

ment of New South Wales and the Commonwealth Government requesting them to defer the extradition proceedings regarding Woolcott-Forbes until he has served the sentence imposed upon him in the United States of America?

The CHIEF SECRETARY replied: No.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

That the House at its rising adjourn to a date to be fixed by the President.

Question put and passed.

House adjourned at 11.42 a.m. (Thursday).

Legislative Assembly.

Tuesday, 13th April, 1943.

	PAGE
Questions: Dehydrated apples, as to imports	3111
Salt, as to freight and wharfrage	3111
Oholoi State Farm, as to production, etc.	3112
Apple and Pear Acquisition Board—(a) as to effect of operations, etc., (b) as to Swan District produce	3112
Ceiling prices, as to application to public utilities and State enterprises	3112
Railways—(a) sheep truck freights, (b) dining car and refreshment rooms, Kalgoorlie line	3161
Telephones	3161
Barton's Mill prison, as to prisoners' conduct, conditions, etc.	3161
Tramways, as to South Perth service	3162
National Security Act, as to motor headlight masks	3162
Assent to Bills	3112
Bills: Companies, further recon., report	3113
Commonwealth Powers, Council's amendments	3113, 3114, 3135,
Point of order	3140
As to adoption of reasons	3114
Council's Message	3154
Assembly's request for conference	3155
Council's further Message	3155
Conference managers' report	3155
Council's Message	3156
Coal Mine Workers' (Pensions), Council's amendments	3162
Point of order	3124
Council's Message	3113
Assembly's request for conference	3140
Council's further Message	3140
Conference managers' report, Bill dropped	3140
Vermin Act Amendment, Council's further Message	3140
Conference managers' report	3155
Council's Message	3156
Motions: Farmers and pastoralists' debts, as to mortgage interest	3162
As to resumption of debate	3119
North Fremantle Properties and Wheat Storage Select Committee, to give effect to recommendation	3162
Complimentary remarks	3122
Adjournment, special	3162

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (6).

DEHYDRATED APPLES.

As to Imports.

Mr. SAMPSON asked the Minister for Agriculture: 1, In view of his statement, as made on the 9th March—in reply to question submitted by me—to the effect that, as far as can be ascertained, no dehydrated apples had been imported into Western Australia from Tasmania since November, 1941, will he explain how it is that Tasmania, the dried fruits imports from which State are predominantly apples, is credited by the Government Statistician with having forwarded 186,452 lbs. of dried fruit of a value of £3,191 for the year 1941-42, and 124,000 lbs. of a value of £2,880 for the seven months ended 31st January, 1943 (imports by the Defence Forces during the latter period are excluded)? 2, In view of the position as disclosed by these figures, will he take steps to discourage the importation of dehydrated apples into this State?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: 1, According to the statistician the figures given on the imports of dried apples are substantially correct. 2, The dehydrated apples produced within the State have been supplied exclusively to the Defence Forces, although some fruit not up to Defence Force specifications has been sold for local consumption. It was anticipated that approximately 600 tons of dehydrated apples would be processed this season, but owing to the late start of the factories on account of the difficulty of obtaining the necessary equipment, this figure will not be reached. It is understood that all dehydrated apples produced this year will be utilised for the Defence Forces exclusively. Steps are still being taken and will continue to be taken, to ensure that all available shipping space is utilised to the best advantage to the State.

SALT.

As to Freight and Wharfrage.

Mr. KELLY asked the Minister representing the Chief Secretary: 1, What is the freight per ton on bagged salt landed at Fremantle *ex* South Australia? 2, What is the freight on bagged salt landed at Fremantle *ex* Esperance? 3, What is the wharfrage per ton *ex* South Australia? 4, What is the wharfrage *ex* Esperance?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied: 1, 24s. per ton, plus 30 per cent., £1 11s. 2d. 2, 20s. per ton, plus 35 per cent., £1 7s. 3. Refined salt—Wharfage 5s., harbour improvement rate 6d. per ton, both plus 20 per cent., 6s., 7.2d. 4, Crude salt—Wharfage 1s. 8d., harbour improvement rate 6d. per ton, both plus 20 per cent., 2s. 7.2d.

GHOOLI STATE FARM.

As to Production, etc.

Mr. KELLY asked the Minister for Agriculture: 1, The average return per acre per year of wheat grown at the Ghooli State farm, from its inception to its cessation? 2, The average yearly oats production? 3, Amounts of superphosphate sown in each instance?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: The reply to this question being in the form of a return, I lay it on the Table.

APPLE AND PEAR ACQUISITION BOARD.

(a) As to Effect of Operations, etc.

Mr. HILL asked the Minister for Agriculture: 1, What was the number of bushels of apples and pears produced in the 1938-39 year (last year of export)—(a) for the whole State; (b) for the Swan electorate? 2, How many bushels of apples and pears were there exported that year—(a) for the whole State; (b) for the Swan Electorate? 3, What effect have the operations of the Apple and Pear Acquisition Board had on the apple and pear growers in the Swan electorate?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: 1, (a) apples, 1,797,490 bushels; pears, 157,346 bushels. (b) Swan electorate including road board districts of Armadale-Kelmscott, Mundaring, Darling Range, Gosnells and Swan: Apples, 109,307 bushels; pears, 44,183 bushels. 2, (a) apples, 1,301,295 bushels; pears, 67,041 bushels. (b) no figures available. 3, The cessation of exports occasioned by the war would have had a disastrous effect on fruitgrowers generally, including those in the Swan electorate, if a scheme for orderly marketing had not been introduced. Growers in the hills districts have suffered disadvantages owing to the loss of their own particular market in

the metropolitan area for early apples and pears. Other growers throughout the State also have lost their markets, particularly for "Granny Smith" apples and export pears. The operations of the Apple and Pear Marketing Board had evened out disabilities created by difficulties arising out of the war.

(b) As to Swan District Produce.

Mr. SAMPSON (without notice) asked the Minister for Agriculture: 1, In view of the answer given to the member for Albany respecting the comparatively small number of cases of apples and pears exported from the Swan electorate, will he recommend that acquisition be abandoned so far as the Swan electorate is concerned and that a subsidy of 2s. per case on the basis of average individual production for the past three years be paid to those growers? 2, In view of the non-export of Bartlett pears for many years, will he support non-inclusion by acquisition of Williams, Bon Chretien, Duchess or Bartlett pears (all of which are generally known as Bartletts)?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: As this would not be in the best interests of the fruitgrowing industry of Western Australia, the answer is "no."

CEILING PRICES.

As to Application to Public Utilities and State Enterprises.

Mr. NORTH (without notice) asked the Premier: Will he inform the House whether the new Federal scheme of ceiling prices is to be applied to public utilities and State enterprises?

The PREMIER replied: With many other people, I listened with great interest to the scheme put forward by the Federal Treasurer over the wireless last night but not having been consulted on the subject, I have no more special knowledge about it than has the hon. member.

ASSENT TO BILLS.

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

- 1, Business Names.
- 2, Public Authorities (Retirement of Members).

BILL—COMPANIES.*Further Recommittal.*

On motion by the Minister for Justice, Bill again recommitted for the further consideration of Clauses 12 and 93.

In Committee.

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

Clause 12—Mode of forming incorporated company:

The MINISTER FOR JUSTICE: I move an amendment—

That paragraph (b) be struck out.

Clause 12 was passed as printed, whereas Clause 15 relating to provisions for companies limited by guarantee was deleted. Had paragraph (b) of Clause 12 been deleted, originally, Clause 15 would have been consequentially amended. In view of the fact that Clause 15 has been struck out, it is necessary, for consistency, to delete paragraph (b) of Clause 12.

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

Clause 93—Issue and effect of share warrants to bearer:

The MINISTER FOR JUSTICE: I desire to move that the clause be struck out. Somewhat the same position has arisen in this instance. Clause 109 was deleted but Clause 93, which deals with the same matter, that is, bearer share warrants, remains in the Bill. Had Clause 93 been struck out, Clause 109 would have been consequentially amended. To be consistent it is now necessary to delete Clause 93.

The CHAIRMAN: I would point out that the proposed amendment is a direct negative. I will put the clause and members will be entitled, if they desire, to vote against it.

Clause put and negatived.

Bill again reported with further amendments, and the report adopted.

BILL—COMMONWEALTH POWERS.

Returned from the Council with amendments.

**BILL—COAL MINE WORKERS
(PENSIONS).***Council's Amendments.*

Returned from the Council with schedule of 41 amendments.

In Committee.

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

No. 1. Clause 2, (1)—Definition of "mine worker"—Insert after the word "who" in the first line of paragraph (a) the words "at any time since the thirty-first day of December, one thousand nine hundred and thirty-seven has been or":

The MINISTER FOR LABOUR: This amendment deals with the definition of "mine worker." There are also other amendments that will alter the term "mine worker" in such a way as to restrict it to men working underground.

Mr. Watts: How many amendments are there altogether?

The MINISTER FOR LABOUR: There are 41.

Point of Order.

Mr. Watts: On a point of order: Is it the proper practice to present 41 amendments to a Bill of this size to this Committee when members, so far as I can ascertain from the documents before me, have not the slightest idea what they are, even though we know that they have been passed by the Legislative Council for at least a week?

The Chairman: The Leader of the Opposition has lost his opportunity to deal with a subject of that sort. I cannot give a ruling because the House itself resolved that it should deal with the amendments. The hon. member might appeal to the Minister to postpone consideration till a later stage.

Committee Resumed.

The MINISTER FOR LABOUR: The point raised by the Leader of the Opposition has plenty of merit. As far as I am aware there is no other copy of the amendments beyond the one I have. It will be difficult enough for me to pick up the sense of each amendment as I go along, and, I imagine, ever so much more difficult for the Leader of the Opposition and other members who will not have the amendments in front of them. I am, therefore, prepared for the Committee to report progress and ask leave to sit again at a later stage. In the meantime, I will ascertain whether copies of the amendments are available. If not, I will arrange to have a number of copies struck off.

Progress reported till a later stage of the sitting.

BILL—COMMONWEALTH POWERS.*Council's Amendments.*

Schedule of 21 amendments made by the Council now considered.

In Committee.

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

Point of Order.

Mr. Watts: We are in exactly the same position with this Bill as we were with the Coal Mine Workers (Pensions) Bill, although some members know more about this than they did about the other one. Nevertheless, the situation is practically the same. Members have no real means, except what they have seen in the Press, of discovering what the amendments are. While I do not want unnecessarily to delay the business of the Committee, I hope some means will be found whereby members may see these amendments in concrete form before being asked to discuss them.

The Premier: The position in this case is different from what obtained when we were dealing with the Coal Mine Workers (Pensions) Bill inasmuch as I understand that the Legislative Council has had this Bill printed with all the amendments inserted in their correct places. I thought there would have been sufficient copies for distribution amongst members, but I am now informed that only four or five copies were made. As distinct from the previous Bill, the amendments in this case are not as numerous, and, after the large amount of discussion that took place on the Bill here, members should all be familiar with the amendments because most of them were exhaustively discussed in this Chamber prior to the Bill going to another place.

Hon. N. Keenan: If the Bill, as passed in another place, has been printed, why has it not been circulated?

The Premier: Only four or five copies were printed to pass the third reading stage. The Bill has not been finalised. I do not wish to take the responsibility of selecting four or five members here to be the recipients of those copies. Nor do I desire, to discuss the Council's amendments at length, but will indicate to members whether or not it is the intention of the Government to accept them. In the circumstances members should be prepared to discuss them and, should we reach a stage at

which it is apparent that progress should be reported, I shall have no objection to that course being followed.

Committee Resumed.

The CHAIRMAN: The question before the Committee is the Council's amendment No. 1, reading—

Clause 1: Add at the end of the clause the following words:—"and shall come into operation on a day to be fixed by proclamation, but so that such day shall not be earlier than the first day of January, one thousand nine hundred and forty-four."

The PREMIER: The effect of the amendment is that instead of this legislation commencing on the date upon which it is assented to, the Council desires it to become effective by proclamation not earlier than the 1st January, 1944.

Mr. J. Hegney: Did the Council give any reasons in support of that course?

The PREMIER: I think I noticed some reference to a Federal election being held in the meantime, and the Council apparently does not desire the legislation to be put into operation prior to that election. Whether that is the position or not, I do not know.

Mr. J. Hegney: What bearing would the election have on the legislation if it were agreed to?

The PREMIER: I do not wish to discuss that phase. The desire of the Government is clear. Problems regarding post-war reconstruction will have to be discussed by the Commonwealth and the States, and it is desirable that the terms of reference regarding these powers shall be known as soon as possible. Members have discussed the merits of the Bill and the various amendments as well at great length. During the past week or two reports in the newspapers indicated that other countries have been dealing with post-war reconstruction problems. There was a column in "The West Australian" indicating the attitude the United States of America is taking regarding monetary problems and currency and reconstruction matters, as well as respecting many other phases of post-war considerations. The same position arises in Great Britain and in Canada. It is desirable that action be taken by Australia in view of its relationships with the Allied Nations so that at the peace conference delegates will know what power they can exercise when problems are being dealt with.

We have been told that the war may continue for periods varying from 12 months to five years. We all hope—probably without much reason apart from wishful thinking—that hostilities will cease soon. Should that be so, the nations must be prepared to discuss peace terms and to know thoroughly the powers vested in the respective delegates at the conference table. Naturally the Commonwealth Government is anxious to know what powers are to be referred to it. It would be ridiculous if, with respect to the question of marketing, for instance, the Commonwealth delegate at the peace conference was so situated that he could not make any definite statement but would have to explain that he was compelled to refer the matter to the Government of Western Australia before he could say what was to be done. It is eminently desirable that the terms regarding the powers to be referred to the Commonwealth Parliament shall be known as early as possible. I move—

That the amendment be not agreed to.

Mr. WATTS: The amendment has much to commend it. When the Premier was speaking, the member for Middle Swan raised an objection which drew from the Premier a reference to the forthcoming Federal elections. That seems to be just the very time when the Bill should come into operation—after the people have had an opportunity to say what they think about the work of the Commonwealth Government. If they confirm that Government in its work then it can proceed with its plans having the full sanction of the people, and will be able to operate over a period of at least three years. If, on the contrary, the people deem it necessary to turn the present Government out of office, then quite a different set of circumstances might apply and the present State Government might not be disposed to proclaim this legislation at all. Thus the Council's proposal seems eminently justifiable, namely, that the legislation should stand over until the 1st January, 1944, which is a date subsequent to when we anticipate the Federal election will have been held.

Mr. J. Hegney: You are drawing on your imagination.

Mr. McDONALD: The discussion is largely academic. There is not the slightest chance of the Commonwealth Government desiring to make use of any of the powers referred under this legislation before January, 1944.

The Premier: But the Commonwealth Government will want to make its plans.

Mr. McDONALD: It can do so now. All plans made in connection with post-war reconstruction are, for the time being, subject to eventualities, the exact nature of which no one can possibly know. What the conditions will be and what we shall be able to afford to do at the end of five years, no-one can conjecture. Any plan will be subject to all kinds of possibilities, but one of the certainties on which the Commonwealth Government can rely is that any reasonable proposition bearing on post-war reconstruction will receive the support of the State Parliaments. Nothing will be done to make use of the power conferred by this Bill during the present year. Dr. Evatt is now touring the world, though in saying that I do not infer that there may not be good reasons for his going abroad. I support the amendment. A little time should be allowed to elapse so that public opinion may become stabilised.

Hon. W. D. JOHNSON: There is a good deal of the Kathleen Mavourneen about this Bill; it has been delayed and postponed at every possible opportunity.

Mr. McDonald: These are the quickest constitutional amendments that have ever been made.

Hon. W. D. JOHNSON: I am speaking of the conditions under which the Bill was discussed in this Chamber. The methods adopted were unique in my experience. Members of the Opposition were given more latitude than on any other Bill I have heard discussed here. The member for West Perth said that nothing could be done until January next; he argued that the amendment should be accepted because no progress could be made meanwhile. But when we reach January, we will be in the same position. The Act will not come into operation until it has been proclaimed and so there will be more delay. I have known of measures being passed to come into operation when proclaimed and of their not having been proclaimed. Consequently we are not justified in concluding that this Bill will automatically come into operation. It will not come into operation until it is proclaimed and thus again there is room for delay.

