responsibility of the extra weight when sending skins oversea, I would like to draw his attention—

The Minister for Agriculture: The agents do not accept it; we do.

Hon. L. C. DIVER: The Minister said that they would in future.

The Minister for Agriculture: I said that the buyers in Marseilles would have to accept it.

Hon. L. C. DIVER: There is an appreciation in the weight of the skins.

The Minister for Agriculture: That has always happened before to their benefit.

Hon. L. C. DIVER: Yes, but lately there has been a suggestion, in dealing with wool, that on woolpacks, the agents are considering tare increase of from 11 lb. to 12 lb., and I would like the Minister to watch the position closely.

The *Minister for Agriculture*: I will do so.

HON. L. A. LOGAN (Midland) [9.39]: I do not want to labour the position, but I would like to point out that during the period the draft allowance has been in operation, the producer has been losing by this deduction. I would like the Minister to proclaim the Act as soon as possible. Most of the lambs being killed for export today are in the wool and unless this legislation is proclaimed quickly, the producer will not gain the advantage of the proposed amendment. Therefore, I repeat that I hope the legislation will be proclaimed at the earliest possible date.

The Minister for Agriculture: That will be done.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned 9.42 p.m.

Legislative Assembly

Tuesday, 21st October, 1952.

CONTENTS.

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

STANDING ORDERS AMENDMENTS.

Message.

Mr. SPEAKER: I have received a Message from His Excellency the Governor notifying approval of the amendments to the Standing Orders recently adopted by the Legislative Assembly.

QUESTIONS.

NATIVE FLORA.

As to Introduction of Amending Legislation.

Mr. GUTHRIE asked the Minister for Forests:

(1) Does the Government intend to introduce legislation to prevent destruction of wild flowers outside the present stipulated boundaries?

(2) Will he investigate the possibility of amending the Act affected so as to provide that a half-chain on each side of all main roads be preserved in its natural state, with all its wild flower life and natural growth, so as to preserve in perpetuity the unique and wonderful display of wild flower life and indigenous plant life in this State?

The MINISTER replied:

(1) No. Under Section 5 of the Native Flora Protection Act, 1935-1938, action can be taken by proclamation to protect any wildflower or native plant in any part or parts of Western Australia.

(2) Action has already been taken under section 5 to protect all wild flowers or native plants one mile on either side of the Kalamunda-Mundaring Weir Road. Consideration would be given to proclaiming areas half a chain wide on each side of specified main roads, which action would not require an amendment of the existing Act.

National parks have already been declared on five chain strips along certain main roads.

ELECTRICITY SUPPLIES.

As to South-West Scheme and Geraldton Undertaking.

Mr. SEWELL asked the Minister for Works:

(1) How much money has been spent on the South-West Power Scheme?

(2) What is the amount of loss on actual workings?

(3) What has been the cost of production per unit, and which towns, if any, are receiving power at less than cost, and at what price?

(4) Is the S.E.C. considering taking over the Geraldton Municipal Electric Power and Gas undertakings?

(5) Will he give an assurance that the undertaking given last year to subsidise any loss on the Geraldton Power Scheme due to the changeover to A.C. will be given effect to?

The MINISTER replied:

(1) Loan Fund expenditure on the South-West Power Scheme from 1946 up to the 30th June, 1952, was £2,100,234.

(2) The deficiency on the operation of the South-West Power Scheme for the year ended the 30th June, 1951, which is the last year for which audit has been completed, was £41,261. This amount was recouped by the Treasury.

(3) The cost per k.w.h. sold for the year ended the 30th June, 1951, was 2.76d. During that year, the price at which current was sold varied in the different towns. From the 1st September, 1951, a standard tariff has been applied to the South-West Power Scheme. This is—

First 24 units per month, at 7d. per unit.

Next 24 units per month, at 4d. per unit.

Next 4,952 units per month, at 3d. per unit.

Over 5,000 units per month, at 2d. per unit.

All towns in which current is sold receive it at less than cost because of the arrangement to subsidise the loss during the initial stage of the South-West Power Scheme. The annual loss is over the whole of the South-West Power Scheme area and is not apportioned to individual towns.

(4) No.

(5) An initial subsidy has been paid.

SERVICEMEN'S LAND SETTLEMENT.

As to Development of Behn Ord Estate.

Mr. NALDER asked the Minister for Lands:

(1) How many acres of land were cleared on the Behn Ord estate for War Service Land Settlement?

(2) What was the total cost paid for all clearing and burning up?

(3) How many acres cleared have actually been brought under cultivation?

The MINISTER replied:

(1) 2,461 acres have been partially cleared, and 2,125 acres totally cleared.

(2) £20,763.

(3) Information not available, as seven lessees were transferred to the Rural and Industries Bank early in 1949, and one transferred in August, 1951.

One thousand six hundred and three acres have been planted to pasture under War Service Land Settlement operations.

NORTH-WEST.

(a) As to Motor Vehicle Third-Party Claims.

Mr. RODOREDA asked the Minister for Local Government:

Relative to motor vehicles licensed in districts north of the Tropic of Capricorn—

(1) How many accidents involving third party claims have occurred since the 1st July, 1949, to the 30th June, 1952?

(2) What was the total amount of claims paid?

(3) What was the total amount of premiums collected?

The MINISTER FOR LANDS (for the Minister for Local Government) replied:

(1) Twenty-five.

(2) £1,958. Claims outstanding at the 30th June, 1952, £5,255.

(3) £9,365.

(b) As to Fruit in Lieu of Milk for School Children.

Mr. RODOREDA asked the Minister for the North-West:

Will he make representations to the Commonwealth Government for the purpose of having fruit supplied to North-West school children to the equivalent value of the milk which they would receive if they lived in the metropolitan area?

The MINISTER replied:

Yes.

WATER SUPPLIES.

As to Kondinin and Narrogin Pipelines.

Mr. PERKINS asked the Minister for Works:

In view of the replies to questions last Tuesday and Wednesday, will further pipes be laid on the Merredin-Kondinin pipeline, to restore its stage of construction with parity, with the Wellington Dam-Narrogin pipeline?

The MINISTER replied:

In order to supply water to Kondinin, the laying of the pipeline is not the only work to be carried out. Increased pumping capacity has first to be provided at Mundaring and also sections of the Goldfields Water Supply main have to be enlarged to enable the increased pumping capacity to be availed of.

The various sections of the Scheme have to be advanced in a suitable order so that delivery at the end of the line will be satisfactory. It has not been possible to adhere strictly to the order of development as originally set out owing to many changing conditions.

The Korean War eliminated the supply of steel from Japan and the British Government control seriously retarded, and in some cases eliminated, contract deliveries from England, so that supplies of steel for various sections of the Scheme were not always available in the desired order and interchange of the place of use was generally impossible owing to varying sizes and thickness of plates. Difficulties have also occurred in obtaining deliveries of vital pumping equipment within the desired time.

It is impossible to forecast what problems may have to be faced in future, but it is the Government's desire that the whole scheme should be completed at the earliest practicable date and every endeavour made to meet the requirements of all areas in the fairest manner possible, with due regard to the original order of development.

HOUSING.

(a) As to Commonwealth-State Rental Homes, Applications and Allocations.

Mr. W. HEGNEY asked the Minister for Housing:

(1) What are the numbers of approved applicants (namely those admitted to the priority list) for Commonwealth-State rental homes with respect to each of the years 1946 to 1952, inclusive, who have not yet been granted occupancy, each year's figures being stated separately?

(2) Are approved applications considered and dealt with in order of date on which they are admitted to the priority list, eviction cases not being taken into consideration?

(3) If reply to No. (2) is in the negative, will he clearly state the policy and practice of the Commission regarding such applications and allocations relative thereto?

The MINISTER replied:

(1) In respect of metropolitan area, figures are—

1946—nil.
1947—8.
1948—656.
1949—760.
1950—871.
1951—2,517.
1952, to date—1,360.

Since May, 1950, all applications received have been listed for priority without inspection. When turn on list is reached, an inspection is made to determine whether applicant will qualify for allocation of a rental home.

(2) Yes, except where the application is approved as emergent.

(3) Answered by No. (2).

(b) As to Demolition of Homes, Fremantle.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Housing:

(1) Is he aware that a whole block of residences in Fremantle bounded by Finnerty, James and Quarry-sts., is to be demolished in order to make a depot and garages for Metro buses?

(2) Will he use his influence to get the Metro Company to select another site where residents will not be disturbed?

(3) If he is not successful with the Metro Company, will he get his officers to go down and take particulars from all the people living in those houses in order that they shall be provided with decent housing accommodation?

The MINISTER replied:

(1) The hon. member informed me a few minutes ago of his intention to ask this question. I am not aware that a whole block of residences at Fremantle is to be demolished.

(2) I shall see what can be done in the matter with the Metro Company.

(3) If not successful with the Metro Company, I cannot make any promise about individual persons, but I shall have the whole matter investigated to see what can be done.

GERALDTON HARBOUR.

As to Shipowners' Claim for Damage.

Mr. SEWELL asked the Minister for Works:

(1) Has he read the news item in the issue of the "Geraldton Guardian" of Saturday, the 11th October, dealing with a Supreme Court writ taken out by an English shipping firm against the Australian Wheat Board in this State, as follows:—

> Following the request of the Board to order a berth at Geraldton, the "Houston City" is said to have tied up at the wheat-loading berth in Geraldton harbour, on the 7th July, and commenced loading bulk wheat on the 9th July. Three days later a gale blew and it is alleged that the ship banged and bumped against the wharf, causing total damage of £10,182 13s. 4d. to the ship and harbour fittings.
>
> The plaintiff company claims that the Board committed a breach of contract in ordering the ship to be berthed at Geraldton because the anchorage at this harbour is unsafe, and it also claims that the waters of the harbour are subject to constant winds and swells, and that the loading berth, opposite the entrance to the harbour, is directly exposed to northerly winds?

(2) If the position is as stated by the shipping company, what action does he intend to take to ensure that this will not occur again and that the port is made safe for shipping at all times

The MINISTER replied:

(1) Yes.

(2) As this matter is the subject of Court action, it is not considered proper to comment at this stage.

COLLIE COAL.

As to Hold-up of s.s. "Bungaree's" Sailing.

The MINISTER FOR SUPPLY AND SHIPPING:

Some weeks ago, the member for Collie asked a series of questions regarding coal and I was not able to supply all the answers at the time. He asked, amongst other things, whether I had been advised that Griffin coal from Collie would have been acceptable to the parties in the dispute and which, if supplied, would have avoided any further hold-up in the sailing of the s.s. "Bungaree"; on whose part this lack of initiative was shown; and whether I would take such steps as were necessary to ensure that every possible use would be made of Collie coal should similar circumstances again arise. The answers are:—

The matter of imported bunkering coal is one not dealt with by State Departments. The Coal Distribution Committee, a Commonwealth committee, allocates all supplies. It has a bunkering liaison officer at Fremantle to whom application is usually made by ships' agents. Any approval for Collie coal for bunkering should be submitted also to this committee. It is the State Government's policy to draw attention of likely users of coal to the Collie product.

It might be mentioned that in recent years Collie coal has not always been available to new applicants. As a general rule, shipping companies use imported Newcastle coal for bunkering purposes because they claim it is of higher calorific value and better carrying qualities.

BILLS (7)—FIRST READING.

1, University Buildings.
Introduced by the Premier.

2, Traffic Act Amendment (No. 1).
Introduced by the Minister for Lands (for the Chief Secretary).

3, Marketing of Barley Act Amendment.

4, Brands Act Amendment.
Introduced by the Minister for Lands.

5, Workers Compensation Act Amendment.

6, Electoral Act Amendment.
Introduced by the Attorney General.

7, Nurses Registration Act Amendment (No. 2).
Introduced by Hon. A. R. G. Hawke (for Hon. E. Nulsen).

BILL—NURSES REGISTRATION ACT AMENDMENT (No. 1).

Read a third time and transmitted to the Council.

BILL—FREMANTLE ELECTRICITY UNDERTAKING (PURCHASE MONEYS) AGREEMENTS.

In Committee.

Resumed from the 14th October. Mr. Perkins in the Chair; the Minister for Works in charge of the Bill.

First Schedule:

The CHAIRMAN: Progress was reported on the First Schedule to which the member for Fremantle had moved an amendment as follows:—

> That in Clause 2 (d) of the agreement, the words "or the municipality give requisite notice to the prevent the proportions being altered by agreement" be struck out with a view to inserting the words "of the money so available, nothing herein shall prevent the proportions being altered by agreement."

The MINISTER FOR WORKS: The member for Fremantle drew attention to the fact that the schedule did not make sense. On investigation that has been found to be so. I realise it is not usual to make amendments to a schedule which is a copy of an agreement that the Bill seeks to approve and ratify, but I hasten to say that what I now propose is not an amendment, but merely a correction. By way of explanation I would say that right up to the last printing of the Bill, the copy which came to my office was in order, but because of the need to correct in Subclause (f) the word "of" for the word "or," the printer in some way caught sight of the word "of" in Subclause (d) and altered that subclause as well as correcting Subclause (f). It is something that would not happen in many years, I should think. I propose to correct the position by way of amendment. I hope the Committee will agree. I have discussed this matter with the member for Fremantle, the Leader of the Opposition, and you, Sir. I desire to move an amendment—

> That in line 6 of Clause 2 (d) of the agreement, words "or the Municipality give requisite notice to the" be struck out and the words "of the money so available. Nothing therein shall" inserted in lieu.

Hon. J. B. SLEEMAN: I do not think this can be done. It is out of order. I already have an amendment on the notice paper, and I do not know how you, Sir, can accept another amendment whilst mine is there. The most peculiar thing is that the other evening, when I drew attention to this matter, no one on the Government side seemed to take any notice and you, Sir, ruled it was out of order to move an amendment to the schedule. Now, however, when the Minister moves an amendment you accept it, and do not ask the member for Fremantle to withdraw his. The correct thing is for the Minister to suggest I withdraw my amendment. I ask your ruling on the point.

The CHAIRMAN: I did not think I had accepted the amendment of the member for Fremantle. The position was confused in that I was not sure what the agreement was. The schedule contains the agreement, and it is either correct or incorrect. From what the Minister has said, the schedule is incorrect. When the matter was before the Committee before I think I did not accept an amendment, and during the discussion it was moved that progress be reported, and the matter was left in abeyance. If there is any doubt about the hon. member's amendment being before the Chair, it might be best for him, if he is willing, to withdraw it.

Hon. J. B. SLEEMAN: The fact that I stated the other evening that the schedule was incorrect should have been enough. I am quite prepared to ask permission to withdraw my amendment. All I want is a true copy of the agreement. I am never prepared to break an agreement, no matter what it is, and I hope the Government can say the same.

The CHAIRMAN: I was not clear what the hon. member desired to do the other evening. I thought he was trying to move an amendment to the schedule.

Hon. J. B. Sleeman: I must have been very dense in my explanation.

The CHAIRMAN: The position now is that the member for Fremantle has asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR WORKS: I move an amendment—

> That in line 6 of Clause 2 (d) of the agreement the words "or the Municipality give requisite notice to the" be struck out, and the words "of the money so available. Nothing herein shall" inserted in lieu.

Hon. J. T. TONKIN: If it was not possible to amend the schedule the other evening, how is it possible to do so now?

The Attorney General: By leave of the Committee.

