the Physiotherapy School on your return and she indicated that you would like to have something definite re this matter.
>
> This was discussed at the last meeting of the board as a result of which I am directed to advise that the position of Assistant Teacher is available to you on your arrival—present salary range £882-£912 per annum. The board is also prepared to assist with your passage to the extent of £A150, provided you undertake to stay with the board for three years.
>
> Your advices in due course would be appreciated.

That all sounds very nice. But Miss Hammond could not accept that position under an unauthorised teacher, which is only reasonable and natural, because she would have been in trouble with the chartered society in England. The board did not help Miss Hammond in any way at all regarding her passage or anything else. She came back and took employment with the Hollywood Hospital, and is there today.

However, that is not the main point. I wish to go further into the matter of the board trying to pass the blame for its own shortcomings on to Miss Hammond. I will read a letter dated the 28th March, 1957 and written to Miss Hammond by the secretary of the Chartered Society of Physiotherapy in London. It is as follows:—

> I have today sent the following reply to your telegram:—
>
> Western Australia not full reciprocity with Chartered Society. Writing. Neilson.
>
> I thought you would like to have fuller details which I could not include in the telegram, viz.;
>
> The only State in Australia with which the Chartered Society has full reciprocity is South Australia. This means that physiotherapists who are trained at the University of Adelaide may obtain full membership of the Chartered Society, and are thus eligible to work in the National Health Service. Also certificates of training issued in the States of New South Wales, Victoria and Queensland, which are accepted for membership of the Australian Physiotherapy Association, are approved by the Ministry of Health for employment in the National Health Service, provided enrolment on the Chartered Society's overseas list is effected.
>
> Although until recently the training conducted by the Physiotherapist Registration Board of Western Australia has been recognised for inclusion on the Chartered Society's overseas list, the Ministry of Health, in consultation with the Chartered Society, has now decided to withdraw it from the list, because it is felt that it does not at present conform with the standard required. A letter concerning this has recently been sent to the Federal Council of the Australian Physiotherapy Association in Melbourne.
>
> As far as the Chartered Society is aware, there is no teacher of the Chartered Society in charge of the training in Western Australia, and it is understood that up till quite recently the training was in charge of someone without any teacher's qualification. Since you and Miss Gann went over the position may have changed, but from what Mrs. Vidler told me the other day, I doubt whether it has. If I can give you any further information please do not hesitate to write again.

That shows full well the attitude of the chartered society to the physiotherapist set-up in Western Australia; and part of that letters indicates that some of the information obtained by the secretary of the chartered society came through a lady by the name of Mrs. Vidler. Apparently the secretary asked what the situation was in Western Australia, and it rather contradicts the assumptions contained in the Minister for Health's letter which I read, dated the 11th September and addressed to Hon. A. F. Watts.

I wish to read a further letter dealing with this matter. It is dated the 25th June, 1957, and was written by the secretary of the Chartered Society of Physiotherapy, London, to Miss Hammond. It is as follows:—

> Thank you for your letter of the 11th June.
>
> In September, 1956, the Chartered Society reconsidered the courses of training in its overseas list and held a meeting with the Ministry of Health on the subject of the recognition of the courses under the National Health Service (Medical Auxiliaries) Regulations, 1954. As a result of this reconsideration the Chartered Society was unable, for the time being, to accept for inclusion on its overseas list the course of training in Western Australia. This decision was notified to the Federal Council of the Australian Physiotherapy Association in my letter on the 22nd March, 1957, which was sent by surface mail, with a copy by airmail on 29th March, 1957. The Chartered Society's decision resulted

from this reconsideration and was in no way influenced by the contents of your letter of 26th March, 1957.

That letter clearly states that Miss Hammond's letter of the 26th March had nothing to do with the lack of reciprocity between the Chartered Society of Physiotherapy and the physiotherapists of Western Australia. As a matter of fact, the whole of this matter was reviewed in England prior to Miss Hammond's going to London; and during the time she was in England, she and Miss Gann asked the secretary to hold up the letter until they returned to Western Australia to see whether something had been done in the meantime and whether the matter could be rectified.

No further action was taken by the chartered society in England; but after these ladies returned they attempted to have the matter rectified and an authorised teacher appointed. They did not contact the secretary of the board until later when the Physiotherapists Board started to place the blame on Miss Hammond for what happened in regard reciprocity.

No letter can be found in the departmental file where the board applied for reciprocity, or received a reply from the chartered society in England. We are anxious to find the correspondence, which should be held by the board, and which should be available to members when asked for. When a file is received which does not contain the information desired, it is only natural an attempt must be made to obtain the full correspondence concerning a matter like this.

I trust the House will agree to this motion and request that the files be laid on the Table of the House, so they will be available to members and we can see what action the board has taken in this respect, and whether it has been honest in its intentions to rectify this matter instead of leaving it to remain as it is at the present time.

On motion by the Minister for Railways, debate adjourned.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—NEWSPAPER LIBEL AND REGISTRATION ACT AMENDMENT.

Report of Committee adopted.

BILL—LICENSING ACT AMENDMENT (No. 3).

Second Reading.

HON. E. M. HEENAN (North-East) [5.0] in moving the second reading said: This small Bill is to amend Section 205 of the Act. Most members will recall that comparatively recently—in 1951—an important amendment was made to the Licensing Act whereby licensed premises outside a 20-mile radius of Perth were permitted to have what is termed "Sunday sessions" for drinking.

Hon. H. K. Watson: Is that the two-bottle amendment?

Hon. E. M. HEENAN: No. I am referring to that 1951 amendment because it was a big stride forward, providing for the first time in Western Australia that hotels and clubs should have certain trading hours on Sundays. This amendment was made at the instance of the Government. It was opposed strongly by a number of people who were naturally afraid that dire results would follow, but I think one can fairly claim that the extension of trading to Sundays has had no bad effect. As a matter of fact, I think it can be said that legalised Sunday trading has done away with a number of abuses; and I think it is operating quite satisfactorily. Following the 1951 amendment, members will recall that in 1953 the late Robert Boylen, M.L.C.—

Hon. G. Bennetts: Known as "Two-bottle Bob".

Hon. E. M. HEENAN: —piloted through the House an amendment to Section 122 of the Act. The Government's amendment in 1951 limited the trading to drinking and did not allow anyone to purchase bottles to take away. In 1953 the late Mr. Boylen piloted through the House an amendment, restricted to the Goldfields, which extended the Sunday trading, as it applied to hotels, permitting customers to purchase two bottles of beer during the morning session.

So, since 1953, the people on the Goldfields, in addition to having the right to drink during the Sunday sessions in the morning and the afternoon, have been able during the morning session, to purchase from hotels only, two bottles of beer. The reason actuating the majority of members who supported the late Mr. Boylen in his amendment was that conditions on the Goldfields were, and are, different in many ways from those in other parts of the State. For instance, the climate is vastly different and the hours the majority of people work, are different.

The PRESIDENT: Order! Will the hon. member who is speaking to another member please not stand in the gangway to talk?

Hon. E. M. HEENAN: Speaking for myself I would say advisedly that the amendment made in 1953, at the instance of Mr. Boylen, has operated without any ill effects whatsoever. It has been a boon and has proved eminently successful on the Goldfields. There has been no outcry against it, and I am certain that other Goldfields members will assure the House

that this amendment known as the "Two-bottle Bob" amendment, has turned out to be quite a success.

Hon. Sir Charles Latham: To whom; both?

Hon. E. M. HEENAN: I think it has turned out a good thing mainly for the public for whose good it was introduced, because, as I was saying, on the Goldfields conditions are different from those in other parts of the State. We have extremes of climate; a large moving population; and a number of prospectors and others who live in modest dwellings and who have not always the facilities for keeping goods cold. This amendment has been all to the good.

I hope that I have, in the course of my remarks, made the position clear that the amendment was confined to hotels and wayside licences and did not include clubs. So we have the position on the Goldfields that on a Sunday morning people can have a drink at their clubs, but cannot buy a bottle or two bottles of beer there. People, however, can go to a hotel and drink at the hotel and they can also buy two bottles of beer there. This state of affairs has created a rather unsatisfactory position because to the best of my belief—I have just checked on this—in Kalgoorlie there are seven clubs—the Kalgoorlie Club; Tattersalls Club; Hannans Club; the R.S.L. Club; the bowling club; the Kalgoorlie Golf Club; and the R.S.L. Golf Club. In Boulder there are, I think, the R.S.L. Club; the Mines and City Workers Club; the bowling club; and the golf club. At Norseman there is one club. There are no other clubs that I can recollect in the Goldfields district, although I believe that Southern Cross is in the district; but I cannot speak for Southern Cross.

Hon. G. Bennetts: Bullfinch is one.

Hon. E. M. HEENAN: It will be appreciated that there are many people who are members of those 11 clubs in Kalgoorlie and Boulder. Clubs up there are not as restrictive as they are in the city and, maybe, in the country areas.

Hon. H. K. Watson: Do you bank on Sunday morning up there?

Hon. E. M. HEENAN: No, there has been no agitation to open the banks on Sunday morning. Section 205 relates to clubs. The late Mr. Boylen's amendment did not apply to them but only to hotels, and a great number of people on the Goldfields have agitated for the extension of this benefit to the clubs. These people go out, for instance, and play golf or bowls on Sunday morning but they cannot buy a bottle of beer if they need it to take home. It does not work out satisfactorily at all.

Hon. A. R. Jones: There are plenty of hotels at Kalgoorlie and Boulder where they can obtain their bottles.

Hon. E. M. HEENAN: That is so; but there is the fact that it is inconvenient, and it seems a differentiation that is hardly worth while. I understand that not a great deal of bottled beer is taken away. To extend the privilege to the clubs as well as to the hotels, would be a convenience and an advantage. The men who will be affected are a decent lot; and the privilege will not be abused but will streamline the Act in a way in which it should be streamlined. I hope members will see their way clear to agree to it. I think the amendment will modernise the Act still further, and it will certainly be appreciated by a number of people on the Goldfields. I move—

That the Bill be now read a second time.

HON. J. D. TEAHAN (North-East) [5.15]: I support the Bill. As Mr. Heenan has said, the hotels and clubs have "Sunday sessions"; and these have proved to be an excellent amenity, well conducted and well policed. All that this amendment seeks to do is to give the clubs the same right as the hotels on the Goldfields have of selling a maximum of two bottles of beer at these Sunday sessions.

I live on the Goldfields and from my experience of the Sunday sessions, few people want to buy bottled beer to take away. No doubt the reason for this is that the liquor laws on the Goldfields are fairly generous, and people do not attach the same importance to buying their ale at these sessions because usually they can get it when they want it. The privilege of taking away a bottle or two of beer at the Sunday sessions is used only by those who have someone at home who would like a drink of beer and who is unable to take advantage of the sessions. It may be the wife or someone else who is cooking the dinner.

Perhaps by taking that bottle or two of beer home they will decide to have a drink or two there and spend their leisure hours at home instead of going down to the club or hotel for the evening session. In that regard this amendment will be rendering a good service. One member asked why people on the Goldfields could not buy the bottle or two they want to take home from the hotels which are permitted to sell a maximum of two bottles at the Sunday sessions.

Many of these clubs have been established for years; and as hotels have their own trade, so the clubs have their own trade; and a person goes to his club on a Sunday morning to chatter and fraternise with his fellow members. That is the primary object of going to the Sunday session at the club; and so I cannot see any reason why those people should be forced to go to the hotel, after attending the session at the club, to buy beer to take home. All this Bill seeks to do is to give the clubs the same right as the hotels of

selling bottled beer at the Sunday sessions. For that reason I have much pleasure in supporting the second reading.

HON. W. R. HALL (North-East) [5.18]: I also wish to support this Bill. I had much pleasure in supporting the amendment to the Licensing Act which was introduced by the late Mr. Boylen; and for the information of members I would point out that the clubs on the Goldfields have a very large membership. I suppose there would be hundreds of people who are members of the various clubs. It is most desirable that they should be able to purchase a couple of bottles of beer to take home for lunch on Sunday.

If they are permitted to buy them from the clubs, they will not be forced to go to the hotels after the session at the clubs, and they will be able to take home a drink for their wives who are cooking the Sunday dinner. After all, those women are entitled to have a drink on Sundays; but at present club members are not permitted to buy bottled beer from their clubs at the Sunday sessions.

So I think this amendment is necessary. It is certainly most desirable; because at present a man has to leave his club to go to the hotel to buy a bottle of beer on Sundays. If it is good enough for the clubs to have Sunday sessions, surely it is good enough for them to be permitted to sell two bottles of beer to each member at those sessions!

Since the privilege of being able to buy two bottles at the Sunday session has been in existence—since 1953—it has never been abused. One of the reasons for this is that bottled beer is quite expensive; and as Goldfields members know, there is little excess drinking on the Goldfields. That has been most noticeable over the last few years; and so I do not think this Bill would do any harm. For the reasons I have outlined, I have much pleasure in supporting the Bill, and I am sorry it was not introduced some time ago.

HON. G. BENNETTS (South-East) [5.21]: I, too, support this measure. Mr. Heenan, by his introduction of it, has saved me a job. Pressure was put on me throughout my district to do something in this direction, because most people there feel that clubs should be granted the same privileges as the hotels to sell two bottles of beer per person on a Sunday. I am a wowser or non-drinker; and when this "Two-bottle business" was first introduced I was a little sceptical of it, because I thought the privilege would be abused. Since then I have kept a good check on the position; and I would say that not more than one person out of a dozen would buy bottled beer on Sundays.

I have been around the clubs, especially at Norseman, and I have been amazed at the few people who buy bottled beer at the Sunday sessions. Those who buy it do so for a good reason; it is to take a drink home for their good wives, who are preparing lunch for dad while he is out playing football or golf. While dad at present is able to get his nourishment at the club, mum is slaving away in the kitchen, looking after the nips, and is prevented from having a drink on Sundays. I think that the women who do such hard work in the kitchen are entitled to have a bottle of beer on Sundays if they want it.

I heard Mr. Jones say that these people could buy their bottles at the hotel if they wanted them. Let us take Bullfinch as an example. While there is a club there, the nearest hotel is half a mile away. At present dad can have his drink at the club, but mum is denied the right to have a drink on Sundays. If this amendment is agreed to, people will not have to visit the clubs in the afternoons, because they will be able to have their drink at home.

The Kalgoorlie Golf Club is about two miles away from the nearest hotel; and if a member of that club wanted to get a couple of bottles of beer to take home on Sunday morning after the session, he would have to go to the Tower Hotel, which is at least a mile and a half away, even though he had been drinking at his own club in the morning. Perhaps while at the hotel he would meet some of his friends and would be enticed into drinking more beer. That would not be very satisfactory; and so I think, in all the circumstances, that this amendment is a most desirable one. I cannot see why clubs should not be granted the same privileges as hotels. For those reasons I support the measure.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—TRAFFIC ACT AMENDMENT (No. 3).

Second Reading.

HON. L. A. LOGAN (Midland) [5.25] in moving the second reading said: This Bill is intended to make two amendments to the Third Schedule to the Traffic Act. The first is to overcome an anomaly; and the second has been included because of the introduction of a tax on diesel fuel by the Commonwealth Government.

The first amendment concerns motorbikes; and I find that in the Act at present, irrespective of the size of a motor-bike,

the licence fee is the same, whereas there is a vast difference in the size and power of motor-bikes on the road. So members can appreciate the necessity for some differentiation.

The licence fee for a push-bike is 2s. 6d.; but as soon as the owner fits a small motor to the bike—a motor of about 48 c.c.—he immediately has to pay the same licence fee as the person who owns a 650 c.c. Silver Flash. From that example members can appreciate that there is an anomaly.

Hon. H. K. Watson: What is the maximum?

Hon. L. A. LOGAN: It is £2. As far as I can see, there is only one fee under the Third Schedule. The Act says, as regards the definition of a "motor-cycle"—

> Subject to the provisions of the preceding description of a "motor carrier", a motor vehicle designed to travel on two wheels and includes a sidecar attached to the vehicle.

And then, under the prescribed fees, it goes on to state that for a motor-cycle fitted with pneumatic tyres, the licence fee shall be £2; and with a sidecar attached, £3. That is the position from the inquiries I have made, and it was brought to my notice by a man whose son owns a push-bike which has one of these small motors attached to it.

I have found by inquiry that the third party insurance premium is reduced to 10s. for a push-cycle fitted with a motor; but other motor-bikes, irrespective of horsepower, are rated at about £4 4s., which is much higher than the premium for a Holden motorcar. So I think some cut-up is necessary to bring them into line. I have made three recommendations which I think leave room for certain alternatives. I say that because since I first decided to introduce the measure I have made further inquiries; and I think it would be better to cut up the rates even further, for the reason that a bike of 125 c.c. size would incur a fee of 15s., and that type of bike could be regarded as a reasonable size. In my opinion it should be up to the 30s. mark, and not the 15s. mark. I am agreeable to accepting amendments during the Committee stage.

If we take the minimotors, the appliances that are attached to bicycles roughly of 48 c.c. capacity, or the formula used under third party insurance, which is up to 75 c.c. then we might be getting nearer to what I originally intended. Possibly I might draft an amendment in that regard and place it on the notice paper.

I would suggest that up to 75 c.c. the fee be 15s.; from 75 to 200 c.c., 30s.; from 200 to 350 c.c., £2; and over 350 c.c., £2 10s. I make that suggestion because of further inquiries which I have made since the drafting of the Bill, and because it may fill the need more fully. I put that suggestion forward so that members can give it some thought.