It would have been more honest and straightforward had another place opposed

the Bill straight out. What is happening is that efforts are being made to postpone and delay it in the hope that something will occur and lead to its being defeated. Another place is not concerned about the welfare of the returned soldiers or the disorganised workers or the people. It is concerned about big business and big profits and the maintenance of pre-war conditions under which the people may be exploited, one section growing fat at the expense of the other section. These amendments are just camouflage. Another place is opposed to the Bill. Well, let another place throw it out! If that Chamber is honest, straightforward and courageous why try to murder the Bill by making a lot of amendments? Why not simply say, "We are not concerned about post-war reconstruction. The world of pre-war days is good enough for us. We have privileges, rights and opportunities that will be denied us if reconstruction takes place." I can understand the opposition of another place because it is entrenched behind privilege.

This privileged class has to be told that Australia is not being run for a privileged few; it is being run for the many, and this Bill is to give the many some opportunity to live decently and under conditions that will be a credit to Australia. I am opposed to all the amendments. I believe in the Bill in its entirety. I can see chaos prevailing in Australia unless we give the Commonwealth Parliament authority to enable it to organise and make preparations for keeping the people going until we get back into our normal stride, all of which will take time. I would like to see the end of the Legislative Council and of the privileged class that has been dominating Australia all too long.

The PREMIER: I wish to make it clear to the Committee at once that the remarks of the member for Guildford-Midland in no way represent the attitude of the Government to the Council's amendments. The hon. member has been very unhelpful in regard to this Bill. He is one of the whole-hoggers who want everything done in their way. The Government is prepared to consider the amendments in the hope of getting nearer to the Bill than those amendments would bring it. We are prepared to be reasonable. I cannot see that a tirade of abuse launched against a Chamber with which we might have some conflict is going to be help-

ful, and it is certainly not going to help the people of Australia to get more power to deal with post-war reconstruction. Some of the references might have gone a little further or even not so far but, because one or two words are added or deleted, it does not follow that the measure will be of no use at all. It will be of assistance in post-war reconstruction, and I do not want any member to conclude that the attitude of the member for Guildford-Midland is in any way accepted by the Government.

Mr. J. HEGNEY: I resent the imputations made by the Leader of the Opposition against this side of the Chamber. I do not stand for that kind of opposition. If the Bill is worth supporting at all, it is worth supporting on its merits instead of with respect to anything that may happen in a few months time. The Commonwealth representatives at the Convention represented the three parties in the Commonwealth Parliament. If there was any sincerity amongst them, the powers are necessary should any changes take place in the Commonwealth arena. The Leader of the Country Party in the House of Representatives supported the proposals, and so did the Leader of the U.A.P. The Opposition in the Commonwealth Parliament supported the Convention proposals, and the Bill comes here with the support of the Commonwealth Parliament. The reason for the amendment is the possibility of a change of Government in the Commonwealth Parliament, and the further possibility that this Government will still be in office when that change occurs. That is a rotten proposition. Indeed, I resent such a suggestion.

Whether much in the way of reconstructive work will be done in the interim is doubtful, but the Commonwealth Government's proposals for reconstruction are being considered at the present time. The Commonwealth needs power at an early stage in order that the necessary proposals may be framed in advance. If we may defer the exercise of the powers until 1944, we can equally well postpone them until 1945. No one knows how soon the war may end. The Commonwealth Government should be well armed to protect the people upon the cessation of hostilities. Those who suggest postponement are merely concerned to hang on to the old order of things. I hope the Premier will not accept the amendment.

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

Ayes	..	..	..	19
Noes	..	..	..	16
				—
Majority for	..	..	..	3
				—

AYES.

Mr. Berry	Mr. Needham
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Pantom
Mr. Cross	Mr. Sleeman
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Willcock
Mr. Johnson	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Millington	

(Teller.)

NOES.

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Kelly	Mr. J. H. Smith
Mr. McDonald	Mr. Thorn
Mr. McLarty	Mr. Warner
Mr. North	Mr. Watts
Mr. Perkins	Mr. Doney

(Teller.)

Question thus passed; the Council's amendment not agreed to.

No. 2. Clause 2, paragraph (a)—Delete the word "the" in line 3 of the paragraph, and substitute the word "any":

The PREMIER: I move—

That the amendment be agreed to.

I do not think there can be any objection to the amendment. In connection with the last war there may be something desirable for the Commonwealth Parliament to legislate upon but not properly within the province of that Parliament for the purpose. The effect of the amendment is that for all time, whenever Australia is engaged in a war, the Commonwealth Parliament shall have power to take steps for effective repatriation.

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

No. 3. Clause 2, paragraph (a)—Delete the word "the" in line 6 of the paragraph, and substitute the word "any":

The PREMIER: I move—

That the amendment be agreed to.

This amendment is obviously on exactly the same lines as the one just agreed to.

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

No. 4. Clause 2, Paragraph (b).—Delete the word "and" after the word "employment" in the first line of the paragraph and insert the words "of unemployed persons on the construction of national works,

public works, and local government works, and the relief of unemployed persons by occupational training and insurance against."

The PREMIER: I have indicated that I am prepared to agree to some of these amendments; of three amendments, I have already agreed to two, so we are getting on very well. However, I certainly cannot agree to this amendment, because I consider this reference to be the most important in the Bill. A tremendous problem will face the people of Australia in the post-war period in placing in employment those who have been engaged in warfare and in munition-making. The Prime Minister, in this morning's paper, tells us that at present 1,500,000 people are engaged in the Forces or in munition-making. Some of the latter, about 100,000, he said might be retained in their present occupation; but employment will have to be found for 90 per cent. of the 1,500,000 engaged in the war effort. Of the people in that age group, 58 per cent. will have to engage in an entirely different employment. That will be the biggest job we, as a nation, will have to do. It can only be done by the national Government; not one of the States is competent financially to deal with it.

Members will recall the difficult times we faced during the depression period, when we had to find employment for those out of work, and sustenance for those for whom work could not be found. The Government of the day spent £4,000,000 in providing sustenance alone for the unemployed of this State. We do not wish such a condition of affairs to recur. What will apply here will apply also in the other States, but the problem will be greater for Western Australia because, as the Prime Minister points out in this morning's Press, a greater number of people in that age group, on a percentage basis, are engaged in war work than are so engaged in the other States. We will have to provide employment for 75,000 people by some means or other. The Government of the State alone could not possibly face up to that task unless it is financially very much better off than it is at present. The member for Nedlands will recall how he, during the depression period, together with the other members of the Government in which he was a Minister, had his life worried out over unemployment matters. I am not throwing bricks at that Administration, but it was a problem with

which it could not deal. Bear in mind that at the most only 30,000 people were then out of employment; whereas it is expected that in this State there will be in the post-war period 75,000 people for whom employment will have to be found.

Therefore, the problem will be two and-a-half times as great as it was during the depression period, and I honestly believe that the State Government, with all its resources, could not successfully cope with such a situation. The State Government could not do so successfully during the years 1930-1934, when our people were suffering great hardships, were starving, houseless and had no clothes of any consequence. They worried through that very bad time somehow or other. This problem will have to be dealt with on a nation-wide basis, and for that reason I think the Commonwealth must be granted greater power than it has at present. During the depression the Commonwealth deliberately said that unemployment was the responsibility of the State, as it had no power under the Commonwealth Constitution to deal with the matter. Now the Commonwealth says that, if we refer this power to it, it will accept the responsibility. The Commonwealth says, "We will accept it as following on the war." We, therefore, should not be niggardly in giving the Commonwealth power which it requires. I move—

That the amendment be not agreed to.

Mr. McDONALD: The Premier has correctly said that this is the main paragraph in the Bill. The question for the Committee to decide is whether it will go back to the paragraph contained in the Bill as introduced, or whether it will endorse the paragraph as amended by the Legislative Council. The paragraph as introduced in the Bill originally simply means that Western Australia is called upon to haul down the flag as a self-governing community, neither more nor less. This paragraph, as the member for Nedlands said, is the Bill. It can be taken as the whole Bill. All the other paragraphs can be looked upon as comparatively immaterial. I am not satisfied that the people of Western Australia desire this Parliament to haul down their flag as a self-governing community, and I have not the slightest intention of voting for anything which is going to have that effect. We have here an amendment presented to us by the Legislative Council that will prove to be a

substantial safeguard against all the evils which the Premier has visualised as possible to happen in the post-war period. In the depression, the Commonwealth Government said, "We have no power over unemployment." Here the Commonwealth is given the specific power.

By means of this power as proposed in the amendment, together with the power which the Commonwealth has always had of advancing money to the States to help them in any emergency of that kind, the Commonwealth Government will be furnished with all the power which so far it has shown it may be desirable for it to use in the post-war period; and if the Commonwealth Government at some later stage declared that the power granted was not sufficient, and demonstrated to the satisfaction of the people of this State that some additional power was required, it could be sure the case made out would receive responsible treatment from the Parliament and people of Western Australia. The paragraph has been very fully debated previously and I do not want to go into it again. I have said, and say now, that if passed as printed in the Bill originally it will mean the end of the Federal system, and to act in that way is something for which this Parliament has no warrant or authority whatever and something which we could not possibly justify being done without consultation with the people. I support without hesitation an amendment which I think will sufficiently meet all that the Commonwealth Parliament has shown it needs for the post-war period, and which will be within the reasonable discretion of this Parliament without a special reference to the people, a reference which I feel cannot easily be made in a time like the present.

The PREMIER: Reverting to the point which the Leader of the Opposition raised earlier, I am not anxious for the debate to proceed without members understanding the amendments. It has been said that members find it impossible to get an adequate idea of what the amendments are and I want all to be thoroughly conversant with what is being discussed. In the circumstances I move—

That progress be reported and leave asked to sit again at a later stage of the sitting.

Hon. N. Keenan: Can we get a copy of the Bill as it left us?

The PREMIER: That will be provided if possible, together with a copy of the Council's amendments.

Motion put and passed.

MOTION—FARMERS AND PASTORALISTS' DEBTS.

As to Mortgage Interest.

Debate resumed from the 24th February on the following motion by Mr. Stubbs:—

That this House is of the opinion that the Government should introduce legislation at once to reduce during the war to not more than three per cent. interest rates on mortgage debts owing by farmers and pastoralists, whether to government instrumentalities or other financial institutions, because—

- (a) of the severe stock losses in the pastoral areas;
- (b) the compulsory reduction in wheat acreages;
- (c) the severe rationing of supplies of superphosphate and other essentials;
- (d) the insuperable difficulties regarding manpower;
- (e) the increase in all costs of production during the war which are greater than any compensating increases in prices of some products;
- (f) it is not fair nor just that interest should be charged in full when diminishing returns and higher costs make it impossible to pay it out of earnings, thus subjecting the debtors concerned to capitalisation of arrears with resultant compound interest.

MR. BOYLE (Avon) [3.32]: The motion moved by the member for Wagin is of paramount interest to the agriculturists and pastoralists of Western Australia. In effect it means that the interests concerned have been asked to take notice of existing conditions. Surely that is not a very big request to make! It really seeks endorsement by the House of a course of action which is becoming inevitable. With the reconstruction of primary producing and pastoral activities the interest bill remains sacrosanct and the motion asks for a reduction to not more than three per cent. The Minister for Lands, who I regret is not in the House, referred to the Fyfe report on the pastoral industry. In my opinion it was a monumental and excellent report, the fate of which unfortunately appears to be that of almost all reports of this particular nature.

It appears that reports of Royal Commissions and Select Committees invariably wind up in the official wastepaper basket or are placed in pigeon-holes, which, as the mem-

ber for Mt. Marshall says, is the official name for a waste-paper basket. The Minister's speech is well worth an examination. The Commission was appointed at the request of the Pastoralists' Association. It was not a voluntary action by the Government. It was the result of a request made in February, 1939, by the Pastoralists' Association, that a Royal Commission should be set up to inquire with a view to relieving the disabilities of pastoralists which were of a most deplorable and appalling nature, due largely to the unprecedented drought in those areas. According to the report there were 321 pastoralists whose indebtedness was made up as follows:—

Creditor.	No. of Accounts.	Total Amount. £	Amount per Account. £
Union Bank	26	908,000	35,000
Bank of New South Wales	33	653,000	20,000
Agricultural Bank	47	188,000	4,000
Wool firms	215	2,427,376	11,280
Total	321	4,176,376	

This was up to the 30th June, 1939, and the information is taken from Mr. Fyfe's report. The total number of stations in the North-West and goldfields districts, known as the four pastoral districts of Western Australia, is 454. Therefore 75 per cent. of those pastoralists have this colossal indebtedness to bear. This is an industry which has produced wealthy men in its time, but the position of those men today is one of utter financial hopelessness. The Minister stated that everything was being done to the capacity of the Government. I would like to know what is this capacity of the Government. I will tell the House what that capacity has been in regard to relieving these men. The Minister said that 52 persons had had £152,000 written off by private agreement—an average of £3,000. This has occurred in over two years.

I notice that in giving evidence before the Federal Rural Reconstruction Commission Mr. Adkins, Secretary of the Pastoralists' Association, mentioned that the stock firms had met the pastoralists well, but that the banks had refused to take any action whatever in reducing the indebtedness or, as he put it, "were adamant in their refusal to take steps to relieve the position." So we have history repeating itself. When the Federal adjustment of farmers' debts took place we found that the unsecured creditor and the second mortgagee, whose debt had been made unsecured, were the people who received

these poor returns and the secured banking mortgagee, and financial institutions were left entirely out of the picture. The Government again is evidently refusing to accept Mr. Fyfe's report, which I shall deal with more extensively in a few minutes, by setting up, as the Minister said, a private committee and dealing, in two years, with a total reduction of £152,000 out of the £4,000,000 odd of indebtedness. Yet the secretary of the Pastoralists' Association came before the Rural Reconstruction Commission a few days ago and told the story that we have heard times out of number in this House, namely, that the secured creditor in Western Australia, under the present Government, is someone who must not be touched.

We have this mountain labouring and bringing forth a mouse of that size. The sum of £152,000 written off a total indebtedness of over £4,000,000 represents under four per cent. of the full amount owing which is to an extent made up of interest compounded, and it is written off only in the case of 16 per cent. of the pastoralists. Of the debt 96 per cent. still remains, and 84 per cent. of the pastoralists have not been relieved. That is the song of progress and the great achievement effected by the Government in giving consideration to Mr. Fyfe's report. The Royal Commissioner, in his recommendations, practically laid down the lines that the Country Party had put forward in various appeals before this House. I am not saying that Mr. Fyfe looked to us for guidance, but the Royal Commissioner evidently came to the same conclusion that we had arrived at in the years past. His recommendations are practically on all fours with those that we put before this House and which were rejected by the Government.

The Minister said that the Commonwealth would not find the money. That had nothing to do with the crux of the report. The Royal Commissioner recommended a review and suspension of the debts which would not involve any money at all. He recommended an immediate review of the pastoralists' debts with a view to suspending the surplus debt. He then said that at the end of four years the debts should be reviewed again and, if there had been any betterment in the pastoralists' affairs, some of the suspended debt could be brought back into the accounts of the pastoralists. He went on to say that at the end of eight years there should be a final review and that any surplus debt beyond the

capacity of the stations to carry should be written off. Now, that is plain English, but there has been no attempt on the part of the Government to give effect to Mr. Fyfe's report except, as the Minister for Lands said, to set up a committee which dealt with the whole four per cent. of the accrued debt and which has given no effect whatever to a valuation of the assets of the squatter; nor has it indicated in any way a writing-off of the surplus debt.

We had confirmation of our worst fears when Mr. Adkins, Secretary of the Pastoralists' Association, gave evidence a few days ago and said that the Associated Banks, to whom the pastoralists are alleged to owe over £2,000,000, are entirely left out of it and that the stock firms, which have stood behind the pastoralists from the inception of their properties are asked to do the writing down. The writing down to three per cent. of the interest has been referred to by some members of this House—one in particular—as being written off for some people and on to others. I prefer to deal with that phase later. But in Western Australia the farmers and pastoralists' debts would aggregate £35,000,000 with an annual interest bill of £1,750,000. At three per cent. this would be reduced by £750,000 per annum. If the financial institutions were not so purblind that they cannot see, they would know that they are asking their particular donkeys to carry a load that will ultimately break down the debtor, and that the relief of interest payments must ultimately resolve itself into a better security for the mortgagee and a much better proposition for the financial houses.

