

**Legislative Assembly,***Wednesday, 9th December, 1925.*

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

### QUESTION—TRAMWAYMEN'S UNIFORM.

Mr. MARSHALL asked the Minister for Railways: 1, Is it a fact that on Monday, the 30th November, conductors and motormen were prevented from permitting their uniform to remain open at the neck? 2, Is it a fact that regulations supporting this action are in existence? 3, If so, will he take the necessary steps to liberalise the regulations so that the blouse-shirt may be used during the oppressive part of the year?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Regulations are in existence which provide that conductors and motormen shall be neat and tidy in their dress. 3, If it is demonstrated that it is necessary to alter the regulations this can be done.

### QUESTION—ELECTRIC COOKING, COTTESLOE.

Mr. NORTH asked the Minister for Railways: Will he lay upon the Table the file dealing with electric cooking in the Cottesloe district?

The MINISTER FOR RAILWAYS replied: No. But if the hon. member desires to see the papers they will be made available.

## BILLS OF SALE ACT AMENDMENT BILL—SELECT COMMITTEE.

### *Extension of Time.*

On motion by Mr. North, the time for bringing up the report of the select committee was extended till the next sitting of the House.

## BILLS (2)—FIRST READING.

1, General Loan and Inscribed Stock Act Amendment.

Introduced by the Premier.

2, Cottesloe Electric Light and Power Bill.

Introduced by the Minister for Railways.

## BILL—BRITISH IMPERIAL OIL CO., LTD. (Private).

### *Third Reading.*

THE MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [4.39]: I move—

That the Bill be now read a third time.

On the second reading the Leader of the Opposition asked for particulars of the proposed lease. Briefly, the conditions of the lease are:—Term, 99 years; area, 6 acres; rental, from £500 per annum, rising at 10-yearly intervals at 15 per cent. compound interest to £1,758 18s. 8d. for the last term. The lease is to be granted for the purpose of the storage of petroleum products and oil in tins, or drums and tanks. Plans of the proposed buildings or tanks to be approved by the Minister for Lands and the Fremantle Harbour Trust Commissioners. An agreement to be entered into with the Fremantle Harbour Trust Commissioners. Expenditure of £10,000 during the first two years of the term. Actually the company intend to go on with the work at once and spend about £60,000. Occupation to commence six months from the date of the commencement of the lease; no transfer or sub-lease without the approval of the Governor. Questions in regard to non-observance of conditions are to be settled under the provisions of the Arbitration Act, 1895, except in respect to resumption or failure to pay rent. The Crown to have the right to purchase im-

provements after 25 years at value to be determined under the Arbitration Act, 1895.

Question put and passed.

Bill read a third time and transmitted to the Council.

## **BILL—LOAN, £4,000,000.**

### *Message.*

Message from the Governor received and read recommending the Bill.

### *Second Reading.*

**THE PREMIER** (Hon. P. Collier—Boulder) [4.42] in moving the second reading said: This is the usual Loan Bill brought down each year, and is required to provide authority to the Government to borrow money for expenditure on the works and services detailed in the schedule and totalling £4,000,000, including the cost of raising the loan. The appropriation has been made in the Loan Estimates. Two loans for us were included in the overseas loan raised by the Commonwealth in July last, namely, £1,500,000 in America and £500,000 in London, bearing 5 per cent. at £99 10s. That was portion of the Commonwealth £20,000,000 loan. A loan was raised recently in London, the terms being 5 per cent. at £98. We were just ready to go upon the market when the embargo was placed on foreign borrowing. The result was that we were delayed some weeks, and when the embargo was lifted the terms were not quite so good as were offering prior to the imposition of the embargo. This reduced our authority to £1,000,000, which is being reserved to cover special loans from the Commonwealth on account of immigration under the agreement with the Imperial Government. This exhausts our loan authority. To cover the expenditure set out in the Loan Estimates, which this House has passed, it is necessary to obtain authority from Parliament to borrow for the carrying on of these works. This will take us on probably for another 12 months. The Bill merely gives authority to the Government to borrow. That is its sole purpose.

Hon. Sir James Mitchell: Not to spend?

The PREMIER: No. The money is appropriated under the Loan Estimates. The Bill will give the Government no authority except to borrow. It is necessary that any

Government should have authority to borrow, as may be required to carry out works, the money for which has been appropriated under the Loan Estimates. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

### *In Committee.*

Mr. Luley in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to raise money for certain purposes:

Hon. Sir JAMES MITCHELL: I suppose the Premier will take advantage of the cheap money provided by the Commonwealth and British Governments for certain works. A sum of about a million and a quarter is already expended, and the money can be had by the Government at 1 per cent.

The Premier: The Minister for Lands has arranged for half a million straight away. A quarter of a million was paid in last week, and there will be a like sum paid in this week.

Hon. Sir JAMES MITCHELL: We shall still have two millions at the cheap rate. I think the Premier paid a little more than 5 per cent. on his London money.

The Premier: It is expected that for the next borrowings Australia will pay about  $5\frac{1}{4}$  per cent.

Hon. Sir JAMES MITCHELL: The rate of interest is a material factor when making our purchases. If we pay a higher rate of interest than we have to pay in London the Australian purchases become so much dearer. I think we ought to buy Australian made goods if we can, but if so Australia must provide money at the same rate as the British people, otherwise we cannot afford to make our purchases in Australia. I suppose our purchases of railway material will be as great as those of any other State during the next few years. The rate of interest must, therefore, be taken into account. We cannot afford to pay a higher price for our goods as well as an additional rate of interest. Of course, money can now be transferred.

The PREMIER: The point is an important one. Last year there was a fairly considerable difference between the rate of interest in Australia and London. From now

on any money obtained in Australia should be available at about the same rate of interest as it can be obtained in London. The loan placed by the Commonwealth in Australia in October, 1924, was raised at £98 10s. at 6 per cent. I think that was the dearest money ever raised in Australia for Government purposes. Our share of that loan was £1,231,000, and the cost to us was £6 10s. In July, 1925, a loan was raised in London by the Commonwealth Government for the State. This was part of the £20,000,000 loan, three-quarters of which was raised in America and one-quarter in London. The rate of the London portion was 5 per cent. at £98 10s. Our share was £500,000 and the cost to us was £5 5s. 3d.

Hon. Sir James Mitchell: That was a short term loan.

The PREMIER: Yes, I think for five years. Of the amount obtained in New York we received one and a half millions. That was raised at 5 per cent. at £99 10s., and the cost to us was £5 4s. 10d. The loan raised last month in London was for two and a half millions. We intended to raise £2,000,000. There was, however, a loan falling due in December of this year of half a million pounds to the A.M.P. For the renewal they asked a rate of interest which I thought was too high. I considered I could obtain cheaper money in London. I then decided to add half a million to the proposed two million loan, and pay off the A.M.P. out of it.

Mr. Thomson: Was your judgment sound?

The PREMIER: Yes. The A.M.P. were asking  $5\frac{1}{2}$  per cent., and we raised two and a half million at 5 per cent. at £98, and the total cost to us was £5 4s. 7d. By borrowing in London we saved 5s. 5d. per cent. The rate of interest is, therefore, down from 6 per cent. last year to  $5\frac{1}{4}$  at par in Australia this year. It is somewhere about the same in London. Our last London loan worked out at about  $5\frac{1}{4}$  per cent. We shall be able to get as much money as we require in Australia next year. As a result of a meeting of the Loan Council held last week it is expected that the rate of interest will be  $5\frac{1}{4}$  per cent., which is a considerable reduction on last year's interest.

Hon. Sir JAMES MITCHELL: It is satisfactory to know that the rate of interest is coming down. Last year the 6 per cent. money was borrowed by the Commonwealth at short term. I am sorry to see so much borrowing in Australia

The Premier: They are anxious to restrict our borrowing in London as much as possible.

Hon. Sir JAMES MITCHELL: As we pay two millions in interest in London, we could borrow up to that sum without trouble.

The Minister for Lands: The money is not in London.

Hon. Sir JAMES MITCHELL: It is wonderful what London can do in the way of finding money. Borrowing in Australia is better avoided. It interferes with private enterprise, and puts up the cost of money. We have raised enormous sums in Australia.

The Premier: And over £20,000,000 of this is new money.

Hon. Sir JAMES MITCHELL: The money is largely used in Australia. Our exports of wool and wheat represent considerable sums. I know there will be difficulty about borrowing in London. Although the Premier borrowed in England at a lower rate than he could have borrowed from the A.M.P., there is no doubt that society has been useful to us in lending money from time to time. Their rate of  $5\frac{1}{2}$  per cent. for 15 years was a good one for an Australian loan. In renewing a loan of that kind, there are no brokerage charges.

The Premier: At the time I decided not to renew the loan I stated that I was expecting a point better in London. I was then expecting £99 and £99 10s. That was before the embargo.

Hon. Sir JAMES MITCHELL: I do not think that at any time we should pay a higher rate of interest than we are obliged to; but the offer to renew was, in the circumstances, fairly satisfactory. The embargo was merely temporary, but it made all the difference.

The Premier: I think that if Britain is compelled to impose an embargo again, it will not be imposed on Australian loans.

Hon. Sir JAMES MITCHELL: No, especially as we are settling British people here.

Mr. Teesdale: Britain has a few calls besides ours.

Hon. Sir JAMES MITCHELL: Certainly. However, this is private money, and not British Government money. Britain has to keep her people at work, and so she must lend her money where it best suits her to do so. As we close our ports to British goods by raising our tariff, naturally we must expect more difficulty in borrowing at

Home. Australia has to pay in some way for its tariff, and Western Australia pays more than any other Australian State, since we get no advantage from the tariff. I am greatly obliged to the Premier for the information he has supplied.

Clause put and passed.

Clauses 3 to 6—agreed to.

First Schedule:

Mr. SAMPSON: In connection with the item of £5,000 for pine planting and purchase of land, is it intended to utilise prison labour to any extent?

The Premier: The matter has not been considered.

Mr. SAMPSON: Will it be considered?

The Premier: It may be.

Mr. Thomson: Where is it proposed to do the pine planting referred to in the item?