Hon. J. T. TONKIN: Your ruling the other night, Sir, was that the member for Fremantle could not move to amend the schedule. I would be pleased if you would explain how it is possible to do something now that it was not possible to do the other evening.

The CHAIRMAN: The schedule purports to contain the words of the actual agreement, and so far as I understood the position the other evening, the schedule did contain the words of the agreement.

Hon. J. T. Tonkin: The member for Fremantle told you it did not.

The CHAIRMAN: I did not clearly understand the member for Fremantle at the time. It seems that the Committee has now agreed that the schedule, as it stands at the moment, does not contain the words of the agreement, and the amendment before the Chair seeks to alter the wording of the schedule to make it conform with the agreement.

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

Second Schedule, Title—agreed to.

Bill reported with an amendment.

BILLS (3)—RETURNED.

1, Supply (No. 2), £10,000,000.

2, Margarine Act Amendment (No. 1).

3, Wheat Industry Stabilisation Act Amendment.

Without amendment.

BILL—PRICES CONTROL ACT AMENDMENT AND CONTINUANCE.

Message.

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

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [5.0] in moving the second reading said: This Bill—

Hon. J. T. Tonkin: Are there any goods still under control?

The ATTORNEY GENERAL: Yes, all essential commodities.

Hon. J. T. Tonkin: After reading the list this morning I did not think there was anything left.

Mr. Hoar: Prices are still rising.

The ATTORNEY GENERAL: This Bill is designed, firstly, to extend the operation of the Prices Control Act for a further period of 12 months as from the end of this year, which marks the expiration of the present Act, and, secondly, to provide for an amendment to the Act to assist in carrying into effect the Dairy Industry Stabilisation Scheme by giving authority to the Commonwealth Minister for Commerce and Agriculture to fix the wholesale price of butterfat and, thirdly, to repeal the Profiteering Prevention Act.

During the period under review, being that period since I introduced the continuance Bill last year, State Ministers and Commissioners have continued to meet in conference approximately every three months for the purpose of exchanging views on the more important aspects of price control and, in particular, to consider the proposed treatment of various goods and services which are under the control of the individual States. Such discussions were especially useful in the case of commodities having a major bearing on the Australian economy and which are often seriously affected by important happenings in oversea markets and were, in many cases, the subject of negotiations with the Commonwealth Government.

Ministers continued to act on the same principle, namely, where goods were in full supply and marketed on a competitive basis, decontrol was made. The general view of Ministers is that when these conditions apply price control is of no advantage and is more often a detriment, as it entails additional commercial costs in accounting and has the effect of preventing competition to the degree which operates under decontrol. In New South Wales recently, the Prices Minister removed control on all building materials except some metal products, and in announcing that decontrol Mr. Finnan, the New South Wales Prices Minister, is reported as stating—

> The Government expects that the removal of price control will result in an overall reduction of building costs. The Government is anxious to stimulate the production of homes and believes that this step now should bring about improved competition.

With that principle, I agree. Prices over the past 12 months have had an upward movement in spite of the fact that in many instances manufacturers' and distributors' margins have been reduced.

Hon. A. R. G. Hawke: Does that apply to a cup of tea and a cheese sandwich?

The ATTORNEY GENERAL: Over the past few years, as a result of considerable increases in turnover and the higher cost of goods, wholesale and retail distributors were able to absorb increased overheads brought about principally by increased wages. This meant that an increase in percentage margins was not necessary, but in fact a reduction in percentage margins was possible. In many industries percentage margins were subsequently reduced because of these factors.

Mr. Hoar: You are not up to your usual form.

The ATTORNEY GENERAL: During the 12 months under review, however, it has not been possible to maintain this downward movement of margins due, primarily, to a levelling out of turnover from a smaller increase in the cost of goods and a substantial rise in overhead costs. The same situation has also applied to manufacturers, although to a lesser degree, since the direct effect of wage increases has borne more on manufacturing concerns. During the past 12 months, increased wages have been responsible for considerable rises in overhead costs.

Since the 1st July, 1951, therefore, the upward trend of prices has continued, and as in the past, the principal factors have been the effect—

(a) of basic wage increases which, during the 12 months to the 31st August, 1952, had amounted to a total of £2 8s. 3d. per week for male workers in the Perth-metropolitan area;

(b) which high oversea prices have had upon the home consumption price of many Australian export commodities;

(c) upon both primary and secondary industry in Australia of the considerably increased landed cost of many commodities imported into this country.

The rise in the cost of living in Western Australia has approximated the same percentage as that for 1950/51, namely, an increase of 1.6 per cent. Percentage increases for clothing and rent are less than for the previous 12 months whereas those for foodstuffs and miscellaneous have shown rises. The comparison of the percentage increases for the Perth-metropolitan area, compared with those for the six capital cities, is as follows:—

	Perth	Average six capital cities.	
	%	%	%
Food and Groceries	32.0	50.4	—18.4
Clothing	23.3	19.9	+ 3.4
Miscellaneous	28.8	24.2	+ 4.6
Rent	13.8	3.4	+10.4
"C" Series—All Items	25.8	28.4	— 2.6

Mr. Styants: Wonderful!

Hon. A. R. G. Hawke: Did the Commonwealth Statistician use those figures recently when the Commonwealth basic wage increase was declared?

The ATTORNEY GENERAL: It will be noted that the average for Perth is 2.6 per cent. below the average for the other six capital cities. On the 6th March, textiles were decontrolled in Western Australia. This was done in view of the fact that goods were in plentiful supply; as a matter of fact the industry was overstocked and competition was operating efficiently and freely. Since then they have also been decontrolled in South Australia, Victoria, New South Wales and Queensland. A careful check on price movements has been kept in this industry, but no uncalled-for price increases have been made. All the evidence points to the fact that decontrol permitted free merchandising, decreased margins being taken in many lines used and required by the ordinary householder.

Mr. Hoar: That is just an illusion.

The ATTORNEY GENERAL: The number of complaints during the 12 months ended June, 1952, was 432 compared with 277 during the previous year. In the 12 months ended the 30th June, 1952, 9,438 checks were made compared with 8,263 for the previous 12 months. These checks covered manufacturers, wholesalers and retailers in both metropolitan and country districts. Careful check is made not only on controlled items but also on those that have been decontrolled, to ensure that the interests of the consuming public are properly maintained.

As I said before the Bill proposes to introduce an amendmennt to assist the Dairy Products Stabilisation Scheme. The Governments of the Commonwealth and the various States are desirous of guaranteeing to producers of milk and cream used in the production of butter and cheese, for the period of five years which commenced on the 1st July, 1952, a minimum return in respect of so much butterfat as is used in Australia in each year of that period in the production of butter and cheese up to a quantity equal to the quantity of butter or cheese produced and consumed in Australia, and it is intended that the guaranteed return shall be ensured partly by the payment by the Commonwealth of bounties on the production of butter and cheese, and partly by the maintenance of appropriate prices for butter and cheese consumed in Australia.

Some time ago the Governments of the States agreed, with a view to ensuring a guaranteed return, that the maximum prices fixed under the laws of the States relating to prices for the sales of butter and cheese, otherwise than by the proprietor of a butter or cheese factory, should be based on the price from time to time determined by the Minister of State for Commerce and Agriculture of the Commonwealth as the appropriate price for the sale for consumption in Australia of butter or cheese, as the case may be, for proprietors of butter or cheese factories. The State Governments further agreed to endeavour to have legislation passed by their respective Parliaments to impose a legal obligation on the appropriate authorities of the States to give effect to this agreement.

Hon. J. T. Tonkin: Is Western Australia a partner to that agreement?

The ATTORNEY GENERAL: Yes.

Hon. J. T. Tonkin: The price of cheese has never been controlled since the Commonwealth relinquished control.

The ATTORNEY GENERAL: Yes, it has.

Hon. J. T. Tonkin: Then there is something wrong somewhere. I have a publication called "Facts and Figures" which was delivered today and it says that that is not so.

The ATTORNEY GENERAL: That is incorrect. Cheese has been controlled throughout.

Hon. J. T. Tonkin: In Western Australia?

The ATTORNEY GENERAL: Yes.

Mr. Kelly: It has never been controlled.

Mr. SPEAKER: Order! Let us have separate speeches.

The ATTORNEY GENERAL: The hon member should find out about it.

Hon. J. T. Tonkin: I think you should find out.

The ATTORNEY GENERAL: I told the House that it is controlled. That is my information and I know it is correct.

Hon. A. R. G. Hawke: Is it price-controlled when it is sold between two pieces of bread?

The ATTORNEY GENERAL: It is in some cases, but in others it is not. However, cheese, sold as cheese, is price-controlled. In pursuance of the agreement, the Commonwealth Parliament has prepared a Bill for an Act to be known as the Dairy Industry Act, 1952, which is based on the various States amending their price control legislation to give effect to the agreement. The object of a Bill of this description is, therefore, to amend the Prices Control Act so that the Commissioner of Prices, in fixing and determining the maximum price at which butter and cheese may be sold by a person other than a manufacturer, shall at all times base it on a price from time to time determined by the Commonwealth Minister for Commerce and Agriculture, thereby carrying out the terms of the agreement with the Commonwealth Government.

The Profiteering Prevention Act, which was passed as a war measure in 1939, was to remain in force during the continuance of the war in which His Majesty was, at the commencement of the Act, engaged, and for a further period of six months thereafter. The provisions of the Act are, in some respects, in conflict with those of the Prices Control Act. It was anticipated that the statute would automatically expire within a reasonable period owing to the termination of the war, but it has been found to be unlikely that there will be a formal declaration of peace with Germany for perhaps some years. The Solicitor General has advised as follows:—

> In my opinion the Profiteering Prevention Act is still in operation. Neither I nor the Deputy Commonwealth Crown Solicitor can anticipate when it will expire. It is now doubted whether what the local newspapers earlier this year described as a peace treaty with Western Germany was, in fact, anything more than a commercial agreement.

In these circumstances it has been deemed advisable to repeal this Act to avoid any possible confusion.

Hon. A. R. G. Hawke: What about the war in Korea?

The ATTORNEY GENERAL: That is a war that is not a war.

Hon. A. R. G. Hawke: The relatives of the men being killed there think it is a war.

The ATTORNEY GENERAL: I personally feel that the technicalities that formerly governed war have gone awry, because previously a formal declaration of war was made and at the termination of hostilities a proclamation of peace was issued. That has ceased to be the custom, but it has left the technicalities of war still the same. As the Leader of the Opposition knows, there is no formal war in Korea.

Hon. A. R. G. Hawke: But there is actual war.

The ATTORNEY GENERAL: Yes, there is no doubt about that. There is actual war with China, and yet that country says, "No, there is no war; these men are only volunteers." As to the war in Korea—this is not a war; it is merely the result of an obligation of the United Nations to keep the peace.

Mr. W. Hegney: Just like a football match.

The ATTORNEY GENERAL: Yes.

Mr. W. Hegney: Why is an Act such as the Profiteering Prevention Act still on the statute book?

The ATTORNEY GENERAL: That is technically wrong and no doubt I should have taken steps to have it repealed last year, but I had an idea that there would have been an automatic repeal by the Commonwealth by the peace being declared and I did not take the step that perhaps I should have done.

Mr. W. Hegney: We do not know whether it will be repealed now until it passes through another place.

The ATTORNEY GENERAL: If the Bill does not pass in another place the Act will remain in operation. I would like to say that the Commissioner of Prices has continued to carry on an extremely difficult duty under continuing difficult circumstances. I think everyone knows of the changing economic circumstances that have been taking place during the year. It can be generally agreed too, that, with the co-operation of all the States, there has been an administration which has resulted in careful scrutiny of the prices of those essential commodities that are sold to the public. I give due credit to the Commissioner in this State whose responsibility it has been to carry this administration into effect. There is no doubt

that he and his staff have, in the interests of the public, kept a careful watch on prices and have done very effective work.

Mr. W. Hegney: Can you tell us what States were in favour of the increase in the price of petrol? Queensland was against it.

The ATTORNEY GENERAL: No. Queensland agreed to it. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—BROKEN HILL PROPRIETARY STEEL INDUSTRY AGREEMENT.

Message.

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

Second Reading.

THE MINISTER FOR INDUSTRIAL DEVELOPMENT (Hon. A. F. Watts—Stirling) [5.24] in moving the second reading said: The Bill when it becomes an Act will inaugurate in Western Australia the second largest piece of industrial development that has taken place. It would have been the largest had it not been for the arrangements entered into with the Anglo-Iranian Oil Co. and ratified by this Parliament. I use the word "largest" for two reasons; firstly because I think it will involve the greatest capital expenditure outside the enterprise that has been agreed upon and, secondly, because it will have the most important ultimate effects on the State's economy and industrial capacity.

Perhaps it would be well, before I enter upon a discussion of the Bill and the agreement that goes with it, if I were to attempt to give some short history of the occurrences regarding the leases at Koolan Island which are also the subject of this agreement. Over an extremely long period of years applications have been made by a great number of people, and I think it is now approximately 47 years since those leases were first granted to an applicant. They have, in the interim, passed through many hands, but at no stage has there been any attempt to do anything with them that would have actually established any substantial industrial development in Western Australia.

Later on I will give some details of all the things that have taken place in that long period and leave the House to judge, as I am sure it will in the affirmative, whether the proposition that is now to be put before it is not one which is more likely to culminate in great substantial industrial development in Western Australia than anything that has gone before. I say that not only because I am convinced that the Broken Hill Pty.'s own enterprise in this State will be of substantial value, but also because I am satisfied from information that has been given to me, and discussions that I have had with people quite unassociated with the subject of this Bill and who have come to Western Australia, that there will be a great many other industries that may be regarded as ancillary to this one which will follow in its train.

It is of course quite true to say that Western Australia has been, and will I think for many years to come, have to be, substantially dependent upon its primary producing industries, among which I include not only rural and other farming industries, but also gold and other mining industries. There are those people—and I am one of them—who believe that agriculture is the only absolutely indispensable industry. That is to say, it provides the necessities of life both for eating and clothing, and provides also other by-products of extreme value in ordinary everyday life under modern conditions. However, agriculture in these days could not exist under modern conditions were it not for the activities of secondary industry.

The agricultural industry could proceed in ancient times, but it could not proceed to expand to the productive capacity that is absolutely essential in order to cope with modern demands for food and clothing, were it not for the other industries which exist. I suppose that chief amongst those is the industry which produces, fabricates or does anything with steel. I saw an American letter the other day, on the envelope of which was stamped the phrase "Nothing is Made Without Steel." At first sight, I was inclined to question that statement; but on looking into it further, I think one could admit that it is almost 100 per cent. a perfectly true assertion, because in these times, whatever one wants to do or to produce, at one stage or another one must use something that is made of steel. And so I think it is highly desirable that we should make a start in Western Australia with the development of an industry that will ultimately, we believe, provide us with the whole ramifications of the steel industry and establish in this community something which is very necessary for all other walks of life—particularly, may I say, for the agricultural industry, to which I referred a few moments ago—and which hitherto has been lacking.

