

consideration extended to me during the session. I also thank the Clerk, the Assistant Clerk, the members of the "Hansard" staff and the other officers who are called upon to minister to our wants, our welfare and very often our shortcomings. I have been informed by one member that I was better out of the Chair than in it, and by another member that I was better in the Chair than out of it, so that I have been complimented by at least two members.

I think the House should extend its congratulations to the Clerk of Records, Mr. John Roberts, who has obtained his majority in the A.I.F. That is a big achievement, especially when we take into consideration the fact that he left this House as a very young man—he is not more than 23 years—to join the A.I.F. as a sergeant. To become a major within three years is a wonderful achievement and a splendid advertisement for the training that he has received in this House. I wish the same success to Mr. Len Power. In conclusion, we ought not to let the war situation get the best of us. We should accept events day by day and each morning wake up with a firm resolve that we shall still keep on trying.

**THE PRESIDENT:** I wish to express my thanks for the many kind, perhaps too kind, remarks that have been passed regarding the way in which I have endeavoured to carry out the duties of President of this Chamber. If those remarks be deserved, it is due entirely to the assistance received by me from members themselves, who have always given me the greatest possible help. They are extremely desirous of maintaining the high traditions of this House for good order. It is the oldest institution in the State, having been established in the very early days of its existence. From this Chamber have come all the other institutions that today exist in Western Australia. I wish further to say that if the remarks made regarding myself are deserved I have to thank the Chairman of Committees and the Deputy Chairmen, together with the officers of the House, for the assistance they have rendered me. To one and all I wish as happy a Christmas as circumstances will allow. If the New Year does not bring us victorious peace I hope, at any rate, it will bring us closer to it. Once more I thank members and officers of this House who have rendered me assistance during the year.

## ADJOURNMENT—SPECIAL.

**THE CHIEF SECRETARY [5.32]:** I move—

That the House at its rising adjourn till 2.15 p.m. on Tuesday, the 26th January, 1943.

Question put and passed.

*House adjourned at 5.33 p.m.*

## Legislative Assembly.

*Friday, 11th December, 1942.*

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The **SPEAKER** took the Chair at 11 a.m., and read prayers.

## QUESTIONS (3).

### RAILWAYS.

#### *As to Re-grading.*

Mr. **NORTH** asked the Minister for Railways: 1, Approximately how much money could the department use to advantage in re-grading the Western Australian Government railways? 2, What proportion, approximately, of the coal used on the railways is absorbed through uneconomical grading? 3, Would the money spent on regrading more than meet debt service in operational savings?

The **MINISTER** replied: 1, Prior to the war, re-grading propositions then estimated to cost £70,000 were being investigated. At the present time their construction would not be feasible, and will be considered as an employment job in post-war re-construction period. 2, This would be almost infinitesimal and has not been calculated. 3, This is one of the conditions deemed to be necessary when re-grading propositions are being considered.

**CIVIL DEFENCE.***As to Shop Window Displays.*

Hon. W. D. JOHNSON asked the Minister for Mines: 1, Does he appreciate that by the Order requiring the removal of glass on ground floors he automatically restricts, if not prevents, window displays? 2, Will he cancel the Order requiring the removal of glass from the ground floors of city buildings, thus bringing Perth more in conformity with the brighter conditions at present applying in capital cities in the Eastern States. 3, If not, why not?

The MINISTER replied: 1, The Order does not prevent displays. It is quite possible for displays to be held behind wire netting or other transparent material. 2, No. 3, Practically all glass has now been removed within the city blocks of Perth and Fremantle in compliance with the Order. Glass has, according to our advices, proved a distinct menace in other cities affected by enemy action, and it is considered that with its removal a very desirable step has been taken in this State towards the safety and security of citizens. The strategic position of Western Australia is not yet such as to warrant any relaxation of safety precautions.

**ELECTRICITY.***East Perth Power Station.*

Mr. TONKIN (without notice) asked the Minister for Railways: 1, What is the thermal efficiency of the East Perth Power Station? 2, How does the thermal efficiency of the East Perth Power Station compare with other like stations in Australia and the British Empire? 3, How much coal does a station use to produce a unit of electricity compared with B station? 4, What proportions of coal for a given period does B station use compared with A station and what is the percentage of electricity produced by each station respectively?

The MINISTER replied: 1, 28.8. 2, East Perth has the highest thermal efficiency in Australia and second in the British Empire. 3, A station 3 lbs., B station 1.36 lbs. 4, 12,334,620 units; B, 9,784,000, A 2,550,620. Coal used, 10,940 tons. Of that A station used 4,990 tons and B, 5,950 tons. Percentage: B, 79.3; A, 20.7. These replies are taken from the actual operations at East Perth Power Station for the month of November, 1942.

**BILL—INCOME AND ENTERTAINMENTS TAX (WAR TIME SUSPENSION).***Council's Amendments.*

Schedule of two amendments made by the Council now considered.

*In Committee.*

Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

No. 1. Clause 5—Delete the word "forty-one" and substitute the word "forty-two" in line 37, page 2.

The MINISTER FOR LANDS: The word "forty-one" is obviously an error and one for which I cannot consider myself blameless. At the last conference on this Bill between the Commissioner of Taxation, the Under Treasurer, the Crown Law Officer and myself the error was noticed. We each had a copy of the draft Bill. The error was amended in three of the copies but unfortunately the copy that was not amended was sent to the printer. In introducing the measure I used a typed copy of the Bill and did not notice that the figure was wrong. Following its passage here the Chief Secretary had it amended in another place. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 6—Delete the word "forty-one" and substitute the word "forty-two" in line 10, page 3.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

**BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE AND AMENDMENT.***In Committee.*

Resumed from the previous day: Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

Clause 2—Amendment of Section 7:

The CHAIRMAN: Progress was reported on Clause 2, to which an amendment had been moved by Mr. Watts to delete the words "Commissioner of Titles, Perth" in lines 4

and 5 of proposed new Subsection (5) of Section 7.

The **MINISTER FOR LANDS**: I spoke to the amendment of the Leader of the Opposition in which he suggests that the Commissioner of Titles should not be given authority, and that the rights in the parent Act should not be altered in this way. I know that there are other amendments to this clause. I have seen some of them and do not agree with them. One is to be moved on behalf of the member for East Perth. In his absence I would be very reluctant to act with a view to defeating such amendment. Speaking to the principle embodied in this amendment and the clause generally, I find myself in agreement with many of the opinions expressed even in opposition to part of the principle involved. In view of the expression of opinion by the member for Nedlands yesterday, I think the majority of both those who support as well as those who are opposed to the Bill will agree that the people affected by this clause should not have been brought within the ambit of the parent Act. Some of the arguments advanced yesterday warrant further consideration, and the most desirable happening now would be for the Leader of the Opposition to request leave to withdraw his amendment, subsequent to which the clause itself could be deleted, the effect of that being to make the measure purely a continuance Bill.

Mr. **WATTS**: I ask leave to withdraw the amendment in view of the remarks of the Minister and the understanding we have with him.

Amendment, by leave, withdrawn.

Clause put and negatived.

Clause 3—Continuance of Act:

The **MINISTER FOR LANDS**: I move an amendment—

That in line 1 the words "as hereby amended" be struck out.

As it is intended that the Bill shall merely continue the operations of the principal Act and not be amended, the deletion of those words is necessary.

Amendment put and passed.

The **MINISTER FOR LANDS**: A further amendment is necessary owing to the changed character of the Bill. I move an amendment—

That a new subclause to stand as Subclause (2), be added as follows:—"Section 20 of the principal Act is amended by deleting the words 'forty-two' and inserting in lieu thereof the words 'forty-three'."

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

Title:

The **MINISTER FOR LANDS**: I move an amendment—

That the words "and to amend Section 7 of the said Act" be struck out.

In view of the amendments already agreed to, the alteration to the Title is required.

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

Bill reported with amendments and an amendment to the Title.

#### *Recommendation.*

On motion by the Minister for Lands, Bill recommitted for the further consideration of Clause 1.

#### *In Committee.*

Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

Clause 1—Short Title:

The **MINISTER FOR LANDS**: I move an amendment—

That in line 2 the words "and Amendment" be struck out.

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

Bill again reported with a further amendment, and the reports adopted.

#### *Third Reading.*

**THE MINISTER FOR LANDS** [11.15]: I move—

That the Bill be now read a third time.

**MR. McDONALD** (West Perth): Owing to the proposed early termination of the present portion of the session, it has not been possible to put the Bill into a shape acceptable to all sides of the House if the laudable object desired is to be attained. Many members feel with the Minister that there is an obligation on the House to make some provision in the interests of the class of mortgagees to which the Bill refers. I express the hope that the Minister will take an early opportunity to bring the matter before Parliament again, so that amending legislation may be passed applying to the class of mortgagee that the Bill sought to deal with, and by this means obviate hardships.

Question put and passed.

Bill read a third time and transmitted to the Council.

**ANNUAL ESTIMATES, 1942-43.***In Committee of Supply.*

Debate resumed from the previous day;  
Mr. Marshall in the Chair.

*Vote—Labour, 51,218:*

**THE MINISTER FOR LABOUR [11.17]:**

The annual report of the Department of Labour was tabled here some weeks ago. It contains information covering many of the activities of the Labour Department and its sub-departments. I propose, therefore, not to speak regarding the activities of that department except in respect of the compulsory provisions of the Workers' Compensation Act, and the policing of those provisions by inspectors of the Factories and Shops Department. During 1941, 3,369 inspections were carried out under the Workers' Compensation Act, as a result of which 22 additional workers' compensation insurance policies were effected. Prosecutions totalling 33 were instituted by the department against employers who have failed to insure their workers against accident, and convictions were recorded in each instance. I wish to emphasise that particular activity of the Labour Department in the hope that publicity given to the fact may result in any employer who has not at the moment taken out the necessary insurance policy in respect of his employees without delay effecting that required cover. The inspectors under the Factories and Shops Act will continue to carry out their investigations, and therefore it is likely that those employers who have failed for one reason or other to insure their employees against accident will be discovered sooner or later, and will be prosecuted for their failure to do what is not only legally necessary but very essential from every point of view.

The State Government Insurance Office comes under the Department of Labour. During the financial year 1941-42, the total premiums received amounted to £304,143, the total claims to £166,370, the net surplus being £107,994 in the State Insurance Trust Fund, £23,672 in the Government Workers' Compensation Fund, and £6,940 in the Government Fire Marine and General Insurance Fund. The surplus, at first reading, might give members rather a wrong impression of need for serious consideration. However, everybody will know that in the insurance business one has liabilities and potential

liabilities all the time, and that although one surplus in a particular year might appear to be large, the claims which might arise at any moment would be capable of reducing the surplus of one year to a much lower surplus or even a deficiency in the following year.

About the Department of Industrial Development I propose to say very little. During this season we dealt with a Bill relating to the alunite deposits at Lake Campion, and we know practically all that is to be known regarding the development of the industry. I notice that in today's "West Australian" there is a report of a statement made by Mr. Seddon in the Legislative Council yesterday. Mr. Seddon tried to establish a claim that certain figures made available in respect of the treatment of alunite when the plant commenced operation are not correct. I have had Mr. Seddon's statement checked carefully by the technical officers of the department, and they confirm the figures taken out and made available by the department proving that Mr. Seddon's figures and conclusions are not correct.

Mr. Patrick: But some other department was wrong, though—the Geological Survey.

**THE MINISTER FOR LABOUR:** No. Mr. Seddon was wrong in the figures he used and the deductions he arrived at. The statement of the departmental officers commenting on Mr. Seddon's statement is short, and for the information of the Committee I propose to read it—

The figures supplied by the Chief Secretary in respect to potash production at Lake Campion refer to potassium sulphate—the form in which potash will be marketed—and are quite correct.

In the Geological Reports of 1926 and 1931 the potash content of Lake Campion alunite has been expressed in terms of potassium oxide.

The figure quoted by Mr. Seddon for potassium oxide recovery—9 tons from 130 tons of alunite—assumes 100 per cent. recovery, which is not attainable and not claimed.

The estimated percentage of recovery by the process proposed for Lake Campion is based on actual pilot plant results, and the recovery from 130 tons of alunite expressed in potassium oxide would be nearer 7 tons than 9 tons, as quoted by Mr. Seddon.

Mr. Patrick: The oxide is not a marketable product, is it?

**THE MINISTER FOR LABOUR:** No. There is one other important activity of the Department of Industrial Development to which I would like to refer briefly. That activity is aimed at establishing in Western

Australia a charcoal-iron blast furnace for the purpose of producing charcoal-iron and steel billets. A great deal of investigation has already been carried out in that matter. It is now proposed to establish in the Darling Range a charcoal blast furnace plant with a production capacity of 10,000 tons of charcoal pig iron and 1,000 tons of steel billets annually. The iron ore required for this plant is available in the Darling Range, and the plant will be established where the ore and the timber are available in sufficient quantities to enable practically the whole of the raw materials to be obtained within a short radius from the site on which the plant is to be erected. This plant will be a small temporary plant, and will be operated for from five to seven years for the purpose of producing our immediate requirements for war purposes. If after the war we find that the industry has been operated successfully, and that there is justification for establishing a larger permanent plant, the necessary action to establish that plant will be taken without any undue delay. So I briefly indicate to members that the Government has already carried out a great deal of investigation and obtained a great deal of information, and is now taking steps to establish this highly desirable and necessary industry in Western Australia.

The building of wooden ships has taken shape in Western Australia after some years of struggle and battling and arguing with the Commonwealth authorities, especially the Commonwealth expert in shipbuilding, who only a few months ago condemned utterly the building of small wooden ships in Western Australia. As a result of war activities in the islands north of Australia they have evidently been converted to a realisation of the great value of the small wooden ships in respect of transport of essential cargo for war requirements and also, in some cases, for the transport of troops who have to be shifted under difficult conditions. Bigger ships are too great a danger in respect of destruction from enemy attack; and therefore the smaller ship is not only of much greater value but to a great extent safer from enemy observation. Some few weeks ago the Commonwealth and State Governments agreed that the building of wooden ships should be undertaken in Western Australia by the Government of Western Australia. Preliminary work in that regard has been done in this State. The shipbuilding yard has been established. The

necessary orders for seasoned timber have been placed, and the timber has been cut and is now being seasoned, and whatever work is capable of being done in the meantime, until the seasoned timber becomes available, is being done.

In connection with this building of small wooden ships I wish to pay a tribute to the advocacy of the project by the member for Irwin-Moore. Members will recall clearly that the member for Irwin-Moore did advocate very strongly, early in the war, and continued to advocate strongly, the building of small wooden ships in this State and in Australia generally. In his advocacy of this matter he informed members of what he considered would be the great need for the small wooden ship, and its great value, when Japan developed her war effort more strongly against Australia. The member for Irwin-Moore is entitled to a good deal of credit for the satisfactory result which we now believe has been achieved in the matter. I frankly admit that the strong advocacy and arguments put forward by the hon. member in support of the proposal had a great deal to do with convincing me of the necessity for the building of small wooden ships wherever possible in other parts of Australia, as well as in Western Australia.

The Department of Industrial Development has been successful after many, many months of strong advocacy in convincing the superphosphate companies of this State of the desirability, and necessity too, of using locally-produced pyrites instead of imported brimstone for the purpose of manufacturing sulphur for use in the subsequent production of superphosphate. I presume the superphosphate companies here were, quite naturally, not keen on changing over from the burning of brimstone to the treatment of pyrites, but they were practically forced by circumstances to do so. Their treatment plants were designed and built to treat imported brimstone, and the changing of their plants from the processing of brimstone to the processing of locally-produced pyrites will be a big and expensive undertaking. A few weeks ago the companies decided to make the necessary alterations in their plants, with the result that the Norseman Gold Mine at Norseman is now producing pyrites at the rate of 20,000 tons per year. These are being sold under contract to the two local superphosphate companies, and will be processed

by them into sulphur and subsequently used in the manufacture of superphosphate. If the companies continue using locally-produced pyrites—and I think it is certain, now that they have changed their treatment plants for the purpose—the total quantity of pyrites which will be produced and treated in this State in a year or two will not be 20,000 tons per annum, but 80,000 tons, which is the total quantity required in this State to produce sufficient sulphur for superphosphate manufacture.

For some time the State Government has been in touch with the Commonwealth authorities with a view to testing all possible sources of phosphate in the State. Some few weeks ago, the Government made special representations to the representatives of the British Phosphate Commission in Australia. We requested that the representatives should send their experts to Western Australia for the purpose of thoroughly testing known deposits of phosphate in this State. The Commission readily acceded to the request, and we have in the State today the technical men of the Commission, who have already examined and tested the deposits at Dandarragan. They are now engaged in testing deposits on an island off our coast; and early in the new year they will test deposits on another island not far from our coast. Should they succeed in locating worthwhile deposits of phosphate, both as regards quantity and quality, we shall be in a position to produce our own sulphur requirements for the superphosphate industry and also to produce our own phosphate. We shall then be practically independent of overseas supplies for the carrying on of this vital industry.

Mr. Cross: Has any attempt been made to extract sulphur from gas?

The MINISTER FOR LABOUR: That question was investigated thoroughly a few months ago, when it was found that the cost of the treatment was so high as to make the proposal less attractive than other proposals.

Mr. Cross: Germany is producing explosives from gypsum.

The MINISTER FOR LABOUR: Because Germany is doing so is not necessarily proof that we can do so economically here. We may be able to produce our explosives from other raw materials available in this State. The new factory at Subiaco for the

production of linseed oil and linseed meal has been completed and will be in operation early in the new year. It will produce considerable quantities of linseed oil and linseed meal. Considerable expansion has taken place in the fish-canning industry in this State. I mentioned last year that one local factory had undertaken the canning of herring. The production of this company in January was 9,700 lbs. per week. The latest figures available, for October, disclose that the production had risen to 34,500 lbs. a week. That indicates the considerable progress made by that company.

An industry about which very little has been said and about which much cannot be said is ship-repairing. Members will have no difficulty in realising the heavy demand for ship-repairing in this State during the last year or so. Remarkable results have been achieved by our factories and workshops in the carrying out of repairs to all classes of ships. Such repairs have not been of a minor character; some have been of a major character, and the various nations whose ships have been so repaired have, through their representatives, expressed their thanks and admiration for the effective and expeditious way in which vital repairs to ships have been carried out in this State.