The PREMIER: Between Harvey and the coast, where there is some land that is available and considered suitable. Possibly some more planting will be done out north from Wanneroo. The item includes £700 for the purchase of a property on the watershed of the Harvey reservoir, where some pine planting has already been done. The property rather spoiled the pine plantation, and therefore a part of it was purchased.

Mr. Thomson: Some years ago there was a proposal to establish a pine plantation on the Albany Harbour opposite the town of Albany.

The PREMIER: That has not come under my notice. I do not know whether that locality is suitable for pine planting.

Mr. SAMPSON: When in the Eastern States and in New Zealand I made it my business to go into the question, and learnt that the results of prison labour applied to reforestation were very good indeed. In Rotorna, in the North Island of New Zealand, land practically useless for any other purpose has been planted with upwards of 90 millions of trees, most of them pines; and that work has largely been done by prison labour.

The CHAIRMAN: Though the item deals with pine planting to discuss how the planting is to be done is out of order.

Schedule put and passed.

Second and Third Schedules, Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—ROAD DISTRICTS ACT AMENDMENT.

*In Committee.*

Resumed from 1st December; Mr. Lutey in the Chair, Minister for Works in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 38 which refers to the insertion of a new section after Section 172 and provides authority to a board to construct a drain through another district.

The MINISTER FOR WORKS: I move an amendment—

That in line five of the proposed new section, after "the" the words "council of the" be inserted.

Amendment put and passed.

Mr. THOMSON: Has any provision been made whereby a district affected by the drainage works necessary on account of another district, may secure redress? Is any right of appeal provided? It is quite possible that work in connection with the drainage of one district may result in water lodging in portions of another district, thus involving the latter district in added expense. Why was it necessary for this proposal to be included in the Bill?

The MINISTER FOR WORKS: The trouble is that no matter how necessary a work may be, no board has power to spend money outside its own boundaries. There have been instances in which, owing to the levels, it has been necessary to spend money outside the boundary of a district in order to make drainage effective. The clause will overcome that difficulty. The terms on which such works may be carried out will be arranged by the Minister with the boards concerned.

. Hon. Sir James Mitchell: Reference is made to draining public or private land. Is it intended that the board shall have the right to drain private property?

The MINISTER FOR WORKS: It may be necessary to go through private property in order to drain the district.

Hon. Sir JAMES MITCHELL: I can understand that it may be necessary to take a drain through private land, but as the clause reads it is ambiguous. We should not give a local governing authority power to drain private land seeing that the Government are the only ones empowered to do that under the Drainage Act. It would be wrong to give local authorities the right to

drain private persons' properties and enable them to levy charges against the owners. If the clause merely applies to drainage works, required by a board for its own purposes, then it is a different matter.

The Minister for Works: That is all that is intended.

Hon. Sir JAMES MITCHELL: The wording is ambiguous. If the Minister will go into the question and advises us that the position is properly safeguarded, before we agree to the third reading, it will be all right.

The Minister for Works: I will have the matter looked into.

Clause, as amended, put and passed.

Clause 39—Insertion of new section after Section 173; local authorities to unite in construction and maintenance of certain drains:

Mr. THOMSON: Some provision should be made in the clause to enable the Minister to apportion the cost to districts concerned, one of which may benefit to the extent of 75 per cent. and the other to only 25 per cent.

The Minister for Works: The Minister has to make the arrangement between the local authorities and he would charge according to the benefits obtained.

Hon. Sir JAMES MITCHELL: The Minister will have to look into this clause as well, as it affects private lands.

The Minister for Works: Yes, I see that.

Hon. Sir JAMES MITCHELL: The point made by the member for Katanning is important. I think the Minister would have power to allocate the costs as between two local authorities, but it should be made perfectly clear.

Clause put and passed.

Clause 40—agreed to.

Clause 41—Amendment of Section 194:

Mr. THOMSON: It is proposed to amend the section by the addition of the words, "or for acquiring or building agricultural halls, libraries, or reading rooms, and for acquiring sites for such buildings." It is not the function of a road board to acquire sites for or to build agricultural halls; they are generally under the control of a committee. It is usual for a road board to build a hall in the centre of the road district.

The Minister for Works: The Act provides power to keep such buildings in order and the Bill provides power for the acquisition of the buildings mentioned.

Mr. THOMSON: In large districts there is generally a main hall or a town hall, and I want to know whether a road board would have power to subsidise or assist in the erection of halls in other parts of the district.

The MINISTER FOR WORKS: The present Act gives power to subsidise. This clause will give power to acquire or build.

Hon. Sir James Mitchell: That is a very different power.

The MINISTER FOR WORKS: It is a very necessary power. In many districts the local agricultural committee really constitute the road board.

Hon. Sir James Mitchell: There could be many agricultural halls in a district.

The MINISTER FOR WORKS: Regardless of the number, the board could assist.

Mr. Sampson: A recent road board conference requested this power.

Clause put and passed.

Clause 42—Amendment of Section 196:

Mr. SAMPSON: I move an amendment—

That in line four of paragraph (a) the words "not be allowed in respect of rates not paid by the 31st day of August of the year in which the rates have been imposed" be struck out, and the words "be allowed only in respect of current rates not paid within 30 days of date of assessment notice being posted" inserted in lieu.

This relates to the payment of discount on rates. It is impossible in most instances for road board secretaries to issue the rate notices and give sufficient time to ratepayers to pay by the 31st August. July and August are busy months for road boards, and secretaries usually have to work a good deal of overtime. If the secretary was unable to issue the rate notice in time, it would be unfair to deny the ratepayers the benefit of discount. The allowing of discount induces some people to pay more promptly than they otherwise would.

Mr. Thomson: And that saves an overdraft, too.

Mr. SAMPSON: That is so.

The MINISTER FOR WORKS: This provision has been inserted owing to the neglect of a number of boards to get their rate notices out in reasonable time.

Mr. J. H. Smith: It is almost impossible to get them out before the end of August.

The MINISTER FOR WORKS: A number of boards have not got them out until October, and then have allowed 30 days. A ratepayer, after having had the use of the

money for four months, would then be granted the discount. Rates are struck in July and should be paid by the 30th September. I shall accept an amendment to that effect.

Mr. SAMPSON: Would the Minister agree to a further provision to cover special circumstances, subject to his approval?

The Minister for Works: Yes.

Mr. J. H. SMITH: The suggestion to substitute September for August is a wise one and should be fair to all concerned. Special circumstances might arise in outback districts and the Minister should have discretion to grant an extension of time.

Mr. SAMPSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by Minister for Works, "31st day of August" was struck out of line five of paragraph (a) and "30th September" inserted in lieu.

The MINISTER FOR WORKS: I move an amendment—

That the following proviso be added to paragraph (a):—"That the Minister in special circumstances may agree to extension of time for a period not exceeding one month."

Amendment put and passed.

Mr. THOMSON: In paragraph (b) it is proposed to give road boards drastic powers in respect of hoardings. The Act provides that road boards may make regulations for controlling the erection and maintenance of hoardings in any townsites. The Bill provides that regulations may be made (a) for compelling the use of hoardings, fences, lights, and other appliances where works are in progress on land or premises abutting on a street or land under the control of the council, and (b) for the regulation and control of bills, placards or advertisements attached to or pasted or painted on hoardings, whether the same are erected on private property or on any public place. I draw attention to the fact that the Commissioner of Railways is using railway trucks for advertising purposes, and that we find inside and outside tram cars all kinds of advertisements. What I object to is that power should be given to control advertisements on private property. I would like to hear what the Minister has to say about that.

The MINISTER FOR WORKS: The clause is taken verbatim from the Municipal Corporations Act. The clause does not say

that the boards shall take drastic steps; it merely gives them the power to do so if they wish to take such steps. If they do not think fit to exercise that power, they will not exercise it. Recently the Cottesloe municipality took strong action in regard to hoardings and the owners of those hoardings immediately shifted them to the other side of the street in the area controlled by the Peppermint Grove Road Board. In that area they were just as unsightly as they were in the Cottesloe municipality, but the road board had no power to take action. The clause will give a road board the same power that is possessed by a municipality.

Hon. Sir JAMES MITCHELL: The railways will still have the power to erect hoardings.

The Minister for Works: They get revenue from those hoardings; the road boards will be able to do the same.

Hon. Sir JAMES MITCHELL: But the road boards should not be given power to get revenue from hoardings on private property. The Minister should be content to allow the clause to apply only to streets and townsites, instead of which it extends to all land. The road board would be able to refuse permission to an owner of a block of land to erect a hoarding on it.

The Minister for Works: If a road board did that, it should not be allowed to exist any longer.

Hon. Sir JAMES MITCHELL: The Railway Department do that now and a road board will also do it. The clause will apply to all land, not only Crown lands.

Mr. THOMSON: Paragraph (b) provides for the regulation and control of placards and advertisements on hoardings. I move an amendment—

That all words after "hoardings," in line three down to "or," in line five, be struck out.

I am in business in Katanning, and I have advertisements painted on my walls and roof. Under this provision it would be within the power of the road board to say that I must remove them. Clearly under this paragraph I would have to ask the permission of the board before erecting any advertisement on my business premises.

Mr. SAMPSON: This is not an innovation. Already it is competent for municipal councils to regulate or even prohibit advertisements on buildings. The provi-

sion does not make it mandatory on local authorities to do these things; they are merely given power to regulate advertisements on hoardings. There is no suggestion in the provision that a hoarding is a building, and so I am doubtful whether the display of advertisements on the hon. members premises could be disallowed. In any event, the local authority should have power to prevent the disfigurement of prominent walls with ugly advertisements.

Mr. J. H. SMITH: I will support the clause. The member for Katanning (Mr. Thomson) is under a wrong impression. This provision for regulating advertisements on hoardings cannot apply to business premises. It is only right that the local authority should have power to regulate hoardings.

Amendment put and negatived.

Mr. THOMSON: Paragraph (c) gives the local authority power to order the removal from a hoarding of placards or advertisements considered to be objectionable. Who is to say what is objectionable? The board themselves. There is to be no appeal. I move an amendment—

That in lines four and five the words "or of any bill, placard, or advertisement attached to or pasted or painted thereon" be struck out.