Consequent upon the absence of results over a long period of years, to which I have already made passing reference, arising from other proposals for the creation of a steel industry in Western Australia, the Director of Works and Co-ordinator of Industrial Development, Mr. Dumas, suggested, towards the end of 1951, that, in the hope of making some real progress, a discussion might be opened up with Broken Hill Pty. Ltd. to ascertain whether

it was prepared to invest any substantial sum in the establishment of the beginning of a steel industry in this State. In this connection, it must be realised that at this stage, quite apart from the reluctance of the Government to plunge into a further Government enterprise, which form of activity in this State has hitherto not proved profitable, the establishment of a small unit in connection with the steel industry might involve the expenditure of betwen £3,000,000 and £4,000,000, while the creation of the whole industry would involve the expenditure of between £15,000,000 and £20,000,000.

In any circumstances, there seemed no prospect of any State Government being able to provide such a large sum of money, and it was clear, in view of the great many technical difficulties to be overcome, that it would not be very likely to incur a capitalisation of that nature with success. The suggestion of the Director of Works was made to the Minister for Works in the first place, that officer being under the Minister's control at that stage, and later led to discussions between the Minister for Works, the Director and myself, at which it was agreed that a tentative approach should be made to Broken Hill Pty. Ltd. to ascertain whether it was interested in the proposition. In consequence of this, some officials of Broken Hill Pty. Ltd. visited Western Australia and, after a great deal of negotiation and much discussion, the outline of an agreement was ultimately arrived at towards the end of February. The details took until about the middle of the following June to complete.

The background of the agreement, and indeed of the whole matter, is that at the present time it is an established fact that iron-ore cannot be economically smelted with Collie types of coal, and therefore it is not practicable to give consideration to an integrated steel industry to operate a blast furnace using Collie coal. I shall deal with that aspect later in my remarks. One very important consideration must be the economics of any such scheme, namely, if it will produce steel at all, will it produce it at anything like a competitive price? A blast furnace requires fuel of a very high carbon content. Carbon is the source of heat as well as being the reducing agent which converts the iron-ore into metallic iron. This carbonaceous fuel must be porous and mechanically strong enough to resist shattering during handling. There is a tremendous weight in the heavy column to be taken in the furnace by the carbonaceous fuel which must be strong enough to support the weight of that heavy column of charge in the furnace without crumbling and packing into a solid mass. Should the fuel crumble to any degree, it will interfere with the even passage of the large volume of gases which pass up through the furnace charge and if the crumbling is of a serious nature, the furnace will fail to operate.

Coke and charcoal are the only two fuels that have met these requirements. Coke is a stronger fuel than charcoal and in almost every instance has proved by far the cheaper. There are very few, and these only small units, that have operated upon charcoal, and it is not possible on a comparatively large scale to use that process. The use of coal in a blast furnace is limited mainly because of its low physical strength in comparison with good metallurgical coke. In addition, if coal is used direct in a blast furnace, all the valuable by-products are given off in the furnace itself and are lost, or the expense of recovering them, if that were at all possible, would be so great that the price of the resultant iron product would be considerably increased and become uncompetitive.

All coals do not form coke when the volatile matter is driven off by heat. The geologically young coals, such as lignite and sub-bituminous coals, do not form a coke when heated. They form an incoherent mass of carbonaceous particles lacking completely in strength. Unfortunately Collie coals belong to the sub-bituminous type. Even bituminous coals may not fuse to form satisfactory coke. Certain of the coals in the western districts of New South Wales are of no value whatever in the blast furnace for their larger lumps of coke are mechanically weak. Open cut coals particularly are useless for the formation of metallurgical coke. In these references, of course, I have in mind the coal available in New South Wales.

In support of my statement that there are types of coal of sub-bituminous nature that cannot coke for metallurgical purposes, I point out that there have been constant efforts to find a method by which that sub-bituminous and weaker type of coal can be utilised, but to date such processes, variously known as the low-shaft furnace, Baum and the Klockner Humboldt processes, have not progressed beyond the laboratory stage. I will refer to that matter again and give some additional information on the point. It is quite clear, however, that no one should attempt to expend Government moneys running into many millions of pounds in a small and unproven direction which must, at best, result in an expensive product and, at worst, in the possibility of complete failure.

This point of view has been confirmed by recent investigations carried out by the Co-ordinator of Works and Industrial Development, Mr. Dumas, into the Baum and Klockner Humboldt low-shaft furnaces in Europe. Members will recall that early last year Mr. Dumas was sent to England for various purposes and, in the course of his trip, the opportunity was

taken to make further investigations regarding this matter. I know that Mr. Dumas and others who had been consulted in the problem, had expressed the same opinion as that which will be conveyed to the House in a few moments when I read extracts from his report. It was admitted by him—and other Government advisers are of the same opinion—that we should get some first-hand information rather than rely upon that obtained from other countries of the world. In consequence, Mr. Dumas visited Germany and there met not only the director of the Klockner Humboldt company, but also three representatives of Broken Hill Pty. Ltd., who had been sent to Europe pursuant to the understanding with the Government of this State that they would co-operate in investigations of methods for the use of sub-bituminous coal. In his report to me, under date the 7th August last, Mr. Dumas says—

> While the low-shaft furnace holds out possibilities for an ultimate solution, it is agreed by everyone that this stage has not yet been reached. The Klockner Humboldt company did enter into contracts to supply such furnaces to Spain and Portugal but, of its own volition, because its research was not sufficiently advanced to enable it to give any guarantees as to the performance of these furnaces, it has indefinitely deferred these contracts.

At the conclusion of his report, Mr. Dumas says—

> It therefore appears that neither the low-shaft blast furnace nor any other process has yet been developed to the stage where it could be installed in Western Australia with any confidence to operate Collie Coal.

It can be taken as an established fact that with the present known methods, iron-ore cannot be economically smelted with types of coal such as are available at Collie. Therefore, it is not practicable at the present time to give consideration to an integrated steel industry based on the construction of blast furnaces to utilise Collie coal. It takes approximately 1½ tons of iron-ore to make one ton of pig-iron. It will be interesting to members to know what is now the capacity of the blast furnaces operated by Broken Hill Pty Ltd. From inquiries I have made, it would appear that the three furnaces at Newcastle have an approximate capacity of 3,750 tons a day.

The furnace at Whyalla has a capacity of 850 tons, and those at Port Kembla, including the new and very large one that has a capacity of 1,500 tons per day, are capable of producing approximately 3,500 tons daily. So we have a capacity of approximately 8,000 tons daily, and on the basis of one and a half tons of iron-ore to produce one ton of pig-iron, we find a gross capacity for use of iron-ore of about 12,000 tons per day. But of course, a percentage must be taken off that for a variety of reasons. First, although a blast furnance must be worked every day, there comes a time when it must be relined or rebricked and therefore does not work at all. So some reasonable allowance must be made for that to the extent of at least ten per cent. on the average; and it would be safe to say that the iron-ore capacity of the company at the present time would be in the vicinity of 3,500,000 to 4,000,000 tons per annum; that is, allowing for all the rebates that are necessary for the reasons I mentioned.

In consequence, it will, I think, be quite clear that the resources the company holds now, and which I think comprise what are known as Iron Knob and Cockatoo Island, are unlikely to last indefinitely; and it is obviously reasonable that an organisation of this nature whose reputation as to efficiency, price and quality of its products is second to none, and which has contributed more to the industrial stability of this country than any other venture, should seek some long-term assurances of continuity of supplies.

Mr. Bovell: The company contributed to Australia's war effort, too, in no small measure.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Precisely. I said it has contributed more to the industrial stability of Australia than any other concern—I might have said, both in war and in peace. As a matter of fact, there has been no other organisation in this country which has attempted to undertake the work that these people have done, and their capacity for production has been immense. Admittedly the company has been hampered in the past by industrial troubles, usually not of its own making, and these have resulted in deficiencies of supplies from outside. But notwithstanding that, it has done a wonderful job in supplying this country with necessary steel and is still doing it.

Hon. J. T. Tonkin: They were well paid for what they did, were they not?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Of course! So are other people; but at least we give them credit for their organisation and ability.

The Premier: They were not overpaid.

Hon. A. R. G. Hawke: Not much!

The MINISTER FOR INDUSTRIAL DEVELOPMENT: When it comes to the question of prices, they have been more than reasonable. We find that with the majority of secondary industries in Australia there has been grave difficulty as regards price competition with firms oversea. That is due to reasons we need not go into; they are varied. But we do not find that difficulty with this organisation because, for many years, it has succeeded in producing the cheapest steel in the world and

has sold it in every capital city of the Commonwealth at the same price as at the point of production. So it has been cheap throughout Australia in comparision with costs in the outside world.

We know that had we been able to obtain necessary supplies from this organisation at certain times in the last three or four years immense sums of money could have been saved. Alternatively, because we were most unwilling to buy at such prices as were charged elsewhere and therefore did not do so, we could have had supplies if this company had been able to produce them. But of course, the demand throughout Australia was tremendous and the concern was working, for various reasons—mainly outside industrial ones—only to about 60 or 70 per cent. of its capacity, and in the result had more or less to ration the available supplies to the various demands that were falling into its hands. Consequently nobody received as much as he wanted or could use on big projects in quick time. That was unfortunate but it does not for one moment lower the efficiency or reputation of the organisation.

In passing, I would like to say that I had never had anything to do with this organisation in the Eastern States until a few months ago when I took the opportunity to visit its works at Newcastle with the idea of seeing, among other things, what a steel rolling mill really was and what we might expect to see in the Kwinana area, and I was impressed by its magnitude, although it is only a fractional part of the total works that are there. But I did see amenities for employees and methods of management which, it seemed to me, might, if they could be adopted in other large manufacturing concerns in our country, very easily result in greatly improved relationships between employers and employees.

I have no hesitation in saying that if there has been a minimum of industrial disputes within this organisation, as I understand is the case, that has been partly due—and I should say, perhaps, very substantially due—to the relationships that have existed between them and the treatment which has been accorded to the employees and the management. So I feel that quite apart from other reasons, the advent of this organisation into Western Australia in a fairly big way, with a prospect of even bigger development, is something that we should heartily welcome.

The capital investment which it is proposed to make in this State will, with the sole exception of the proposed expenditure of the Anglo-Iranian Oil Company, be easily the largest industrial development that has taken place here, for the rolling mill, the fence post factory, and the wharves and equipment will, on the most recent estimate, need an expenditure of close on £4,000,000. That sum will be made up by something which the company has decided to put in here, quite apart from this agreement and that is a factory for the manufacture of steel fencing posts, which will be of considerable utility and will employ quite a number of people, and will provide a product of great value to the agricultural community which is finding it increasingly difficult to obtain suitable fencing posts that this concern will supply in an easy and efficient form.

The Government expenditure will be something in the order of £200,000 for the necessary dredging of a berth and a swinging basin in front of the wharf, which the company proposes to install and pay for. That wharf will be sufficient to accommodate at least one 12,500-ton vessel and it is quite clear that it will be of a fairly substantial size. In regard to the £200,000 which I mentioned as providing for necessary dredging to obtain access to the wharf, it will be noted that the company will provide full interest and sinking fund until the whole amount is amortised. That will be done by payment to the harbour authorities, and thereafter it will continue to pay dues to the harbour authorities. The company is, however, relieved of wharfage dues in respect of its own outward cargoes.

The proposed rolling mill is to have a capacity of 50,000 tons production. That is equivalent, roughly, to twice the present State demand for its steel products, and the company agrees to establish this rolling mill in four years or, at most, not more than five years from the passing of the Act. The company will fulfil orders from within the State for the products of the mill for use within the State. The company will acquire and pay for at whatever it costs the State approximately 600 acres of land with a view to developing its activities in this State. That land will be in the Kwinana area immediately adjacent to the land which was disposed of by the earlier agreement with the Anglo-Iranian Company; but in this case the company will pay for the land whatever it costs the State. Some of it is Commonwealth land which the State will buy from the Commonwealth and sell to the company. Some of it is land which the State will have to resume under the Act dealing with the resumption of land in the Kwinana area, and when the company pays for it it will be transferred to the company. This area of land is many times more than sufficient for the rolling mill and the steel post factory, and it is being acquired so that the mill can be laid out in a position which the company's plans provide to enable it to fit in with a complete integrated industry.

It will be quite obvious that we cannot have such an industry on a small area of land. Anyone who has seen the areas involved in the other places—Newcastle and Port Kembla, for instance—will realise how necessary it is that this area should be available. While 200 acres would have

been quite sufficient for the work being put in hand immediately under the agreement, 600 acres would be required for the fully integrated industry, if it is to be established.

The company also undertakes to continue investigations, and to carry on research in collaboration with the State, into the use of coals from the Collie coalfields in primary furnaces for the conversion of iron-ore into pig-iron. It will also keep in touch with oversea developments in blast furnace practice, and will arrange to send officers and technicians oversea to study and gather information on the latest practices, and to keep the State informed. Officers of the company are already in Europe for this purpose.

The agreement provides that the company will not export iron-ore from Australia and will, if requested by the State, make available to the State iron-ore from the island leases up to 200,000 tons per annum for use in the State as the State may require. It will be obvious, therefore, that if anyone else is prepared to establish blast furnaces in Western Australia, for which there are special provisions in the Bill, the company will provide from Koolan Island or Cockatoo Island or both, sufficient iron-ore for a blast furnace of up to 140,000 tons of pig-iron per annum. This leaves out of contemplation altogether iron-ore which the State could acquire from Koolyanobbing or other sources. Provision is contained in the agreement for the control of the price of this iron-ore. Members will therefore readily realise that while this company itself contemplates in certain circumstances ultimate entry into the integrated iron and steel industry in this State there is provision so that if it does not, or if somebody else wishes to do it earlier, this company will be obligated to the State to provide the iron-ore necessary to enable that to be done on a substantial scale, quite apart from the iron-ore which could be obtained by the State from the leases at Koolyanobbing.

The company will construct and maintain its own wharves with equipment and, when this course does not interfere with its own requirements, it will permit the wharves to be used for handling inward and outward cargo under terms and conditions to be approved by the Fremantle Harbour Trust. I think I mentioned this earlier, but I desire to mention again that the company will permit its wharves to be used in this way. Vessels, as distinct from cargo, will be charged tonnage rates only, based upon a present day rate of 1d. plus 20 per cent., apart from charges for services. The reference to the present day rate means that if the present day rate is increased, the charge to the company shall be increased proportionately. The State will indemnify the company against soil erosion caused by the wharf.

The ultimate purpose of the agreement, as I have already said, is the establishment of an integrated iron and steel industry in Western Australia and the agreement provides that if and when this becomes economically practicable, and the company decides to do so, the State will co-operate with the company in locating suitable deposits of limestone, magnesite, dolomite, fire clay and silica, which are the other things necessary for such an industry. I repeat that there are provisions in the agreement relative to the 200,000 tons of iron-ore and the reservation which is in the Bill itself and the iron-ore at Koolyanobbing would enable—provided it complied with the provisions of the Bill, which I will mention later—any other concern to establish in Western Australia such an industry, and this company would be obligated to the extent that it would have to provide ore up to 200,000 tons per annum for that purpose, if the State so required.

Electric power is to be provided as progressively required, starting from six months after the passing of the Bill, and there is provision for water, not exceeding 4,000,000 gallons a week, as may be progressively required at not less than six months' notice. The price to be paid for such water shall be the ruling price for water for industrial purposes, unless it is bore water, in which case the price shall be agreed on, based upon a present day price of 6d. per thousand gallons. The State will also provide rail and road access to the works site. If members will recall the Bill introduced a week or two ago to provide a railway from Coogee to Kwinana, they will remember that the line went round the land to the north of the site of the oil refinery premises, and it is that land that it is proposed the Broken Hill Pty. Coy. shall acquire under the provisions of this agreement. Quite obviously that railway will serve both purposes, when it is completed and entry to the company's own property will be a simple matter for it to perform by means of a small siding or branch entry line.