The other amendment relates to the following provision which was contained in Clause 15 of the Third Schedule of the Bill passed last year—

> Where the fuel used for propelling a motor vehicle is not motor spirit as defined in paragraph (d) of Subsection (3) of Section 11 of this Act, the licence fee for that vehicle shall be double the rate prescribed for that vehicle in this Part of this Schedule.

Of course that refers to diesel fuel.

In view of the fact that the Federal Government has now decided to impose a tax of 1s. per gallon on diesel fuel used for transport purposes, I see no reason why transport operators should pay twice as much in registration fees for diesel omnibuses or trucks, as compared with petrol vehicles. Some members may consider that I am premature in this regard; but I would point out that some statement has been made that the Commonwealth Government will not withdraw the proposed tax. Whether we like it or not, we must appreciate that the tax would be imposed because the amount contributed by way of tax by diesel-operated vehicles is nowhere as great as the amount contributed by petrol-operated vehicles for the maintenance of the roads that they use.

Although we may decry the fact that this tax on dieselene will increase transport costs a little, we will find there is no alternative if we look at the matter more fully. The only objection I have is not that refunds will not be made to primary producers, but that there would be a delay of from three to five months before they get back, in some cases, £150 to £200. I do not know whether that position can be overcome.

The intention of the second amendment in the Bill is to bring the licence fees for diesel-driven trucks on to the same level as that for petrol-driven trucks; because with the payment of 1s. tax on diesel fuel, they will be contributing on the same scale as the petrol-driven vehicles towards the maintenance of roads. It is therefore reasonable that diesel-vehicle operators be given the same treatment. I move—

> That the Bill be now read a second time.

On motion by the Minister for Railways, debate adjourned.

BILL—BREAD ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 12th September.

HON. R. C. MATTISKE (Metropolitan) [5.35]: I oppose this measure because I consider it is entirely wrong in principle

to pass legislation which will have the effect of precluding a self-employed person from conducting his business. I have made extensive inquiries on this matter from the various parties concerned. From those investigations I have found nothing to make me change my intention to oppose the measure.

I consider that the self-employed person is entitled to commence preparing his pastryware whenever he likes. If he is able to satisfy a public want, as is evidently the case from the speeches made during the second reading debate, then he should be entitled to do so. The persons engaged in this business who employ labour have informed me that they are not concerned with the operations of the self-employed person. As they have no objection, I see no reason why the Bill should be passed.

HON. C. H. SIMPSON (Midland) [5.36]: Like the previous speaker, I have a feeling that this Bill should be opposed because it restricts the liberty of some people engaged in this industry who are trying to establish themselves in business. As the Act stands, I understand that bakers, doing business either in a big or a small way, are not prevented from employing labour before the hour of 5 a.m., but they are required to pay penalty rates if men are employed before that hour.

It is surprising how many changes have taken place during the last 30—and possibly 50—years. I can cast my mind back to the time when I was a young boy and lived next door to a man who operated a bakehouse. On Good Friday Eve he used to do a tremendous amount of trade in hot-cross buns. His staff used to work at night-time, and he also enlisted the services of casual helpers on those occasions. I was one of those people who used to help out at times. The point was that people who liked fresh hot-cross buns got them straight out of the oven on Good Friday morning.

It does appear to me that many alterations that have been made to the Act since it was originally passed in 1903 have been in the direction of preventing the consumers from getting what they like; that is, service. I therefore think that every opportunity should be given to those engaged in this industry, especially the ones who are just starting off, to try to establish themselves. Because of that, and because the Bill restricts the rights of individuals, I oppose the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [5.38]: It is said that the Bill restricts enterprise, initiative and the freedom of the individual. Words to that effect were used. I would say that was the substance of the opposition to the measure. I would point out that the freedom of the individual is already restricted in many ways. The freedom of the milkman or the baker is restricted in the sense that he must be off the streets by a certain hour, and he cannot deliver his products after that hour. Furthermore, he cannot begin delivering before a certain hour. This is all a matter of co-ordinating the delivery of milk and bread to suit the requirements of traffic at the most convenient times.

On this occasion it is asked that the small backyard business within a 15-mile radius of the G.P.O., Perth—in some cases conducted by a self-employed person, and in others with the assistance of employed labour—shall commence operations at the same time as other similar industries. It is sought that 5 a.m. shall be the starting time. It is said that the Bill will restrict the freedom of the individual, but I cannot see that it will restrict a person engaged in this industry any more than existing legislation restricts the freedom of individuals in other pursuits.

When we consider the matter a little further we see that the wheatgrower is not permitted to sell his wheat outside of the wheat pool; nor can an egg producer dispose of his eggs other than through the Egg Board, or distribute them to customers without the permission of the Egg Board. There are other cases where restrictions are imposed; but they are all imposed for the benefit and success of the respective industries.

This Bill is in a minor degree another method of organised marketing, which everybody supports. We all know from experience of the shambles caused by unorganised marketing prior to the last war. This Bill only asks that the starting hour be fixed at 5 a.m., and I cannot see anything wrong with that.

Hon. C. H. Simpson: The wheatgrower is not debarred from starting before 5 a.m.

The MINISTER FOR RAILWAYS: We are talking about restrictions.

Hon. L. C. Diver: The farmer is not restricted in his production.

The MINISTER FOR RAILWAYS: He can produce as much as he likes, but he cannot sell it all. He will see to it that he does not over-produce.

Hon. A. F. Griffith: You will bring down a Bill to stop them working before 5 a.m.

The MINISTER FOR RAILWAYS: We do not want to place any restrictions on the hours of farmers. The policy of the Labour Government is to see that workers are paid for the hours in which they work. I ask members to disregard the advice of the two previous speakers, and to support the Bill.

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

Ayes	11
Noes	14
Majority against	3

Ayes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. W. R. Hall
Hon. F. R. H. Lavery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. J. Murray
	(Teller.)

Pair.

Aye.	No.
Hon. G. Fraser	Hon. H. L. Roche

Question thus negatived.

Bill defeated.

MOTION—SALE OF IRON ORE TO JAPAN.

To Inquire by Select Committee.

Debate resumed from the 12th September on the following motion by Hon. N. E. Baxter:—

> That a select committee be appointed to inquire into and report upon the proposed sale of Koolyanobbing iron ore to Japan, with particular reference as to whether the profit likely to be derived from such sale is likely to be sufficient to finance any other venture.

HON. F. J. S. WISE (North) [5.47]: This motion was moved prior to a reply being received from the Commonwealth Government in answer to the State's case and its application for a licence for the export of 1,000,000 tons of iron ore to Japan. Prior to the State Government receiving a reply from the Commonwealth Acting Prime Minister, much publicity was given to the case presented by the Premier.

The background of this application is that early in this year the State Government applied for an export licence for 1.000.000 tons spread over 2½ years from the iron ore deposits at Koolyanobbing; and in presenting his case, the Premier, in a most reasonable manner, linked with the application an outline of the proposal to utilise the proceeds from the sales of iron ore, which sales have been canvassed very carefully and in respect of which there was a purchaser at a very lucrative price.

Hon. C. H. Simpson: Can you tell us what the price was?

Hon. F. J. S. WISE: Yes. It was between £6 and £7 per ton in comparison with the 1s. 6d. per ton being received for other iron ore in a most accessible position leaving Western Australia for Eastern States use or manufacturing purposes for all-Australia use.

Hon. J. Murray: There was no responsibility on the Government to provide labour to produce that ore.

Hon. F. J. S. WISE: I will deal with the point raised in that interjection later on. It was reasonable to assume that the Commonwealth Government would appreciate the points as fairly represented by the Premier in his application, particularly in view of the fact that by the selling of what may be called a latent asset—certainly an unused asset—for cash, and using that cash in the establishment of a manufacturing industry in this State, there would also be the ensuring of employment for a large number of people.

It was made clear that the State Government expected and desired to apply the profits from these sales for an extension of the charcoal iron industry at Wundowie; the utilisation of waste timber products from centres in the South-West; and, generally, to do this without any cost to the taxpayer by using moneys from the sources I have mentioned.

The Commonwealth having made it clear that this State could not receive any further advances from loan funds or from any other Commonwealth sources to stimulate and advance State industries, the State must turn to all opportunities for developing from within the State industries of this kind. The State is forced to turn to any of its resources in an endeavour to obtain cash for the establishment of industries of this character.

This proposal involved a mere fraction of the total quantity of the vast iron ore resources of this State. Those resources would be affected not at all from the point of view of use by companies already manufacturing iron and steel products either at the moment or during the next 70 to 100 years.

The case outlined by the Premier was very clearly stated. It included all the facts available to him not only in connection with iron ore resources but also in connection with the new proposals. He represented the anticipated benefits to the State as a result of being granted an export licence for this—after all—very minor quantity of iron ore, not from any deposit already pledged for use, but by the removal of overburden from an existing ore deposit not associated with agreements with B.H.P. or any other company.

The comparison of the return to this State from the sale of the overburden at Koolyanobbing and the amount at present received for the Yampi Sound iron ore may be very clearly stated; and it must

be pointed out that the Eastern States receive nearly all the employment and other benefits from the processing of Yampi Sound iron ore for which Western Australia receives only 1s. 6d. per ton.

Western Australia has a good opportunity to obtain—and these are the figures given by the Premier—between £6 and £7 per ton for a strictly limited quantity—and it is a strictly limited quantity—from a local deposit for which the Commonwealth has refused an export licence. In addition to the Eastern States receiving for manufacturing purposes within those States our iron ore at 1s. 6d. per ton, all the other States of Australia benefit from the Australian steel being cheaper than the imported steel; but the 1s. 6d. per ton that Western Australia receives for its Yampi Sound iron ore must be compared not only on a basis of what the cash return may be, but also in connection with employment, which point was raised a moment ago by Mr. Murray.

The employment within Western Australia for the mining at Yampi Sound and the despatch of the ore is a very small fraction of the employment made possible—made necessary—by the ore which goes right to the other side of Australia for treatment and manufacturing purposes.

It is known from the examination by our Mines Department officials that the resources of iron ore in Western Australia exceed 250,000,000 tons. That 250,000,000 tons, details of which I will give, are not confined to large deposits. There are two large deposits, the main one being that which has been a source of attraction to overseas and Australian interests for a very long time. In the year 1927 Queensland had a complete right over Cockatoo Island, the Queensland Government having the opportunity to use Cockatoo Island ore in connection with its coalmines.

Hon. Sir Charles Latham: There is a good story about it you know.

Hon. F. J. S. WISE: There is; and as Sir Charles Latham will expect, I have an idea, too, of the genesis and the completion of that story. I visited Cockatoo Island in 1924 when ore specimens were collected to be sent to the Wembley Exhibition; and at that time the Queensland Government had an interest in Yampi Sound and a lease over part of Koolan and Cockatoo Islands. Later, when Western Australia endeavoured—immediately prior to the war—to sell some of the iron ore to Japan, a complete embargo was placed upon its export.

But the export of 1,000,000 tons of iron ore from this State—whether it be from Koolyanobbing, Wilgie Mia or Tallering—will not in any way impair the vast resources available in this State; nor will it touch the edge of the many small deposits which it is doubtful will ever be worked, and certainly will never be worked on the spot by a company of any magnitude.

Here is an opportunity for Western Australia to use an asset now convertible into cash—cash most urgently needed; cash which would save the taxpayers of this State and other States considerable sums by the expansion and development of other industries within Western Australia. And these small deposits would not in any way affect the vast resources under the control of B.H.P. for the next 60-odd years, to which resources the company has a right—under an agreement made in good faith by another Government at a price very low in comparison with what may be obtained now for ore from very minor resources; and whatever may be sold of those minor resources will neither affect B.H.P. requirements; nor will it affect or be likely to affect any other use of those smaller quantities within the State.

Of the approach which was made by the Premier, "The West Australian"—which not by any stretch of the imagination could be said to support the State Government on political matters—had something to say on this somewhat, if not wholly national matter. This is under date the 3rd June, long before this motion came to this House. In this sub-leader under that date, headed "A Bold Plan for W.A.," we find, inter alia, these words—

> Western Australia's industrial and mining economy badly needs a shot in the arm to set it moving again along the path of development. The Premier's plan to sell iron ore to Japan and with the profits start a charcoal iron industry in the South-West looks like a good initial injection.
>
> One million tons of ore would make only a small dent in Western Australia's iron ore resources. The Commonwealth should have no hesitation in granting the State Government's application for a licence to export this tonnage to Japan.
>
> Times have changed since Canberra vetoed a similar Western Australian proposal. Japan today is one of Australia's best customers and while she is virtually disarmed and in the Western camp there can be no defence objection to the deal.
>
> It would be wrong to refuse her iron ore, which is as much the basis of her economy as it is ours. We sell wool to Japan and we would be quite prepared to sell her pearlshell provided we had the fishing of it. Doubtless Australia could profitably use some Japanese steel.
>
> At home, the mining and transport of Koolyanobbing ore would mean more employment and more revenue for the State. It would help the sick

railway system. It would not prejudice the eventual establishment of a steel industry.

A charcoal iron industry in the South-West (long one of the Premier's dreams) could confer even more substantial and more lasting advantages on the State. The idea in its present form is to establish another and bigger State-owned Wundowie enterprise.

The leading article terminated with this paragraph—

Canberra, which gives pearlshell to the Japanese, can hardly oppose the profitable sale of an infinitesimal fraction of Western Australia's iron ore; and the whole scheme which the Premier reveals today is imaginative and heartening. It deserves to be pushed along vigorously by all those who can help it.

Subsequent to that, in its leader of the 5th June, following some criticism by Hon. D. Brand and some critical comment by Mr. C. J. Cornish, "The West Australian," under the caption "Government Has Courage," had this to say—

The State Government's plan to sell iron ore to Japan and use the proceeds to build a new charcoal iron industry in the South-West is, in principle, a good one. It is unfortunate, therefore, that Opposition Leader Brand should have no good word to say for something which this State badly needs. Political partisanship should not be allowed to cloud the vision as to what is good for Western Australia.

While C. J. Cornish, Chamber of Manufactures president, admits the contribution the scheme could make to our economy, he has thrown a wet blanket on it, presumably because the Government has a State undertaking in mind.

It cannot be repeated too often that projects such as this are primarily the province of private enterprise. And if private enterprise should fail the Government should submit the scheme to expert inquiry before putting public money into it. Nevertheless, the approach of people outside the Government should, as far as possible, be positive and not negative.

On the rejection of the Premier's request Sir Arthur Fadden pointed out—as was clearly stated in a letter, the total of which was read by Mr. Griffith the other evening in connection with another motion, but was properly applicable to this one, for the reason that it is the answer to the Premier's request—and made quite clear that it was a national duty of the Commonwealth to conserve high-grade ore.

He pointed out also that this ore largely made possible the manufacture of cheap steel which was such an important factor in the economy and which provided the basis for an Australian export drive in steel products. Sir Arthur Fadden explained that an embargo on iron ore exports was imposed, in the national interest, nearly 20 years ago, and that the need to conserve ore was even greater today.

Sir Arthur went on to say that Australia's known resources of high-grade iron ore were relatively small and that virtually all resources of commercial value were contained in three deposits; Middleback Range in South Australia, Yampi Sound and Koolyanobbing. This important sentence appeared in Sir Arthur's letter—

There were numerous other deposits but they were all small and of no real importance to peacetime development of the steel industry.

I shall return in a few moments, in an analysis of those words and what they mean and may mean, to the satisfactory and successful treatment, sale and/or use of iron ore in Western Australia.

It is true that Koolyanobbing has a substantial quantity of high-grade iron ore; but if we are prepared to give consideration to excluding it entirely for the purpose of developing other industries in this State and concentrate on those minor deposits of relatively little importance—in the words of Sir Arthur Fadden—Western Australia not only should have a moral right, but also an unfettered right, to use in her own interests and to develop other industries by the use of profits therefrom, the ore from these other deposits, and use it within the State of Western Australia.

Without doubt it must be acknowledged that the Commonwealth Government has the right to create an embargo. It has the power to decide what may come into this country and what may go out of it. We must acknowledge that, and also the fact that the Commonwealth Government has the responsibility, under the Constitution, to take stock of the resources of the nation and decide which of them must be conserved in the interests of the nation.

On the first point, however, the Commonwealth Government draws its authority from Section 51 of the Constitution. Under that section it has the right and indeed the authority to make overseas agreements on behalf of the Commonwealth. It has the right, in connection with external affairs, to make agreements which bind the States, and no one denies the Commonwealth that right, which is undoubted. In my research into this matter I find that it is so, unquestionably, because of its having been tested in the High Court; and it must be freely acknowledged that, provided that authority is used without prejudice either to the States or to an

individual, there is no qualification to the right of the Commonwealth in the matter of creating embargoes.

It was held in the High Court of Australia in 1912 in the case of the Woodstock Central Dairy Company versus the Commonwealth and the Comptroller General of Customs, that the Commonwealth Parliament had the amplest power in relation to the export of goods from Australia, so that it could prohibit the export of iron ore from Australia and its authority in that regard is without qualification. Going further, Section 111 of the Customs Act, of the Commonwealth, provides that no prohibited exports shall be exported; and in prescribing what sort of iron ore may or may not be exported the Commonwealth has gone further, and pursuant to the power which it has through its Customs Prohibited Exports Regulations, it specifies that it prohibits absolutely the export of hematite and magnetite and ores containing either or both of those minerals.