That will restrict the power of the local authority to order the removal of any hoarding considered dangerous or objectionable.

Amendment put and negatived.

Mr. SAMPSON: I move an amendment—

That the following be added to Subsection 41 of Section 196:—"or way and to prescribe the class of fence to be erected thereon."

Many road districts are closely settled areas, and so it is desirable that the fence shall be prescribed.

Mr. LAMBERT: The hon. member has given us no reasons for the amendment. How can he expect us to support it in those circumstances?

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

Amendment put and passed.

Mr. LAMBERT: Mr. Chairman, I would draw your attention to the fact that I was on my feet when you put the amendment.

The CHAIRMAN: I did not see you.

Mr. LAMBERT: I take great exception to that. I was on my feet, and you deliberately looked at me and put the amendment.

Mr. CHAIRMAN: I delayed putting it and waited at least two minutes for someone to call. I did not see you. It is your duty to call. The amendment has now been carried, and the words have been inserted in the clause.

Mr. LAMBERT: I must enter my protest against that line of conduct.

The CHAIRMAN: Order! The hon. member must at once resume his seat.

Mr. LAMBERT: I was on my feet at the time, and you deliberately looked at me. If you are going to—

The CHAIRMAN: Order! The hon. member must resume his seat.

Mr. LAMBERT: You know very well—

The CHAIRMAN: I did not see the hon. member and he did not speak when I put the amendment. I waited and had a good look round the Chamber before putting it. I must ask the hon. member to use different language towards the Chair than he has been using, or I shall have to take immediate action.

Mr. LAMBERT: I should like to point out—

The CHAIRMAN: Do you wish to move an amendment?

Mr. LAMBERT: I was on my feet and actually engaged in speaking when the Committee adjourned for tea.

The CHAIRMAN: I am not sure about that. Is that so?

Members: Yes.

The CHAIRMAN: That puts a different complexion upon the matter. I stated the amendment, waited for some time, and as no one spoke I put the amendment. If the member for Coolgardie was actually speaking I will call back my decision and leave the amendment still before the Committee.

Mr. LAMBERT: I think members know I was on my feet.

Mr. Maley: Yes, you were.

The CHAIRMAN: Then the hon. member did not continue when I put the amendment.

Mr. LAMBERT: I thought you would know it was my intention to continue.

The CHAIRMAN: I did not see the hon. member on his feet.

Amendment reinstated.

Mr. LAMBERT: It would be dangerous to follow the example set out in the Act governing municipalities, and give road

boards power to prescribe in certain areas the class of fence to be erected. I hope the amendment will not be agreed to. We should be chary about giving road boards these powers. Their functions should be carried out only in those areas that are more or less sparsely populated.

Mr. DAVY: I am not aware that municipalities have power to prescribe the type of fence that shall be erected around a person's property.

The Minister for Lands: They can prescribe the kind of fence abutting on a road.

Mr. DAVY: That is no argument for giving road boards similar power. They may choose to prescribe a brick wall instead of a fence. I do not suppose any more brains will be found in a district council than a road board.

Mr. J. H. SMITH: I shall vote for the amendment. Many people allow their fences to become dilapidated, and even choose to put up a barbed wire fence. The local authority should have power to compel owners within a township to erect a suitable fence. I am sure the power will be exercised with discretion.

Hon. Sir JAMES MITCHELL: We are dealing with towns as well as country districts. It is, therefore, difficult to define exactly the power that should be given to road boards. No one would object to open country remaining unfenced, but that might not apply to a town. Would not the power be restricted to towns?

The Minister for Works: The road board can prescribe the area on which it shall exercise this authority. No doubt townships would be prescribed.

Hon. Sir JAMES MITCHELL: The Minister would not allow a road board to compel a man to fence his farm in a certain way.

The Minister for Works: No.

Hon. Sir JAMES MITCHELL: The Bill will cover such places as South Perth, Katanning and other large centres.

Mr. THOMSON: The amendment will mean that if a fence is abutting on a right of way as well as a road, the board will be able to prescribe the type of fence on both sides. I do not think that power was ever sought. Boards wanted to prevent vehicles from taking short cuts across a new footpath. I move—

That the amendment be amended by striking out the words "or way."

Under the present Act, I believe, only a post-and-rail fence can be erected.

Mr. Davy: A way is a road.

Mr. THOMSON: But it might be taken to mean a right-of-way.

Mr. Davy: No. A road is defined by the Act.

Mr. SAMPSON: I am amazed that proposals to enable the country districts to develop should be opposed by country members. Local authorities ought to be empowered to see that rights-of-way are properly fenced for one thing in order to prevent them from becoming receptacles for rubbish. That applies to the city as well as to the country. I am surprised that the member for Katanning should consider any sort of fence to be suitable in the rising town of Katanning. Rights-of-way ought not to be open to wandering stock.

Mr. Davy: Your amendment will not achieve its object.

Mr. SAMPSON: The same words occur in the Municipalities Act. Every modern country gives towns these powers. If a by-law is unreasonable in the Minister's opinion, it will not be approved of.

Mr. THOMSON: I am amused at the amazement of the previous speaker. Section 186, by Subsections 18 and 19, gives local authorities power in respect of fences. I am just as keen as the member for Swan is to give road boards all necessary powers. They are now entitled to prevent the deposit of rubbish except in places prescribed by them. I hope the amendment will be withdrawn.

Mr. SAMPSON: Subsection 18 prescribes the manner in which any fence or wall is to be erected, and Subsection 19 prohibits the erection of dangerous fences.

Mr. Thomson: And also prescribes the material.

Mr. SAMPSON: Yes, but Subsection 41 requires the owners of land in the district to fence the boundaries abutting on any road, and prescribes the class of fence to be erected.

Mr. LAMBERT: I hope both the amendment on the amendment, and the amendment itself, will be voted out. There is already sufficient power under the regulations. The proposed provision is dangerous.

Amendment on the amendment put and negatived.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 43—agreed to.



Clause 44—Amendment of Section 214:

The MINISTER FOR WORKS: I move an amendment—

That the following be added to the clause:—“and by the substitution of the word ‘herein’ for the word ‘hereinafter,’ in paragraph (i) of Subsection (1).”

The object is to correct a clerical error.

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

Clause 45—Amendment of Section 225:

The MINISTER FOR WORKS: I move an amendment—

That “the second,” in line ten, be struck out, and “either” inserted in lieu.

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

Clause 46—agreed to.

Clause 47—Amendment of Section 234:

The MINISTER FOR WORKS: I move an amendment—

That in line 3 after “fund” the word “contribution” be inserted.

This merely rectifies an omission.

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

Clause 48—Insertion of section after Section 234; lighting rate:

Mr. THOMSON: I have received a request from a road board in my district to draw the attention of the Minister to the fact that there is no provision for a minimum lighting rate. They suggest that a minimum rate of 1s. should be prescribed. Section 235 of the Act sets out minimum rates, and they suggest that a similar provision be made here.

The Minister for Works: I will look into that matter.

Clause put and passed.

Clause 49—agreed to.

Clause 50—Amendment of Section 243:

Mr. THOMSON: This clause deals with appeals. I find it difficult to understand the inclusion of such a provision which practically means that there can be no appeal against a valuation placed upon land by the Commissioner of Taxation. Land-owners should be in a position to appeal to the Local Court and if they provide evidence to show that the land has been over-valued, they should have the right of redress. But as the clause stands, the Commissioner of

Taxation is supreme, because no local court can reduce any valuation made by the Minister, in respect of which the valuation of the Commissioner of Taxation is permitted by the Act to be adopted, if the Minister's valuation does not exceed that of the Commissioner.

The Minister for Works: He has an appeal under the land tax provisions. That will govern this clause.

Mr. THOMSON: I think the court should be the deciding factor. Ratepayers, particularly poor men, in municipalities or road board areas, will have no hesitation in appealing against valuations if the appeal is to the Local Court, but if it is an appeal against the decision of the Commissioner of Taxation, that appeal has to be made in the Supreme Court, and that is a totally different proposition. It will not pay a poor man to fight an appeal in such circumstances. I hope the Minister will agree to the deletion of this provision for it is not fair that the decision of the Commissioner of Taxation shall overrule the decision of a court.

The MINISTER FOR WORKS: The clause will apply only when the Minister has stepped in and fixed a valuation. If the board provides a valuation with which the ratepayer disagrees, the appeal will lie to the local council. If the Minister is satisfied that the council has not fixed a fair valuation, he can step in and his valuation may be based on that of the Commissioner of Taxation. An appeal from that decision could not go back to the body from whose hands the Minister had taken the matter. Such a provision would be most illogical. Therefore, when the Minister steps in, the appeal from the Minister's decision is to the Local Court. The clause provides that the court cannot reduce the valuation beyond that fixed by the Commissioner of Taxation. We are anxious to secure a uniform system of valuation instead of the variety of valuations we have now. If we were to allow appeals from the Commissioner's valuations to the Supreme Court and to the Local Court as well, we would have two bodies reviewing the Commissioner's decision and it might be possible for the Supreme Court to uphold a decision and for the local court to reverse it.

Mr. Thomson: And it might be that the local court was correct.

Mr. MacCallum Smith: Why appeal to an interested party? The Commissioner of Taxation is an interested party?

The MINISTER FOR WORKS: There is an appeal against the Commissioner's valuation.

Mr. Lindsay: But it is an expensive process in the Supreme Court.

The MINISTER FOR WORKS: If the suggestion of the member for Katanning were agreed to, we would provide another appeal, one to the Supreme Court and the other to the Local Court. The Commissioner, in that case, would be shot at from two different directions and we might have two varying decisions on the one valuation. As a matter of fact, this clause gives the Minister actually less power than he has had in the past. Uniform valuations are desirable. The very low valuations placed on rural lands for taxation purposes are doing more than anything else to keep down land prices in this State. People coming to Western Australia are amazed at the price of land. If the valuations were fair, farmers selling would get nearer to the prices obtained for properties in the Eastern States.