Members will also realise that our secondary industries for the production of food and clothing have been faced with many difficulties, such as manpower and supplies of raw material. Nevertheless, considerable quantities of food and clothing have been manufactured. Our factories have been carrying on actively within the limit of their labour capacity, their machine capacity and their ability to obtain raw materials. In the circumstances, they have done a very good job. Most of what they have produced has gone to assist the war effort, but where possible supplies have been made available for civilians. The Shipping Priorities Committee has been working under considerable pressure. Members will readily acknowledge that the committee has all sorts of requests made to it for priorities to be granted for goods to be sent here from eastern Australia. Many such requests have had to be turned down, because they were in respect of goods not regarded as essential. In other cases, requests have been made for priority for goods of a class which can be manufactured here in sufficient quantities and of a good quality. From time to time

some goods do arrive here by ship that ought not to have been sent here. We track these occurrences down as quickly as possible, and take effective action to ensure that similar goods shall not be imported in future. A good deal more could be said about our industrial development policy and our secondary industries. I have indicated briefly to members what has been done in respect of the major items of development.

I think we can now say that the prospects for industrial development in this State are much brighter than they have been at any time in its history. Even large manufacturing firms in eastern Australia are beginning to realise that this State is determined to achieve success in secondary industry development. They are beginning to realise that where private firms and business men in this State cannot by themselves achieve this industrial development, the State Government—backed up by the State Parliament—will do what is necessary to enable them to establish major industries here. The larger manufacturing firms in eastern Australia will, therefore, probably realise the wisdom of establishing branches in this State in order to keep their hold upon the local market. It is likely that important developments will shortly take place in one industry; a big manufacturing establishment in eastern Australia is proposing to establish a branch here. As soon as some announcement can be publicly made in this respect, it will be made. That is confirmation of what I said a moment ago, and it indicates that Eastern States manufacturers are now taking this State seriously and are likely to take practical action to retain their hold on our markets.

The activities of the Child Welfare Department have been conducted on much the same lines as previously. The expenditure of the department has been considerably reduced. One reason is that many men who had perhaps deserted their wives and were not contributing to their support or to the maintenance of their children before the war, have since the war enlisted. The result is that the Commonwealth Government has been able to make available payments to their wives and children. The relief afforded to the Child Welfare Department in this regard amounts, I think, to approximately £20,000 per year. If any member has any point which he wishes to put forward in respect of the Labour Department, the Department of Industrial Development or the

Child Welfare Department, I shall be glad to give it consideration and subsequently reply to the member concerned.

**MR. BERRY** (Irwin-Moore): I shall be very brief. I thank the Minister very much indeed for what he has said about my efforts to establish shipbuilding in this State. The fact that his remarks were altogether unexpected makes me appreciate them all the more. Other men besides myself were concerned in this movement. I was the chairman of the committee, and shall pass on to its members the thanks of the Minister. These, I am sure, will be very much appreciated by them. As one of the prime movers in this shipbuilding project, I desire to pay a tribute to Mr. Fernie, of the Minister's department. That officer's practical ability and determination are something of which I think the State should be proud, especially as regards this matter of shipbuilding. If there is anything further I can do to help in a small or a big way in this matter, I shall be only too pleased to do it. Again I thank the Minister.

**MR. SHEARN** (Maylands): Like the member for Irwin-Moore, I have no desire unduly to delay the Committee, but I do wish to make one or two observations. Firstly, I would like to express my appreciation to the Minister and officers of the Department of Industrial Development for the assistance rendered by them through me to individual concerns and persons connected with industry in this State, without which considerable inconvenience, and in some cases cessation of operations, must inevitably have resulted. I am not at all satisfied with the moneys made available to the Child Welfare Department. We realise the present difficult financial position, and within the limits of that position I express my appreciation of the officers of the department for the prompt, expeditious and satisfactory manner in which they have dealt with the cases I have brought under their notice. Unfortunately, they have been rather numerous.

The next point with which I wish to deal is in connection with the supply of materials from the Eastern States. I asked the Minister last session whether he contemplated doing something about bringing us into more constant and direct contact with suppliers in eastern Australia. My experiences, whilst in the East, proved conclusively to me that

a great deal of good would occur if we were constantly represented there. In more favourable financial circumstances, I would suggest that we appoint an officer, and that the Minister might have an Honorary Minister to assist him. However, the method by which my suggestion can be accomplished is one for the Government and the Minister to decide.

The Minister for Labour: We have the use of two permanent officers there.

Mr. SHEARN: I do not wish the Minister to imagine my words to infer that he is not doing his job. He has a tremendous task in attempting to foster secondary industries in this State, but we must be represented in the Eastern States. At one time in this Chamber I discussed the appointment of somebody to represent us in the matter of tourist traffic. The Premier at that time said that we were working under a scheme of representation through the Victorian Tourist Department. Subsequently it was decided to establish an office in the East and we all know what an economic success it was. Unfortunately, due to war conditions, it has had to be closed. Many instances in connection with supplies have come under my notice, some of which I have referred to the Minister's department, and others, where they directly concerned the Federal authorities, I referred to them. Only in this morning's paper there is a report of a series of questions asked by Mr. W. M. Nairn, in regard to supplies to this State. Those questions are similar to what I asked here some months ago. Senator Fraser, in conjunction with our own Minister, was helpful in getting supplies.

The Shipping Priorities Committee is doing much to overcome the previous unfortunate position, but difficulties still exist. If a justifiable case can be put forward for the establishment of a permanent Western Australian representative in the Eastern States, it should be considered, so that we can get continuity of supplies. The right type of man would also be effective in influencing the establishment of other industries in this State. I again express my appreciation of the interest the department takes, not only in promoting new industries but in assisting existing industries, however small, to carry on in competition with the Eastern States.

MR. J. HEGNEY (Middle Swan): I understand the Bread Act comes under the Minister's control, and that, therefore, these are the proper Estimates under which to discuss the question of bread. Since the zoning system has come into operation many people in the suburbs are finding difficulty in getting the same quality bread that they previously got. When they had the opportunity to select a baker, they selected the man who sold the best quality bread. It is the most difficult thing in this country to get wholemeal bread. People have been educated by the Commonwealth Nutrition Council and other experts to believe that that is the best bread for them to eat. The workers at Midland Junction recently complained bitterly because, where previously they could buy wholemeal bread, they could not now under the zoning system. Some 12 months or more ago the soldiers in England were put on to wholemeal bread, not white bread. The necessary vitamins were put into the flour which was supposed to be deficient. All those essentials are in wholemeal bread. Many people in Australia eat white bread, which is not 100 per cent. wholemeal. It is short of certain vitamins. In the process of milling, essential vitamins are milled out of the flour. Our children should be reared on wholemeal bread and it is hard to understand why, in this country which is supposed to produce the best flour, we cannot get it. In many cases bakers do not manufacture wholemeal bread, but a 50 per cent. wholemeal article and throw in bran or other substance to colour it, and then sell it to the consumer as wholemeal bread.

I ask the Minister to investigate this matter and inform the master bakers of the fact that the people are crying out for wholemeal bread. I know of many people today who buy bread at certain places in the city where they know pure wholemeal bread is sold. When these people have to revert to the anemic white bread they do not like it. The matter should be rectified. I remember, some 12 months ago, a controversy about the value of wholemeal bread. There were protagonists on both sides, but I remember a doctor saying that 100 years ago the convicts in the gaols got pure wholemeal bread which was better bread than the people are getting today. They got the wheat germ in the wholemeal and benefited accordingly. The bakers should provide this bread for the people anxious to get it. Many bakers are provid-



ing a bread which is simply white bread coloured brown. I know the Minister is a connoisseur of bread. Only recently we examined some at a bakery not far from here, but it was not the best.

**MR. NEEDHAM** (Perth): I confess I am not an expert on the question of wholemeal bread, but since zoning has been inaugurated some people have complained about the bread they get. If the zoning system is to be a success, those responsible for it should deal with this question. I am told that a consumer in a particular zone has no chance of being supplied by another baker if he finds that the bread he is getting is not so good as previously. If that is to continue, it will not help the zoning principle. Another feature of zoning which occurs to me is this: Prior to its being introduced, we were often told that the cost of distribution would be considerably reduced if one baker, rather than a number of bakers, supplied a certain zone. That was a strong argument used in favour of the system; I have used it myself on many occasions.

Zoning has been in operation now for some months, but I have not heard of any reduction in the price of bread. If the cost of distribution is lessened, then the consumer should benefit as a result. Any increases have to be met by the consumer, so that if there is a saving in overhead, on account of distribution, then it should be passed on to him. It would be well for the Minister to inquire into the matter of the distribution costs under the old system and the present one, and see that the consumer gets any benefit that may have occurred as the result of zoning. The cost of bread to a man raising a family of three or four children is a big item in the household bills. I commend the matter to the attention of the Minister and hope he will inquire into it.

There is one other matter associated with child welfare, to which I have referred on previous occasions and which I must mention again. I refer to the magistrate of the Children's Court. I think members will agree that Mr. Schroeder has done excellent work in the Children's Court and has proved helpful not only to many wayward children but also to their parents. I think he could do better, however, if he had complete control of the inspectorial staff. I am not inferring that this staff is not doing all it should but, if Mr. Schroeder had more authority over it, I venture to say that these

expert officers would be able to obtain better results. I ask the Minister to investigate this matter and consider whether it is not possible to transfer to the magistrate full authority over the inspectorial staff.

Vote put and passed.

*Vote—Factories, £7,600; Arbitration Court, £5,375; State Insurance Office, £5; Department of Industrial Development, £5,007; Child Welfare and Outdoor Relief, £79,550—agreed to.*

*Vote—Education, £851,200 (partly considered):*

**MR. WATTS** (Katanning) [12.2]: I wish to lodge a protest and make a suggestion regarding the closing and reopening of small country schools with a view to some amendments of the regulations being made. Immediately the average attendance at a school falls below eight, the school is closed and the teacher is withdrawn. In many cases the average attendance has fallen owing to parents having left the district temporarily or owing to the ill-health of the children. In the last few years the school at Gordon River has been closed and reopened three or four times. When the parents have returned or the health of the children has improved and the number of scholars rises, application is made for the reopening of the school. The present arrangement is nonsensical. In my view no country school should be closed unless it has been satisfactorily established that there is no hope of the average attendance being reinstated.

I suggest that the regulations be amended to give the Director of Education some discretion in the matter, which he does not appear to have at present, and to enable him to continue schools in operation, even though the average attendance for a period has fallen below the regulation number of eight, provided that he is satisfied there is a reasonable prospect that in a comparatively short space of time the numbers are likely to be restored. I hope the Minister will have this matter carefully considered. It is a great trial to parents in the small country centres to be continually informed that the school is to be closed when they themselves are aware of the circumstances, which indicate to them that the attendance could be maintained if a period of time were allowed to elapse. I quote also the Chinocup school in my district, which has been in the position I have indicated three or four times

since I have occupied a seat in this Chamber and which, a few months ago was, and I think, now is operating. I hope sympathetic consideration will be given to the matter and I submit the need for early action in this direction.

**MR. SEWARD (Pingelly):** I regret that I am impelled to speak on this vote, but unfortunately in the newspapers last night and this morning, the Pingelly school has received another advertisement. I desire to explain the facts because we have reached a state of affairs that should not be permitted to continue. When I raised this question the other day on the vote of the Department of Native Affairs—both departments are intimately concerned—the Minister stated that had I acted like some other members and discussed the matter with him, it would soon have been attended to.

The Minister for the North-West: I was referring to the native affairs aspect.

**Mr. SEWARD:** That is so. The Minister indicated that had I adopted other tactics, better results might have been obtained.

The Minister for the North-West: I did not mention that at all. I was dealing with native affairs.

**Mr. SEWARD:** I wish to explain the procedure I adopted and to show that I believe it was correct in the case of both departments. On the 10th November I wrote to the Minister for Education as follows:—

The chairman, Parents and Citizens' Association, has shown me your letter to him, dated 3rd inst., on the matter of providing a separate room at the Pingelly school for coloured children.

I have been anticipating this for some time, and am surprised at the nature of the reports submitted to you, on which you based your decision not to recognise the claims made for separate accommodation.

That the department is seriously understaffed as a result of enlistments is fully recognised, and on that account it may be beyond the capacity of the department to provide additional teachers, but some change in existing conditions must be made, and with a view to considering all aspects of the matter, a meeting of the Parents and Citizens' Association has been called for Friday next, at 3 p.m.

It would greatly assist matters if the Director of Education could attend this meeting, after which he will be able to view the conditions under which some of these coloured people are living.

I have not seen the letter you received from Mr. Manning and to which you refer in yours of 3rd instant, but he must have used very strong terms if he overstated the position.

It is hoped you can arrange for the Director to be in Pingelly on Friday next.

On the 14th November I again wrote the Minister for Education as follows:—

A meeting of parents of children attending the local school was held yesterday for the purpose of discussing the position at the school, where a number of coloured children are attending.

During the year a certain amount of sickness has occurred at the school, and whether rightly or wrongly I am unable to tell, but the cause has been attributed to the coloured children. Suffice it to say that one child died of meningitis while a second one is in hospital at present suffering from the same complaint. It is stated that an inspector recently visited Pingelly to inquire into conditions, but he did not, I understand, visit the camps where some of the children live, and so would be quite unable to furnish a reliable report.

I attended yesterday's meeting and pointed out that it would be wrong, in my opinion, to turn the coloured children out of the school. They are human beings and must be treated as such. On the other hand, the parents of white children object to having their children mixed up with them and so the present unsatisfactory position has been brought about.

That position cannot be allowed to remain, as the parents of the white children threaten to keep them at home if the position is not changed. With that object in view, therefore, you have been asked to collaborate with the Minister for Native Affairs and to send a representative to Pingelly in order to examine the position and discuss it with the parents.

I hope you will do that within the next two weeks, giving the Parents and Citizens' Association sufficient notice so that the parents can be notified.

After the expiration of two weeks the meeting was held but representatives of the two departments were not present. The Education Department replied stating that the Director could not attend on that day. However, the parents decided to take action and did so, with the result that they kept their children away from school. So that the Minister for Health might have the fullest information, I wrote to him on the 30th November as follows:—

For some time now various parents of white children attending the Pingelly school have been troubled with sickness amongst their children, and in some of the cases the doctors consulted have expressed the opinion that the cause of the sickness arises from half-caste children attending the school. Whether such is the case or not, I am unable to say, but dissatisfaction has increased to such an extent that the white children are all being kept away from the school as from Monday, 30th inst.

It might be, of course, that the parents are wrong in ascribing the sickness to the cause stated, but the fact remains that some of the

native children are living under conditions which do not render cleanliness easy insofar that the only water available to them is obtained from a soak in a nearby farm paddock to which stock have access.

Under the circumstances, therefore, the parents desire you to send a doctor up to investigate and report upon the position, both the conditions under which the children live and the fact that no separate conveniences are provided for the native children at the school. Commending the matter to your early attention.

I am pleased to say that in due course I received advice from the Minister for Health that Dr. Stang would go, and she visited Pingelly, I think, on Wednesday last. I am speaking entirely from the newspaper reports, and subject to their being correct, I must say I was more than surprised to read that when the Director of Education visited Pingelly on Wednesday in company with Dr. Stang, he adopted an attitude which to my mind did not present any favourable chance of having the existing unsatisfactory state of affairs altered. When I asked that the Director of Education or a representative of each of the two departments should visit Pingelly, I expected that two reasonable people would be sent up and would discuss the difficulties with parents with the object of trying to overcome them. I know perfectly well that the department could not provide a new room or make alterations immediately; time would be required, but if I may judge from the newspaper report, the director seems to have adopted a very dictatorial attitude, so much so that we find a Press report as follows:—

#### Pingelly School Strike Goes On.

Pingelly, Thursday.—Pingelly is in an uproar because Education Director Murray Little has not acceded to parents' demands. The school strike is continuing.

A separate teacher for half-caste children, separate classroom and lavatory were demands put forward at a meeting of the Parents and Citizens' Association last night.

Mr. Little and 70 members of the association were present. Mr. Little told the meeting that he did not intend to make any such recommendation to the department. Children attending State schools could be of any colour or creed, he said. All the department asked from them was cleanliness and freedom from infection.

Mr. Little and Schools' Medical Officer, Dr. E. M. Stang, yesterday inspected the school and, it is stated, found that the children were clean except for one white and one half-caste child suffering from running sores.

Parents contend that they should have inspected native camp conditions, but the Director told them that the camp was the concern of Department of Native Affairs.

It is beyond me to imagine why two highly paid officials like the Director and Dr. Stang should travel all the way to Pingelly to deal with this matter and refuse to investigate the conditions under which the children live. Why waste their time by going to Pingelly? Surely they have something to do in Perth! If the complaints about these children suffering from running sores—

The Premier: How many of these children are there?

Mr. SEWARD: As I explained the other night, 17 to 20 are attending the Pingelly school.

The Premier: I remember the circumstances and know the policy of the department over the last ten years.

Mr. SEWARD: There are 17 to 20 native children ranging up to 12 or 13 years of age and practically all of them are in the infant class. It is the congestion in the infant class that is complained of; native children of 10 or 12 years are in the same class as a lot of little children of six or seven. The other night I read the report of Royal Commissioner Moseley presented in 1935, which pointed out that while there was not any difficulty about the association of native children with white children, particularly the girls, when the native girls reached 10 or 12, the white girls would have nothing to do with them. That was brought about, in the opinion of the Commissioner, by the fact that the native children were all in one room and that, as natives are far advanced in sexual matters at the age of 12 or 13 years, they were shunned by the white children. The whites and the natives were herded together in one class. A request was made that the natives should be put in a separate room, and, if possible, be given a separate teacher. At Pingelly there is a pavilion which is a splendid room, but is lying idle. All that is required is a separate teacher, but I know that teachers are not to be picked off bushes. The Commissioner suggested that for natives it was not necessary to have a teacher who was very far advanced in the profession. The natives in question are not living under hygienic conditions. They have to visit the soak for whatever water is available, and to that soak stock have access. I cannot imagine that the children could have many baths.

The Premier: Are you referring to the personal cleanliness or otherwise of the

native children when they are sent to school?

**Mr. SEWARD:** There was a strike at the Pingelly school on the part of the parents of white children, who because of the position there, had been withdrawn from the school. I do not know how many children Dr. Stang found time to inspect but I know the parents are so dissatisfied that they have taken their children away from school. We had the same trouble in Wagin a few years ago. I do not suggest that the native children should be turned out of the Pingelly school, because it is right that they, too, should be educated. Unless we satisfactorily settle this matter the natives may leave and go, say, to Beverley or some other town, and the same trouble will break out over again. I am disappointed with what was done by the Director of Education and Dr. Stang. They should have gone thoroughly into the matter, examined the whole situation, and should have inspected the camps. The doctor's report would then have been of some value. She might have said, "I have inspected the native children and the camps and the places where they get water. I have noticed how much water is available, and have come to the conclusion that owing to the conditions, the children cannot be kept clean, and I recommend that something should be done." The pavilion, as I have said, is lying idle, and it is a splendid and well ventilated room.

