

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?

The MINISTER replied: I have received a communication on the matter and due consideration will be given to it.

BILL—COMMONWEALTH POWERS.

Second Reading.

Debate resumed from the 11th December.

MR. McDONALD (West Perth) [11.10]: The proposals contained in this Bill will have an important bearing on the destinies of Western Australia, and indeed on the whole of the Commonwealth. As such it calls for mutual understanding between the Commonwealth and the States. Above all it calls for that statecraft to which Dr. Evatt referred when he introduced these proposals and which, I hope, will be found in the Federal sphere as I anticipate it will in the State sphere. I agree with the Commonwealth Government that in connection with the post-war period it has a responsibility. During the war it has had the power and the duty of employing many hundreds of thousands of men and women in the Fighting Services or war industries. When the war ceases the Commonwealth Government will have a moral responsibility, at all events for part-reinstatement of these men and women. In order to discharge that responsibility it is not unreasonable that it should ask to be clothed with sufficient legal powers to carry out the duty of redeeming any promises which have been made, especially to members of our Fighting Services. Therefore the Commonwealth in that, and other respects, has a case, but what it must not lose sight of is that the States also have a case.

Many people in Australia believe that our Federal system with its division of powers between the central Legislature and those of the States, is the best guaranter of our liberties. I think that recent experience, as the member for Nedlands once pointed out, has served to confirm the opinion that a very real safeguard to the people of any nation is maintained if there is a division of powers between the Central Government and the Governments of the various States or Provinces. Insofar as this Bill may tend to break down materially that division of powers, it is the duty of the people of Australia, and of the States in particular, to give it very careful examination. In this State we have our special viewpoint. Ours is the most distant State, and we are responsible for the largest terri-

tory. We have problems which are grave and peculiar to Western Australia. In the Commonwealth Parliament this State has a representation in the House of Representatives of five members as against twenty-eight who are returned by the State of New South Wales. If this State proposed, by way of safeguarding its position in the event of a transfer of peace powers, that the representations of Western Australia and New South Wales in that House should be reversed, I can well understand how it would appeal to the people of New South Wales. If the people of that and the other central States would only consider how the position would appear if it were reversed they would learn something of the attitude of a State such as Western Australia when it comes to transferring a still further power into the hands of the Central Government.

The war and the numerous additional powers now being exercised by the central Legislature have brought home to the outlying States, and this one in particular, the grave disabilities that the distant States suffer under centralised control. I do not propose to give many examples of a matter with which members are as familiar as myself. I do know, however, of one case where the tenant of a building, taken over by the Commonwealth, had a claim for some small sum for compensation—due to the removal of furniture or something of that kind—amounting to £4 9s. 6d. The Commonwealth representatives in this State had no authority to pay this small amount, and the matter had to be referred to Canberra or the appropriate administrative head in the Eastern States. It took 12 months before that claim was ultimately granted. We might multiply such examples ad infinitum, but no good purpose would be achieved as members are already familiar with these matters. In this State, in the exercise of the sovereign powers of the State, the Ministers of Government and the administrative officers are accessible to the people. They can give final decisions. Under the Commonwealth centralised control, as is evidenced to such a large extent in the administration of war activities, we have a subordinate administrative officer in this State who appears, in many cases, to be quite without any authority to settle even minor matters.

It must be borne in mind by those who seek—and as I have said, in my opinion with some justification—some additional powers

for the Commonwealth Government to meet the period of post-war reconstruction, that the people of Western Australia have become, if anything, less disposed to grant increased powers to the Central Government by reason of their experiences of centralisation during the last three years. It must also be remembered that, curiously enough, there has been brought home to the minds of the people of this State a greater appreciation of their State Parliament and Government. They perhaps now realise more strongly than ever that the State Legislature and members of the State Government are more in touch with the people of this State and their problems. They are part of the life of the State; they are responsible to public opinion and public needs. There has been a growing feeling in the last few years by the people of Western Australia that, apart from national matters, they may be better served by having their own State affairs managed by the State Legislature and State members rather than by centralised control proceeding from Canberra.

It seems to me that so far our Commonwealth Government has not become part of the life, at all events of an outlying State like Western Australia, as has the State Parliament. One finds often evidence of a mentality in this State that leads people to regard the Commonwealth Parliament almost as an alien power and not, as they should, their own Parliament and Government. Why that is so I do not know, but I think there is some reasonable ground for saying that it is not without some element of truth. It may be that the central Administration is so far away, Perth being distant from Canberra almost as far as Canberra is from Auckland in New Zealand or Batavia in Java. It may be that with our very small representation in the Commonwealth Parliament, our Federal members, however active and competent they may be, have not impressed upon the people of the State the position of the central Parliament in the way that members of the State Parliament, living and moving always among the people, are able to bring home to them the fact that the State Parliament is part and parcel of their lives and destinies.

When we turn more particularly to the Bill now before the House, I, as one who may describe himself as a part friend of the measure, must express regret that its history has not helped. There appears to

have been in Canberra on the part of those in charge of the Bill—I think our own Prime Minister, with the many duties and responsibilities cast upon him, must have delegated to a large extent this particular matter—a rather regrettable lack of knowledge of the psychology of the people of Australia and more particularly of those in the outlying States. When the proposals were first brought forward and much publicised with their suggestion of virtual unification of the government of Australia, and when it became strongly evident that they would not be acceptable to the people of the nation, those proposals were dropped, I understand, on the morning of the day that the members of the delegation arrived in Canberra. The proposals were replaced by a second Bill which was so anaemic and impossible that it survived for a few hours only.

Then came the Bill we now have before this House. Here again it appears to have been assumed by those in charge of the measure that it would be accepted almost without examination by the people of the nation and particularly by those in the outlying States. An attempt was made to pass it with a haste which I think was objectionable, and was certainly highly undesirable in that it created a most unfavourable impression. That very act itself still further disclosed lack of knowledge of the psychology of some of the States on the part of those who control our Federal Legislature, and if there is remoteness in their viewpoint, a remoteness from the lives of the people, it is clearly indicated respecting some of our Federal leaders. All this lends colour to the arguments of those who say we would not be wise to transfer added powers to be wielded by those who are so far away, and so little in touch with our feelings and aspirations in this State.

That feeling has unfortunately been aggravated by some comments that appeared in the Press and which are alleged to have emanated from Canberra. I think they could be described as rather childish were it not for the mentality that lies behind them. I hope that there will be an early and authoritative denial on the part of the Federal authorities of any responsibility for what has appeared in the Press item to which I refer. The suggestion has been made that a judicial inquiry shall be made into the activities of those sections of the people

that have issued propaganda, if I may use that term, in opposition to the proposals contained in the Bill. The underlying viewpoint expressed in the Press report is apparently that if the Government advances proposals and, with the aid of the taxpayers' money, uses propaganda with a view to securing the acceptance of those proposals, then that course is quite legitimate. On the other hand, if any section of the nation feels it will suffer an injustice under the proposals, whether that section consists of commercial men, trade unionists, farmers or any other group, and out of its own funds endeavours to bring its case before the public, then, according to the Press comments, it is doing something that should be suppressed. The mere statement of such a proposition would be, I think, sufficient to lead to its condemnation in every part of the Commonwealth, in accordance with the principles under which we live. I hope the Commonwealth Government will promptly and unreservedly deny responsibility for any such suggestion—if for the following reason alone.

Opponents of the Bill are against the transference of the suggested powers because they say this State should not be left to the arbitrary rule of Canberra and, when they read in the Press the statements to which I have alluded, their opposition to the Bill will be confirmed, whereas the friends of the Bill will be dismayed and weakened in their support of the proposals or portions of them. I mention these considerations because if we are to exercise statecraft and approach this problem on a reasonable basis, as I hope we shall and as we certainly should, then I think it will be wise if the Federal Legislature and Government bear in mind the opinions held in outlying States and particularly in States like Western Australia and South Australia. It has to be remembered also—and I mention this in closing this portion of my remarks—that since Federation the central States have benefited from the Federal system, and the outlying States, particularly Western Australia, have not enjoyed equal benefits. This has been made abundantly clear in the speeches of the Premier and other Ministers and members in this House. It is a factor always to be kept in mind by the Commonwealth Parliament when it advances proposals designed to alter the Commonwealth Constitution in a way that will mean increased powers for the central Parliament.

The Convention called by the Federal Attorney General, having decided against a referendum of the people, which would have been involved by an alteration of the Constitution, and having decided in favour of a transference of powers for the post-war period, a Bill for the transference of those powers accordingly comes before this Parliament. In connection with the Bill and the position of the several State Parliaments, it should be admitted that if uniformity in the powers to be transferred could be obtained and was in accordance with popular opinion in the States, uniformity would be desirable. But it would not necessarily be proper, because I think each State Parliament must have regard to the position of the people in its State and to the public feeling of its people with regard to the transference of powers. Therefore it is the duty of the State to have proper regard to the conditions obtaining in the State and the possible dangers involved by an undue transference of powers to the central Legislature. If it is necessary to amend the Bill in order to make it such as a State might legitimately accept, then it should be amended. Uniformity can be obtained at far too great a sacrifice.

As there was no referendum of the people, the Convention formed the opinion—and properly so, I think—that the powers should be granted for a limited period. Since then constitutional differences have arisen, and it is claimed by some lawyers of experience, to whose opinion great weight must be attached, that once the powers are transferred by the State Parliaments, they become permanent powers, and cannot be withdrawn and that therefore the provision for expiry at the end of the period is of no value. With great respect, I do not agree with that opinion. It seems to me there is no constitutional impediment to powers of this kind being transferred in this way by a State Parliament to be operated by the Commonwealth for a limited and prescribed period. But there is room for legitimate criticism of the form of the Bill with regard to the period of its operation. If this measure is taken into Committee, an amendment will be proposed to require that whenever the Commonwealth Parliament exercises by legislation any powers under transfer from this State, then each Act of the Commonwealth Parliament will itself contain a section providing that the measure shall cease to operate at the end of the agreed period.

The Premier: And what would happen if the Commonwealth did not agree to that? It would be only an assurance by the present Commonwealth Government, which might not act on the assurance.

Mr. McDONALD: In reply to the Premier, I say first of all that the intention of the Convention and the wording of the Bill are such as to make it clear, beyond any doubt, apart from technical rules of interpretation by courts, that the powers are to be held by the Commonwealth Parliament for a stated period only, and I do not think that any Government, irrespective of what its party political complexion might be, would repudiate such a clear intention on the part of the people when the powers were transferred and on the part of the State Parliaments that transferred the powers. If the Commonwealth Government, as I believe is the case, is sincere in accepting the proposal that the powers transferred shall cease at the end of a stated period, unless expressly renewed, then the Commonwealth could have no possible objection to agreeing to the insertion of a provision in every Commonwealth Act definitely stipulating that the legislation shall expire five years after the cessation of hostilities or in the event of the powers being revoked by the Legislature of the State concerned.

The Premier: Are we entitled to say that the Commonwealth Parliament must do something in a certain way?

Mr. McDONALD: I think we are entitled to do as I have suggested. Clearly, we can impose conditions to our reference. This is recognised by Dr. Evatt and the draftsmen who framed the Bill, because the measure contains a number of conditions limiting or affecting the reference of powers, such, for example, as the condition requiring the consent of the Governor-in-Council. There seems to me to be no difficulty in the way of providing in our Bill a further condition, namely, that when any power transferred by this State to the Commonwealth Parliament is being exercised by way of legislation, the Act shall contain a section limiting the duration of the measure to a prescribed period. While I believe that such a provision would be quite valid, there is no question that it would be eminently reasonable, and no Commonwealth Parliament that intended loyally to honour its agreement that the powers transferred should have a limited duration could take any exception to insert-

ing a section expressly stating that the Act shall operate for the agreed period only. Then, as the people were not consulted by referendum, which is the normal and proper course to adopt when a transference of powers to the central Government is proposed, a further safeguard is inserted in the Bill to the effect that any State Parliament, as regards its own State, may at any time and even before the expiration of the agreed period, withdraw all or any of the transferred powers, subject to the people of that State, by referendum, agreeing to the withdrawal. The constitutional doubt as to the validity of putting a period to the transferred powers would no doubt also apply to the power of revocation which is contained in the Bill; but, again so far as my opinion goes, there is nothing in the Constitution which would prohibit a State from reserving to itself a right to revoke and recall, at any time, any of the transferred powers. But as I see the matter I feel that the provision for a referendum as a condition precedent to any withdrawal of power should be struck out. That provision has obviously been inserted with the intention of making it rather harder to withdraw the power than to give it.

The Premier: But there must be a reasonable time allowed. Powers should not be given and then withdrawn within, say, three months—before they have been exercised.

Mr. McDONALD: That will be a matter for the judgment of the State Legislature concerned. I do not think the history of the Legislature of this State is such that there need by any reasonable fear of the capricious exercise of any power. If the Commonwealth Parliament is not prepared to trust the State Legislature, then it is hardly in a position to suggest, in the same breath, that the State Legislature should trust it. As an advocate for a partial cession of powers I am prepared to trust, to the extent of those powers, the responsible use of them by the Commonwealth Parliament. If we retain the power of revocation I would ask, in return, no more than this, that the Commonwealth Parliament should extend to the State Parliament the same confidence and trust as the Commonwealth Parliament expects us to extend to that Legislature, bearing in mind always that in the case of the Commonwealth Parliament we are being asked to give it powers, and trust it with powers, that are now ours, whereas by our power of revocation we are only asking to

take back what was previously our own.