Iron ore from Yampi Sound and from Koolyanobbing comes within the prescribed limits of that description; so that, while it is freely acknowledged that there is an undoubted right in regard to the Commonwealth saying, under ministerial authority, whether this, that or any other quantity of iron ore may be exported, there is reason, I believe, for us justifiably to claim that the Commonwealth has misconceived its duty and its responsibility in refusing the export of this small quantity of ore from this State to Japan, and I will endeavour strenuously to prove that point.

The amount of iron ore represented in 1,000,000 tons from Koolyanobbing is less than 1 per cent. of the total known deposits of iron ore in this State. In fact it is .7 per cent.; and if we look at the total quantities represented in what Sir Arthur Fadden has described as deposits of not much consequence and of little economic value, we find millions of tons—tens of millions of tons—many of which are very accessible to both railways and ports.

At Mt. Magnet 12,000,000 tons of 36 per cent. iron ore are available. At Wilgie Mia 18,810,000 tons of 64 per cent. are available. At Mt. Hale, 1,380,000 tons of 67.7 per cent; at Mt. Gould, 14,970,000 tons of 66.98 per cent. At Tallering Range there is 3,517,000 tons of 64.9 per cent.; at Mt. Gibson, 2,250,000 tons of 65 per cent.; at Ellarine Hills, 10,750,000 tons of 64.23 per cent.; and in addition there are many more high-grade deposits of lesser quantities, and some very large deposits of low-grade ore, many of them widely scattered through this State, some of them containing tens of millions of tons of lesser grades but, it is interesting to observe, still of a grade higher than that in use in either the United Kingdom or the United States of America.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. F. J. S. WISE: I was endeavouring to show how important to Western Australia was this matter—described by the acting Prime Minister as relatively unimportant economically—of the small deposits of iron ore in this State. One could say that if indeed some of the lesser deposits—and I mentioned Wilgie Mia which has over 18,000,000 tons adjacent to a railway—were made use of as an asset of the State, they could prove a very important stimulus to the industry of Western Australia.

Recent discoveries of minerals in Australia suggest that other deposits of iron may be found sooner or later. There is also the possibility that in the near future there will be found some economic substitute for iron. What can happen in the next 100 years in the relative uses of the staple and economic minerals of today? Who would dare forecast that there will be no more discoveries of iron ore in Australia? What is to happen when iron ore is worked below ground level?

It is interesting to observe that all the estimates given by geologists are for those above normal ground level—in the case of Koolan Island and Cockatoo Island, those above high-water mark. It is conceivable that there will be many discoveries of iron ore in the next decade. To illustrate my point I would like to draw attention to what has happened in the case of other minerals in this year of 1957.

The greatest deposits of bauxite—the basis for aluminium—known in the Southern Hemisphere, has been found in Cape York Peninsula. These deposits have been walked over and ridden over by stockmen for the last 100 years, and exceed many times the 10,000,000 tons known to exist at Marchinbar in the Northern Territory.

Take the case of Mt. Isa, a mine that was regarded as a silver-lead mine. In the ordinary processes of finding silver-lead there emerged one of the world's greatest copper mines —greater in extent even than the Rhodesian copper mine. In the case of uranium we find the deposits at Mary Kathleen being one of the greatest in the Southern Hemisphere. Who knows what will happen in the case of copper?

Manganese is another mineral to which I wish to refer. Until very recently there was a total embargo on the export of manganese. Western Australia dominates the Australian States in the production of manganese; and it is not impertinent to say, nor is it irrelevant to mention, that export permits are allowed for Western Australian manganese—for thousands of tons of it—which is one of the most important minerals in the conversion of uranium oxide into uranium for use in atomic tests and similar activities. We are exporting it under permit with a known quantity in Australia of less than 750,000 tons.

What of coking coal? The accessible and economic quantities of coking coal in Australia are not limitless, but there is no limit on the permissible quantities for export—all from New South Wales; indeed 1,000,000 tons of coking coal went to Japan last year. Yet Western Australia is denied the right to export 1,000,000 tons of overburden from one single iron ore deposit.

I repeat that the Commonwealth has misconceived its duty in this matter, and has misinterpreted its authority. It is a very important function of the Commonwealth to rightfully preserve, maintain and control the permissible export of all resources likely to be needed in Australia for a long time.

If it is feasible and reasonable for Japan to get all the wool that she can consume; if it is right that Japan should have 1,000,000 tons of coking coal with which to treat her iron and other imports; if it is right for Japan to be a good customer of Australia in many of our primary products; then there can be nothing wrong for Japan as a friendly ally, as one supposed to be half the bulwark of Western civilisation being permitted to import 1,000,000 tons of iron ore. This State should not be denied the right to obtain cash for otherwise unsalable and unusable resources; because if we do not take the opportunity and avail ourselves of markets when they offer, those assets will become totally unsalable and totally unusable.

This State—which is an under-privileged State for many reasons, without the consolidated wealth of other States, to which we have contributed—should receive major consideration at all times from the Commonwealth, particularly if we have some surplus to sell. Side by side, therefore, is the point I have made as to the magnitude of the discoveries of other minerals in the year 1957; and even if there is some substitute for iron or steel in the next 100 years, the quantities we are seeking to sell will make no impairment at all of the quantities assigned to B.H.P. to be used by that firm and that firm alone.

If we were to have the right to convert into cash these commodities which will remain latent for the next 100 years, and use the cash for the betterment of our people and their industries, surely it would be a gesture from the Commonwealth, and surely they should have a kindly feeling for Western Australia in her expansion.

I think it is important to say that the stocks of iron ore in Australia are of great interest and are well known to Broken Hill Pty. Ltd. That firm is the largest consumer of iron ore in Australia; it is really the only substantial consumer. In 1952, when the company entered into an agreement with the Government of Western Australia, it did not stipulate all the iron resources of Western Australia. That firm has a consciousness and knowledge of what it requires for its purpose; and its requirements extended to a period of 50 years, with the right of renewal for another 21 years, making in all 71 years.

If Broken Hill Pty. Ltd. for 71 years could see a need greater than the iron contained in Yampi Sound, the firm would have made a request accordingly. I am sure of that. It did not mention the other deposits, however, whether they were of a minor or major nature. Surely, therefore, in its interpretation of its rights and responsibilities under Section 51 of the Constitution the Commonwealth overstepped the mark in denying us the right to sell. It is a matter for very serious reconsideration on the part of the Commonwealth Government. Surely B.H.P. would have insisted on further concessions and named them if, it had required them, because it has a knowledge second to none of the mineral resources of Australia.

It is not a question of the State proposing to dispose of all its surplus needs; it is a question of an infinitesimal part of the uneconomic portions of our deposits which we are seeking to convert into cash. There is no demand in Australia for these reserves of iron ore either from Koolyanobbing or elsewhere. We were hoping to create a demand in Western Australia in a manufacturing industry, and to use as cash and capital some return from the vast latent resources of which I have spoken.

Surely Western Australia has the right above all other States to use the profits from such resources within her own State without giving benefits which we do get to various other States, particularly when there is a chance of more discoveries and a possible change in the use of minerals. There could be no valid reason at all why under one per cent.—the quantity mentioned in this specific contract and request for licence—should be denied Western Australia.

We have a great case for what may be termed the conversion into capital of capital resources which could be made out for Western Australia. This would not in any way violate either the Commonwealth's responsibility under the Constitution or any interpretation, however rigid, of the rights of States in respect of that Constitution.

The Commonwealth is unable to find for us, without our paying dearly for it, loan moneys even from taxation sources. It is unable to find for us cash to a degree greater than what taxation reimbursement Acts bring to us or the Commonwealth Grants Commission, under Section 96, allocates to us. However, in this instance, in the avoidance of any call or pressure on the Australian taxpayer, we are endeavouring to liquidate

some of our assets which, as I have mentioned more than once, will remain unused for indeed another century unless we have the right to convert them into cash.

We seek merely the conversion of iron ore, which has a potential value only if it is turned into money to enable us to establish industries in decentralised positions and to ensure security of employment for many Western Australians. The important point is that these small deposits are unattractive to large companies and are unattractive to small companies, and have no potential value until they are operated upon.

We are in agreement with trade with Japan and other countries in wool and other commodities. We now sell such minerals as manganese, on which there was an embargo until a year or two ago. Some of this manganese is being sold to channels from which it could flow into enemy hands. It is a very vital mineral in the conversion of uranium ore. However, despite this, we as a State should have the right to sell small and surplus quantities of ore which might not otherwise be used.

I suggest that if the Commonwealth insists that all of our iron ore is to remain as one of Australia's resources, it should compulsorily acquire it now. Let the Commonwealth pay the State £200,000,000 or £300,000,000 for non-use of an asset which, under Section 51, it requires to be preserved for posterity forever. We need the cash for many uses, but principally to establish and encourage employment in the manufacturing industries, and to stimulate activity at ports and outer centres.

I am not attempting in any way to be provocative to Governments or members of parties in this State; but one could quite reasonably and not unfairly ask: What is the viewpoint of the communities affected in this State by the sale of such ore likely to be—at Tallering, Geraldton, Koolyanobbing and the South-West? Can we not reasonably anticipate, shorn entirely from political views, that it would give to this State an impetus, and much stimulus to the people of those districts and encouragement for industry to expand?

For many reasons—other than the reason of obtaining the use of the ore from Koolyanobbing—I hope that this motion will be defeated. That has been denied us. It would be far better, and be positive and not negative for this House to oppose the motion in order to enable us, irrespective of Government or party, to use the resources in minerals over which the Commonwealth validly has control, for the betterment and improvement of circumstances within Western Australia.

HON. H. L. ROCHE (South) [7.50]: I move an amendment—

> That the word "Koolyanobbing" in line 3 of the motion be struck out.

It would then read—

> That a select committee be appointed to inquire into and report upon the proposed sale of iron ore to Japan, with particular reference as to whether the profit likely to be derived from such sale is likely to be sufficient to finance any other venture.

I quite agree with the closing remarks of Mr. Wise when he stated that Koolyanobbing was now not a subject of interest. To me, the portion of the motion which justifies it to the House, and which justifies the House in carrying it is the latter portion which makes particular reference to the profit which is likely to be derived from such sale.

Every member in the House, I think, was extremely interested in the informative speech which Mr. Wise has just concluded. It is a great pity that so many people can attend the House to listen to a debate and await its decision on such matters as trotting, s.p. betting and the rest of it, while so few are interested enough to attend in order to listen to a speech such as that we have just heard.

However, in that speech I did not notice any reference to the question of the profit or likely profit that might ensue if this proposal is proceeded with. I have not heard anything up to date which would indicate that the f.o.b. cost of iron ore at Fremantle or Geraldton has been arrived at with a proper break-up of the costs involved, so that we would be informed on that aspect. It has always seemed doubtful to me, with the rail freight from Southern Cross to Fremantle estimated at 52s. 6d. per ton, and with a cartage from Koolyanobbing to Southern Cross—by road over 40 miles—with the breaking of the ore at Koolyanobbing and handling at Fremantle, that there was much prospect of a worth-while profit at a sale price of £6 per ton.

To a lesser degree, the same position, I think, would apply to Tallering. How much better or how much worse, we are not in a position to say; but I am doubtful of the wisdom of Governments indulging in trading enterprises of any kind, because they never seem to be successful. I cannot understand why there has not been pressure from private interests to trade and exploit this market if it is known to be profitable. If it is so, then the Government has a much better case than just the casual study of figures. I hope the House will agree to appoint a select committee in accordance with the motion moved by Mr. Baxter but amended in accordance with my proposal; and should that committee bring in a favourable report, it will strengthen the Government's hand immeasurably.

Rather than have a Government spokesman opposing this motion, I should think it would be given mature consideration and be accepted by the Government, because I can imagine nothing better to strengthen the hands of the Government than going on with this proposal, and continuing pressure on the Commonwealth Government to approve of the proposition to export ore. If a select committee of this House were to report favourably on the proposal, especially as to whether it is likely to result in a profit, it would strengthen the Government's hands.

The freight figures to Fremantle—again I am referring to the Koolyanobbing proposal—seem to have been arrived at in accordance with the rate quoted for miscellaneous ores. In the report of that famous committee which had something to do with the Government's closure or discontinuance of certain railway lines, the rail freight on ores was stated as 2.02d. per ton mile. With the railways supposedly losing money on the freight of wheat at 2.9d. and on super at 2.96d., it does seem possible that there has been some miscalculation in regard to the profit of this proposal; and that such profit as might be derived from selling Koolyanobbing ore and loading it at Fremantle, would be more than lost by the loss to the railways in carting the ore at the cheap rate.

Therefore, all in all, I think in the best interests of everyone concerned, particularly the Government which wants to put this proposal through, that it would be in the best interests of the State if this House approved the motion as moved by Mr. Baxter after agreeing to the amendment moved by myself for the deletion of the word "Koolyanobbing."

HON. J. MURRAY (South-West—on amendment) [7.58]: I presume that in speaking to the amendment to delete the word "Koolyanobbing" and to insert the word "Tallering," I have sufficient scope to include reference to the rest of the debate which has gone on so far.

I do not want to speak at any great length, and I hope I will not be misunderstood in certain places; but I want to make it clear that I am not supporting the move for a select committee, whether it be in regard to Koolyanobbing or Tallering. I believe a select committee will be completely innocuous. I congratulate Mr. Wise on the information he has brought before the House because I consider it is a worth-while contribution to the debate, and it will give the public something to think about. In relation to the matter which he raised, as to whether the Commonwealth had a right to prohibit the export of the ore, he questioned whether it had adopted a national point of view or a political point of view in making its decision.

I agree with the hon. member when he says the Japanese are buying our primary products. They are good customers, and we do not want to lose them. They are also buying coking coal with the goodwill of the Commonwealth Government. But do not let us lose sight of the fact that only recently the Commonwealth Parliament has had to amend the trade agreement with Japan so that Japan can pay for these products, and this despite the fact that it is not included in Sir Arthur Fadden's letter as one of the primary factors that made the Commonwealth hesitate to say whether the Japanese people should be permitted to enter into an agreement when they have not the wherewithal unless we allow something else to come into Australia; and at the moment it would be textiles which threaten the textile industry in our Eastern States.

The other question which concerns me vitally is not one from the Commonwealth point of view. The Commonwealth has made its decision on the figures supplied by the Premier and also on its knowledge of international politics. The other question arises on the Premier's own statement about the 65,000 tons of pig iron additional to the sale of 1,000,000 tons of raw material. That was his own statement.

Also, when challenged with regard to Wundowie, which was originally set up as a pilot plant on the undertaking that the major plant would be established in the South-West portion of the State, talking with his tongue in his cheek he encouraged people to think it may be established at various different places in the South-West, but well knowing that Bunbury was earmarked from something like 1946 onwards as the site for a major plant if it was established. I think I still have a map signed in 1946 by Norman Fernie to that effect. That, by and large, was the position then; and it is still the position today.

But when the Premier was questioned why, on the score of economics, it would not be more desirable to enlarge Wundowie to supply the requirements of Japanese industry and any other likely industries, his reply was that there was insufficient wood in the district to supply the necessary charcoal. That is a correct statement. There is insufficient wood. The question has been asked: Why establish even an experimental industry at Wundowie if the potential of wood is not there? But it was reasonable to do exactly what was done by the present Government in establishing the industry at Wundowie as it was near to the supply of raw iron and there was quite a potential supply of wood in the district at the time. Therefore, as a pilot plant, there was no great objection to be raised. But what is there to say that we cannot enlarge Wundowie and build it up to a major state for our potential customers?

Surely it is more economical to take the iron ore from Koolyanobbing to Wundowie and the charcoal from the South-West to Wundowie, than to burn charcoal in the South-West and cart it a few miles—probably by motor-truck—into a major plant in Bunbury and have the long haul for the iron ore from Southern Cross to Bunbury. On the score of economics alone the proposition is, in my opinion, completely haywire unless the Premier will come out into the open and clearly define the ultimate of his charcoal iron industry in Bunbury—and I will name Bunbury because that is where his thinking is. Is it to be a properly integrated iron and steel industry? If this is so, then there is some excuse for it. But if it is simply the production of charcoal iron, there is no justification for getting away from true economics and enlarging Wundowie to supply all the orders forthcoming.

If the Premier wants to set up, as he suggests, three or five charcoal burning kilns in the South-West to use up the waste timber, there is nothing to stop him from doing so and carting the charcoal to Wundowie instead of the iron ore to Bunbury.

HON. J. M. A. CUNNINGHAM (South-East—on amendment [8.8]: I too am somewhat suprised at the fact that Government support has been lacking for this motion because I believe facts could be uncovered that might change the minds of some members who at present feel there is no justification for the agreement to export iron ore to Japan.

Much has been said to try to justify the export of this ore; but I, like many other people, am wondering just how the payment for the ore will be made. We are told that a great proportion of the cost of the plant will be found from the profits of the sales to Japan. But how are these sales to be paid for? We have gathered from the debate—from what has been said and what has been printed—that some millions in cash will come back to this State to enable us to establish a plant. But is it going to be cash or are we to be satisfied with an influx of trade goods?

The Minister for Railways: What do they get for wool?

Hon. J. M. A. CUNNINGHAM: That is not intended for a specific purpose, but this is.