Mr. C. P. WANSBROUGH: The valuations of the Commissioner of Taxation are not always fair and the proviso would put great power into the hands of the Minister. I hope that a local appeal will be given.

Mr. THOMSON: The Minister desires that where in his opinion—which means the opinion of the departmental officers—a board is not valuing high enough, he may override the valuations and say what they should be. The department have gone so far as to threaten road boards that unless they rated higher than they were doing, the Government subsidies would be withheld, and subsidies have been withheld on that account. Members of the board are elected by the ratepayers and they should be the best judges. If they consider that a certain rate should be struck, the department should not insist upon a higher rate. I object to the local authorities being overridden, as proposed Section 242 of the Act stipulates the grounds of appeal, but what would be the use of the section if the Minister could override the valuations of the local authority? It is the general desire of local authorities to accept the valuations of the Taxation Department. The right of appeal should be retained, and

I hope the Minister will agree to delete the clause.

The MINISTER FOR WORKS: If the clause be deleted, the Minister will have arbitrary power, and there will be no appeal. The clause will modify the existing Act.

Mr. THOMSON: Then I shall move an amendment—

That the following words be deleted:—"and provided further that a local court shall not reduce any valuation made or caused to be made by the Minister of any land in respect of which the valuation of the Commissioner of Taxation is by this Act permitted to be adopted if the Minister's valuation does not exceed that of the said Commissioner."

That would still give the Minister the right to step in.

The Minister for Works: I am not anxious to step in.

Mr. THOMSON: No, but it is not fair to tie down the local court's right to reduce a valuation if in its opinion it is too high.

Mr. SAMPSON: Many ratepayers who appeal to a board hesitate about going to the court, and many hesitate to appeal against the valuations of the Commissioner of Taxation.

Mr. LINDSAY: The proviso would deprive ratepayers of a right. There should be a uniform valuation which everyone should accept. The road board with which I am associated had an appeal court, much against the wish of its members, because they accepted the Commissioner's valuations. I do not say his valuations are too high, but some mistakes have been made. An easy method of appeal against the valuations of the Commissioner of Taxation would overcome much of the trouble.

Mr. BROWN: I had a great deal to do with valuations of land; in fact, on one occasion I valued every block in a road board district, and I did not value two blocks at the same figure. I will admit that in the forest areas the land is of a uniform character, but along the Great Southern it is not so. Road Board members are in the position to strike a true value, because nearly every member is a farmer and has had actual experience of the district. Regarding appeals, if an elector should decide to appeal against his valuation, the board is more qualified to determine the true value of the land. If the appeal should be taken to a court, the judge or the magistrate has to depend entirely on

the evidence. The more simple we make the matter, the better it will be. If a road board employs a practical man to make valuations, a lot of trouble is saved, and if the Taxation Department took those valuations, they, too, would save a lot of trouble. I would like to see as much power as possible put into the hands of the local road board members.

The MINISTER FOR WORKS: The present Act provides that what the Minister says must stand and there is no appeal whatever.

Mr. Thomson: I have no objection to that because as a ratepayer I can appeal.

The MINISTER FOR WORKS: You cannot; there is no appeal.

Mr. Thomson: As a ratepayer I can appeal.

The MINISTER FOR WORKS: Pardon me, you cannot. What the Minister says is adopted.

Mr. Thomson: By the Board, but not by the ratepayers.

The MINISTER FOR WORKS: I discussed this question with the Crown Law Department and I know what I am talking about. In the Bill I have given the right to appeal and I have limited the Minister to the Taxation Department's valuations. To that extent I have materially relieved the position in the country districts. If the amendment is carried, the Minister will be the Pooh-Bah and no appeal will lie; there is no doubt about that. When the board fixes the valuation, the ratepayer has the right to appeal, but not so when the valuation is fixed by the Minister. I admit that it is a cumbersome method that exists now to compel people who wish to appeal against the Taxation Commissioner's valuation to have to come to Perth. I give an undertaking that I will discuss this matter with the Treasurer so that next year when the taxation measure is under consideration we may consider the advisableness of arranging for the appeals to be heard in the local courts.

Amendment put and negatived.

Clause put and passed.

Clauses 51 to 57—agreed to.

Clause 58—Insertion of new section between Sections 316 and 317:

Mr. THOMSON: This I assume gives the Government or the Minister power to dispense with the election of an auditor. I am in accord with that. We should go further and stipulate that whoever is appointed to

the position of auditor should be a properly qualified man. Under the existing system a man is appointed as auditor although he knows nothing whatever about auditing. A number of road boards should combine in the appointment of a properly qualified auditor to audit all their books. Many road boards have suffered seriously from the incompetence of alleged auditors. The Katanning Road Board to-day has a monthly balance by a properly qualified auditor.

Mr. LINDSAY: The road board conference has asked for this clause. In the past inexperienced men have been appointed auditors, but if it were strictly prescribed that all road board auditors should be properly qualified men, many boards would have to go without auditors.

Mr. SAMPSON: An amendment in the method of auditing accounts adopted some time ago is now general. The ratepayers' auditor goes through the accounts of each board once a quarter. No system of auditing can prevent the burning of books if defalcations are sufficiently serious. It is essential that each board should have a ratepayers' auditor.

The Minister for Lands: Is there not a little responsibility on the members of the board?

Mr. SAMPSON: Yes, certainly there is.

Mr. THOMSON: In these days of modern transport, if a number of road boards were to combine, they could easily get a qualified auditor who could visit the various offices and go through the books. The present system is wrong.

Clause put and passed.

Clause 59—Amendment of Section 354:

The MINISTER FOR WORKS: I ask the Committee to strike out this clause. On further consideration it appears to me that the clause will restrict a road board to definitely adopting hard and fast regulations laid down by the department. Instead of that, I propose to relax them a good deal.

Clause put and negatived.

Clause 60—agreed to.

Clause 61—Amendment of Third Schedule:

The MINISTER FOR WORKS: I move That in line 4 "section" be struck out and "Sections 3, 4 and" inserted in lieu.

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

Clause 62—agreed to.

New clause:

The MINISTER FOR WORKS: I move—

That the following new clause be inserted between Clauses 57 and 58:—“58. Section three hundred and fourteen of the principal Act is hereby amended by adding thereto a paragraph, as follows:—‘In applying this section to any district lying wholly or in part to the north of the twenty-sixth parallel of south latitude, ‘May’ shall be substituted for ‘April,’ and ‘first Saturday’ for ‘second Saturday.’”

This is consequential upon several amendments previously made.

New clause put and passed.

New clause:

Mr. SAMPSON: I move—

That the following new clause be inserted to stand as Clause 5:—Section 6 of the principal Act is amended by the addition of the following proviso:—‘Provided that in the event of an election falling on a Saturday which is a public holiday, the election be held on the first Saturday that is not a holiday following such public holiday.’

Section 6 of the Act provides that an election falling on a day that is a public holiday shall be held on the next following week-day that is not a public holiday. Recently an extraordinary election falling on a public holiday was held on the Tuesday, a day not nearly so convenient for the purpose as a Saturday. At present the Act does not give power to hold elections on Saturdays.

New clause put and passed.

New clause:

Mr. SAMPSON: I move—

That the following be inserted to stand as Clause 43:—“196a. Subject to this Act, a board may make by-laws to prohibit the quarrying for stone, gravel, or other material, and other similar excavations on land within townsites and prescribed areas, without the license of the board: Provided that any person aggrieved by the refusal of a board to grant such license shall have the right of appeal to the Minister, who may confirm the action of a board in refusing a license, or may direct the board to issue a license subject to such conditions (if any) as the Minister may think fit; and it shall be the duty of the board to observe the direction of the Minister.”

Last session I introduced a Bill to prevent the opening of quarries and gravel pits within townsites and prescribed areas, unless the permission of the board were obtained. In many of the outer suburban areas permanent injury to the landscape has been permitted

through the opening of quarries or gravel pits. In the event of a refusal, the person who desires to open a quarry may appeal to the Minister.

The Minister for Lands: The Minister already has power to grant the license.

Mr. SAMPSON: Once a gravel pit is open it is open for all time, and constitutes a menace to the safety of the children within the prescribed area.

The MINISTER FOR LANDS: I hope the amendment will not be agreed to. Section 154 of the Land Act provides that the Minister, or any person authorised by him in writing, may grant a license to any person to quarry or carry away any rocks or other material from land vested in the Crown, etc. I should like to get to the bottom of this new proposal. Some 12 months ago I was waited on by a man and his son, who had invested a lot of money in a gravel pit in the Swan electorate. The local road board had discovered that they wanted the gravel, and the man was turned out of two gravel pits in succession, and when he opened up a third one the board wanted that. The officers of the department advised me to grant this man the license, and this was done. The hon. member soon afterwards introduced a Bill to set that aside, but he failed. He now wants to allow road boards to override the Minister, or compel the licensee to pay two license fees. In this case a deliberate attempt was made to deprive a man and his son of their livelihood. I do not see why a clause should be inserted in this Bill to override the Land Act.

Mr. SAMPSON: This is the first I have heard of any protest. I am sorry the Minister thinks I would endeavour to ruin an old man and his son. The Armadale-Kelmscott road board have asked for this new clause, and the Greenmount road board approve of my action. The clause has no retrospective effect. A gravel pit is now being opened up nearly opposite the Armadale railway station. I regret the suggestion of the Minister, for my only object is to serve the interests of the districts concerned.

Mr. LAMBERT: This is another attempt on the part of the member for Swan unnecessarily to increase the powers of road boards. I am opposed to the new clause.

New clause put and negatived.

Postponed Clause 35—Insertion of section between Sections 156 and 157; setting out and provision of roads by private persons:

Mr. THOMSON: The demands this clause makes are severe. I have no objection to the width of 66ft., but to compel the submission of levels to the local authorities is too much in the case of a man desiring a private road.

The Minister for Lands: This does not refer to private ways.

Mr. THOMSON: But levels will have to be shown on a plan. If the Minister will agree to the deletion of the levels, I shall not oppose the clause.