Hon. W. D. Johnson: Would it not be more in line with the Constitution if we put the question to a referendum? Would you put the question by referendum to the people rather than do what you suggest?

Mr. McDONALD: In the first place?

Hon. W. D. Johnson: Yes.

Mr. McDONALD: Like all members, I have given consideration to the question whether it is the duty of this Parliament to put this Bill and these powers to the people of the State before we agree to what is proposed.

The Premier: It is, of course, the whole contention that this is a war-time measure, having regard to all the difficulties of election and so forth during war time.

Mr. McDONALD: Exactly. I am prepared to go so far as to say that the Commonwealth Government and the members of the Convention agreed that a referendum of the people on a matter of this kind would be undesirable during wartime—undesirable not only from the aspect of the differences it would create and the distraction it would involve from the urgent duties of wartime, but also because of the fact that many thousands of our men, who otherwise would be voters, are oversea and would be unable to vote or even to give adequate consideration to the matters involved. Any threat of the Commonwealth Government, such as has been suggested, to take a referendum if we do not accept in toto what it proposes, should, in my opinion, be ignored.

The Premier: Hear, hear!

Mr. McDONALD: I think the most charitable thing to say about the suggestion is that it is too irresponsible to justify its consideration by this honourable House. The Commonwealth Government, the whole of its 12 members, including the Prime Minister and Dr. Evatt in the Convention, agreed that a referendum of the people would be undesirable in time of war. If they, because they are not getting their own way, can turn a political somersault of such magnitude, I will leave them to answer to the people of Australia for it.

Mr. Warner: They have threatened it.

Mr. McDONALD: On the question very properly raised by the member for Murchison as to whether there should be a referendum of the people before this Bill is passed by the State Parliament, I wish to add just one word. The referendum would

be accompanied, in addition to the factors I have just mentioned, by very great difficulties. One could not say to the electors, "Shall the State Parliament pass this Bill or reject the Bill?" because it might be easy to vote to reject the Bill, thereby causing the proposal to be dropped, but many electors would be in the position that if they voted for the passing of the Bill they would then give a mandate to the State Parliament to enact the Bill in full, whereas they might have a strong objection to some heads of power being transferred whilst favouring the transference of other heads of power. If, as I believe, the view is held by many people of the State that some powers are needed but that all of these powers should not be granted, and the people by referendum were to be asked how those powers, or in what form those powers were to be granted, we would get into what appears to me a highly unsatisfactory position. I consider that this matter being, as I believe it should be, a temporary measure and one which has arisen during a period of war, is largely a technical and a most intricate as well as a most important matter, and one on which the members of the State Parliament must and should take the responsibility on their own shoulders as to dealing with the proposals placed before this State.

There are some people who are justifiably apprehensive that certain legal opinions which have been expressed in the Eastern States may be correct; that although the Bill aims at limiting the transference of powers to a fixed period, that part of the Bill may be ineffective and the powers, once given may be embedded in the Commonwealth Constitution and become part and parcel of the authority of the central Parliament for all time. Those doubts should as far as possible be removed. I have some sympathy with the view that the Constitution should be subservient to the nation, and not the nation subservient to the Constitution. We should not be governed by legal difficulties in carrying out what the people want. We should do nothing illegal, but I think there is always a way of carrying things out in a legal fashion, if we seek for it. It is of the utmost importance, and the very basis of any transference of powers without consulting the people, that the powers should be exercisable only for a limited period and should be subject to revocation.

The Premier: By Parliament?

Mr. McDONALD: By the Parliaments of the States. If it were not for those safeguards we could not possibly justify to the people of Australia the transference of added powers to the Commonwealth Government. There should be no difficulty in any transference of powers by the States being accompanied by an agreement between the Commonwealth and the States. This transference of powers as contained in the Bill is in such few words, and expressed—almost unavoidably—with so much ambiguity and is attended by so much doubt as to the volume of the powers transferred, that no prudent business man would ever make a contract in such short form as that. He would ensure, if the matter were of any magnitude at all—even only a few hundred pounds—that the agreement should be sufficiently wide to make it perfectly clear what the rights and duties of the parties were.

There seems to be no objection to an agreement being come to between the Commonwealth and the States which will be collateral with, or ancillary to, any transference of powers. We have examples of agreements between independent countries that in the main are honoured. We have the Ottawa Agreement between the various members of the British Empire. We have the Financial Agreement which accompanied the transference of financial powers to the Commonwealth in connection with the raising of loan moneys, and that agreement set out in detail a multitude of provisions safeguarding the interests of both parties and providing machinery for the exercise of the powers. We have the Federal Aid Roads Agreement which, again, was made between the Commonwealth and the States and which sets out in detail the agreement between the central and the State authorities.

Mr. Warner: And do not forget the Statute of Westminster, either.

Mr. McDONALD: I think I will leave that on this occasion. I would very strongly suggest that consideration should be given to an agreement of this kind and I will return to that aspect of the matter a little later on. This Parliament has, with regard to this Bill, four courses open to it. It may reject the Bill; it may pass it as printed; it may amend it; or it may defer it. As I see the matter at present, I think some powers should be ceded by this Bill to the central Legislature; for example, repatriation and reinstatement of members of the

Fighting Forces, air transport, family allowances and national works. I do not propose to go into detail regarding powers and what amendments I might think were desirable, because that will be left perhaps more fittingly to the Committee stage. But other powers sought to be transferred might also be given, with limitations to safeguard the legitimate interests of the State, such as the organised marketing of commodities and the power referring to trusts, combines and monopolies.

The Premier: That seems to be the power of which many people are much afraid; it is the genesis of the opposition to the whole Bill.

Mr. McDONALD: My impression is exactly opposite to the Premier's in that respect. I have had occasion to meet many businessmen and hear many opinions expressed in the commercial community on this Bill, but I have not heard two words pass concerning trusts, combines and monopolies.

The Premier: The people who came over here and started this opposition had something to say with regard to that aspect of it.

Mr. McDONALD: Not in my hearing.

The Premier: In the Press.

Mr. McDONALD: But not in my hearing. I had the opportunity to meet them on one occasion; but, as far as the commercial community is concerned, and with the necessary limitation which I think should be made to the power referring to trusts, combines and monopolies, I have not heard any particular objection to the transference of that power. The objections I have heard relate to other heads. As to trusts, combines and monopolies in Western Australia, I might say—almost with regret—that I think they are almost completely absent.

Hon. N. Keenan: What about the State Sawmills?

The Premier: That is not a monopoly.

Hon. N. Keenan: It is in a combine.

Mr. McDONALD: If Western Australia were sufficiently prosperous to have trusts, combines and monopolies, these might be the herald of better days to come. Unfortunately, conditions so far in this State have not been sufficient to attract trusts, combines or monopolies here.

Mr. Thorn: The Premier answered the businessmen, who came over here, in the Press. Are we going to answer the pork

butcher who came over here with his proposal for one Parliament for Australia?

Mr. SPEAKER: Order!

Mr. Thorn: I will fix him if I can.

Mr. SPEAKER: Order! The member for West Perth will proceed.

Mr. McDONALD: Other powers refer to matters concerning which I think jurisdiction might well be left to the States. Take profiteering and prices! In view of the dislocation of trade which has been brought about by the war and which will continue in the post-war period, the regulation of prices will be essential not only to prevent prices from rising unduly, but also to prevent them from falling unduly, thereby perhaps ruining traders who have been carrying stocks in the public interest.

The Premier: Yet this Parliament refused to pass legislation dealing with prices and profiteering.

Mr. McDONALD: On the 31st August, 1939, we drew a line right through the history books of the world. The conditions that prevailed before that date are interesting, they are instructive when taken into account, but we have to look at a new era. We have to look at many differing phases, and I think the State Parliament—

Mr. Marshall: You should say "I," not "we."

Mr. McDONALD: I think the State Parliament will be prepared to look at the new era in the light that it should look at it. Some regulation of prices will be essential during the post-war period, and I think that is a matter the State could well handle of itself, and handle much better in the way of meeting local conditions than it could be handled by some controller situated 2,000 miles away. The position of inter-State competition is not cured in the slightest degree by this Bill, because Sections 92 and 99 of the Constitution will be as active and (if you like) as virulent under this Bill as they ever were before.

Mr. Patrick: The Premier pointed that out himself.

Mr. McDONALD: That is so. Then there is the matter of the care of aborigines, which many of us would be reluctant to see pass to the hands of people who were living 2,000 miles away from where our aborigines have to exist. I think the moral obligation of the Commonwealth might well be evidenced

by the power to allocate moneys for the betterment of the aborigines.

The Premier: I hope that will be the limit of this proposed reference, the power to grant moneys so that we may be able to treat the aborigines in a way as beneficial as we have already done.

Mr. Marshall: Why the aborigines any more than the whites?

Mr. McDONALD: The financial responsibility should at all events be shared if not wholly undertaken by the Commonwealth. It is an accident of history that we have here 16,000 or so aborigines, whereas I think the Leader of the Opposition said that Tasmania had only one.

The Premier: It is an accident of geography.

Mr. McDONALD: Then we come to the paragraphs relating to employment and unemployment, and the production and distribution of goods. Concerning those powers, it might be said that never in any Act of Parliament did so few words convey such wide powers upon so few. The application and the extent of the powers transferred by those words are quite unpredictable.

The Premier: Except as to time.

Mr. McDONALD: It has been said that these powers would give the Commonwealth control over the conditions and salaries of our civil servants, and our railway servants. Seeing that our taxing power has passed into the hands of the Commonwealth, it would control what would be a large part of our expenditure. Our Arbitration Court would go by the board, or could be made to go by the board, and the position of our Treasurer, through having a limited income under the uniform taxation measure—limited by the Commonwealth—and having his expenditure largely dictated by the Commonwealth, would be not a very enviable one. As to the production and distribution of goods, that would, as has been pointed out, give the Commonwealth power over goods from the field, the forest, the mine, through the factory into the hands of the consumer. It would touch every human activity, with the possible exception of the work of a few people, like doctors and so on who sell their services. These last powers over employment and unemployment, taken in conjunction with placitum (xxxvii) of Section 51 of the Constitution, would convey a power of immense magnitude to the Federal Legislature. Placitum (xxxvii) of Section

51 gives to the Commonwealth the power of acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws.

Mr. McDONALD: Admittedly, but that power of acquisition or, as it is called, eminent domain, could be exercised in relation to any subject matter over which Parliament has power to make laws. Therefore, if we pass this Bill in its present form it could be exercised in relation to the production and distribution of goods. I assume that primary production would come within the field of Commonwealth control, or that it is contemplated that it should come within that control. That would, I think, mean that if the Commonwealth has power to control the production of goods as well as their distribution, it might require—the Premier says on just terms, certainly—vast areas of our country. This compulsory power of acquisition could be exercised, not only against the individual, but also against the State.

Mr. Warner: I do not like that very much.

Mr. McDONALD: The Commonwealth could acquire land, buildings and businesses of private citizens as well as the assets of the State. I would not suggest that it could by a stroke of the pen take over the whole State, but it could, I think, take over large areas of the State. For instance, it might be proposed to embark upon a farming venture in this State comprising say 100,000 acres, which would then become Commonwealth territory.

The Premier: I think the Federal authorities have too much worldly wisdom to start out upon those lines.

Mr. McDONALD: We are not immediately concerned so much with the wisdom of the Commonwealth Government as we are with the extent of the powers in relation to which that wisdom is likely to be exercised. If the Bill passes this House in its present form then, during the period of its operation, the Commonwealth could, I think, draw into its own hands and administrative departments the vast preponderance of the activities of the State and the State Parliament could be reduced to a subordinate and inconsiderable status. For those reasons I think this Parliament and the people of this State should not accept a Bill containing such sweeping powers but, if it is passed, it should be amended to safeguard the legitimate interests and destinies of the State. Some added

powers are needed to meet the post-war period.

This war could not be adequately waged by six independent Australian States. With every deference to the Premier, I would not like to see him, in addition to all his other responsibilities, having the duties of Minister for War and the raising of defence forces and the directing of all the operations that might be involved in safeguarding this State from invasion. In the same way I feel that in the critical years which follow the war we shall require a central Government having the necessary power to deal quickly and flexibly and under co-ordinated and preconceived plans with the gigantic task of transferring our economy back from war to peace. I feel that from the standpoint of finance, of international trade agreements and of other factors the leadership must rest with the central Parliament during those critical years which immediately follow the cessation of hostilities. But I do think equally strongly that the Bill should be amended to give only those powers that are essential and no more, and care should be taken to see that the Bill gives those powers for the period necessary and no longer.

The Premier: Would you confine that to absolute essentials or extend it to such things as might be greatly beneficial to our State?