The State within three years of notice from the company, or within two years of completion of the company's retaining wall—whichever is the longer period—will dredge to a depth of 30ft. at low water the berth and swinging basin. The State has at least four years within which to dredge the channels shown on Public Works Department plan 33486, which has been initialled by the parties. The State will maintain the dredging depths. Within one month from the passing of the Act the State will extend the lease of Cockatoo Island to coincide with the terms hereinafter mentioned in respect of Koolan Island. It will be remembered that Cockatoo Island has been held by the company for a considerable period of years.

The Government will lease to the company the Koolan Island leases and extensions of ore bodies, subject to the provisions of the Mining Act as defined and to the payment of royalty for a period of 50 years from the passing of the Act, with rights of renewal for successive periods of 21 years. The royalty is to be 6d. a ton on all iron-ore shipped from the islands. The State agrees not to alter the covenants of the leases, licenses and rights during their currency or any renewal thereof, or otherwise to disturb the company's rights under the agreement. It is provided that if the labour conditions on one island satisfy the total labour conditions of the whole of the leases, that shall be sufficient, and provision is made for the use of machinery on the basis that six h.p. equals one man.

That is a provision similar to that found in the agreement between the South Australian Government and this company in relation to the Iron Knob leases which, as members know, founded the town of Whyalla. I might say at this stage that the only thing that agreement provided for was a blast furnace, whereas there has in fact been established at Whyalla one of the greatest shipyards in Australia, which has been functioning for a number of years, having been established by the company subsequent to its entry upon that area. I have been advised that already approximately £1,750,000 has been spent by the company at Cockatoo Island; that 100 men are employed there and it is expected that 1,000,000 tons of ore will be shipped from the island during the next 12 months. I am further advised that that tonnage will be progressively increased, as will the number of men employed. Half a million tons of ore will be shipped in the company's own vessels and the balance—provided the shipping can be obtained—in chartered ships.

The periods of the leases will be almost identical with those embodied in the South Australian legislation in relation to Iron Knob, and it is interesting to note that while that Act provides only for a blast furnace at Whyalla, ship building and other industrial establishments valued at many millions of pounds have been erected there by the company of its own volition. There is in the agreement no express provision by the Government for building any houses, but there is a clause which says that if the State erects, in the areas from which the company shall principally draw its labour, workers' dwellings under the State Housing Act, and the same shall be available for that purpose, the State will make available to the employees of the company a reasonable proportion of such dwellings. Obviously, therefore, the initiative in that matter will lie with the State. If it thinks it proper to erect houses in that area and employees of the company can make out good cases for them, they can have some of them, but with no obligation on the State as I understand the position.

Hon. J. T. Tonkin: If they have to take their place on the priority list they will have to wait a fair while.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Yes. That is for the future to determine. I know I was insistent that there should be no obligation on the State in this matter and that is the reason for the phraseology used in this respect. There is a covenant by the State not to resume land purchased by the company, and there is a mutual agreement that it is understood between the State and the company that the aim of the parties is the establishment in the said State of steel-making furnaces and auxiliary equipment to provide steel for the mill and, while the company intends to pursue such establishment in good faith, any decision in this respect by the company must be its own decision. There is also provision that, except in regard to that part of the company's land where permanent residences shall be erected, rating shall be on the unimproved value and that the company shall not be subject to a discriminatory rate. This, I believe, is substantially the procedure followed in the Eastern States, where a rate known as an industrial rate is struck on the company's areas.

A most important provision in the agreement is in relation to the present policy of the company in selling its products in all the capital cities and main ports at the same price. While this policy—which has existed for 30 years—continues, the products of the mill will be sold in this State at the same price as they are sold at the Newcastle and Port Kembla works, even though the actual cost of production in this State may be higher. If the policy is changed, the State agrees not to prevent the company from selling its products at a reasonable price, that price to be determined according to Clause 5, subparagraph (1) of the agreement. The agreement may be varied from time to time by the parties, provided there is no substantial variation. The term of the agreement is 50 years. The agreement is to be interpreted according to the law of Western Australia.

The agreement does not provide for anything in regard to the iron-ore deposits at Koolyanobbing, but under Clause 3 of the Bill the Koolyanobbing leases for a period of ten years from the passing of the legislation shall not be declared to be open for mining or to be temporarily occupied except that the State may remove up to 50,000 tons of ore in any year. This 50,000 tons of ore is mentioned because of the needs of Wundowie for pig-iron, Koolyanobbing iron-ore now being mixed with local ore for this purpose. During the period of ten years the State may enter

into an agreement with any person for the establishment within the State of an iron-ore, smelting and steel melting plant of not less than 100,000 tons of pig-iron a year, provided that such person puts up a bond of £100,000. It is provided that in that case, if the plant is completed within six years, the bond shall be cancelled.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Before the tea suspension I was saying, in regard to the Koolyanobbing leases which are to be reserved to the Crown, that during the period of 10 years the State may enter into an agreement with any person for the establishment within the State of an iron-ore smelting and steel smelting plant of not less than 100,000 tons of pig-iron a year, provided that such person puts up a bond of £100,000. It is provided that in that event, if the plant is completed within six years, the bond shall be cancelled. A person under the Interpretation Act includes corporations. It is provided that in that case if the plant is completed in six years the bond shall be cancelled, otherwise it shall be forfeited to the State.

This proposal has three objects. It permits anyone who can put up the necessary capital to develop if he wishes blast furnaces etc., in Western Australia and this, of course, does not exclude Broken Hill Pty. Co. itself. Secondly, it is dovetailed with the provision in the agreement which enables the State to acquire up to 200,000 tons of iron-ore from Koolan Island, if necessary, as will probably be the case for mixing with Koolyanobbing ore. Thirdly, it ensures that if anyone is able to put up the necessary capital for the creation of such blast furnaces, etc., the necessary raw materials will be available and in the possession of the State.

It will be seen therefore that the agreement and the proposed Bill taken together—and they must be taken together for the purposes of the consideration of this matter—envisage an immediate substantial industrial development greater than anything undertaken here before. In addition to undertaking to engage in investigation with a view, if possible, to the establishment of a fuel industry in Western Australia within a reasonable time, ample scope is provided meanwhile if any satisfactory proposal is made from other sources to negotiate with the person concerned and arrive at an agreement if the proposal is soundly based. I know of nothing more that could have been done to conserve the interests of the State.

I stated at the outset of my remarks that I would indicate to the House, by a short history of the Koolan Island leases, just what ineffective efforts have been made over the periods of the last half century to do anything with these leases of a worthwhile nature, either for the benefit of Australia as a whole or for Western Australia in particular. The iron-ore deposits at Cockatoo and Koolan Islands have received attention since 1907, and though 45 years have elapsed, and a number of interests have been concerned, no party other than the Broken Hill Pty. Co. Ltd. has done anything or expended any money with a view to utilising the ore for the production of pig-iron or steel either in Western Australia or in Australia. Nearly every other interest has had as its main objective the sale of iron-ore outside Australia. The history of the leases issued to the deposits on the two islands is as follows:—

> Cockatoo Island: The iron deposits on Cockatoo Island were originally applied for on the 23rd November, 1911, as mineral leases 180H and 181H by Australian Iron Mines Ltd. They were forfeited for breach of the labour conditions on the 23rd October, 1918, on the application of John Thomson. Thomson applied for mineral leases Nos. 255H and 256H, identical with those previously mentioned on the 10th December, 1918.
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> On the 19th March, 1920, he also applied for an additional 48-acre lease, No. 274H. On the transfer of the island to the West Kimberley goldfields the leases were re-numbered 10, 11 and 12. Thomson transferred the three leases to the Public Curator of the State of Queensland on the 20th December, 1920. On the 20th April, 1927, they were transferred to Hoskin, Iron and Steel Co. Ltd. and on the 3rd June, 1930, they were transferred to the present lessees namely Australian Iron and Steel Ltd. The 42-year term of Nos. 10 and 11 expires on the 31st December, 1960, and that of No. 12 on the 31st December, 1961.

Of course it is Australian Iron and Steel Ltd. which is associated with B.H.P. and bound by this agreement that has done the development there, which I mentioned, and which has cost £1,750,000. It has employed about 100 men up to date and this will result very shortly in the provision of about 1,000,000 tons of iron-ore per annum on an increasing basis from that source. The agreement, if ratified, will of course extend the term of that lease co-incidental with the other as the agreement provides. I now turn to the Koolan Island iron deposits. The history is as follows:—

> Koolan Island was originally applied for on the 19th August, 1907, as mineral leases Nos. 128H to 132H by Hugh Percival Kean. On the 7th April, 1910, mineral leases Nos. 161H to 165H were applied for by Australian Prospecting Association and for-

feited for breach of labour conditions on the 23rd October, 1918, on the application of John Thomson. John Thomson applied for mineral leases Nos. 247H to 254H which were renumbered Nos. 2 to 9 when the island was included in the West Kimberley goldfields. Thomson transferred them to the Yampi Sound Electrical Power and Smelting Syndicate on the 30th January, 1923.

This company transferred them to Harold Buckley on the 23rd March, 1932, and Buckley transferred to H. A. Brassert & Co., Ltd., on the 10th March, 1936. H. A. Brassert & Co., Ltd., conditionally surrendered the leases on the 17th September, 1936, upon the granting of new leases Nos. 29 to 35.

These leases were also conditionally surrendered on the 10th March, 1948, on the granting of new leases Nos. 44 to 49. On the 12th May, 1948, Brasserts transferred the group to Koolan Iron Mines Ltd. On the 29th October, 1951, leases Nos. 44 to 49 were forfeited by order of the Minister of Industrial Development under the provisions of the Iron and Steel Industries Act, 1947, and the ground is now reserved under Section 276 of the Mining Act.

The history of Cockatoo Island leases indicates that they were issued in 1911 to Australian Iron Mines Ltd., a company which held them for seven years over the war period, and that they were forfeited on the 23rd October, 1918, for breach of labour conditions to John Thomson, a company promoter. Mr. Thomson hawked the leases to various possible buyers, including English and continental, and eventually in 1920 transferred them to the Public Curator, Queensland. The Queensland Government held the leases for seven years in the hope that a steel industry would be established in that State. After holding the leases for seven years that Government transferred them to Hoskin Iron and Steel Co., which was absorbed into Australian Iron and Steel Co. in about 1930.

Approximately seven years ago the Broken Hill Pty. Co. commenced development of the island with a view to mining the ore. To date it has expended approximately £1,750,000 in the erection of plant for mining, crushing and loading the ore, including wharf, power station, housing, roads, etc. In addition, further millions of pounds have been and are being spent in the construction of special ore-carrying ships. The existing leases which expire, Nos. 10 and 11 on the 31st December, 1960, and No. 12 on the 31st December, 1961, do not prohibit the export of iron-ore from Australia, but under the proposed new agreement the company would not be permitted to export the ore outside Australia. Thus both sets of leases will be subject to export embargo agreement.

The history of the Koolan iron-ore leases dates from the 19th August, 1907, when they were issued to Hugh Percival Kean and apparently were forfeited over the following three years. The Australian Prospecting Association acquired the leases on the 7th April, 1910, held on to them for eight years and forfeited on the 23rd October, 1918, to John Thomson, who on the same date acquired the leases of the Cockatoo Island iron-ore bodies. On the 30th January, 1923, he transferred the Koolan Island leases to the Yampi Sound Electrical Power and Smelting Syndicate, which held the leases for nine years, transferring to Harold Buckley on the 21st March, 1932. Mr. Buckley was an accountant of Perth and associated with him was another Western Australian, Mr. Taafe.

H. A. Brassert & Co. acquired Buckley's leases on the 10th March, 1936, for approximately £25,000. Between 1936 and 1948 the leases were withdrawn and replaced by new leases twice, the final result being that Brasserts held somewhat more than half the known iron-ore deposits on the island. It would appear that Brasserts were then acting on behalf of Japanese interests with a view to shipments of the ore to Japan. A party of four Japanese, comprising one geologist and three engineers, came to Western Australia and discussed the working of the leases with the Mines Department. Testing of the ore bodies proceeded. In about 1938 the Commonwealth Government placed an embargo on the export of iron-ore from Australia, and from that time until 1947 Brasserts did nothing to develop the leases and did not comply with the manning conditions. Members will recall it was then contemplated that the leases should be forfeited, but Brasserts put up an argument that the war period had prevented them from developing the leases.

On the 27th October, 1947, H. A. Brassert & Co. Ltd. entered into an agreement with the Government, which provided that the company would have the right subject to Commonwealth approval to export any or all of the ore to the British Commonwealth or U.S.A.; the Government to have first call up to 1,000,000 tons of iron-ore per annum; the company to be granted exemption from work and labour conditions for four years; the company to arrange for the testing in U.S.A. of 100 tons of iron-ore; the company to have the right to raise capital in Australia, United Kingdom and U.S.A. and in other countries if approved by the Government, and the company to have the right to transfer or assign to any other approved company or body.

It appeared subsequently that these people could act as dummies for any foreign purchaser. The company was under no obligation, implied or otherwise, to expend any money or do anything in connection with the establishment of an iron or steel industry in Western Australia. Unless someone else established such an industry in Western Australia, the company would have had no call to supply ore to the State. Even then the State would have had to provide shipping, and the company's obligation was limited to putting the ore on board, for which it was to be paid full cost—whatever that might be—plus profit. Owing to the fact that Brasserts, over the first four years of the agreement, had taken no steps to develop the leases, the Government on the 27th October, 1951, forfeited the leases. This forfeiture was also ratified by Parliament.

There was a suggested enterprise on a much smaller scale known as Western Steel Enterprises Ltd. The history of that concern in recent times is that, in 1948, Mr. Robert S. Conrow visited Western Australia and became interested in the formation of a company for the development of an iron or steel industry in this State. After discussions with the Government, an agreement was signed on the 19th October, 1948, with Western Steel Enterprises Ltd. providing that as soon as £100,000 should have been subscribed, leases, covering approximately half the Koolan Island iron ore bodies and certain coal-bearing areas in Collie, would be granted to the company, subject to cancellation if production as set out in the agreement were not attained. This agreement was cancelled at the request of the company.

A new agreement was signed on the 9th February, 1949, which required a subscription by shareholders of £150,000 to which would be added the Government's holding up to £150,000, making a total capital of £300,000 before the leases would be issued. The cancellation conditions were slightly eased. As the flotation for a public subscription up to £300,000 was about to be opened to the public, the underwriters withdrew. The total amount subscribed was only approximately £75,000, which meant the abandonment of the project.

Later various proposals were discussed with Mr. Conrow. On the 21st March, 1951, the Government agreed to reserve to the company—

(1) Koolan Island ore leases;

(2) 50 acres Canning Park racecourse.

This was to be for two years subject to three months' notice unless the company submitted to the Government, before the expiration of the three months' notice, a satisfactory proposal. On the 12th September, 1949, Cabinet decided that a further concession of the iron and coal concessions to the company was not warranted. Nothing happened except that correspondence passed, and on the 25th February, 1952, the Government gave the company three months' notice of intention to cancel the reservations and they were subsequently cancelled.