The MINISTER FOR LANDS: Unfortunately in Western Australia we have not kept in line with other parts of the Commonwealth. Not only have levels to be shown elsewhere—in Victoria, for instance—but half the cost of macadamising has to be paid. The clause does not refer to private ways but to roads which will be used by others than the owner and his servants. The provision is badly needed here. The system of subdivision of land obtaining in Western Australia is altogether defective. Elaborate plans are not required to show the levels of a road.

Mr. Thomson: The requirement will prove costly.

The MINISTER FOR LANDS: No. A surveyor has to be obtained for subdivision purposes.

Mr. Sampson: Many subdivisions are carried out without a surveyor. There is merely a line drawn.

The MINISTER FOR LANDS: That is not so nowadays. A plan must be submitted first to the road board, and then to the Titles Office. Everything is done by surveyors now.

Mr. Thomson: I fail to see what is to be gained by requiring levels.

The MINISTER FOR LANDS: The levels are necessary in order that an opinion may be obtained concerning the value of the road from the aspect of its future drainage. When seeing the levels, the local authority might come to the conclusion that the cost of drainage would be too heavy.

Mr. Thomson: I see what you mean.

The MINISTER FOR LANDS: If a road is approved and houses are built after the levels have been taken, and if afterwards the road is regraded, there is the possibility of actions for damages being brought by persons who have built on the road; that is, if the road is macadamised on the levels given.

Mr. SAMPSON: Subclause 2 of Clause 35 applies to the whole district, and is not limited to the townsites. I am with the Minister in endeavouring to secure for townsites and prescribed areas a measure of progress in regard to this matter, but to go to the extent suggested here seems to me unnecessary. We have seen that in a townsite or residential area a quarry or gravel pit may be opened without the local authority having the slightest say in the matter. The giving of levels will involve much work, and this without advantage to anybody. The requirement as to levels should be restricted to townsites and prescribed areas.

Mr. DAVY: The chief difficulty is that the clause is not definite enough. It attempts to prescribe that no roads or ways shall be set out on any land which is intended to be opened for certain purposes. I do not know how it can be demonstrated what the intention was. At the time when a man subdivides his land and puts a road through it, his intention might be very difficult to prove. Having laid the road out with an intention ascertainable by no one, the owner might choose later on to proclaim the piece of land which he had set out as a road to be a public road. I do not recognise legally that there can be anything between the proclamation of a road as a public road and the setting out of a road as a private means of access. Has that aspect been considered?

Clause put and passed.

Title—agreed to.

Bill reported with amendments.

## **BILL—BUSH FIRES ACT AMENDMENT.**

Returned without amendment.

## **BILL—TAXATION (MOTOR SPIRIT VENDORS).**

*In Committee.*

Mr. Panton in the Chair; the Minister for Works in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Tax payable by persons in respect of motor spirit obtained outside and used inside the State:

Mr. SAMPSON: During the debate it was suggested that motorists in Western

Australia enjoyed special consideration in respect of license fees as compared with motorists in the other States.

The Minister for Works: That has nothing to do with the clause.

The CHAIRMAN: The hon. member can deal only with the clause before the Chair.

Mr. SAMPSON: I wish to speak against the imposition of the additional tax of 3d. per gallon on motor spirit on the ground that motorists here have to pay more for license fees that they do in the Eastern States.

The Minister for Works: The Traffic Bill deals with that question.

The CHAIRMAN: The hon. member is out of order in dealing with license fees on this clause.

Mr. SAMPSON: I wish to show that motorists here are already penalised to a greater extent respecting the heavy license fees they have to pay compared with those in the Eastern States. I support that statement with telegrams from South Australia, Victoria and New South Wales. In New South Wales the registration of a Ford costs £1 and the license fee amounts to £3 6s. 4d.

Mr. Lindsay: Then what is the charge for registering a motor car?

Mr. SAMPSON: The license fee for a Dodge car is £5 15s. 6d. and the registration fee £1. A Hudson car weighing 29 cwt. necessitates the payment of a fee of £7 19s. 6d. together with the registration fee of £1. Here, in addition to £8 for the car, there is the registration fee for the driver, so that we are already paying more than motorists in New South Wales.

The Minister for Works: The authorities there are already increasing their charges.

Mr. SAMPSON: In Victoria the license fee for a Ford car is £5 11s., for a Dodge car £6 18s., and for a Hudson car £9 2s., but when used for hiring purposes, there is an additional charge of 50 per cent. In South Australia the Ford and Dodge cars have to pay a license fee of £4, which is half the rate for a Dodge car here, while the fee in respect of the Hudson car is £6 5s. Those charges emphasise the fact that we are already paying a higher fee than is levied in the Eastern States. On top of those fees it is proposed to impose a further tax of 3d. per gallon on motor spirit. Under the Federal-State road grant it is understood that the money pro-

vided by the Commonwealth comes from the collection from the duty on cars and accessories.

The Minister for Works: Not half of it.

Mr. SAMPSON: Motorists should not be specially picked out to bear this burden. The land throughout the State benefits because the popularity of the motor car brings the country districts closer to the city.

Hon. Sir JAMES MITCHELL: I protested against the imposition of this tax during the second reading debate and pointed out that it amounted really to excise. I have not seen the opinions the Minister said he had secured from legal men on that point.

The Minister for Works: They were obtained from the two most eminent constitutional authorities in the Commonwealth.

Hon. Sir JAMES MITCHELL: I am afraid the Minister will find he will not be able to collect the tax specified in the clause. It is immoral to impose two imposts on those concerned, one in the shape of a heavy license fee and now this tax. It may be reasonable to apply the tax in one way, but it is not fair to have those imposts. Then again, the people will have to pay two taxes on motor spirit, one a Federal tax and the other a State tax.

The Minister for Works: I propose to move an amendment against two taxes being imposed.

Hon. Sir JAMES MITCHELL: The Federal Government propose to impose a tax and it is possible that if the money be distributed on an area basis, the Minister may be better off under those conditions than if the Bill be agreed to. It is unthinkable that both Governments should impose an import duty.

The Minister for Works: Whisky pays Customs, excise and a license fee.

Hon. Sir JAMES MITCHELL: That is a State monopoly, and a license fee is charged for the privilege of engaging in the business. The Minister's love of taxation leads him into all sorts of devious ways, but I think he will find he has over-stepped the mark here. If another place passes this measure, as it has passed most of his Bills, notwithstanding his complaint to the contrary, he will probably have to face a protest from the Federal Government.

The Minister for Works: If so, I shall be in good company. At least two other States will also be concerned.

Hon. Sir JAMES MITCHELL: Then I hope the Minister personally will have to pay the costs.

Mr. MARSHALL: I am concerned about the effect of the clause on residents of the North. I do not know whether people there import spirit direct from Sumatra, or whether they get their supplies through Fremantle. A small consumer importing his own petrol, however, would have to furnish returns every three months, and would be liable to a penalty of £100, whereas a large dealer in a big centre would be liable to a penalty of only £50 for a breach of the Act. To ask a squatter or a syndicate of prospectors, who might use an oil pump, to furnish returns every three months and pay the tax within a fortnight is unreasonable.

The Minister for Works: They have not to do that. There are no direct importers except the four companies.

Mr. MARSHALL: After this measure is placed on the statute book, some new arrangement might be made for the importation of petrol. There are many unfair features of the Bill to which I object. People outback, who are doing their best to develop industries, should not be required to comply with this provision.

Mr. SAMPSON: The Bill will impose a special burden on men developing the country. In the outback parts where roads have not been constructed, or are in bad condition, the consumption of petrol would largely exceed that in districts where roads are reasonably good.

Mr. LAMBERT: It is not beyond the bounds of possibility that motor spirit could be introduced and retailed in large quantities, apart from those ordinarily received through the Customs.

Hon. Sir James Mitchell: There might be a few bootleggers off Esperance.

Mr. LAMBERT: If storage tanks were provided at Port Augusta, train lots of petrol might be run to Kalgoorlie, and I am not sure whether it would not pay to get it that way in preference to getting it from Fremantle.

Hon. Sir James Mitchell: It would have to pay the tax all the same.

Mr. LAMBERT: It is distinctly wrong to tax the users of motor-propelled vehicles to the extent of 15 to 20 per cent. on a promise that the money will be spent on some of the roads. How long will it be before any portion is spent in my district?

The Premier: It will be spent on the roads over which you run.

Mr. LAMBERT: I use the roads in my own district considerably. I object to primary industries that use petrol vehicles having their running costs enhanced by 15 or 20 per cent. It is all very well to say that this is the fairest possible tax. A big proportion of the vehicles serving the stations and the mines are petrol propelled, and it has not been shown why this measure should apply throughout the State.

The MINISTER FOR WORKS: This clause deals with the companies who import petrol and use it themselves.

Hon. Sir James Mitchell: No, it will apply to individuals also.

The MINISTER FOR WORKS: The hon. member cannot name anyone, apart from the four companies, who imports petrol for his own use.

Hon. Sir James Mitchell: There is no reason why any individual should not.

The MINISTER FOR WORKS: The companies have the monopoly.

Mr. Latham: What about the Eastern States?

The MINISTER FOR WORKS: If the hon. member sent to the Eastern States for petrol, he would be told to deal with the local companies. One Perth firm tried to do it, but their experience was so disastrous that they will not attempt it again. The tax will be imposed upon the first sales in the State. The clause will not apply to men in the back country.

Hon. Sir James Mitchell: Do you mean to say that a private person cannot bring in petrol?

The MINISTER FOR WORKS: I do. If the hon. member tried to do so, he would soon find himself in difficulties.

Hon. Sir James Mitchell: I think you are wrong.

The MINISTER FOR WORKS: The member for Kimberley put up a proposal about the North-West, and I have agreed to exempt petrol imported and used in that part of the State.

Hon. Sir James Mitchell: You cannot do that.

The MINISTER FOR WORKS: I can do that, and I will do that.

Hon. Sir James Mitchell: A law for one part of the State and another law for the other.

The MINISTER FOR WORKS: The petrol that will be used in the North will be taken off the boats at the various ports along the coast and placed in bond. An amend-

ment has been drafted to provide that that petrol shall not come under the Bill.