Mr. McDONALD: I would confine it to essentials, though I might possibly consider taking a little risk in regard to things that might be beneficial to our State. But I would point this out: New South Wales has passed this Bill as it was drawn. Of course, New South Wales very easily could do so. It is so close to the Central Government and has such a preponderance of representation in the Federal House that it could be well assured that the exercise of those powers would be almost as much under its own control as if they had remained with the State Parliament. But we in Western Australia are in a very different position. Under placitum 37 of Section 51 we shall be in a position to adopt legislation that might be passed by the Commonwealth for application to New South Wales if it should appear to us to be something of which this State might beneficially take advantage. Placitum 37 states that the Commonwealth Parliament may exercise jurisdiction in respect to matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any other State or States, but

says that the law shall extend only to the State by whose Parliament the matters are referred or which afterwards adopts them.

The Premier: That is only in accordance with the original Constitution, under which any State could come into the Federation after Federation had been established.

Mr. McDONALD: Something of the same principle! The New South Wales Government has agreed to the transference of all those powers, and we do not necessarily close the door to the subsequent adoption of measures which may be applied to New South Wales.

The Premier: If all the State Parliaments did nothing there would be no powers to adopt.

Mr. McDONALD: Exactly; but in fact that is not the case. New South Wales has accepted the proposals on account of the unique position it occupies. I am coming to a consideration of what may happen when one Parliament passes the Bill and other States reject or amend it. So far as I can learn, there has been little or no discussion on this matter. Not that I blame the Convention. It was summoned so hastily and disappeared so rapidly that it had no time to give adequate consideration to all the implications of these proposals. If this Parliament amends or limits this Bill, what then is going to be the position? If all the Parliaments of all the States pass the Bill in toto there is no obligation on the Commonwealth Parliament to do anything under it. It is only a power which it may exercise. The State Parliaments cannot compel the Federal authorities to exercise the transferred powers. That lies in their own discretion.

The Premier: Having given the power, we would expect them to use it, particularly in regard to unemployment, for instance.

Mr. McDONALD: I agree. They having asked for the power and the power having been given, it would be expected that they would make use of it.

Mr. Marshall: They have power over the issuance and control of money but have never exercised it. None of them has done so; neither the Labour Government nor any other Government.

Mr. McDONALD: New South Wales has passed the Bill in its present form, and I think the State Parliament of Queensland has also agreed to the Bill as it stands. If any other State or States pass the Bill with limited powers, what is going to be the

attitude and position of the Commonwealth Parliament? Will it take the Act of that State which has given the smallest range of powers, and say, "That range of powers can be said to be common to all the States and therefore we will look upon that minimum range of powers as the limit of our authority?" If that view is adopted, any legislation passed under that minimum transfer of power could be uniformly applicable to all the Australian States.

The Premier: But the section you quoted clearly demonstrates that another course could be taken. They could deal only with the States that refer the powers.

Mr. McDONALD: Precisely. I am coming to that aspect. New South Wales and Queensland have passed the Bill giving all the powers required. If another State or States reject it or pass it with limited powers, do I presume that the Commonwealth Parliament will, in regard to its legislation under the transfer of powers, divide Australia into political compartments? As to New South Wales and Queensland, the Bills will be of a certain form in regard to the exercise of these wider powers, and perhaps in Western Australia and South Australia the Bills will be of a different class in accordance with the limited range of powers referred by those States. If any State rejects the Bill altogether, it is automatically excluded from legislation by the Commonwealth which would then apply it only to the other States that had passed the measure.

The Premier: The Commonwealth has the power to do that under its Constitution.

Mr. McDONALD: It is empowered under the Constitution to legislate in each State according to the powers referred by that State. I think, however, that the Commonwealth would be met with difficulties if it had to pass a series of Bills in relation to any particular power, so that each Bill was proportionate to the volume of power referred by the particular State.

Mr. J. Hegney: If a State does not give it any powers it means that that State does not desire the Commonwealth to do anything.

Mr. McDONALD: That is so. The position would be as it is now. Section 99, which is familiar to members, contains a prohibition against discrimination. It states—

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue,

give preference to one State or any part thereof over another State or any part thereof.

The Premier: There is a conflict of power between those two sections in that regard, which can only be settled by a High Court decision.

Mr. McDONALD: Suppose we reject this Bill and it comes to a matter of national works, in regard to which the other States have ceded powers to the Commonwealth! If, as is unlikely, those national works were to be undertaken from Commonwealth revenue then I take it—even though this Parliament had rejected this Bill—that Section 99 of the Constitution would prevent any discrimination against the State. In other words, under Section 99 the Commonwealth would be bound to give us equivalent benefits from its revenue in the same way as if we had passed a Bill transferring powers in regard to national works.

The Premier: That is very problematical.

Mr. McDONALD: It may or may not be problematical.

The Premier: It is not borne out by experience.

Mr. McDONALD: It is more likely that national works will be financed by vast loan raisings in the period after the war, and apparently Section 99 does not apply to expenditure from loans. There would, therefore, be no restriction on the Commonwealth Parliament in relation to such expenditure. The loan moneys would no doubt be allocated in the normal way by the Loan Council. If any State rejected this Bill then, I think, the Premiers of the States which had passed the Bill giving the power to the Commonwealth to undertake national works, would find it to their interests at the Loan Council to secure as much money as they possibly could for the Commonwealth for the purpose of national works.

The Premier: The States are safeguarded there by the formula.

Mr. McDONALD: The decision must be unanimous, otherwise the formula applies. The Commonwealth would demand, and rightly so, with the transference of these powers in regard to national works, a very large share of the post-war loan raisings for the purpose of spending money on national works in those States which transferred to the Commonwealth the power to carry out such works. If we reject this Bill then, of course, the Commonwealth Gov-

ernment either cannot, or very doubtfully can, undertake national works in Western Australia. It is possible, therefore, that by rejecting the Bill in toto we might be doing a disservice to this State.

The Premier: I think we would.

Mr. McDONALD: I want to add this also, that I do not think for one moment that if we reject the Bill in toto we would necessarily put this State in what I might call a parlous position. After all, the Commonwealth Parliament is the Parliament of Western Australia as well as of the other States. We have a constitutional right to reject this Bill. If we do so I do not suggest that the Commonwealth Parliament would be penal or vindictive in its attitude towards Western Australia. Its duty would be to say that this State had, in the exercise of its undoubted rights, rejected the Bill, but that the Commonwealth Parliament is still, however, a national Parliament, and what it cannot spend on national works in Western Australia under transferred powers it could endeavour to make up by way of State grants or allocations of loan moneys so as to put it as nearly as possible on a parity with the States that had transferred the powers.

The Premier: It would be justified in drawing the inference that Western Australia did not want Commonwealth assistance because it did not give any powers to get it.

Mr. McDONALD: I disagree with that, and do not think such an inference would be justified.

Mr. Patrick: There would still be Western Australian members in the Commonwealth Parliament.

The Premier: An insignificant minority!

Mr. McDONALD: If this Bill were rejected by this Parliament the reason might be said to be historical.

Mr. Fox: Hysterical!

Mr. McDONALD: Not quite that. It would be a sorry national Parliament, and one unworthy of the name, if because the people of any State exercised their undoubted constitutional right and rejected this Bill, it then sought to visit penalties on that State.

The Premier: No, just treat it with indifference.

Mr. McDONALD: It would be a sorry Parliament to do even that.

Mr. Marshall: Have we ever had anything from that Government?

The Premier: We have the widows' pensions, and the child endowment. If this Bill is not passed they could be withdrawn.

Mr. McDONALD: I think that powers dealing with family allowances should be ceded. I think there is a real constitutional doubt at the present time as to the granting of widows' pensions and child endowment. Power to do these things should be ceded and the right of the Commonwealth to make that provision confirmed. But if we reject this Bill I do not for one moment think that our national Parliament would say that the widows and children of Western Australia should go without a benefit enjoyed throughout the rest of Australia.

The Premier: But any individual could get a writ of mandamus to prevent their payment in Western Australia. Some rich man could prevent the widows and children in this State from receiving those benefits by law.

Mr. McDONALD: We are trying to deal with practical possibilities and while, if we rejected this Bill there might be legal difficulties in continuing the payment of child endowment and widows' pensions should the matter be taken to the High Court, there are other ways by which these benefits could still be given. The Commonwealth could grant financial assistance to the State. Over a long period of years it has paid State grants, and according to the formulae of the Commonwealth Grants Commission, if that Commission found that our social services—and this is a most important social service—were below the parity of the rest of Australia, then the Commonwealth Parliament could make up the deficiency and give us sufficient money so that we could, through our own State channels, continue these benefits for the widows and children.

The Premier: That would give the Government an introductory right but not a statutory right.

Mr. McDONALD: It has never been ignored and represents a principle that has been so long observed that I do not think it will be ignored now.

Mr. Thorn: The Commonwealth might take all our revenue and give us nothing.

The Premier: Governments can do foolish things if they want to, but the fact is that they do not do those foolish things.

Mr. McDONALD: I for one deprecate any attempt to work on the psychology of the people by frightening them regarding what may happen if we do not pass the Bill.

The Premier: Quite so, but there is a disposition to frighten people into the belief that things will happen if we pass the Bill, which is equally reprehensible.

Mr. McDONALD: Both are reprehensible.

Mr. W. Hegney: And incomprehensible.

Mr. McDONALD: There is a fair method of approach to such problems. I think Western Australia would lose by the rejection of the Bill, not that we would lose all that some people suggest we might. In the same way, I think we would lose by passing the Bill in its present form—although not to the same extent that some people think we might lose. One of the matters that has given rise to apprehension regarding the Bill in Western Australia, and, I think, in other States concerns the principles according to which these powers will be exercised by the Commonwealth. I pointed out that under the acquisition power in relation to the powers proposed to be transferred, the Commonwealth will have the right to acquire State or individual land or assets. If the Bill were passed in its present form, while I would not like to attempt a mathematical calculation, I think it would be reasonable to assert that the powers of the Commonwealth, for all practical purposes, which might now be, say, one-fourth of the total sovereign powers could be raised to three-quarters of the total sovereign powers of Australia. Those powers are for a period and are for post-war reconstruction, which very phrase implies a limitation of time.

The Commonwealth under these powers proposed to be transferred may set up administrative systems. For example, an administrative system may be set up to superintend the reinstatement of soldiers and war workers in industry or another to support markets for our primary products. When the term ends, then these administrative systems can revert easily and without difficulty to the State Governments. I see no difficulty in that respect. On the other hand, the Commonwealth, under the wide powers indicated in the Bill, may conceivably so deeply invade and absorb the economic life and assets of the State that the practical and financial difficulties of the reversion to the State of these powers at the end of the period may be very serious. If the Commonwealth did so seriously invade and absorb the economic life of the States that it became a matter of difficulty or impossi-

bility for the powers to revert to the States, that would be, I think, against the spirit of this temporary transfer of powers to cover the period of post-war reconstruction.

But can we not, and should we not, get down to first principles in this matter? In an agreement between the Commonwealth and the States such as I have mentioned, which should accompany any transference of powers of the States to the Commonwealth, there should be set out the principles which should govern the exercise of these powers. Could it not be provided that certain things shall not be done in the exercise of the powers so that, for instance, there shall not be in the meantime such vast property acquisitions by the Commonwealth as to hinder or prevent the reversion of these powers to the States? What are the financial obligations of the State if the Commonwealth spends huge sums of money in the acquisition of vast properties? Are those properties to remain embedded in the State as islands of Commonwealth ownership for all time, or is the State to take the properties back and pay the Commonwealth what was involved in the acquisition? If the latter, from what source is the money to come? What is to be the machinery availed of in the exercise of these various powers? There are the State civil servants who will be taken over by the Commonwealth for the exercising of the transferred powers. Will they be Commonwealth officers, or will they revert to the State service in due course?

The principles that will regulate the exercise of these powers, matters that will be involved in the reversion of those powers at the end of the period, the machinery that will be utilised for necessary assistance by the States—all these matters could be covered reasonably by an agreement, such as the Financial Agreement, between the Commonwealth and the States. By that means we would make certain of the position and the public would be reassured, because we would know what the Commonwealth intended and what the States intended in relation to these powers. We would thus guard ourselves against misunderstandings which would be all to the worse if they existed between the Commonwealth on the one hand and the States on the other hand. It is not a matter, I hope, of either the Commonwealth or the States manoeuvring to gain some undisclosed end.

From the circumstances I have endeavoured to outline, there arise one or two deductions, with a reference to which I shall close my remarks. There is one outstanding deduction and it is that the matter of the transference of such powers demands more study. Not many of us are sufficiently optimistic to believe that the war is going to end in a few months; and in relation to this Bill there is no need for undue haste. On the other hand, I suggest that there is every possible reason against haste. The people, as the member for Murchison has pointed out, have not been consulted. This Parliament should ensure that the people have an opportunity of knowing exactly what Parliament proposes to do and the exact extent to which they are going to be committed. Constitutional doubts and uncertainties as to the ambit of the powers to be transferred should be resolved beforehand as far as it is humanly possible to resolve them.

The Premier: The powers are being handed over not to a foreign power, but to a part of the Australian nation.

Mr. McDONALD: Only two months ago I heard the Premier speaking about this distant power—I will not call it a foreign power—and about the experiences of this State at its hands.

Mr. Seward: And also the Minister for Agriculture a few days ago.