Thus it will be seen that, over this long period of years and notwithstanding agreements for leasing and releasing and forfeiting and transferring, nothing of any practical shape has developed from these resources of the State, except insofar as some valuable work has been done by the B.H.P.. Hence I think it high time that the Co-ordinator of Works and Director of Industrial Development brought before the notice of the Government the possibility of negotiations being entered into successfully with this company to do something of a really practical nature which, in its early stages, will employ directly not fewer than 300 people and, indirectly, I suggest many more, and will provide steel products to meet the demand of the State at the present time and, as I have already said, I am sure will attract to the State other industries of a valuable nature ancillary to the industry already established there.

I feel that, provided the experts can devise satisfactory means whereby the weaknesses of Collie coal as a carbonaceous substance required for the smelting of iron-ore can be overcome and it can be made into a metallurgical coke or used in some other form, we shall have established in Western Australia an integrated iron and steel industry producing 100,000 or 150,000 tons per annum. So I commend to the House the Bill and the agreement which it ratifies, believing that this is the best that could have been done in the circumstances and that it will be of inestimable benefit to the State. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—ACTS AMENDMENT (CONFESSIONS BY NATIVES).

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [7.55] in moving the second reading said: This is a very short Bill designed to alter the law of evidence in so far as it relates to a native as defined in the Native Administration Act. The ordinary law as to confessions is that they must not be obtained by promises of favour or advantage or by the use of threats or pressure by a person in authority. To explain the law relating to confessions applying to an ordinary citizen, I shall quote from Halsbury, Vol. 9, page 394, as follows:—

> All statements relevant to the issue which are made by a party can be proved in evidence against the party

> who made them, unless they are privileged from disclosure, subject to this exception that admissions or confessions of guilt made by a defendant before his trial can only be proved against him if they are made freely and voluntarily, i.e., without being induced by hope held out or fear or threats caused or used by a person in authority.
>
> In giving evidence of such admissions or confessions, it lies upon the prosecution to prove affirmatively to the satisfaction of the judge who tries the case that such admissions were not induced by any promise of favour or advantage, or by the use of fear or threats or pressure by a person in authority. . . . It is for the judge in each case to decide whether on the facts the confession is or is not admissible.

That is the law relating to admissions so far as it applies to the ordinary citizen. It has been felt that, in so far as confessions by natives are concerned, some additional protection should be granted them over and above that granted to the ordinary citizen.

It is well known by those who have studied the natives that they are likely to make a statement in the manner suggested by or in the way they think would be acceptable to any person in authority. Therefore, in my view, such a statement would not be voluntary in the sense that is ordinarily accepted at law and should not be recognised as voluntary. This Bill is intended to provide extra protection in that respect for natives.

Hon. J. T. Tonkin: Will it not be taking away protection?

The ATTORNEY GENERAL: The law is being altered in some respects, but at the moment I am explaining what the Bill provides and later I shall deal with the matters proposed to be repealed. The Bill provides that evidence of a confession sought from a native suspected of having committed an offence and made before his trial on a charge of the offence is admissible at his trial if the judge is satisfied that the confession is admissible according to the law of evidence. I have just quoted the law of evidence—that is, the law which applies to the ordinary citizen—which states that a confession must be voluntary, and it is not voluntary if there is any threat or inducement.

If a judge forms the opinion that a native made a confession merely because of his reputed characteristic to state what he believes the person seeking the confession from him expects him to state, in order to please that person, the confession is to be regarded as having been obtained as a result of inducement, and is inadmissible at the trial. So this extra protection —it is a wide protection—is given to a native in connection with confessions, and it is left entirely to the judge to decide whether the confession was given voluntarily, or whether there was any threat, intimidation or inducement of any nature, and further, whether the native made the confession because of the characteristic of a native to state what the person seeking the confession from him expects him to state.

Hon. J. T. Tonkin: What is the position now?

The ATTORNEY GENERAL: I will tell the hon. member if he will give me the chance. The Bill also seeks to repeal Section 61 of the Native Administration Act, which provides—

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

Hon. J. T. Tonkin: Your Bill does not give any protection. It takes away protection that already exists.

The ATTORNEY GENERAL: It gives a very great protection beyond that given to the ordinary citizen.

Hon. J. T. Tonkin: But it is there already.

The ATTORNEY GENERAL: I know, but I am stating what an ordinary citizen is given, and the additional protection the Bill will give to a native.

Hon. J. T. Tonkin: How can it be additional if it is there already?

The ATTORNEY GENERAL: I said it is additional to that of an ordinary citizen.

Hon. J. T. Tonkin: You are not, by the Bill, conferring any benefit on a native, but taking away something that he already has.

The ATTORNEY GENERAL: I am not taking away anything that is conferred on him by the ordinary law of the country. What I am doing is adjusting an ill-drafted section; and I will show why it is ill-drafted.

Mr. W. Hegney: You do not regard him as an ordinary citizen of the country.

The ATTORNEY GENERAL: The hon. member can debate this later. The position at present is this, that if anyone in authority suspects a native of a serious offence, he must not question the native, even although the native has not committed it; or even for the purpose of clearing up the matter. The position is absurd. There is the possibility that a native has committed a serious offence, but the police must not go near him. That is the ruling given by the Solicitor General.

Mr. Lawrence: Cannot the police arrest him?

The ATTORNEY GENERAL: No.

Mr. Lawrence: They can charge him.

The ATTORNEY GENERAL: No, they cannot. They can do exactly nothing.

Mr. Lawrence: How do these niggers come before the court?

The ATTORNEY GENERAL: There is one instance where a half-caste youth raped a woman of over 60. He could not be arrested and charged with rape. He was arrested and charged with common assault. The unfortunate woman nearly died, but he could not be charged with the offence, because his confession —and he admitted quite freely that he had done it—could not be sought or used against him.

Mr. Styants: This will not alter that position.

The ATTORNEY GENERAL: The following is the view of the Solicitor General on this particular section:—

> It was held by the Court of Criminal Appeal in this State in February, 1952, that the words "admission of guilt or confession" as used in s. 61 (1) of the Native Administration Act are sufficiently wide to include any statement which is incriminating in a material particular (Louis v. the King, 53 W.A.L.R. 81). It had previously been held by the Hon. Chief Justice in Bolton and Parfitt v. Neilson ("The Magistrate," 31st May, 1951, p. 33) that s. 61 of the Act should be given a liberal interpretation in favour of natives.
>
> In my opinion, as a result of s. 61 (1), once a police officer investigating an offence punishable by death or imprisonment—

That section deals only with offences of that nature—

> —in the first instance suspects that any native has committed such offence, the police officer should refrain from seeking from the native any statement which may incriminate him in a material particular.

So we have what is really an absurd position, and one which I am sure no native, or native citizen, would want. There are many natives who are educated to appreciate fully their responsibilities. They do not want protection that is not fair. They only want fair play.

Mr. Needham: What of those who are not educated?

The ATTORNEY GENERAL: They would be subject to the protection in the new provision.

Mr. Lawrence: At the discretion of the magistrate.

The ATTORNEY GENERAL: At the discretion of the judge. It has always been at the discretion of the judge, and we must trust our judges. No native wants more than fair play and justice. They have never demanded it.

Mr. Brady: Where do they get their instruction in regard to morals?

The ATTORNEY GENERAL: What has that to do with this?

Mr. Brady: It has all to do with it in the case you are making up.

The ATTORNEY GENERAL: No. The case I am making up is that no native wants more than fair play and justice. He does not want sympathy for a native youth who has a few beers and then rapes an old woman. This Government has done a hundred times more than did the hon. member's Government for the natives. It has spent thousands of pounds on them. This is the first Government that I have been in that has ever recognised the native. Previous Governments did exactly nothing.

Mr. Brady: What about sub-standard housing?

The Premier: What did you ever do for them?

Mr. SPEAKER: Order!

The ATTORNEY GENERAL: He never did a damned thing! I have no hesitation in saying that every decent native will fully approve of the Bill which gives the native, whether he is educated or not, complete protection. Do members want the position where serious crimes—and this applies only to serious crimes—can be admitted and confessed, but the natives not be able to be charged or reprimanded? Of course not!

Mr. Graham: You are stretching it a bit, I think.

The ATTORNEY GENERAL: I am not. How many prosecutions depend solely on the evidence of the person against whom the crime is alleged?

Mr. Lawrence: Has not a native ever been charged with murder in this State?

The ATTORNEY GENERAL: Yes.

Mr. Lawrence: You just made the statement that he could not be charged.

The ATTORNEY GENERAL: I did not; I said he could not be charged on his own confession.

Mr. Lawrence: You said he could not be charged.

The ATTORNEY GENERAL: Not on his confession. The Bill is altering the law in a sensible way. It gives the native, no matter what his education is, full protection, and it leaves the judge to decide whether there has been any inducement or threat, or whether the native is likely to have made the confession owing to his characteristic habit of saying something to please the person questioning him. I move—

> That the Bill be now read a second time.

On motion by Mr. Brady, debate adjourned.

BILL—ABOLITION OF DEATH PENALTY FOR MURDER.

Second Reading.

MR. GRAHAM (East Perth) [8.14] in moving the second reading said: The Bill is designed deliberately to guard against offending the susceptibilities of all people, and accordingly it does not lay down a hard and fast principle. I want to state at the outset that it does not go nearly as far as I would desire. It has been drawn for the purpose—bearing in mind conflicting viewpoints—of giving it an opportunity to pass through both Chambers. The Bill does not abolish the death penalty. That dread penalty will still be enforceable in cases of treason and wilful murder. I emphasise wilful murder in contradistinction to murder. The primary purpose of this Bill is to remove the death penalty for the crime of murder and to allow the penalty to remain as it is in the other cases I mentioned, not from any support on my own part, but, I repeat, because after long consideration I felt there would be a far greater prospect of this measure passing, whereas there would be a far lesser opportunity if my Bill sought to go the full distance.

Before proceeding to submit my views, might I say first of all that during the past several weeks, since it was first announced that I was to introduce a measure to deal with this matter, apart from one single instance previously, namely in connection with housing, never before have I had so many approaches made to me by organisations, individuals and representatives of the various churches, in writing, telephonically and in person. I sincerely hope that members in both Chambers of this Parliament will have full appreciation of the public conscience in this matter and accordingly give a successful passage to the legislation, particularly, as I indicated earlier, because my original intentions have been watered down.

The Minister for Lands: Are you going to read the communications tonight?

Mr. GRAHAM: I hope and trust that I will be permitted to make my speech in my own way and also that Ministers of the Crown will discuss a matter such as this, where the State takes human life, with the degree of seriousness that the subject warrants.

The Minister for Lands: I just asked you a civil question. Will you read all the communications tonight?

Mr. W. Hegney: Unlike you, no.

Mr. GRAHAM: There is no denying the fact that there is a divergence of opinion, indeed a conflict of viewpoint, in regard to this question. On the one hand there are people, among whom I number myself, who regard the death penalty as being archaic and uncivilised, as being a bestial form of punishment inflicted by a civilised State, a State which teaches above all else the sanctity of human life and then coldbloodedly and deliberately takes it away. On the other hand, there is the school of thought which believes that those who commit murder, irrespective of its degree, are worthy of no other treatment and that capital punishment is necessary as a deterrent.

If the proposition were left at that nothing would be resolved. There would be these two divergent points of view. There would be satisfaction on neither side and a large body of public opinion would remain disturbed, as I believe it is at present. But fortunately this matter can be decided not by theory, not by one viewpoint as against another, but by actual experience in no less than 36 different States or countries throughout the world. Of those 36 there have been one or two cases where there has been a reversion to the death penalty, but this has been because of party politics and not the ethics or merits of the situation.

Perhaps I should emphasise that those 36 States and countries have gone much further than is my intention under this Bill because they have abolished the death penalty in its entirety. I hope that I shall live to see the day, and it will not be too far distant, when a similar state of affairs will exist in Western Australia. Only four years ago, in the British Parliament, the House of Commons passed a resolution in favour of the abolition of the death penalty for the crime of murder with the intention that this scheme of affairs should operate for a period of five years as a trial or testing period. Unfortunately the House of Lords declared otherwise and so the death penalty remains in force in England at the moment.

Mr. Griffith: What was the strength of the voting?

Mr. GRAHAM: It was 245 to 222. I point out that that was during a period immediately following the cessation of hostilities when, throughout the world, the number of serious crimes increased or at least there was an upward movement in the number in some countries of the world. I think that would be a somewhat natural corollary following a world war, particularly in those countries which were seriously affected by it.

The Attorney General: Do you happen to know what year that was?

Mr. GRAHAM: It was in 1948.

The Attorney General: I asked that because a Royal Commission, a distinguished one, has been appointed to go into the position.

Mr. GRAHAM: That is so, and I understand that up to date the Royal Commission has not made any report.

The Attorney General: That is so.

Mr. GRAHAM: It has extended its inquiries over several years and the evidence covers many hundreds of pages; I have some of it before me at the moment.

Mr. Needham: Capital punishment for murder as well as for wilful murder?

Mr. GRAHAM: Yes. As a matter of fact, in most countries the distinction between the various types of murder is entirely different from that which obtains in Western Australia. It is true that there are only two countries in Europe, west of the Iron Curtain, that still retain the death penalty for murder; Great Britain is one and France the other. In all other countries it has been abolished or abrogated by custom and in very many instances over a great period of years.

Mr. Yates: Has the death penalty for treason been abolished in those States?

Mr. GRAHAM: I am unable to answer that question with certainty, but I repeat it will be left in the legislation in this State if my Bill is agreed to. At this juncture I think it would be appropriate to quote from a publication by Viscount Templewood who was Home Secretary in Great Britain during the years 1937 to 1939, a period when there was an anti-Labour Government in power. I do not mention that for any political reasons but it is significant because, generally speaking, Labour sympathisers are more prone to support the abolition of capital punishment. It is my intention to indicate to the House those countries which have abolished capital punishment. They are set out in this volume and they also appear in sworn evidence given before the Royal Commission on Capital Punishment, which is inquiring into this question in Britain at the moment. I shall read from pages 143 and 144 of this volume and it states—

> The following States have either abolished capital punishment by law for the civil crime of murder or allowed it to fall into abeyance by a policy of reprieve. Some of these countries imposed capital punishment after the war on traitors and war criminals.

Then there is a list of these countries and they read as follows:—

> Austria—Abolished 1919 and restored in 1934 under the Dolfuss Government. It was abolished in 1938, restored in 1945 and again abolished in June, 1950.
>
> Belgium—Abrogated by disuse. No execution since 1863 except for one case during 1914-1918 war.
>
> Denmark—Abolished 1930. No execution since 1892.
>
> Finland—Abolished 1949. No execution since 1826 except during the revolution of 1918.
>
> Holland—Abolished 1870. No execution since 1860.
>
> Iceland—Not included in Penal Code on establishment of the Republic in 1944.
>
> Italy—Abolished 1889 and again 1948. No execution for murder 1877-1931. (Reintroduced for some political crimes 1926 and for certain types of murder 1931).
>
> Luxembourg—Abrogated by disuse. No execution since 1822.
>
> Norway—Abolished 1905. No execution since 1876.
>
> Portugal—Abolished 1867.
>
> Roumania—Abolished 1864. No execution since 1838. (Restored for political crimes 1938).
>
> Sweden—Abolished 1921. No execution since 1910.
>
> Switzerland—Abolished 1942. No execution since 1924. (Previously abolished in 1874 but in 1879 cantons given power to reintroduce it. Fifteen remained abolitionist, 10 restored death penalty but had only 7 executions in 45 years).
>
> U.S.S.R.—Abolished 1947. (Restored for some political crimes in 1950).