Mr. LAMBERT: A few weeks ago I was called into a conference to design a distillation plant. Some petroleum had come into the State with a percentage of petrol in it. It would not stand the flashlight test imposed by the State; there was too much petrol in it. This shipment of supposed kerosene had to be distilled, and was distilled here. No State Government can prevent anyone from bringing in kerosene of this nature, and no Government can prevent a person from distilling it on the spot. I do not know how the Minister would act in circumstances such as these.

Mr. THOMSON: A select committee appointed by this House last year recommended a tax on petrol, and the select committee appointed by another place has lately gone fully into the same question and has also recommended the imposition of a tax on petrol as a means of providing funds for the construction of our roads. If the clause is deleted, and anyone is permitted to bring in petrol for his own use, there will not then be a common rule so far as taxation is concerned. At the same time we know that petrol is in the hands of a huge combine, and no law of the State or Commonwealth can have any effect on that combine.

Clause put, and a division taken with the following result:—

Ayes	..	..	..	25
Noes	..	..	..	11
—				
Majority for	..	..	..	14
—				

#### AYES.

Mr. Angwin	Mr. Lindsay
Mr. Brown	Mr. Lutey
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munzie
Mr. Corboy	Mr. Sleeman
Mr. Coverley	Mr. J. M. Smith
Mr. Cunningham	Mr. Thomson
Mr. Griffiths	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. W. D. Johnson	Mr. Willcock
Mr. Kennedy	Mr. Wilson
Mr. Lamond	

(Teller.)

#### NOES.

Mr. Angelo	Mr. James Mitchell
Mr. Barnard	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. Teesdale
Mr. Lambert	Mr. Latham
Mr. Marshall	

(Teller.)

Clause 8.—Repayments when motor spirit not used in motor vehicles:

Mr. MARSHALL: The clause refers to petrol bought within the State and provides for furnishing a return to the Commissioner with a statutory declaration showing the quantity of motor spirit purchased and the quantity used for purposes other than the propelling of motor vehicles on roads or streets. The Commissioner is empowered to repay to the individual concerned the tax of 3d. per gallon in respect of the quantity of motor spirit not used for propelling motor vehicles on roads or streets. How would it be possible for a prospector to say just how much petrol he uses in his Ford truck that runs along the road and how much is used in his stationary engine at the mine? There are too many anomalies in the Bill to satisfy the position in my electorate, and I cannot support it.

Mr. LAMBERT: What is meant by "roads or streets within the State"? Surely it should be limited to those who use made streets, for the reference to "roads" may mean anything. As it stands the tax will have to be paid by people in the outback parts where they use motor-propelled vehicles, but will not receive any benefit whatever from the imposition of the tax and the purposes for which that taxation is required.

The MINISTER FOR WORKS: It is generally recognised that no tax that is ever imposed applies equitably to every individual concerned. The main difficulty has been to provide for those using petrol for purposes other than propelling vehicles on roads but who are using it for aeroplanes, stationary engines or motor launches. The main difficulty arises when a person owns a motor car and any one of these other motor propelled vehicles. We will have to trust a good deal to the honesty of the individuals making the declarations respecting the quantity of petrol used other than for propelling vehicles along roads. The position will rectify itself in time because in the course of a year or two the Commissioner will have information enabling him to determine approximately what quantity will be used for motor launches or stationary engines.

Mr. Latham: There will be a good few officials put on to find out how much petrol is used.

The MINISTER FOR WORKS: I do not think so. The declarations will be accepted.

Clause thus passed.



I realise that the Taxation Department has ramifications that are pretty complete.

Mr. Latham: We know it. They employ the third degree now.

The MINISTER FOR WORKS: Legislation already existing sets out clearly what is meant by roads and streets. Last year I was afraid that if we granted exemptions at all it would lead to fraud, and for this reason I was not inclined to listen to any proposal in that direction. This year I am prepared to give it a trial, and after discussing the matter with the Commissioner of Taxation he expressed the opinion that we will be able to administer the Bill in a reasonable manner. I hope that in time we may be able to establish a clearly defined system that will deal equitably with those who use petrol for motors other than those used on roads.

Mr. LINDSAY: The Bill is an improvement on that which we had before us last year. I am surprised at the opposition to it, because we have exemptions granted now whereas last year the Bill was not so liberal.

Mr. Marshall: You wait until the Commissioner of Taxation gets on your tail and you will find the difference.

Mr. LINDSAY: The Government have made an honest attempt to provide necessary exemptions and I am prepared to give the clause a trial. I believe the petrol tax is a fair imposition, because the people who use the roads will have to pay for them.

Hon. Sir James Mitchell: But they will have to pay twice over.

Mr. LAMBERT: I think the Minister is rather trustful if he leaves the position in the hands of the Taxation Department regarding repayments. The Minister is altogether too unsophisticated if he thinks the Commissioner of Taxation will, merely on representations made, refund the amounts involved. Experience shows that it is like getting blood out of a stone to secure a refund from the Taxation Department. We all know that the whole future of primary production rests upon the cheapening of production costs and that can be largely assisted by the efficiency and cheapness of motor-propelled vehicles. In order to make the position more clear regarding the roads or streets within the State, I move an amendment—

That in line eight of Subclause (1) after "on," the words "gazetted and cleared" be inserted.

Members should hesitate before placing a further imposition of 15 to 20 per cent. on users of motor vehicles for primary industries. Will the money be spent for the benefit of men bringing in wool, wheat, or sandalwood? No; it will be spent in the thickly populated centres. My constituency is not likely to get a shilling of the money in the next quarter of a century. Under the clause the Commissioner of Taxation would be able to say what is and what is not a road. Parliament should clearly define what is meant by a road, so that people applying for refunds will know where they stand.

Mr. LATHAM: I do not wish the idea to get abroad that I am opposed to the imposition of a tax. At the same time motor people are already taxed heavily by the traffic fees. The clause is evasive because it does not define what constitutes a road. There are very few dedicated roads in the State, though many strips of land are used as roads. I support the amendment.

Amendment put and negatived.

Mr. MARSHALL: The Minister proposes to grant exemptions for petrol not used on roads or streets but there are features of the clause to which I object. Consumers will be compelled to pay first and apply for a refund afterwards. People having vehicles for hire in the back country will ever have the Commissioner of Taxation on their heels. Last session it was pointed out that there are many motor-propelled machines on pastoral leases that never use a gazetted road, but merely run around the boundary fences or from one windmill to another.

Mr. Thomson: They are not used on any road or street, and therefore will not pay the tax.

Mr. MARSHALL: That is some recommendation for the clause. The member for Toodyay said that the people who do the damage to roads will have to pay. I disagree with that statement. Many people who will be called upon to pay the tax will not have a penny spent on their roads. Further back where the roads are bad the consumption of petrol is higher. It will be years before those people derive any benefit from the measure. It is not right to inflict the tax upon residents in my electorate for the sake of joy-riders in the metropolitan area.

Mr. Latham: Will the air service be exempt?

Mr. CHESSON: It will be a difficult matter to get a refund out of the clutches of the Taxation Department. In the case of small prospectors who may be using a pumping plant as well as a motor car, they will find it almost impossible to determine how much petrol is used in the one case, and how much in the other. I object to the taxpayer being called upon to pay up first, and having to apply for a refund afterwards.

Clause put and passed.

Clause 9—Penalty on false returns :

Mr. DAVY: Any person who lodges a false return will be guilty of a misdemeanour, which will be punishable in the same manner as in the case of wilful and corrupt perjury. Common perjury is one of the worst of crimes, and is punishable by a maximum penalty of 14 years imprisonment.

The Premier: That would be light for an offence of this kind.

Mr. DAVY: It would appear that a new offence, that of wilful and corrupt perjury, has been created. This offence is called a misdemeanour, but ordinary perjury is classed as a crime.

The MINISTER FOR WORKS: The clause is copied from the South Australian Act. It is necessary to have full trust in those who submit the returns, for the Commissioner of Taxation will have to rely almost entirely upon their honesty.

Mr. Davy: Will you call the attention of the Crown Law Department to the matter?

The MINISTER FOR WORKS: Yes.

Hon. Sir JAMES MITCHELL: It is nonsense to impose a penalty of this sort for an incorrect statement. Many things can be classed as perjury under this clause.

The Premier: An incorrect statement need not be a false one.

Hon. Sir JAMES MITCHELL: The Minister says that those who have claimed for more than they are entitled to are guilty of a misdemeanour. The punishment should fit the crime, but it should not be as great as is provided here. Here it is only a matter of claiming a few shillings by way of refund. The intention of the Bill is that no refunds whatever shall be claimed, hence the threats of penalties. The clause ought to be wiped out.

Mr. MARSHALL: Who is to say when returns are furnished falsely? Prospectors and other consumers of petrol furnish returns, and to the best of their knowledge furnish them correctly. Under the clause it

seems as if the Commissioner of Taxation is to say whether a return is false or not. One consumer of petrol whom I know, cannot sign his name, and under this clause the Commissioner may tell him that his returns are false. Later clauses throw on the consumer of petrol the onus of proof.

Mr. LATHAM: I suggest that the word "knowingly" be inserted in the clause.

The MINISTER FOR WORKS: I suggest that the position will be met by the striking out of the last line of the clause, "punishable in the same manner as wilful and corrupt perjury." That means making the offence a misdemeanour.

Mr. Davy: And that involves imprisonment for three years.

The MINISTER FOR WORKS: I will have the clause looked into, and if necessary it can be amended when the Bill is before the Council.

Mr. Latham: Will you not agree to the insertion of "knowingly"?

The MINISTER FOR WORKS: It would be impossible to prove that a man furnished a false return knowingly.

Mr. Angelo: The penalty should be a maximum of £100.

The MINISTER FOR WORKS: I move an amendment—

That the words "punishable in the same manner as wilful and corrupt perjury" be struck out.