Mr. McDONALD: Many people have read and repeated what the Premier said about the experiences of this State at the hands of the Commonwealth. This makes people think; if they are to hand over powers to the Commonwealth, they want to know what they are handing over. I think this Bill will have the effect of extending the Commonwealth's sovereign powers from one-quarter to three-quarters of the total, and the transferring of these additional powers is something not to be lightly undertaken.

I believe that a further meeting of the Convention should be held. Much has happened since the members of the Convention met. Constitutional doubts and uncertainties have arisen in the public mind as to the real meaning of the Bill. Those doubts should be cleared up before the Bill is passed by the States that have not yet agreed to it. In Western Australia, since the people have not been consulted, they should have an opportunity of being heard, and this opportunity can best be afforded

by means of an inquiry by a Select Committee. I think it is essential that the people be heard; I believe many are desirous of being heard. It may be that the Select Committee, after fully considering the highly technical and difficult matters involved, will feel that the Bill should not be passed at all. That is conceivable. But if it decided—as I believe it would—that the Bill should be passed in some form, then the Select Committee could consider amendments and draft them and make a report to the House, and thus assist members in their final determination as to what their duty is, having regard not only to the national interests but also to the people and destinies of Western Australia.

I leave the subject for the time being with the opinion that there should be a Select Committee to enable the people of the State to be heard on a matter on which normally they would be heard through the ballot box on a referendum. A second point I make is that there should be a further meeting of the Convention to resolve some of the doubts that have arisen. Thirdly, I say that the Convention and the Commonwealth Parliament should seriously entertain accompanying any Bill transferring these powers with an agreement between the Commonwealth and the States, somewhat similar to the Financial Agreement.

The Premier: That was an agreement made under duress.

Mr. McDONALD: In ten years' time it might be said that this was another agreement made under duress.

The Premier: Oh, no!

Mr. McDONALD: I do not want to run the risk of that being said. There have been utterances—to which I have referred—that may be used in ten years' time to suggest that we were forced by duress to give these powers to the Commonwealth. Therefore, I make a third point that any transference of powers should be accompanied by an agreement in which the Commonwealth and the States set out the use to which they intend, on broad principles, these powers to be applied, the machinery for the exercise of the powers, and the provisions that will accompany reversion of the powers to the States. If we adopt this course, I believe that a vast area of disagreement and possibly disability in the future may be avoided. A space of a few months is neither here nor there, and it will be far better for the stability of the nation and the States and

for the smooth working of their relations if these matters are clarified beforehand. Then, when the powers are finally transferred, there will be a clear understanding on both sides as to what is intended and how they shall be exercised.

MR. NEEDHAM (Perth): We have listened with very keen interest to the three speeches so far delivered on this Bill by the Premier, the Leader of the Opposition and the Leader of the National Party. I think members will agree that each of those gentlemen has given very careful study to the question we are called upon to determine. Two of those gentlemen are members of the legal profession, and the member for West Perth has certainly made an analytical study of the measure and given the House the benefit of his knowledge and deductions. Therefore it is with a certain amount of trepidation that a mere layman like myself enters the fray in the discussion of a measure which, I venture to say, is the most important Bill that has been brought before this Assembly for many years. Fully 40 years have elapsed since the Commonwealth Constitution was framed by the Federal Convention and adopted by the Australian people. With the exception of one or two what might be termed unimportant amendments, that Constitution is pretty well the same now. A lot of things have happened in those 40 years, and the instrument that was then fashioned, as the Commonwealth Constitution, and the Federal structure which has been erected on that Constitution, have had a very good trial, and have been found to be defective in many respects. On two occasions, and only two occasions, during the past 40 years has there been an attempt to make what one might term vital alterations in the Commonwealth Constitution. Those two occasions were in 1911 and 1913, when the Commonwealth Parliament, by an absolute majority, passed a number of Bills—I think six was the number—seeking additional powers in many directions. Those measures were submitted to the Australian people, and on each occasion, in 1911 and 1913, were defeated, the necessary double majority of electors in the States and of a majority of the States not being obtained.

Mr. Patrick: The proposals were very badly defeated the first time. This State was the only State supporting them.

Mr. NEEDHAM: But alterations of the Commonwealth Constitution were agreed to

by the Commonwealth Parliament and rejected by the people of Australia. I have further to say that there is very little likelihood of any vital alteration of the Constitution being agreed to by a referendum of the people unless there is in the first place an agreement between the leading parties in Australian politics. History, I consider, has proved that.

Mr. Patrick: It has proved the other way as well.

Mr. NEEDHAM: I welcome this opportunity to say a few words on the measure which purports to transfer certain powers to the Commonwealth Parliament, powers which this Parliament now possesses. I note that one of the main objections to the passage of the Bill suggested by the member for Murchison is that the question has not been referred to the people, that the people have not been consulted. Well, it is regrettable that the time in which we live does not permit of such consultation. Certainly, prior consultation of the people would be more satisfactory in every way; but we have to deal with things as we find them, and even the most optimistic would scarcely assert that now is the time for a referendum of the Australian people on such a question as this. Today we are a united nation, concentrating on one thing, and one thing only, to prosecute this war to a victorious conclusion. To introduce a referendum on this question just now would not tend to continue that unity which of all things today is most essential.

Mr. Marshall: Did you oppose Dr. Evatt's previous proposal to hold a referendum?

Mr. NEEDHAM: I would remind the member for Murchison that at present I am speaking on this question alone. If a referendum were held now—and I tell the hon. member that my reaction to Dr. Evatt's original proposals was that I supported them but that I regretted the necessity for a referendum at this juncture for the reason I have just mentioned—great difficulties would arise. In the past I have suggested—not here, but elsewhere—that it would be far better if a convention were held and an agreement reached between the representatives of the States of the Commonwealth as to what powers should be transferred, if such transfer was necessary, in order to meet the all-important question of reconstruction. From that attitude I have not departed. I was glad when the Convention met and its mem-

bers unanimously agreed to recommend to their respective Parliaments a transfer of certain powers. Then there is another phase of the matter of a referendum. I do not think this Parliament, or any Parliament in Australia, will be doing anything unconstitutional in considering whether or not to transfer the powers in question.

I fail to see that there is any travesty of democratic principles in not submitting the present question to a referendum of the people now. While I think we are all agreed that the proper way to make the transfer would in normal times be by way of referendum, I hold that the present time is inopportune for consulting the people on this proposed legislation. Again, I join issue with the member for West Perth when he says there is no need for haste. I do not believe in hasty legislation of any kind, but I do not think that undue haste is being shown in the method we are now adopting. I do assert, however, that a referendum would cause delay and—what is much more regrettable—cause disruption or at all events distraction in the public mind. In my opinion a complete overhaul of the Commonwealth Constitution is long overdue. In the Commonwealth Parliament itself I have frequently advocated the convening of another Federal Convention similar to the one that drafted the present Commonwealth Constitution. I advocated this course because I realised that there were many faults in the structure built upon the present Constitution. I would welcome, then, a convention of representatives duly elected by the people of the Commonwealth, such a convention as took place when the present Commonwealth Constitution was drafted. But failing that, and in view of the time we are living in, I think the procedure we are asked to adopt is the next best thing. To attempt to alter the Commonwealth Constitution is at any time a delicate and complex operation.

Sitting suspended from 1 to 2.15 p.m.

Mr. NEEDHAM: At the adjournment I had stated that it was a delicate as well as a complex task at any time to amend the Commonwealth Constitution. That task is intensified now in view of the fact that we are involved in the greatest war in history. The Bill before us proposes to transfer to the Commonwealth Parliament certain powers with which this Parliament is en-

dowed. I venture the opinion that if we are to be ready to take our place at the peace table, and be prepared for the rehabilitation and the re-organisation necessary for this country when the sounds of battle have died away and world-wide peace once more prevails, and if we are to enjoy anything of the new or better order of which we have heard so much and which is constantly being kept before our minds during these troublous times, it is essential that the Commonwealth Parliament be endowed with the additional powers sought for in the Bill, and which it is proposed to transfer. Members will agree that there is a vast difference between the Australia of 1900 and the Australia of 1943, in regard to our social, industrial and economic outlook, as well as so far as our relationship with the outside world is concerned.

It is understandable that in the ordinary march of time and events, in the days of peace and normality, the changes I have referred to would inevitably have taken place. I suggest, however, that these changes, industrial, social and economic, within our own country, and our relationship with the outside world, have been intensified as a result of this world-wide conflagration. That being so it is time I think now, not later, to take stock of our position and our attitude towards the future, because of the repercussions that must ensue when the war is over. In the far-flung theatres of war our soldiers, our sailors, our airmen, and the members of our nursing staff have proved themselves in valour and bravery, and have made a name for themselves and for the whole of Australia that will reverberate along the corridors of time. We as a nation have been called upon to meet the shock of this war and, even though the war had been long expected, when it did come it came with terrific force. Surely then we ought to prepare and fit ourselves to meet the repercussions of peace. Whatever fortitude we possess, and whatever determination we have displayed and will display throughout this colossal struggle to bring it to a successful conclusion, will be put to an even more severe test when that struggle is over and we have to put into practical shape the so-called new order. To that end, I repeat that the legislation now before us is necessary so that the Commonwealth Parliament—the Parliament of the nation—may be empowered to do all things neces-

sary for repatriation, rehabilitation and reconstruction.

Thinking along those lines and holding those beliefs, I contend that unless this and similar Bills are passed by the State Parliaments, if not in their entirety then at least in the major sense, we shall be a divided people speaking with seven different voices, instead of being enabled when peace comes to tackle the problems of peace as a united nation. This Bill gives us the opportunity to avoid such a calamity. It proposes to transfer to the Commonwealth Parliament certain powers, namely, employment and unemployment; organised marketing of commodities; uniform company legislation; trusts, combines and monopolies; profiteering and prices, but not including prices or rates charged by State or semi-governmental or local governing bodies for goods or services. Other items are mentioned in the Bill, but for the purpose of illustrating my own views I shall address myself to the first that I have mentioned, namely, employment and unemployment. If there is any power necessary to be transferred to the Commonwealth it is that power, which is not inherent in the Commonwealth Constitution. Those of us who recall the depression years—and I think we all do—must admit that if the spectre of unemployment is to be banished from our midst then we must transfer to the Commonwealth power to deal with employment and unemployment.

Mr. Marshall: Did the Commonwealth Parliament get over the difficulty in 1930?

Mr. NEEDHAM: The Commonwealth Government did not have the power.

Mr. Seward: Nor the inclination.

Mr. Sampson: Nor the desire.

Mr. Marshall: The hon. member should learn the A.B.C. of economics.

Mr. NEEDHAM: I do not mind being lectured in economics by the member for Murchison; I have heard many lectures from him on that subject in this House. The Constitution of the Commonwealth is the same today as it was in 1930 with regard to unemployment. On that question, the Commonwealth Government of 1930 did make certain suggestions to cope with the situation, suggestions entirely in line with the economics being preached by the member for Murchison.

Mr. Marshall: The Commonwealth Government ran away from the subject.

Mr. NEEDHAM: I deny that charge.

Mr. W. Hegney: The Commonwealth Government of that day was not actually in power.

Mr. NEEDHAM: As the member for Pilbarra says, the Commonwealth Government of that day was not actually in power. No-one knows that better than does the member for Murchison.

Mr. Marshall: Why did not the then Commonwealth Government refer the matter to the people?

Mr. SPEAKER: Order!

Mr. NEEDHAM: If the member for Murchison maintained on the floor of the House the same order upon which he insists while he is in the Chair, it would be better for him and for us, too. The Commonwealth Government in 1930 and 1931 was not in power, and that is something the member for Murchison cannot deny. It was simply in office, as the present Commonwealth Government is today, except that the latter is in a worse position. It has not a majority in either House. The Government to which the member for Murchison referred did have a majority in one House, but was in a hopeless minority in the other, the Senate. Therefore, in reply to the member for Murchison I say there is no comparison at all.

Mr. Marshall: I shall show the comparison when I get up.

Mr. SPEAKER: Order!

Mr. NEEDHAM: I repeat that there is no comparison between the situation then and the situation today. We were then living in a time of peace and were not involved in a world-wide struggle, a struggle in which we are fighting for our very existence as a free people. Yet a man of the intelligence of the member for Murchison says the situations are comparable! I understand, and we all understand, that the Convention held recently in Canberra and attended by representatives of all the States unanimously agreed to endeavour to get the respective Parliaments to adopt this legislation. Notwithstanding that, we find that there is anything but unanimity even amongst those people who were present at the Convention. The principal objection levelled against the Bill is in regard to the question of time. The member for West Perth, in his learned and analytical address this morning, laid stress on the doubt that exists as to whether or not these powers it is proposed to transfer would be transferred for five years or longer.

As I said at the outset, it may be rash for a mere layman to express a counter opinion to that given by my honourable and learned friend. All I want to say on that point is that if there is any doubt at all as to the period of time these powers should be exercised by the Commonwealth Parliament, if they are granted to it, I have no objection to the Bill being amended with a view to making sure as to the term the transfer of powers shall last. I do not want it to last too long, but long enough to give the Commonwealth Parliament a fair chance to lay the basis of reconstruction and reorganisation. Then the people of the nation will be in a better position to vote at the referendum that will be necessary before the powers can be permanently vested in the Commonwealth Parliament. A period of five years is reasonable, that five years to date from the time when the Armistice is signed after the last enemy has been defeated. I have said there was unanimity of opinion at the Convention as to the necessity of attempting to get this legislation passed in the respective Parliaments, and it is very hard to understand why some of these people are raising objections.