The Minister for Railways: You will get exactly the same for iron ore as you will for wool—cash.

Hon. J. M. A. CUNNINGHAM: Could the funds that come from the sale of wool be used for the improvement of the wool industry as is suggested?

The Minister for Railways: They are being used that way.

Hon. J. M. A. CUNNINGHAM: There would have to be credits from somewhere. We gathered that there would be cash but it appears that is not going to be the case.

Hon. F. J. S. Wise: This is the property of the Crown; wool is not.

Hon. J. M. A. CUNNINGHAM: Where are the Japanese going to get the millions of pounds sterling or the dollars that we want? What other credits will we get?

The Minister for Railways: Australian pounds, the same as Japan is using for the wool.

Hon. J. M. A. CUNNINGHAM: Japan cannot pay for wool in Australian pounds. The Federal Government has just had to implement certain legislation to enable Japan to meet her commitments to Australia.

Hon. Sir Charles Latham: There are no Australian pounds in Japan.

Hon. J. M. A. CUNNINGHAM: I admit to knowing little or nothing about international finance, but probably some members here could enlighten me on that point. Many members of the public are asking this question: Are we going to get cash, kind, credit, or what? We will get back to the old prewar style of Japanese trading where we contract for some millions of pounds worth of mouth organs and when the goods are opened up they are mousetraps.

The Minister for Railways: That could be the case with wool.

Hon. J. M. A. CUNNINGHAM: What will be the value to us if that is going to happen with the payment for the iron ore which is, supposedly, to be the basis for the establishment of a new industry in the South-West?

Taking it for granted that Koolyanobbing will probably be no longer the point of debate, we still have the fact that at the present rate of consumption of iron ore and the expected rate of consumption within the next few years, and not allowing for an increase in the export of steel products, in connection with which there have been various estimates, it is considered that our present known reasonably rich deposits of economically workable iron ore will last between 25 and 30 years.

The Minister for Railways: No, a century.

Hon. J. M. A. CUNNINGHAM: That is a long time.

The Minister for Railways: It is 20 years for manganese.

Hon. J. M. A. CUNNINGHAM: It is 25 to 30 years at the present rate; and if we extend, the rate will increase and the deposits will be consumed in less than 10 years. Let us say it will take 40 years, and at the end of that time our known

deposits will be finished; and our estimated consumption will be in the nature of 10,000,000 tons a year.

The Minister for Railways: Not known deposits; measured quantities might be exhausted.

Hon. J. M. A. CUNNINGHAM: The known measured quantities of deposits. It was admitted in the speech by Mr. Wise that the recent discoveries of bulk deposits of ores of various kinds have been rather phenomenal and widespread, even to the extent of being found in parts of the State that are almost unknown. But the amazing thing about these discoveries is that no new iron ore deposits have been found.

The Minister for Railways: Hundreds!

Hon. J. M. A. CUNNINGHAM: No new ones have been discovered despite the finding of much harder to trace bulk deposits such as bauxite.

Hon. F. J. S. Wise: Bauxite is not hard to find.

Hon. J. M. A. CUNNINGHAM: For over 100 years it has been hard to find.

Hon. F. J. S. Wise: It is readily discernible; that is your point.

Hon. J. M. A. CUNNINGHAM: Yes. If by search or accidental discovery some valuable deposit is found in an area there is immediately a great livening in connection with all sorts of research in the district; but still no large deposits of iron ore have been discovered.

The Minister for Railways: Because there is too much. They kick their toes on it and take no notice of it.

Hon. J. M. A. CUNNINGHAM: We know of three main deposits that have been mentioned over and over again.

Hon. E. M. Heenan: What are they?

Hon. J. M. A. CUNNINGHAM: Koolyanobbing, Middleback Range and Yampi.

Hon. E. M. Heenan: Do you know if there are any up at Wiluna?

Hon. J. M. A. CUNNINGHAM: There are known deposits. I have a full list of all known deposits with their estimated tonnages and percentages. They have been read several times and I shall not weary members by reading them again. These deposits have all been known for many years and no new deposits have been discovered despite the very wide prospecting that has been done for uranium, aluminium and copper.

Hon. E. M. Heenan: What is the good of finding them at present?

Hon. J. M. A. CUNNINGHAM: The great value of finding them would be that we would have some very definite indication that our known deposits were greater than we thought.

The Minister for Railways: They are.

Hon. J. M. A. CUNNINGHAM: Tests on all these known deposits indicate that we have not the tonnage we thought we had originally.

The Minister for Railways: Those figures do not tell us because we do not know.

Hon. J. M. A. CUNNINGHAM: There is one near the bottom of the list, Edjudina Range. Alongside that deposit there is a notation—

> Unknown, but in the order of many millions of tons.

That has reference to the tonnage. There is no known tonnage but we know the average content.

The Minister for Railways: It is 56 per cent.

Hon. J. M. A. CUNNINGHAM: No, 38 per cent. All the details are given in the answer to the question, and we know what America is working on. The fantastic thing about the valuable deposits in Australia is that not only have they a startling value and richness, but at least two of them are also in a most accessible position for working. In actual fact, so unusual is the availability of the deposits that Australia has developed a special type of ship and a special means of handling the bulk quantities of ore, and this has contributed very materially to the extremely low cost at which Australia is able to produce her steel. Despite that fact we are importing iron ore today from New Caledonia.

The Minister for Railways: That is so.

Hon. J. M. A. CUNNINGHAM: If we were not importing ore from other countries our deposits would not last as long as we anticipate at present. That must be so.

The Minister for Railways: You know why.

Hon. J. M. A. CUNNINGHAM: Great play was made of the letter written by the Acting Prime Minister to the Premier wherein he said that aside from the three main deposits there are many known smaller deposits of no particular value. That is not exactly what was said. He added three words to that statement—"For peacetime development." While these deposits may not be particularly economical to work in peacetime they become very vital in times of war.

Hon. F. J. S. Wise: Are you suggesting that I left out those words "for peacetime development"? If so, you are entirely wrong and I object to the statement.

Hon. J. M. A. CUNNINGHAM: If I am wrong I will not only withdraw but I will also apologise. I made a note when the hon. member was speaking and I did not think he mentioned those words.

Hon. F. J. S. Wise: Then look in Hansard.

Hon. J. M. A. CUNNINGHAM: And if I find I am wrong I will withdraw the remark. I noted it at the time.

Hon. F. R. H. Lavery: You are quite wrong.

Hon. J. M. A. CUNNINGHAM: I will not take Mr. Lavery's assurance on that point. But I will peruse the hon. member's speech, and I will withdraw and apologise if what he says is true. However, no offence was meant. The point I wanted to make is that at present we in Australia are producing steel cheaper than elsewhere. How long that state of affairs will last we do not know; and it is futile to say that Western Australia does not benefit as a result of this cheap steel and cheap steel products. We do.

But if deposits such as those at Koolyanobbing were to be slowly frittered away by export and the like, the time would come when, instead of having cheap steel and steel products in Australia, we would, like everybody else, have to pay more for those goods. We would then have to use a much lower grade of ore than is being used in other countries today.

Hon. J. J. Garrigan: The same would apply everywhere.

Hon. J. M. A. CUNNINGHAM: That is true. But the custodians of our natural wealth should take note of these things and ensure that we retain our iron deposits for as long as possible. And while we can compete against the world by using our own deposits we should do so. Why make it possible for others to compete with us?

The Minister for Railways: But you do not object to manganese exports?

Hon. J. M. A. CUNNINGHAM: No, because while the number of deposits is unknown, there are, so far as we can estimate, unlimited quantities of it.

Hon. F. R. H. Lavery: A total of 750,000 tons.

Hon. J. M. A. CUNNINGHAM: There is a strict embargo placed upon the export of that commodity. There is not nearly the same demand for manganese as there is for iron ore.

The Minister for Railways: We could export every pound of it.

Hon. J. M. A. CUNNINGHAM: At a very handsome profit. It would be paid for in dollars.

The Minister for Railways: And some are doing that.

Hon. J. M. A. CUNNINGHAM: Does the Minister contend that if the Federal Government, knowing the value of dollars to this State, did not have a good reason for not allowing us to export the iron ore, it would prevent us from doing so?

Hon. R. F. Hutchison: It is for political reasons.

Hon. J. M. A. CUNNINGHAM: The Commonwealth Government fully appreciates the value and the need of dollars; and if it did not have some other consideration, or something else that took a greater priority, that Government would be only too delighted to give us a permit to export the ore. There must be some reason for it. Even Mr. Wise agreed that the Commonwealth Government not only has the right, but also an obligation to watch all these matters; and it is doing so. I am not strictly opposed to the possibility of exporting this iron ore. I am hoping that a select committee will be appointed to go into the question; and as a result of its findings, it is not beyond hope that a favourable report will be forthcoming.

Hon. L. A. Logan: If the figures are correct.

Hon. J. M. A. CUNNINGHAM: Yes. Do not let anyone for one moment think that we are completely opposed to this on some political grounds. That is not the case.

Hon. F. R. H. Lavery: Not much!

Hon. J. M. A. CUNNINGHAM: That is not the case so far as I am concerned.

The Minister for Railways: There seems to be a lot of obstruction about it.

Hon. J. M. A. CUNNINGHAM: I was not happy about disposing of the Koolyanobbing ore, but there are some deposits which it would not be economical for us to work at present. If they can be worked at a reasonable profit, and be of benefit to the State, I agree there is possibly some way round the present bar to their being used. But let us be reasonable about the matter and go into it fully. I hope something can be worked out so that we can use those deposits to the advantage of the State. So much confusing information has been given to us and there is so much simple and factual information that we want and cannot get.

The Minister for Railways: Which information is confusing you?

Hon. J. M. A. CUNNINGHAM: The first point I referred to. How are we going to be paid for this ore? Do not let the Minister say that we will get cash for it.

The Minister for Railways: Yes, we are.

Hon. J. M. A. CUNNINGHAM: That is an assurance from the Minister and it is most comforting. I would like to have some indication of just how that will come about.

The Minister for Railways: That question is not put to Japanese wool buyers when they go the wool market.

Hon. J. M. A. CUNNINGHAM: We are going to get millions of pounds in solid cash from the Japanese Government? Is that correct?

The Minister for Railways: In the normal way.

Hon. J. M. A. CUNNINGHAM: That is most comforting.

The Minister for Railways: But you still don't believe it.

Hon. J. M. A. CUNNINGHAM: I did not say that I did not believe it. I say it is comforting. I am glad that I will be able to go into my district, in which Koolyanobbing is situated, and tell the people there that that is a fact. But I want to be able to tell them the actual story. I am delighted that the Minister has given me that assurance. With regard to Wundowie—

Hon. E. M. Heenan: What else is holding you back?

Hon. J. M. A. CUNNINGHAM: Primarily that.

The Minister for Railways: That is something.

Hon. J. M. A. CUNNINGHAM: The Minister will find further points of interest as I go on.

Hon. F. R. H. Lavery: How many men are working at Wundowie now, in your district?

Hon. J. M. A. CUNNINGHAM: I do not think the hon. member should be hasty with his interjections on Wundowie. There are a lot of questions that could be answered, if questions were asked on it.

Hon. F. R. H. Lavery: I meant Koolyanobbing.

Hon. J. M. A. CUNNINGHAM: The accumulated losses of Wundowie, up to 1956, are approximately £600,000—that is if those figures are not denied. And we know that the losses are still increasing. We also know that the supplies of timber in the district are falling rapidly to the extent that there is hardly enough to carry on with and that soon timber supplies will have to be carted to Wundowie. So far Wundowie has been able to carry on primarily because the timber mill associated with the project is literally carrying it and the waste ends from the timber mill have been used for making into charcoal. If the mill-ends have to be brought to Wundowie, what will the losses be in the future when the industry is expanded?

We were told, in the first instance, that Wundowie was situated in an ideal place because the iron ore was close at hand and there was timber right on the spot. Now the iron ore has cut out and the same applies to the timber. If we are going to extend Wundowie how will our profits increase?

Hon. R. F. Hutchison: Your pessimism will get you down.

Hon. J. M. A. CUNNINGHAM: My pessimism will not get me down. I am simply asking for an explanation; and if someone can give me an explanation of how an industry which has already accumulated losses of £600,000, when the raw products are already on the spot, can make a profit when it has to cart its raw products, I will be prepared to become optimistic about it. The mere fact that these raw products have to be carted will add to the costs and I do not see how the industry can possibly make a profit in the future. That is an over simplification of the story and I would like an oversimplification of the answer. If someone can give me that answer I will be a happy man and will certainly be an optomist rather than a pessimist. At present I am afraid that I must be rather pessimistic about this enterprise.

There is one other point that has not been mentioned yet and that is the doubt expressed by the Acting Prime Minister about the effect that the profits of the sale might have on the Grants Commission. He was not able to give any assurance that the income from the sale of such a quantity of iron ore would not be taken into account when the Grants Commission assessed our disabilities grant. It must be taken into account.

The Minister for Railways: Only the Grants Commission can answer that question.

Hon. J. M. A. CUNNINGHAM: Exactly; and it does not take direction from the State Government.

The Minister for Railways: Nor from the Commonwealth Government.

Hon. J. M. A. CUNNINGHAM: No. So the Prime Minister could not give any assurance in that regard. In actual fact the State would be the loser as regards the amount of Commonwealth money coming into this State. Would the proceeds from this sale more than balance the losses we would suffer?

The Minister for Railways: There is an old adage that if you do not speculate you will not accumulate.

Hon. J. M. A. CUNNINGHAM: I think that even the Minister will agree that the Government is not entitled to speculate too much.

The Minister for Railways: We speculate with private concerns.

Hon. J. M. A. CUNNINGHAM: Yes, but their life blood is speculation. On the other hand the Government cannot speculate with public money.

The Minister for Railways: Why do we speculate with private concerns? Surely you do not object to speculating in mining interests when the Government assists them?

Hon. J. M. A. CUNNINGHAM: The Minister advocates that his Government is entitled to speculate with Government funds, whether it be on mining enterprises or anything else.

The Minister for Railways: I said all Governments have done that.

Hon. J. M. A. CUNNINGHAM: No wonder that I am a pessimist. A mining company can secure funds from various sources for development purposes. That is done with the speculative hope of getting results from the mine. The rewards are great if the company succeeds; the loss is great if it fails. But no Government is entitled to gamble with public money on speculative enterprises.

The Minister for Railways: They do.

Hon. J. M. A. CUNNINGHAM: Would the Minister suggest that Wundowie is one of the speculative enterprises?

The Minister for Railways: I am talking about mining.

The PRESIDENT: Order! I would ask the hon. member to address the Chair.

Hon. J. M. A. CUNNINGHAM: I shall endeavour to do that. I am perturbed by the suggestion of the Minister and by this interpretation of expenditure of public moneys on search and research as being speculation, or speculative spending.

The Minister for Railways: That is a different proposition.

Hon. J. M. A. CUNNINGHAM: That is a rather strange statement. I can understand the Government spending money on a given project from which certain practical results can be expected, such as in the construction of a bridge or road. It is not known if such a project would benefit the district concerned, and that might constitute some element of speculation; but we must remember that there are practical results from such expenditure. Holes are bored in search of water, when it is not known beforehand if water is there; bores are sunk to find coal, before deposits are known to exist in a locality. The very knowledge that is gained from a study of the cores from the bores that no coal or water is present is an asset to the State. It would be known that such a district had limitations. But where thousands or perhaps millions of pounds can be expended on a purely speculative basis astounds me. No wonder I am a pessimist.

I cannot help but feel that the Federal Government's embargo on the export of high-grade ore, even in comparatively small quantities, is a safeguard for the future. At present it is profitable for B.H.P. to convey Yampi Sound ore by the company's own ships around the continent for treatment at its plant. That is because of the accessibility of the ore; but the time will come when the same plant will not be able to operate on such an economic basis; that is, when the company has to obtain ore from Koolyanobbing and other inland deposits. Other transport costs will be involved.

That is the time when this State can look forward to the complete development of its steel industry. Purely business reasons and economic reasons will dictate that plants are to be established in this State. If it is possible at that time to take 1,000,000 tons of low-grade ore from one deposit and add another 1,000,000 tons from a richer deposit to sweeten the output, then the chances of a steel industry being established in this State will be greater.

The Minister for Railways: At the rate at which B.H.P. is taking out the ore in this State, the deposit will last 200 to 300 years.

Hon. J. M. A. CUNNINGHAM: The Minister is assuming that the rate of extraction of iron ore by Broken Hill Pty. Ltd. will be the same in future. It is true there is sufficient in either one or all of the iron ore desposits to meet the demand, if it continues at the same rate, for the next 200 to 300 years. I would point out that this is a short-sighted policy because the present rate of consumption must increase. We know that B.H.P. has not operated at full pressure for many years past. We know that our demands in this respect are far in excess of what that company can provide. We are still importing £30,000,000 of steel products each year. Ultimately it is hoped that the production in this country will meet the demands.

When that day arrives the rate of consumption in this country will be three or four times greater than the present rate. That might even be an under-estimate. When that happens, the expected life of the deposit—300 years—will be reduced to one-fifth of that period. The true figure should therefore be 60 years. It is on that basis that the Commonwealth Government has refused the right of the State to export iron ore. The Government is not only considering the present rate of consumption, but future consumption. At the present rate of increase of population and development, the Federal Government knows and anticipates that the needs of the country will be many times greater than they are today.