I referred to the small amount of notice taken of Royal Commissions. I am not speaking without my book in that regard. In 1931 we had what was known as the Dickson Commission inquiring into farmers' disabilities. The reports were excellent. They were shelved into that pigeon hole referred to by the member for Mt. Marshall. We had the Federal Royal Commission on wheat in 1935. That Commission issued a magnificent report which has since practically gone into the limbo of forgotten things. One of the Commissioners at that time, Professor Wadham, is with the Rural Reconstruction Commission going through Western Australia today. He, with his co-commissioners, prior to 1935, had spent 18 months investigating the position. I hope

his work will be of more value now than it was then. Professor Wadham is an outstanding man. We had the State Royal Commission on the pastoralist industry in 1940. Then there was the Agricultural Bank Royal Commission which evolved that masterpiece known as the Agricultural Bank Act, 1934.

To date we have had very little indeed as a result of the Royal Commission which dealt with the pastoral industry. The member for West Perth remarked that Western Australia had no constitutional right to decrease the rate of interest or to fix a maximum rate below that already set out in the applicable National Security Regulation, which fixed that rate at 5 per cent. On the 23rd February I sent a telegram to the Federal Treasurer, Mr. Chifley, inquiring if that was the real position, and Mr. Chifley immediately replied—

Your telegram re interest rates received. Matter now being examined and will advise you further.

That reply was received six or seven weeks ago. If Mr. Chifley had been quite sure that the State Parliament had no constitutional authority to reduce the interest rate, I do not think he would have hesitated to say so. As I have received nothing further from him, I conclude that this State has that right.

Mr. McLarty: I think you should have sent Mr. Chifley another telegram reminding him about the matter.

Mr. BOYLE: I do not think I should hurry any Commonwealth Minister, and seven weeks is not too short a period to enable any such Minister to make up his mind on a point, even though it involves State and Commonwealth rights. Evidently the Commonwealth Treasurer could not reply to me setting out the actual position. I hope the member for West Perth is wrong in his view regarding that matter. Then again the member for Murchison when discussing this motion delivered a little lecture to Country Party members. He intimated that he would oppose the motion and said—

While I would have no hesitation in breaking the contract between the primary producer and the financial institutions commonly referred to as banks, I would hesitate to do so when it affects the private individual and the Agricultural Bank, which has no power such as the banks have to create credit.

That is an extraordinary statement by the member for Murchison. In a way it does not lack consistency because that hon. mem-

ber voted in support of the Agricultural Bank Act, which in Section 47 compels the Commissioners to compound the rate of interest against the bank's clients. That is to say, they are required to charge interest upon interest. Consequently, today the agriculturists and pastoralists of this State are not paying simple interest over a given period, but interest upon interest. Therefore there is a certain element of consistency in the member for Murchison's remarks. He also said—

Taking it by and large, the primary producers have had a very bad deal. I do not absolve their Parliamentary representatives in that regard. They complained bitterly about the progress of the industrialist, but the industrialist is not led in the same way as the primary producer in Parliament. When we have a principle we fight for it. The industrialist, too, will displace his Parliamentary representative if he refuses to give effect to his wishes.

Times out of number the member for Murchison has voted against proposals submitted by Country Party representatives in this Chamber with the object of relieving the farmer of his burdens. That hon. member has consistently voted against amendments of the Agricultural Bank Act and of the Rural Relief Fund Act which had a similar object in view. Therefore his refusal to agree now to a reduction of the interest rate to 3 per cent., as suggested in the motion, may amount to a consistency that he did not contemplate but which I consider is in keeping with his earlier attitude. That makes one think, when one remembers how the member for Murchison has risen in his place from time to time to deal with the question of monetary reform, that charity should begin at home, which is right here. The suggestion that there should be a reduction in interest charges is well backed up from various sources, and I shall read a few quotations. Dealing first with the Federal Royal Commission on wheat, the report of that body on page 265 sets out, in Item 617—

The broad lines of the future wheat policy for the Commonwealth should embrace the following:— . . . (b) A general review of all items in the cost of production including debts and interest, with a view to ascertaining the extent of relief which the industry may expect from such sources.

Again on page 231, in Item 638, the report states—

Apart from labour, the interest on borrowed capital is the largest single item in the costs of the average wheatgrower.

In Item 639 it is stated—

It is estimated that the total debt of the wheatgrowers of Australia amounts to about £151,000,000; that is an annual interest bill of £7,500,000.

So far as we are concerned, I cannot see anything in arguments advanced against the reduction of interest rates as proposed in the motion, and I can support the motion with consistency seeing that it urges the Government to introduce legislation at once to reduce during the war to not more than 3 per cent. the interest rates on mortgage debts owing by farmers and pastoralists, whether to Government instrumentalities or to other financial institutions. As the Commonwealth Royal Commission on wheat has pointed out, next to the cost of labour the interest burden is the highest single item in the farmers' budget. As to the pastoralists, their position regarding interest becomes impossible. Therefore I support the motion.

On motion by Mr. McLarty, debate adjourned.

NORTH FREMANTLE PROPERTIES AND WHEAT STORAGE SELECT COMMITTEE.

To Give Effect to Recommendation.

MR. TONKIN (North-East Fremantle)
[3.53]: I move—

That in the opinion of this House the Government should give effect to the recommendation contained in the report of the Select Committee on the operations of the Australian Wheat Board at North Fremantle.

During the course of the inquiry by the Select Committee it was deemed probable that certain Commonwealth Ministers would not permit their officials to give evidence. In fact the Minister for Commerce, Hon. W. J. Scully, indicated that he would not agree to that course, and, owing to the delay, it appeared that we would not secure any evidence from representatives of the Defence Department. The Committee asked Parliament for one extension of time, which was granted. When that extended period had almost expired, we had still had no witness before us from the Defence Department and it was concluded that permission would not be granted for any witness to appear. In the circumstances the Committee presented its report to Parliament without having had any evidence from the Defence Department. Within a few days of the presentation of that report, I received a communica-

tion from the Defence Department dealing with certain questions in which the Committee had been interested. In the circumstances I felt that I should take this opportunity in Parliament to place this communication on record because it has a very distinct bearing on certain aspects of the inquiry. The letter is dated Melbourne, the 10th March, 1943, and is from the Secretary of the Department of Defence. It reads—

Adverting to your letter of the 29th January, 1943, requesting that an officer of the Army or the Navy in Western Australia be authorised to give evidence before the Select Committee of which you are the Chairman, in regard to the demolition of a chimney stack at South Fremantle and the subsequent permission for the erection of a wheat hospital, I am directed to inform you that the Department of the Army has now intimated that a report received from Headquarters, Western Australian Lines of Communication Area, discloses the following information:—

- (a) The smoke stack in question was part of old and disused abattoirs in South Fremantle; the lessees being the Swan Portland Cement, Ltd., and the lessors the State Government. The building had been abandoned and disused for approximately the last twenty years.
- (b) The buildings provided a prominent landmark in the southern area of Fremantle, and, as it was considered they afforded a useful aiming mark for the enemy, the then G.O.C. Western Command, in March, 1942, ordered their demolition.
- (c) In regard to the wheat hospital, this was erected not at South Fremantle but at North Fremantle, some miles from the other site.
- (d) No trace can be found in Headquarters, Western Australian Lines of Communication, of any written application ever having been received from the Australian Wheat Board for the erection of the wheat hospital, or of any written approval ever having been given by that H.Q.
- (e) The Commander, Fixed Defences, W.A., can remember the matter being under discussion about January, 1942, but he did not recommend approval being granted for the erection of the silos. He was unaware that any such approval was ever subsequently given.

The Department of the Army advises that in the circumstances it is not considered that the evidence of an officer at the Select Committee would serve any useful purpose, but states that if your committee still desires the attendance of an officer, Headquarters, Western Australian Lines of Communication Area will make an officer available for that purpose on receipt of a request from you.

Following on the receipt of that letter, I got in touch with the Western Australian Lines of Communication Area and asked for an opportunity to discuss the question. The opportunity was afforded me and I took advantage of it, and had a discussion with a certain major. He told me that there was no file in the department dealing with the question, and he was unable to say whether permission had or had not been granted for the erection of the wheat hospital silo. When I told him that seemed to be astonishing, he replied, "I cannot help it; that is the position." He would have been disposed to deny that permission had been granted had not he been told that there were in existence plans for the erection of the silo bearing the approval of the Army authorities. The Secretary of the Australian Wheat Board had informed him of that, and because of that knowledge, he could not say that approval had not been given, but he admitted that, had it not been for that fact, he would have been inclined to say that permission had never been given.

The astonishing thing is that at the very time the erection of this wheat hospital silo was taking place, the compulsory demolition of the chimney stack at South Fremantle was also taking place, and for that demolition the Army now has to pay compensation. According to the Defence Department's letter, the reason why the compulsory demolition of the chimney was ordered was that it afforded a useful aiming mark for the enemy. In the very month in which this chimney stack, because it afforded a useful aiming mark for the enemy, was being compulsorily demolished, the wheat hospital silo, which would be many times the size of the chimney stack, was being erected in a far more vulnerable area. As I have pointed out, the military authorities here are not in a position to say definitely whether they did or did not give permission for the erection of that structure.

We cannot do anything about it, but it does not reflect very much credit on the organisation here, nor does it give us many grounds for confidence when we find business being conducted in that way. I wish to make it clear that the present G.O.C. was not in command of the Western Australian Lines of Communication Area at the time; nevertheless the fact remains that at exactly the same time as the authorisation was given for the building of the wheat hospital silo, the

compulsory demolition of a chimney stack at South Fremantle, in a far less vulnerable area, was taking place, and the military authorities are unable to say whether or not they gave permission for the wheat silo to be erected.

Having regard to the fact that, if a civilian wishes to erect a dwelling house, he must first of all submit plans to the military in case the building might be of such a height as to obstruct military operations, and considering that headquarters did not know whether or not permission had been granted for the erection of a large structure like the wheat hospital silo, we are impelled to ask ourselves, what condition of affairs exists at military headquarters? To me it was most astonishing and I felt that Parliament, which had authorised the inquiry to be made, should know what the circumstances were. The report of the Select Committee is self-explanatory. One recommendation has been made. We recommended that the State Government should make representations to the Commonwealth Government to give the Australian Wheat Board the power, which it says it lacks, to purchase the land at North Fremantle on which are erected the homes whose occupants are suffering from disability owing to the existence of the wheat bins. Accordingly I move the motion.

MR. WATTS (Katanning): In seconding the motion, I consider that the recommendation of the Select Committee should definitely be adopted by this House. As the member for North-East Fremantle has stated, there has been disclosed a most extraordinary position, one that should not be allowed to pass unnoticed by the Government as guardian of the rights of the citizens of this State. The Select Committee's report discloses confirmation of the view expressed by the hon. member when he asked this Chamber to authorise the investigation. It has been established to the Select Committee's satisfaction, as shown by its report, that inconvenience has been suffered by persons residing in the locality. The report states—

Although the area has been gradually passing from residential to industrial it is abundantly clear that the establishment of the bulk storage depots, and the loading operations connected therewith, have brought about a more rapid deterioration of property and have considerably hastened the transition.

The statements of the member for North-East Fremantle in moving for the appoint-

ment of the Select Committee seem to have been substantially proved, at least to the Select Committee's satisfaction. That committee consisted of members to whose opinions this House should pay considerable regard.

The next point of importance raised is that of the acquisition of the site by the Australian Wheat Board. It is doubtless true that the Australian Wheat Board has no power to make that acquisition. It is equally true that if the Commonwealth has power to institute the board and give it authority to handle wheat, the Commonwealth itself has the power to acquire this property for that purpose, because it has power to acquire on just terms property for any purpose in respect of which it is entitled to make laws. I know of no constitutional or other legal objection to its making laws in regard to this matter. Therefore I know of no objection to its acquiring the property in question.

The Premier: On just terms.

Mr. WATTS: On just terms, of course. I say quite frankly that the Commonwealth Government, before proceeding in the manner it did, should have given attention to the matters that have occupied our Select Committee. The Commonwealth Government should have made sure that the surrounding property and the land upon which it erected the wheat hospital were both properly vested in the Commonwealth Government, as provided by the Constitution—namely, on just terms. It is quite clear from the Select Committee's report that neither of those things has received adequate attention from the Commonwealth Government. As regards the very lands upon which the wheat buildings were erected, it is not clear what arrangements the Commonwealth Government made for a title to any of them. The Commonwealth Government has certainly paid little attention, if any, to the requirements of those residing in the vicinity. In this matter the Commonwealth Government seems, as in a great many matters; to be completely unable to carry out most important transactions in a reasonable and rational manner. Without going into that aspect of the question any further, I am going to say that I commend the Select Committee for the work it has done. I am quite certain that it has established a case showing that Commonwealth behaviour in this matter has not been all that it should be, and that the State Government is war-

ranted in making the strongest approach to the Commonwealth Government in the terms of the Select Committee's recommendations.

THE MINISTER FOR WORKS: The Government has no objection to the motion. Question put and passed.

BILL—COAL MINE WORKERS (PENSIONS).

Council's Amendments—In Committee.

Resumed from an earlier stage of the sitting. Mr. Marshall in the Chair; the Minister for Labour in charge of the Bill.

The CHAIRMAN: The question before the Committee is the Council's amendment No. 1, reading—

No. 1. Clause 2 (1).—Definition of "mine worker."—Insert after the word "who" in the first line of paragraph (a) the words "at any time since the thirty-first day of December, one thousand nine hundred and thirty-seven, has been or."

The MINISTER FOR LABOUR: The amendment really aims to include paragraph (b) of the definition in paragraph (a), with the object of avoiding the necessity for having paragraph (b) in the definition. In principle there would be no objection to this amendment, except for the fact that the amendment is really tied up with the next one, which aims to alter the definition of "mine worker" in such a way as to make it apply only to underground workers. The Government being anxious to retain that definition as it was in our Bill, applying to all workers, whether underground or on the surface, I move—

That the amendment be not agreed to.

Mr. SEWARD: I understood the Minister to say that he opposed this amendment on the ground that the idea is to limit the scope of the measure to underground workers.

The Minister for Labour: No! Not this amendment; the next one.

Question put and passed; the Council's amendment not agreed to.

No. 2. Clause 2, (1).—Definition of "mine worker." Delete the words and parentheses "(whether underground or above ground)" in "or about" in lines 33 and 34, page 2, and substitute the words "underground in."

The MINISTER FOR LABOUR: This is the amendment which aims to limit the application of the proposed scheme to underground workers alone. The definition of "mine worker" in our Bill was sufficiently

wide to cover all miners, irrespective whether they were digging coal underground or handling coal on the surface. The Council's amendment would exclude from the scheme all surface workers at any of the coalmines of Collie, a condition which in my opinion would make the scheme absolutely unacceptable. It is most difficult to imagine a group of workmen such as the Collie miners accepting a scheme for retirement, and for pensions following retirement, for only portion of the workers in the industry. If a scheme of that kind were to be accepted, it would amount to desertion by a section of the miners of the other section; and that, of course, cannot be contemplated for a single moment.

The workers on the surface in the Collie mines are just as essential for the working of the industry as are the underground workers, who could not function unless the surface workers did the necessary work on the surface. This is an attempt to divide the workers into two camps and to exclude one section from the scheme. It is unreasonable and, if it succeeds, will destroy the whole scheme for everyone concerned, even the underground workers. Western Australia would, therefore, in that case be the only State of the Commonwealth to deny its coalminers a pensions scheme. Members know that in New South Wales, Queensland and Victoria pensions schemes similar to that which we propose have been established and are in operation. In each of those three States no attempt was made to confine the benefits of the scheme to only a section of the workers. The amendment is an attempt to discriminate unfairly between the workers in the industry and therefore it cannot meet with the approval of the Government. I move—

That the amendment be not agreed to.