Mr. Seward: They raised them at the Convention.

Mr. NEEDHAM: Yes, but they agreed—

Mr. Seward: No, they did not.

Mr. NEEDHAM: They agreed to get this legislation passed through the respective Parliaments.

Mr. Seward: No, they did not. The Leader of the Opposition said that he opposed certain provisions.

Mr. NEEDHAM: Opposition has also been expressed by people who were not at the Convention, and by leading citizens, the bone of their contention being that some of the powers sought by the Commonwealth Parliament are already vested in it. I do not think those powers are so vested. If they are, I remind some of those people that they have always been conspicuous in their opposition to the exercise of those powers by the Commonwealth Parliament. The very same people who are now raising objection to the passage of this legislation are the people who at all times have not hesitated to test cases before the High Court on the question of the right of the Commonwealth Parliament to exercise certain powers. If, as they now contend, the powers that this Bill seeks to transfer to the Commonwealth

Parliament are already in the possession of that Parliament, I have no hesitation in saying that those people would lose no time in trying to test the validity of any action by the Commonwealth Parliament in the exercise of those powers. Whatever way we look at the matter, there does not appear to be any consistency in the attitude of the people to whom I refer. I hope this Parliament will ratify the Bill and that the other Parliaments of the Commonwealth will pass similar legislation and enable the Commonwealth Parliament to put in motion the necessary machinery to prepare for the time of peace.

MR. BOYLE (Avon): The responsibility placed upon this Parliament is an extremely grave one. We are called upon to grant to the Commonwealth Parliament certain powers that we now possess and the transfer of such powers is of course naturally, and should be, the responsibility of the whole State. In my opinion, not only is the Government undertaking a responsibility by introducing such a measure, but there is an obligation for the matter to be tackled, as I think it is being tackled, in a non-party manner. That will be my attitude in discussing the Bill. One is struck by the sudden shifting of ground by the Federal Attorney General, Dr. Evatt, and the Commonwealth Government. When one looks at the circular sent by Dr. Evatt to many people in Western Australia and throughout the Commonwealth and dated the 20th October, and considers the attitude adopted by Dr. Evatt on the 2nd December, one perceives a tremendous shifting of ground and a difference in outlook. I venture to suggest that that was brought about by the opposition of the people of Australia, manifested in many ways, to the assumption of power by the Commonwealth Government and Federal authorities without reference of the matter to the people. We remember that Dr. Evatt—and I speak of him as representing the Commonwealth Government—was, I might say, hell-bent upon a referendum.

The proposal was an alteration to Section 60 of the Commonwealth Constitution and the substitution of what he called an amending Section 60A, which practically contained the whole of the machinery sections of the Bill now before us. In any event, if we agree to the Bill, the result will

be the same. It will mean the utter loss to Western Australia and its Parliament of the sovereign powers conferred upon us under the Constitution of 1889 under which responsible government was granted to the then colony of Western Australia. We enjoyed the full fruits of that responsible Government for 10 years only, from 1890 to 1900. In 1901 the people of this State—in common with people of the other States—surrendered many of their sovereign rights under what is known as the Commonwealth Constitution. As Dr. Evatt points out, the Commonwealth Government has operated under what he calls a horse-and-buggy Constitution—that is, the existing Constitution. Commonwealth Governments of various types have from time to time sought to amend that Constitution. Out of the 18 attempts, only three have been successful, which shows that the people of Australia are very slow to surrender their rights under the State sovereignties they possess.

As Dr. Evatt pointed out, these three referenda were carried because the people were fully acquainted with their objects. Whose fault was it that they were not made acquainted with those of the other 15? Included in that 15, in 1910 or 1911, was one seeking a further transference of powers. In this Bill we find—and this is one of the things I support; I am not in total opposition to the Bill—provision for orderly marketing. That is something I supported in 1937 by voice and pen because I held then, as I do now, that Section 92 of the Commonwealth Constitution is the one section that is absolutely ruinous to the smaller States. Dr. Evatt, in both booklets issued by him, makes a point of the protection of primary producers in Australia. I take it that the Federal Attorney General is going to sweep away the nullifying effects of Section 92. I will deal with that later. I hold that the efforts made by Governments in Australia in regard to the orderly marketing of products are bound up with the right of the central Government to control inter-State dispersal of those commodities.

The Minister for Lands: It has a lot to do with international trade, too.

Mr. BOYLE: Possibly so. I say, therefore, that I am not what one could term a bigoted opponent of the transference of powers to the Commonwealth Government. I do, however, regard myself, as do other members, as a trustee of the rights of the

people of this State in this matter. The people have not yet been consulted. We are taking upon ourselves a very grave responsibility in handing over, under this Bill, to the Commonwealth Government the last shred of authority or powers that we possess. If they are transferred I cannot see any necessity for the further existence of any State House of Parliament in Australia. If any member examines the 14 paragraphs of Clause 2 of the Bill, I would challenge him to say that we are left with any more than the maintenance of a police force in this State. We will also have to control education, and these are perhaps the only two important functions with which we are left. We have no power to raise income taxes. We shall have no power to deal with our own agricultural development, which already shows signs of coming under a rural reconstruction committee of Australia that is now being formed by the Commonwealth Parliament. Our own Minister for Lands has been appointed chairman of that committee.

We must not overlook the fact that in Western Australia we are in a position rather different from that of the other States when we undertake to surrender rights to the Commonwealth Government. It is not so many years ago that the people of this State had the opportunity to express an opinion on the Federal bond, and, in their wisdom, by practically a two to one majority, they decided to secede from the Commonwealth. In the next year, 1934, that referendum was followed by an Act which we have on our statute-book, known as the Secession Act. It is an Act more in the nature of a memorandum, and we are now asked to tear it up without any reference to the people. We are asked to destroy the Act and to take no notice of the opinions expressed by the electors of Western Australia when, by a two to one majority, in 1933 they caused it to be placed on the statute-book. This House in 1934—only eight years ago—expressed the opinion that any system of government in Western Australia should exist for the safety and welfare of the people of Western Australia. Paragraph (xx) of the second schedule to that Act reads—

If self-government is to be a reality, it must be applied to political units of a suitable size, after taking into account all relevant considerations. Representative democracy, as it is understood in Great Britain and in British communities, depends for its success

on the possibility of a close contact between elector and elected person. Unless this is secured, it is not real representation at all. Would any member of this House contend that the representation of five from Western Australia in a House of Parliament in Canberra 2,500 miles away is the close contact between elector and elected person that we, in this House, confirmed in 1934 in an Act which we are now called upon to destroy or nullify? That Act, too, is based upon the will of the people expressed in the previous year at the referendum dealing with secession to which I have no intention of further referring. That Act lays out a memorandum of approach to the Imperial Parliament to sever the Federal tie. Now we are asked by the Commonwealth Government not only not to sever that tie but to throw away and depart from all the powers or remnants of power remaining to us. Paragraph (xxi) states—

The self-governing Colony of Western Australia prospered and developed in the days before Federation, and her people displayed conspicuous ability for responsible government. The people still possess that ability for responsible government, but Federation has to all intents and purposes destroyed the scope within which it may be enjoyed.

Part of paragraph (xxviii) states—

In Western Australia, Federation has become destructive of the very objective for which all institutional machinery exists—the welfare and safety of the people.

Today we are asked to hand over to the Commonwealth Government all those powers which this Parliament in 1934—evidently unanimously, because the memorandum is signed by the leaders of all parties, the Speaker and the President of our Houses of Parliament and by the officials of the Houses as authenticating the will of the people as submitted to this State—believed should be vested in the State. We are asked to hand over our remaining powers to a centralised Government 2,500 miles away. I do not care what complexion that Government is, Western Australia has never yet, in my opinion, received a fair deal from it! I was referring to orderly marketing when the Deputy Leader of the Country Party interjected. Dr. Evatt referred to the beneficial effects of a guaranteed price in New Zealand for the main primary product of that country, namely, butter. Of course it has made the New Zealand farmer, under a Labour Government, practically free from the fear of want. He has

a guaranteed price for the whole of his butter, practically 90 per cent. of which is sent abroad, principally to England, and that guarantee is furnished by the New Zealand Government, which calls upon the people of that Dominion to make up any deficiency.

The amount involved is said to be £650,000 a year or more, and we have been told by Dr. Evatt that that furnishes an example for Australia. If that is so, then action along those lines has been exceedingly delayed. In Australia we have a guaranteed price for wheat, but for how much? It is a guarantee respecting 3,000 bushels for each farmer, and the guaranteed price is said to be 4s. or 3s. 10d. a bushel in Western Australia. We have been told that the primary producers, particularly the farmers, will be secured. I have searched through Dr. Evatt's statements and through the Bill and circulars that have been sent to me, and I can find no mention whatever of the crux of the whole position as it affects the farmer—his debt structure.

Mr. Seward: You will not find anything about that.

Mr. BOYLE: That is so. I have looked in vain for what I hoped to find.

Mr. Marshall: Have you looked at the Mortgage Bank Bill? What is wrong with you?

Mr. BOYLE: I am glad of the hon. member's interjection.

Mr. Marshall: It is a wonderful thing! You ask the member for Perth.

Mr. BOYLE: It is certainly a most remarkable Bill. In the report that it submitted in 1935, the Royal Commission on wheat, flour and bread had this to say in its findings—

Overshadowing all other factors which influence the economic strength of the industry stands the debt structure, the re-adjustment of which is unavoidable.

On that Royal Commission there was not one wheatgrower. Not one member of the Commission, as far as I know, was connected with wheat-farming in any part of Australia. Those five men were selected from within the Commonwealth and acted under the chairmanship of Sir Herbert Gepp. That Royal Commission expressed the opinion that nothing could be done with the wheatgrowing industry until the debt structure had been dealt with. Two Governments have introduced in the Commonwealth Parliament what is known as the Mortgage

Bank Bill. It was first presented by Mr. R. G. Casey in his capacity as Federal Treasurer, but it was shelved and has now been introduced by the present Commonwealth Treasurer, Mr. Chifley. In reply to a request for information from the Wheatgrowers' Union statements were made by Mr. Chifley which appeared in "The Wheatgrower" of Thursday, the 14th January. Mr. Chifley was asked questions regarding the Mortgage Bank Bill, and the Federal Treasurer told the Wheatgrowers' Union no more than those of us who had followed the legislation knew about it. We knew that the Bill, as Mr. Casey earlier pointed out, had to follow "sound principles of banking practice."

Mr. Marshall: That is bound to be so.

Mr. BOYLE: Mr. Chifley stated practically the same thing. In the course of his reply to the Wheatgrowers' Union he said—

I think I should make it clear at this point that the proposal for the establishment of a mortgage bank is not in the nature of a debt adjustment proposition. Debt adjustment is an entirely separate matter. This proposal aims at bringing into being a separate bank to lend money to primary producers on the security of land. The maximum amount that can be lent and the limit of loans based on the percentage value of the property have yet to be determined by Parliament. It is hoped that loans, within the margins fixed by Parliament, will be made for long terms, and subject to a reasonably low rate of interest, having regard to existing interest rates for mortgages on farm land.

That is certainly enough to condemn the measure at the very start! Mr. Chifley continued—

The rate that I have in mind at the moment is 4 per cent. It is also proposed that loans will be repaid under an amortisation plan, payments of interest and principal being made half-yearly, the minimum amortisation rate being 1 per cent. per annum, on the basis of a long term, for, say, 41 years, the maximum proposed in the Bill, would be fully repaid over the period of the loan by a payment at the rate of 5 per cent. per annum covering interest and principal. Loans will be made on first mortgage only of real property, and not on stock and equipment. Stock and equipment are excluded as it will not be the purpose of this mortgage bank to provide finance for seasonal purposes.

Truly the mountain laboured and brought forth a mouse!

Mr. Marshall: The criminal part of it is that they will still have to pay interest charges, and so on.

Mr. BOYLE: No satisfying references were made to the subject by Dr. Evatt at all. Here in Western Australia if we retain our constitutional powers we can deal with the position. We certainly have the power enabling us to do so. If we surrender that power, then the primary producers of Western Australia will be brought within the scope of the mortgage bank legislation and, should that be so, then the bank will exact from the farmers interest at the rate of 5 per cent.—the same rate of interest that farmers find today they cannot pay under the provisions of the Agricultural Bank Act. As Mr. Chifley says, for 41 years the farmers will labour to provide 4 per cent. interest on advances made to them under the Mortgage Bank Act. They will have to pay a sinking fund of 1 per cent. Yet the Mortgage Bank will not be able to provide seasonal assistance. So the farmers will be thrown back into the position to which they object today. They will be thrown back on the private financing of their farms under liens, which is what they object to now. If the Bill contained any provision that served to offer hope, one might look upon the measure more favourably, but for the life of me I cannot see why we should surrender our sovereign powers to the Commonwealth Government under these conditions so that everyone, including primary producers who can offer security, will have to pay 5 per cent. interest. No agricultural land in the world or agricultural industry can carry a 5 per cent. interest impost. It has been proved that it does not matter how the price of the commodity is regulated, the money-lender cannot be paid off under five per cent. interest compounded conditions.