Mr. DAVY: That amendment would improve matters, but even then we may be creating a state of affairs that will render a man liable to punishment as for a misdemeanour when he has made an innocent mistake. The word "false" does not necessarily imply guilty knowledge. I hope the Minister will have the matter looked into. If the clause is applicable only to falsification of returns, a penalty of £100 is not too severe. "Wilfully" means "knowingly," and there can be no harm in the insertion of "knowingly." The Minister for Works, however, desires that if a return is inaccurate the man rendering it shall be guilty of an offence, whether knowingly or not.

The Premier: A man should not be punished unless guilt is established. A mere innocent misstatement should not involve punishment.

Mr. DAVY: Then what objection is there to the insertion of "knowingly"? No line

can be drawn between the deliberate false statement and the innocent false statement.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That the following words be added to the clause:—"Penalty not to exceed £100."

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

Clause 10—agreed to.

Clause 11—Liability of attorney, agents and manager for breaches of Act:

Mr. DAVY: This seems to be rather an amazing piece of legislation. It sets out that if any person being a foreign company or a person not resident in the State, commits an offence against the measure, then the attorney or agent in Western Australia of such person, and the manager of the business in the State, shall be guilty of the same offence against the Act as such person, and shall be punishable accordingly. That means that if some person who is not here commits an offence, then his agent shall be guilty of that offence.

Mr. Marshall: Yes, this is a pretty comprehensive measure!

Mr. DAVY: If we had not succeeded in amending Clause 9, then the unfortunate attorney or agent or manager might be placed in the position of being charged with wilful and corrupt perjury because of some false return furnished by someone not resident in the State.

The Minister for Works: Against whom would you take proceedings?

Mr. DAVY: This is not a question of proceedings, but of a criminal prosecution.

The Minister for Works: Many of these companies merely have an agent here.

Mr. DAVY: And the Minister would send a man to gaol for an offence committed by somebody outside the State!

The Minister for Works: But the agent must be responsible on behalf of his principal.

Mr. DAVY: Under this clause a man may become vicariously accused of someone else's crime although that person is resident outside the State.

The Minister for Works: You cannot proceed against a man in America or England.

Mr. DAVY: But you should not take such proceedings against an agent.

The Minister for Works: This is merely a quibble.

Mr. DAVY: It is not a quibble. The clause is perfectly clear. The Minister may call it a quibble if he likes, but it seems to me a shocking state of affairs that if someone commits a crime, someone else has to pay the penalty for it.

Clause put, and a division taken with the following result:—

Ayes	..	..	..	..	22
Noes	..	..	..	..	13
					—
Majority for					9
					—

#### AYES.

Mr. Angelo	Mr. Lamond
Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munle
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. W. D. Johnson	Mr. A. Wansbrough
Mr. Kennedy	Mr. Wilcock
Mr. Lambert	Mr. Wilson

(Teller.)

#### NOES.

Mr. Barnard	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. Maley	Mr. Thomson
Mr. Mann	Mr. Latham
Mr. James Mitchell	

(Teller.)

Clause thus passed.

Clause 12—Evidentiary provision:

Mr. MANN: I recollect introducing a marketing Bill for the City of Perth and because it contained a clause of this description, the present Minister for Works nearly pulled the Chamber down. All the members of the present Government tore the Bill to pieces because of that clause.

The Premier: It was not like this one.

Mr. MANN: Yes, it was to the same effect.

The Premier: That Bill was bad, lock, stock and barrel.

The Minister for Lands: The trouble with that Bill was that you wanted to spend money without the consent of the ratepayers.

The CHAIRMAN: Order! The hon. member is out of order in discussing that Bill on the clause now before the Committee.

Mr. MANN: The clause sets out that if a person lodges a complaint that some person is a vendor, that mere act forms *prima facie* evidence of the fact. It is not necessary to prove a case, but merely to lay the information and the person concerned is immediately placed on his defence. I can imagine what members of the Government would say in protest against such a provision if they were on this side of the House.

The Premier: It is something like the gold stealing Act. The accused must prove that everything was honest.

Mr. MANN: The Premier is speaking against his conscience. I doubt whether the Minister for Works realised what the clause meant.

Mr. Latham: This is another one of those South Australian provisions.

Mr. MANN: Only in the Customs Act is such a drastic provision found. If an official lays a charge against a man, it will be sufficient evidence to cause his committal for trial.

Mr. Davy: No, to convict him.

Mr. MANN: It will not be necessary to call other evidence for the prosecution. An innocent man might be subjected to great inconvenience at the hands of officers having no great responsibility.

The Premier: I have not heard of that applying to Customs officers.

Mr. MANN: This measure will be administered by officers who have not had the training of Customs officers. The clause is objectionable and should be deleted.

Mr. DAVY: I do not admit that because this highly vicious principle exists in some other Act, we should import it into this measure. I know it appears in the gold stealing Act.

The Premier: That is a thousand times worse.

Mr. DAVY: Anyhow it is a negation of the principle at the basis of our system of justice that a man is innocent until he is proved guilty.

The Minister for Lands: We have many Acts to the contrary.

Mr. DAVY: Then every one of them is bad. It is intended to impose a new tax and, to facilitate its imposition by the Taxation Department, we are to submit to a negation of the basic principle of British justice. Goodness knows the Taxation Department do not need any help; they miss mightily little and much that they do collect

is proved subsequently to have been unjustifiably collected.

The Premier: There are offences for which it would be impossible to get a conviction unless the accused was thrown on his defence.

Mr. DAVY: Very few indeed.

The Premier: Apart from gold stealing, there is the possession of pearls.

The Minister for Works: And pilfering on the wharf.

Mr. Mann: That is not to be compared with this.

The Minister for Works: If a pair of boots are found in a man's home, he may be charged.

Mr. DAVY: This is entirely new legislation. If the police charge a man with being a vendor of motor spirit, he will be thrown upon his defence to prove that he was not a vendor and that the fluid sold was not motor spirit. That would make things simple indeed for the prosecuting sergeant. The very essence of our system of justice is that the accuser shall prove his case, and not that the onus shall be placed upon the shoulders of the accused to prove his innocence.

The PREMIER: The principle is not so entirely foreign as the member for West Perth would desire or would have us believe. There are some forms of dishonest dealing in which it would be impossible to get a conviction if the onus of proof were thrown on the prosecution. Because there are such cases this Parliament and other Parliaments have departed from the established principle of regarding a man as innocent until he is proved guilty. How could the prosecution prove that a man in possession of petrol was a vendor? Under the gold stealing Act it was realised that it would be impossible to get a conviction unless a drastic provision of this kind were adopted. The same applies to illicit pearl buying.

Hon. Sir James Mitchell: But an accused person would have the pearls with him, whereas he need not have the petrol with him.

The PREMIER: If property is found on a man's premises, he might be thrown on his defence under the pilfering laws to prove that he came by it honestly instead of the prosecution having to prove his guilt. There are many cases in which the ordinary procedure has been entirely altered.

Mr. Mann: Why not apply this to all forms of taxation?

The PREMIER: This applies to a man who is a vendor of spirits. It is not a matter of taxation. A person may be carrying on illegally. Without such a clause as this, it would be impossible to secure a conviction. It has long been recognised that there are forms of wrong-doing that it would be impossible to detect without legislation similar to this.

Mr. DAVY: I do not say that a departure from the principle is not sometimes justified, but before we extend that departure we ought to regard it with the utmost jealousy. The cases quoted by the Premier are instances where a man is found in possession of certain goods, and he has to prove that he came by them honestly. I have not heard of any expression outside that narrow limit in the history of civilised legislation. Possibly the South Australian Parliament missed the point. We propose to throw the onus on a person of proving that he was not a vendor of goods which are not in his possession. We have started on a list of exceptions to the principle that a man must be regarded as innocent until he is proved guilty. The gold stealing Act was passed because of the difficulty of securing convictions against people who were commonly known to have stolen gold. This is a new piece of legislation which proposes to impose a particular tax upon people who sell petrol, and before we have had any experience of it we are going to make this departure from past practice. I should like to see the clause struck out until it is found necessary to put it in. If the Commissioner for Taxation can show that it is impossible to secure convictions, it might be excusable to pass such legislation.

Mr. MANN: This clause leaves it open to any person to lay an information. An employee in a spirit of vindictiveness, because his services have been dispensed with, may lodge an information against his late employer and the latter may be proceeded against.

The Premier: The complaint would have to be made to a person who would have the right to lay the charge.

Mr. MANN: All the man would have to do would be to lay the charge before a police magistrate.

The Minister for Works: The man would have to be charged with the offence.

Mr. MANN: The Minister does not realise the enormity of the clause.

The Minister for Works: You are suffering from a vivid imagination.

Mr. Davy: Any citizen can charge any other citizen with an offence.

The Minister for Works: He would have to stand up to it.

Mr. MANN: If he is a man of straw, what does "standing up to it" mean to him? The laying of the charge would be enough to get the person who is charged committed for trial.

The Premier: Nothing of the kind.

Mr. MANN: Any person can be committed for trial on a prima facie case. There is no analogy with the Act mentioned by the Premier relative to stealing from wharves.

The Premier: That Act throws on the person charged the onus of proving his innocence.

Mr. MANN: The dangers of the clause having been pointed out to the Minister very forcibly, the responsibility will be his if he perseveres with it.

Clause put, and a division taken with the following result:—

Ayes	..	..	..	12
Noes	..	..	..	19
				—
Majority against	..	..	..	7
				—

#### AYES.

Mr. Angwin  
Mr. Collier  
Mr. Coverley  
Mr. Cunningham  
Mr. Kennedy  
Mr. Lamond  
Mr. McCallum

Mr. Millington  
Mr. Troy  
Mr. A. Wansbrough  
Mr. Willcock  
Mr. Wilson

(Teller.)

#### NOES.

Mr. Angelo  
Mr. Barnard  
Mr. Chesson  
Mr. Davy  
Mr. Denton  
Mr. Griffiths  
Mr. Lindsay  
Mr. Maley  
Mr. Mann  
Mr. Marshall

Sir James Mitchell  
Mr. North  
Mr. Panton  
Mr. Sampson  
Mr. Sleeman  
Mr. J. H. Smith  
Mr. Teesdale  
Mr. Thomsen  
Mr. Latham

(Teller.)

Clause thus negatived.

Clause 13—agreed to.