Mr. WATTS: I have no particular desire that the amendment should be agreed to, but I think I understand what is underlying it, because I have much the same opinion myself. Personally, I look upon the underground workers in a far different way from that in which I look upon the men who work above ground. Upon reading the reports in the Press of the debates on this Bill in another place, I formed the opinion that that Chamber was prepared to make a start by granting a pensions scheme to the men who work below ground. That is my line

of reasoning; we should provide pensions for the workers most deserving of them. The underground workers have a most unpleasant occupation, one which is liable to reduce their good health to poor health. They, therefore, are worthy of sympathy and consideration. The proposition to include all the workers in the industry within the scheme is a fairly big one, but it would be reduced if the Council's amendment were agreed to. I presume the Minister's attitude in asking us to disagree with the amendment is that he will later on perhaps have an opportunity to rescue the Bill from the wastepaper basket. I prefer that we should establish the principle, if it is a desirable principle, that a pensions scheme should be introduced, but on a contributory basis, the men bearing the greater burden to be the first to receive the benefits of the scheme. We should be satisfied to make such a start.

Mr. SEWARD: I hope the amendment will not be agreed to, because it discriminates between the workers engaged in the coalmining industry by making provision for underground workers and for certain only of the men who work above ground. For instance, a person engaged in clerical work in connection with a coalmine is excluded from the benefits of the Bill. I take it that the measure is designed to give recompense to those men who are working under conditions which may prejudice their health. What difference is there between a man engaged in transporting coal on the surface from one place to another and a young man working in the office? Both are working above ground and both are breathing purer air than are the man working underground. Yet a distinction is made between the man engaged in transport and the young fellow working in the office. In my opinion, that is unfair. A superintendent, manager or under-manager is also not to be permitted to receive the benefits of the scheme, while an elected officer of an industrial or trade union is. As was pointed out by the Leader of the Opposition and by those who sponsored the amendment in the Upper House, it would be better if the measure were confined to the men working underground.

Mr. WARNER: I agree with the argument put forward by the Minister. I see no need for the amendment, nor do I think it will be of any advantage to the industry.

In my opinion, the scheme could not function properly if the workers in the industry were split into factions. This amendment may be the thin end of the wedge to prevent the passage of the Bill. It should be a case of one in, all in.

The MINISTER FOR LABOUR: There is another point I wish to put before the Committee at this stage, and it is important. Very many of the surface workers at Collie today were for years underground workers. It was because of the effect upon their health through working underground for many years that the companies provided them with employment on the surface. If the amendment is accepted, those men will be excluded from the benefits of the scheme. This point is another solid reason why the Committee should not agree to the amendment.

Mr. WILSON: I point out that most of the men working on the surface at the coalmines in Collie are men who have worked below for many years. I will give members particulars. A man named Parker worked for 13 years underground and, on account of ill-health, was transferred to work on the surface. Another worker named Walker worked 20 years underground; he, too, is now working on the surface owing to ill-health. Other men have worked 15 years, 20 years and 22 years underground and most of them, as a result, are suffering from ill-health. Some have had accidents underground. One man lost a foot. Still another had his leg poisoned. Surely, these people are entitled to some compensation. The trouble is that members of Parliament have not been to Collie and are not aware of the actual conditions under which these men work underground, in trousers, with flannel off. I suggest that members of this Committee go to Collie and see what the men do for their living and interview some of the old men there. They might then show less antagonism to the Bill. There are seven men below to every one man on top. In one place there are 700 men below and 100 on top, and to differentiate between them seems to me to seek to drive a wedge to split the men. Collie has been standing well for the last two years. To agree to this amendment will create trouble.

Question put and passed; the Council's amendment not agreed to.

No. 3. Clause 2 (1)—Delete paragraph (b) of the definition.

The MINISTER FOR LABOUR: Having defeated amendment No. 1, we desire to retain paragraph (b) in the definition of "mine worker," which provides that a person who was at any time after the 31st December, 1937, engaged as a mine worker in the coal industry shall come within the definition of "mine worker." I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 4. Clause 2 (1). Definition of "mine worker"—Delete the words "or about" in line 7, page 3.

The MINISTER FOR LABOUR: This is consequential to amendment No. 2 which aimed to make the definition of "mine worker" applicable only to underground workers. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 5. Clause 2 (1). Definition of "mine worker"—Delete paragraph (d) on page 3.

The MINISTER FOR LABOUR: This paragraph refers to a person who is employed by the owner of a coal mine in this State, and who in the course of such employment is principally engaged in the transport of coal from the mine to the point of delivery by the owner; and for the purpose of the paragraph "point of delivery" means the place at which coal is delivered by the owner of the mine to a railway for transportation. Under existing conditions at Collie the distance of delivery from the mines to the railway is very short, and those men engaged upon the transport of coal from the mines to the railway are very much an essential part of the industry. They are covered by the appropriate award for mine workers, and this attempt by the Legislative Council to remove them from the definition of "mine worker" is one that should be resisted. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 6. Clause 2 (1): Definition of "mine worker"—Add after the word "definition" in line 36, page 3 the following words "and who has actually worked in a coal mine in Western

Australia for periods aggregating in all not less than five years."

The MINISTER FOR LABOUR: This deals with "an elected official of an industrial or trade union of employees or of an association of employees, etc." The Legislative Council agrees to the inclusion of such an official in the definition of "mine worker" but proposes that certain words be added. Under the amendment, if an elected official of a trade union concerned in the industry had not worked in a coal mine in this State for periods aggregating five years or more he would not be eligible to come under the scheme. I cannot imagine that there would be any elected official who would not meet this special additional qualification, but we should leave it to the coal miners themselves to use their own good judgment in the election by ballot of their own officials. That is the safeguard we have. We can rely on them to elect a practical miner with the necessary experience. If they elected someone who could not meet this special qualification we can be sure the official would be elected because of other special qualifications he possessed. We ought in this matter to rely on the sound judgment and commonsense of the miners to elect their own union official irrespective of how long he might have worked in a coal mine in this State, in any other State or in any other country. That is really a domestic matter for the members of the union themselves. The elected official works for the union, which is responsible for paying him and keeping him in his position or dismissing him if circumstances warrant dismissal. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 7. Clause 2 (2) (b)—Delete the words and parentheses "(whether underground or above ground) in or about" in lines 36 and 37, page 4, and substitute the words "underground in."

The MINISTER FOR LABOUR: This is one of the consequential amendments related to amendment No. 2. It seeks to limit the application of Subclause (2) of Clause 2 to men who have worked underground instead of allowing the subclause to apply to all workers in the industry. We have already rejected two similar amendments. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 8. Clause 2, (2), (c)—Delete the words "a person" in line 11, page 5.

The MINISTER FOR LABOUR: The object of this amendment is to improve the drafting. I move—

That the amendment be agreed to.

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

No. 9. Clause 2, (2), (c)—Delete the words and parentheses "(whether underground or above ground) in or about" in lines 15 and 16, page 5, and substitute the words "underground in."

The MINISTER FOR LABOUR: This is a consequential amendment relating to the restriction of the definition of "mine worker" to underground workers. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 10. Clause 2—Delete Subclause (4) on pages 5 and 6.

The MINISTER FOR LABOUR: This has relationship to the special exclusions from the definition of "mine worker" which are to be found earlier in Clause 2. In paragraph (g) of Clause 2, in the proviso certain classes of workers are specially excluded from the definition of "mine worker." Amendment No. 10 deals with Subclause (4) of Clause 2. Subclause (4) gives the Governor power by proclamation to extend the definition of the term "mine worker" for the purpose of including any one of the prohibited classes in the proviso to which I have previously referred. Briefly, the Government is anxious in the establishment of this scheme that only the essential classes of workers shall be covered. That is why certain other classes, not so essential, have been specifically excluded. But we want the power to include these prohibited classes when the scheme is well established and financially sound. This might meet the objection raised by the member for Pingelly when the Bill was before the House at the second reading stage, and again when it was being dealt with in Committee. He also raised the same objection this afternoon. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 11. Clause 3, (1)—Delete the words "or about" in line 18, page 6.

No. 12. Clause 3, (2)—Delete the words "or about" in line 26, page 6.

On motions by the Minister for Labour, the foregoing amendments were not agreed to.

No. 13. Clause 3, (4)—Delete all words after the word "official" in line 34, page 6, down to and including the date "1912-1941" in line 38, and substitute the words "as set out in paragraph (g) of the definition of 'mine worker' in Section 2."

The MINISTER FOR LABOUR: I propose to agree to this amendment. The Legislative Council has improved the drafting of Subclause (4) of Clause 3. I move—

That the amendment be agreed to.

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

No. 14. Clause 3, (4)—Delete the words "or about" in line 40, page 6.

No. 15. Clause 3, (5)—Delete the words "or about" in line 4, page 7.

On motions by the Minister for Labour, the foregoing amendments were not agreed to.

No. 16. Clause 5, (1)—Add at the end of Subclause (1) after the word "mine worker" in line 42, page 8, the following words—"except as provided in Subsection (2) of this section."

The MINISTER FOR LABOUR: Clause 5 provides for compulsory retirement and the payment of pensions on compulsory retirement. The amendments of the Legislative Council, Nos. 16 to 25 inclusive, seek to wipe out the compulsory retirement provisions of the Bill. The Council proposes that retirement from the industry shall not be compulsory. If these amendments are accepted a man could remain in the industry after reaching 60 years of age for as long as the tribunal was satisfied that his health and physical condition were such as to enable him to carry on. Members will realise that when the basis of a pensions scheme is shifted from a compulsory to a voluntary one, many complications and difficulties are introduced, and they mitigate against the successful management of the scheme and cause headaches for those responsible.

Under a compulsory retirement scheme, the management committee or tribunal knows just how it stands. It has all the information available as to when men are reaching retiring age, how many men will retire each

year and so on. It can estimate its revenue requirements fairly accurately and knows, with reasonable accuracy, what its expenditure will be. If the basis is changed from a compulsory to a voluntary one the management committee will never know where it is. It will never know when men are to retire, or are going to retire and the probability is that there will be periods when the income will not be sufficient to meet the expenditure. It is quite conceivable that in one year the management committee will be faced with a large number of retirements, and in another year with a light number. So, from year to year the members of the tribunal will be the greatest consumers of Aspros in the State, because they will have a headache a minute trying to estimate their required revenue and expenditure. It seems to me that the Legislative Council's amendments, Nos. 16 to 25 inclusive are such as cannot possibly be accepted. They would upset the whole basis of the scheme; and, in addition to creating the difficulties I have already outlined, would bring about a considerable number of complications. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 17. Clause 5, (2), (a)—Delete the words "shall be retired" in line 4, page 9, and substitute the words "may retire".

No. 18. Clause 5 (2), (a)—Delete the word "shall" appearing before the word "vacate" in line 4, page 9.

No. 19. Clause 5, (2), (b)—Delete the words "shall be retired" in line 10, page 9, and substitute the words "may retire."

No. 20. Clause 5, (2), (b)—Delete the word "shall" appearing before the word "vacate" in line 10, page 9.

No. 21. Clause 5, (2)—Delete the words "shall be retired" in line 16, page 9, and substitute the words "may retire".

No. 22. Clause 5, (2)—Delete the word "shall" appearing before the word "vacate" in line 16, page 9.

No. 23. Clause 5, (2)—Delete paragraph (c), page 9.

No. 24. Clause 5—Delete Subclause (5), page 10.

No. 25. Clause 5—Insert a new subclause after Subclause (5) to stand as Subclause (6), as follows:—

(6) Notwithstanding any other provision of this Act, any mine worker who has attained

or shall attain the age of sixty years may accept employment as a mine worker or continue in employment as a mine worker during the period of the continuance of the present war and for a period of three months thereafter, and it shall be lawful for any person to take into or retain in his employment as a mine worker during the periods aforesaid any mine worker who has attained or shall attain the age of sixty years.

No. 26. Clause 5—Insert a further new subclause after new Subclause (6) to stand as Subclause (7), as follows:—

(7) Provided that if in the opinion of a tribunal a mine worker of or above the age of sixty years is unable to continue his employment by reason of his physical disabilities or if, in the opinion of the tribunal the employment of such mine worker would be detrimental to the safety of his fellow mine workers, such mine worker shall be retired by the tribunal.

On motions by the Minister for Labour, the foregoing amendments were not agreed to.

No. 27. Clause 6, (1), (a)—Delete the words "or about" in line 44, page 10.

The MINISTER FOR LABOUR: This amendment is consequential on an earlier amendment already defeated, and has application to the definition of "mine worker." This seeks to restrict the definition to the men who work underground. As we have already defeated a similar amendment, I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 28. Clause 6, (1), (a)—Delete the word "three" in line 45, page 10, and substitute the word "five."

The MINISTER FOR LABOUR: This amendment deals with the clause which provides that the pension may be paid under certain conditions to certain classes of men consequent upon their having been regularly employed in the coalmining industry. One of the restrictions is that the man must have actually worked in a coal mine in Western Australia for not less than 300 days during a period of five years. The Legislative Council proposes to substitute 500 days for 300 days. That appears to make the restriction somewhat harsh and I move—

That the amendment be not agreed to.

Mr. WATTS: The Minister remarked that the Council's amendment would make the condition somewhat harsh. Why should 200

days additional employment make the condition harsh?

The Minister for Labour: Because it represents 200 days more than 300 days.

Mr. WATTS: That is not a satisfactory answer.

Mr. McDONALD: That is a rather poor and impertinent reply by the Minister. We are proceeding at a fast rate with the consideration of the Council's amendments to a rather important Bill. I have every sympathy with the coalminers who are working in a very unpleasant occupation, and I would like them to get what they possibly can. The Bill should be based on decent principles and, as far as I can see, any man can go along and, by working for two months in every twelve over a period of five years, acquire pension rights.

Mr. Wilson: He would not be allowed to work in the mine.

Mr. Seward: Then why put such a provision in the Bill?

Mr. McDONALD: We should not load the pensions scheme to the detriment of the miners themselves and the pension they may receive, by allowing all sorts of people to get in and participate. The provision for 500 days of work in a period of five years is very reasonable and lenient, and there is justification for that provision compared with that which appears in the Bill. I cannot see that its effect is self-evident, as the Minister suggested.

Mr. WILSON: I can give instances of what has happened. Five years ago a man met with a serious accident in the mine and for two years was unable to do any work. During the next three years he was only able to work spasmodically. His pension rights should be preserved. This phase has been gone into thoroughly in New South Wales, Queensland and Victoria, where direct evidence is procurable regarding such instances. We could easily unwittingly do an injury to the worker. In the circumstances, the provision for 300 days is fair.

Mr. McDONALD: I thank the member for Collie for his explanation, which makes the position considerably clearer to the Committee. I am certainly indebted to him for having the advantage of that explanation.

The MINISTER FOR LABOUR: I did not regard the Leader of the Opposition's query as altogether serious.

Mr. Watts: It was very serious.

The MINISTER FOR LABOUR: I am sorry. The hon. member merely asked the question and sat down.

Mr. Watts: I gave you an opportunity to answer the question in an intelligible manner.

The MINISTER FOR LABOUR: Yes, but I did not think the hon. member was serious. It must be obvious that if we increase the obligation to work from 300 days to 500 days, we make the qualification almost twice as difficult to fulfil. It is a substantial period increase.

Mr. Seward: Over five years?

The MINISTER FOR LABOUR: I think that makes it pretty clear why the Council's amendment is on the harsh side. It might easily rule out many men who would have a reasonable claim to consideration.

Mr. WATTS: I held a view similar to that expressed by the member for West Perth, and I still retain it. The proposal in the Bill whereby a man is required actually to work in the industry for not less than 300 days in five years gives him an opportunity to work 60 days, or two months, in each year over a five-year period, and then he becomes qualified for a pension. In the next succeeding subparagraph is a provision referring to a worker having been engaged in the industry for not less than 20 years in all. Comparing the two positions, the provision regarding the latter might appear to be harsh. We should provide for a reasonably lengthy engagement in the industry as justification for qualification for pension rights.

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

Ayes	..	..	..	..	21
Noes	..	..	..	..	13

Majority for 8

AYES.

Mr. Berry	Mr. Needham
Mr. Ooiller	Mr. Nulsen
Mr. Coverley	Mr. Pantou
Mr. Oross	Mr. J. H. Smith
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Warner
Mr. Johnson	Mr. Willcock
Mr. Kelly	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Millington	

(Teller.)

NOES.

Mr. Boyle	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Doney
Mr. North	

(Teller.)

Question thus passed; the Council's amendment not agreed to.

No. 29. Clause 6 (1) (b)—Delete the words "or about" in line 13, page 11.