Mr. North: Yet we can finance the war at 3½ per cent. interest.

Mr. BOYLE: And some of it has been made available at 2¾ per cent. interest.

Mr. North: Yes, for very short-termed money.

Mr. BOYLE: If the money was repaid within five years it could be obtained at 2¾ per cent.—slightly over half the rate of interest that the present Commonwealth Government intends to exact from the farmer. In his reply to the Wheatgrowers' Union Mr. Chifley said that the rate of interest would be 5 per cent. He did not mention that he wanted a margin of 35 per cent. before he would lend the money; so that £400,000,000 which is owed by the farmers of Australia today on which they are pay-

ing about £20,000,000 interest, is to remain untouched, because 80 per cent. of those men cannot measure up to the 65 per cent. basis in order to give the Commonwealth Bank the 35 per cent. margin required before money can be secured on loan. There is nothing to prevent the farmer, so Mr. Chifley says by implication, from continuing to secure financial assistance from private firms and banks. That is the very practice we want to stop; we want to prevent these interest charges and the huge interest bill that the farmer has to meet.

I am of the school of thought that claims that interest-bearing by agriculturists is so objectionable, and has proved the undoing of producers in every part of the world, that it constitutes the one problem, as the Commonwealth Royal Commission pointed out, that overshadows all else. In this Bill there is no provision for affording relief to the agriculturists. They must conform to the sound principles of banking practice. This alone would secure my opposition of the provisions of the Bill. Dr. Evatt was wise to get away from provision 60A. Today, anyone who opposes this Bill is threatened by the Prime Minister. According to today's "West Australian" any opponent is threatened with a judicial inquiry and, worse still, with an appeal to the electors. What a shocking thing it is that we, who are in duty bound to examine this proposition, should be threatened with an appeal to the electors! In my opinion that is the course the Commonwealth Government should have taken in the first place. Dr. Evatt, in his former proposals, dealing with Subsection (3) of Section 60A, said—

All the powers conferred upon the Parliament by this section may be exercised notwithstanding anything contained elsewhere in this Constitution or in the Constitution of any State, and shall be exercisable as on and from a date to be proclaimed by the Governor General-in-Council.

That is the stuff we are getting now. Dr. Evatt has now dropped Section 60A completely. Did he drop it from love or from fear of the consequences? He dropped it because a glimmering came to him that the people of Australia would not stand for it. That, however, has disappeared from the merry-go-round. Thousands of circulars have been sent out at great cost to the people, and yet opponents are threatened with a judicial inquiry to find out how much they are spending on the distribution of circulars.

Mr. Withers: All Commonwealth Governments are the same.

Mr. BOYLE: I hold no brief for any Commonwealth Government. With the exception of Ministers, whose duties take them frequently to Canberra, I can claim to have as good a knowledge of Commonwealth Governments as anyone has, because my duties previously took me twice a year for five years to Canberra. I have an absolute contempt for what I saw in Canberra. I think the Minister for Lands knows there are influences at work at Canberra at which we can only hint, and that the small States are always sacrificed in a House that is positively dominated by the representatives of two cities. Those two cities have 24 members out of the 74; I am referring to Melbourne and Sydney. I made a remark at a town hall meeting on one occasion that I shall repeat—that in Canberra even the streets are crooked. I do not mean to imply that the members of both Commonwealth Houses are crooked. Amongst their number are many honourable men, but the methods of influencing votes and securing profits for organisations are rampant. Lobbying is a real curse in the Eastern States. As a representative of the wheatgrowers, the poorest of the poor, I had nothing in the way of political influence to offer. I and my colleagues had to be satisfied with doles.

One night I left Canberra feeling a very happy man. A sum of £2,500,000 was to be doled out to the wheatgrowers of Australia on the basis of 4½d. a bushel. That was the best we could get. If the Federal Attorney General offered the agriculturists of Australia security as he offers it to other sections, my opposition would be largely nullified. I would realise that the agriculturists at long last were about to share in the things that are being produced. I noticed in the report of the Grants Commission that when the production of primary products in Australia reaches the highest point, trades union unemployment percentages are lowest. When agricultural products in Australia declined to a value of £164,000,000, unemployment amongst trade unionists totalled 28.4 per cent. When production in 1940 reached £268,000,000, or £104,000,000 more than in the other year I have quoted, unemployment amongst trade unionists dropped to 8.4 per cent. Thus the two things are closely related. According to the latest report of the Grants Commission, agricultural products have been

plentiful and employment for trade unionists has increased.

I cannot understand why the Government or a man of Dr. Evatt's ability cannot connect the two things. If we are to have freedom from fear, which is one of the main freedoms, then the Commonwealth Government should tackle the problem of the debt structure of the farmers, instead of playing with it, as the member for Murehison suggests, by adopting this sound banking practice, whatever that might mean. I have been told by one of the head bankers in Australia that interest is the life-blood of the banks. It is also the life-blood of those who have to pay it, only for them it is flowing the other way. The banks do not care whose life-blood it is so long as it flows their way.

According to the book dealing with post-war reconstruction, it was laid down clearly by Dr. Evatt in the first proposals, which I continue to regard as the main proposals of the Government, what the alternatives would be if we did not grant these powers to the Commonwealth. He said the Commonwealth Constitution could be completely torn up and re-written. Who is going to do it and by what authority, I do not know. He said there were two alternatives, one of them being the South African model. In 1905 the South African authorities wrote to Mr. Alfred Deakin, who I believe was then Prime Minister of Australia, asking for advice in the drawing up of their Constitution. Mr. Deakin advised them that it should not be on the model of our Constitution; it should remain in the hands of the central authority all the power, some of which could be delegated at pleasure to the provinces.

Mr. Patrick: He said he did not give that advice.

Mr. BOYLE: Well, he is credited or discredited with having given it. Then he referred to the Canadian example. When men become leaders in the Commonwealth Parliament they seemingly affect to despise the States. They will brook no interference with their powers. I believe the member for Bunbury made an interjection about parties. Did not we have an example of that in Mr. Fadden's statement that we did not want seven Parliaments when one would do?

Mr. North: Mr. Hughes was of that opinion, too.

Mr. BOYLE: I prefer to approach this question with a detached mind having regard to no party and no section.

Mr. Thorn: Now the Federal authorities are taking over the Minister for Lands.

Mr. BOYLE: I say for the Minister for Lands that he seems to be able to tackle his duties imperturbably.

Mr. Thorn: Never mind, they will get him in the bag.

Mr. BOYLE: I realise that the Federal authorities have a very big bag. I have the highest regard for Mr. Forgan Smith, the ex-Premier of Queensland. At 68 years of age Mr. Forgan Smith—I am quoting from the "Bulletin"—was appointed chairman of the Sugar Board, with 15 years' tenure. I hope that one day we shall not receive a telegram announcing that our Minister for Lands has departed into the Federal bag.

The Premier: What about your ex-Leader? Did he go into the bag?

Mr. BOYLE: That gentleman will not have 15 years to justify his going into the bag. He will have to meet his constituents this year. However, Mr. Forgan Smith has freedom of speech. He applauded Mr. Curtin, and voted against him.

Mr. Needham: Billy Hughes made sure of himself many years ago!

Mr. BOYLE: I have had years of experience of Canberra.

The Premier: You are becoming cynical.

Mr. BOYLE: The Premier has made cynical remarks in this Chamber regarding the Commonwealth Parliament.

The Premier: I do not decry public men like you decry Forgan Smith, saying he jumped into the bag.

Mr. BOYLE: Had I been in Mr. Forgan Smith's position, I would have done as he did. I do not contend that he did anything wrong; but there are people who have the power to do these things.

Mr. W. Hegney: What is wrong with the appointments?

Mr. BOYLE: I do not say there is anything wrong with them.

Mr. W. Hegney: But you are making a big song-and-dance about them!

Mr. BOYLE: I say Mr. Forgan Smith is the leader of the opponents to the granting of these powers. I consider him an excellent man.

The Premier: You know that the arguments of some State delegates greatly influenced the form of this Bill.

Mr. BOYLE: Yes. I have merely repeated what was published in the "Bulletin."

The Premier: The age stated by the "Bulletin" is wrong. Mr. Forgan Smith is only 58 years of age.

Mr. BOYLE: Now we are asked to part with these powers for a period of five years. Does anyone seriously believe that these repatriation proposals and other projects of the Commonwealth Government can be carried out in five years? I do not think so. I do not believe that the problems arising from the war, the repatriation of hundreds of thousands of people who are now soldiers or munition workers—

The Premier: We are asked to give the Commonwealth Government the opportunity to do in five years those things that are necessary for repatriation.

Mr. BOYLE: What was Australia's expenditure after the last war? The Commonwealth Government today has all the powers it needs for repatriation of its soldiers and its workers.

The Premier: You are setting up a Commonwealth Government of constitutional lawyers!

Mr. BOYLE: No. In the case of constitutional lawyers you pay your money and you take your choice. Those constitutional lawyers in eastern Australia are all in conflict with each other. I stand at the ring-side, waiting for them to come to an agreement. I have heard that there is considerable doubt about the powers of the Commonwealth Government to spend money on repatriation of soldiers and sailors and munition workers. It has taken a long time to find out that the Commonwealth Government has that power.

The Premier: The Commonwealth lent the States plenty of money last time, anyhow!

Mr. BOYLE: I am quoting from an authentic document giving the facts up to the 30th June, 1942. On account of services and pensions the Commonwealth Government up to that date had spent £178,000,000.

The Premier: Are those Year Book figures?

Mr. BOYLE: They may be; I do not know. I got them from a source that is strongly interested in stating correct figures. For war service the expenditure was £178,000,000; for war gratuities, £27,000,000; for soldiers' children scheme of education, £2,250,000; for war service homes, £30,000,000; for vocational training, £4,800,000; for employment activities, now under National Service, £2,400,000; for

loans to soldiers, £1,900,000, of which £1,600,000 has been repaid; for land settlement, £55,000,000, of which the States are carrying £27,000,000. The grand total is £301,350,000, or net £264,000,000. And yet these people challenge the Commonwealth Government's expenditure on repatriation over a period of 24 or 25 years. Is there any possible doubt of the Commonwealth Government's power to repatriate after the war? I think not! Last December Dr. Evatt declared that any public man who had stood up against the repatriation of soldiers, sailors and workers after the war, would be swept from public life.

Mr. North: Swept away!

Mr. BOYLE: Yes; swept away. There was no justification whatever for a statement of that kind, since the present Bill empowers the Commonwealth Government to spend over £300,000,000.

The Premier: If we have the money, what is wrong with letting the Commonwealth Government have it?

Mr. BOYLE: I am perfectly willing to give Federal Ministers a power that they already possess.

The Premier: That is nothing.

Mr. BOYLE: Why should the Commonwealth Government encumber a Bill of this nature with repatriation and family endowment? What has this Bill to do with family endowment?

The Premier: There is no authority to deal with that.

Mr. BOYLE: Then where are the eminent legal men who framed the Bill providing for widows' pensions and child endowment?

Several members interjected.

Mr. BOYLE: The Commonwealth Government can have the powers it already possesses with all the goodwill in the world from me, but I certainly will not stand in my place and surrender the remnants of our sovereign powers.

Mr. Warner: Even if it is bluff?

Mr. BOYLE: I do not think it is bluff. It suggests the workings of the mind of an extraordinarily able man. There is no doubt about that. It would be impertinence on my part to question Dr. Evatt's intellectual ability; but I do question his political adroitness, especially when he brings down, as he did on the 1st December, a Bill, at the same time rattling his political sabre, and then summons a convention. When that Convention met, as the Leader of the Oppo-

sition has pointed out, it was not offered Dr. Evatt's first Bill. Instead, it was offered Evatt's Medicine No. 2. The members of the Convention did not have time to give it proper consideration. Then a committee was formed of the Premiers of the States; I understand the other members of the Convention were excluded from it. According to Dr. Evatt's circular, the Bill now before us is the Bill agreed to by that committee. Four of the powers proposed to be transferred have my approbation, but they are powers the Commonwealth Government already possesses. When the time comes, I am prepared to offer amendments dealing with the other powers.

MR. SEWARD (Pingelly): I could not allow a Bill of this importance to go by without having something to say on it. At present my intention is to vote for the second reading; but in saying that, I am not absolutely certain that I will eventually carry out that intention. Ordinarily, I would not give the Commonwealth Government any more power than it now possesses. But, as has been pointed out by one or two speakers, this is far from being an ordinary time or an ordinary matter. We have been told that it is necessary to pass this Bill in order to place beyond doubt the right of the Commonwealth Government to undertake the repatriation of the members of our Fighting Forces and the re-establishment of our munition workers in civil employment. If there were any doubt at all as to the ability of the Commonwealth Government to legislate for the reinstatement of all those people in civil vocations and for their subsequent advancement therein, I would unhesitatingly say that I must support the provisions in the Bill placing that matter beyond any reasonable doubt. But beyond that I would not go an inch, because we have had numerous instances of the utter disregard for the welfare and even for the opinions of Western Australians by the Federal authorities.