I know of one little school not far from Wickepin that has been taken over by a farmer's wife so that it may be kept open, when otherwise it would have been closed. Surely some volunteer could have been found in Pingelly to undertake the task of teaching the native children until such time as the department was able to make some other arrangements. I know the department is short of money, and have no desire to add to its troubles. The officials could have made a complete inspection in a very little while and could have visited the reserve as well, because that is close to the town. A local doctor is available and the protector for the district is living in Pingelly and could have been called in for a conference. When I saw what was in the paper, I was very disappointed concerning the little that had been done. It is reasonable to expect that the officers who visited Pingelly should have taken more trouble than they did in clearing up this business.

I understand they interviewed about 70 parents, but have still been unable to give those parents any satisfaction.

The department is still faced with a solution of the trouble. I have not discussed the matter with it, because I have been too busy during the last two or three weeks. I have taken every action I thought possible to induce officers of the department to visit the town, and make a proper investigation into the whole situation so that we would not be dependent on what other people had to say. I particularly wanted the matter investigated by an independent doctor, such as Dr. Stang, who would not be influenced by any local feeling. The position remains where it was, and I really felt inclined to move that the vote be reduced, as a protest. Instead of taking that action I appeal to the Minister for Education, through his representative in this Chamber, to have these native camps inspected, and to have it established whether the natives are indeed living under conditions that prevent the children from being kept clean. I also want to find out whether it would not be possible to use the pavilion, which forms part of the school. The establishment is already overcrowded so far as the infant classes are concerned, seeing that the members of those classes range from six to 12 years of age. I am speaking subject to the Press report when I say I am disappointed at the result of the visit of the departmental officials. I trust the matter will be taken up without delay by the Minister for Education.

**MR. McLARTY** (Murray-Wellington): I am sure the Minister feels with me that it is the duty of the State to see that half-caste children are educated. There is little doubt that the present position is unsatisfactory as well as the conditions under which the natives are living. The present conditions are not conducive to the contentment of those concerned. Parents of white children have a perfect right to object to the presence of native children if they are sent to school unclean.

**The Premier:** Every day teachers send children away from school because they are not clean.

**Mr. McLARTY:** I believe so. Children are sent home if they arrive at school in an uncleanly condition. It is necessary that these native camps should be inspected.

**The Minister for the North-West:** How do you know that inspections are not made?

Mr. McLARTY: I cannot deny that they are made, but I would be surprised if they were.

The Minister for the North-West: Inspections are made.

The Minister for Mines: How do you know the local boards of health do not make inspections?

Mr. McLARTY: I would be glad to hear that they do. Reports could then be obtained from the local health officers or from the local police.

The Minister for the North-West: That is already done.

Mr. McLARTY: It is unlikely, however, that the local boards of health would go sufficiently into detail in these matters.

The Premier: They deal with the dirty condition of backyards.

Mr. McLARTY: The natives have no backyards to become dirty. They are congregated together on the different reserves. Health inspectors would not bother about whether children had their faces washed or their hair combed.

The Minister for Mines: If a case of meningitis crops up at a native camp, the local health board will soon take the matter up.

Mr. McLARTY: I think the Minister is getting rather far from the subject-matter of the debate.

The Minister for Mines: The member for Pingelly referred to a case of meningitis amongst the natives.

Mr. McLARTY: Such a case would, of course, receive immediate attention.

The Minister for the North-West: That is not a matter which has anything to do with the Department of Native Affairs.

Mr. McLARTY: I do not want to deprive half-caste children of educational facilities, to which they are justly entitled.

The Premier: Do you want an inquiry as to why white children do not attend schools where there are native children?

Mr. McLARTY: It appears to me that the present dissatisfaction will grow unless some inquiry is held. At the moment, Pingelly is the outstanding case, but other schools are concerned. I suggest that a conference should be held between the Minister for Education, the Minister for Native Affairs, the Minister for Health—these are the three Ministers vitally concerned—and the heads of their departments, as well as members of

the various districts concerned, with a view to seeing whether some amicable arrangement cannot be arrived at.

The Premier: All that is to take place because one half-caste child has a running sore on his leg.

Mr. McLARTY: The Premier is not right there.

The Premier: Mine may have been an extravagant statement, but it is no more extravagant than the statement of the hon. member.

Mr. McLARTY: I am trying to be reasonable. Members are sympathetic towards assistance being given to half-castes. At the Pingelly school, the white children and the natives drink out of the same mugs. If the native children come from camps which are not all that they ought to be, one can imagine how the parents of white children feel. The Minister will appreciate that point of view. We should not allow the matter to rest where it is. We should provide educational facilities for these half-castes, and the objections of white parents should be given serious consideration. A close inspection should be made of all native camps, and everything possible should be done to see that cleanliness is observed in every direction. I wish to refer to boys and girls who leave school and sit for their examinations. Before young people can be taken into the Public Service they have to pass the Junior examination.

The Minister for Mines: That applies to other services, too.

Mr. McLARTY: It is not fair. Hundreds of children have during the last few days sat for the Junior examination. We know how temperament affects children, particularly when they are taking examinations, and that one day's examination may settle the career of a boy or girl forever so far as entrance to the Public Service is concerned. The Public Service has great attractions for young people because of the security of the job, the superannuation benefits, and other factors. Some time ago the member for Avon raised this question and pointed out that injustice was being done to numbers of children. I think injustice is being done to country children. Children who attend metropolitan schools have a teacher for each separate class; they can pass on to high schools, and have every advantage when it comes to taking the Junior examination. In the country there is one teacher to attend to all classes

in the school, and a child has no opportunity to be coached for the Junior examination.

Mr. Patrick: Most of the smart children come from the country.

The Minister for Mines: It is a good thing that principle does not apply to Parliament.

Mr. McLARTY: I suggest to the Premier that it should not be a condition that a child should pass the Junior examination before he or she is employed in the Public Service, and that opportunity should be offered to country children to enter the service. It may be possible to arrange that a percentage of young people who enter the service should come from country districts; or if the district inspector is of the opinion that a child is suitable to go into the Public Service, that should be sufficient recommendation. If it were found that the child did not have the necessary qualifications for the service, then he or she would of course have to leave the service. At present I do not consider a fair thing is being done, and the passing of the Junior examination should not be the qualification necessary for entering into the Civil Service.

MR. TONKIN (North-East Fremantle): There may not be many who agree with me, but I think the department under discussion is one of the most important of those conducted by the State Government.

Mr. Seward: We will not disagree with you about that.

Several members interjected.

Mr. TONKIN: I am very glad to hear that. The interjections of members considerably hearten me in what I have to say. While we agree it is a most important department, I do not think it gets the consideration that a most important department warrants, because this subject is fairly bristling with problems, and I am afraid we are not giving sufficient attention to those problems, and that before long we will find ourselves in extreme difficulty. We cannot carry on our education unless we have sufficient teachers. I direct attention to the fact that during the depression, the Government's policy was to close down the Teachers' Training College and therefore stop the training of teachers, and although that did not operate for a long time it brought about an extreme shortage of teachers which was felt in this State for a number of years. Now we have super-imposed upon that a con-

dition of affairs resulting from the war. On the 24th November I asked some questions to ascertain just what the position was in regard to staffing. The answers disclosed that more than 50 per cent. of the male teachers of the department had enlisted, and further that 338 teachers were now engaged by the department on supply.

In the main, those supply teachers—mostly married women—have been out of the service for years and have been brought back in order to fill the large number of vacancies. Previously it was an extremely difficult thing for married persons to obtain employment in the teaching service, and when they did secure such employment it was only for a week or two, and the department sent them all over the place. But there is such an extreme shortage of teachers today that supply teachers are almost able to dictate their own terms. Where previously they had to go where they were sent, they are now able to say, "I will teach in such-and-such a district," and the department, because it is so short of teachers, is obliged to agree to those conditions and employ the supply teachers in those areas, and send newly-trained teachers and those employed full-time into the country areas. I mention that only to show the extreme shortage of teachers that prevails today. What policy have we to deal with the situation? I will say straight out that I agree that the teaching staff should have all the qualifications possible and to ensure that state of affairs the preliminary qualification standard should not be low.

Members may know that the usual procedure is to offer a person desirous of entering the profession a monitorship and then to make a course at the Teachers' Training College available to a certain number of monitors each year. The standard required is the Leaving Certificate or the Matriculation. These monitors are about 18 or 19 years of age when they apply for entry to the Teachers' Training College. Today, because of the call of the Defence Services those applicants of 18 years of age are no longer available, and there is no pool from which future teachers can be drawn. If members care to look at the figures given in answer to my questions on the 24th November they will ascertain certain facts. I asked how many students had completed training since the commencement of the

war. The reply was 42 males and 110 females in 1940, 25 males and 108 females in 1941, and that there were undergoing training this year two males and 86 females.

If we reflect on that position, what do we find? Where it is usual to train about 50 males per year, last year we trained 25, and this year two. The reason is that students are not available to be trained owing to the combination of circumstances that the qualification necessary is the Leaving Certificate, and also that for a person to become an applicant under existing conditions he must be around the age of 18, 19 or 20. At first glance it may be a retrograde step to suggest that we must lower the qualification, but I see no alternative. There was a time when teachers were permitted to enter the Teachers' Training College on obtaining the "C" certificate, which is equivalent to the Junior standard, and they made particularly efficient teachers. There are many teachers in the service today who received their early training without having a Leaving Certificate or the Matriculation. It is only in recent years, because of the applicants offering, that the department has been able to raise the standard of qualification.

The Education Department should face up to the situation immediately unless it wants to find itself in a hopeless position in a year or two, and it should be prepared to train teachers from among applicants who have reached the Junior standard. That would allow such applicants to go into the Teachers' Training College at the age of 16 or 17 years. They would receive their training as teachers and then, if they were called up by any of the services, while they would not be available to the department immediately, they would form part of a pool of trained teachers available for the department after the war. Unless that is done we shall find that just as we are training only two male teachers this year, next year we shall not be able to train any more, and if the war continues for several years longer we shall find that for three or four years we have scarcely trained a male teacher, and in that time have trained a considerably reduced number of females. That means that an Education Department faced with an increased responsibility will not have the teachers available to do the job.

The Premier: There will be a lot coming back from active service.

Mr. TONKIN: They will not be sufficient.

The Premier: It will be a help.

Mr. TONKIN: Yes. My calculations are based on getting a number back. If we do not get them back, our position will be utterly hopeless. We should immediately face up to this problem, because it will be too late to wake up afterwards. It seems to be a weakness of Governments—whether Commonwealth or State—that they do not wake up until they are in the midst of a problem. Take what the Commonwealth Government spokesman had to say with regard to its recently announced scheme of scholarships. He said that a survey had revealed a grave shortage of highly trained personnel. It was not necessary to have a survey to reveal that state of affairs. Anybody with commonsense would be aware that there would be a shortage of trained personnel, because we made no provision for training them. We believe that post-war problems will be just as great as if not greater than present problems, and just as we are finding ourselves short of trained personnel now, so shall we find ourselves hopelessly short of trained personnel to deal with problems of the post-war era. We must extend the scholarship system as well. In 1933, when I first came to this House, I suggested that the best policy to pursue with regard to scholarships was for the State to select the promising lads and girls and finance their education through all branches including the University, and for the State to have a call on the services of that trained personnel.

Mr. Cross: Why cannot this be discussed in January?

Mr. TONKIN: We shall want experts in all sorts of places to deal with problems after the war, but it will be too late to wait till the war is over to look for them. If we do that we shall find ourselves in the same position as we are in now. Experts are needed in the Munitions Department to carry out certain work. Because they are not available we have jockeys, window-dressers, and hotel night-porters forming the inspectorial staff of the Munitions Department to examine the work of skilled tradesmen. I shall repeat that for emphasis—jockeys, night-porters, and window-dressers! That is the sort of thing we shall be doing in the post-war era. When we want experts to carry out a certain scheme we shall be engaging jockeys, night-porters and window-

dressers, because we have not taken the precaution to train personnel.

Members may, like the member for Canning, become irritable because these problems are being discussed now. It is unfortunate that this is the end of the session, but that does not make the problem any the less important. We have got to give attention to this immediately, and the reason I raise this question of teachers now is that the department should implement a policy for the new year. Students must be taken into the department next year. If the present qualifications are insisted on there will be no males offering for training, and a lesser number of females, and another year will be wasted. The department should be prepared to take applicants who have reached the Junior standard, which was the standard considered satisfactory 15 or even 10 years ago. If the department will take them in and train them, while they will not have the initial qualifications possessed by applicants accepted under present conditions they will, in my view, have a satisfactory standard, and we shall at least ensure that there are teachers available later on. If that policy is not adopted, we shall be in such a terrible mess in this State that it will take us years to recover. What does the annual report of the Education Department have to say regarding post-primary education, probably the most important part of our educational system? It says—

The provision of post-primary education is likely to prove a serious problem in the future. If members will study the report, they will find that the number of children in classes is in many instances as high as 70 or more, and that will help them to realise the seriousness of the position now. If teachers are endeavouring to give tuition to 70 children in one class, it is not only a few children whose education is being spoilt but that of all those children because it is physically impossible for a teacher to give the necessary attention to all children in a class of 70 or more students. Years ago the highest educational authorities advocated that 40 in a class was ample. Now we are asking teachers to deal with 70 or more children. As a result of that practice, the children will suffer and we will have a stratum for two or three years of children whose education has been spoilt because of the unfortunate conditions that have been allowed to prevail. I admit it is extremely difficult to

avoid that to a degree, but if it is at all possible to minimise the trouble, we should do something as soon as possible.

I submit it would be possible if the department would only use a little imagination and make provision for the training of additional teachers to minimise the difficulty that is certain to arise in future, even before the war ends. That is why even at this late hour I rise to draw attention to what, in my opinion, is one of the most important phases of education confronting the State today. There is a lot more I would like to say and a lot more I feel I should say. As we have had an assurance that there will be a further opportunity in the New Year, which will be quite early enough for me to deal with that phase of the problem, I shall not delay the Committee longer. I suggest to the Minister who represents the Minister for Education that there is time now to give attention to the teachers' side of the problem in order that full advantage may be taken of some scheme. I hope the Minister will advise the Minister for Education that here is a problem that must be grappled without delay. If he does so, I feel the time I have taken up on the Estimates will not have been wasted.

Vote put and passed.

This concluded the Estimates of Revenue and Expenditure for the year.

Resolutions reported and the report adopted.

#### *In Committee of Ways and Means.*

#### **THE MINISTER FOR LANDS AND ACTING TREASURER [12.55]:** I move—

That towards making good the Supply granted to His Majesty for the service of the year ended the 30th June, 1943, a sum not exceeding £7,779,181 be granted from the Consolidated Revenue Fund.

Question put and passed.

Resolution reported and the report adopted.

#### **BILL—APPROPRIATION.**

##### *Message.*

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

##### *First and Second Readings.*

In accordance with the resolutions adopted in Committee of Supply and Ways and Means, Bill introduced by the Minister for



Lands and Acting Treasurer (for the Premier and Treasurer) and read a first and second time.

*In Committee.*

Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 4, Schedules A. to D.—agreed to.

**Schedule E.:**

Mr. McDONALD: On a matter of principle, I wish to raise one point. I appreciate that it is desirable, especially when we are having day sittings, that the House should rise shortly to enable Ministers as well as others to catch up with arrears of work occasioned by the necessity to attend Parliament by day. I do not propose to raise any bar to the Appropriation Bill being passed, but I feel it is a bad legislative practice to allow a Bill of such importance as this to go through so rapidly.

The Minister for Lands: It is always done.

Mr. McDONALD: The schedule under discussion covers a series of contingencies that have to be accounted for and in the 30 seconds or so at my disposal I have gone through it without, however, discovering anything of great significance that I consider should require further attention. While I do not intend to detain the Committee any further, I think we should arrange the procedure rather better. I admit the difficulties of the present, but I think members should have more time to consider a Bill of this nature, which could possibly contain items to which objection might reasonably be taken.

Mr. SEWARD: I notice one item on which I would like some explanation. I refer to the provision of £425 which is set out as a special allowance to Dr. Somerville on his retirement from the Arbitration Court. What is the explanation of that item?

The MINISTER FOR LANDS AND ACTING TREASURER: The payment was made to Dr. Somerville in recognition of his 32 years of service on the Arbitration Court bench. It was considered at the time, owing to his ineligibility for a pension, that Dr. Somerville should be paid a sort of retiring allowance in recognition of all those years of service.

Schedule put and passed.

Schedules F. and G., Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and transmitted to the Council.

**BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.**

*Council's Further Message.*

Message from the Council received and read notifying that it insisted on its amendment, to which the Assembly had disagreed.

**BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.**

Returned from the Council without amendment.

*Sitting suspended from 1.1 to 2.15 p.m.*

**BILL—COMMONWEALTH POWERS.**

*Second Reading.*

THE PREMIER [2.19] in moving the second reading said: The Bill which I have to introduce today is a vastly different measure from that originally submitted by the Commonwealth Government to which this Parliament gave consideration prior to the departure of the Leader of the Opposition and myself to attend the Constitution Convention at Canberra. The proposals put forward by the Commonwealth Government contained many aspects that were the subject of very grave objections. They would have permitted the Commonwealth Parliament to pass legislation to take over any and every function exercised by the State Governments at any time it chose to do so. Furthermore, the Commonwealth Parliament itself was to be the sole arbiter of whether its legislation passed under the measure was constitutional or not, and the High Court was to have no jurisdiction in this respect.

In the past the High Court has been the bulwark of the States in respect to the powers granted to the Commonwealth. It was set up to ensure that the States could exercise their powers, and that the Commonwealth should not exercise any powers not provided for in the Constitution. The High Court was to be the judicial authority to determine whether any Bill passed by the Commonwealth Parliament or any action taken by the Commonwealth Government pursuant to legislation that had been passed was within the constitutional powers of the

Commonwealth. Members will appreciate the necessity for that provision. In the last 42 years since Federation was consummated, there has been a tremendous number of cases in which States, individuals, corporations, associations, etc., have felt it necessary to invoke the aid of the High Court to determine whether the Commonwealth had exercised its powers in a constitutional way. Very frequently the High Court determined that the Commonwealth Parliament or Commonwealth Government did not have the powers that had been exercised and thus the rights of States and individuals were safeguarded.