Clause 14—Appropriation of Tax:

The MINISTER FOR WORKS: The object of this clause is to make moneys obtained under the measure available for main roads in the event of the Main Roads Bill

not passing. I want to make it perfectly certain that in such an event the money shall be paid into the main roads trust account at the Treasury. Therefore I move an amendment—

That the following proviso be added to the clause:—"Provided that if a main roads trust account is established under any Act for the construction, maintenance, and supervision of main roads, the net amount so received by the Commissioner of Taxation shall, if the Governor so orders, be paid from time to time to the credit of such account."

Hon. Sir JAMES MITCHELL: What is meant by "if the Governor so orders"?

The Premier: That means the Governor in Council.

Hon. Sir JAMES MITCHELL: But is that necessary?

The Minister for Works: Someone will have to transfer the funds. This is moved with the strict intention of seeing that the money goes into the main roads trust account.

Hon. Sir JAMES MITCHELL: Well, you have not done that.

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

Clause 15—agreed to.

New clause:

The MINISTER FOR WORKS: Members will have noticed in the newspapers a statement that the Federal Government will possibly impose a petrol tax. In view of that I propose to insert a new clause so that if the Federal tax is made available for main road purposes, we shall not impose a double tax by the Bill. The amendment will give the Governor in Council power to discontinue the collection of the petrol tax for so long as may be determined.

Hon. Sir James Mitchell: Will not the Federal tax override this tax?

The MINISTER FOR WORKS: Not necessarily. The Commonwealth Government impose taxation on land and so do we.

The Premier: Only when our tax conflicted with the Federal tax would their tax override ours. This would simply be the same thing.

The MINISTER FOR WORKS: At any rate the amendment will show that we have no intention of duplicating the tax. Recently it was stated that the Federal Government proposed to make available £20,000,000 for road construction, at the

rate of £2,000,000 per year for 10 years. It was generally anticipated that that money would be handed over to us, but, in view of the suggestion that is now made regarding the petrol tax, it would seem that the Federal authorities are going to put their hands into our pockets and present us with our money. For instance, they may take the £90,000 we expect to get from the petrol tax and then say to us, "This is our present to you."

Mr. Latham: They would have to get it somewhere.

Mr. Thomson: They are getting £2,000,000 from motor tyres and accessories now.

The MINISTER FOR WORKS: However, we propose to provide power to discontinue the collection of the tax. I move—

That a new clause be added as follows:—"If under any law of the Commonwealth a tax is imposed upon motor spirit and appropriated for the purposes of main roads, the Governor may, by Order in Council, wholly or partially, and for such time as he may think fit discontinue the collection of the tax imposed by this Act."

Hon. Sir JAMES MITCHELL: If the Commonwealth impose a petrol tax, I do not think this tax should apply. Members would not agree to the Bill for a moment if the Federal Government were to impose a petrol tax. We ought to say that if they impose that tax, the Bill shall not apply.

The Minister for Works: What if the Federal Government impose a petrol tax for one year only? Would we have to bring the Bill in again?

Hon. Sir JAMES MITCHELL: Yes.

The Minister for Works: Then that would be wasting the time of Parliament.

The Minister for Lands: At any rate, I would not take any notice of the Federal tax until it is imposed.

Hon. Sir JAMES MITCHELL: It appeals to me as wrong to collect money from the people merely to give it back to us. Although it may suit us, as it is on the territorial basis, to take the money, it is not right nor is it fair.

The Minister for Lands: Why not let it go, and if the Federal Government impose the tax, we can repeal the Bill.

Hon. Sir JAMES MITCHELL: We will have little chance of getting it repealed if the Bill once becomes law. I think the Minister should be more definite. Under the amendment, it would be possible for him at any time he likes to reimpose the tax without consulting Parliament.

The PREMIER: The Minister for Works has gone further than is usual or necessary. We might well have proceeded without regard to what the Federal Parliament might do. It is unusual for us to legislate on the assumption that if the Federal Parliament should do something, certain things will not take place here. We could afford to ignore the Press statement that the Commonwealth intend to impose a similar tax. I think it is merely a suggestion and has not been definitely decided. However, as the Minister believes it possible that the Federal Government might pass such a tax to come into operation during the recess, he has made provision accordingly. It is not the intention of the State Government to collect the double tax. If the Commonwealth imposed such a tax, we would immediately retire from the field. The new clause is designed to obviate the possibility of people having to pay a double tax; there is no other intention behind it. If the Federal Government imposed a tax of 1d. or 2d. per gallon, we would be justified in collecting the balance.

Hon. Sir James Mitchell: I do not think so.

Mr. Mann: It might cost more than the balance to collect it.

The PREMIER: If so, we would not go on with it. The new clause is sufficiently elastic to enable the Government to meet any situation that might arise during the recess. The Federal Parliament is adopting a paternal attitude to the States, saying in effect, "We know best what you want. We shall raise £10,000,000 or £20,000,000 by the imposition of a certain tax and hand the proceeds to you conditionally on your spending it as we desire it should be expended." This fatherly attitude on the part of the Commonwealth is depriving us of our sovereign rights. The principle could be extended in all directions, and where would it end? If the Federal authorities continue to invade fields of taxation, the State Government will be compelled to retire from those fields, and so it would be possible for us to reach a stage when practically all taxation would be imposed by the Federal Government, and we should have to carry on with the amount of money handed to us by the Federal Government.

Hon. Sir James Mitchell: And they could withhold it at any time.

Mr. Davy: That is what we would get with unification.

The PREMIER: I believe that is what we would get with unification. I am not a unificationist.

Mr. Davy: You will be getting into trouble with your party.

The PREMIER: I am not worrying about that. Dr. Earle Page is a unificationist, but he did not get into trouble with his party. I have a pamphlet with a red cover, "A plea for unification," by Dr. Earle Page. He made an eloquent speech in Queensland in favour of unification. So powerful was it that it was printed in pamphlet form and distributed throughout Australia. It is a vicious and unsound principle underlying the attitude of one Parliament, which sets itself up as a sort of father of all the other Parliaments to decide what the people want. The Commonwealth authorities say they know better than do we what should be done with certain money; they stipulate that we shall make roads and do other things with it. That principle is capable of unlimited extension.

Mr. Davy: Might not the same remarks apply to the patriarchal attitude of Governments generally towards the people?

The PREMIER: Perhaps so, but though we might adopt that attitude to the people of this State, we are in touch with them; we represent them and they have certain control over us. But the people in this State may be opposed to a particular tax that the Federal Parliament desire to levy for some of its schemes. Every one of our members returned to the Federal Parliament might be opposed to the tax. Nevertheless, the tax might be imposed because a majority of the Eastern States favoured it. On the other hand, if the people of this State returned members to another place and to this House opposed to such a tax, effect would be given to their will and the tax could not be imposed. As one of the States of the Federation, however, the wishes of our people might be overridden by the votes of the more populous Eastern States.

Mr. Mann: This tax would be better if it were Commonwealth-wide, rather than applying to one State.

The PREMIER: I do not know; it may affect one State differently from another. The principle of the Commonwealth raising millions of money and handing it back to the States, denying them the freedom or choice

to apply the money as they would do if they themselves raised it, is bad. If we impose a tax and raise money, we decide how we shall apply it, but the attitude of the Commonwealth is, "You may not do that and you shall do this."

Hon. Sir James Mitchell: You would have to offer up thanks every time you met a Federal member.

The PREMIER: There seems to be an almost irresistible tendency on the part of Federal members, even those who do not profess it, towards unification, to deprive the States of their power and to enlarge the powers of the Commonwealth Parliament.

New clause put and passed.

New clause:

Mr. COVERLEY: I move—

That the following be inserted to stand as Clause 17:—"This Act shall not apply to vendors or consumers who reside in any part of the State north of the 26th parallel of south latitude if the motor spirit sold or consumed by them is imported into the State at a port situated north of the 26th parallel of south latitude and is not sold by the vendor or used by the consumer, as the case may be, otherwise than in such part of the State.

Members will realise that there are no roads in the North, and that we have only tracks to use. The consumption of petrol upon such tracks is much greater than it would be in southern areas. The Minister has intimated that he will accept the proposal.

Mr. TEESDALE: I support the new clause. The idea is that steamers carrying petrol can land it at the ports as they come south. If there is a port at which the vessel does not call, the petrol can be landed at one of the other ports, and taken back on the northern trip of the next boat. For the first time a vessel bearing petrol from the North will this week call at my ports. One can imagine the position of the local people who have been short of petrol for a long time, and who have long since given up the use of horses and replaced them with petrol-driven vehicles.

Mr. ANGELO: I support the new clause on the ground that it is impossible for the Government to make roads in the North-West and to utilise any of the petrol tax for that purpose.

The Premier: Will the vendors of petrol in the North see that they do not charge the same price for petrol as will be charged in the south with the tax added?

Mr. ANGELO: The consumers will see to that. Nearly all our transport is done by motor vehicles. Our people have had to pay the increased land tax, but they have had no benefit in other directions such as people in the south have had.

Mr. LAMOND: If I could see any chance of my electors deriving benefit from this tax I should be glad to accept the Bill, but there is no chance of any of the money raised being used for road making in our part of the State. If a motor car comes south it would then be brought within the scope of the Act. I support the new clause.

Mr. DAVY: The new clause does not go far enough. Other parts of the State will receive no benefit from the tax, I refer to Esperance and Encla and other parts east of Albany.

The Minister for Works: We are making a lot of roads around Esperance.

Mr. DAVY: Other people may complain that they have not had the same concession as is being meted out to those in the North. Scientifically, it will be necessary to draw rather a wavy kind of line to keep outside it those who will be exempt from the operations of the tax.

New clause put and passed.

Bill reported with amendments.

## **BILL—MINERS' PHTHISIS ACT AMENDMENT.**

### *Message.*

Message from the Governor received and read recommending appropriation in connection with this Bill.

## **BILL—WORKERS' HOMES ACT AMENDMENT.**

### *Second Reading.*

Order read for the resumption of the debate from the 26th November.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

*House adjourned at 12.15 a.m. (Thursday).*