In making that statement I am not differentiating between any of the Governments in the Eastern States. All the Eastern States Governments apparently have no regard for the welfare of this State or for the opinions of its people, but are content to be guided solely—as the member for Avon and other speakers have pointed out—by the wishes and the votes of the representatives of the more populous Eastern States. Therefore, before I would even consider the

question of granting the Commonwealth Parliament additional powers, there would have to be decided, first of all, what additional representation Western Australia was to receive in the Commonwealth Parliament. In my opinion, that question precedes the giving away of any further powers to the Commonwealth Government. I desire to direct the attention of members to the views of the Federal authorities on that particular question. When the committee appointed by the Convention to deal with this Bill had completed its work, Sir Earle Page said—

Consideration should be given to the question whether the numerical strength of the Commonwealth Parliament should be increased. I have just stated that in my opinion that was a most important matter. But Dr. Evatt said—

That matter should be examined only after the powers specified in the Bill have been granted.

With that opinion I emphatically disagree. Before I would consent to the giving of further powers to the Commonwealth Parliament, that question would have to be decided, because I think it must be obvious to anybody that once we surrender the powers our bargaining ability has gone. The Commonwealth Parliament would have the powers it wants and if we asked for extra representation in that Parliament we should simply be ignored. If, however, we discuss that matter before we surrender the powers, then we shall have a much better chance of securing more substantial representation for this State.

The Leader of the Opposition when addressing the recent Convention said that some recognition should be given to the size of this State when apportioning its representation. Fanev asking the Federal member for Kalgoorlie effectively to represent a constituency as large as that which he represents today! I am not decrying his ability; I think he is making an excellent effort effectively to represent that constituency, but it is almost an impossibility for one person effectively to represent a constituency as big as the Kalgoorlie electorate. I hold the same opinion with respect to the Forrest and Swan electorates. It is futile to ask men to keep properly in touch with those electorates while in a Parliament which is daily taking more powers to itself. As was mentioned by the Premier in reply to the member for Avon, the Commonwealth Government has not

power to legislative for widows' pensions and child endowment. But the Commonwealth Government has already done so, so that we know that if a power does not exist that Government will take it. Meanwhile, this State has still only the same representation as it had when the Commonwealth was inaugurated. I disagree with that state of affairs. Before any additional powers are transferred to the Commonwealth Parliament, we must first of all agree on additional representation for Western Australia.

Mr. North: In the Lower House?

Mr. SEWARD: In the Lower House particularly. When the member for Perth was speaking, he said, I think not once but several times, that the Bill now before us was agreed to unanimously at the Convention. I interjected that it was not, that there was opposition to it. Amendments were proposed, but were defeated. The Leader of the Opposition pointed out to the Convention that he would reserve the right to oppose certain clauses of the Bill when it was introduced into this House. Consequently, there was by no means unanimity in the Convention as to the contents of the measure. As a matter of fact, one of the speakers—Mr. Baker of Tasmania—said they had to finish consideration of the matter that day because certain Premiers had arranged to get back to their own States to carry on, no doubt on account of the important business that had to be attended to and because the Convention had lasted longer than they had anticipated. There was not unanimity, but a Bill was passed through the Convention as against the possibility that the Convention might dissolve without coming to any decision, which was by no means an impossibility in the early stages.

It has been stated that the passing of the Bill is necessary so that plans may be made for the repatriation and rehabilitation, following the declaration of peace, of those engaged in the Forces. It has also been stated that if we do not grant the powers asked for in this Bill it means that the framing of a plan must be deferred until the cessation of hostilities. That is completely wrong. Anybody who has given any thought to the matter will agree that it is most essential that a plan be prepared for the rehabilitation of these people, and that that plan must be prepared before the cessation of hostilities in order that we may be in a position to carry out the plan when it is wanted.

The preparation of that plan can be proceeded with, either by the Commonwealth Government or by that Government in association with the various State Governments, without the passing of this Bill. In fact I think the matter should come before the various Parliaments. If a man is going to build a house he does not go around the city and purchase everything he can find in case he might need some of the commodities in the building of the house. He first prepares plans, and when he has done so is able to see what is required in the building of the house and can then proceed to acquire those commodities.

The proper thing to do in this case is to prepare some plan of repatriation, and having done so arrange for the passing over temporarily of any powers that may be necessary for the Commonwealth Government to possess in order to carry out the plan. That is the way it should be done. If it were done that way it would carry the confidence of the people, but to ask us to transfer powers before any plan is adopted for the reinstatement of these people is to presuppose that all the powers sought are necessary. I would ask what the care of the aborigines has to do with the reinstatement of the members of the Fighting Forces. Nothing at all. Consequently the people are within their rights in asking whether all these powers are necessary. We need some proof that they are required. The previous speaker and other speakers have stated that there is a difference of opinion among eminent lawyers as to whether certain things are definitely secured in the Bill. For argument's sake take the question of the time limit specified—that is five years from the cessation of hostilities. Doubt has been expressed as to whether that is effectively safeguarded by the Bill. We are assured by Sir Robert Garran and Sir George Knowles that it is. On the other hand, there are other eminent legal men—for instance, Mr. Ham and, I think, Mr. Fullagar, though I will not mention him definitely—who state that it is not secured.

The Prime Minister seems to consider that the opinion of the Crown Law solicitors of the Commonwealth should be taken in preference to that of men of the standing of Mr. Ham. I venture to say that if any member of this House wanted a highly quali-

fied legal opinion he would be more inclined to consult a man who had risen to a high position through the practice of that profession than the Commonwealth Crown Law authorities. I certainly would myself, but apart from that the name of Mr. Ham was a leading name in legal circles in Victoria before the name of Garran was heard. I do not say that in any way derogatory of the ability of Sir Robert, but with me at all events Mr. Ham's opinion carries far more weight in a matter of that description than does the opinion of many others, including the Crown Law authorities. Therefore I am inclined to side with the leader of the National Party when he states that more time is necessary for the consideration of this Bill, so that any possible doubts may be removed from our minds in regard to the transfer of these powers. As he has stated, the measure has been put before us and we have had a certain time in which to study it, but immediately any question of an amendment arises, as it has in the Press in the last few days, we find certain members of the Commonwealth Government becoming very agitated and starting to threaten that if we dare to make any amendments there will be very dire consequences; that it will have a referendum or do something else. When people adopt that attitude, when they are so terribly anxious that we should not attempt to alter the measure but pass it in toto, exactly as it appears, I begin to look for the nigger in the woodpile.

When it was before the Convention and it was submitted to the Prime Minister that he could hardly expect to get the Bill back exactly as it left the Convention, after having passed through six State Parliaments, the Prime Minister said "No," thereby implying that there was an expectation that the various Parliaments would make some alterations. I would also remind members that when the Bill was finished by the Convention the Prime Minister expressed the hope that it would be introduced into the various Parliaments before the end of January. It has been introduced into this Parliament, and we are still a fortnight away from the end of January. There is no reason why we should not have a further investigation of the measure to determine whether the various clauses of the Bill mean exactly what they say. The measure is essentially a lawyer's Bill. It is not for a layman to attempt to tell us what is in it. I feel in

much the same frame of mind as the member for Avon. There are certain clauses which, to borrow a phrase of my leader, if I understood what they meant I would probably support. But I do not understand what they mean. Especially I do not understand what the clause relating to employment and unemployment means. Dr. Evatt led the Convention to believe that it meant practically the complete control of employment and unemployment, the fixing of hours and wages—in other words, doing away with the Arbitration Court.

Mr. Warner: Doing away with Western Australia's rights altogether.

Mr. SEWARD: Western Australia's opinions, hopes and desires do not receive much consideration in Federal circles. I am certainly not agreeable to giving that power to the Commonwealth Government. As the member for Mt. Marshall says, "When in doubt knock it." I have no hesitation in saying that I would knock that clause if I had the power to do so. If a plan for the relief of unemployment was agreed upon between the Commonwealth and State Governments I would concur in it, but even the question of unemployment would leave the power in the Commonwealth Government at the behest of organisations, trusts or combines flourishing in the Eastern States. It could subsidise those firms so that they could continue after the war and probably draw all our skilled artisans from this State. That could be done to relieve unemployment. I will not give that power to the Commonwealth Government. I would give it every power to help us in this State to cope with unemployment here and assist our industries. But I will not cast my vote so that the Commonwealth Government can build up huge industrial organisations in the Eastern States, many of which have been started during the war and have taken a lot of our skilled workmen during the currency of the present hostilities. By helping them we will simply keep our people in those States. It would be useless to have a Minister for Industrial Development here because there would be no industrial development to hope for.

Another phase has been touched on by the member for Avon. We have received indications that the Commonwealth Government is starting to formulate plans for post-war reconstruction. A Director General has been

appointed, and our Minister for Lands is going to the other side of Australia to occupy the position of chairman of a rural commission. Great emphasis has been laid upon the necessity for the building of houses after the war. I think it was said that we would build 200,000 houses in Australia. Then again the Director of Post-War Reconstruction made a statement that no doubt there would be huge national works undertaken in Australia after the war. It is all very interesting, but it sounds to me as though we are going to erect a magnificent building by starting on the roof. Who is going to live in these 200,000 houses; what is the ability to live in them to be founded on? In order to safeguard our economy we must first of all start on the foundation, namely, our primary industries. What is the use of building 200,000 houses for people to live in if our primary industries are in the condition they are in today? They cannot carry on, and the men returning from the war will not take up farming under the present conditions. Only last night when coming to Perth I was talking to two men who had been all their lives on their own properties. They had 10,000 acres each and said they could not carry on under present conditions for another two years.

Mr. Marshall: What about the mortgage bank?

Mr. SEWARD: As soon as we mention farming the hon. member speaks of the mortgage bank. I will put a proposition to him. Take out the working costs of a farmer in 1913 and in 1942 and give me the percentage that interest bears in both cases. I know which will be the greater. It is not the mortgage at all. One big factor at the present time is the rabbit pest, another factor is the price the farmer is getting for his produce, and yet another is that farmers' families will not remain on the land. They cannot get a living there. They are drawn to the city, with the result that in one case a man who had 10,000 acres and had been topdressing at the rate of 250 tons of super each year is not able to carry on. His property will go to the rabbits.

I do not want to deal with other aspects of the primary industries as the member for Avon has touched upon them, but today the position is tragic and before any other matter in connection with post-war reconstruction is dealt with the agricultural industry should first of all be re-established. If not

the agricultural industry then some other basic industry—perhaps the goldmining industry. That is the way we must start. When we have means by which our people can earn a living then we can commence on such things as housing and the promotion of secondary industries, because our secondary industries are dependent for the sale of their products on those engaged in our basic industries. We cannot profitably manufacture anything here unless our own people can use it. If those engaged in farming, dairying, goldmining, the pastoral industry and so forth are not able to earn a living at those occupations then they are not in a position to buy the products of our secondary industries, which as a consequence will not be able to carry on because we cannot manufacture economically here if we have to export to the Eastern States or oversea. The cost would be too high and the manufacturers could not carry on unless they were subsidised, which is only putting off the day of final reckoning. For these reasons I view this Bill with a feeling of grave misgiving.

Mr. North: Except for those clauses you have been supporting.

Mr. SEWARD: That is so. Any powers beyond those dealing with repatriation should not be given to the Commonwealth Government under any consideration. There is then the question of revoking these powers. That must give members very serious cause to pause, because in order to do that we must first of all get a motion through both Houses of Parliament. Having got over that hurdle we must then submit a referendum to the people.

The Premier: You would have to pass a Bill to get a referendum.

Mr. SEWARD: Yes. Personally I would prefer to put it the other way round. I can well see the possibility that such a Bill would never pass through this House. Whatever Party occupied the Government bench, if it did not want the Bill to be passed, could see that it did not go through.

The Premier: If the Commonwealth Government was abusing the powers or using them wrongly we would be only too glad to revoke those powers.

Mr. SEWARD: I am talking about whatever Government might be in power. We might have a State Government in sympathy with the Government in office at Canberra, whether National, Country Party, or Labour.

It could block the Bill and we would never get a referendum. That is a serious objection to the Bill, and if the suggestion put forward by the member for West Perth for a Select Committee to inquire further into the measure becomes a motion I will vote for it.

The Premier: You are only conjecturing what may happen.

Mr. SEWARD: I would not presume altogether to conjecture along those lines, but the legal opinions expressed by men far more qualified to deal with the subject than I am have cast doubts on the point of whether the Bill sets out what we really think it does.

The Premier: As regards the limitation of time?

Mr. SEWARD: That is one of the points raised, but mention has been made of other matters as well. The provisions of the Bill are widespread and very general.

The Premier: Much of the discussion has been regarding the limitation of time. I am prepared to go into that matter with a view to evolving an amendment that will satisfy everyone.

Mr. SEWARD: I do not suggest for a moment that the Premier would not give consideration to such a point.

The Premier: I am prepared to consult your side of the House.