This was one of the great objections to the original Bill which this Parliament considered, and it was made apparent by comments in different parts of the Commonwealth, so that by the time the Convention met, the Commonwealth realised that it had made a mistake and was going too far ahead of what public opinion would agree to. When we arrived at Canberra and commenced the Convention, the Commonwealth had retreated from its position, and a new Bill was substituted. Though this second Bill appeared, from a brief glance, to be different, it was really somewhat similar to the first. It embraced power contained in the words "post-war reconstruction," which left the Commonwealth Parliament with authority to pass legislation so long as the proposals could in some manner be linked up with the term "post-war reconstruction." Thus almost anything could be called post-war reconstruction, because anything done by us after the war would necessarily be intended for the welfare of Australia, and could therefore be deemed to be portion of post-war reconstruction. Consequently, while the second Bill purported to be very much different from the first, in reality there was no such vast and fundamental difference as the wording of the two Bills indicated.

In summing up to this House the effect of those proposals, I said that it appeared to me that the scheme was unification in disguise, without any safeguards or protection whatever for the rights of the States, and in particular for the interests of the smaller States, whose representation in the Commonwealth Parliament was totally inadequate. The Commonwealth's original suggestion was open to the further grave objection that it would necessitate the holding of a referendum at a most inopportune

time, when the people were preoccupied with the war, and unable to give the matter that calm and dispassionate judgment which such an important issue demanded. I went to the Convention, accompanied by my parliamentary colleague, the Leader of the Opposition, and fortified in my view by the resolution, passed by both Houses of the State Parliament, after considering the subject for a long time, to the effect that "an endeavour should be made to reach agreement between the Commonwealth and the States for powers to be referred to the Commonwealth, under paragraph 37 of Section 51 of the Commonwealth Constitution, for post-war reconstruction problems." The resolution carried by this Parliament included the following:—

and this House considers that an endeavour should be made to reach agreement between the Commonwealth and the States for powers to be referred to the Commonwealth, under paragraph XXXVII of Section 51 of the Commonwealth Constitution, for post-war reconstruction problems.

To this was added, at the instance of the member for Greenough—

for a limited period of years only.

Probably it was the hon. member's Scottish instinct that would not allow him to go too far in one jump. But I think it can be said to the credit of the Western Australian Parliament that the broad viewpoint we expressed in our discussion of these matters subsequently became broadly the policy of the whole of the States of the Commonwealth, and eventually of the Commonwealth itself. Thus the discussions we had prior to the Convention in these Houses of Parliament proved well worth while and exercised influence over the agreement which was subsequently reached.

The second Bill stated—

The Parliament shall have power to make laws for the peace, order and good government of the Commonwealth, for the purpose of post-war reconstruction.

I have already said that in my opinion there are very few things that take place in the economic, commercial, legal or administrative sections of our public life which would not in some way come under that head; but, of course, it seemed to indicate, at a first glance, that half-a-dozen or a dozen powers would be enumerated, and that this would be the extent to which the Bill would go. However, the first portion of the clause in question had a very important modification, in-

asmuch as it added that "without limiting the generality of the words "post-war reconstruction" the Commonwealth could do this, that and the other thing. Thus, really, instead of limiting the power sought to be obtained, the new Bill extended it to cover almost everything. Sir Earle Page pithily commented on the comparison of the two Bills in these words—

The first Bill was unification naked and unashamed, the second was unification clad in a fig leaf.

There was not much difference, according to Sir Earle Page, between the two Bills.

From the discussion which ensued, it soon became apparent that the Commonwealth view had no chance of acceptance by the Convention and that, if the Commonwealth were to be given the additional powers required for post-war reconstruction, then some alternative method must be found of doing it. I think it was stated in the debates in both our Houses that there was a general consensus of opinion that some additional powers were necessary for the Commonwealth to carry out the tremendous responsibilities which the Commonwealth of Australia would bear in the post-war period. Those of us who were in Parliament at the conclusion of the last war know, to some extent, what happened. The State Government of that time was saddled quite unnecessarily, and in my opinion illegally, with a great measure of the responsibility for repatriation and rehabilitation of our soldiers into civil life.

I think the first public comment which I made some four or five months ago, when the original Bill first saw the light of day, was that I hoped that the authority to be established would in the post-war period, as indicated by the Bill, accept responsibility for the repatriation of our soldiers and not unload it on to the States, as had been done during and after the first war period. It took the State many years to demonstrate to the Commonwealth that, in the opinion of the State, it was acting as agent for the Commonwealth in soldier settlement schemes and was not undertaking full responsibility. Eventually, however, we had to accept such responsibility; but, as the result of a Royal Commission which the Commonwealth belatedly appointed about ten years after the conclusion of the 1914-18 war, the Commonwealth agreed to write off £1,500,000 of the State's indebtedness, while the State itself

had to write off about £1,500,000 of the indebtedness of the soldiers to the State. The amounts included both principal and interest. The State is still paying interest on the £1,500,000 part of its expenditure on such settlements, for which it is getting no return at all. The amount which this State expended on soldiers' settlement schemes after the last war was about £6,500,000. The Commonwealth and the State together have written off £3,000,000 of that sum. The State will have to continue to pay interest until the debt is extinguished by sinking fund payments.

On the occasion when both our Houses of Parliament considered the transference of powers to the Commonwealth, everybody thought it was necessary for some powers to be given by the States to the Commonwealth. If that were necessary, then we had to look at the Constitution to ascertain the way in which the powers should be given to the Commonwealth. There were two or three possible ways. One of those courses was adopted by us. Under paragraph (xxxvii) of Section 51 of the Commonwealth Constitution, the State Parliament can by legislation refer—that is, give—to the Commonwealth power to pass legislation to do certain things. Another procedure could have been taken under Section 102 of the Commonwealth Constitution; under that section the people of Australia, by referendum, could express their opinion on the proposals; if a majority of the people and a majority of the States agreed to the Constitutional amendments so placed before them, that automatically would mean the amendment of the Constitution in that respect.

This Parliament considered the time inopportune for grave constitutional disputations to occur. It therefore decided upon the procedure outlined in Section 51 of the Commonwealth Constitution, that is, to refer the powers. Following a discussion of several days, I think we succeeded in convincing the Commonwealth Government that that was the better way. The Commonwealth Government took some breaking down, and here I would like to pay tribute to my colleague, the Leader of the Opposition, because all the negotiations were not conducted on the floor of the House of Representatives, where the main debate took place. The Leader of the Opposition was particularly helpful in the large number of conversations and discus-

sions which took place on the adjournments of the Convention. At last the atmosphere cleared, and it became apparent to the Commonwealth that a fair majority of the members of the Convention recognised it was necessary for further powers to be transferred to the Commonwealth. This majority was of the opinion that if the States were allowed to discuss the matter in a reasonable way, the Commonwealth should be satisfied with the grant of the additional powers which it was thought should be referred to it.

After about a week's discussion, the Prime Minister announced, on the resumption of the conference in the second week, that the Commonwealth Government had considered the whole position and was prepared to have certain powers referred to it, notwithstanding a previous occasion when a similar proposal proved to be unsuccessful. On that occasion the States had agreed unanimously to pass legislation in their various Parliaments. One State did so, but some of the States did not even place the matter before their Parliaments. Notwithstanding that sad experience from the standpoint of the Commonwealth, the Commonwealth Government came to the conclusion that the offer of the States, as put forward in the resolution by the Premier of Tasmania and seconded by myself, should be accepted. The Prime Minister intimated that the Commonwealth Government was willing to attempt the procedure recommended by Mr. Cosgrove, subject to the following conditions:—

1. The powers to be granted should be adequate to the needs of the post-war reconstruction period.

2. The period of the grant must be sufficiently long. The Government regards the period mentioned in Mr. Cosgrove's amendment as adequate.

3. Provision should be made to make any revocation of the grant impossible without the approval of the electors of the particular State.

4. This Convention should proceed to recommend the powers to be granted and consider a draft Bill with the assistance of a drafting committee to be appointed forthwith.

5. While it is recognised that the Premiers and Leaders of the Opposition representing the six States cannot bind the Legislatures of their respective States, it is possible for them to agree to do their utmost to pass the draft Bill into law.

6. The draft Bill should be passed into law within a reasonably short period.

Those conditions were debated by the Convention, and it became a question of the procedure to be adopted to draft the Bill. A suggestion was made that the Federal At-

torney General, Dr. Evatt, together with the Right Hon. W. M. Hughes, the Leader of the United Australia Party, with the Premiers of the six States, should be formed into a committee to draft and submit the Bill to the Convention. That procedure was debated. The amendment moved by the Premier of Tasmania, Mr. Cosgrove, incorporated the following principles:—

That this Convention is of opinion that—

- (a) Adequate powers to make laws in relation to post-war reconstruction should be conferred on the Parliament of the Commonwealth;
- (b) it is undesirable that permanent alterations of the Constitution should be effected at this critical stage of Australia's history;
- (c) for this reason, legislative power with respect to suitable additional matters in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States under Section 51 (xxxvii) of the Constitution;
- (d) such reference should be for a period of not less than five years and not more than seven years from the cessation of hostilities and should not be revoked during that period;
- (e) at the end of such period, or at an earlier date, a referendum should be held to secure the approval of the electors to the alterations of the Constitution on a permanent basis.

As I have said, the amendment bore a remarkable resemblance to the resolution carried by both Houses of the Western Australian Parliament, and I was able to give it my full support. It was passed unanimously by the Convention.

The drafting committee, it is recognised, had an exceedingly difficult job. It sat for two whole days and for two nights up to about 11 o'clock. Unanimous agreement was finally reached and the committee's recommendation was submitted to the Convention. The Convention adopted a procedure somewhat similar to the procedure in our Parliament. The Bill was discussed in what we would term a committee stage, each clause being considered separately. The Federal Attorney General at first did not appear to desire to commit himself as to the interpretation of certain matters, saying his experience on the High Court bench had led him to the conclusion that it was foolish for a man to try to give an exact interpretation of every section of the Commonwealth Constitution. He preferred to leave the matter to the people

to determine, the issues to be placed before them in simple language. However, the Convention was not agreeable to that. Mr. Watts raised serious objections to it, and so did other members of the Convention. The Bill went through the Committee stage, as I may term it, each item being the subject of explanation by the Federal Attorney General, who was fortified by the opinions of leading constitutional authorities who had foregathered at Canberra.

Sir Robert Garran, who everybody knows is the leading constitutional authority; Sir George Knowles, the Commonwealth Solicitor; Mr. W. M. Hughes; the Attorney General, Dr. Evatt; and other Crown Law officers, gave consideration to amending the clauses, and Dr. Evatt gave an exposition of each one. Later I propose briefly to adopt the same procedure here so that we can obtain a proper understanding, in the light of the opinion of those outstanding legal gentlemen, as to what the proposed amendments of the Constitution really mean. Some were not defined in an exact manner because it was not possible to get suitable definitions acceptable to all parties. The work of the Drafting Committee occupied about 20 hours of almost continuous sitting and the matter was approached in a spirit of compromise. There was no carping or destructive criticism. There was only a genuine desire to ensure that this Convention—the first held since Federation was accomplished 42 years ago—should achieve results for the benefit of the people and nation of Australia. That viewpoint being at the back of the minds of all the members of the Drafting Committee, difficulties that appeared at the commencement of the discussion of various items to be almost insuperable were overcome. There were hours of discussion and then the matter was set aside for a while to allow thoughts to mature, after which the discussion was resumed and finally the stage indicated by this Bill was reached.

The great thing in regard to these constitutional amendments is the way in which the transfer of power is to be made. Safeguards exist inasmuch as the alterations are only temporary. We felt that we could go a long way in giving power for a certain limited period. We felt that we could give more power for a limited period than we would be inclined to give if the period were indefinite. The amendments are to have a

limited application of five years after the war finishes—not after peace is declared. We felt that that was not a long period in the history of the nation, and that we could trust the Commonwealth Parliament with these additional powers for that particular length of time. The Convention was relieved of a very great responsibility by the knowledge that it would not be giving away something for all time, that it would not be handing over powers that could not be revoked but that it was proposing what would be a temporary measure, which could be continued at the end of four or five years' experience if its operation proved satisfactory; on the other hand if the measure proved to be unsatisfactory in its application the powers that had been handed over to the Commonwealth could, without any further action being taken, revert to the States. In such circumstances the position could be approached *de novo*, and we could start from an entirely fresh standpoint. That was the important aspect: That the powers were to be given for a limited period; that they were temporary and were to operate for a period of five years at the most, at the end of which time the measure could be renewed or abolished. Having that in mind, we were ready to agree to the handing over of powers for a definite period which we would not have felt justified in handing over for an unlimited period.

The Commonwealth pointed out that it did not know exactly what specific powers were required. There was a mass of general considerations for post-war reconstruction but it had not got down to details in regard to every aspect and, while the phraseology of some of the proposed amendments would provide for certain circumstances, the Commonwealth might go a bit further and find that a limitation existed and that it could not go as far as it desired. On their part the States were anxious to give all the powers that were thought necessary, feeling that they did not want to hamper the Commonwealth in doing things it desired to do in the interests of the people of Australia. It was desired to retain the Federal system of Government and to ensure that the war period was not utilised to effect a far-reaching constitutional change, not justified by the requirements of the existing situation.

It was possible for us to agree to hand over powers that might be used in 10, 15 or 20 years' time in a certain way in which it was not intended that they should be used.

We might feel absolutely sure and satisfied in our own minds that all the members of the Convention, on the general understanding reached, would honour to the last degree, through the years to come, any obligations they undertook. But as I pointed out—and I was supported by Mr. Hughes—the High Court would not take into consideration what any member—the Prime Minister or any member of the Convention—might have said. All it takes into consideration in interpreting the law is what the law actually states in plain English. Consequently it does not matter what obligations are undertaken or what assurances are given by a Government. They do not make any difference. It is what the law says in plain English that matters. A little while later I shall read what Dr. Evatt had to say in that regard, because he put the position much more clearly than I could.

The Bill is the result of a compromise. I do not think anybody was entirely satisfied with the work done by the Drafting Committee, but, in view of the give and take attitude and the modifications that were made in various ways, the Bill now presented to the House can be taken as representing the consensus of opinion that the proposed powers can be safely transferred to the Commonwealth Parliament especially in view of the limitation of operation for a period of five years. The proposal is not to transfer power to the Commonwealth Government but to authorise the Commonwealth Parliament to make laws in respect to the various subjects enumerated. Before these new functions are exercised by the Commonwealth there is the additional safeguard that a Bill will have to be introduced in the Commonwealth Parliament, and it will have to run the gauntlet of political criticism there and the gauntlet of public opinion all over the Commonwealth. If the Commonwealth brings in a Bill which is against the spirit of the Convention or against the views of the people of Australia as to what should be done under the powers conferred, political pressure can be exerted to have the Bill amended before it sees the light of day as accomplished legislation. I propose now to read one or two of the statements made by the Federal Attorney General in dealing with the different clauses mentioned. He said, when speaking of the interpretation of the legislation—

In the first place I should like to make it clear to the committee that the general rule of

interpretation is that words are to be taken in their ordinary grammatical sense; no special technical meaning is to be assigned to them. As everybody is aware, legal views and interpretations differ; in fact, they differ frequently. That is particularly so in respect of the statement of powers in a constitutional document. An enormous number of cases have been decided on the interpretation of the language used in the present Constitution. The reason for this, as members will realise, is the necessity for expressing in a few words an idea covering the whole field of Legislative power in respect of a particular subject. That is a matter on which opinions will differ. Therefore it is my duty to emphasise that the final authority on interpretation in relation to these powers will be the High Court. Until that Court has spoken, no one can be absolutely certain as to the precise meaning that will be attached to any power, if there be a dispute in regard to it. However, the ordinary rule of construction in connection with a constitutional document is that which applies to other enactments, namely, that the words used are to be given their plain, natural, ordinary meaning. In anything that I may say in the expression of my views, I shall seek to apply that rule. It is particularly important that the committee should understand also that I speak having regard to the fact that the committee of which I was the chairman dealt with these subjects with the assistance of legal draftsmen. Every Premier had his legal assistant, and the Commonwealth also had its legal advisers.

They did not have them in the committee, but outside. Dr. Evatt continues—

In some instances the phraseology used, as Mr. Dunstan has frankly said, represents another alternative to two divergent views.

That, by way of preface. I should like to deal now with the powers proposed to be referred. If these powers, or any of them, be granted, they will be granted under Section 51 (xxxvii) of the Constitution. The power of the Parliament to make laws with respect to referred matters is made subject to the Constitution—as Section 51 says in its introductory sentence. Therefore, whenever outside Section 51, there are constitutional guarantees, safeguards or prohibitions, these will also be applicable to legislation of the Commonwealth passed under Section 51 (xxxvii) in relation to these referred powers.

That sounds rather involved and, to a certain extent, ambiguous. What Dr. Evatt sought to convey was that even if we give any of these powers to the Commonwealth Government we need no other safeguards than those contained in Sections 91 and 92, which deal with trade between States and marketing. The powers referred to under this section do not over-ride the modifications in the original Commonwealth Constitution. This is not a new power in the sense that it is absolute. It is subject to all the prohibitions which appear in the other part of the Constitution. I do not know whether I

have made the position much clearer by my explanation. People will say, "This is a new portion of the Constitution and therefore over-rides any earlier sections with which we have been familiar for years." That is not so. Section 51 of the Constitution commences with these words—

Subject to this Constitution.

Therefore any amendments made under Section 51 will be subject to the Constitution as it existed at that stage. The first of the powers set out in the Bill is the reinstatement and advancement of those who have been members of the Fighting Forces of the Commonwealth during the war, and the advancement of the dependents of those members who have died or been disabled as a consequence of the war.

At the conclusion of the last war the Commonwealth said it had not the power to do many of the things it was asked to do. This particular power is referred to it so that it will be enabled to undertake the responsibilities necessary to place successfully in employment, either in industry or by way of land settlement or otherwise, those who return from active service, and deal with the rehabilitation and advancement of those people. This, of course, is the first task of post-war reconstruction and one which must be successfully undertaken at all costs. No disagreement or opposition will be raised by anyone in the Commonwealth to the fact that it is the responsibility of the Commonwealth, having enlisted these people to go to war in the defence of Australia, to reinstate them in industry or civil life at the conclusion of the war. That principle is set out in the first clause of the Bill.