The Premier: Plenty of political crimes.

Mr. GRAHAM: That may be so.

Mr. Styants: How did the Premier get behind the Iron Curtain to find that out?

The Premier: You know that.

Mr. GRAHAM: As already indicated, it is being left in the Criminal Code, under my Bill, for the political crime of treason. The statement continues—

> Western Germany—Abolished by Bonn Constitution 1949.
>
> United States of America—

and there are only six States mentioned in which the death penalty has been abolished and, in the majority, during the last century. Then follows a list of South and Central American countries—

> Argentine—Abolished 1922.
> Brazil—Abolished 1891.
> Colombia—Abolished 1910.
> Costa Rica—Abolished 1880.
> Dominica—Abolished 1924.
> Ecuador—Abolished 1897.
> Honduras—Not included in Constitution of 1894.
> Mexico—Abolished 1928.
> Panama—Abolished 1903.
> Peru—Discontinued for about 50 years. (Reintroduced for political crimes 1949).
> Uraguay—Abolished 1907.
> Venezuela—Abolished 1863.
> Australia—
> Queensland—Abolished 1922. No execution since 1913.

New Zealand—Abolished 1941. No execution since 1935.

India—

Nepal—Suspended for five years by decree in 1931. Not reintroduced.

Travancore — Abolished November, 1944.

Accordingly it will be seen that there are many countries of totally different types, racially, economically and in every other regard that have considerable periods of experience of abolishing the death penalty for the crime of murder, and apparently are content to continue with the reforms they have introduced. It is my intention to make one other quotation because I feel that Viscount Templewood, the British Home Secretary for several years, is able to express himself in fewer words and more deliberately than I could in giving a general summary. This is what he states—

> Before, however, I deal in greater detail with the question of the alternative punishment of murderers in abolitionist states, I must answer the strongest argument that is used against abolition. Many thousands of excellent men and women are sincerely convinced that capital punishment is an indispensable deterrent to murder. "Remove it," they say, "and no one will be safe. Murder will stalk the country undeterred. The weak and the aged will lose an essential protection. Thieves will make a habit of carrying arms, and of freely shooting to kill when the police try to arrest them. Convicted murderers will not hesitate to attack prison warders when death ceases to be a punishment that can be superimposed on a long sentence." All these fears are genuinely held by a great and respectable body of men and women of all kinds. The only way to reassure them is to convince them that none of these terrible results have followed abolition in the 36 States where there are no executions. This being so, it surely cannot be maintained that there is some exceptionally dangerous element in the British character that will explode if a check is removed that has been found unnecessary for less law-abiding communities.

Mr. Bovell: Could you quote the figures of the murders that have occurred in other countries since they have abolished the death penalty?

Mr. GRAHAM: I could, but it is not my intention to do so on account of the time factor. However, let me continue and I believe in a general way I will be able to satisfy the member for Vasse.

Mr. Bovell: I would like to have heard the figures.

Mr. GRAHAM: To continue—

> I do not compare the murder rate of one country with that of another. There are too many differences of custom, temperament, and social conditions to make any such comparison reliable. The statistics upon which I make my assertion that in no other country has the abolition of capital punishment increased the murder rate, are based upon figures taken over a period before and after the abrogation or repeal of the death penalty. These figures not only show that there has been no increase in the rate of murder, but also that there has been no check in any downward curve where the rate of murder was already falling at the time of abolition.
>
> The experience of the thirty-six abolitionist States clearly shows that abolition does not increase the number of murders. I do not go so far as to say that it reduces the number of murders. I restrict myself to the assertion that it does not increase the number. Murder, in fact, depends on many different factors: social, economic, racial, the existence of a strong police force, the habits of people in carrying arms, the national temperament, and many others. The existence of the death penalty is a comparatively insignificant factor in the murder rate.

This publication, which I obtained from the library of our local University, is available to any member who cares to read the observations made by a British ex-Minister of the Crown; one who had direct experience in the question of the supreme penalty and one who obviously has gone to a great deal of pains to gather information from all parts of the world. It may not be out of place to quote one more short paragraph to show the experience of the State of Kansas in the United States of America. This is what is contained in a report prepared in November, 1949—

> "We are unable to determine any appreciable difference in the murder rate, per capita, during any period of our Statehood. The average was about the same before the abolition of capital punishment as during the years in which we had no such law. Since the reinstatement on our Statutes of the death penalty, the rate, per capita, approximates that for any other period. In other words, the fact of the law being there, does not seem to make any change in the commission of murder."

From both sides of the Atlantic there is testimony, backed by the experience of many different States and countries, to show that the death penalty does not act as a deterrent because, in fact, irrespec-

tive of the type of country or the circumstances under which the people live, the trend of murders is, generally speaking, unaffected whether or not the death penalty is in existence in those countries. Members will recall that a hanging occurred in this State earlier this year. I make no comment or criticism of the Government in respect to that. I merely point out that since that time two persons have been arrested on a charge of murder. In one case there was a double murder. Accordingly, in our own experience in the past two months, we know that there are circumstances under which certain individuals will commit this extreme crime irrespective of what the penalty might be.

If my Bill is accepted by this Parliament, it will merely be giving effect to what I believe was the opinion of the great majority of the people of Western Australia, namely, that whereas the penalty of hanging was inflicted for the crime of wilful murder, in the case of murder a penalty other than that of death was imposed. From what I have been able to ascertain, that, with one exception, has been the practice that has been followed in Western Australia ever since this State has had self-government. So the intention is to give effect to a procedure that has been followed almost without exception throughout the years.

Mr. Yates: What is the procedure in the other States of the Commonwealth?

Mr. GRAHAM: I am afraid I cannot answer that adequately. As I indicated earlier there are considerable differences, not so much in regard to the penalty, but in regard to the interpretation of the crime. I understand, for instance, that with many of our cases in Western Australia where offenders are tried for murder, in other parts they would be tried for manslaughter. So it is difficult to make an exact comparison.

Mr. Griffith: There is an extremely grave difference between the crime of murder and manslaughter.

Mr. GRAHAM: It is a question, of course, of the interpretation that is placed upon the crime either by precept or by statute.

Mr. Griffith: I think it will be found that it goes a bit further than interpretation.

Mr. GRAHAM: I say one or the other, but I confess I do not know everything about this subject although I have spent a great deal of time in collating the facts that I am endeavouring to submit. I know there is a strong emotional appeal towards the aspect of the question I am submitting. I place before the House the viewpoint that there was a time when it was common practice for there to be public hangings, torture, floggings of one sort or another, balls and chains, thumbscrews, racks, stocks, transportation and all sorts of cruelties and, in many cases, scandals perpetrated upon those who had breached the law. However, in the course of time there has developed a different approach to the question, and I believe that in the year of 1952 we can take the humble step that is proposed in the measure that I place before the House.

Mr. Needham: Do the Criminal Codes in the Eastern States differentiate between murder and wilful murder?

Mr. GRAHAM: I am afraid I cannot answer that. In Great Britain when it was proposed that the death penalty should be abolished for offences against property —there were hundreds of charges upon which people were liable to be executed —fear and concern were expressed as to what might happen to law-abiding citizens unless the most repressive measures were imposed against lawbreakers of the day. Notwithstanding these protests, a certain clemency was introduced into the legislation of that country and the fears were found to be groundless. We are fortunate in knowing of the experiences of other countries. The Bill is merely a stepping stone to the ultimate objective which, as I have said earlier, will be brought about before the passage of very many years.

It is admitted that in Western Australia there is the prerogative of mercy under which any person found guilty of murder or wilful murder, in respect of which there is no discretion vested in the judge other than to condemn such person to be hanged by the neck until he is dead, may be reprieved, and there is almost invariably in such cases intervention by the Governor, or, more strictly speaking, by the Government. Here I feel it has been a matter where the decision should rest with Parliament itself, which should make a determination upon the issue rather than that it should be left to a handful of individuals.

To illustrate what I mean and without any disrespect to those who comprise the Government today, or at any previous period, I say that the decisions of such Governments are made without the calling of witnesses, without seeing the accused, and without any of the publicity that is one of the principal safeguards of what we know as British justice. The decision in such cases to a very great extent depends upon the mentality of the individuals who for the time being comprise the Cabinet. It depends upon their personal convictions and, in very many instances, upon the political platform of the party they support.

In the case of the person who met his death in the Fremantle gaol a few short months ago, I venture to assert, without any shadow of doubt, that had a Labour Government been in power at the time, that man would still be living. I repeat, and desire to make myself perfectly clear, that I am not in any sense speaking in criticism of the Government, which acted in accordance with its beliefs.

The Attorney General: And in accordance with the law of the land.

Mr. Griffith: And after the man had been given a fair trial.

Mr. GRAHAM: I am not questioning that for one moment. The point I am endeavouring to make is that surely it is obvious to everyone that it is palpably wrong that the life of an individual, irrespective of what offence he has committed, should depend upon the political complexion of the Government of the day.

Mr. Griffith: Is it not palpably wrong to take the life of another man?

Mr. GRAHAM: I am not arguing that for one moment. If the member for Canning cannot appreciate my point of view, I suggest he remain silent. In respect of anyone liable to suffer the extreme penalty and irrespective of the crime the individual has committed, I contend—I do not think anyone can deny it—that it is a terrible thing that the life of the offender against the law should depend upon the political complexion or the platform of the Government of the day. Surely everyone will agree that that is wrong, and that it would be a far better thing to give legislative effect to what I suggest.

The Premier: There have been some hangings while Labour Governments have been in power in this State.

Mr. GRAHAM: I am aware of that, but I am certain that they did not occur when the offence was one of murder. I wish the Premier would not interrupt along those lines, because if there is one thing more than another I desire regarding the discussion of this Bill it is that party politics shall be left out of it.

Mr. Manning: And you are bringing it in yourself!

Mr. GRAHAM: If the member for Harvey will remember what I said a few minutes ago, he will realise that I mentioned parties and I did not condemn or criticise the present Government in any way, neither did I applaud the Labour Government or Labour Party or its platform. I say it is wrong in an important matter such as this, that the fate of a human being should depend upon the party that happened to be in power at the time. It is something that should be laid down definitely in our legislation.

The Attorney General: I think you will agree with this that, when it is laid down in legislation, the law should be carried into effect as it stands.

Mr. GRAHAM: I would be inclined to agree with that proposition.

Mr. Manning: The decision on such matters should be left to a highly-trained judge.

Mr. GRAHAM: There are certain matters that should be determined by Parliament, and it is the job of the judiciary to interpret the law as it stands.

Mr. Manning: And what are you doing?

Mr. GRAHAM: I am not satisfied with the law as it stands, and therefore it behoves me to seek the amendment of it.

The Minister for Health: You will remember that a Bill was passed by this House some time ago and members of all parties voted for it.

Mr. GRAHAM: That is so. I think it was in 1940. The Minister for Health, who was then a private member, introduced a Bill to abolish entirely the death penalty. The Bill was agreed to by a substantial majority in this Chamber, members of all parties supporting it. I think three members of the present Government supported it, but, unfortunately, the measure was defeated on the first reading in the Legislative Council by one vote. I trust I have made it abundantly clear that the fate of a person found guilty of such a serious offence should not hinge on the ideology or the political platform of the group that happens to occupy the Treasury Bench in this Chamber for the time being.

Mr. Manning: Then leave it to the judiciary to decide.

Mr. GRAHAM: I almost despair of certain members! Apparently the member for Harvey suggests that in no connection whatever, irrespective of how bad, according to our convictions, we may consider any law to be, must we do anything, but leave it to the judiciary to deal with.

Mr. Kelly: That is defeatist talk.

Mr. GRAHAM: Why not be honest and "barrack" for the abolition of Parliament altogether?

Mr. Bovell: In these cases the jury decides upon the verdict, not the judge.

Mr. GRAHAM: I am not trying anyone at the moment. No one is arraigned before me on a murder charge, but I am endeavouring to deal with a principle regarding penalties for these offences, not leaving it to the Government in power at the time. Here in Western Australia a guilty person under the present procedure is left in a frenzied state of suspense awaiting the decision of Executive Council, which may be in either direction.

Mr. Griffith: What happened to a man named Jackson?

Mr. GRAHAM: I have not been guilty of dealing with individual cases and my only reason for mentioning one was that it was comparatively recent, and therefore would probably be in the minds of members.

Mr. Griffith: In the Jackson case—

Mr. GRAHAM: I do not desire to discuss individual cases.

Mr. Griffith: Only when it suits you!

Hon. J. T. Tonkin: In any event, the Jackson case was dealt with by the present Government.

The Premier: You left it to us to deal with.

Hon. J. T. Tonkin: Anyhow, he hanged himself.

Mr. Griffith: But you passed the case on.

Mr. SPEAKER: Order!

Mr. GRAHAM: Sometimes I feel there must be some justification for murder!

Mr. Griffith: And you can join me in that expression of opinion, too.

Mr. GRAHAM: I am informed not only by people in Western Australia, but by some in other States of the position that has arisen in instances where there is doubt regarding the decision to be made by the Executive Council. The waiting has a tremendous effect upon the prison officials with whom it is a case of, "to be or not to be." The suspense has a terrifying effect upon the whole of the prison population.

One cannot easily envisage the effect it must have on the relatives of the person who has been found guilty of the offence. That is abundantly borne out in cases within our knowledge in connection with which the period of suspense and all the attendant feelings of horror create a tendency for the sympathy of the public to shift from the victim to the accused person. There is no question about that. There is the development of an opposite psychology to that which should prevail. In many respects, public feelings are outraged because of what the fate of this hapless individual may be, and thus sympathy tends to be diverted to the individual who is a law-breaker, a person who has committed a terrible crime.

The true feelings of the community should be against the person guilty of such an offence and they should look forward to the individual concerned receiving his just deserts, whatever they might be. Thus our legislation has an inverse effect on account of the extreme death penalty which is repugnant to so many. Speaking of the question of Executive Council making its decision, Viscount Templewood asked himself this question—

> Am I certain that in every case I made the right decision?

His answer to that query was—

> I cannot honestly answer, "Yes."

In other words, the British Home Secretary recognised that, in common with other bands of individuals, he, too, is fallible in this as in respect of other matters. For those who feel there should be stern penalties provided, experience has shown that the more rigid and severe the law in civilised countries has been regarding the ultimate penalty to be suffered, the greater has been the use of reprieves, commutations and expedients of all kind to avoid the extreme penalty of death. That is to say, those who occupy responsible executive positions in this and other countries hesitate before allowing the law to take its full course. Surely that suggests that a law of that nature is not a particularly good law!

By way of contrasting the humanitarian aspect of civilised and democratic countries, it is interesting to observe that it was the totalitarian countries that placed the greatest store by death and showed the least consideration for the value and sanctity of human life. Practically all homicide cases are somewhat different and therefore I feel that, if the death penalty is to be retained, there should be a greater classification than exists at present. It is surely going from the extremes when we proceed from the death penalty to the penalties for the much lesser charge of manslaughter.