The MINISTER FOR LABOUR: This is another consequential amendment. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 30. Clause 6—Insert a proviso after paragraph (b) of Subclause (1) as follows:—"Provided that a mine worker who because of ill-health certified to by medical certificate was unable to work sixty days on his last year of employment but who has fulfilled all other obligations under this Act shall not be debarred from receiving a pension under this section."

The MINISTER FOR LABOUR: This amendment aims at allowing a mine worker to become eligible to receive a pension even though in his last year of employment he did not work 60 days, but he must produce a medical certificate to show that his health was such as to prevent him from working the full 60 days. I move—

That the amendment be agreed to.

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

No. 31. Clause 6—Delete Subclause (2), page 11.

The MINISTER FOR LABOUR: Subclause (2) provides that any worker who is 60 years or over when this part of the Act commences and has worked for not less than 60 days in all in the preceding 12 months shall be entitled to a pension of 30s. a week. There is a proviso that the tribunal shall not award a pension unless it is satisfied that the worker's employment during the past 12 months was bona fide, and was not brought about mainly for the purpose of obtaining a pension. The Council proposes to delete that subclause. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 32. Clause 6, (3), (a).—Delete the words "six hundred" in line 6, page 12, and substitute the words "one thousand."

The MINISTER FOR LABOUR: This class of worker, instead of having to work

600 days or more, would have to work 1,000 days or more. The same reasons may be given for disagreeing to this amendment as were given in respect of a previous amendment. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 33. Clause 8.—Delete this clause.

The MINISTER FOR LABOUR: Clause 8 deals with possible hard-luck cases and gives the tribunal discretionary power to award a pension where, in its judgment, the case is a borderline one and, if a pension were not granted, injustice would be done. The Council proposes to delete the clause. It is fair to give the tribunal some discretionary power to deal with borderline cases. I move—

That the amendment be not agreed to.

Mr. McDONALD: I am easy about the amendment, but if any clause is calculated to give the tribunal and its actuary a headache, it would be this one because its effect is quite unpredictable. There is no basis to qualify a man for obtaining a pension if it would be inequitable not to give him one, but no actuary or prophet could form an idea how many hard-luck cases there will be. This clause will bring the Bill well into the realms of conjecture.

Question put and passed; Council's amendment not agreed to.

No. 34. Clause 9.—Delete all words after the word "years" in line 31, page 14.

The MINISTER FOR LABOUR: The Council desires that an allowance shall be payable to a female over 16 years of age irrespective of whether she is caring for any child or step-child of the mine worker where the child is under 16. This amendment is favourable to the female concerned, and I therefore move—

That the amendment be agreed to.

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

No. 35. Clause 18.—Delete the word "accruing" in line 17, page 24, and substitute the word "received."

The MINISTER FOR LABOUR: I consider that the substitution of "received" for "accruing" improves the drafting of the Bill, and will probably render its administration easier. I move—

That the amendment be agreed to.

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

No. 36. Clause 19.—Delete Subclause (6) on pages 26 and 27.

The MINISTER FOR LABOUR: This is a highly important amendment. Subclause (6) provides that the companies shall not be permitted to include in the cost of coal to be sold to consumers the total of their contributions to the pensions fund. It lays down that the coalmine owners shall not pass on in the price of coal more than 50 per cent of their contributions to the fund, or more than 2d. per ton. It provides that the amounts which the companies will have to bear out of their profits in respect of their contributions to the fund shall be recovered from dividends to preference shareholders. The Council's amendment proposes wholly to delete the subclause, and therefore to allow the companies to pass on, in the price of coal to consumers, the whole of the companies' contributions to the fund.

If the amendment were accepted, the companies would pay nothing, in a real sense, to the fund. They would not help to finance it in any shape or form out of their own profits. They would pay the contributions demanded of them by the tribunal from year to year, and then would immediately pass on the whole of such payments in increased prices of coal, thus saddling the cost on the consumers. In effect this would mean that instead of the Government meeting only its share of the contributions, the Government would meet its own share and would in addition have to meet at least 90 per cent. of the companies' contributions, because the companies would in the increased price of coal pass on to the Government contributions which they would otherwise pay out of their profits. They ought to pay out of their profits something towards the scheme. They are not treated harshly, since they are permitted to recover from consumers 50 per cent. of their contributions. It would be a reasonable action on their part to support the scheme to the extent to which our Bill calls upon them.

The effect of the Council's amendment would be to let the companies get off absolutely scot free. The men could not obtain from the Industrial Arbitration Court an increase of, say, 2s. per month to reimburse them for their contributions to the fund. If the companies are responsible for sooting

the dogs on in respect of the deletion of the subclause, I hope they will soon call those dogs off, and reasonably—and graciously too, I hope—shoulder some of the real, actual contributions to the fund. I think they owe that to the men who have worked for so many years in the mines, developing the industry and making profits possible. If the Bill goes to a conference the wording of Subclause (6) of Clause 19 might be capable of drastic alteration so long as the subclause, as altered in conference, would still impose upon the companies a real liability to meet out of their pockets their share of the contributions to the pensions fund. I move—

That the amendment be not agreed to.

Mr. McDONALD: I have no concern with the companies. In fact, I have only once met the people interested. I am always concerned, however, to speak in this Chamber if I see discrimination against any company or any individual, where discrimination is not warranted. It may be that the companies should contribute something towards this fund, but I contend that this Chamber is not the tribunal to determine that. I previously pointed out that this industry stands in a particular relationship to the community. This is a case where the earnings or profits of the companies are fixed by an independent tribunal, which, after hearing both sides and considering all the facts, arrives at a determination. The last tribunal arrived at a determination which is the current determination. Mr. Justice Davidson, a judge of the Supreme Court of New South Wales, was the tribunal. After hearing the parties and going into the facts, he awarded the company a certain profit. I am aware of the reply which was given by the Minister, to the effect that, when making his last determination, Mr. Justice Davidson expressed the opinion that the dividends of the preference shareholders were too high; although, in fact, I think I said when speaking before on this measure that on the market price of the shares and what had been paid for the preference shares, the dividend worked out at a little over six per cent.

That is a fact which may or may not have been present to the mind of the judge when he made that remark. If we enter on a course of conduct or into an arrangement by which the profit or remuneration of a company or of a worker is determined by an arbitration

tribunal—and in this case I care not whether the recipient is a company, a number of shareholders, a carpenter, a worker in the goldmining industry or any other worker—if the arbitration tribunal says that the profit from his services or work shall be so much, then this Chamber should not, without knowing the facts and without hearing the parties and without having the machinery to do so, interfere with that determination. I am not concerned whether the coal companies are earning a lot of money or very little; it does not interest me in the slightest degree. I am quite agreeable that—and to my mind it would be reasonable—the Government should at the earliest opportunity, if this Bill becomes law, ask the tribunal concerned to determine whether any part and, if so, how much, of the contributions towards this pensions fund should be borne by the shareholders. I hope, if this Bill goes to a conference, some arrangement will be made, or some compromise arrived at, to embody the principle I have expressed in the Bill.

Question put and passed; the Council's amendment not agreed to.

No. 37. Clause 32 (1)—Delete the words "or any two justices" in lines 7 and 8, on page 32.

The MINISTER FOR LABOUR: This clause deals with penalties, and I see no objection to the amendment. I move—

That the amendment be agreed to.

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

No. 38. Clause 32 (2)—Delete the words "or justices" in line 9, page 32.

The MINISTER FOR LABOUR: This amendment is similar to the preceding one. I move—

That the amendment be agreed to.

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

No. 39. Clause 33—Delete all words after the word "fund" in line 15, page 32.

The MINISTER FOR LABOUR: Upon reading the clause closely, I agree that the words proposed to be struck out are superfluous. The amendment will improve the clause and perhaps save the tribunal worry as to what is actually meant by the last ten or twelve words of the clause. I move—

That the amendment be agreed to.

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

No. 40. New Clause: Insert after Clause 13 a new clause 14, as follows:—

Reduction of pensions: 14. Notwithstanding anything in this Act hereinbefore contained or implied, in any case where the receipt of a pension under this Act debars or prevents or is likely to debar or prevent a mine worker or a dependant of a mine worker from receiving or becoming eligible to receive a pension under any of the provisions of the Commonwealth Invalid and Old Age Pensions Act, 1908-1942, the tribunal shall reduce the pension payable under this Act to twelve shillings and sixpence per week, or any other appropriate amount, so that the person concerned receives or becomes eligible to receive the Commonwealth pension aforesaid.

Provided that, if at any time by virtue of legislation of the Commonwealth Parliament or otherwise the pensions payable under this Act in no way affect the right to or the amount of a pension payable under the Commonwealth Invalid and Old Age Pensions Act, 1908-1942, the tribunal shall pay to eligible persons the full rate of pension prescribed in this Act.

The MINISTER FOR LABOUR: The new clause proposes to give the tribunal power to reduce the pensions payable under this scheme. The idea is that when a retired miner becomes eligible for an old age or invalid pension, the tribunal shall have power to reduce the pension granted by the tribunal to such an extent as to make the retired miner eligible to receive in full either the old age or the invalid pension. If this clause is not included in the Bill, the legal position will be that the retired miners will be receiving such a pension from the tribunal as will render them ineligible to receive the old age or the invalid pension. Members will realise that unless this clause is agreed to, the pensions fund will carry a considerable liability which, in ordinary circumstances, would be carried by the Commonwealth Government. We have no desire by this proposed legislation to relieve the Commonwealth Government of any of its normal financial liabilities in respect of old age or invalid pensions.

We want the Commonwealth Government to remain liable to pay to retired miners either the old age or invalid pensions which they would normally be entitled to receive from the Commonwealth. In this proposed new clause, we give our tribunal power to reduce the pension from our fund to an amount sufficiently low to ensure that the retired miners will receive in full the old age or invalid pension, whichever they may be entitled to. The whole purpose of the

amendment is to keep placed on the shoulders of the Commonwealth Government full liability for old age or invalid pensions to coalminers after they are retired under this scheme. If the men are retired at 60, they will continue until they reach the age of 65 to receive a full pension from our scheme, but when they reach 65 and thus normally become eligible for an old age pension, our tribunal will reduce its pension to 12s. 6d. a week in most cases, and they will immediately become eligible to receive the full old age pension, which will bring their total pension practically to the same figure as before they reached the age of 65.

If the proposed new clause be not included, the financial burden placed upon our scheme will become so great as to lead to very serious increases in the rates of contributions by the miners and the companies. From that point of view, the pension to be received by the miners would not be worth while on the basis of the much heavier contributions they would have to pay. It is not only wise but absolutely fair that we should include in our legislation provision to ensure that the Commonwealth Government shall not be relieved of its proper responsibilities simply because we in this Parliament pass legislation to set up a pensions scheme for our miners. I move—

That the amendment be agreed to.

Mr. SEWARD: So far we have been considering this Bill as one to give pensions to the coalminers, and the contributions that have been fixed have been in order to enable the fund to pay those pensions. Now we have a proposal to insert a provision that in order to maintain a man's right to get his old age or invalid pension, and in order to relieve the fund of the necessity for finding the pension for the payment of which we are supposed to be providing, the tribunal can reduce the amount. That is extraordinary. How on earth were the amounts that have to be paid by the various contributors to the fund fixed?

The MINISTER FOR LABOUR: I am glad the member for Pingelly has raised the point. Our Bill was drafted on the basis of similar legislation passed in New South Wales and Queensland, and on the understanding that whenever our retired coalminers reached 65 years of age or became eligible to receive an invalid pension there would be no difficulty whatever in their re-

ceiving such a pension. The whole of the estimates in connection with the scheme were based upon that understanding. During the progress of the Bill through this Parliament it was discovered from Queensland and New South Wales that they were not able to arrange for their retired miners to receive any adequate payment from the Commonwealth Pensions Department in respect of either old age or invalid pensions. This meant that in those two States the whole of the financial burden was being placed on the Coal Miners' Pensions Fund, and the financial difficulties that have arisen in New South Wales and Queensland are such as to have caused representations to be made by both States to the Prime Minister for the purpose of trying to convince him that action should be taken to ensure that the Commonwealth Government pays retired coalminers the old age pension when they reach 65 years of age or the invalid pension if they are eligible to receive that, so that the Coal Miners' Pensions Fund in New South Wales and Queensland might be relieved of an unexpected burden which was not thought of at the beginning, and so that the Coal Miners' Pensions Fund in each State might be kept solvent.

I understand that in New South Wales the State Government has had to provide large sums of money to keep the fund solvent because of the Commonwealth Pensions Department taking the attitude—quite rightly, from a legal point of view—that when a coalminer was receiving the full amount of pension provided for in the fund of that State, he automatically rendered himself ineligible to receive the old age pension. So it will be under our legislation unless we insert this new clause. If a retired miner were receiving £2 a week from our fund, his income would be too great to allow him to become eligible for the old age pension. Our fund would have to go on all the time paying £2 a week to that man. The estimates contained in our Bill in regard to contributions from the companies and the miners were based on the understanding that the Commonwealth Pensions Department did pay old age and invalid pensions in full to retired coalminers under the pensions scheme, whenever those miners became eligible for them. We ascertained—and only just in time—that the position legally was different from what we had been led to believe, and as a result we have had

this new clause drafted for insertion in the Bill by the Legislative Council, together with a subsequent one. In the Legislative Council the Chief Secretary explained the case clearly. Members there were anxious to have this new clause inserted, and unanimously agreed to insert it.

Mr. SEWARD: I presume that New South Wales and Queensland are asking the Prime Minister to ensure that these men are paid the old age or invalid pension and that the rate of pension from the scheme will be reduced. If that is not done, the men there might be in a far better position than our men.

The MINISTER FOR LABOUR: The representations made to the Prime Minister by New South Wales and Queensland were along the lines suggested by the member for Pingelly, namely, that old age and invalid pensions should be paid to the men when they are entitled to them, and that their pensions from the Coal Miners' Pensions Fund should be reduced accordingly. However, the Prime Minister has refused to do as requested. Therefore the only course for New South Wales and Queensland to adopt will be to amend their respective Acts in the same way as the Legislative Council has now agreed to alter our Bill. I move—

That the amendment be agreed to.

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

No. 41. New clause: Insert after new Clause 14, a further new Clause 15, as follows:—

Increase or review of pension rates for mine workers not in receipt of or entitled to Commonwealth pensions: 15. The pension payable under Sections six or seven of this Act to any mine worker who is not in receipt of or is not entitled to receive a pension under the Commonwealth Invalid and Old Age Pensions Act, 1908-1942, shall be subject to increase or review as hereinafter provided—

- (i) if at the time any mine worker commences to receive a pension under this Act the maximum rate of pension payable under the Commonwealth Invalid and Old Age Pensions Act, 1908-1942, has been increased above twenty-seven shillings and sixpence per week by virtue of cost of living adjustment under Section twenty-four (1A) of the said Commonwealth Act, the pension payable under this Act shall be increased by the amount of the difference between twenty-seven

shillings and sixpence per week and total weekly pension then payable under the Commonwealth Act;

- (ii) the rates of pensions payable under this Act shall be subject to review by the tribunal each quarter and shall be increased (and if increased shall be liable to be decreased) by the same amounts by which the maximum rate of old age pension is increased or decreased for the same period under the provisions of Section twenty-four (1A) of the Commonwealth Invalid and Old Age Pensions Act, 1908-1942.

Adjustments under this subsection shall commence with the first review of the old age pensions made under the said Section twenty-four (1A) after the commencement of this Act.

Provided that the rates of pensions shall not in any event be reduced under the provisions of this section to less than the rates prescribed by Sections six or seven of this Act.

The MINISTER FOR LABOUR: This is another new clause dealing with exactly the same principle as the previous one. It empowers the tribunal to reduce the amount to be paid to the various retired coalminers so that they will be entitled to get the full advantage of the Commonwealth old age or invalid pension. By this means our own Coal Miners' Pensions Fund will be relieved of what would otherwise be a very heavy and almost impossible financial liability. Practically the same arguments apply to this clause as to the previous one. I move—

That the Council's amendment be agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of Mr. Wilson, Mr. Seward and the Minister for Labour, drew up reasons for not agreeing to certain of the Council's amendments.

Reasons adopted, and a message accordingly returned to the Council.

BILL—COMMONWEALTH POWERS.

Council's Amendments—In Committee.