The next clause deals with employment and unemployment. Here too the acceptance of power implies the acceptance of responsibility. The Government which controls national finance is better equipped to deal with unemployment than are the States. We all have vivid recollections of the depression when the States were forced to handle this problem with entirely inadequate resources, and when widely differing schemes of relief existed throughout the various States. In dealing with this subject Dr. Evatt said—

These words were intended by the committee to cover a power to deal nationally—that is through the Commonwealth Parliament—with the most critical problem of the post-war

period, namely, the problem of unemployment and the securing of employment. It will include the power to provide for the relief of unemployment quite regardless of State boundaries. It will enable the Commonwealth Parliament to carry out, not only the relief of unemployment, in the sense of providing sustenance, but also a positive policy of obtaining and ensuring employment for the people. The present peace-time power of the Commonwealth—I exclude the defence power which, of course, is more extensive in war-time—does not cover the general subject of employment and unemployment. In peace the Commonwealth can approach the matter only through the instrumentality of sections like Section 51 placitum xxxv., which enables the Parliament to set up conciliation and arbitration machinery to deal with industrial disputes of certain types extending beyond the limits of any one State. At present the Commonwealth can deal with employment and unemployment only in indirect ways, such as by means of financial assistance to States under Section 96.

Paragraphs (a) and (b) are perhaps the two crucial powers. The power with which we are now dealing is a vital one. It is very difficult to say here and now what the limits of it may be. The Drafting Committee agreed unanimously that it is a power which the Commonwealth Parliament simply must have.

Paragraph (c) is one which might create a little bit of controversy. It was responsible for much argument and differing viewpoints within the walls of the committee. It deals with the organised marketing of commodities.

Mr. Sampson: It sounds encouraging.

Hon. W. D. Johnson: It is to be put into practice this time.

The PREMIER: Dr. Evatt provided his interpretation when he said—

In the Bill which was presented, it was proposed that the trade and commerce power as a whole be granted to the Commonwealth Parliament. The committee has not accepted that.

The committee would not accept that at all.

What it has done is to give the Commonwealth Parliament power over the organised marketing of commodities. In ordinary usage the word "marketing" has a very wide meaning. It refers to the sale, especially the systematic sale, of commodities. That is why the adjective "organised" has been used to qualify "marketing."

There is something familiar about that term.

Mr. Patrick: The phrase is reminiscent of one used a great deal in this House.

The PREMIER: That referred to "orderly marketing"; this concerns "organised marketing."

The Minister for Lands: And it might easily have been "disorderly" marketing.

The PREMIER: Dr. Evatt continued—

Among the recognised objectives of marketing laws are the maintenance of a stabilised price, the elimination of unfair practices, and the securing for the producer of a fair and stable income. The present peace-time powers of the Commonwealth are hampered by the absence of any authority with respect to intra-State dealings. The provision in the draft Bill extends the power of the Commonwealth to intra-State dealings; but, of course, it does not overcome the difficulty due to Section 92.

That is the section that refers to no discrimination as between States and freedom of interstate trade. To continue—

That can only be dealt with by an amendment of the Constitution in the normal way, and the decision of the Convention to meet the situation, not by amendment, but by a reference of powers, necessarily leaves the Commonwealth still subject to Section 92. This, therefore, is a power dealing with one aspect of trade and commerce, that is, in relation to what is called "organised marketing" of commodities, or what I might call "national marketing"—marketing on such a scale that the Commonwealth Parliament would be prepared to deal with it.

We do not know just what obligations Australia will have to undertake as a result of any international agreement that may be arrived at when peace terms have been drawn up. Australia would be in an impossible position if she were to make an international agreement, and then found that the Commonwealth lacked power to give effect to it.

The next item refers to uniform company legislation and means just what it says. From time to time the Commonwealth has been asked to frame uniform company laws, and at various Premiers' Conferences that proposal has been put forward. As that suggestion had been advanced from time to time and the Commonwealth had been asked to exercise powers in that direction, the committee had no hesitation in accepting as a principle, seeing that the States were agreeable to the Commonwealth passing uniform company legislation, the granting of that power to the Commonwealth considering that it would be beneficial to have uniform company laws which would promote the interests of those engaged in trade.

Mr. Sampson: Will that not possibly hold back our Companies Bill?

The PREMIER: That Bill has already been held up quite long enough.

Mr. Seward: There is a five-year limit!

Mr. Hughes: Another ten years will be neither here nor there!

The PREMIER: The next item deals with trusts, combines and monopolies. Concerning that matter, Dr. Evatt said—

Trusts, combines and monopolies cannot adequately be dealt with by the several States, nor under its present limited powers can the Commonwealth deal adequately with them, for it has power only with respect to foreign corporations, and transactions in the course of interstate and oversea trade and commerce. In the Commonwealth Government's former proposals this matter was covered by the proposed extension of the trade and commerce power to include trade within a State. The Drafting Committee has decided not to recommend the reference of the full trade and commerce power, but this portion is included.

This is one subject on which the Commonwealth Government had to compromise during the Drafting Committee's deliberations. The next item relates to profiteering and prices. Here again, a limitation was put on the subject in that the prices for goods or services of governmental, semi-governmental or local governmental requirements are not to be subject to price fixing regulations promulgated by the Commonwealth. That, it might appropriately be stated, would refer to increased railway freights, in connection with which there has been considerable publicity during the last week or two. That phase has been expressly excluded from the scope of the Commonwealth powers so that the State can take what action is deemed necessary.

Mr. Sampson: There will still be room for criticism.

Mr. Thorn: Just as well!

The PREMIER: On that point Dr. Evatt said—

Profiteering is here used to mean the deriving of excessive or undue profit, to the detriment of the public, from the supply of goods and services. The Commonwealth, under its existing peace-time powers, could not control profiteering and prices except in relation to transactions that fall under the heading of trade and commerce, and even there in relation to interstate and oversea transactions only. As to prices, at any rate, some doubt exists whether the Commonwealth power will not be restricted by Section 92. If it is so restricted, an amendment of the Constitution would be necessary to make the use of this power fully effective. In providing for the reference of this power to the Commonwealth, the Drafting Committee decided to except prices and rates charged by State or semi-government or local government bodies for goods or services.

The next matter dealt with concerns the production—other than primary production—and distribution of goods and, with the consent of the Governor-in-Council, primary



production, but so that no law made under this heading shall discriminate between States or parts of States. The Commonwealth has power regarding the production in Australia of any commodities it may desire to procure for the furtherance of post-war reconstruction.

Hon. W. D. Johnson: Does the reference to the Governor-in-Council apply to the Commonwealth Government?

The PREMIER: No. We could not legislate for the Commonwealth; we can only legislate for Western Australia. The Commonwealth Government, under existing conditions, cannot do what may be most desirable in the interests of the nation. It might deem it desirable in the national interest to undertake the manufacture of goods at a cost that might be much above that at which the commodity itself could normally be procured, but the production of which at this stage might be regarded as essential from the standpoint of Australia's stability. This provision will give the Commonwealth power to undertake such production as—

The Minister for Labour: The production of potash.

The PREMIER: Yes, or the manufacture of substitute fuels. It will refer to forms of production that the Commonwealth would not desire to undertake in times of peace. Normally it would have no desire to grist wheat for the production of power alcohol. In these days it is essential for defence purposes to have some stand-by with regard to motor fuel. It becomes necessary to undertake the manufacture of this type even if it be at a cost two or three times what would have to be paid for petrol under ordinary circumstances. If the Commonwealth Government, in the interests of national economy, considered it necessary to promote the production of steel in Western Australia—say at Yampi Sound where there is a deposit of equal if not greater value than any to be found elsewhere in the Commonwealth—seeing that that deposit is in a portion of Australia where it is desirable to have production and the development of population, the industry could be established there. The State Government, with its financial limitations, could not undertake that work, for various good reasons, and the power that is sought to be granted to the Commonwealth Government will enable it to step in and give effect to its desires.

Hon. N. Keenan: Cannot the Commonwealth Government today grant bonuses to industries?

The PREMIER: Yes.

Hon. N. Keenan: What is the difference?

The PREMIER: The difference is this: If persons were available who were willing to undertake the work, and had the necessary technical knowledge and experience enabling them to do so, they could be encouraged in the task by the granting of a bonus. On the other hand, if the Commonwealth Government had to import people possessed of the necessary technical, geological and other knowledge enabling them to undertake the establishment in Australia of some form of production, and that course was necessary because there was no one in Australia who understood the business, then the Commonwealth Government would be able to take steps along those lines on its own account. That has been the trouble in regard to Australia and particularly Western Australia. There are some matters which, in a population of 10,000,000, 15,000,000 or 20,000,000 people, stand out as things that ought to be done but, because no one has an understanding of what is required, nothing is done.

A case in point was a reference by the Minister for Mines a few days ago to coal. The production of coal in Western Australia is confined to the south-west corner of the State. We know that coal exists in the northern portion of the State—in the Geraldton district. As to its quality we are not sure, but because private enterprise has not undertaken the development of those deposits, they remain undeveloped. With exploitation, those deposits might prove to be a very valuable addition to the resources of the State. When members realise that it costs about £1 per ton to get coal from Collie to Mullewa, they will appreciate that coal costing 10s. or 15s. per ton more but produced in the district would be better for the economic position of the State. Paragraph (h) reads—

The control of overseas exchange and overseas investment; and the regulation of the raising of money in accordance with such plans as are approved by a majority of members of the Australian Loan Council.

If the expenditure of all moneys by the Commonwealth and State Governments is to be subject, as it has been, to rigid control, it is obvious that a concerted plan could not be satisfactorily carried out

unless the expenditure of large sums of private money was also subject to regulation. What is required in this connection is to see that when money is wanted for urgent national requirements, it cannot be put to such purposes as, for example, the construction of luxurious pleasure resorts. If we wanted to establish the steel or potash industry, or anything of the kind here, it would be necessary to have control of private finance. A company might be formed to spend some millions of pounds in establishing picture theatres all over the State. People love pictures, and from such an undertaking a good return on the capital outlay could be expected. A company might decide to do that, although the national interest would be better served by exploiting some industry.

If it is fair that the Commonwealth and State Governments, semi-governmental bodies and local authorities should have their financial affairs strictly controlled by the Loan Council, it is thought that control should be exercised also in regard to the private investment of money, which has so much to do with our national development. This will not extend to small things like the building of a house or the adding of a kitchen to a house. The Drafting Committee thought of limiting it to a certain sum, but then it was considered that that might be dangerous. Now it is to be subject to a general policy to be formulated by the Loan Council and, as an additional safeguard to the States, instead of the Commonwealth having two votes and perhaps a casting vote at the Loan Council, the question will, in this instance, be decided by a simple majority.

By legislation we have referred certain powers to the Commonwealth, but they are subject to repeal at any time, and the Commonwealth desires to have them made permanent, at least for the five years. This power is proposed to be conferred. This applies to paragraph (i) "air transport." The next paragraph is (j), "uniformity of railway gauges." This is necessary in the interests of the defence of the Commonwealth, but the position is safeguarded in that nothing can be done to this end unless it receives the approval of the States concerned. Therefore the Commonwealth could not come in and tear up our railway lines and put down a track of a different gauge without consultation with the State, but it might do so by agreement with the State. Provided the State concurred, the Common-

wealth could then, of its own power, as conferred by this provision, make the necessary financial arrangements and agreements.

Hon. W. D. Johnson: Is that qualification in the Bill? Is it not just "uniformity of railway gauges"?

The PREMIER: Some things are mentioned later; and in the preamble, about half-way down page 2, it is postulated that the States and the Commonwealth shall actively co-operate in regard to this and any other powers conferred on the Commonwealth.

Hon. W. D. Johnson: You get back to the interpretation of the High Court.

The PREMIER: But in the preamble is something that will assist the court in arriving at an interpretation. When there is nothing in the language of the measure, the court gives effect to the meaning. When there is something in the measure, the court attaches due importance to what is stated in the preamble. Paragraph (k) reads—

National works, but so that the consent of the Governor-in-Council shall be obtained in each case before the work is undertaken and that the work shall be carried out in co-operation with the State.

There was a lot of talk in the Drafting Committee about projects to be carried out in a national way. Soil erosion in New South Wales and South Australia is reaching enormous proportions. It was stated that this could be obviated by the expenditure of a large sum of money. The artesian water belt in Queensland and the Northern Territory is in a somewhat precarious position. This could be improved considerably by the expenditure of money. This would be entirely outside anything that private enterprise would do, and it is something the Commonwealth has no power to do at present. If these powers are referred to the Commonwealth, and if, in order to provide employment and generally to advance the interests of Australia, it is necessary to carry out such works, the Commonwealth will have authority to do so.

The State Government for a long time had under consideration a proposal by the engineers to add 20 or 30 feet to the height of the wall at Mundaring Weir. That would provide sufficient water to reticulate and perhaps irrigate some portion of the contiguous areas, but it would be an entirely uncommercial proposition. It would not pay financially, but it would improve the industrial capacity of the State from the stand-

point of sheep and cattle breeding, etc. If Mr. Hamersley could have all the water he wanted on his farm, he could increase its productive capacity to a large degree, and that would apply throughout the area. If the Commonwealth at present desired to do such work, it would be precluded unless it was done in all the States. This provision will give the Commonwealth the requisite power. We have been considering the question of irrigating a portion of the Kimberley area. If the Commonwealth desired to settle population in that particularly vulnerable area and decided to carry out irrigation works, it could do so, but there is a safeguard that the Commonwealth could not undertake such work without the agreement of the State Government.

Paragraph (1) reads: "National health in co-operation with the States." There is no desire to take over or abolish State Health Departments, so my colleague the Minister for Health need not be fearful. Still, there are many things that could with advantage be done by the Commonwealth. At present its powers are restricted to quarantine only and my idea, which I expressed at the Drafting Committee, is that there should be an organisation dealing with public health on lines somewhat similar to the Commonwealth Council for Scientific and Industrial Research, which has done a tremendous amount of valuable work for the stock and agricultural problems of Australia. The more important problem of the health of human beings, however, has not been tackled in that same good and organised way; and therefore the council, with power to spend money, will have sufficient funds provided to do the same for human beings as has been done for sheep and cattle.

As regards family allowances, the Bill gives legal power to the Commonwealth to enact child endowment and other things of the kind which would be done under its powers of appropriation. The Commonwealth has power to deal with old-age pensions, but not with widows' pensions or child endowment. However, it uses its appropriation powers to carry such schemes into effect. The provision in the Bill gives the Commonwealth legal standing in those respects.

Next as regards people of the aboriginal races. Dr. Evatt says with regard to this subject—

By a curious exception, the Commonwealth is expressly excluded by Section 51 (xxxvi)

from making laws with respect to the Australian aborigines, except in its own territories.

That, of course, means the Northern Territory.

Strong representations have been made that the Commonwealth should undertake this responsibility. The reference of this power will enable that to be done to the degree and in the manner considered desirable by the Parliament.

I think Sir Hal Colebatch will remember that various well-meaning bodies whose headquarters are in London and elsewhere in the world are much interested in the way in which native populations are treated, and keep a jealous eye on the subject. The Commonwealth has been subjected to severe criticism in this regard, and urged that it should carry greater responsibility. The Commonwealth Parliament can best take over the welfare of native populations deprived of their native land. In Tasmania, I believe, there is only one aboriginal native aged 50 years; but other States, such as Victoria and South Australia, have but very few natives relatively to half-castes. The money provided for Australian aborigines is found mostly by the States of Western Australia and Queensland. The Commonwealth recognises its responsibility in this respect, and desires to do something in the interests of the native population, and therefore must have the necessary power conferred on it. I think that if the power is given, the aborigines of Australia will benefit greatly by the amount of money which the Commonwealth can provide for them.

During the last few years, seven or eight, Western Australia has increased its allocation for aborigines from £23,000 or £24,000 to over £50,000; but even this amount is not nearly enough, as the Minister for the North-West will tell us. We could with advantage, and as a matter of simple justice, spend more money on the welfare of our natives. If the Commonwealth desires to assist us in that regard, I see no objection whatever to referring to the Commonwealth certain powers so that it can relieve us of responsibility for aborigines. I have previously explained other powers under the Constitution, but members will naturally want to know to what extent powers referred to the Commonwealth under paragraph 37 of Section 51 affect other provisions of the Constitution. This is exhaustively dealt with in a joint

opinion of Evatt, Garran, Knowles and Bailey, which is as follows—

Summing up on the whole question, therefore, the powers "referred" under Section 51 (xxxvii) cannot cut down the scope of the Commonwealth's other powers, or remove the specific restraints which the Constitution imposes upon the exercise of Commonwealth powers. On the other hand the restrictions or limitations contained elsewhere in the constitution (not excluding Section 51 itself) may limit the scope or application of the matters "referred" under Section 51 (xxxvii).

This, then, is the Bill which the Drafting Committee and members of the Convention representing the six States of the Commonwealth agreed to without amendment. It was realised that the promise made by the members of the Convention was that they should to the best of their ability and capacity endeavour to obtain the smooth passage of the measure through the various Australian Parliaments. When the matter of giving the additional power by way of reference was first considered by the Commonwealth, the Commonwealth would have nothing to do with this method. However, in a spirit of compromise, not being able to get what it wanted, the Commonwealth abated its requests. I said that I would presume to ask the Commonwealth to consider whether it would not be well-advised to grasp the substance of the power we proposed to vest in it, rather than grasp at the whole of the powers it wanted. Eventually the Commonwealth adopted that view. It seems to me that there are two alternatives if we do not agree to pass this legislation.

Firstly, the Commonwealth Government will be deprived of powers which we all agree it must have for the welfare of Australia in the post-war period; or, secondly, we could have a referendum held in war-time, and we desire to avoid that; but if the referendum was held and carried, the powers would be transferred to the Commonwealth permanently instead of temporarily, and we would have no power of revocation. If the referendum was not carried, the Commonwealth would still be without the power required by it to cope with the task which faces the people of Australia. Both of these alternatives are quite unacceptable.

I feel confident that the democratic system of government, the defence of which is evoking such sacrifices on the part of the people, will be equal to solving this problem. If we are simply to take a negative attitude

and say that we will wreck every attempt to achieve successful results because we object to certain of the details, then we are not worthy of those sacrifices. The whole trend of the discussions by the Commonwealth Government representatives at the Convention was that the intention of the Commonwealth was to make the fullest use of the existing organisations of the States to carry out their plans for post-war reconstruction. They emphasised over and over again that it was not their intention to supersede the States but to work in co-operation with them. I reminded the member for Guildford-Midland of the significance of the mention of matters in the preamble to the Bill. I now quote from that preamble—

And whereas it was also agreed that in the execution of laws made by the Parliament of the Commonwealth with respect to matters referred to it by Section 2 of this Act the Commonwealth should, so far as might be reasonably practicable, avail itself of the assistance of the States and their officers, authorities and instrumentalities, and, with the consent of the Governor-in-Council, of any authority constituted under a law of a State . . .