It is estimated that in 20 years' time our consumption will be 7,000,000 tons per year; and in 30 years' time, it will be 10,000,000 tons a year. By then, even without iron ore being exported, the deposit at Koolyanobbing, Yampi Sound and Middleback Range will be at the end of their economic life. We would then have to use the lower-grade deposit, possibly sweetened from richer small deposits.

I still consider there is some method to get around the present adamant attitude of the Federal Government against the export of iron ore. If that can be achieved the Premier may have the answer he wants. In that respect another problem crops up. Members on this side of the House are not happy with the results of State enterprises. That opinion can be backed by the results achieved by the

State enterprises here. In almost all cases they have lost money. I realise they do create a certain amount of employment.

The Minister for Railways: That applies particularly to the railways. You would not part with them.

Hon. J. M. A. CUNNINGHAM: I would not. I do not consider that right from the inception, the railways were anything else than a developmental proposition. If they continue to be developmental but at the same time help the State, by all means let the Government go ahead with them.

The PRESIDENT: I would ask the hon. member to confine his remarks to the motion before the Chair.

Hon. J. M. A. CUNNINGHAM: They are related to the use of iron ore and to the railways.

The PRESIDENT: The motion is on the sale of iron ore to Japan.

Hon. J. M. A. CUNNINGHAM: It is related to the industry I have mentioned. I shall refrain from mentioning the railways in this regard. I plead with the House to give consideration to setting up a select committee with the hope of not only enlightening ourselves, but also the public of this State who have a right to know the value of the State assets. If that view is correct the motion should be agreed to.

The PRESIDENT: I have allowed members a wide scope when speaking to the amendment to the motion moved by Mr. Baxter. I would ask members to be more precise in their remarks. The question before the Chair is that the word "Koolyanobbing" be deleted from the motion.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—JURIES.

Second Reading.

Debate resumed from the 3rd September.

HON. R. F. HUTCHISON (Suburban) [8.40]: I support the Bill. We all know that a similar measure has been introduced in this House many times previously. I hope that we shall have the satisfaction in the present session of Parliament of putting on the statute book a much needed reform, and one eagerly anticipated by the women of Western Australia. Time has brought forth the report of the select committee; and I make bold to say that the evidence has been overwhelmingly in favour of women serving on juries.

The select committee recommended that persons between the ages of 21 and 65 in certain categories be called upon for jury service. In my opinion the service of women on juries is regarded as a question of social justice. There is no evidence in the select committee's report to support the suggestion made in this House that the provisions in the Bill were not needed in this State and had not been sought by women. Great interest was shown on this question. Many witnesses who gave evidence before the select committee proved that this question is one of much public interest.

It was pointed out that the service of women on juries was necessary and desirable if justice in this State was to reach its highest plane. I can only hope that this Bill will presage a fuller measure of justice to women in the laws of the State. Let us trust that it will presage a new era for women, enabling them to enjoy their rights and privileges pertaining to more of the laws that are still loaded with outmoded and redundant provisions that could operate unjustly to women generally.

I hope that one of the provisions that will be deleted when women are able to serve on juries, is that under which people can obtain exemption. That should not be a contentious matter. After all, it is right and proper, especially in the initial stages of a major social reform, that many things should be brought up which were not thought of. When something new is introduced, many reasons can be found to show that the position of women is interfered with; but eventually the principle that women should serve on juries will be accepted by all, as is the case in Britain and Sweden.

It will not really cause a ripple on the waters of social usage in this State. I think that all the fears expressed by members opposite will prove to have been unfounded. I have been surprised in the past to find them so antagonistic to the thought of women serving on juries; because, so far as I can discover, irrespective of party politics, the constitutions of all the parties have provided for equality of opportunity for men and women, with equal freedom to engage in civil and political activities. That has been in the Liberal and Country Party constitutions, and it has been a puzzle to me that the matter has been so badly received in this House previously. Consequently I was very glad to see this report of the select committee and to know that at last justice was likely to be done.

It is indisputable that women are serving with distinction in public life. In Great Britain a woman judge has been appointed. Women have served in all walks of life in various countries. Women Secretaries of State—comparable with our Ministers of the Crown—have been appointed. There are also distinguished lawyers, justices of the peace, economists and town planners. In our own State we have one very competent town planner in Miss Margaret Feilman whose services are highly valued. Then there are women architects, mayors and councillors and women pilots and engineers. And now it

is proposed to have women appearing in our halls of justice and helping to bring social equality into the laws of our land.

Hon. J. M. A. Cunningham: Are those women serving compulsorily in the capacities you have mentioned?

Hon. R. F. HUTCHISON: I think that question can be left unanswered, because it is a silly one. The fact is that intelligence is bestowed impartially by nature on men and women, and intelligence is needed in this direction. It is not a matter of a trial of strength in our halls of justice but one of intelligence; and intelligence is not the prerogative of one sex. It is bestowed by nature irrespective of sex, wealth or calling.

To provide for a mixed jury will surely be to provide for a greater measure of justice than has prevailed in the past. I have previously remarked that nobody seems to have questioned the appointment of all-male juries or considered it in any way unjust. They would soon do so if there were a suggestion to appoint an all-female jury! There is no doubt that a mixture of sexes would provide a balanced judgment in places where it is most wanted.

We are living in a highly-organised society; and it is only right that in view of the progress that science has made since the war, women should take their place and bring their intelligent outlook to bear on all phases of life. The Victorian era has passed. The time has gone when women were looked upon as simpering chattels of society and slaves. That went out a century ago or less. Education has made a vast impact on society at large; and women are demonstrating their prowess, and are being allowed to think for themselves. They are behaving in a statesmanlike manner, and will prove a very great asset to the judiciary in this State.

Reference was made by Mr. Griffith to ballot boxes from which the names of men and women could be drawn. I see nothing wrong with that suggestion. I think it might be a good idea, although I do not agree with the hon. member on many other matters.

The reason women should be able to be excused from jury service is simply that nature provides differently for men and women, and it is necessary for the latter to be able to judge for themselves whether they feel fit to serve at a given time or not. It is also just that a woman who has been exempted from service should have the right to apply for inclusion again on the jury list.

No strict rule can be laid down as to when exemption is needed for women. Exemptions are provided for men; and the only difference between the two is that there might be a few more reasons why, on occasions, women should be released. No one takes exception to the fact that men are able to secure exemption, and I do not see why such exemption should not be allowed to women.

The previous suggestion that women should apply to be enrolled for jury service seems to have been abandoned. I am glad of that; because, if it had been brought forward, I would have had to oppose it. I have letters from women's organisations which I could produce asking me to fight such a proposal if it were submitted and not to give way on any account. In the Eastern States, women are very unhappy about that provision. They thought it would be satisfactory; but they find that the result has been that they are never called upon to serve—or so seldom that it amounts to almost the same thing.

Hon. A. F. Griffith: Don't you know that that is not in the Bill?

Hon. R. F. HUTCHISON: It was touched on in the report and in the arguments previously adduced, and I think I have a right to refer to it if I want to.

The other point I want to discuss is the matter of newspaper reports. In his speech, Mr. Griffith remarked that the Minister had seized on a reference in the report and had taken the opportunity afforded him thereby to say, "Here is a chance to grab the newspapers around the neck," presumably to choke them, or something. But I think that no such intention existed. The fact is that the provision in the Bill coincides exactly with the suggestion in the report. The report stated—

> Your committee considers it highly desirable that there should be a prohibition on the publication of jurors' names or photographs and that jurors should remain as anonymous as possible before a trial, in order to give the fullest possible protection from publicity or the consequent dangers which do at times exist.
>
> Your committee considered the matter of Press publicity. In many trials it appears that in some cases the Press acts in a manner prejudicial to a fair trial by highlighting the evidence to build up a "good seller." This applies particularly to preliminary trials, the Press publicity of which is read by the public as a whole, many of whom are potential jurors and may result in some influence on the juror before he goes into court.

There might be some truth in that; but I cannot see why the Minister should be held to have done something wrong when,

in fact, the Bill provides for exactly what the report said was necessary. The Bill provides that—

> (1) A person—
>
> who is registered as the proprietor, printer, or publisher, of a newspaper; or
>
> who prints, publishes, exhibits, sells, circulates, distributes, or gives away, or causes to be printed, published, exhibited, sold, circulated, or given away, any newspaper;
>
> which contains, whether in a report of the proceedings of a court or otherwise however, the name and addition, or the name or addition, or the likeness or other similar pictorial representation of any juror empanelled for any criminal trial; or which contains a report of or relating to the evidence or any of the evidence given at any proceedings at which a person is or may be committed for criminal trial,
>
> (a) commits a contempt of the Supreme Court and is punishable accordingly by that Court; or

I cannot see how that gets away from the intention of the report. Mr. Griffith said he was not prepared to go the whole way. I do not know what he means by that. I think that this Bill is consistent with the report. I have heard many criticisms here concerning the Press. Whether it would deliberately do damage or not, I do not know; but damage could be done. The point I am making is that the Minister endeavoured to carry out the recommendations of the select committee when he included this provision in the Bill, and there is no justification to think that he was trying to get a shot home at anybody.

Hon. A. F. Griffith: What does the report say about the age of jurors?

The PRESIDENT: Order, please!

Hon. R. F. HUTCHISON: The age is from 21 to 65.

Hon. A. F. Griffith: What does the Bill say?

Hon. R. F. HUTCHISON: What is the difference?

Hon. A. F. Griffith: You said that the Bill was exactly the same as the report.

The PRESIDENT: Order!

Hon. R. F. HUTCHISON: I am speaking about the clause referring to the newspapers. The hon. member said that the Minister used this clause to grab the Press, or words to that effect. I cannot see anything in that, and the statement was wrong. I can understand that the Bill was quite opposite to what the hon. member thought it would be. But it demonstrates what I said in the first year I was here and what I have reiterated since—that this is a major reform wanted by the people. A select committee took evidence and it was proved beyond doubt that this reform is needed. What I objected to was the fact that the hon. member accused the Minister of saying, "Here is a chance to grab the newspapers." I do not believe that anything of the sort occurred. This is a reasoned Bill, and it was not fair to make such remarks about the Minister.

When women are placed on juries in this State it will be to the benefit of the nation. Women will be placed in the position in which they should be placed—that of partners in society. Women have a part to play in rectifying the conditions brought about by the war, during which children were deprived of their fathers and women had to work in munition factories. We are paying the penalty for those conditions in our day; and women are thinking very seriously upon such questions, and can make their influence felt through the channels of justice. They will be able to bring their knowledge of life to bear upon the decision of jurors. We have many people in our society who do not face up seriously to life—and life, after all, is a serious business.

It is through women's knowledge of those things that affect men, women and children that good will come from this measure when women take their place on the jury lists of this State. When that is done, there will be a readjustment of our social attitude towards the law. I hope and trust that the Bill will be passed in order that, at long last, justice may be done. I support the Bill.

HON. G. C. MacKINNON (South-West) [9.1]: I think that before endeavouring to decide whether amending legislation of the magnitude of this Bill is good or bad, we should inquire as to the purpose of the original Act. Here we must ask why we have a Jury Act, in order to understand whether it requires amendment. I believe this Bill is the most important piece of legislation we are likely to have introduced into this House either in the present session or the next; and if we are to judge legislation by the number of people in the public galleries, this would appear to be a most unimportant measure.

With documents of such historical importance as Magna Carta, and the Habeus Corpus Act, this Act must take its place; and therefore this is indeed an important measure, being one of those upon which the freedom of the individual, as we know it, depends. The jury system is part of the machinery that has been built up to maintain our freedom and its origins are lost in antiquity. The basic idea behind the jury system seems to have stemmed from the thought that a man should be judged by his equals and that matters of fact and opinion should be judged by the people.

It is obviously impossible for all the people to so judge and therefore, throughout the course of history it has been agreed that a limited number should stand in lieu of the multitude and make these decisions as representatives of the people. The main fight out of which the jury system arose—like so many of our institutions—was the struggle against absolutism and against the power of the absolute monarchy in control of legislative and judicial functions. Together with the Habeus Corpus Act and similar measures based on the concept of Magna Carta the jury system was established as one of the things that took from the absolute monarchy the despotic power which it at one time wielded.

It is interesting to notice how the wheel has turned a full circle, for today our fear is not of an absolute monarchy but of a tendency towards absolute power being taken by Governments and Government departments. The right to trial by jury has never been in need of keener defence than at present. Several years ago we saw the right of men tried for a criminal offence being taken away by this Legislature when offences against children were removed from trial by juries and placed in the jurisdiction of one magistrate. No man alone should carry that responsibility. Another fundamental of the jury system is the belief that it is better that a thousand guilty men should go free than that one innocent man should be punished. Under this system emphasis is taken from the necessity to prove guilt and is placed on the necessity to ensure that a man is guilty before he is punished. In accepting the jury system we accept that basic fundamental; and so, over the centuries, we have evolved the system which this Bill seeks to amend.

The Bill envisages jury service by a better cross-section of the community though not necessarily for the reasons outlined by Mrs. Hutchison, but it does give a wider cross-section. Because of what I consider to be more or less an historical accident we found ourselves severely restricted as to the people eligible for jury service and this measure seeks greatly to widen that franchise. I believe there are one or two classifications that could be exempted. Clergymen are to be exempt but their wives are not; and I feel that people working for a church as clergymen and their wives do, should be exempt from the legal processes of the country.

Hon. Sir Charles Latham: The wives can apply for exemption.

Hon. G. C. MacKINNON: I will deal with that shortly.

Hon. R. F. Hutchison: Why can't their wives be independent individuals?

Hon. G. C. MacKINNON: Because it is fundamentally impossible, if a man and woman are in accord one with the other and live together and beget children and raise them, for them to operate as two completely different individual persons; and God help us should the time come when that is not the case, or when we are in the position that Mrs. Hutchison seems to look forward to—

Hon. R. F. Hutchison: You are putting a wrong interpretation on it.

Hon. G. C. MacKINNON: I am putting the only interpretation I can on the hon. member's words. I influence my wife; and thank goodness she influences me; and I think that a lawyer's wife should be exempt from jury service as also should be the wife of a judge; otherwise we could have in Bunbury at present Mr. Sholl the Clerk of Courts, Mr. Stotter the Magistrate and Mr. Slee the solicitor in court and their three wives appearing on a jury panel.

Hon. E. M. Heenan: Such a state of affairs would not arise.

Hon. J. M. A. Cunningham: It could, with Mr. Stotter on the Bench and Mrs. Stotter on the jury.

Hon. G. C. MacKINNON: As Mrs. Hutchison has raised the question I will deal with it. The main part of the Bill deals with women on juries.

Hon. A. F. Griffith: A defence counsel might challenge his own wife.

Hon. G. C. MacKINNON: The legal fraternity have been severely restricted in their right to challenge under the Bill, but they could find themselves in a position where they would have to challenge before the jury sat. Before Mr. Heenan interjects I will agree that a solicitor could object with cause and get away with it, but still the objection for cause is rarely used. At all events the point could be adequately covered by an amendment.

Mrs. Hutchison said that the argument had been repeated many times that this was a just Act. Perhaps it is; but I have yet to hear anyone prepare a case to prove that justice will be better served because of the Bill. I do not object to women serving on juries but to the attitude apparent in this Bill. The statement was made that the law was loaded against women. But members can ask any jurist and will be told that the law is much loaded in favour of women. How many men have succeeded in claims for breach of promise?

Let members examine the report carefully prepared by eminent men after that shocking case of two girls in New Zealand where the men in question strongly advocated a complete reversal of our attitude towards the protection of young girls. They said the law was too heavily weighted in favour of women. However, we are told that women consider this Bill a necessary social reform.

Hon. L. A. Logan: What women?

Hon. G. C. MacKINNON: The hon. member say "What women?" My fear is that it is being made too easy for women to avoid the obligation of jury service. If this Bill is passed it should be passed with that very formula in mind; namely, that our jury system is the foundation stone on which we have reared our present way of life. If women are to serve on juries then let us regard them as people, not as peculiar aliens.

Hon. R. F. Hutchison: That is all we ask.

Hon. G. C. MacKINNON: If we are to put exemptions into this Bill let us put them in for people, not one set of exemptions for this group and another for that group. For if we make it so—and I am fully aware of the handicaps that women suffer, and those that they claim they suffer—surely we can make it so that if they are called they can apply and get off for health reasons. Surely that covers the lot, and will be far preferable to having them write in later on with a view to their names being lifted out of the jury list. If women carried out what they say —and I have my doubts that they would— all those I consider as of moderate commonsense would be writing in and having their names withdrawn from the list. There is a fear—and I am sure Mrs. Hutchison will agree with me on this—

Hon. R. F. Hutchison: Pure supposition.

Hon. G. C. MacKINNON: —that we could finish with a preponderance of amateur judges—for the use of a better expression—and that we do not want. The basis of the jury system is that there should be 12 good men and true representing the people, to decide on fact and information for and on behalf of the people.

Hon. R. F. Hutchison: It would not be hard to get six good women and true.

Hon. G. C. MacKINNON: Mrs. Hutchison does not seem to know that there are bad women just as there are bad men.

Hon. A. F. Griffith: My word there are!