In the bulk of the States in the U.S.A., provision is made for murder of the first degree and murder of the second degree. Capital punishment is applicable in those States which have such a penalty only where there is murder of the first degree, and then only if there are no extenuating circumstances. So it will be seen that there is great reluctance throughout the United States in this matter, although in all fairness I have to say that practically every State varies slightly from every other State. I believe that those who commit murder are mentally sick, that they are chronically unbalanced, suffer from mental aberrations and are easily driven by uncontrollable passions and impulses.

The Premier: Some of the murders are premeditated weeks beforehand.

Mr. GRAHAM: I do not deny that for one moment, but I think it will be generally agreed that there is something off balance about the type of mind that will coldly and calculatingly lay down all the plans and schemes for the purpose of taking the life of another. Notwithstanding several thousand years of research and medical science, we know very little about the human mind. It is not so many years ago when people who today would be easily recognised as being mentally unbalanced and would be placed in institutions, were chained downstairs in cellars and left in the dark, being periodically hosed and having buckets of water tossed over them because they were supposed to be possessed of the devil, or something of that nature.

Fortunately, in the more obvious cases of mental disease we know something about the matter and deal with it. But where the mental upset demonstrates itself in different ways from those to which we are generally accustomed, we regard the offender as being perfectly sane and balanced and believe that merely from wilfulness he sets out to do something as

dreadful as taking the life of another. I do not think that is so. I believe that some day, when we fully understand the workings of the human mind, there will be ample explanation of such happenings.

To take a mere example with regard to a series of simple offences. I would point out that some people have that tendency known as kleptomania. They cannot restrain themselves no matter where they are, from helping themselves to other people's belongings. In other instances this disease or complaint manifests itself, unfortunately, in more violent demonstrations, even to the extent of taking the life of another. But because our knowledge and understanding of the human brain have not developed sufficiently, surely it is a policy of negation and desperation that the State, which does not understand fully and completely the complex mechanism of the human mind, should decide that the life of certain individuals who do these things should be taken rather than that they should be examined and, if possible, treated.

I understand it is true that most murderers do not spring from the criminal class; that very many of them are first offenders. I suggest that that gives strength to the point I have just made: That there is some perversion about them and that we do not fully understand the operations of the human mind. In England, from the beginning of this century up to 1948, a period of nearly 50 years, there were no fewer than 7,318 murderers. It is interesting to note, however, that of that number only 617 were executed. There were 450 of those found guilty of murder who were reprieved.

Members will probably be astounded when I tell them that of those who served prison sentences, of all those hundreds in the last half century, the average period served in gaol was seven years. Accordingly, there must be in England at the present day hundreds of people who have committed murder but who are walking the streets of London and other places as free as any other citizen. But in only one single case that I have been able to trace has a second murder been committed, and in that instance there were most exceptional circumstances.

A young man, after being released, went into the Army and had certain experiences there. He was a difficult customer to deal with; and because of certain mental disturbances he was discharged. He then found that his wife and young family had walked out on him. He took unto himself a mistress of particularly bad repute, and over some quarrel, with passions roused, he turned the gun on her and so was up on the second charge. But I understand that that is the only case where a person convicted of murder and subsequently released from prison has been guilty of a second offence.

The Attorney General: I understand that a woman who was tried for murder in this State was subsequently convicted of another murder.

Mr. GRAHAM: In this State?

The Premier: Not in this State.

The Attorney General: Outside the State.

Mr. GRAHAM: That is possibly so, just as individuals in Western Australia at the present moment, who are decent, reputable persons and who have no conviction against them for any offence, may in the course of the next ten years be arraigned before the courts of justice on the charge of murder. There is no doubt about that. But it comes back to the point that one swallow does not make a summer. Here in Western Australia, and in the Commonwealth, bearing in mind the experience of Great Britain, there must be very many persons who have been convicted of murder and who have served long sentences in prison but who are free to go about normal business at present.

The best thing to do for these hapless murderers is to put them away somewhere where they are unable to repeat their anti-social acts and there let them be examined and treated and, if possible, cured. Surely the objective should be to prepare wrongdoers of whatever type for re-entry into civilian life. If they are nursed for mental stress, eventually they can surely be made to appreciate the enormity of the crime they have committed. They can be encouraged and granted certain concessions after a period for good behaviour and reliability, and following a full and proper examination.

It is not a question of allowing so many human beings to rot in their prison cells, because prison work is diversified and can be made even more diversified. Experience shows that persons who are serving long terms of imprisonment are far easier to handle by the prison authorities than those who have shorter periods of sentence. There is an initial difficult time and prisoners tend to become more tractable later on. In other words, the very nature of the sentence allows some moulding and direction to be done by those in authority.

Then perhaps we could introduce an innovation by providing that there should be a charge on the labour of the prisoner for the purpose of effecting some reparation to the relatives—the widow or the family—of the victim. At present a grievous harm is perpetrated and there is no recompense to the unfortunate family left behind. If these prisoners were released after having served their sentences, they could be required as a condition of their release to report at intervals for some stipulated period.

It is my honest belief that the severity of penalties is not a deterrent. If we want a classic example of that, it might be pointed out that we have very greatly stepped up the penalties for drunken drivers. These were increased a number of years ago, shortly after I entered this Parliament, and again in the last year or two. Notwithstanding that, the number of charges for drunken driving has rapidly increased.

Mr. Bovell: Because the penalties are not severe enough.

Mr. GRAHAM: I am not suggesting this is a parallel, but if we like to introduce a little logic into the situation we can say that the more we have stepped up the penalty, the greater has been the rate at which the crime has been committed. That is not an argument but an historic fact; it is the experience of Western Australia. I believe that the way to deal with this question is to strengthen the Police Force and increase its effectiveness. That, of course, is done by new systems and devices of detection by the police themselves. But there is no greater deterrent than the certainty of being found out.

Mr. Bovell: You are endeavouring to take away protection from the Police Force by introducing this Bill.

Mr. GRAHAM: Of course I am seeking to do nothing of the sort, and the member for Vasse knows that perfectly well!

Mr. Bovell: Three policemen have been murdered in the execution of their duty —two of them wilfully.

Mr. GRAHAM: What of it?

Mr. Griffith: That is a beautiful statement!

Mr. GRAHAM: I throw it back in the teeth of the member for Canning . The penalty for that offence is hanging by the neck until the person is dead. Did that prevent those crimes? If there was any reason behind the action, it was that in the mind of the person committing the offence there was the belief that by killing the policeman he could escape, which gives additional effectiveness to my argument that if there is no prospect whatsoever of a person escaping detection and a subsequent penalty, that is the greatest deterrent that can be offered and the greatest protection to any group of people.

Mr. Griffith: And when he does not escape you let him off his crime. Is that the idea?

Mr. GRAHAM: I let him off nothing, and that is not proposed.

Mr. Griffith: That is what is proposed.

Mr. GRAHAM: I find that notwithstanding the length of time I have spoken, the words I have uttered and the facts I have endeavoured to adduce have apparently fallen in certain cases on barren ground. I hope that will not be the reaction of the majority of members of this Chamber and subsequently of members of of the Legislative Council. To summarise my remarks—I emphasise this—there is no factual evidence that can be adduced from any part of the world, after experience in certain instances of over a hundred years, to show that the total abolition of the death penalty has resulted in an increase in the murder rate of any such country. Under this measure, of course, it is not proposed completely to remove the death penalty, although that penalty, to my mind, denies the very principle upon which it is claimed to be inflicted—the sanctity of human life. I say that hanging is repugnant to the dignity of human life.

Mr. Bovell: So is murder.

Mr. GRAHAM: Any anti-social act is repugnant to decent citizens. I hope that ultimately the legislature of this State will say, "We will not kill." This Bill is a halfway measure; in other words, it is an instalment of that objective. I hope and trust it will have a favourable reception by both Chambers of this Parliament. I move—

> That the Bill be now read a second time.

On motion by the Attorney General, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

MR. GRAHAM (East Perth) [9.17] in moving the second reading said: This very small Bill will not take long to introduce. When persusing the Criminal Code for the purpose of presenting the measure that I have just introduced, I was astounded to find that, under Section 678, it is possible for an aboriginal native who is to be hanged, to be hanged in public. It will be sufficient, perhaps, merely to read the appropriate portion of that section. It reads—

> The punishment of death is executed by hanging the offender by his neck until he is dead. The execution, except in the case of an aboriginal native offender, is required to take place with the walls or enclosed yard of a prison.

It continues—

> The punishment of death in the case of an aboriginal native offender may be carried out at such place as may be appointed by the Governor, and if the place appointed be without the walls of a prison, the foregoing provisions, except as to the means of execution, do not apply, but the execution is required to take place in public, and in accordance with regulations prescribed by the Colonial Secretary.

It is perfectly true that, at any rate within recent years, when aboriginal offenders have been hanged, the hangings have not taken place in public, but it is a blot upon the Legislature of this State that we should have on our statute book a provision making such a distinction between the white citizen and the aboriginal native. I do not know whether it is true, but it has been alleged that a certain ex-member of this Chamber actually witnessed the public hanging of a native.

The Premier: It must have been very many years ago.

Mr. GRAHAM: That may be so, and I suppose it was meant to act as a deterrent to other natives witnessing the terrible spectacle. I suppose the idea was that it would make them ponder deeply before breaching the law to an extent that would permit them to be dealt with in that way. I have here a short quotation which I think would be appropriate on this occasion. It was prepared by the British Home Office for submission to the Royal Commission on capital punishment, and was submitted in 1949. It says—

> Executions formerly took place in public. Though the publicity was deterrent in intention, they became in practice a degrading form of popular entertainment which could serve only to deprave the minds of the spectators.

In 1868, it was enacted that execution for murder should in future be carried out within the walls of a prison. That was enacted in Great Britain in 1868, so surely, in Western Australia in the year 1952, something should be done to make our law reasonably civilised. I disagree with the provision in the existing statute and it is nauseating to think it should allow a process such as this to be carried out in public. I am also opposed to it because of the discrimination between Australian aboriginal natives and other citizens of the community. If the testimony of the ex-member of this Chamber has any substance, the reaction of the native population in the northern part of Australia was similar to that of educated people in England a hundred years ago. They just swarmed round and thoroughly enjoyed the show. The whole thing is brutal and disgusting, I think the Bill is one that will commend itself to all thinking members of both Houses. I move—

> That the Bill be now read a second time.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [9.24]: This provision was inserted in the Criminal Code many years ago. The Criminal Code was originally drafted from other statutes that had been enacted at a still earlier time. As members know, the law evolves and, during the last two or three hundred years, ideas relating to punishment for various crimes have advanced with the advancement of the thought and education of the people. Admittedly, this provision is archaic, and in my opinion it should be deleted from the statute. I therefore support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

MOTION—ORDERS OF THE DAY.

As to Postponement.

The PREMIER: I move—

> That items 9 to 13, inclusive, on the notice paper, be postponed.

Hon. A. R. G. HAWKE: I think the Premier might very well have devoted the remainder of this sitting to consideration of private members' business in the order in which it appears on the notice paper. We know that in the ordinary course of events private members' business has to take its turn, and that each such item comes forward in its proper sequence. It is true that private members' business is normally dealt with only on Wednesdays, but this evening, because of a shortage of Government business, the Premier has allowed time to be given to consideration of private members' business, and we have taken the items on the notice paper in their proper order and sequence up to the present, the last item of business dealt with being No. 8 of the Orders of the Day.

The Premier has now moved that we should jump over Items 9 to 13 inclusive, for the purpose of dealing with Item No. 14. Most of the items which it is proposed to postpone are of considerable importance. Item No. 9, the next in order of priority, proposes to appoint a Select Committee to inquire into the methods adopted by a firm known as Snowden & Willson. That motion was moved three or four weeks ago by the member for Maylands, who on that occasion made strong and even startling allegations against the firm. From that time until now those charges have remained hanging over the heads of the firm. The speech and charges made by the hon. member against the firm received wide publicity, yet right until now no opportunity has been given those concerned to have the charges heard either by a Select Committee or, preferably, by a judicial authority. Now, when we might move on to further consideration of this motion, the Premier wishes to bypass it for the purpose of dealing with a Bill which aims to amend the Licensing Act.

The Premier: I am trying to oblige one of your members when I bypass it.

Hon. A. R. G. HAWKE: It happens that the Premier would not be proposing to deal with Item No. 14 if the member in charge of Item No. 17 had been in a position to go ahead with his Bill. In any event, Item No. 14, which is the item the Premier wants us now to consider, is not in my opinion as important or as urgent as Item No. 9 or Item No. 12, or Item No. 13 or No. 15.

Item No. 12 proposes the appointment of a Select Committee to inquire into the difficulties of the goldmining industry. Item No. 13 proposes an inquiry into the production and distribution of super within the State, and Item No. 15 proposes an inquiry into War Service Land Settlement in Western Australia. Those items I have mentioned in my judgment are much more important than Item No. 14 and also more urgent, although I do not desire to depreciate in any way the importance or urgency of Item No. 14. In the circumstances I think the Premier ought to devote the rest of today's sitting to the items on the notice paper in the order of priority in which they appear. I hope he will see his way clear to agree with that suggestion.

The PREMIER (in reply): As I indicated by way of interjection, I postponed Item 9 because the member for East Perth had already spoken at considerable length on his two Bills and did not wish to have to speak immediately on Item No. 9, of which he secured the adjournment. So I told him we would not go on with that particular item tonight. Why I asked the Leader of the Opposition to agree to Items Nos. 14, 17 and 18 being taken is because they are Bills and not motions, and we are anxious to get all Bills to the Upper House as quickly as possible. I meant to tell the Leader of the Opposition when we came to the House this evening—it escaped my mind—that I had hoped to introduce the Budget on Thursday, but owing to my urgent call to Canberra I do not think I will be able to introduce it until Tuesday.

Of course, when the Budget is introduced it will take as much discussion as the Loan Estimates will, and we find that the Bills do not get the consideration we would like them to have. So I thought in the circumstances, seeing that these particular matters could be dealt with pretty briefly, that it would be a good idea to have these two Bills introduced tonight. Unfortunately they are not ready and when I found they were not ready I thought we could proceed with Item No. 14, which is the Bill introduced by the member for Geraldton. If the Leader of the Opposition prefers we should not go on with Item No. 14 tonight I am quite easy about it.

Hon. A. R. G. Hawke: Would the Premier take the other items in the order in which they appear?

The PREMIER: No, I am not prepared to go on with the other items.

Hon. A. R. G. Hawke: That is not a reasonable proposition.

The PREMIER: But I am prepared to let the member for Geraldton have his Bill dealt with.

Hon. A. R. G. Hawke: It is either that or nothing.

The PREMIER: I thought I was being co-operative.

Question put and passed.

BILL—LICENSING ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 1st October.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [9.36]: As members know, the amendment to the Licensing Act last year, and particularly to Section 122, set out the conditions under which liquor could be sold or consumed on a Sunday on hotel premises, or under a wayside house license outside an area having a radius of 20 miles from the Perth Town Hall. Under the conditions of the Act liquor may be sold by the licensees of those premises between the hours of 12 and 1 or 5 and 6 p.m. The Bill seeks to apply the same provisions to Australian wine and beer licenses, and in particular to an Australian wine and beer license that exists in the district which the hon. member who introduced the Bill represents, namely, Geraldton. An Australian wine and beer license is described in the original Act and it authorises the sale of wine or beer made in any State of the Commonwealth in any quantity on the premises named in the license, such wine to be made from fruit grown in the Commonwealth.