Resumed from an earlier stage of the sitting. Mr. Marshall in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: Progress was reported on amendment No. 4 made by the Legislative Council. The question is that the amendment be not agreed to.

The MINISTER FOR LABOUR: Amendment No. 4 has been partly discussed. The objection taken to the paragraph followed somewhat along lines similar to those pursued when the Bill was dealt with in Committee in this Chamber. The alteration proposed by the Legislative Council to this paragraph indicates on the part of members there an entire lack of appreciation of post-war reconstruction requirements.

Mr. Watts: The amendment is practically the same as that agreed to in South Australia.

The MINISTER FOR LABOUR: That does not constitute any particular recommendation. The fact that some decision had been arrived at in Timbuctoo or somewhere else would not affect the merits or lack of merits of the amendment. With the Council's amendment added, the paragraph would read "employment of unemployed persons." I know of nothing more calculated to stir up the anger of the people than the suggestion that after the present war we shall have in our midst, and throughout the other States, groups of unemployed persons.

Hon. N. Keenan: How could you employ an already employed person?

The MINISTER FOR LABOUR: By changing him from one industry to another, which will be most necessary when the war ends. Thousands of men will have to be transferred from wartime work to peacetime employment.

Mr. Cross: And they will not be allowed to chop grass this time!

The MINISTER FOR LABOUR: I suggest that unless the Commonwealth has power to transfer men from one industry to another without an in-between period of unemployment, we shall not be able to control the position regarding unemployment.

Mr. McDonald: Dr. Evatt is the one who put the word into the Bill.

The MINISTER FOR LABOUR: I do not say who put it in. If we provide power for the Commonwealth only to employ unemployed persons on certain types of undertakings, we shall establish conditions at the end of the present war similar to those that obtained from 1930 to 1932 and, to a lesser degree, in subsequent years. I imagine the Commonwealth Government, in co-operation with the State Governments, proposes to prevent unemployment after the war. It does not intend merely to alleviate it by providing part-time work here and there for those

who have been unemployed for so long that they have used up their savings. If we were to allow such a situation to develop, we would be committed to the granting of doles and such like assistance, as we were during the depression. If we give to the Commonwealth merely the power to provide relief employment to people, should the Governments of Australia have allowed them to become unemployed, we shall be in for a frightful time after the present war ceases. I would not like to be a Minister in any Government, State or Commonwealth, if that position should arise.

We must realise that unemployment breeds unemployment. Once we have a certain proportion of the people unemployed, we automatically create more unemployment. The purchasing power of that section declines and as a result other workers find the necessity for their employment disappearing. So the whole position develops in a mad uncontrollable way, such as it did during the last depression. It is the sacred duty of every Parliament, Commonwealth and State, to ensure that the Commonwealth possesses abundant power to deal with this matter scientifically, and so prevent it becoming a problem. Once the unemployment difficulty becomes a problem there is no holding it, and we shall be able to deal with the situation only in the same unsatisfactory degrading way as we did previously. Those of us who were closely in touch with conditions during the last depression have no wish to see the position regarding doles and part-time employment re-enacted in Australia or in any other part of the world.

I would be prepared to give the Commonwealth Government all the power in the world to deal with the question of employment. By doing that, we shall save the nation not only misery, suffering and degradation but save the taxpayers millions of pounds, remove from industry the possibility of depressed trading conditions and save manufacturers, wholesalers and retailers from ruin or partial ruin such as many thousands suffered during the last depression. One could go on for hours detailing the tremendous physical, mental and morally degrading conditions into which people lapse in countries where unemployment has become acute. Quite apart from the great losses, financial and otherwise, that such a problem brings in its train, the Com-

mittee would be well advised to disagree to the Council's amendment.

Mr. WATTS: If the prospects envisaged by the Minister for Labour were at all likely to result from the adoption of the Council's amendment, I would be inclined strongly to agree with his point of view. I do not think the Minister has given sufficient consideration to the amendment, particularly as he has been exceptionally busy with matters relating to the Coal Mine Workers (Pensions) Bill. Now he has concluded his remarks, he can possibly give some consideration to the Council's amendment.

The Premier: We know all about it.

Mr. WATTS: The first paragraph, to which everyone has agreed, takes members of the Fighting Services out of the discussion. The Minister would have us believe that the employment of unemployed persons is something unreasonable. He suggested the necessity would arise for the Government to transfer persons from one industry to another. I do not suppose that necessity to transfer would be likely to arise where men were satisfactorily employed in the industry in which they had been engaged during the war period. The necessity to transfer would arise in cases where the employment had come to an end and men had to be placed in some other form of employment. It is not at all necessary for a long period to elapse between their departure from one employment and their engaging in another. They could be employed at 12 o'clock, disemployed at five minutes past 12, and re-employed at ten minutes past, provided there was a stated time, no matter how short, that they had ceased to be employed in the industry in which they had been engaged.

Heaven knows, there is no occasion to conjure up things such as those that occurred in 1930! If we equip the Commonwealth with power to deal with the men in the Fighting Services, and also with power to employ persons who are unemployed, then as soon as the Commonwealth finds they can no longer be engaged in the industry in which they are employed at the end of the war, they can be provided with work elsewhere. Therefore I suggest that the objections raised by the Minister are untenable. I admit that it might be possible to prepare amendments to the paragraph that would be more suitable than the wording proposed by the Council, but we have to be very careful of what we are doing in

view of the wording of the Commonwealth Constitution. The clause, in effect, will become part of the Constitution, Section 51 of which begins—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to—

Then follow the various matters, and this matter "employment and unemployment" will be one of them. Members on this side of the Chamber are not prepared to hand over the right to the Commonwealth to legislate in regard to all matters affecting employment and unemployment. We say that conditions of employment and service are properly reserved to be dealt with by the Parliament of the State and should be retained by the Parliament of the State. The reason we sought to amend the paragraph was that we would not give the Commonwealth unrestricted power to legislate regarding the employment of persons in this State, employment covering all the activities of industry where employees are concerned. We say our experience has been such that the peculiarities and conditions of Western Australia have not been given consideration by the Commonwealth, and we will not subscribe to a proposal that simply seeks to empower the Commonwealth to legislate till further orders on all matters affecting the employment and unemployment of our people.

In the absence of any better formula and because I am certain that the position referred to by the Minister for Labour need not arise in the slightest degree under the Council's proposal, and can be easily overcome when it is necessary to transfer men from one employment to another, I support the amendment. We are not going to hand to the Commonwealth full legislative power over employment in this State. I am obliged to accept the Council's amendment because I have not yet succeeded in finding a formula that would be more suitable. This one, however, is definitely more suitable than the provision in the Bill.

Question put and passed; the Council's amendment not agreed to.

No. 5. Clause 2, paragraph (b)—Delete all the words after the word "unemployment" in the first line of the paragraph.

The PREMIER: This amendment deals with the question of allowing wages and conditions of employment to be determined by

the State court. We discussed the matter for hours in this Chamber and we want that provision to remain in the Bill.

Hon. N. Keenan: The Chief Secretary moved for its deletion in the Council.

The PREMIER: Yes, because some other amendment was withdrawn on condition that he did so.

Hon. N. Keenan: He did it as spokesman of the Government.

The PREMIER: It was an arrangement by which one amendment was withdrawn on condition that these words were struck out. It does not follow that we agree to everything done by the Chief Secretary on the score of expediency in order to get the Bill through. If this measure goes to a conference, we want to be able to evolve something which may be more satisfactory than the paragraph "employment and unemployment" without the addendum agreed to in this Chamber. I move—

That the amendment be not agreed to.

Mr. WATTS: The member for West Perth spoke of a term in Admiralty law known as salvage, and said this amendment was a sort of salvage of the State right to control industrial arbitration, and, while this was by no means as satisfactory as the amendment we had proposed, being that type of salvage, he accepted it in preference to nothing. For this reason I propose to support the Premier on this amendment.

Question put and passed; the Council's amendment not agreed to.

No. 6. Clause 2, paragraph (c)—Insert after the word "of" the words "wheat, wool, meat, and butter, and, with the consent of the Parliament of Western Australia expressed by a resolution of both Houses and as long as such consent is not revoked by a like resolution, any other commodity or commodities, but so that no law made under this paragraph shall discriminate between States or parts of States in relation to the marketing of any such commodity or".

The PREMIER: I move—

That the amendment be not agreed to.

The amendment restricts this reference to the organised marketing of meat, wheat, wool and butter. If both Houses of Parliament are in session, some other commodity may be added.

Hon. W. D. Johnson: If Parliament is in session?

The PREMIER: Yes.

Mr. J. Hegney: And Parliament can subsequently revoke an item. That is mentioned in what you read out.

The PREMIER: Yes. A Commonwealth Minister who may be attending a peace conference should be in a position, when dealing with trade treaties, to deal with all commodities. He should not be forced into the position of saying, "I shall have to refer the matter back to the States." Flax may be a commodity to be dealt with at the peace conference.

Mr. J. Hegney: Or timber.

The PREMIER: Yes. We export timber. Member: Or dried fruits.

The PREMIER: An arrangement has been made whereby each State shall pass legislation giving the Commonwealth certain powers, under certain circumstances, with regard to dried fruits.

Hon. W. D. Johnson: We export large quantities of dried fruit.

The PREMIER: Yes. Under the paragraph, as amended, the Commonwealth would not have power to make an agreement with regard to dried fruits. Surely we should trust the Commonwealth Government to deal with any commodity at the peace conference. At the Ottawa Conference, a matter vitally affecting the producers of Western Australia, namely, wheat and wool, was not dealt with. The conference, which was held in 1935, dealt with meat and one or two other commodities.

Mr. Watts: Pity it was ever held!

The PREMIER: I agree, to some extent. Nationalism ran mad at that time. Delegates from the Lancashire cotton mills came to Australia to fight against competition by Japan and other nations. We should not restrict this proposed reference; on what is done at the peace conference will depend whether or not another war will break out in 15 or 20 years. It would be possible to do away with war if we are able to make satisfactory trade arrangements.

Mr. Thorn: Do you mean free trade?

The PREMIER: The hon. member should read the Atlantic Charter and the Four Freedoms in order to learn what will happen through closer trade relationships.

Mr. Watts: Do you think any Commonwealth Government dominated by the Eastern States will agree to that scheme?

The PREMIER: The United States of America have taken the lead.

Hon. N. Keenan: Have you read Senator Keane's remarks?

The PREMIER: I do not always read them. Intense nationalism breeds dissatisfaction, discord and strife. It is now proposed that the raw materials of one country shall be made available to any other country after this war.

Hon. N. Keenan: They are now.

The PREMIER: No. We have export embargoes on certain commodities. The hon. member will recall that the Commonwealth Government placed an embargo on the export of iron-ore to Japan six or seven years ago, although it disguised the nature of the embargo.

Mr. Boyle: And yet we exported pig-iron from Australia.

The PREMIER: Yes, and the men who went on strike because they would not load the iron were prosecuted. I repeat that we should not limit this proposed power.

Mr. BOYLE: I support the amendment. The Premier mentioned the Ottawa Conference, but that conference gave a dominion preference of 2s. per quarter on wheat; that is, it gave Canada, Australia and other British dominions, including India, 2s. per quarter on all wheat imported into Britain.

The Premier: But that conference did not deal with the marketing of wheat.

Mr. BOYLE: It did not have power to deal with the marketing of wheat. It was dangerous to give that preference, because it made other countries with whom we were dealing very hostile to the British Empire. We have in Australia a Dried Fruits Act, a Butter Export (Control) Act and sugar agreements. We export 400,000 to 500,000 tons of sugar per annum normally. No Federal Minister would, as the Premier visualised, have his hands tied in peacetime.

The Premier: Yes. He would have to make an agreement first.

Mr. BOYLE: No. The object of this amendment, as I view it, is not to give the Commonwealth carte blanche. The object is to limit the power to meat, wheat, wool and butter. I venture to say those four items cover, with the probable exception of gold, 90 per cent. of Australia's exports. With regard to manufactured goods, I cannot see the Eastern States manufacturers surrendering one jot of their protectionist policy.

The Premier: The United States of America are doing so.

Mr. BOYLE: I am inclined to think they are.

The Premier: They have never done it before.

Mr. BOYLE: They are departing from their protectionist policy to some extent. In the South American republics the United States have a market of 122,000,000 people. They have evolved a good-neighbour policy. The United States are supplying those republics with manufactured goods and are receiving in payment primary products. The United States have the best factories in the world and Australia has a long way to go to reach that stage. By the amendment, we shall give the Commonwealth Government power to deal with 90 per cent. of our commodities and it is not asking too much for us to reserve control of the other 10 per cent.

The Premier: Do you not think that dried fruits should be included?

Mr. BOYLE: No. We are working under a quota system now; the great Mr. James, who upset it, has been bought out in South Australia. The Commonwealth Act is still in existence.

The Premier: It might develop at any time.

Mr. BOYLE: If it does, it can be dealt with. If dried fruits were included, it would not make any difference because, as I said, we now have a quota system. Dried fruits would not run into many millions of pounds, whereas wool exports amount to £80,000,000, wheat to £30,000,000 and butter to about £13,000,000.

The Minister for Works: The dried fruits industry is insignificant!

Mr. BOYLE: No. It is a valuable industry.

The Minister for Labour: The marketing of apples is just as important to the growers as is the marketing of wheat to the wheat-growers.

Mr. Sampson: Reasonable marketing would be very good.

Mr. BOYLE: One could pick out an odd industry here and there, but it would not affect the position. As I said, we shall by the amendment give the Commonwealth control over 90 per cent. of our commodities, and it is but reasonable that we should retain control of the remaining 10 per cent.

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

Ayes	18
Noes	16
Majority for	2

AYES	
Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triest
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Wilson
(Teller.)	
NOES.	
Mr. Boyle	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Kelly	Mr. J. H. Smith
Mr. McDonald	Mr. Thorn
Mr. McLarty	Mr. Watts
Mr. North	Mr. Doney
(Teller.)	
PAIRS.	
AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. Wise	Mr. Patrick
Mr. Styants	Mr. Stubbs
Mr. F. C. L. Smith	Mr. Warner
Mr. Fox	Mr. Willmott

Question thus passed; the Council's amendment not agreed to.

No. 7 Clause 2.—Delete paragraph (d).

The PREMIER: Paragraph (d) deals with uniform company legislation. The Legislative Council has decided to strike that out altogether. I am not much concerned about this amendment because it does not make a tremendous amount of difference. It is included in three or four of the Acts passed by the other States and would be of great advantage to the commercial community if it were uniform throughout Australia. As a former Premier used to say from this side of the House, "If this cannot do much good it cannot do any harm." On that account we might retain this provision. I think our trade with the Eastern States is worth something like £14,000,000 to £15,000,000 both ways, made up of about £11,000,000 or £12,000,000 in imports and £2,500,000 of exports. Companies doing business with other companies operating under different laws sometimes get confused. It would be of benefit to the commercial community to have uniform company laws. I know the member for Nedlands does not agree with that and suggests that there are circumstances associated with our mining and other industries that require us to have a

more liberal company law. If a company law, satisfactory to all the States and with special provisions applicable to partnerships or syndicates in this State could be evolved, it would be of general benefit. I move—

That the amendment be not agreed to.

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

Ayes	18
Noes	16
Majority for	2

AYES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triest
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Wilson

(Teller.)

NOES.

Mr. Boyle	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Kelly	Mr. J. H. Smith
Mr. McDonald	Mr. Thorpe
Mr. McLarty	Mr. Watts
Mr. North	Mr. Doney

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. Wise	Mr. Patrick
Mr. Styants	Mr. Stubbs
Mr. F. C. L. Smith	Mr. Warner
Mr. Fox	Mr. Willmott

Question thus passed; the Council's amendment not agreed to.

Progress reported till a later stage of the sitting.

BILL—COAL MINE WORKERS (PENSIONS).

Council's Message.

Message from the Council received and read notifying that it insisted on its amendments Nos. 1 to 7, 9 to 12, 14 to 29, 31 to 33 and 36.

In Committee.

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

The MINISTER FOR LABOUR: I move—

That the Assembly continues to disagree to the amendments made by the Council.

Question put and passed.

Resolution reported and the report adopted.

Assembly's Request for Conference.

The MINISTER FOR LABOUR: I move—

That the Council be requested to grant a conference on the amendments insisted on by the Council and that the managers for the Assembly be Mr. Wilson, Mr. Seward and the mover.