Hon. G. C. MacKINNON: We are branded as being antagonistic towards women. This is an amazing statement; and I am certain it would cause some people to go into hysterics if they felt it was applied to me, and possibly to other members. Our main consideration is to be considerate of our women. We know the difficulties which happen to be their lot— not always right through their lives; sometimes they last for some years and sometimes only for a few days. These difficulties are, however, very real.

All this talk about women not being allowed on this, and not being allowed on that, stems very much from the personal desires of women, and very often from a point of view of sheer consideration rather than opposition. I thought that this view of antagonism between the sexes had died many years ago; but it seems it has been kept alive by a few militant females of the Emily Pankhurst type. They have made their beds and they must now lie on them.

Hon. F. J. S. Wise: I remember Mr. Teasdale referring to a gallery of women as termagants.

Hon. G. C. MacKINNON: We find ourselves in the peculiar position today of women having the right to work virtually where they will; they have the right of entree almost anywhere; and yet at the end of a day's work, during which they have probably been sitting at a typewriter, they expect the fellow who has been slinging a shovel to stand up in the tram and give them his seat.

Hon. A. R. Jones: And yet they want to wear the pants.

Hon. G. C. MacKINNON: The days when women constituted a segregated seraglio have long since gone. We have all realised it. Let us say that in this Bill we aim to widen the group of people eligible for jury service.

Hon. R. F. Hutchison: That suits me.

Hon. G. C. MacKINNON: Let us approach the matter in a new light; that we are all people, and not two alien forces bitterly opposed the one to the other; as the previous speaker would have us believe.

Hon. R. F. Hutchison: You are misinterpreting my remarks.

Hon. G. C. MacKINNON: I have at least 18 members who would bear me out in what I say. There has been a great deal of publicity with regard to this Bill and with reference to one very small aspect of it; namely, that dealing with the Press. If I may, I would like to complete the quotation that Mrs. Hutchison read from the report. I will continue where she left off. The report continues as follows:—

> It would perhaps be highly desirable to prohibit the Press from publishing evidence of a preliminary trial where the accused is committed for trial. The Press could attend and listen but not publish any of the evidence where a man was committed for trial.

I repeat it would be highly desirable that this should happen. That completes the quotation.

One provision with reference to the Press deals with jurors, the taking of photographs, and the publishing of details. With that I feel the Press would probably have no quarrel; because whatever some members may feel about the Press in Western Australia, I think we are fortunate, when compared with many parts of the world, in the standard of our Press. I cannot remember any paper operating in this State at the present time having published a photograph of any

person on the jury prior to a jury trial. It may have happened, but I cannot remember it. So it is possible that nobody would have any great objection to being forbidden by law to do something which had never been done.

There is one provision, however, which is not quite so easy; and that deals with evidence at a preliminary inquiry. I agree that a very good theoretical case could be built up. The committee inquiring into the Jury Act with a view to widening the franchise for women on juries came up against this problem of the publication of evidence; and from the way it was worded apparently suggested this provision—that it would perhaps be highly desirable; and based on that opinion, the clause has been included in the Bill.

In England, however, they have seen fit to appoint some eminent people to conduct a full-scale inquiry into that one aspect alone. In theory a good case could be put up, for at a preliminary inquiry evidence for the prosecution only is presented. The accused generally reserves his defence; and any paper publishing that evidence would, in fact, put up a one-sided story. This of course could be most misleading and bias the jurymen. As I have said, in theory it could be argued that way and a good case built up.

But I have been accused of presenting hypothetical cases tonight. Let us ask ourselves whether this, in fact, ever happened. Whenever we talk of these things, people always quote the classic case and say, "Look what happened in the Adams case. There was Dr. Adams tried, found guilty and hanged before the first word was said." If ever evidence was presented which would bias a jury that was it. But did it do so? It took a jury only 10 minutes to find Dr. Adams not guilty.

Hon. L. C. Diver: Why?

Hon. Sir Charles Latham: Because of the publicity.

Hon. G. C. MacKINNON: The publicity was very markedly in the other direction.

Hon. L. C. Diver: His counsel did a wonderful job.

Hon. G. C. MacKINNON: All right. But the man is innocent, and the jury found him innocent. Yet on all the arguments that jury should have been so biassed as not to have listened to the defence, but merely to have condemned the accused. That is one case. But there are of course countless others where the accused was in dock at the time of the preliminary investigation. I have spoken to a number of solicitors on this matter and discussed it from a theoretical point of view; and they have all agreed that in the main juries are very commonsense people; that they do in fact listen to the evidence and sum up on the evidence.

Hon. L. C. Diver: Will they do so under this Bill?

Hon. G. C. MacKINNON: That depends. If we get only a small section of women and not a good cross-section, it could be so. I think we are better off with regard to men; and the standard will improve because we find that in some towns, like Bunbury, the juries have been very restricted because of the large number of railway workers, S.E.C. workers and civil servants who are not on them.

Let us look at some other preliminary investigations and consider the case of an inquest where the verdict is returned accusing a person or persons unknown. Now, there is no accused there, but subsequently evidence could be found and a man accused. It would be very difficult to say where and when this section would or would not operate.

One could start an investigation into a small accident because the person happened to be in one section of the country; but the inquest could move to another town where some evidence could be brought up that was dynamite, and the hearing could be concluded at Perth. How are we going to control that? Because half of that would probably be published?

There are so many types of preliminary investigations. There can be an open verdict where a man has died. That is about all they say—died through a heavy blow on the head at such-and-such a place. However, three months later there can be evidence purporting foul play. Because of these difficulties; and because of the fact that—despite a theoretical case which can be built up—there is no actual proof that the publication of preliminary investigations has proved to be a bar to justice in this State to such an extent that the Press should be banned; I contend no such ban should be imposed. How are we going to stop this publication? There is a method of publishing which I will defy anyone to stop, and that is publishing by utterance.

Hon. F. R. H. Lavery: Telephone and tell a woman.

Hon. G. C. MacKINNON: How right the hon. member is! And that can be just as great a danger. There are many amendments on the notice paper, a number of which I violently disagree with. I distinctly disagree in principle with Mr. Griffith's suggestion to have two boxes in order to pull a man out, a woman out, a man out, a woman out; let us regard them as people. In regard to women being able to make application, and to get out of it as easily as the Bill envisages, that will mean sending for 60 women in order to get 10.

Hon. A. F. Griffith: Mrs. Hutchison agrees with that.

Hon. G. C. MacKINNON: I am entirely entitled to disagree with both the hon. member and Mrs. Hutchison. Let us regard them as people and get away from the principle of a woman opposed to a man. With that reservation I support the second reading of this Bill.

HON. L. A. LOGAN (Midland) [9.33]: I am not sure whether the title of this Bill is correct. I think it should be entitled "The Lottery Jury Bill" or "The Ballot Jury Bill." I shall give my reasons in a moment. It will be well for all members to read and study this Bill if they have not done so already. Anyone reading the Bill would, in my opinion, come to the conclusion or gain the impression that serving on a jury was like serving on a football committee. That is the impression one would get from reading the Bill. However, jury service requires the highest standard of service from everybody.

Hon. R. F. Hutchison: We have not said anything about lowering the standard in any way.

Hon. L. A. LOGAN: This Bill goes a long way.

Hon. R. F. Hutchison: Why?

Hon. L. A. LOGAN: I will tell the hon. member in a minute. I do not intend to keep it a secret. It is not only a matter of a person being charged; it is also a matter of a man's or woman's character. People's reputations—and in some cases their lives—are at stake. In some civil courts, large sums of money are involved; yet under this Bill jury service is almost like picking a football committee. Every man or woman over the age of 21 years and under the age of 65 years is automatically liable for jury service under this Bill. Does not that immediately lower the standard of the people liable for service on juries? There are certain exemptions—

Hon. E. M. Heenan: You said it lowered the standard. In what way?

Hon. L. A. LOGAN: Because the number of people who are liable for jury service at the age of 21 is increased considerably, and nobody can tell me that boys and girls of 21 are capable. A few might be; but taking them as a whole, a lot of them are not.

Hon. R. F. Hutchison: How are you going to pick them out?

The PRESIDENT: Order!

Hon. L. A. LOGAN: By increasing the age to 30 years.

Hon. R. F. Hutchison: They can go to war at 18.

Hon. L. A. LOGAN: I have an answer to that one. What do they do when they go into the army? They do as they are told. Does the hon. member want that to happen in regard to jury service?

The Minister for Railways: What age do they have to be in Canberra?

Hon. L. A. LOGAN: I am not interested in Canberra.

The Minister for Railways: They only have to be 21 for either House.

Hon. L. A. LOGAN: How many are there?

Hon. F. R. H. Lavery: You can still go there.

Hon. L. A. LOGAN: I am talking about the position under this Bill.

Hon. N. E. Baxter: Some members in the State Parliament do as they are told, too.

The PRESIDENT: Order!

Hon. L. A. LOGAN: Exemptions for those between the ages of 21 and 65 are in the Third Schedule. However, I say quite definitely that there are many people between the ages of 21 and 65 who are not competent to serve on a jury, but this Bill makes them liable. These are some of the things which we will have to consider.

I mentioned a lottery a little while ago, or a ballot. I will explain how this ballot operates. First of all these people under 65 on the Assembly roll, except those exempted, are liable for jury service. On the 1st November, the sheriff or his deputy or the jury officer notifies the Chief Electoral Officer of the district how many jurors are likely to be required for the next 12 months for the draft jury roll. I will refer to this roll later on. The Chief Electoral Officer, in November—the same month—by ballot selects from those on the Assembly roll of those liable, the number required by the sheriff. He does that by ballot.

Hon. R. F. Hutchison: They do that now.

Hon. L. A. LOGAN: He does that by ballot from those on the roll; and, as near as possible, has to get 50 per cent. men and women, or the ratio of men to women on the Assembly roll. In February, the Chief Electoral Officer causes these lists to be printed and forwarded to the sheriff before the last day of February; and then they are sent to the clerk of courts, the police station or a municipal office for public inspection. I will refer to that later.

Before the 1st July in every year, a jurors' book showing the names of those first balloted is forwarded to the officer in each district, eight months after the first ballot takes place; and when a court has been prescribed, another ballot takes place. This time 20 to 40 names are balloted for from those on the jury book; and then when those balloted are summoned to attend the court they are gone through again to obtain a jury comprised of 12. Therefore, they have to go through

three ballots. I am not sure, as Mr. MacKinnon says, that we will get a good cross-section in this way. There have to be three ballots before a jury is finally decided.

Let me return to the orginal roll of those eligible to serve on the Assembly roll, leaving out those exempted and those over 65. I would say that approximately 80 per cent. of those on the rolls are liable for service. In the metropolitan area this could mean approximately 175,000 names on the original list. I have taken the trouble to prepare a list of those on the Assembly rolls within a 36-mile radius of the Perth court—that is the distance they are liable for service—and the total in 1956 was 217,646. Take away exemptions and those over 65, and I guarantee there are 175,000 names on the list.

Hon. A. F. Griffith: Take away the number of women who contract out.

Hon. L. A. LOGAN: They are liable for service and that is the figure we have—175,000—and out of that a jury list is wanted of not more than 1,000 persons. In the metropolitan area there are 11 courts held each year; and for a court they ask for no fewer than 20 or more than 40. But in cases where a jury has to be kept for more than five days, they are allowed to double up. Therefore, allowing for a double issue of 80 jurors we get 880; and with a few extras it is 1,000 for a draft jury list out of 175,000 names. What kind of a cross-section would that be? It could easily be one dozen out of the same phase, and there is no guarantee it would not be.

Hon. A. F. Griffith: They are drawn out in alphabetical order now.

Hon. L. A. LOGAN: I know they are. We must not forget that this roll is made up every 12 months; and all the names at the end of 12 months go into the box again. The one juryman can go back two or three years in a row.

Hon. R. F. Hutchison: How often would that happen?

Hon. L. A. LOGAN: I do not think the hon. member knows what is in the Bill. All she talks about is the emancipation of women. However, all she is doing is putting them in servitude, because in this Bill they are compelled to do something new.

Hon. F. R. H. Lavery: Why shouldn't they take their place in the community?

The PRESIDENT: Order!

Hon. L. A. LOGAN: They have their place in the community. So we have the number on the jury list of 1,000 names out of 175,000, and this gives the ratio of women.

I raise this issue to show what the Bill means. The number of names amounts to 175,000 and the Chief Electorial officer has to pick out 1,000 of them. Then he picks out another 40; and in court they are challenged, until we finally get 12. Then the jury roll is placed either in the Police Court, the Clerk of Court's office or in the municipal council chambers, and the onus is on the 175,000 people to find out which of them is included in the 1,000 on the roll. That is what the Bill provides.

Hon. A. F. Griffith: That is a very good point.

Hon. L. A. LOGAN: So we have the spectacle of all these people trapesing through the courts, municipal offices and police stations to see whether their names are amongst the 1,000. It is too fantastic, but that is the way the Bill is printed.

Hon. A. F. Griffith: Women running round with small children trying to find out whether they are on the jury list.

Hon. L. A. LOGAN: My concern, and very much so, is for the women. It would be better for those persons who have been unlucky enough to have their names drawn out of the ballot box, to be notified by letter; and at the same time, in all fairness, the women should be informed of the procedure by which they may claim exemption.

Hon. F. R. H. Lavery: Have you ever sat on a jury?

Hon. L. A. LOGAN: No, and I do not want to.

Hon. F. R. H. Lavery: I have twice. There is nothing to be frightened of in it.

Hon. L. A. LOGAN: I would not be frightened of it. There cannot be anything more to be frightened of in sitting on a jury than sitting here with a packed gallery to see what we are going to do.

Hon. E. M. Heenan: I think you would find that you would be challenged.

Hon. L. A. LOGAN: Nothing like that entered my head. The number of names required for the jury book throughout the whole State would not be very great. Mr. MacKinnon mentioned Bunbury. Bunbury, Geraldton, Kalgoorlie, Carnarvon, Broome, Port Hedland, Albany and possibly one or two other places hold four courts a year. In other places, not mentioned, courts are held as required. In each of these places we would want not more than 160 jurors in the 12 months, so that throughout the whole State the total on the draft jury list would be less than 5,000.

I cannot see any reason why these people cannot be notified that their names are on the draft jury list so that if they want to claim exemption they can do so. I make the recommendation that they be given written notice, particularly in fairness to the women who do not

know anything about it and are not likely to know a thing about it until they get the summons to say they are on the jury; and then it is too late.

I know from my own investigations over the last fortnight, since the Bill has been before Parliament, when I have asked women "Do you know that there is a Bill before Parliament making you liable for jury service?" that they are dumbfounded and do not know a thing about it. How are they going to know they are liable for service?

Hon. R. F. Hutchison: That is just wishful thinking.

Hon. L. A. LOGAN: It is the truth. If the hon. member went out and asked, she would find that she does not know anything about the matter. We can always find a few who want these things, and we can write to women's organisations; but if we go out amongst the general public we learn what the actual position is. They are the ones I am concerned about—young girls of 21 or 22.

Hon. F. R. H. Lavery: How did you know the Bill was coming forward?

Hon. L. A. LOGAN: I said, within the last fortnight, and the Bill has been before the House during that time.

Hon. R. F. Hutchison: Many of them know.

Hon. L. A. LOGAN: A lot of them do not know and are not likely to know.

Hon. F. R. H. Lavery: Don't get cross!

Hon. L. A. LOGAN: Considering the number of persons who are eligible and liable for service, I have an amendment on the notice paper to make the figure 25. After giving the matter further consideration I believe that 30 would be better, and that the number still liable for jury service would be ample. This in itself would lessen many of the disabilities under the Bill at present.

Hon. A. F. Griffith: How would the women 30 years of age get to know about it any better than those who are 21?

Hon. L. A. LOGAN: They would be notified that they were on the jury list and then if I had my way they would have the opportunity to apply for exemption. So, instead of having 175,000 names going through the courts, we would get down to about 75,000. Under the present set-up it is quite conceivable for a jury to be selected of 11 men over 45 years of age and one young girl or boy of 21 years of age.

Hon. F. R. H. Lavery: That is a cross-section of the community.

Hon. L. A. LOGAN: What chance has that youth got in the court? None whatsoever.

Hon. A. F. Griffith: You have exactly that position today.

Hon. L. A. LOGAN: The number of persons who are 21 years of age on a jury list today is very few, as the hon. member knows.

Hon. A. F. Griffith: That does not alter the fact that they are likely to be on it.

The PRESIDENT: Order!

Hon. L. A. LOGAN: The possibility of that position arising today is remote.

Hon. R. F. Hutchison: They are not idiots.

Hon. L. A. LOGAN: A lot of them are, and they are still liable for service. Under the Act there is a separate qualification for jurors for a special court but I do not find any such provision in the Bill. I do not know whether it is intended that it should be included.

Hon. A. F. Griffith: Read the select committee's report.

Hon. J. D. Teahan: They are not needed for special juries.

Hon. L. A. LOGAN: They may not be, but they have been used. With the loopholes in the Bill, there should be some safeguards. Personally I do not like it as it is.

Hon. G. C. MacKinnon: It has too many bad points.

The PRESIDENT: Order!

Hon. L. A. LOGAN: One point which even Mrs. Hutchison did not pick up is that under Clause 27 a woman may be excused from attending a criminal trial, for certain reasons, but she cannot be excused from attending a civil trial.

Hon. R. F. Hutchison: She can be exempted from any trial.