The preamble will be a guide to any court, whether the High Court or a State court, that may have to consider what these referred powers mean. The Commonwealth has given a solemn undertaking on its part to avail itself of the co-operation of the State Governments, and to make use of State instrumentalities. It was put up by the State Governments that they have helped in a marked degree in the successful prosecution of the war. On each occasion on which we have been asked by the Commonwealth, we have made available to it Government plant and personnel, as well as State utilities, to assist in the war effort. Such help was freely proffered and placed at the disposal of the Commonwealth. We said that we could view this big problem of post-war reconstruction in the same way. The Commonwealth and the States could jointly tackle that problem, but the Commonwealth—because of its greater financial power—would have to accept greater responsibilities.

If post-war problems were dealt with in the same way as we are dealing with the war effort at present, then we need have no fear that they will not be solved. As I have already said, promises made by a Government are kept by the Government and often by its immediate successors; but, as the years pass, some other Government may do some-

thing which it is legally entitled to do but morally bound not to do. That is why these powers are being referred for a period of only five years. We have no reason to be fearful that the Commonwealth will overstep the mark as regards the powers referred to it. We have been generous to the Commonwealth; we have given it greater powers than might have been thought possible. The Commonwealth wanted still greater powers, but this compromise has been reached and I think it will be for the benefit of the people of Australia.

Hon. W. D. Johnson: When does the period of five years date from?

The PREMIER: The term of the agreement is expressed in Clause 4. The five years will commence from the cessation of hostilities, not from the date of the signing of a peace treaty.

Hon. N. Keenan: From the armistice.

The PREMIER: From the time when hostilities cease. The peace treaty after the last war was not signed by at least one nation until six years after the armistice. That is the reason why we have provided that the five-year term shall commence from the termination of hostilities. If, however, it is felt that the conditions resulting from the passing of this Bill are such that we desire to repeal the law, the Bill provides that, in order that this may not be done capriciously, it must be done with the consent of the people of the State by way of referendum. That means that the legislation would have to be repealed by Parliament, and that then a referendum would have to be submitted to the people as to whether or not they were in favour of the repeal of the legislation. I think we have tied up, sewn up, sealed up and secured ourselves in every way possible. Because of that, we went further than most people expected we would; but, as I have stated several times, not as far as the Commonwealth wanted us to go. The method set out in the Bill is, I think, reasonable and safe. It may be that the Commonwealth at the end of five years will be satisfied with a further reference of these powers for an additional five years. That, however, will depend upon how the Commonwealth behaves.

We have in this Bill three safeguards, namely—

- 1, That power is only given to pass laws.
- 2, That powers have been given for certain definite purposes only.

3, That the operation of the Act is for the period of five years from the cessation of hostilities.

The Government, therefore, recommends the legislation to the House. We want it to be thoroughly understood and not to be rushed through. We therefore propose, if the Leader of the Opposition intends to speak today, to adjourn the discussion until Parliament re-assembles on the 19th January next. When in Committee, I will be able to give more explicit explanations of the various clauses. If, after studying the Bill, members consider they require further information about any matter, then if they will during the recess get in touch with me, I shall be able to have explanations ready to offer when the House next meets to discuss the measure.

In conclusion, I feel the recent Convention was a worthy successor to the original Convention held at the end of last century, when the delegates felt they had a big task to do in the interests of the Australian people. Compromise was the outstanding feature of all the negotiations and it was not confined to the States. The Commonwealth, on many issues which were said to be vitally important, agreed time and again to modifications, because State representatives were not prepared to agree to the original proposals. The discussions were conducted in a broad spirit, and in an endeavour to take a nationwide view of the post-war problems confronting the nation and the best way of dealing with them. The Convention itself completed a big task with a reasonable amount of unanimity. If this is supplemented by the same spirit in the Parliaments of all the States, and if the Bill becomes law, I feel that the greatest co-operation between the States and the Commonwealth—exhibited in such a marked degree in our war effort—will be continued in the post-war period, and that we will have taken a big step forward in the progress of the Australian nation. I move—

That the Bill be now read a second time.

MR. WATTS (Katanning): In agreeing to follow the Premier immediately after his speech, I felt that it was advisable for the House to hear, as it were, both sides of what took place at the Convention in the nature of a report from both of its representatives. It is in that spirit that I address myself to the Bill introduced by the Premier. I think that inadvertently he has given the House a somewhat erroneous impression as to the time

during which the Bill states the laws are to remain in operation when referred. He gave the House the impression that the operation of the Bill would not commence until the cessation of hostilities and that the term thereafter would be five years. I would refer him to the preamble of the Bill, in which it is stated that the reference shall be for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities. It is therefore for a period commencing now and ending five years after the cessation of hostilities. It may not be five or six years. It may be eight or nine years, depending on the time when those hostilities cease. But immediately these Bills become law, if they do become law, in the State Parliaments, the powers of the Commonwealth as referred will commence and will continue until five years after the cessation of hostilities, however long that period may be from the present time.

I would also like to agree that the Bill introduced is the result of the efforts of the Drafting Committee of the Convention. As the Premier said, it is a very different proposition from that which was discussed in this House some weeks ago. But I feel in regard to that earlier proposition that the procedure adopted by the Attorney General, Dr. Evatt, was hardly one that should commend itself to the people of this country as a whole. We are all aware that as soon as the Convention met on the 24th November, the Attorney General—withstanding the publicity he had given his original measure; notwithstanding the propaganda in which he had indulged; notwithstanding the fact that he had prepared a booklet of some 250 pages pouring encomiums on the measure, which booklet was distributed to the Convention, in which a number of questions were asked by the Attorney General of himself and answered by himself to his entire satisfaction, but not to mine—notwithstanding all that, when the Convention meets he says he does not propose to proceed with the Bill because he has received constructive criticism with a view to the removal of objections forthcoming from State Parliaments, the public Press and individual citizens.

Hon. W. D. Johnson: A masterly bit of kite-flying!

Mr. WATTS: I was about to observe that the member for Guildford-Midland is apparently endowed with the gift of prophecy,

because on a previous occasion in this House, when there was some—shall I say—annoyance at the proposals put forward by the Attorney General, the member for Guildford-Midland ventured to suggest that that hon. gentleman in the introduction of his measure was engaging in a piece of kite-flying.

Hon. W. D. Johnson: So it was. It is the world-wide political technique.

Mr. WATTS: That may be a suitable method for the hon. gentleman. It may be up-to-date politics, but in a matter of the kind this is and at a time such as this, I say that for the Attorney General of the Commonwealth of Australia to indulge in such tactics should not and does not meet with the approval of the great majority of the people of this country.

Hon. W. D. Johnson: It is the political technique of today.

Mr. Patrick: It is pretty deplorable.

Mr. WATTS: Then I suggest some new political technique should be observed by the hon. gentleman at the earliest possible moment.

Mr. McDonald: What has happened to the booklet of 250 pages?

Mr. WATTS: The booklet was distributed to members of the Convention and most of them took the opportunity to read it. We found in that interesting document extracts from speeches made by the Premier and myself, among others, in this House in which we had ventured the suggestion that work and energy would have to be displayed and inquiries made in regard to post-war reconstruction. The Attorney General appeared to imagine that in publishing those interesting extracts from speeches that had been made from time to time he was establishing to the satisfaction of the people who perused the book that his Bill was one that ought to be favoured by the Convention with the object of carrying out post-war reconstruction; but the value of the book in the circumstances as they were seen to exist was very little indeed. But I have more to say than that. I did not mind so much the Attorney General withdrawing his Bill and informing the Convention to that effect, but I would like to say that the first intimation members of the Convention had that he was going to withdraw the Bill was before the Convention met, and in the pages of the "Sydney Morning Herald." I again submit, without the slightest deference either, that that was no way to treat a body of men who were

called together and who had come from all parts of Australia to discuss this measure, and who found when they woke up in the morning, before the Convention started, that the Press 200 or 300 miles away had been acquainted with what the Attorney General was going to do but that they, the representatives of the people, had not been so acquainted. I will leave that aspect and come to relatively more important matters. The Attorney General then presented a new measure which, as the Premier has indicated, was scarcely less objectionable than the first. But there were substantial differences and the main differences were as follows:—

(a) The general reference as to carrying into effect the aims and objects of the United Nations had been deleted.

(b) The provision that the power of the Federal Government should extend to all measures which in its declared opinion would tend to achieve economic security and social justice, etc., had also been removed.

(c) The clause which enabled the powers to be exercised, notwithstanding anything contained in any State Constitution or in that of the Commonwealth, had also been removed.

(d) In addition, the guarantee of the four freedoms was not referred to.

(e) A general power over transport and the aboriginal natives of Australia had, however, been included and there were clauses to amend the guarantee of religious freedom in Section 116 of the Constitution by expressly including the States, and a provision that neither the Commonwealth nor a State should make any law abridging the freedom of the Press or of speech.

The Minister for Lands: Did you get the benefit of an explanation of the four freedoms?

Mr. WATTS: We were not able to do so and I will refer to that later. There was, however, a covering clause of a wide and general nature under which the Commonwealth Parliament was to have power to make laws for the purpose of post-war reconstruction, and the particular items which followed were expressly stated as not to limit the generality of this proposal. Both these Bills were declared by a number both of State and Federal representatives as definitely tending towards unification. To use the words of the Rt. Hon. W. M. Hughes, they were likely "to disembowel, eviscerate and emasculate the Federal compact," and, while the second Bill received some lukewarm support from both sides of politics in New South Wales and from Labour representatives in certain other States, it soon became apparent that it,

like the first, was doomed to extinction, although by different methods. It did not destroy the High Court, but was too wide in its general terms, and for those reasons came in for a large amount of criticism. The Attorney General did not seem to relish this criticism which, however, I submit, he entirely deserved because of the extraordinary behaviour in which he indulged in the course of his new political technique.

Mr. Hughes: I do not think you are justified in saying that. He is as broad-minded a man as there is in Australia, and is the object of a lot of jealousy.

Mr. WATTS: I can only judge by what took place. I have no desire to indulge in any personal references about the Attorney General, nor have I done so. The action he took is best explained by the circumstances which I have accurately portrayed to the House. The Leader of the Opposition in the Commonwealth Parliament, Mr. Fadden, who was not a member of the subsequently appointed Drafting Committee—although I thought I heard the Premier mention him as being a member of that committee—moved a motion recognising the need to confer increased powers upon the Commonwealth, but expressing the opinion that the war preoccupation of hundreds of thousands of Australians, including soldiers and prisoners of war, rendered it impracticable to secure a deliberate judgment on such a fundamental change in the whole system of Government, and suggesting that advantage should be taken during the war of the opportunity to secure practical experience in co-operative Commonwealth and State action in relation to social and economic questions so that later constitutional changes might be made with the greatest possible knowledge, and that subsequently an elective convention should meet to decide what changes should be made. That is the entire content of the motion moved by Mr. Fadden in what was regarded as a second reading speech on the second Bill produced by Dr. Evatt. Subsequently the Premier of Tasmania moved an amendment, which I have here, and which, as the Premier said, follows substantially on the lines of the motions carried by our own State Houses of Parliament. His amendment was as follows:—

That this Conference is of opinion that—

(a) adequate powers to make laws in relation to post-war reconstruction

should be conferred on the Parliament of the Commonwealth;

- (b) it is undesirable that permanent alterations of the Constitution should be effected at this critical stage in Australia's history;
- (c) for this reason legislative power with respect to suitable additional matters in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States under Section 51 (XXXVII) of the Constitution;
- (d) such reference should be for a period of seven years from the cessation of hostilities and should not be revoked during that period;
- (e) at the end of such period of seven years, or at an earlier date, a referendum should be held to secure the approval of the electors to the alterations of the Constitution on a permanent basis.

The period of seven years was subsequently altered to five years. I would like members to take particular notice of the last paragraph of that amendment, the implications of which I will refer to later. It will easily be seen that so far as I was concerned it was possible to support either of these resolutions, the second particularly, as it followed closely on the decision of this Assembly, although the first, that moved by Mr. Fadden, was slightly more in accord with my personal view. In the result, Mr. Fadden expressed his willingness to withdraw his motion, and Mr. Cosgrove's amendment was, in turn, accepted. From that acceptance dates the Bill which has been introduced today by the Premier. The Convention then proceeded to discuss by what method the powers to be referred by the States should be decided. I expressed the opinion that such proposals should come from the whole of the representatives of the States. I claimed that if we were able to bring forward some unanimous recommendation, there was a far better prospect of securing acceptance of that legislation and the reference of those powers in State Parliaments consisting of two Houses which differed substantially in their political complexions. Because I was anxious to do all that I could to achieve results, I suggested that all the State representatives be put on the Drafting Committee, and there was also this additional reason that after all it was the States that were going to refer the powers.

However, the Attorney General desired that the six Premiers, the Rt. Hon. W. M.

Hughes and himself should form the Drafting Committee. Having placed my point of view on the records of the Convention, I had at that time no more to say, and the committee, consisting of the six Premiers, the Attorney General and Mr. Hughes, commenced deliberations. I know nothing of what took place at that committee, except from hearsay, and in consequence I can only inform the House that the Bill introduced by the Premier today is the one which, after two days' deliberations, was unanimously recommended by the Drafting Committee. I wish, as far as possible, to dissociate myself from party politics in this matter, but it is only right to state that of the eight persons of that committee, five were members of the Labour Parties of Australia and three of other political parties opposed to them.

Prior to the draft Bill being brought down by the committee, the Convention was called together on three or four occasions and subsequently adjourned because the committee's report was not ready. Prior to one of these occasions, it had come to my knowledge that certain legal opinions explaining the necessity for some of the Commonwealth proposals—given by Sir Robert Garran, Sir George Knowles and Professor Bailey—had been supplied at least to some of the members of the Drafting Committee. This was on the 1st December. When the Convention met, therefore, I mentioned that this had been reported to me, and asked that these papers should immediately be made available to all members of the Convention, so that when the report came to hand all members, and not merely those of the committee, would have the advantage, whatever it was, and be on an equal basis. I received no assurance on that point.

I would like to make it clear that absolutely no information had, up to this stage, been provided, either (a) as to the Commonwealth's prepared plans (if any) for post-war reconstruction; or (b) as to the legal necessity for some of the alterations asked for. The copy of those opinions, which I have here now, was dated the 29th November, or two days prior to the day on which I made the statement at the Convention that some information had not been supplied to all as had been supplied to at least some members of that body.

Mr. Warner: I suppose you could excuse that on the score of red tape!



Mr. WATTS: I mention that to explain my subsequent behaviour. No members of the Drafting Committee were present at the meeting at which I raised the point, nor were any papers supplied to me until after the Convention had dissolved. I subsequently received the papers by packet, when, I think, I was in Adelaide.

Let me now return to the last day of the Convention, when it resumed its sitting at 2.15 p.m. and the Federal Attorney General produced the Bill that is now before the House. In doing so Dr. Evatt made the following statement—

There are fourteen matters which are to be referred. If dispute arises the interpretation of each of these matters would be one for the High Court. I think that the matters are clearly expressed, and for myself I shall not venture to elaborate or interpret.

I have already told the House that we had not been given any information as to the plan or legality of the proposals, but now we were presented with the Bill to be discussed by our respective Parliaments. Yet the Attorney General permitted himself to say, "I shall not venture to elaborate or interpret." For the third time, therefore, particularly so far as non-members of the Drafting Committee were concerned, a Bill had been placed before them without any warranty of the real necessity of the powers to be conferred and without any explanation. Supported by the Leader of the Opposition from Tasmania and to some extent by the Leader of the Opposition from Queensland, and Senator MacLeay, I took the strongest exception to this procedure, and at the conclusion of my remarks made the following observations:—

It appears that the net result has been that the Opposition section of the community has been treated, in more recent days at all events, without that proper consideration which I consider they are entitled to expect. Consequently, I shall now say only this: With a number of the proposals in the Bill I am in agreement; with a number of them I would be in agreement did I understand them to mean exactly what they say; there are some which, according to my view, need further qualification; and there are others to which I am opposed. I now make my position perfectly clear to the members of the Convention, in order that, when I return to Western Australia, I shall be in this position: Mr. Willcock will doubtless introduce the Bill in the State Parliament: if he from the detailed information supplied to him during the deliberations of the Drafting Committee can dispel my doubts in regard to certain of the proposals, I shall assist to have them agreed to by the House of which I am a member. If, on the contrary, the information then

given to me—which I have not so far had but should have had—is not sufficient to convince me of the suitability of the provisions in question, I shall unreservedly oppose them.

I think that information must be reported to this Parliament in order that members may understand that I reserved my right to take such attitude respecting certain clauses in the Bill with which I am in disagreement, as I think fit. It will be readily realised that we were not afforded the opportunity to provide some form of unanimity, nor were we supplied with information which I think should have been made available to us prior to the presentation of the Bill, which information was supplied afterwards. So we were justified in saying we were not a party to the proposals, and were therefore entitled to exercise our discretion in dealing with the Bill in our own Parliament. In order to make it clear that there is no doubt about what I said in my remarks on the last day of the sittings of the Convention, I have quoted the report of my words. I think members will agree with regard to the latter part of my statement that it sets out what it is my duty to do. There are certain clauses of the Bill respecting which I shall have something more substantial to say at the Committee stage, and I do not propose to elaborate on that point at the present.

The Federal Attorney General, having made the statement I previously referred to and to which I took exception, as indicated in the remarks I have just read, merely moved that the report be adopted—as the records will show. I am satisfied that at that stage there was not any intention of dealing with the Bill paragraph by paragraph, although that was subsequently done. That it ultimately turned out to be so was due, I am convinced, to the good offices of the Prime Minister, whose attitude throughout was statesmanlike and judicial. Had it not been for him—and I remember when I say this that I am politically opposed to him—I doubt whether the Convention would have reached any conclusion at all. At the stage reached on the Thursday, there was every indication that when the deliberations were ended the Convention would not arrive at any satisfactory conclusion. Had all the members of the Federal section of the Convention been of the same frame of mind, in public at any rate, the Convention might have ended far more satisfactorily, and I might have had much less to say at the Convention.