As members know, hotel premises have to provide accommodation and meals and a general service to the public by supplying those requirements in country areas to travellers and other persons who have occasion to be in country towns. There are other licenses, such as an Australian wine license, which authorises the licensee to sell and dispose of on the premises named in the license any wine made in a State of the Commonwealth produced from fruit grown in the Commonwealth for consumption on the premises or otherwise. There appears to me not to be any great distinction between that classification of license and the license known as the Australian wine and beer license.

It is admitted that the Australian wine and beer license permits the licensee to sell beer in addition to wine. That being the case, if it is a wise thing not to permit the sale of wine in wine shops on a Sunday in the country, then I suggest that it would not be wise to permit the sale of wine and beer under an Australian wine and beer license. Sunday trading was granted to premises after very careful consideration, and it was meant to

supply the undoubted requirements of country travellers and country residents. As members know, on the Goldfields it had been the custom for many years for Sunday trading to be permitted not under any law of the land but under executive act.

It was also well-known to members that the custom of permitting country hotels to trade for short periods on Sunday had grown up. I suggested to the House that it was time these customs should be regularised and definitely controlled. That point of view the House accepted. But I do suggest there has been no pressure and no demand for such licenses as wine licenses to permit Sunday opening and I do not think it should be permitted.

Mr. May: There is this particular hotel.

The ATTORNEY GENERAL: It is not a hotel at all. It only holds an Australian wine and beer license. It does not have an Australian wine license.

Hon. A. R. G. Hawke: Does an ordinary hotel on Sunday not sell wines?

The ATTORNEY GENERAL: They may but I do not think the hon. member would suggest that we permit wine sales on Sunday in the country.

Hon. A. R. G. Hawke: I suggest that if a place sells beer and wine it is entitled to be open.

The ATTORNEY GENERAL: I think the classification is in the nature of the premises. An hotel has to supply proper accommodation, washing facilities, restrooms, lounges and everything that is suitable for the needs of the country residents in country districts. There is no suggestion that we should open hotels in the metropolitan area, because there are other amenities here.

Hon. A. R. G. Hawke: How many wine and beer licenses are there outside the metropolitan area?

The ATTORNEY GENERAL: As far as I know, one; this particular one.

Mr. Graham: One only?

The ATTORNEY GENERAL: Yes, as far as I am aware, there is one. Are we to legislate for one case? To do so would be very bad principle. I cannot draw any legitimate distinction between premises suitable for the sale of wine and beer and premises suitable for the sale of Australian wine. We must deal with these matters on the basis of principle, not merely because there happens to be one license of this type outside the metropolitan area. Should the licensee in question apply to the Licensing Court for a full license, I believe that careful and favourable consideration would be given to his application.

Hon. A. R. G. Hawke: What if his premises were unsuitable?

The ATTORNEY GENERAL: He would have to build new premises. That is one of the main considerations. If he built premises suitable for a publican's general license, I believe the court would be ready to convert his license to a publican's general license. It is well known that the Legislature does not approve of licenses of this type because the Act provides that no more of them shall be granted. In my view, the sooner the type goes out of existence, the better.

Mr. Graham: What about the one in Perth?

The ATTORNEY GENERAL: I would say the same about that one; I do not think it is a suitable type of license. The proper type of house to sell liquor is a hotel. The type in question should not receive additional privileges and not other wine licenses. Are we going to say that, because this house may sell beer and wine, it is to have special privileges? Hotels have to provide accommodation, meals, washing facilities and rest rooms.

Mr. Graham: What have those things to do with the question of two hours of trading on Sunday?

The ATTORNEY GENERAL: The hotels provide certain facilities for those who wish to drink on Sunday. I cannot approve of this place being granted a special privilege and not extending the same privilege to every wine saloon in the country. If it is right in the one case, why not in the other cases? I do not think members wish to see wine saloons open on Sunday. I for one would not approve of that being permitted.

Mr. Sewell: Neither would I.

The ATTORNEY GENERAL: Then how can the Murchison Inn be distinguished from a wine saloon except that it sells beer as well?

Mr. Yates: It is practically a hotel.

The ATTORNEY GENERAL: It is not. How can it be when all it holds is merely an Australian beer and wine license?

Mr. Griffith: It accommodates guests.

The ATTORNEY GENERAL: No, it does not. How can this license be compared with a hotel license? There is provision in the Act for a hotel license as well as a publican's general license. We should not set out to be obliging in just one isolated case. We have to deal with the matter as one of principle. We should ask ourselves whether we desire that liquor should be sold on Sunday on premises other than a general hotel or wayside license. If members are desirous of that, then they would be justified in extending the privileges to these premises. If members believe in that principle and vote in that way, I cannot see how they could refuse to extend the privilege to any Australian wine license in the country.

Mr. Graham: Is there any valid reason why it should not be so extended?

The ATTORNEY GENERAL: I think there is, although I do not propose to argue it. Personally, I would not approve of it. That is a matter that may be discussed at some future time.

MR. W. HEGNEY (Mt. Hawthorn) [9.52]: I happen to know the Murchison Inn—the establishment involved in the Bill under discussion. It is an old established place in Geraldton. I was in Geraldton 35 years ago, and it was recognised as an old-established place then. As I see it, the very fact that this inn is not permitted under the licensing law at present to open on Sunday means that the ordinary customers are obliged, if they want a drink, to go somewhere else. All the Bill seeks to do is to bestow on the establishment the same right under the law as applies to the Victoria Hotel or the Great Northern Hotel, or any other licensed house in the Geraldton district.

The Minister's argument is not very strong when he says that we will be bestowing a privilege on this particular establishment if the Bill passes. The same argument could be advanced so far as the metropolitan area is concerned. The Minister says that there are amenities for the people in the metropolitan area. But there are amenities just outside the metropolitan area, and where are we going to draw the line of demarcation?

The Attorney General: You did not try to alter the principle.

Mr. W. HEGNEY: The general question is not under discussion now. All the Bill seeks to do is to give to the particular establishment known as the Murchison Inn the same right to trade on Sunday as is bestowed on other licensed establishments in the Geraldton district.

The Attorney General: It is not bestowed on others; that is the point.

Mr. W. HEGNEY: There is only one concern involved.

The Attorney General: No.

Mr. W. HEGNEY: So far as I know.

The Attorney General: There is only one in this Bill. Why not the wine licenses?

Mr. W. HEGNEY: The Bill involves only one concern. I think I am right in saying that. If passed, it will give the right to the proprietors of the Murchison Inn to sell ale on Sunday in the few hours specified in the amended Act. As I see it, there are numbers of men in the district who desire a drink on Sunday. They use the Murchison Inn as their rendezvous during the week.

The Minister for Health: How many hotels are there?

Mr. W. HEGNEY: So far as I know, there are eight or nine, but it would not matter if there were 90. The principle is that during the week the people who own the inn are subject to the same law as those who conduct the other hotels in the district.

The Attorney General: No, they are not.

Mr. W. HEGNEY: They have to close at 9 o'clock.

The Attorney General: They are not subject to the same law.

Mr. W. HEGNEY: I would put it this way: The trading hours are the same. The trading hours being the same during the week days it is desired, to be logical, that the same trading hours should apply on Sunday.

The Attorney General: Would you say that with regard to wine licenses, too?

Mr. W. HEGNEY: We are not dealing with wine licenses.

The Attorney General: Yes, you are. This is a wine license.

Mr. W. HEGNEY: If the Attorney General is going into the whole question of licensing, he is opening up a bigger argument than he thinks. There is nothing to stop the Minister introducing an amending Bill to allow wine saloons to open on Sundays.

The Attorney General: I do not think that would be a good idea.

Mr. W. HEGNEY: We are not dealing with the general question of wine licenses, but an Australian wine and beer license in which one concern is involved. Why quibble over the one concern? The circumstances of the district have to be taken into account. Geraldton is 300 miles north of Perth and the police can inspect the trading concern at the Murchison Inn on Sunday the same as on Saturday. It is a reliable concern and a respectable one, and has existed for many years. People in the Geraldton area, who look upon the inn as their place for a drink during the week, should not be prevented from going there on Sunday if they desire to do so. In those circumstances I am happy to support the Bill.

HON. A. R. G. HAWKE (Northam) [9.57]: I was one of the minority in this House who opposed the legislative move to allow legalised Sunday trading at hotels in country districts. I take it for granted that the ordinary hotel which is now allowed legally to trade during two separate periods on each Sunday is licensed to sell wine as well as beer and licensed also, presumably, to sell spirits. Therefore, under the existing law, we allow premises which are licensed to sell wine and spirits and beer to trade legally during two separate sessions on each Sunday.

The Attorney General: And they are obliged to supply meals.

Hon. A. R. G. HAWKE: Not under the amending law as we passed it to allow these separate trading sessions on Sundays.

The Attorney General: But they are obliged to do so.

Hon. A. R. G. HAWKE: Not under the amending measure I am talking about, which gives them the legal right to sell beer, wine and spirits on Sundays.

Mr. Griffith: If they have a publican's general license they have to be able to stand up to certain specifications.

Hon. A. R. G. HAWKE: I know. That is not enforced upon them in relation to their Sunday trading activities.

The Attorney General: Yes, it is.

Hon. A. R. G. HAWKE: It is not.

The Attorney General: You have to read the whole section; you cannot pick out one portion.

Hon. A. R. G. HAWKE: The provisions to which the member for Canning is referring were placed upon the holders of a publican's general license long before the Act was amended to allow two periods of trading on each Sunday.

Mr. Griffith: But you will agree that the Act permits those hotels to trade for two periods on Sunday that are qualified to trade. This place is not qualified.

Hon. A. R. G. HAWKE: I say this place is qualified to trade on Sunday, to sell wine and beer. Why is it not qualified to do so?

Mr. Griffith: Because it does not hold a publican's general license.

Hon. A. R. G. HAWKE: That is the legal angle. But there is no impediment that would prevent these premises from supplying beer and wine in the two limited trading sessions on each Sunday. These are the only premises of the kind in country districts. The Attorney General asks whether it is reasonable and just to pass the Bill to deal with only one establishment. I say it is abundantly just if the circumstances warrant such action. We cannot wipe a Bill off simply on the ground that it deals with only one person.

The Attorney General: I did not put up that argument. I put it up in reverse. I said we should not legislate because it happens to be one.

Hon. A. R. G. HAWKE: I say we should legislate if it happens to be one if, in the circumstances, it is just and reasonable to do so.

The Attorney General: That is quite right.

Hon. A. R. G. HAWKE: The justice of the situation ought to be the test; not the question whether one person or one establishment is involved.

The Attorney General: That was my argument.

Hon. A. R. G. HAWKE: I say the Attorney General did not prove his argument. What legitimate objection can there be to allowing this establishment to trade for one hour on a Sunday morning, if that be the period, and one hour on Sunday afternoon?

The Attorney General: The same objection that there would be to allowing the holder of a wine license to do the same thing.

Hon. A. R. G. HAWKE: I do not know what that objection is, but I say there is a great difference. These premises—the Murchison Inn—would to a large extent trade in the same way as the hotel 100 yards up the street, so far as Sunday trading is concerned. It would serve beer and wine to its customers, the same as the other hotels do at Geraldton.

The Attorney General: And in just the same way as an Australian wine licensee sells wine.

Hon. A. R. G. HAWKE: A person with an Australian wine license is not legally licensed to sell beer, and that is the vital difference between a wine shop and premises such as the Murchison Inn.

The Attorney General: That is so; and is there any argument in that?

Hon. A. R. G. HAWKE: I feel inclined to appeal to the Deputy Premier, but I will not do that. I say that for all practical purposes, in regard to these limited periods of trading on Sundays, the Murchison Inn premises are by and large on a parallel with the ordinary hotels at Geraldton. The hotels there are allowed to trade during these limited periods on Sunday, and the Murchison Inn, in common justice and fair play, ought similarly to be permitted to trade. The people who would go to the Murchison Inn during these limited trading periods would, in the great majority of instances, go to buy beer. Odd ones might want to buy wine. They would not go there for a meal, even if one were available, and they would not go there, as someone suggested by interjection, to wash their hands or to have a bath. They would not go there to book a bed for the night but would, as the great majority of people at Geraldton go to the ordinary hotels, go there to have a glass of beer or a drink of wine.

Now that it is the law for hotels to have limited trading periods on Sundays, I think Parliament would not be doing anything more than reasonable justice if it were to give the Murchison Inn, as is proposed by the Bill, the right to trade on a similar basis. As I said in opening,

I was one of those who opposed the suggestion to allow limited trading periods for hotels on Sundays when the Attorney General introduced his Bill here some months ago. However, that measure became law, and it seems to me that the proposition contained in the Bill of the member for Geraldton is, in the circumstances, fair and reasonable, and I hope the House will pass it.

MR. SEWELL (Geraldton—in reply) [10.5]: The Attorney General is trying to make a mountain out of a molehill. I cannot understand his strong objection to the Bill, which deals with only a small matter. The parallel he has drawn between the Murchison Inn at Geraldton, to which the Bill applies, and a wine saloon is, I think, quite wrong. There is all the difference in the world between this establishment and a wine saloon. The Murchison Inn is licensed to sell wine and beer. It is mainly a beer-selling house, depending on beer for its livelihood. It also has accommodation of a limited kind. Over the years, with the war intervening, there has been no chance of adding to the premises.

The Minister for Works: Is there any proposal to increase the accommodation?

Mr. SEWELL: I could not answer that interjection. I think it comes within the province of the Licensing Court, not within ours. The Minister for Works knows the establishment nearly as well as I do. It has been there for about 40 years, and to my knowledge there is nothing against it in any way.

The Attorney General: It is just a beer house.

Mr. SEWELL: There is no lounge attached to it, if that is what the Attorney General means. It sells beer.

The Attorney General: Just a bar where beer is sold.

Mr. SEWELL: It is quite a respectable house, run in a respectable manner. I cannot see why the licensee and the owners should not enjoy the privilege contained in the Act, as amended last year, of being allowed to trade on a Sunday.

Mr. Griffith: Why has not the Murchison Inn a publican's general license?

Mr. SEWELL: The member for Canning could see the Licensing Court about that, or the owners of the property. I do not know the answer to his question.

Mr. Griffith: It is your Bill.

Mr. SEWELL: As I said before, there is limited accommodation. It is not correct to say that it would be a wine-drinking house, and that for it to have this provision would be an injustice to the other houses in the town. I do not think the licensees in Geraldton would agree with that contention. I would say there is enough trade for all. No doubt the clients of this establishment consider they should be allowed to patronise it on a Sunday as they do on a week-day. I commend the Bill to the House.

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

Ayes	19
Noes	21
Majority against	2

Ayes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Read
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. W. Hegney	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Brand	Mr. Oldfield
Dame F. Cardell-Oliver	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Yates
Mr. McLarty	Mr. Bovell
Mr. Nalder	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Coverley	Mr. Ackland
Mr. Hoar	Mr. Hutchinson
Mr. Nulsen	Mr. Cornell
Mr. May	Mr. Doney

Question thus negatived.

Bill defeated.

House adjourned at 10.13 p.m.