The PRESIDENT: Order! I ask the hon. member to stop interjecting. I refer her to Standing Order No. 413. I ask the hon. member who is speaking to address the Chair.

Hon. L. A. LOGAN: Clause 27 does not refer to civil trials. We must give women the right to be exempt from attending civil trials. There is one other feature in the Bill and that is this, that if for some reason or other not sufficient jurors are found within the prescribed time, it is possible to summon others. It is rather a nasty thing, to tell anyone that within 24 hours he is required for jury service. This could be very inconvenient to quite a few people. Yet they are liable if they do not attend. That clause wants a bit of straightening out.

With regard to the matter of a 10 out of 12 majority verdict for a criminal trial, except in the case of murder, I think there is something to commend it. I have made quite a few inquiries about this and as far as I can ascertain it is acceptable to most of those concerned. But when we get to the civil court the majority is reduced from 10 out of 12 to 4 out of 6

or 3 out of 5, and I think the majority is being reduced too low. I think that 5 out of 6 or 4 out of 5 would be more in keeping with the measure, and I think it should be amended along those lines.

With regard to the clause dealing with newspapers, it has already been pointed out that the definition of "newspaper" would not include periodicals, etc., or the A.B.C. or, as Mr. Lavery pointed out, the telephone. But I believe there are cases where restraint could be placed upon a newspaper and I think the right place for that to be done is in the court. I know of no instance where the Press, when it has been put on its honour not to do certain things, has broken faith. I feel certain that if the judge in charge of a case were to ask the newspapers to refrain from printing anything which he thought was detrimental to the case or the accused, the newspapers would honour that obligation. I think that is as far as we need go.

In regard to the informer in certain cases being granted the amount of the fine, this seems to be a new departure. The informer apparently can lay a complaint against someone and then receive the amount of the fine. If there is something wrong with a newspaper article and it is libellous, then let a claim be made for libel; or if the newspaper is up before the court itself, then let the fine be paid into court and not to the informer. This may lead to all sorts of trouble.

Because of what I have said is faulty in the Bill, I believe it should be redrafted. I do not know, but it looks as though the House may accept the principle of women on juries. As far as I am concerned, I will not. I do not believe that any great number of them desire it; and I think we are seeking to put an onus on them that we are not entitled to.

Tasmania has been mentioned time and again in this House; but to my knowledge only one woman has sat on a jury there. We have been told tonight that New South Wales will not have the principle of women on juries. Why? I do not know that we are entitlted to force them to serve on juries here. I intend to oppose the Bill.

HON. E. M. HEENAN (North-East—in reply) [10.0]: I am grateful to all the speakers who took part in this debate, because I think each one has made some useful contribution to what is a very interesting proposal. As Mr. MacKinnon pointed out, the system of trial by jury is something which goes back into antiquity; and it is not a simple matter to trace its origin. As a matter of fact, why the number 12 was selected is not a matter free from doubt. It might have been 20 and it might have been 10; but somehow the number 12 was chosen, and that has been the number which has operated for so long.

It is true also that trial by jury is one of our most precious possessions; and I do not think anyone would be willing to give up this system whereby an individual who is charged with a serious offence has the right of trial by 12 people belonging to his community. So when we set about amending the Juries Act we have to do so with a good deal of caution. At the same time, I think we should realise that amendments have been made to this Act; and, like other pieces of legislation, it has not reached the ultimate in perfection, and we must not be afraid to face up to the idea of amending it.

This Bill proposes one all-important amendment; and that is, to place an obligation on women, as well as men, to serve on juries. I do not think the question of whether women desire to serve on juries should be the prevailing one. The fact is that women have been emancipated so much in recent years that in some respects they fulfil a position in the community almost analogous to that of men, so far as responsibility in the affairs of the community is concerned. Mentally they are our equals; physically there are differences; but in most other respects we have a lot in common. As Mrs. Hutchison said, women nowadays pursue the advantages of higher education. They qualify in all spheres, and undoubtedly they have proved they can hold their own.

So on the question of capacity I do not think any one can argue that a jury composed partly of men and partly of women will not be the equal of one composed wholly of men, as in the past. I do not think a Parliament that includes a percentage of women is any better or worse than Parliaments have been in former years. Possibly it could be argued that the Parliament or the jury should be better because they both should be as representative of the whole community as possible; and a jury or Parliament that excludes women from its ranks precludes itself from the advantage of having points of view that ought to be available to it.

Hon. G. Bennetts: You believe in a little feminine touch.

Hon. E. M. HEENAN: Yes.

Hon. G. Bennetts: That is nice.

Hon. E. M. HEENAN: I think the time has arrived for the people of Western Australia to accept the proposition that has been accepted in other parts of the British Empire—that women should face—

Hon. H. K. Watson: They are compellable jurors.

Hon. E. M. HEENAN: —up to the obligation of jury service.

Hon. H. K. Watson: This Bill does not compel them to do so.

Hon. E. M. HEENAN: It goes a good way in that direction. I think the ideal, of course, would be to make the obligation of women as far as possible akin to the obligation of men. But, of course, there are obvious difficulties in that regard.

Hon. H. K. Watson: In England there is no distinction.

Hon. E. M. HEENAN: The select committee that was appointed by this House gave the matter careful consideration; and I think we can take a good deal of guidance from its report, because the members of that committee dealt with the situation as it affects the State. I have told members of the paramount proposal in this measure. It is a big step to take; and as the years go by, the provisions relating to it can no doubt be improved in the light of experience.

Hon. G. C. MacKinnon: Have you an estimate of the cost of this?

Hon. E. M. HEENAN: No; I do not think the cost will be a big factor.

Hon. G. C. MacKinnon: There will be complete alterations to every court, and so on.

Hon. E. M. HEENAN: Possibly that will not be such a big matter. Members must realise that there are not such a great number of jury trials; and as one eminent authority—I think it was the Chief Justice of Western Australia, Sir John Dwyer—pointed out, only one-tenth of the people who are in gaols of this State have been sent there as a result of judge and jury trials. The other nine-tenths have been sent there by the lower courts. The average person who is convicted of some offence, such as stealing a motorcar, or an offence against children, does not get a trial by jury.

Hon. J. Murray: This is surely not a sound argument in favour of amending the Jury Act. I should say the Chief Justice favours the other idea.

Hon. E. M. HEENAN: I was replying to the interjection that the proposal in this measure will be a costly business because of the alteration to courts to provide for women serving on juries. Undoubtedly there will be some expense associated with the transformation. But I do not see that that can be avoided, and it should not deter us from implementing the proposal in the Bill.

Hon. A. F. Griffith: I take it that you have had a look at the jury room at the Supreme Court.

Hon. E. M. HEENAN: No; I have never been in one.

Hon. A. F. Griffith: You ought to have a look at it.

Hon. E. M. HEENAN: I should like to point out to Mr. Logan—as I think Mr. Griffith pointed out to him during the course of his remarks—that already people of the age of 21 years are liable for jury service. The present qualification covers every man between the age of 21 and 60 years who has real estate of the value of £50 or personal estate of the value of £150. It is obvious to anyone that there are many hundreds of young men in Western Australia who have personal estate of £150 by the time they are 21 or 22 years of age. I think a lot of them own motorcars worth £1,000 by the time they are that age.

Hon. A. R. Jones: They drive them, anyway.

Hon. E. M. HEENAN: Yes.

Hon. J. Murray: But there are a lot of statutory exemptions.

Hon. E. M. HEENAN: Yes; and that is another point that was worrying Mr. Cunningham and—I think—Mr. MacKinnon. He was afraid that the wife of the magistrate at Bunbury and the wife of the clerk of courts at that centre might be called up for jury service. I cannot deny that.

Hon. J. Murray: It could be.

Hon. E. M. HEENAN: Yes; it could happen. I would say that it would be one chance in a thousand; or the odds may be even longer. But if it did happen that such women found themselves called up for jury service, they would be challenged or the Crown would stand them by. That is the purpose of challenges and the stand-by provision which worries Mr. Griffith slightly.

Hon. L. C. Diver: They would probably be better qualified than a lot of other women.

Hon. R. F. Hutchison: They would have integrity.

Hon. A. F. Griffith: I am not the only person who is worried at the Crown's right to stand by.

Hon. E. M. HEENAN: I do not think it has worked unfairly in the past. It often happens that people who are summoned for jury service have valid reasons why they do not want to serve on a particular day. They might have urgent business.

Hon. A. F. Griffith: They can be excused.

Hon. E. M. HEENAN: That is what normally happens. They mention it to the Crown Prosecutor and he stands them aside when they are called. It does not use up one of his challenges. I know when I have been appearing in the courts that sometimes people have said they had to go away on urgent business. If one has a spare challenge left one challenges them to suit their convenience. But it is hardly fair for the counsel for the accused to have to do that; the Crown will invariably do it. But from my experience that is the usual way, and it is how the stand-by provision is used.

Another objection that Mr. Logan had was to the compilation of the jury list. In this respect the Bill follows the procedure set out in the Victorian Jury Act of 1956. That is a modern measure, and I do not see that any great difficulty will be involved in administering this legislation. Those are my instructions from officers in the Crown Law Department who have given it their consideration.

Hon. J. Murray: You will admit, of course, that this has not followed the recommendations of the select committee in toto.

The PRESIDENT: Order!

Hon. E. M. HEENAN: That is so; but I think the Bill follows the recommendations of the select committee to a very large degree. I do not think Bills ever completely follow, 100 per cent., the recommendations of select committees. But this Bill does follow them in lots of ways.

Hon. A. F. Griffith: And sometimes they are never followed at all.

Hon. E. M. HEENAN: I can understand the anxiety of some members regarding the publication of evidence in preliminary proceedings. But there again, I think that their fears are exaggerated. I do not think that provision in the Bill will present any great difficulty. I must admit that I cannot specifically recall any instance where the reports of lower court proceedings have prejudicially affected subsequent trials, but it could conceivably occur. However, once again I want to thank members for their contributions and I hope the second reading will be agreed to.

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

Ayes	17
Noes	10
Majority for	7

Ayes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. G. MacKinnon
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. W. R. Hall
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
	(Teller.)

Pair.

Aye.	No.
Hon. G. Fraser	Hon. H. L. Roche

Question thus passed.

Bill read a second time.

BILL—LOCAL GOVERNMENT.

In Committee.

Resumed from the 10th September. Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 681 had been agreed to. The Committee will now deal with postponed clauses.

Postponed Clause 6—Interpretation.

Hon. L. C. DIVER: On a point of order, if I do not move an amendment at the present time, can I deal with the clause on recommittal of the Bill.

The CHAIRMAN: That would be in order.

Clause put and passed.

Postponed Clause 71—When office of deputy-mayor and of deputy-president to be filled by election by council:

Hon. Sir CHARLES LATHAM: Some amendments have been moved by Mr. Mattiske on the election of the president of a shire council, so I do not have to deal with the first amendment in my name. I move—

> That after the word "councillor" in line 8, page 64, the following proviso be added:—
>
> > Provided that if on the election of president of a shire under Subsection (1) of this section or on the election of deputy-mayor or deputy-president under Subsections (2), (3) and (4) of this section by reason of an equality of votes or for any other reason the council cannot at its first meeting as aforesaid elect one of its members to such of those offices as the case may require, the clerk shall report the fact to the Minister. The Minister may thereupon by notice in writing appoint a member of the council to the office in question and such member shall be president, deputy-president or deputy-mayor as the case may require.

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

Postponed Clause 281—Property in streets:

Hon. R. C. MATTISKE: I move an amendment—

> That all words after the word "is" in line 35, page 199, down to and including the word "Crown" in line 37, be struck out, and the words "shall be vested in the municipality" inserted in lieu.

The reason for the postponement of the clause was that I wanted information as to whether under any other statute there existed a good reason why any absolute

property in land reserved or otherwise dedicated under another Act should be vested in the Crown. I would like to hear whether Mr. Teahan has any explanation.

Hon. J. D. TEAHAN: This amendment is not acceptable because there are so many complications which would be involved if this action were taken.

Under the Road Districts Act at the present time all roads are vested in the Crown. Under the Municipal Corporations Act roads are vested in the municipality. The Public Works Act, however, declares that all roads in the State are vested in the Crown. A High Court case —that of the City of Perth v. Halle—has already decided that despite the provisions of the Municipal Corporations Act, the soil of the road is not vested in the municipality but is retained by the Crown.

By far the majority of the roads in this State at present are vested in the Crown. Most of the roads have been provided from Crown lands or at the expense of the Crown; and now that regional roads and limited access roads of other types are being proposed, these are being provided at the expense of the Crown. It is only the Crown which is able to give a valid licence for—for instance—an oil pipeline to be placed under a road; and there are certain other matters affecting the sub-soil of the road which are actually under the jurisdiction of the Crown at the present time.

For all roads set out at the expense of the Crown, or at the expense of private subdividers, to be vested in the municipality with the attendant complications resulting from this action, is considered to be an unwise step. If roads are closed while vested in the Crown there is no trouble at all in arranging for the sale of the land. If roads are to be closed while vested in a municipality the fact must be recognised that in the absence of a special statutory provision, it is only the surface which can be transferred, and that is why it has been necessary for there to be a special Road Closure Act to deal with roads in municipalities. If all roads are to be dealt with in this way it will mean a large and comprehensive Bill must be introduced each year to ensure that the roads are closed and the property in the land involved can be transferred to some other person. Therefore the provision in the Bill should be retained.

Hon. R. C. MATTISKE: The information given is what I was seeking—particularly the court decision, which cleared up the point concerning the present Municipal Corporations Act. I therefore seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Postponed Clause 289.—Closing of streets:

Hon. R. C. MATTISKE: The amendments I have on the notice paper are consequential on the previous one, and I do not propose to proceed with them.

Clause put and passed.

Postponed Clause 291—Power of Council, of its own motion, to construct, repair and clear private streets:

Hon. R. C. MATTISKE: I move an amendment—

> That all words after the word "subsection" in line 28, page 214, down to and including the word "pay" in line 38, be struck out.

In Clause 280, there is a definition of "private street." In Clause 291 a council may, by giving certain notice, carry out works in a private street without any request from the private owners abutting on the private street, and then peremptorily charge them with the proportions of the cost involved in relation to the size of their particular holdings.

At present there is no authority for a municipality to spend any money on a private street. I feel that some provision should be made in the Bill; but that the provisions in this clause permitting the carrying out of work in private streets, whether the owners want it or not, and charging them with the cost, is too solid. If there were a request from the majority of the owners, I would be agreeable. But it could happen that in respect of any of the alleys or lanes in the metropolitan area which are not being used at present, the council might for some reason decide to pave them; and if this clause were passed, the owners would have no redress at all. The work would be done, and they would have to pay for it whether they wanted it or not.

Hon. J. D. TEAHAN: The amendment seeks to remove from the clause obligation upon owners of private streets to pay for the paving of those streets. The power is to require the owners of a private street which has not been formed, levelled, paved, kerbed or drained, to bear the cost of that work being carried out. Once the work has been carried out the council could have the street declared a public street and placed under the control of the council. Just as subdividers at the present time are required to meet the cost of roads in subdivisions, so it is considered the owners of private roads, which were laid out free of the present requirement in subdivisions, should be forced to surface the roads concerned before these become a charge upon the municipality.

The position is that perhaps years ago a person owned an area of land of several acres and built houses on it reserving, perhaps, a big strip at the rear or the

front providing private access. The municipality now wants the right to cause such owners to do the kerbing or paving. Instances have arisen in Albany, and I suggest the clause remain as printed.

Hon. L. C. DIVER: I oppose the clause. I asked that the clause be postponed so that I could deal with this aspect of private streets or access ways. The Crown Law Department draftsmen has been busy, and so I have not an addendum in regard to this matter. Last week I showed several members a plan of the locality where there is no access way other than a private street, and in that instance the clause would be unworkable. On recommittal I will move to insert a subclause to deal with what I have in mind.

Hon. Sir CHARLES LATHAM: In the early stages, when new townsites were laid out, the Government usually paid for forming the roads but not for finishing them as they are now. In private subdivisions in municipalities before a subdivision was agreed to the owner had to provide for the forming of streets. No road could be less than 66ft. under the Road Districts Act, but in the old subdivisions there were many only about 16ft. wide. I think the cost now entailed should be met by the local authority which could recoup itself through the rates.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

> That Subclauses (3) to (7), pages 214 to 216 be struck out.

The previous explanation applies here.

Hon. J. D. TEAHAN: I oppose the amendment. It is felt desirable that power should be vested in the municipality to compel the forming, levelling, kerbing or draining of all private streets of less than 20 feet in width. This is to provide access lanes which can be a source of trouble to persons who are forced to use them for back access, etc; and although certain powers in connection with the paving of these streets are available and could be used under the Health Act, it was considered desirable to state these powers more comprehensively in the Local Government Bill so that the proposal would be made more clear and definite than that at present provided in the Health Act.

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

Postponed Clause 292—Authority of Council to construct and prepare private streets on request:

Hon. R. C. MATTISKE: I hope the Committee will not agree to this clause. I understand Mr. Diver intends to prepare a replacement for it on recommittal.

Clause put and negatived.

Postponed Clause 525—Council bound to increase or reduce values in accordance with taxation values:

Hon. R. C. MATTISKE: This amendment is consequential to a previous one agreed to. I must agree to the clause as printed with a view to replacing it on recommittal.

Hon. Sir CHARLES LATHAM: I think we should leave this in as it provides that the values of the Taxation Department should be available.