The Premier: You are referring to the Prime Minister?

Mr. WATTS: Yes.

The Premier: I am inclined to say "Hear, hear" to that too.

Mr. WATTS: Subsequently the Bill was considered item by item, and I moved an amendment to qualify the meaning of the word "employment." I did not think that at that stage members of the Convention were in any humour to deal with an amendment, although I moved it at the so-called committee stage. Some of the Federal members of the Convention made it quite apparent that the actual terms of the Bill were for the State Parliaments to determine. They took no further interest in hammering out satisfactory proposals. Members of the committee were, it appeared, pledged to the proposals outlined to the Convention and individual colleagues of the Federal Attorney General did not appear to be much interested in the desire for unanimity in respect of its provisions. Individual colleagues of the Federal Attorney General were not likely to support substantial amendments to the proposals to which he had agreed. It was quite obvious that we could not get any satisfactory amendments carried, but, as I wished to express my point of view regarding the employment question, I moved an amendment seeking to insert after the word "employment" the words "excluding the fixation of wages and conditions of employment." I did that because there was, and still is, grave doubt in my mind as to the actual implications regarding the use of that word in the Commonwealth Constitution.

I believe it is quite possible under the powers of the Commonwealth to make laws regarding employment, notwithstanding the fact that there is a provision as to industrial arbitration applying to disputes extending beyond the boundaries of one State that might be regarded as enabling the Commonwealth to make regulations under statute fixing wages and conditions of employment in any industry. I am one of those who have expressed sincere and definite belief in the continuation of the system we know as industrial arbitration, which affords both sides in some contentious matter the opportunity to be heard and which has some regard for the conditions in the industry in respect of which it is sought to make an award, but which on the other hand does not ignore the rights of persons who have

to make a living by working in that industry. It makes the fullest inquiry into the work done on the one hand and the conditions in the industry on the other hand. So long as that state of affairs is to continue and awards are made by boards or tribunals appointed and acting under that method, then so long are we justified in believing that the awards made are reasonably just to both sides of the industry.

Mr. Cross: It sometimes depends upon who is the judge.

Mr. WATTS: That may be so, but that matter is in the control of the Government or the Parliament of the State, or of the Commonwealth if it comes to the Commonwealth's part of the business, and for that reason a difficulty of that sort can be satisfactorily overcome. But we cannot escape the fact that, whoever the person in charge may be, an inquiry is made of both sides of the industry and an effort is made to do justice to both sides. But we have had an unfortunate experience under the National Security Regulations. I have only to refer to the experience which I mentioned at the Convention, and that is the determination made in regard to the wheat harvest. In that matter no such inquiry was held; no opportunity was taken to investigate the state of the industry or the work done by the persons engaged therein. Indeed, there was a complete departure from the usual practice, in which the basic wage includes the living expenses of the employee, for in this case the basic wage was first determined and then the board ordered the payment of board and lodging on top of that, something which I believe has not occurred in any other section of industry in Australia. This was done by National Security Regulation, under the wide powers exercised by the Commonwealth under the Defence of Australia Act.

If this word "employment," without qualification, is going to enable that sort of thing to be carried on until hostilities cease and five years thereafter, and perhaps some indeterminate period after that, it is necessary for the preservation of sane industrial arbitration—upon which I have heard members opposite many times express the opinion that it should at all costs be retained—if a proposal of this nature is going to involve a risk of State industrial arbitration being destroyed and replaced by some other system not so satisfactory and manifestly un-

fair, then it is necessary for me to ask this Parliament to ensure that words are inserted in this Bill to guard against any such risk being run.

Hon. W. D. Johnson: Be fair! You have to realise that the commodity has a fixed value of 4s. per bushel. You cannot fix the price one way and leave the other unfixed.

Mr. WATTS: I did not for one moment suggest that we should fix rates one way and leave them unfixed in the other way. I suggested that the same procedure should be adopted in this industry as has been adopted in all other industries.

Hon. W. D. Johnson: This has been done in the war period.

Mr. W. Hegney: The same procedure has been adopted in the shearing industry, and you know it.

Mr. WATTS: But evidence has been taken from both sides before any attempt has been made to do this sort of thing whereas, in the case to which I have referred, no evidence was taken. There was no attempt to take evidence. The board had hardly sat before the award was issued, and not a visit was paid to one place where the industry was being carried on, nor was one person asked to testify. It is useless for members to endeavour to commend the procedure, and it would be better if they refrained from saying anything, because they know perfectly well that the situation is as I have stated it.

Mr. J. Hegney: You are departing from the viewpoint of your predecessor.

Mr. WATTS: What does his viewpoint matter to me?

Mr. SPEAKER: Order!

Mr. WATTS: I am adhering to the views I have held in this House for the last 7½ years, and shall not change them. All I have said this afternoon and all I shall say on this subject hereafter—which will be quite a lot, I trust—is consistent with that point of view. Therefore I shall leave the subject at that.

Member: Just as well!

Mr. WATTS: What powers are to be referred are to end five years after the cessation of hostilities and, as the Premier told the House, the Bill contains provision that the measure cannot be repealed or amended during that period without the consent of a referendum of the people of Western Australia. The position in that regard is made perfectly clear, if members

remember the circumstances of the attempt to abolish the Legislative Council of New South Wales after the New South Wales Parliament had passed a law providing that the Council should not be abolished without a referendum of the people. The Privy Council upheld the view that the referendum must be taken, and carried, before the New South Wales Parliament could repeal that law. Because of that and because a provision has been inserted in this Bill, as the Premier explained, the State Parliament cannot capriciously repeal or amend any part of this measure without taking a referendum of the people of the State.

I understand that some doubts have been expressed as to whether, in making a reference under Section 51 (xxxvii) a State Parliament can validly fix a time limit and validly withdraw from the Commonwealth a matter once referred if a referendum of the people of the State agreed to that withdrawal. In a further opinion, dated the 5th December, 1942, given by Dr. Evatt, in addition to the three legal gentlemen previously mentioned, it is contended that both these operations are valid, and that the State Parliament has power to do both those things. I have a copy of the opinion, and if any member would like to examine it, it is available to him. In my view, however, it is vital to bear in mind one fact. We must not regard this as a reference for a period from now till five years after the cessation of hostilities. It is, in my view, intended to be the foundation of a permanent reference. The terms of Mr. Cosgrove's motion visualise that.

At the end of the period a referendum shall be held to secure the approval of the electors, and I can only assume it is the intention of the Commonwealth Government, before this period of five years after the cessation of hostilities ends, to hold such a referendum to ensure that the powers are made permanent or, at the very least, to ask for a further reference for a longer period and, failing that, hold a referendum. Otherwise, the resolution agreed to by the Convention including a provision of that nature completely falls down; otherwise, why do we find in this Bill a request for power to make uniform company legislation? What would be the good of uniform company legislation for a period of five years after the cessation of hostilities? If at the end of that time companies, having

changed their registration from the State to the Commonwealth, had to go back to State registration, it would be simply nonsense. Therefore the inclusion of that power in the Bill indicates to me that we must look at this measure in the light of a temporary one which might well become a permanent one, and make up our minds accordingly. Like Dr. Evatt, I ask myself another question. If this is only going to be temporary power, why include the reference to aboriginal legislation? Of what advantage would the control of the aboriginal race for such a period be to the Commonwealth or its people? Surely the Commonwealth Government does not want to have these powers for five years after peace and then to pass them back to the States!

It is obvious to me, and I think it must be obvious to every member of this House, that the Bill is intended to be a stepping-over to greater things, and that I must look at it and peruse it in that light. There might be a desire by the Commonwealth to continue the power for a further period. As to Mr. Cosgrove's resolution—

Hon. W. D. Johnson: Mr. Cosgrove has no bearing on this. It is the Bill that we have to deal with.

The Premier: Mr. Cosgrove's resolution was not subsequently discussed.

Mr. WATTS: I come now to the actual terms of the Bill itself. Let me spend a few minutes on them. There is no doubt that notwithstanding objections will be made to it—and I myself will raise objections in some places—that the Bill now presented to us is immeasurably better than either of the others—

(a) In its phraseology by the reference to co-operation with the States, and by the very fact that it is a reference under Section 51 (37), it is clear that the Bill recognises the important and valuable part which the Governments of the self-governing and sovereign States play in the affairs of government of the Commonwealth.

(b) It preserves intact the Federal nature of the Constitution.

(c) The words "post-war reconstruction" are used now as words of limitation rather than, as heretofore, when they were words of generalisation adding to, and not taking away from, the powers later mentioned.

I will not be a party to preventing the Commonwealth from having the financial authority which I say very definitely it should have for carrying out the work which it proposes in the interests of the nation,

with the co-operation of the States as far as practicable, for those who have been discharged from war service and for their dependants. I repeat, I had not the slightest objection to the granting of the power asked for. I admit quite frankly that I have thought that the Commonwealth already had the necessary authority under the balance, as it were, of its defence powers. I have been assured by Sir Robert Garran and others that there are doubts on the subject. I am perfectly prepared to see those doubts removed for all time. Again, as regards repatriation, there appears to be some legal doubt as to whether the things done under this heading after the last war would have been valid if called into question. The financial responsibility is that of the Commonwealth. There should be no doubt as to the powers of the Commonwealth in this regard, especially as we must bear in mind that co-operation with the States is enjoined upon the Commonwealth. In agreeing to this power, I am only making sure that the Commonwealth has the power which all of us, I think, thought that it had, and which it undoubtedly should have.

As to employment and unemployment, I have already dealt at some length with the subject of employment, and I have no objection to the use of the word "unemployment." I express my personal views on the matter. I think the Commonwealth ought to take some responsibility in regard to unemployment. I believe, nevertheless, the real question is one of finance and the position can be helped by the Commonwealth, without additional powers, by seeing that funds are provided for the State instrumentalities to deal with unemployment. With reference to organised marketing of commodities, it is necessary to bear in mind that the provisions of Section 92, requiring free trade amongst the States, will still control this paragraph. There are many reasons why the operations of organised marketing, which have been so varied during war-time, should be the subject of central control in peace-time. In war-time its ramifications have been very wide. Its results have not always been fair to all sections of the Australian people concerned.

The Minister for Lands: And probably they have not been within the ambit of Section 92.

Mr. WATTS: I was about to say that probably there was some doubt as to their

validity. Moreover I think there has been some discrimination between States. Whether that would come under the head of organised marketing, it is difficult for me to say. The matter is one requiring more careful consideration in the Committee stage of the measure. I consider we should have some such power, subject to a qualification ensuring that so far as the State is concerned, we shall know more closely where we stand than by the use of the words in the provision of the Bill. In answer to a question from me as to why the next paragraph was inserted, the Attorney General said that there was a considerable demand for a uniform Companies Act. Personally I do not see the necessity for it, nor do I extract any comfort from the somewhat cumbersome Commonwealth Bankruptcy Act, which replaced a very sound State law. I told the Federal Attorney General that I had seen a uniform Bankruptcy Act which did not reflect any great credit upon Commonwealth legislation, an Act which, in my view, has served the people rather worse than the State legislation which existed previously. I really do not know that we are justified in handing over to the Commonwealth the right to make uniform company legislation. It is a point on which I personally have no very fixed ideas. I shall be very glad to hear what others have to say on the subject.

Now I come to the subject of trusts, combines and monopolies and profiteering and prices. These appear to me to be distinctly related, and if control over profiteering and prices is to be given to the Commonwealth, there seems to me to be no reason why control of trusts, combines and monopolies should not be included. Members will do well, however, to consider whether in a State such as Western Australia, forming one-third of the Continent, situated over 1,000 miles from the adjoining State, and 2,500 miles from the seat of government, it is advisable to deprive the State of its rights over profiteering and prices; nor do I quite know what profiteering includes. It might be possible under such a heading to make it illegal to make profits at all. I recognise that until the Commonwealth makes laws covering all aspects of this question, State laws will still apply; but it is as well to assume that, if the power is granted, the Commonwealth will take full advantage of it. It will also be noted that the prices or rates charged by the State or local govern-

ing bodies are not to be the subject of control.

We would do well to consider whether State instrumentalities cannot deal with the profiteering question far better than can the Commonwealth on the other side of Australia, of which Continent this State holds nearly one-third, nearly one million square miles. The Federal Attorney General set to work to compare Australia with England and New Zealand. He said there was no federated system of States in those places because it was not necessary; and that, in fact, it was not necessary in Australia. I reminded him that here we are dealing with a continent, that England and New Zealand were very small compared with Australia. I said it was preposterous to make a comparison between Australia and New Zealand and England, in view of the fact that we had had a Federation for 42 years which recognised the rights of certain self-governing sovereign States, which rights could not be taken away without going through a certain procedure.

Mr. Patrick: It was originally intended that New Zealand should enter the Federation.

The Premier: This House would not pass profiteering legislation in peace-time.

Mr. WATTS: I am wondering what profiteering means. That question was raised at the Convention. It may mean the making of outrageous profits. The question as to when profits cease to be fair and become outrageous would have to be determined by a Government. It may mean the right to prevent the making of profits at all. The member for Guildford-Midland would have some objection to a procedure of that nature were it imposed upon him by the Commonwealth Government.

Hon. W. D. Johnson: A limitation of four per cent. was suggested.

Mr. WATTS: However, I leave it at that.

Hon. W. D. Johnson: That is so; it is safer.

Mr. WATTS: With regard to aborigines, I cannot for the life of me see why we should inflict upon these poor creatures—whom I will call our black brothers—Commonwealth Government control. I have not noticed that Commonwealth Government control in the Northern Territory—which has continued for approximately 30 years—has improved the conditions of the aborig-

inal inhabitants. I have taken the opportunity to peruse certain comments in a book issued by the Royal Geographical Society of Australia, South Australian Branch, in connection with the aboriginal natives (a) under the South Australian Government in the Northern Territory and (b) under the Commonwealth Government. It seems to me that there has definitely been no improvement in their condition; there might have been some retrogression therein. Western Australia is particularly interested in the question of aborigines. According to the Commonwealth Year Book we have a population of 26,000 aborigines, approximately half the aboriginal population of Australia, with the exception of the Northern Territory, where there are about 15,000 aborigines, if I remember rightly. I am not bestowing any bouquets on the Department of Native Affairs in this State. I object to some extent to the legislation under which it works. I did my best six years ago to have it further amended. I believed then that we could have secured a substantial improvement; but I also believe there has been a genuine attempt made by the department in this State to do something for our aboriginal inhabitants. I do not believe a genuine attempt has been made by the Commonwealth Government to do something for the natives in the Northern Territory. In 1929 a Royal Commission was appointed by the Commonwealth Government to inquire into amendments of the Constitution. That Commission reported on a variety of matters, as to whether they should be included in the Constitution or not. One of the matters was a proposal to empower the Commonwealth Government to make laws with respect to aborigines. This is what a majority of the members of the Commission said, at page 270 of the report—

We do not recommend that Section 51 (xxvi) be amended so as to empower the Commonwealth Parliament to make laws with respect to aborigines. We recognise that the effect of the treatment of aborigines on the reputation of Australia furnishes a powerful argument for a transference of control to the Commonwealth. But we think that on the whole the States are better equipped for controlling aborigines than the Commonwealth. The States control the police and the lands, and they to a large extent control the conditions of industry. We think that a Commonwealth authority would be at a disadvantage in dealing with the aborigines, and that the States are better qualified to do so. At the same time we think that every endeavour should be made to ensure the adoption of the best methods of adminis-

tration by periodical conferences, and that every encouragement should be given to those voluntary bodies which in many of the States have worked for the improvement of the condition of aborigines.

Hon. W. D. Johnson: The Commission did not deal with the financial side of the question. How are the States to provide finance?

Mr. WATTS: If the member for Guildford-Midland will only contain himself for a few moments, I assure him that I think an amendment should be inserted in the provision relating to aborigines to the effect that the necessary finance should be provided by the Commonwealth.

Hon. W. D. Johnson: And for us to administer the Commonwealth's money? That would be a likely proposition!

Mr. WATTS: It would not be the first time, Mr. Speaker. We have had a great deal of money—the taxpayers' money—from the Commonwealth.

Mr. McDonald: We are getting £2,000,000.

Mr. WATTS: And in my opinion we have expended that money much more wisely than would the Commonwealth Government have done.

Mr. Marshall: Eight hundred pounds to grow a pumpkin in the North-West!

Mr. WATTS: The member for Murchison has already reminded us of that matter.

The Minister for Lands: You do not appear to be any more impressed by the administration at Canberra than you were when you left.

Mr. WATTS: Not a bit! With regard to family allowances, I desire to explain to the House that this was included in order to ensure the validity of the Child Endowment and Widows' Pensions Schemes, which are already in vogue, but in regard to which the powers of the Commonwealth are open to question. There has been some question as to whether the appropriation for those purposes would stand the test of a court judgment. I suggest that an amendment might be necessary. I ask members not to vote blindly on the question, but to take some interest in it and ascertain whether the provision might mean something else.

In conclusion, I propose to support the second reading of the measure, but I do not suggest for one moment that we should lightly or inadvisedly seek to amend it. If we are satisfied that any provision in its present form is likely to be interpreted in such a way as to do damage to Western

Australia or its people, we should amend it in order to make the position safe and sure. An amendment of such a nature would in no way destroy, so far as the Commonwealth is concerned, the reference of these powers. I do not for one moment suppose that the Commonwealth expects six Bills to come back to Canberra in perfect order. To think that would show a most extraordinary lack of appreciation of human nature and Parliaments generally.

Mr. J. Hegney: If the Bill is altered, what will happen?

Mr. WATTS: In my view it would not make the slightest difference, especially—and I use the word “especially” very carefully—if the general principles of the Bill are not interfered with. It must be remembered that under Section 51 (xxxvii) of the Constitution power can be referred to the Commonwealth by some of the States and not by others, and that the law would apply to the States which referred the powers and not to the States which did not refer the powers. It would be possible for Western Australia to refuse to give the Commonwealth control of aborigines and for New South Wales to give the Commonwealth such control.

Mr. J. Hegney: If we reject the Bill, what will happen?

Mr. WATTS: I am afraid there would have to be another Convention. I do not suggest for one moment that the Bill should be rejected altogether. I have already said I support the second reading, and I therefore obviously support the principle of referring powers to the Commonwealth. The only question that remains in my mind is as to what powers are adequate. I have agreed to a resolution which says we will refer adequate powers.