Mr. SEWARD: I am aware of that. In view of the fact that the Prime Minister merely expressed the hope that the Bill would be introduced in State Parliaments before the end of January—his reference was only to the introduction of the Bill—there is no need for Parliament to hurry the consideration of the legislation. I did not desire to speak this afternoon, but I did not wish the Bill to be passed after merely a short debate. I support the suggestion advanced by the Leader of the National Party that the Bill should receive further consideration and, in fact, a Bill of such importance should receive greater attention. The future of Western Australia may be wrapped up in the passing or rejection of the Bill. God help Western Australia if the Commonwealth Government secures all the powers outlined in the Bill—if Western Australia has merely the representation it now possesses in the Commonwealth Parliament. Dr. Evatt said he would consider the question of additional representation only after he had secured the powers outlined in the Bill. I am not prepared to grant those

powers straight away. We should make certain beyond all shadow of doubt that what we imagine the Bill contains is really the purport of its provisions. I shall support the second reading in the hope that the measure will be referred to a Select Committee so that we may have further light thrown upon this very important measure.

Mr. NORTH: 1 move—

That the debate be adjourned.

Motion put and negatived.

MR. NORTH (Claremont): Certain members desire to speak on the Bill tomorrow and I merely wished to assist them by securing the adjournment of the debate. I am sure we would prefer to be able to go to the Commonwealth Government after the war is over and say to Federal Ministers, "We have a nice plan of post-war reconstruction for Western Australia provided you will find all the money required." As the Commonwealth Government will not agree to anything of that description, we are forced into the position of ascertaining how far it is necessary to hand over certain powers to enable the Commonwealth to take the requisite action. I am glad to note that although different opinions have been expressed by members who have already spoken—they have expressed views for the good of Western Australia and of Australia in general—all seem to agree that we should transfer certain powers to the Commonwealth Government. In the circumstances we can be assured that the second reading of the Bill will be agreed to. The question then arises whether its consideration will proceed along normal lines through Committee and so on, or whether its passage should be delayed by its reference to a Select Committee.

There are certain very important aspects of the Bill which it would be highly desirable to defer for further inquiry in order to satisfy public opinion and the minds of members themselves on the question of how far we shall be compromised in the future. On many occasions recently learned counsel have expressed their opinions regarding the five-year period and respecting the question of how far the Bill will enable any particular Commonwealth Government of the day to implement its social proposals, such as the nationalisation of all industries. I do not make that suggestion myself. My reading of the Bill is that if it is agreed to in the form

suggested by the member for West Perth and the Leader of the Opposition, it will be quite safe respecting the five-year period, particularly if we provide that the right to revoke any of the powers to be referred to the Commonwealth is retained by Parliament itself and will not require the holding of a referendum to achieve the desired end. If a referendum should be necessary, even then there would surely be reasonable security to meet the views of those people who have some doubt as to how far the powers proceed.

There is one feature of the measure that has not been greatly stressed by previous speakers. I refer to the case put up in favour of the Bill by Dr. Evatt. It seems to me that in framing the case for the Bill, Dr. Evatt has not made much pretence at boosting the Federal Labour Policy. I am told that many of those who are opposed to the Bill in this State adopt that attitude because of their fear that the legislation will be used to give effect to the nationalisation of all industries, which is a plank of Labour's political platform. A perusal of Dr. Evatt's booklet dealing with the Bill serves to indicate—I have read through it two or three times—that it deals with a more immediate policy that might well have been introduced by Mr. Menzies or by someone else holding similar political opinions. Let me deal with some of the points mentioned by Dr. Evatt in the booklet. He sets out a number of questions and provides answers to them. Question 19, in the course of a series of queries dealing with post-war reconstruction and work, is as follows:—

What do you mean by "careful planning?"
The answer to that question is given in the following terms:—

Before the war, we didn't have careful planning. Instead, we muddled along, with a lot of our men and resources unemployed, a lot of our men and resources used inefficiently, not producing the goods and services we wanted most, and not producing them as efficiently as they might have.

Mr. Patrick: Who put up those questions?

Mrs. Cardell-Oliver: We could all easily answer our own questions.

Mr. NORTH: The answer to the question continued—

We had widespread poverty, bad housing, malnutrition, inadequate medical services, not enough planning for child welfare and national fitness, poor standards of rural life.

But the war has gradually forced us to change the policy of muddling through. For we found that if we wanted to have a great war effort, if we wanted to use our people as fully and as effectively as possible for war production, we had to launch out on a large-scale programme of Government planning and control. We controlled men and where they worked, materials and where they were used, the nature and organisation of production, the erection of buildings and capital equipment. We had to control consumption by rationing, the movement of all prices including rents and wages, and so on. Equally in peace-time, we want the fullest and most effective use of our available resources of men and materials.

Then we come to Question 21 which is—

Does this mean that Australians are going to "live on charity" in future?

The answer to that question is—

Certainly not. The aim of reconstruction is to give everyone the opportunity to work, and to earn for himself the right to a reasonable standard of living.

Question 22 was—

Won't public servants be empowered to control our industrial economy at the expense of experienced private business men?

The answer given by Dr. Evatt is—

The fact is that, prior to the war, the absence of central planning left many men underfed, underclothed and under-employed, while very many men were used to produce comparatively useless things. Government administrators have contributed greatly to the organisation of the war effort. Above all, with the Government controlling only the general direction of the economy, there will be plenty of room for the initiative and enterprise of private individuals. We want to use to the full that private initiative, but we want to guide part of it in the interests of the whole community, and not only in the interests of the individuals concerned.

In Question 23 it is asked why the State or Commonwealth Governments did not do these things for the people before the war, and the answer given is that they were not able to do so. It seems to me that if all this indicates the intentions of the Commonwealth Government, they are quite different from what is alleged to be the Government's real purpose, which should be the nationalisation policy. Therefore I am fully behind the viewpoint expressed by the member for West Perth when he said that we do not want to give away one inch more than is necessary and that several of the clauses should be toned down to meet the needs of the moment so that we shall not throw away power to the Commonwealth. With these

limitations I would, with him, support the second reading of the Bill.

When it comes to details, however, surely there is much to be said for the argument that a Select Committee should be appointed. In some cases a Select Committee is used to stall Bills. To my mind nothing is more contemptible than the policy of trying to stall a Bill by appointing a Select Committee to delay its passage. However, there is real need for further inquiry. When we as members would like to know how far we shall be committed, for instance regarding the questions of employment and unemployment, production and distribution and such-like matters—the Bill contains mere references without definition—we are entitled to further inquiry. I think it can be said that a Select Committee may be urged without there being any attempt to stall or stalemate the Bill. On the other hand, there is a huge amount of opposition in the State that desires to express itself. At various times meetings have been held by certain business men, who have passed resolutions in favour of a referendum and of a State election, and so forth.

In view of the fact that the Japanese are still occupying Timor, the idea of holding a State election is not so good at the moment the nearer one gets to the north of Australia. Those gentlemen, however, are surely entitled to the opportunity to select from amongst their number spokesmen to appear before a Select Committee and voice their objections to the Bill. Therefore I am 100 per cent. in favour of that proposal, and I trust the Government will see its way to agreeing to a Select Committee, without there being any suggestion of delaying the final objective of setting the matter absolutely right in this Chamber.

It may be said that the Commonwealth is now waiting for the word to go ahead and that a lot of preparatory material cannot be proceeded with until we have granted these powers. That, I think, is not the case. In the first place, the Commonwealth has been conceded these powers by some of the States, and we know that in the days of the Menzies Government a reconstruction committee was set up and was doing a lot of work then. We also know that this Chamber passed a long motion listing certain important public works for Western Australia, and it was stated that there should be a liaison between the

Commonwealth and the State Governments. All those big works, I believe, are being investigated by officers of the State. In fact, an intimation to that effect was given by the Premier last session, though he stated that he could not specify details on account of the war position.

Now I come to a point of view held by the member for West Perth, though I do not know that he expressed it today. He, with many other people, realises that there is a strong desire in the community at large, particularly amongst soldiers and war workers, for a definite change of outlook regarding employment after the war. The vast mass of the younger men and those up to middle age say openly that they are not going to be stalled by a situation such as that which prevailed at the close of the 1914-18 war. They are entitled to adopt that attitude. We have heard it on all fronts recently from leading statesmen of the world, from the Deputy Prime Minister of Great Britain, from President Roosevelt, and, coming nearer home, from Dr. Evatt, as well as many others, that the world has reached an age of abundance and that this abundance must be put on tap after the war. That is the general thesis of many of the speeches being made by world leaders today. Therefore, I think we in this Chamber would be fully justified in coming to the conclusion that the Bill should be passed with as little amendment as possible; in fact, just sufficient to protect us. This reminds me of the old joke related by a former member of this House in defining a skirt; it should be long enough to cover the subject but short enough to be interesting. That should be the position regarding amendments to this Bill. We do not want to overdo or underdo the matter of amendments.

There are many matters that need careful and thorough investigation, such as finance, large national works, the standardisation of railway gauges and so forth. Therefore, when the member for West Perth suggests that quite apart from an inquiry by a Select Committee, there should be a specified agreement between Western Australia and the Commonwealth setting out in full detail all the measures intended to be taken over the period of five years—the full scope of the powers, the scope of the work to be done and comprehensive details that would enable our people who are naturally fearful of the situation to arrive at a sane conclusion; and

who knows but what they might be converted to supporting the Bill in an amended form?—I am in accord with him. With these considerations in mind, and with the thought that there is no object in delaying progress at this stage, particularly if we are to have an inquiry by a Select Committee, I have pleasure, with the reservations I have mentioned, in supporting the second reading.

On motion by Mr. Doney, debate adjourned.

BILL—MOTOR SPIRIT AND SUBSTITUTE LIQUID FUELS.

Council's Amendments.

Schedule of five amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Industrial Development in charge of the Bill.

No. 1. Clause 15, Subclause (5), page 13: Insert before the word "shall" in line 16 the words "or an analysis made by an officer on the staff of the Government Analyst."

The MINISTER FOR INDUSTRIAL DEVELOPMENT: All the amendments contain the same principle. The Bill makes provision for the Government Analyst or his assistant to do certain things. The object of the amendments is that the number of persons who may be used to carry out any analyses required shall be extended to include not only the Assistant Government Analyst but any officer on the staff of the Government Analyst. That principle is altogether desirable, and I therefore move—

That the amendment be agreed to.

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

No. 2. Clause 19, paragraph (c), page 14:—Delete the words "Assistant to" in line 9, and substitute the words "an officer on the staff of."

No. 3. Clause 19, paragraph (c), page 14:—Delete the word "Assistant" in line 12, and substitute the word "officer."

No. 4. Clause 19, paragraph (d), page 14:—Insert after the word "Analyst" in line 14 the words "or officer aforesaid."

No. 5. Clause 19, paragraph (d), page 14:—Insert after the word "Analyst" in line 22 the words "or the officer aforesaid."

On motions by the Minister for Industrial Development, the foregoing amendments were agreed to.

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

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Council's Message.

Message from the Council notifying that it insisted on its amendment to which the Assembly had disagreed, now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Lands (for the Minister for Works) in charge of the Bill.

The CHAIRMAN: The amendment disagreed to by the Assembly and insisted on by the Council is as follows:—

Clause 3—Delete paragraph (b).

The MINISTER FOR LANDS: I move—

That the Assembly continue to disagree to the amendment made by the Council.

The paragraph which the Council desires to remove provides that no town clerk and no other officer appointed as engineer or building surveyor shall be removed without the sanction of the Minister. This provision has not its origin in departmental circles, but is something asked for by the majority of Western Australian municipalities. Of the 21 municipalities represented at a conference, 13 made out a strong case to the Minister for Works for inclusion of this provision in the Bill. Country municipalities in a recent conference supported the making of this provision, so that no such officer could have his services dispensed with without the sanction of the Minister for Works.

Mr. Boyle: Road boards already have this provision.

The MINISTER FOR LANDS: Quite so! It is also pertinent to observe that in Victoria and other States the Minister's sanction is required.

Question put and passed.

Resolution reported and the report adopted.

Assembly's Request for Conference.

THE MINISTER FOR LANDS: I move—

That the Council be requested to grant a conference on the amendment insisted on by

the Council, and that the managers for the Assembly be the Minister for Works, Mr. Doney, and Mr. Withers.

Question put and passed, and a message accordingly returned to the Council.

House adjourned at 4.17 p.m.

Legislative Assembly.

Wednesday, 20th January, 1943.

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

BILL—COAL MINE WORKERS (PENSIONS).

Second Reading.

Debate resumed from the 8th December.

MR. McDONALD (West Perth) [11.4]: I am re-assured to know that the Government realises there is no haste over the Commonwealth Powers Bill, as is indicated by giving this Bill precedence over it.

The Premier: We are carrying this Bill a stage further.

Mr. McDONALD: I congratulate my friend, the member for Collie, on having obtained precedence on the notice paper and on having so signally ousted the Federal Attorney General, Dr. Evatt. The member for Collie has, in accordance with his duty to his constituents, no doubt played an important part in securing the introduction by the Government of this Bill; and he is well justified in bringing the matter before Parliament on behalf of his district, which is the State's only active coalmining district, in view of the passage of similar legislation in other States granting miners' pensions. The member for Collie has been good enough to inform me that the Victorian Parliament has just passed a Bill conferring pensions on coalminers. We know that such a Bill has been in operation in New South Wales for some three or four years, and that a Bill with the same object is in operation in the State of Queensland. I am also indebted to the member for Collie for the opportunity to read the measures which have been passed