Clause put and passed.

Postponed Clause 535—On reduction in value under Section 525 Council to adjust rate:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "fund" in line 9, page 399, the words "and shall deduct such amount from future amounts payable by such ratepayer" be added.

Hon. Sir Charles Latham: Will this not give him a credit?

Hon. R. C. MATTISKE: At present if a person is charged an excessive amount one year, he can apply for a refund; but under paragraph (d), if he does not apply, the Council shall pay the amount into its appropriate trust fund. This will ensure that it will be credited to his account in respect of future payments. Under the amendment he would not forfeit his right to that money by failing to apply for a refund.

The MINISTER FOR RAILWAYS: A provision is made to ensure that if a reduction in valuation takes place the ratepayer is immediately given the benefit. If he makes application for a refund this is to be paid to him; but even if he does not apply, the council is obliged to pay the amount of the refund into a trust fund, from which it would be bound to pay the person concerned if and when he claimed at a later date, thus following up the provision of Clause 525.

Hon. Sir Charles Latham: It takes away something to which he is entitled and it should be credited to him.

Hon. R. C. MATTISKE: That is the intention of my amendment.

Hon. Sir Charles Latham: Why put it in a trust fund?

Hon. R. C. MATTISKE: It has to be paid into some account. Suppose a person pays his rate bill, leaves the State at some time, and does not apply for a refund. The money must be cleared at the end of the year in the books of the local authority, and it is therefore credited to a trust fund. When subsequently the ratepayer becomes liable for future payments it is transferred to his account.

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

Postponed Clause 538—Council to impose general rate:

Hon. H. K. WATSON: I move an amendment—

That the word "three" in line 3, page 402, be struck out and the word "two" inserted in lieu.

This relates to the maximum general rate the local authority may impose. At present I understand the maximum rate on unimproved value in the case of municipalities is 6d. in the £; and it is 4d. in the case of road boards, with the proviso that in the case of a road board the rate may be increased to 9d. in the £ with the consent of the Minister.

These rates have been adequate to meet the requirements of local authorities; because although there has been a change in monetary values, that has been covered by the increased unimproved values of properties in the district. For example, the unimproved value in the Melville Road Board in 1950 was under £1,000,000 as against £4,500,000 in 1955, and the Nedlands Road Board unimproved value was £2,000,000 in 1950 and £7,000,000 in 1956.

I see no reason why the maximum rate should be altered. That is why I propose that in ordinary cases the rate should not exceed 1s. in the £ on the unimproved value, and that where the council provides reticulated water supply it should not exceed 2s. in the £. Why is a distinction now being made? Has it existed in the past? I understand that it has not. It has been a maximum rate of 4d. in the £ for road boards and 6d. in the £ for municipalities. If that were so, I do not know whether it should be reduced from 3s. to 2s. or whether the maximum general rate should not be 1s.

Hon. J. D. TEAHAN: Mr. Watson seeks to reduce the rating from 3s. to 2s. where there is a water supply operated by the council; and from 3s. to 1s. where there is no water supply. The limits provided in the Act are quite sufficient, but the limits proposed by Mr. Watson would be insufficient.

At present the road boards are entitled to a rate up to 4d. in the £ of unimproved value and in country districts this can be increased to 6d., and in the metropolitan districts to 9d. in respect of general rates. In addition they have the right to levy loan rates which have no limit whatever; and there are also rates for street lighting, fire brigades, health, vermin, noxious weeds, etc., so that the limit of 1s. proposed by Mr. Watson would be far too small. There have been several local authorities which have had total rates of more than 1s. in the £ in the past, and there is at least one at the present time with a total of rates approximating 2s. in he £ of unimproved value.

One example of this is the Kondinin Road Board. At present its rate is 1s. 11¾d. in the £. The general rate is 1d.; the land rate is 1s. 10¾d.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Ayes	....	....	13
Noes	....	....	13
A tie	....	....	0

Ayes.

Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Cunningham
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. E. M. Davies
Hon. G. E. Jeffery	*(Teller.)*

Pair.

Aye.	No.
Hon. H. L. Roche	Hon. G. Fraser

Amendment thus negatived.

Hon. R. C. MATTISKE: I move an amendment—

That after the word "value" in line 4, page 402, the words "or eight shillings for each pound of the annual value" be inserted.

I am now departing from the principle of the Bill. This is based on unimproved value only and includes references now to capital values as well. The amendments which I have following on this same clause have the effect of permitting a local authority to rate either on the unimproved value basis or on the annual value basis; and, by complying with certain machinery, provisions to change from one system to the other. The whole principle is an important one.

At present the majority of municipal councils are operating on an annual value basis, while the majority of the road boards are operating on the unimproved value basis; whereas in certain country areas there are some local authorities which operate on the unimproved value basis so far as suburban or agricultural portions of the municipality are concerned and on the annual basis for the town portions of the areas. Therefore I consider that we should permit local authorities to continue in the manner in which they are operating at the moment.

Hon. H. K. WATSON: I understand that the present maximum general rate so far as municipalities are concerned is 2s. 6d. and the maximum loan rate is 1s. 6d., making an aggregate maximum rate of 4s. in the £. In addition, water rates

are something like 3s. in the £; and if we are going to add 8s. to the water rate, municipal rates could be 10s. or 11s. in the £ of the annual value. I would like to have moved an amendment to the amendment. However, if there is an explanation I would like to hear it.

Hon. R. C. MATTISKE: I think Mr. Watson has misunderstood my amendment. Paragraph (2) (a) of this clause provides for a maximum rate of 3s. for each £ of unimproved value of the property where there is a reticulated water supply provided by the municipality. My amendment will not affect that in any way but will provide that where a municipality is working on the annual value basis and supplies a reticulated water supply then the 3s. would not apply because they would not be on unimproved values but on annual values and the figure of 8s. in the £ is the alternative to the 3s. in the £ if on the unimproved value basis. That includes reticulated services.

Hon. H. K. WATSON: I am obliged to Mr. Mattiske for his explanation. However, it appears that the maximum should be 6s. instead of 8s. Therefore, I move—

> That the amendment be amended by striking out the word "eight" and inserting the word "six" in lieu.

Hon. J. M. A. CUNNINGHAM: I would like to draw the attention of the Committee to the great number of councils which are undergoing a period of hardship so far as finances are concerned. I know of one which is embarrassed and is trying to find ways of obtaining finance because costs have gone up so much.

Hon. E. M. Heenan: Where?

Hon. J. M. A. CUNNINGHAM: Boulder. They are at the limit of their rating. It must be remembered that councils or road boards will not immediately bump up the rates to the maximum and this point must be considered before we agree to the amendment.

Hon. L. C. DIVER: The amount of 8s. does look formidable but it is the maximum. The greatest safeguard is that we are dealing with annual values as distinct from unimproved values. The unimproved value, especially in city areas, is built up on an almost imaginary basis. The annual value has a great deal of merit, and I can see many councils adopting it in built-up areas, as against the unimproved value. It may be necessary for many local governments to go even a little higher than Mr. Watson proposes. Costs are getting to such proportions that we have to make provision for those councils that have commitments in the vicinity of 6s., or a little over.

Hon. H. K. Watson: They are only 4s.

Hon. L. C. DIVER: That is so, but this lumps the lot together and covers all their items.

Hon. H. K. Watson: Yes, but the 4s. lumps the lot together.

Hon. L. C. DIVER: The hon. member may be right, but I thought the total would be more than 4s.

Hon. R. C. MATTISKE: I can see the force of Mr. Watson's argument that at the moment the total is 4s. A few moments ago the Committee desired that the existing figure on unimproved land be raised from one figure to another. In view of that, and in order to be consistent, I feel we must make some increase. Mr. Logan suggested there should be a compromise between the two. The maximum could be raised slightly beyond what it is at the moment. If it were raised from 4s. to 5s. for authorities where no reticulated water system is provided; or to get back to paragraph (a), reduced from 8s. to 7s., I would be agreeable.

Hon. H. K. WATSON. I ask leave to withdraw my amendment.

Amendment on amendment, by leave, withdrawn.

Hon. J. G. HISLOP: I move—

> That the amendment be amended by striking out the word "eight" and inserting the word "seven" in lieu.

I still think this is too high, but I suggest the Committee agree to it in order to meet the compromise. I make this plea: that local authorities have a look to see whether they have some uneconomic units. The question of whether Boulder and Kalgoorlie could be made into one economic unit could be considered. This sort of thing has occurred in other parts of Australia. The rates in the city have leapt considerably in the past few years.

Hon. F. R. H. Lavery: Because the Perth City Council is trying to build a pool.

Hon. J. G. HISLOP: No.

Hon. Sir Charles Latham: That is because the values have increased.

Hon. J. G. HISLOP: Yes. Some five years ago I was paying, I think, water rates amounting to £30 on my property in Mount-st., and this year or last year, because of the increased values, those rates have gone up to £112 or £115. We should regard this matter very seriously. Whilst I am moving to substitute "seven" for "eight" I am very much opposed to it because, as a result of rising values, I think it should remain at what it is today.

Hon. J. M. A. CUNNINGHAM: I listened with great interest to the remarks of Dr. Hislop, and the points he raised have been debated over many years. If a local governing body has done a good job its members should not always be looking over

their shoulders to see whether their actions are being observed. If the members do not do their job, ratepayers are entitled to ruffle their feathers and have their say. If the town is dirty and ill-kept ratepayers have every right to object to higher rates; but if the work is being done and the rates go up, only an occasional ratepayer will object; and generally speaking, they are the one or two who would complain about it anyway. It has taken all these years for the amount to be raised to the present maximum, and I think that the amendment on the amendment will be quite suitable.

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

Hon. R. C. MATTISKE: I move an amendment—

> That the words "that valuation" in lines 8 and 9, page 402, be struck out, and the words "the unimproved value or five shillings for each pound of the annual value of the property as the case may be" inserted in lieu.

The debate we have heard on the previous amendment covers this point quite thoroughly and it is really a consequential amendment.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "property" in line 16, page 402, the words "or at the discretion of the council for each pound of the annual value of the property" be inserted.

This is also a consequential amendment.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "property" in line 16, page 402, the following new subclauses be inserted:—
>
> (4) In the valuation of land on the annual value, the following rules shall be observed:—
>
> (a) "Land," for the purpose of such valuation, shall include all reclaimed or unreclaimed land, and all houses, buildings and other structures or property erected thereon or thereunder, but shall not include any machinery, whether affixed to the soil or not.
>
> (b) The annual value of ratable land which is improved or occupied shall be deemed to be a sum equal to the estimated full, fair average amount of rent at which such land may reasonably be expected to let from year to year, on the assumption (if necessary to be made) that such letting is allowed by law, less the amount of all rates and taxes, and a deduction of twenty pounds per centum for repairs, insurance and other outgoings.
>
> (c) The annual value of ratable land which is improved or occupied shall in no case be deemed to be less than four pounds per centum upon the capital value of the land in fee simple.
>
> (d) When more persons than one are in separate occupation of a building erected on any portion of ratable land, each of them shall be deemed to be in occupation of a part of such land, and the annual value of such part shall be taken to bear the same proportion to the annual value of the whole of the land as the annual rental value of the part of the building occupied by him bears to the annual value of the whole of the building.
>
> (e) The annual value of ratable land held under any tenure peculiar to goldfields or mineral fields shall be the fair average annual value of the land of the same quality held in fee simple in the same neighbourhood, with the buildings erected thereon, but without regard to the value of any other improvements made or work done upon the land, and without regard to any metals or minerals contained or supposed to be contained in it.
>
> (f) The annual value of ratable land which is unimproved and unoccupied shall be taken to be not less than ten pounds per centum on the capital value:
>
> Provided that no land shall be considered to be unoccupied if the same is a portion of the original grant from the

Crown, and let or occupied with any part of the same lands belonging to the same owner that are occupied and rated.

(g) No allotment or separate portion of ratable land shall be valued at an annual value of less than three pounds:

Provided that, when the same person is the owner of two or more parcels of unoccupied land adjoining one another, such parcels shall be valued as one.

(5) Where the buildings on any ratable land constitute a factory within the meaning of the Factories and Shops Act, 1920-1954 and the capital value thereof exceeds an amount of ten thousand pounds then, notwithstanding anything contained in Subsection (4) of this section or elsewhere in this Act, the annual value of such land shall be one quarter of the amount which, but for the provisions of this subsection, would otherwise be its annual value.

(6) Where at least one-third of the councillors sign and cause to be delivered to the mayor or president, as the case may be, a demand that—

(a) where the general rate imposed by the council of the municipality is assessed on the unimproved value of the property, such rate be assessed on the annual value of the property instead of on the unimproved value thereof; or

(b) where the general rate imposed by the council of the municipality is assessed on the annual value of the property, such rate be assessed on the unimproved value of the property instead of on the annual value thereof,

and that the question, whether or not the proposed alteration in the method of assessment of the rate imposed be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(7) In the taking of such poll, the provisions of Subsections (6) and (7) of Section 10 of this Act shall apply.

(8) If at the poll a majority of the valid votes cast is in favour of the alteration in the method of assessment of the rate imposed, the Governor shall by Order declare that such alteration shall apply and take effect as at the date of commencement of the next financial year of the municipality.

This is to provide machinery clauses necessary to enable a system to be evolved as regards the rating of factories, etc. The particular point concerning the proposed new Subclause (5) is that without that subclause it would be possible for a factory to be valued at a very much enhanced figure. We all know that the value of a factory is not so much the value of the building itself, but what it will permit to be produced in that building. If the local authority is to take into account the value of machinery and the productivity of that machinery, it would be departing from the normal principles upon which it works in assessing the annual value of properties. Proposed Subclause (5) is one which has been extracted from English legislation and is working quite satisfactorily there. I think it should be included in the machinery clauses here.

The MINISTER FOR RAILWAYS: For some reason the department has not supplied information on this amendment. It departs from existing practice by placing a limitation in the rate that any factory might be called upon to pay and I would say it would cover 99 per cent. of shops and city premises. I suggest to the hon. member that this amendment be considered upon recommittal.

Hon. H. K. WATSON: I would like some information concerning the matter of factories. It may be that the wording of proposed new Subclause (5) needs some modification, and I would ask the Minister to consider this question in principle. As Mr. Mattiske has said, it is one that has always been accepted in the English Act where the annual value is one-quarter of what it would otherwise be, and for a very good reason; because whether it be a house worth £5,000 or a city property on the Terrace of £500,000 the annual value is something that is real.

We know what a house is rented at or, if it is not rented, what it could be rented at; and the same applies to a multi-storeyed building in the Terrace even if it is worth £1,000,000. But it is different in the case of the factory, whether it be in the city or in the country; and there are

quite substantial factories in the country. We are up against the fact that the erection of a factory may involve £50,000 worth of masonry.

It is erected to house the machinery of the factory. As a rental proposition it has little value because it is used for the purpose for which it has been designed, and for that only. I am now speaking of factories which cost between £50,000 and £100,000 to build. No factory in this State is assessed on a calculated annual value.

In respect of all such factories the local authorities fall back on the arbitrary provision which stipulates that the capital value of premises shall not be less than 4 per cent. of the total value; whereas in the case of a house a local authority assesses rent at a certain figure which is generally very low, in the case of a factory which cost £1,000, the annual value is assessed at 4 per cent. Such a valuation can prove to be very detrimental.

I have here a few calculations which show the great difficulty confronting factories. In the case of a block of vacant land worth £5,000, under the existing Act and under the Bill, the annual value is 10 per cent. of the total value of £5,000, which is £500. The owner of this vacant block of land pays rates on an annual value of £500. The adjoining block may be of similar dimensions and value, but on it may be erected a factory worth £100,000. The annual value will be 4 per cent. of £100,000 plus £5,000, which is £4,200. Under the proposal in the Bill, if the 4 per cent. assessment is reduced to 1 per cent., the annual value will still be £1,050. So the owner of this lot will pay rates on £1,050, as against the owner of the first block who will pay rates on an annual value of £500. This can be proved to be of great consequence to factories in the metropolitan area and in country districts.

Hon. R. C. MATTISKE: The Committee has agreed to three amendments to this clause. It has agreed in principle to permit local authorities to rate on either the unimproved value or the annual rental basis. The substance of the amendment before the Chair relates to the machinery clause, the bulk of which is in operation at present under the Municipal Corporations Act. The reason for the postponement of this clause was the desirability of splitting the rating into the general and loan sections. Under this clause it is still provided that general rates and loan rates are to be grouped under one heading, whereas at present there is provision where a local authority is rating under the annual value or the unimproved value, for general and loan rates to be charged.

Since the consideration of this clause, I have raised the point with people closely connected with local authorities. Their opinion is that if the general and loan rates are grouped, as is provided in the Bill, the notices sent out will be in the form as they appear at present, so that ratepayers will be able to see how much they are charged for general rates, loan rates and health rates. That was the point I had in mind when deciding to split the provision into two parts.

There are other aspects in the clause I would like to consider further; so I ask the Minister to accept the amendment so that the whole picture can be presented, and when we seek information on the provision we will have something to put before the people concerned.

The MINISTER FOR RAILWAYS: This difficulty can be overcome by reporting progress, and we can carry on from where we are leaving off. That will save recommittal at a later stage.

Progress reported.

House adjourned at 12.11 a.m.

Legislative Assembly

Tuesday, 17th September, 1957.

CONTENTS.

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