

The Bill.

Explanation.

tralia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively four-fifths, three-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

96. Until the Parliament otherwise provides, the law in force in any colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the Government of the colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the State in the same manner as if the Commonwealth, or the Government, or an officer of the Commonwealth, were mentioned whenever the colony, or the Government, or an officer of the colony, is mentioned.

97. The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

98. The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

99. The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

100. There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

101. The Parliament may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State or by any authority constituted under a State, if such preference or discrimination is undue and unreasonable, or unjust to any State, due regard being had to the financial responsibilities incurred by any State in connection with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.

102. The members of the Inter-State Commission—

- (1.) Shall be appointed by the Governor-General in Council.
- (2.) Shall hold office for seven years, but may be removed within that time by the Governor-General in Council on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity.

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Sections 97 to 103.

The power to control trade and commerce is expressly declared to include the control of navigation, shipping, and State-owned railways. This alone would be a very wide power. The Act goes much further. The Commonwealth itself is prohibited from giving by any law or regulation of trade and commerce or revenue, any preference to one State or any part of a State over another State or part thereof. It will not be able to give trading facilities to one State which are denied to another. There must be no favouritism, but even-handed justice all round.

Rivers.—In its anxiety to promote inter-state trade by giving increased facilities for navigation of rivers, ports, &c., the Commonwealth will not be permitted to abridge the right of any State, or of its residents thereon, to the reasonable use of the waters or rivers for conservation or irrigation. Navigation is not to be subordinate to irrigation, nor irrigation to navigation. Both have equal claims to the protection of federal laws.

Railways.—The Commonwealth may control railways for trade and commerce purposes under section 97. But a further grant of power is made in several sections which, read apart, seem rather complicated, but read together may be harmonised. Parliament may forbid any preference or discrimination by any State railway authority if such preference or discrimination is undue and unreasonable or unjust to any State. The Inter-state Commission is to judge and decide whether any railway-rate involves such a preference or discrimination. In so deciding the Commission has to give due regard to the financial responsibilities incurred by any State in connection with its railways. Nothing shall render unlawful any rate for the carriage of goods on a railway if the rate is deemed by the Inter-state Commission to be necessary for the development of the territory of the State, and if it applies equally to goods within the State and to goods passing into a State from other States. The Inter-State Commission would have to decide whether such a rate was *bonâ fide* imposed for the development of territory, or