I say that these powers are more than adequate, and I shall endeavour to pare them down until they reach that stage which I regard as adequacy. Then I will support the whole of the Bill in the remaining stages of Committee and third reading, and hope that those associated with me in those circumstances will do the same. Until that time is reached, I shall take the opportunity to do what I can to have the measure amended in what I believe will be the interests of this State, because I believe that, provided the reasonable and general principles of the Bill are not substantially departed from, we shall have no further trouble from the Common-

wealth Government in this matter. I cannot believe it expects to receive this Bill back from six State Parliaments with 11 Houses without one alteration. The members of the Commonwealth Government would be extraordinary people if they held that view, and I am certain they do not. Finally, I should like to express my appreciation and thanks to the Premier for the courtesy and consideration he extended to me on our travels in the Eastern States of Australia. When opportunity was available to him, he supplied me with such small amounts of information as he had obtained, and, generally, whenever possible, he was very helpful to me, and I am not without appreciation of the fact.

On motion by Mr. McDonald, debate adjourned.

### STATE TRADING CONCERNS ESTIMATES, 1942-43.

*In Committee.*

Estimates of Revenue and Expenditure for the State Trading Concerns for the year ending the 30th June, 1943, now considered, Mr. Marshall in the Chair.

*Division — State Engineering Works,  
£322,275:*

MR. McDONALD (West Perth) [4.42]: As it is desired to conclude proceedings very shortly, I do not want to detain the Committee. I only feel regret that we have not managed matters so as to allow more time for discussion of these State Trading Concerns. I cannot help feeling that we have spent a lot of time—and I blame nobody more than myself—in discussing matters of relative unimportance. The result is that we are left at the last moment with inadequate time to discuss matters of very considerable importance. After examining the balance sheets of the State Trading Concerns, I feel that the time has come, even though this is war-time, for some consideration to be given to the way they are trending. This is a transition period owing to abnormal conditions, and it may be that no final decision can properly be taken; but, this being a transition period, it may be very desirable that State Trading Concerns which are overloaded in the way of expense and personnel—if any are so overloaded—should be reviewed. Of course, State trading concerns involving any increased work should have

facilities made available to enable them to discharge their duties more fully and effectively.

There is also a long-term view to be taken of our State Trading Concerns, of which it is very hard to form an estimate. I have been through the various balance sheets and find that many of these concerns have now accumulated losses. In one case, the loss is over £1,000,000. In other instances the losses run into hundreds of thousands of pounds. That may or may not convey a correct impression because, under the State Trading Concerns Act, profit is taken into revenue and the result is that for a period of years losses may appear to be greater than is the actual fact, because they are not set against profits. Be that as it may, if we have State Trading Concerns whose balance sheets show losses, which have now reached very large figures and in some cases are now continuing, then, without forming any opinion as to the merits of the State's method of conducting the business, I think the time has come when we might well form an opinion as to which of those concerns are worth while keeping, and which are worth extending, or at all events where they are going. If they had been private concerns, they would have gone into the bankruptcy court, but being State concerns it has to be borne in mind that losses incurred and paid for by the public may be justified on the broad ground of State policy. I do not propose to take up the time of the Committee in endeavouring to deal in detail with the State Trading Concerns as a whole, or with any one of them, but I feel that this is an important item in the annual work of Parliament, that it should not pass without a few words, and that it is justifiable to say that the time has come when a general survey should be made of these concerns with a view to seeing how far they are justified, how far they may be extended, and how far they may be curtailed.

**MR. SAMPSON** (Swan): The State Trading Concerns offer plenty of opportunity for those who desire to express criticism and regret. I notice with considerable sorrow that State Trading Concerns, generally speaking, appear to be cursed from birth. I was particularly concerned with the position in regard to State Hotels. There is on the purchases side an amount of £58,000 odd shown. The net profit for the year

1941-42 for State hotels amounted to £166. The State Trading Concerns are unjustified from almost every possible angle. The State hotels do not pay rates to the local authorities. If they use a motor car or other vehicle they pay no traffic fees. Generally, they do not bear their share of the burden of control. If a State hotel desires to buy anything it does not purchase it locally. That to me is a serious matter and one that reflects badly upon the Government.

The Minister for Mines: Do all hotels purchase locally?

Mr. SAMPSON: Of course they do.

The Minister for Mines: Don't be silly!

Mr. SAMPSON: I am endeavouring to exercise some wisdom, yet the Minister says, "Don't be silly." When he implies that the State hotels in the different centres throughout the country purchase their needs locally he is wrong.

Mr. Patrick: Some of the private hotels are owned in Perth.

Mr. SAMPSON: If a State hotel wants to buy a bunch of radishes it must send to Perth for it. I understand that is a definite instruction from the Minister in charge that all purchases must be made in the city.

The Minister for the North-West: We give the customers what they require.

Mr. SAMPSON: I have never said that the State hotels are not well conducted, but they are not conducted with any consideration for what is due to the local traders. If, for instance, the hotel at Bruce Rock—

The CHAIRMAN: I draw the attention of the member for Swan to the fact that we are not dealing with State hotels. We are only dealing with Division No. 1 at the moment. We will get there ultimately. Each State trading concern must be taken separately.

Mr. SAMPSON: The last thing I would do is to cause you, Sir, difficulty by the way in which I make references to a State trading concern, but I take it this is a general opening survey.

The CHAIRMAN: I have just pointed out that that is not the case. The Estimates are submitted for consideration and must be taken in rotation. There is no general discussion. At the moment we are on State Engineering Works, Division No. 1, £322,275.

Mr. SAMPSON: That provides an opportunity for a wealth of criticism which I do not propose to take. I will, however, make



some reference to it. The deficiency is £22,275. If there is anything depressing to one who is proud of the State in which he resides, and is anxious to see the governmental concerns pay their way and justify their existence, surely that deficiency is.

The Minister for Mines: What is it for?

Mr. SAMPSON: The State Engineering Works.

The Minister for Mines: Oh, is that all?

Mr. SAMPSON: I know that the Minister for Mines makes that remark in jocular vein, but it is distressing to think that a concern which has, the moment it enters into operation, a good flow of business promised to it, should show such a deficiency.

The Minister for Lands: Are you sure you are interpreting that total correctly, and that it is not a recoup to revenue?

Mr. SAMPSON: If the Minister will look across the column he will see the heading "Deficiency."

The Minister for Lands: Have a look at the table.

Mr. SAMPSON: I have, and it is segregated.

The Minister for Lands: I think you are wrongly interpreting the balance sheet.

Mr. SAMPSON: I wish I were. I would like to think it was an error in interpretation. The Minister would feel happier, too, because as an earlier speaker said, the position is that if the State trading concerns were carried on under the control of private enterprise they would be bankrupt, but now when a loss occurs it is spread over the whole community.

The Minister for Lands: I think you are stone-walling.

Mr. SAMPSON: I do not want to speak at length, but I would be wanting in my duty if I allowed this matter to pass without drawing attention to it.

Mr. J. H. Smith called attention to the state of the Committee.

Bells rung and a quorum formed.

The CHAIRMAN: The member for Swan may proceed.

Mr. SAMPSON: I had already concluded my remarks.

Division put and passed.

*Divisions—State Quarries, £600 West Australian Meat Exports, £182,078—agreed to.*

*Division—State Brickworks, £26,000.*

MR. McLARTY (Murray-Wellington) [4.52]: I would like to hear the Minister say

something about the State Brickworks. Owing to the restrictions on building at the present time there is not much call for bricks. As a result I understand that the brickworks are very slack and employing only a comparatively few men. One of the great post-war works to be undertaken will be building. In this State we will experience a great demand for houses. I would not be worried if there was a great number of bricks stacked. I know that at present manpower cannot be obtained for the works. What I am concerned about is that, as these skilled workers are taken away from the brickworks, there is a chance of completely losing their services. When we want to start making bricks in great quantities, we may not have skilled men available. I have discussed this aspect with the Minister in charge of State trading concerns, and I understand that he has taken some action to retain the skilled labour. I would like to say that the manager of the State Brickworks is a most efficient man. We are lucky to have Mr. Kitchen in charge of them. I hope that, no matter what happens, his services will be retained.

**THE MINISTER FOR THE NORTH-WEST:** There is a lack of orders for bricks, and there is less manpower. Like private brickworks, the State Brickworks have closed down. We have well over a million bricks on hand. As regards losing skilled labour, that is a matter within the province of the manager, who has earmarked the key men. The member for Murray-Wellington need have no fear that when the rush for bricks returns we shall not have the key men required.

**HON. W. D. JOHNSON** (Guildford-Midland): I am always interested in the brickworks, having been associated with their establishment. A matter which has given me concern of recent years is whether we have made a proper survey and examination to be certain that what might be called a constant necessity, shale, will always be available, so that the quality of our bricks may be maintained. At the time of the establishment of the works, I remember, we had difficulty in locating that stuff; and I have often wondered whether the supply is as extensive as our somewhat casual survey of those days indicated. I agree with the member for Murray-Wellington that building operations

will be an important factor in post-war reconstruction. It would be well now to make a general survey and ascertain whether we can maintain not only the quantity but also the quality of our bricks.

**MR. J. H. SMITH** (Nelson): The Minister has assured us that there are a million bricks in stock. Under war regulations, of course, no building can be proceeded with at present. I do not suggest for a moment that we should manpower all the men in the industry. Many of them will have gone into the Army. When the war is over and the building rush comes on, those men will, we hope, come back into the industry. The State Brickworks, however, cannot get orders, and therefore I do not see how the men can be retained. Perhaps it might be a good thing for the country if the works closed down.

Division put and passed.

*Division—State Hotels, £59,484.*

**MR. SAMPSON** (Swan) [5.4]: I notice that during the year recently closed the Worgan Hills State Hotel was completed at a cost of £22,875. Undoubtedly it is a well-built hotel; but the distressing part of the State hotels is that, despite the fact that some of them are good-paying, the result of their combined operations is a profit of £166 for the year. I suggest to the Government that the best thing to do is to call for offers to lease the hotels.

**HON. W. D. JOHNSON** (Guildford-Midland): The member for Swan should bear in mind that a good many deductions are made before the net profit is arrived at. The Gwalia State Hotel, for instance, was built many years ago, and has paid for itself scores and scores of times by the amounts that the State has received from it. Today we are still paying interest on the original cost plus anything added in the meantime. The member for Swan views the question of State trading from a political point of view. He refuses to analyse it in that very careful manner in which he analyses other propositions submitted to him. We cannot arrive at the actual value of State trading from the balance sheets, because the State Trading Concerns Act was so fixed that the actual position could never be disclosed. The reason was to enable the member for Swan, and others like him, to read into the State trading concerns something that does not exist

from an actuarial or accountancy point of view.

**Mr. Sampson:** This is all balderdash!

**Hon. W. D. JOHNSON:** The hon. member is endeavouring to bring confusion into the position by a wealth of words. The Auditor General's report makes the position clear, and beyond that there is no need to say anything.

**MR. J. H. SMITH** (Nelson): The member for Guildford-Midland was one of the sponsors of the State hotels scheme. It is astonishing to learn from the balance sheets that the trading of all the State hotels for the past year has produced a profit of only £166. The rental of the Gwalia hotel, for instance, would be £50 a week, besides ingoing. There must be something radically wrong with State trading, which has never proved a success except in the case of the State Sawmills.

**Mr. Patrick:** And they are in the combine!

**Mr. J. H. SMITH:** There would be no objection to the Government closing State hotels that are not payable. Private enterprise would be glad to step in.

Division put and passed.

*Divisions—State Shipping Service, £124,924; State Saw Mills, £683,180; Wyndham Freezing Works, £44,722—agreed to.*

This concluded the Estimates of the State Trading Concerns for the year.

Resolutions reported and the report adopted.

## **BILL—MEDICAL ACT AMENDMENT.**

### *Council's Further Message.*

Message from the Council received and read notifying that it insisted on its amendment No. 1, and that it had agreed to return its amendment No. 3 with an alternative amendment thereto, in which alternative amendment it desired the concurrence of the Assembly.

## **BILL—APPROPRIATION.**

Returned from the Council without amendment.

## **COMPLIMENTARY REMARKS.**

**THE PREMIER** [5.19]: Before the House resumes its business again in January, another Christmas will have come and gone. Speaking on behalf of the Govern-

ment and for myself, I wish to extend to all best wishes for as happy a Christmas as the circumstances permit. It is, of course, quite impossible for us to celebrate Christmas in the manner in which we have celebrated it in years gone by. We cannot celebrate Christmas in such a way when so many of the sons, daughters and other relatives of our citizens are away at the fighting front, passing through all sorts of dangers. That is not the time at which we want to make merry. Still, there is something in the Christmas spirit that moves us to extend goodwill to all people, and it is desirable that those of us who are at home in this country should continue to exhibit such goodwill towards each other. Consequently, I wish on behalf of the Government to express goodwill to you, Mr. Speaker, to the Clerks of the House, to "Hansard," and to all those who have carried out duties that have been of great assistance to us in the conduct of the business of this House.

Our first responsibility is to do everything we can to make Christmas as happy as possible for the Fighting Forces. I know many members will have sent parcels and good wishes to their relatives overseas. We need to make the Christmas season as happy as we can for the children, who usually look forward to that season with pleasurable anticipation. We do not want their young hearts to be filled with sorrow and grief on account of the circumstances that exist. I hope that before Parliament re-assembles the respite that members will enjoy will restore them to health and vigour. We have a busy time in Parliament, the proceedings of which take a lot out of members. I certainly know they take a lot out of Ministers, who I hope will enjoy the recess, so that when Parliament reopens they will be able to attack the problems facing us with renewed vigour. I extend good wishes also to the Leaders of the Opposition and of the National Party, and the members of their parties, and also to my supporters on this side of the House.

**MR. WATTS** (Katanning): For myself and those associated with me I would like to be in accord with the good wishes expressed by the Premier to other members and the staff of Parliament for the Christmas season. In many cases I am aware that it will not be a very happy season. There are homes in which, for reasons closely

connected with hostilities, it would not be possible to celebrate Christmas as in former years. But I feel it is our duty, even under these circumstances, to do the best we can to remember that Christmas is a good time, a kind, forgiving, charitable, pleasant time, and to carry on those traditions of the past that made the season the main one of all Christian communities, and one which I trust will never be forgotten in the run of years. To the Premier and his Ministers I wish a very pleasant holiday in the few days available to them, and I extend the same wish to other members of the House. I trust when we reassemble in the new year to deal with the business left on the notice paper, and particularly with the Commonwealth measure, we shall be able to look back on the Christmas period with as much happiness as is practicable. I also wish to extend to you, Mr. Speaker, my thanks for your unfailing courtesy, and also to the Deputy Speaker and Chairman of Committees, and the Deputy Chairmen of Committees.

**MR. McDONALD** (West Perth): On behalf of my colleagues and myself, I have very great pleasure in being associated with the Premier and the Leader of the Opposition in presenting every good wish to you, Mr. Speaker, your Deputy Speaker and Chairman of Committees, and the Deputy Chairmen of Committees for the coming season. Although this is a time of austerity, I think there is nothing to forbid us remembering that we have many riches in the Christmas season, and we can enjoy some happiness, remembering all that Christmas stands for, without incurring any reprobation for having spent too much money. I desire to extend to the Premier and the members of the Government party and to the Leader of the Opposition and the members of his party all my good wishes, and to the Clerks of Parliament, the staff and "Hansard," my best thanks for the efficiency and courtesy they have always exhibited, and which do so much to make our labours easier and pleasanter than they otherwise would be. I extend also to my Deputy Leader and my own colleagues good wishes and thanks for the advice, support and tolerance they have always been prepared to extend to me.

**MR. SPEAKER:** On behalf of the Chairman of Committees and the Deputy Chairmen, the Clerk and Clerk Assistant, the

members of the "Hansard" staff and the staff of Parliament House generally, I wish to thank the Premier and the Leaders of the Opposition and National Party for their good wishes. I also wish to thank the various officers for the great assistance they have been to me, and to congratulate members on the fine spirit they have shown throughout the session, and for the respect they have always shown for the Chair. It would be foolish under the circumstances to wish members a merry Christmas, for I think it is not possible for many people to enjoy a merry Christmas. I can, however, wish all members the very best of health for the coming year and express the hope that before the year is out peace will have been restored. That, I think, will be the greatest happiness we can experience. I wish for members, one and all, and for their families the best of health, and trust that their Christmas will be as merry as is possible in these times.

#### ADJOURNMENT—SPECIAL.

**THE PREMIER** [5.25]: I move—

That the House at its rising adjourn till Tuesday, the 19th January, 1943, at 11 a.m.

Question put and passed.

*House adjourned at 5.26 p.m.*

### Legislative Assembly.

*Tuesday, 19th January, 1943.*

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The **SPEAKER** took the Chair at 11 a.m., and read prayers.

#### RAILWAYS, MR. WATTS'S INVENTIONS—SELECT COMMITTEE.

*Report Presented.*

Mr. McDonald brought up the report of the Select Committee, together with a type-written copy of the evidence.

Report received.

*As to Printing and Consideration.*

**MR. McDONALD** (West Perth) [11.1]: I move—

That the report be printed and its consideration made an Order of the Day for the next sitting of the House.

The Premier: Is it the desire of the Select Committee to have the evidence printed, or only the report?

Mr. McDONALD: The Select Committee is of the opinion that the evidence does not require to be printed. It is fairly voluminous. The motion refers only to the report, which has been made very concise on account of printing difficulties.

Question put and passed.

#### ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Local Authorities (Reserve Funds).
- 2, Lotteries (Control) Act Amendment.
- 3, State (Western Australian) Alunite Industry Partnership.
- 4, Constitution Acts Amendment.
- 5, Industries Assistance Act Continuance.
- 6, Road Districts Act Amendment (No. 2).
- 7, Financial Emergency Act Amendment.
- 8, Mortgagees' Rights Restriction Act Amendment.
- 9, Health Act Amendment (No. 2).
- 10, Fire Brigades.
- 11, National Emergency (Stocks of Goods).
- 12, Loan, £310,000.
- 13, Pig Industry Compensation.
- 14, Rural Relief Fund Act Amendment.
- 15, Stamp Act Amendment.
- 16, Appropriation.
- 17, Income and Entertainments Tax (War Time Suspension).
- 18, Mortgagees' Rights Restriction Act Continuance.

#### QUESTION—CHILDREN'S COURT.

*Sentence for Interfering with Child.*

Mr. NORTH (without notice) asked the Minister for Justice: Has he received a communication referring to the magistrate of the Children's Court having sentenced a soldier to six months' imprisonment for interfering with a child and, if so, will he give consideration to the sentence imposed?