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

Sitting suspended from 6.34 to 6.40 p.m.

BILL—COAL MINE WORKERS (PENSIONS).

Council's Further Message.

Message from the Council received and read notifying that it had agreed to a conference on the amendments insisted on by the Council, had appointed the Chief Secretary, Hon. C. F. Baxter, and Hon. H. Seddon as managers for the Council, and had fixed the President's room as the place and 8 p.m. as the time for the conference.

Sitting suspended from 6.45 p.m. (Tuesday) to 11.55 a.m. (Wednesday).

BILL—COAL MINE WORKERS (PENSIONS).

Conference Managers' Report.

The MINISTER FOR LABOUR: I have to report that the managers appointed by the Council met the managers appointed by the Assembly, and failed to arrive at an agreement. I move—

That the report be adopted.

Question put and passed; Bill dropped.

BILL—COMMONWEALTH POWERS.

Council's Amendments—In Committee.

Resumed from an earlier stage of the sitting. Mr. Marshall in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: Progress was reported after amendment No. 7 had been disagreed to.

No. 8. Clause 2, paragraph (e)—Insert the words "the regulation and control of" before the word "trusts".

The PREMIER: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 9. Clause 2, paragraph (e)—Add at the end of the paragraph the following words:—

other than by the compulsory acquisition of property: Provided that this paragraph shall not apply—

(a) to trusts, combines, and monopolies

(i) whose operations do not unreasonably restrain trade and commerce, and are not to the detriment of the public; or

(ii) which are conducted or carried on by the Government of the State or any public authority constituted under the State; or

(b) to monopolies lawfully granted by the State or the Government thereof, or any semi-governmental or local governing body in the State.

The PREMIER: I move—

That the amendment be not agreed to.

Mr. WATTS: I am astonished at the attitude of the Premier in regard to this amendment. I hold exactly the same opinion on this matter as I held before. The evidence given before the Select Committee justifies us in holding the view that all the State instrumentalities, all the monopolies ordinarily authorised by the State—and there are quite a number of them if one includes local government monopolies authorised under State laws—will be subject to the control if the Commonwealth Government chooses to exercise it—and I must assume it will make that choice—of that Government at Canberra. I think that would be disastrous and would be everlastingly regretted, not only by the members of this House who subscribed to the proposal, but by the people of the State generally. It is of no use arguing that the instrumentalities I refer to cannot be classified as monopolies. We know very well from the legal evidence given to us that they do come under that heading. That being so, if we hand over even for a period the control of trusts, combines and monopolies we render ourselves subject to any law that the Commonwealth may see fit to impose upon us in regard to them, and it seems to me ridiculous that that should be so. This amendment goes to the root of the whole matter and seeks to exclude the operations of the State which are properly controlled by the State Government, and should not come within the ambit of Federal legislation.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	16
A tie	..	..	..	..	—

AYES.

Mr. Coverley
Mr. Cross
Mr. Hawke
Mr. J. Hegney
Mr. W. Hegney
Mr. Leahy
Mr. Millington
Mr. Needham

Mr. Nulsen
Mr. Panton
Mr. Sleeman
Mr. Tonkin
Mr. Triat
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Boyle
Mrs. Cardell-Oliver
Mr. Hill
Mr. Keenan
Mr. Kelly
Mr. McDonald
Mr. North
Mr. Patrick

Mr. Perkins
Mr. Sampson
Mr. Seward
Mr. J. H. Smith
Mr. Warner
Mr. Watts
Mr. Willmott
Mr. Doney

(Teller.)

PAIRS.

AYES.

Mr. Holman
Mr. Fox
Mr. Raphael
Mr. Rodoreda
Mr. F. C. L. Smith
Mr. Styants
Mr. Wise

NOES.

Mr. Abbott
Mr. Berry
Mr. Hughes
Mr. Mann
Mr. Shearn
Mr. Stubbs
Mr. Thorn

The CHAIRMAN: The voting being equal, I give my vote with the "Ayes."

Question thus passed; the Council's amendment not agreed to.

No. 10. Clause 2, paragraph (f)—Delete all words after the word "profiteering."

The PREMIER: This matter was discussed at great length when the Bill was dealt with in Committee and we referred to the State's experience regarding profiteering and price fixation. Legislation was passed but it was allowed to lapse, and until the war there was really no legislative power for the purpose of dealing with that phase or for setting up price-fixing machinery. As a war measure legislation was passed, but it was carefully set out that it would apply only for the duration of the war and a short period afterwards. The experience of this Parliament is that price-fixing will not be carried out by it. That is to say, we must have price fixation but it cannot be done by the State. In the circumstances, we should be prepared to hand over that task to a competent authority, which is the Commonwealth. Obviously it is difficult for the State to deal with such a matter because under the Commonwealth Constitution trade and commerce is absolutely free as between the States. Goods can be invoiced into the State at any price that may be desired, and

the State can only have power to a limited degree regarding any additional price charged within the State.

In view of the provision in the Commonwealth Constitution, the whole matter should be controlled by the Federal authorities and our experience locally emphasises that point. During the war price fixation should be the settled policy of Australia and when hostilities cease it may be deemed advisable to revert to the previously established custom. During the post-war reconstruction period many necessary economic factors will have to be taken into consideration. If some people are to be allowed to reap a tremendous harvest during the reconstruction period whereas at the present juncture they are denied that opportunity, it will not be right. There will be a scarcity of certain commodities, and if some individuals are able to establish a black market and make excessive profits from dealings in those goods, it will be wrong. Power should be provided against such a trend and that legislation should be on a national basis. I move—

That the amendment be not agreed to.

Mr. McDONALD: The Legislative Council has perhaps taken the lead, as it does so very often, in adopting a more extended view than some of us in this Chamber have displayed regarding the power proposed to be granted to the Commonwealth under this heading. Whereas I have contended, and still contend, that profiteering and prices are matters primarily of State domestic concern and therefore within the province of the State Parliament, the Legislative Council has taken the view that the control of profiteering might well be exercised by the Commonwealth. Some of us consider that profiteering, for all practical purposes, covers prices as well, so that by granting power to the Commonwealth in the form recommended by the Legislative Council, this Parliament in effect will be giving to the Commonwealth what was originally requested. I am prepared to support the attitude of the Legislative Council. Whatever our views may have been in the past regarding the necessity for, or propriety of, legislation in this State dealing with profiteering, I think the Committee as a whole is agreed that in times of dislocation legislative control over prices and profiteering is essential. I suggest that if we are to approach this matter in a form that will

allow for the reconciliation of legitimate differences of opinion as to how far this State should surrender its self-governing rights, guaranteed to it under the Constitution, we could very properly regard the Council's amendment as a reasonable grant of power in which the Committee could very well concur, for the sake of arriving at a measure of agreement as to what should be done in providing additional authority for the Commonwealth Parliament.

Mr. WATTS: I would sooner support the amendment than the paragraph in its original form although, as I stated during the earlier discussion on the Bill, I was of opinion that this Parliament would pass any reasonable legislation for the control of profiteering and prices after the war. I still hold that view and go so far as to say that any reasonable proposals will receive the support of members associated with me on the Opposition benches.

The Premier: That has not been the experience in the last three or four years.

Mr. WATTS: A great deal of water has run under the bridge in the last three or four years, and some of the ideas held not only on this side but on the Government side have undergone a change. It seems to me that the Legislative Council also would be prepared to assist in this direction. Take its attitude to the extension of powers, as a whole, to the Commonwealth! It has substantially amended the Bill—practically taken the middle out of it—because it is not prepared to extend to the Commonwealth powers that are unnecessary, but it is ready to extend to the Commonwealth power over profiteering, and the Premier would not have expected that three or four years ago.

The Premier: In wartime, I would.

Mr. WATTS: The Council is prepared to extend to the Commonwealth in peacetime power over profiteering presumably because it has acquired the idea that such a thing may be necessary. It is the duty of the State Government to tackle this job, to essay State control of prices and not look to Canberra to do it. If we do not refer this power over prices to the Commonwealth and another State does—New South Wales has done so—and the Commonwealth by virtue of the reference by New South Wales, puts into operation a law to control prices and our Government feels it is necessary to have

legislation in this State and cannot get it otherwise, Parliament has only to pass a law to adopt the Federal Act. New South Wales has already referred this power to the Commonwealth and thereby the Commonwealth Parliament is entitled to pass legislation for that State. Under Section 51 (xxxvii) of the Constitution, any other State could adopt such a law. Thus we have two avenues—one the local avenue, and the other that of adopting the Federal law when the Commonwealth Parliament sees fit to pass it. I submit that, on all these possibilities and on the evidence before us, there is no justification for passing the reference to prices.

Now I come to the most important argument on the subject. The State of Queensland has passed the Commonwealth Powers Bill in the form in which it was presented from the Convention, and that Parliament did not make much argument about it. I expressly excluded Queensland from my reference to other States just now, mentioning only New South Wales, because, on information published in "The West Australian" a few days ago under the heading "price fixing," Queensland wants a return of those powers. The newspaper reports reads—

Brisbane, April 8.—The Queensland Government will request the Commonwealth Government to hand back to the State the price-fixing powers which the State possessed prior to the war. This was announced by the Premier (Mr. Cooper) after a meeting of the Parliamentary Labour Party yesterday. He said the party had been giving consideration to prices generally in Queensland and it had now been decided to make this request to Canberra.

Mr. Cooper said that not only was Queensland suffering from a lag in price fixing but it was suffering from distribution inequalities. It was claimed that sometimes the scarcity of goods in Queensland was caused by the lack of transport but this was not always the case. In certain products it was necessary for southern manufacturers to obtain permits to send goods to Queensland, and as it was possible for southern customers to be supplied without the necessity for obtaining permits, Queensland did not get its quota of many classes of goods.

What stronger evidence is required to substantiate the arguments on the subject that were put forward by the Opposition? There is a Government that rushed in, willy-nilly last December and passed the Commonwealth Powers Bill, almost without a murmur, while we, like sensible people, have devoted three or four months to making a thorough investigation of the whole posi-

tion. Now the Premier of Queensland has discovered the very things we have been preaching and discussing for the last four months in relation to the price fixing position, as it exists between the Commonwealth and the States. Therefore I say there is not a scintilla of justification for handing over one scrap more of power than the Legislative Council is prepared to give. Consequently I must support the Council's amendment, although I wish, for the reasons I have given, that another place had struck out "profiteering" as well.

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

Ayes	..	..	..	17
Noes	..	..	..	16
Majority for	..	..	..	1

AYES.

Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Pantou
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Needham	

(Teller.)

NOES.

Mr. Berry	Mr. Perkins
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. Kelly	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. North	Mr. Willmott
Mr. Patrick	Mr. Doney

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Fox	Mr. Hill
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. F. C. L. Smith	Mr. Shearn
Mr. Styants	Mr. Stubbs
Mr. Wise	Mr. Thorn

Question thus passed; the Council's amendment not agreed to.

No. 11. Clause 2, paragraph (g)—Delete all words after the word "the" in the first line, down to and including the word "production" in the fourth line, and substitute the following:—

"rationing of goods of which the Parliament of the Commonwealth declares there is a shortage of supplies and the encouragement of production and of the establishment of new industries."

The PREMIER: I move—

That the amendment be not agreed to.

The specific difference between this amended clause and the original clause is that the amended clause contains no reference to distribution. I consider that power should be

given to the Commonwealth to exploit the productive capacity of the nation to the last degree, and then to prevent discrimination in distribution. We have heard much about dumping and withholding of supplies and that kind of thing by way of discrimination between one State and another. There is nothing to stop those practices unless the Interstate Commission as re-constituted exercises powers which ought to be given to it. If supplies of iron or steel for making fencing wire or wire of any kind should be withheld by Eastern States manufacturers from Western Australia, there is at present no power, so far as I see, for any Government to exercise over such a situation; to compel a particular factory, say, to send its product over here so that this State may obtain a reasonable portion of supplies available in Australia.

Hon. N. Keenan: In ordinary peace conditions?

The PREMIER: Yes.

Hon. N. Keenan: And you imagine that is possible? You refer to something which the East manufactures and we are prepared to pay for but the East will not supply?

The PREMIER: Can the hon. member imagine a jam-making company selling in this State at much lower prices than it sells at to people next door to it? I cannot. It is not a reasonable supposition that a manufacturer would say, "I will charge my neighbours more than I charge people whom I do not know." Yet that has been done. Many times has it been stated in this Chamber that that was being done. The Broken Hill Proprietary Company I do not wish to attack, for I know it has done and does a tremendous amount for the good of the Australian people. We would not have been able to carry on the war effort with our own resources. I take off my hat to the technicians and workmen of the Broken Hill Proprietary for what they have done towards helping in the war effort. The Broken Hill Company has alongside it a company which makes galvanised iron, and in which the Broken Hill Company has an interest. It might suit their book to supply all the wire they can produce to Rylands—a subsidiary company to the B.H.P.—and say to Mallocks and the Western Australian Wire Netting Company who may be requiring wire here, "We have no wire for you."

In wartime there is chaos in distribution, and that cannot be helped. We must bear in mind that the proposed powers are to be merely temporary, only for a few years after the war, and that conditions in industry are bound to be chaotic after the war. Probably for two or three years we in Western Australia shall not be able to get all our wants supplied. During that time I hold that there should be some Australia-wide power vested in the Australian national Government to see that each State receives its fair quota of what things are available in Australia for the purpose of developing industries or supplying the needs of the people. There might be potatoes in Tasmania—from which State Western Australia used to get all its supplies of that commodity years ago—and it might be, because a somewhat better price was obtainable in New Zealand, that Australian-grown potatoes would be sold to New Zealand consumers and withheld from the Australian people. Until the world settles down again after the war and Australian industry gets on an even basis once more, somebody should have some power in regard to distribution. The clause as amended makes no reference to distribution. Thus anybody could withhold supplies and thereby do grievous harm to this State and its industries. I consider that the suggested power is necessary for post-war distribution, and therefore I cannot support the amendment.

Mr. McDONALD: The Premier's apprehensions as to short supplies possibly after the war, and some inequality in distribution, may have some grounds; but I consider there is apprehension as to the rationing of goods concerning which the Parliament of the Commonwealth may declare that there is a shortage of supplies.

The Premier: There might be a shortage in the Eastern States.

Mr. McDONALD: The grant of power proposed by the Legislative Council would, if there were any shortage of supplies of any goods, give the Commonwealth Government the authority which it requires. It could deal with rationing and be assured that every State would secure an equal distribution of the commodity in question. To my recollection, the only reason Dr. Evatt gave for this particular head of power was that there might be a shortage of goods in some lines after the war in respect of which the Commonwealth Government would desire

to institute some scheme of rationing. Well, here it is! Here is what he wanted! Here is a transfer of power to meet the only apprehension which he mentioned when introducing this particular head of the Bill.

The Premier: He dealt with it in a very scrappy way. I am sorry he did.

Mr. McDONALD: He did.

The Premier: That applies to many other things, too.

Mr. McDONALD: He was incredibly scrappy. I go so far as to say that no responsible Minister—I do not want to disparage Dr. Evatt—ever dealt with a constitutional matter in a more perfunctory manner. That is admitted today. However, we have to accept what he said. We are not mind-readers; he only gave one reason for this particular head of power and the Council has met it with this amendment. I do not wish to repeat what has already been said at considerable length, but I am not prepared, without the consent of the people of the State, who can commit hara kiri if they so desire, to give the Commonwealth Government the power which it asked for, because that would mean giving it power of legislation over almost every function of a self-governing community. The power would cover all kinds of transport, including railways; all would be under the control of the Commonwealth Government. Paragraph (b) is quite sufficient to annihilate the self-governing rights of Western Australia and this paragraph, in the form in which it originally stood, would, if paragraph (b) were defeated, be a second barrel equally deadly. The Council's amendment gives Dr. Evatt, representing the Commonwealth Government, what he asked for—power to ration goods in short supply. Until he comes along, as he may well do, and says to the States, and to this State in particular, "I want additional power for these reasons," then he should not have any more power. If he gives good reason for his request and states the method of exercise of the further power he wants, he need not have the slightest hesitation in believing that this Parliament would not withhold the additional power.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	17
					—
A tie	..	..	..	..	—
					—

AYES.

Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Needham	

(Teller.)

NOES.

Mr. Berry	Mr. Perkins
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. Kelly	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Wilmoth
Mr. North	Mr. Doney
Mr. Patrick	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Fox	Mr. Hill
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. F. C. L. Smith	Mr. Shearn
Mr. Styan	Mr. Stubbs
Mr. Wise	Mr. Thorn

The CHAIRMAN: The voting being equal, I give my casting vote with the "Ayes."

Question thus passed; the Council's amendment not agreed to.

No. 12. Clause 2, paragraph (h)—Insert the words "by the Commonwealth Bank of the rate" after the word "control."

The PREMIER: I move—

That the amendment be not agreed to.

I regard this reference as one of the most important in the Bill. Apparently, it is exceedingly doubtful whether, under the Commonwealth Constitution, the Commonwealth has sufficient power to deal with overseas exchange, overseas investment and the regulation of the raising of money. It is, therefore, necessary that the matter should be settled. I point out that during the past week both the United States of America and Great Britain have been devoting much attention to this subject and to the relationship of nations to each other so far as concerns their currency problems and international trade. I think that in America they have a scheme which provides that the representatives of the countries of the world will meet together and form an international banking corporation with representation based on the holdings of gold by the respective countries. While Great Britain has no objection to the holdings of gold being considered, it thinks that the basis of representation should be the international trade that was carried on prior to the war. It is proposed by that eminent economist J. M. Keynes—who I think is now a Director

of the Bank of England—that the unit of currency shall be called “Bancor.”

While there is a comparatively small difference between the proposals by the two countries in regard to financial reconstruction and international trade, there is no idea that these things will be governed by the Bank of England or by the First Reserve Bank of America. They affirm that the plan will be carried out by the Governments of the countries which are represented on the banking corporation. The amendment we are considering proposes to take power from the Government of the country and vest it in an independent board. Certainly the members of the Commonwealth Bank directorate are nominated by the Government, but once they are nominated they can practically do what they like. If they did something that was tremendously harmful to the interests of Australia the Commonwealth Government would be justified in recalling them and appointing others in their places. They might exercise an influence greatly to the detriment of the prosperity of the Australian people, and in those circumstances the Government would be justified in cancelling their appointment. This power, which will have a tremendous influence on the future relationship of the nations, both Allied and Axis—because after the war international trade will be facilitated between all the nations—should not be delegated to a board. Rather should the Government of the country set out a line of policy which would be in the interests of the nation.

Mr. Patrick: Does not the Commonwealth Government control oversea trade under the Constitution?

The PREMIER: All that is in the Constitution are the words “external affairs.” It is not defined. There have been very many actions at law—I cannot recite them here—which have circumscribed to an extent the power which the Commonwealth can exercise under the heading of external affairs. It does not and cannot exercise all the powers it wants to. With regard to oversea exchange, power which should have been exercised by the Commonwealth Government was exercised by the Bank of New South Wales against the wishes of the Commonwealth. I am not saying the action of the bank was not beneficial, but it was against the settled policy of the Government for the time being. This proposal is that the Commonwealth Bank should control the

rate of oversea exchange, and that is all the power the Commonwealth Government will have in regard to international currency affairs. That would not be at all satisfactory to America. The American Government is dealing with this question. The secretary of the Treasury, Mr. Morgenthau, is dealing with it on behalf of the Government and not of the First Reserve Bank of America. Similarly, the Chancellor of the Exchequer in Great Britain, Sir Kingsley Wood, is dealing with this matter instead of Mr. Montague Norman, who is Chairman of the Board of Directors of the Bank of England. Thus the power is retained specifically in the hands of the Government itself.

It is most important that in the period of post-war reconstruction the Commonwealth Government—no matter of what political party it is composed—should have the power to exercise the rights of the Australian nation in regard to such a serious matter. I have dwelt on this subject because only in the last week it has attracted worldwide notice and has been dealt with by all the financial institutions of the United States and the United Kingdom. On two days of last week there was a column in “The West Australian” newspaper dealing with this important subject. The amendment, instead of giving power to the Government of the day, hands it to the director of the Commonwealth Bank, which is a retrograde step. There should be some provision somewhere that the Commonwealth Government itself may make financial arrangements with other countries in the period of post-war reconstruction. These matters are certain to be discussed at a peace conference, and in such an event, if this amendment were agreed to, the representatives of Australia would have to say, “We will have to consult the Chairman of Directors of the Commonwealth Bank to see whether we can do this or that.” I am not sure that the Commonwealth Government has the power because “external affairs” are very hazily defined in the Constitution, and therefore power should be delegated by the States—if they possess it—to the Commonwealth Government to enable it to treat this very important subject with responsibility without having to go to the Commonwealth Bank.

Mr. WATTS: The Premier has expressed grave doubt as to the ability of the Commonwealth Government to deal with over-

sea exchange without any reference of this power. He may be right but personally I do not think there is any doubt about it. It has always seemed to me that the Commonwealth Government has had sufficient power in that connection, and has exercised it per medium of the Commonwealth Bank. This amendment suggests that the Commonwealth Government will pass legislation authorising the Commonwealth Bank to deal directly with the matter. During the last 13 years the question of oversea exchange has been governed by the Commonwealth Bank. No objection has been taken to its imposing a rate of exchange on the Australian people. It has occasioned the State and the Commonwealth Governments considerable expense, but it has had a beneficial effect on certain primary producers, not only in the agricultural and pastoral areas, but also in the goldfields districts in that it enhanced the value of gold insofar as Australia is concerned. I do not know that I want to alter that state of affairs. While it did not occur to me when the Bill was first before us to move an amendment on these lines, I think, in the light of our past experience, that it is sound policy to give control of this matter to the Commonwealth Bank. All that the amendment seeks to do is to continue, with definite legal authority, what has been done in the past.

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

Ayes	17
Noes	17
A tie	—

AYES.

Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Needham	

(Teller.)

NOES.

Mr. Berry	Mr. Perkins
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. Kelly	Mr. Warren
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney
Mr. Patrick	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Fox	Mr. Hill
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. P. C. L. Smith	Mr. Shearn
Mr. Sivanis	Mr. Stubbs
Mr. Wise	Mr. Thorn

The CHAIRMAN: The voting being equal, I give my casting vote with the "Ayes." Question thus passed; the Council's amendment not agreed to.

No. 13. Clause 2, paragraph (h)—Delete all words after the word "exchange."

The PREMIER: I move—

That the amendment be not agreed to.

This deals with the control of the investment of money, and that aspect was considered when the Bill was going through this Chamber. The Loan Council should formulate the policy in connection with whatever money shall be raised. Money might be available for picture shows, sporting activities, and other amusements, and yet not to the Government so as to enable it to increase the productive capacity of the country.

The CHAIRMAN: Order! There is too much talking going on.

The PREMIER: The Commonwealth Government itself, except for defence matters, must obey the dictum of the Loan Council. The State Governments, semi-governmental authorities and local authorities must also obey the dictum of the Loan Council. Notwithstanding that all these influential corporations must submit to the policy of the Loan Council, private investors can spend their money how they like even though it might be to the detriment of the country. It is felt that the Loan Council should lay down its policy and that the controllers of capital, as well as the Governments, should conform to that policy. On that body there are seven people representing the States and the Commonwealth, and they will decide whether an embargo shall be placed on speculation and the types of enterprises I have mentioned. It is not expected that such a responsible body of men would adopt a foolish or capricious policy. Only matters such as will affect the country and involve hundreds of thousands of pounds will be dealt with. This power should be retained by the Loan Council.

Sitting suspended from 1 to 2.15 p.m.

Mr. WATTS: The Government is unwise not to accept the Council's amendment. When we attempted to amend the paragraph by providing for the control of oversea exchange, the Premier would have none of it. I cannot profess to be exactly in favour of the paragraph as amended by the Legis-

lative Council and I certainly am not in favour of the paragraph as originally submitted to us. The control of the raising of money without any qualifications whatever is likely to have unpleasant results. I still think that the Australian Loan Council should have control over investments made oversea.

The Premier: And over local investments too.

Mr. WATTS: I do not know that it should have control over local investments in mere general terms. If we could frame a formula governing the raising of money that would furnish some exact idea of what was intended, it would not be so difficult to support this provision, but simply to refer merely the control over the raising of money makes the provision far too wide. That would leave it open for the control of monetary transactions in peacetime, which is not desirable. There is much in what the Premier has said up to a point, particularly with reference to wasteful expenditure and the necessity to keep expenditure down to a more reasonable basis. I do not stand for the continuance of any such form of control after the war period. Private enterprise will be asked to help by making available employment under reasonable conditions, and it should not be necessary for those concerned to be required to apply to the Loan Council or the Commonwealth Government for permission to raise money with that end in view.

The Premier: The Loan Council would lay down the principles governing the raising of money.

Mr. WATTS: That may be so. Regarding the raising of money the control by the Loan Council should apply to particular types of loans. I have tried to frame amendments that will embody my views regarding the control of oversea investments, but I find it practically impossible to do so without involving the loss of much time and causing considerable trouble. While I am not satisfied with the paragraph, I am also not satisfied with it as amended by the Council.

Mr. McDONALD: Like the Leader of the Opposition, I am prepared to go a considerable distance with the Premier in his observations regarding the paragraph, in that I think that during the post-war period some form of control over oversea investments is desirable. On the Opposition side of the Chamber we have endeavoured to amend

the paragraph to provide what we thought would give to the Commonwealth Parliament an adequate measure of control over this form of investment. For reasons mentioned by the Leader of the Opposition, I do not propose to suggest any further amendment. If the Bill goes to a conference, consideration will possibly be given to enlarging this head of power so as to provide for the control of oversea investments. Another phase involved in the matter concerns the raising of money by private individuals within the State. That is something that the State Parliament could well deal with. I assume that this Parliament will not become completely comatose between now and five years after the war ceases.

During the last few days I have been involved in a transaction concerning the sale of a vacant block of land for £95. In that regard a small sum has to be paid to the Commonwealth Sub-Treasury and forms have to be signed by the purchaser and vendor, and various inquiries have to be made. Answers have to be furnished to all sorts of questions, such as: Why is the block being bought? What is the buyer going to do with it? How much did it cost the vendor? A hundred and one other particulars have to be given. All that happens regarding what is a comparatively trivial transaction, and that tends to make one rather apprehensive when asked to hand over the control of small private transactions to the authorities in Canberra. In this case a soldier in New Guinea wanted to buy a block of land on which to build a house when he returns to this State.

Hon. N. Keenan: And you had to send to Canberra for permission?

Mr. McDONALD: Yes, and the documents have to follow that man up to New Guinea, where he happens to be a signaller. That is the sort of thing we can expect if we place in the hands of the Commonwealth control of the local raising of money. Fortunately, this man was paying cash for the land. If he had had to borrow part of the money, his difficulties would have been immensely increased. In fact, I do not know whether he could have overcome the difficulties had he had to borrow £20 or £30 to complete payment of the purchase price. Let us retain this finance under the control of our own Parliament.

Question put and passed; the Council's amendment not agreed to.

No. 14. Clause 2, paragraph (i)—Insert at the beginning of the paragraph the words "regulation of."

The PREMIER: The inclusion of the words would make the paragraph read "regulation of air transport." When the Bill was previously before us, I pointed out that there was a possibility of the Commonwealth having 8,000 or 10,000 planes of the latest models on its hands at the termination of hostilities, and that it might be desirable to use them for postal services or for transport to outback places. Bearing in mind that the Commonwealth will have to keep aeroplane factories operating after the war, it will have to find employment for the planes. If we restrict the paragraph as proposed by the Council, all that the Commonwealth would be able to do would be to regulate landings, signals, and so forth. I do not believe that the Commonwealth would do anything under this power that was not necessary. Air transport, being so fast, convenient and comfortable, will, in my opinion, be used for the transport of mails in every country before long, and the Commonwealth should be empowered to utilise its planes as desired when the war is over. I think we can trust the Commonwealth to exercise the power in this way rather than in the direction of interfering with existing transport services. The matter would probably be dealt with on an interstate basis and the planes used for postal services. There is no doubt that this power would have been included in the original Constitution had aeroplanes been operating when the Constitution was framed.

Mr. Patrick: The Commonwealth was not given control of other forms of transport then existing.

The PREMIER: But the Commonwealth can operate in a State with the permission of the State. I move—

That the amendment be not agreed to.

Mr. WATTS: I would not have spoken on this amendment but for the remarks of the Premier. Surely we should not be asked to grant this power on the ground that it is required to enable the Commonwealth to institute aerial postal services! The Commonwealth has the right to use planes now, just as it has the right to use motorcars. It may use whatever form of transport is available to it for postal requirements. We are anxious to prevent the Commonwealth from being able to legislate generally in re-

gard to air transport and take the right to conduct air transport services in competition with State instrumentalities. If the Commonwealth after the war has aeroplanes available for sale, and they are useful and likely to prove satisfactory for transport service, let us start a transport service with efficient means, and then there will be no difficulties.

Mr. McDONALD: A few years ago this Government brought down and received the support of the House for a measure called the Transport Co-ordination Act, the object being to prevent our State investments in our Government railways from being largely destroyed by private competition on the roads by means of motor vehicles. The object of the Council's amendment is to prevent the Commonwealth Government from being placed in the same position through air transport, the modern methods of transport being also able to destroy the State's investment of £30,000,000 in its railways.

I am prepared to trust the Commonwealth Government to this extent, that it will not want to sabotage the State; but the Commonwealth can well trust the State to this extent, that the State Parliament will not withhold its consent to any reasonable arrangement for air transport in the future that may be contemplated by the Commonwealth Government. I do want, however, by this amendment to ensure that if the Commonwealth has 10,000 passenger-carrying planes with which it proposes to do perhaps threequarters of the transport services of Australia, we in this State can form what we consider to be a fair deal in relation to our State Shipping Service and State railways. If and when that time comes, this State and the Commonwealth Government can make a fair arrangement. This paragraph, however, proposes to give the Commonwealth power of attorney to do as it likes with the shipping and transport services in which the Western Australian people have invested their money.

The Premier: Until we settle down in five years' time.

Mr. McDONALD: There is no reason, whether the period be five years or 50 years, why we should not tell the Commonwealth, "We realise your position if you have 5,000 or 10,000 aeroplanes available for transport work, and we view it sympathetically; but when that time comes let us talk the matter over and make an equitable arrangement."

Two people can make an agreement which will in the end, being by consent, be something workable; but by this paragraph we are saying to the Commonwealth, "You can dictate whatever you want." That is a very different proposition. The amendment is an endeavour to ensure that we may be able to put forward our views as to a fair arrangement in regard to future transport, speaking on equal terms with the Commonwealth.

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

Ayes	..	..	..	..	20
Noes	..	..	..	..	18

Majority for	..	..	..	2
				—

AYES.

Mr. Barry	Mr. Millington
Mr. Oatler	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Pantou
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Willcock
Mr. Johnson	Mr. Withers
Mr. Leahy	Mr. Wilson

(Teller.)

NOES.

Mr. Boyle	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Kelly	Mr. J. H. Smith
Mr. McDonald	Mr. Warner
Mr. McLarty	Mr. Watts
Mr. North	Mr. Willmott
Mr. Patrick	Mr. Doney

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. Styants	Mr. Stubbs
Mr. Wise	Mr. Whorn

Question thus passed; the Council's amendment not agreed to.

No. 15. Clause 2, paragraph (j)—Delete the paragraph and substitute the following:—" (j) the conversion of any railways of the State to a uniform Australian gauge on terms approved by the Parliament of the State."

The PREMIER: The defence of Western Australia, in the event of invasion, depends upon getting supplies of material and men from the Eastern States. If we have a link with Broken Hill and Port Pirie, all available resources of New South Wales, and of Queensland up to Brisbane, will be available for immediate transport as far as Kalgoorlie without break of gauge. However, because of the fact that the gauge between Broken Hill and Port Pirie is broken, all the disadvantages involved in break of

gauge are to be encountered. While, for a start, New South Wales and South Australia will have to agree to conversion of gauge in that particular area, it does not matter much to them; but it is of paramount importance to Western Australia. South Australia could take up an attitude of blackmail towards the Commonwealth Government for an amount far more than adequate as compensation, if uniform gauge is to be introduced. The experience of negotiation between South Australia and the Commonwealth Government is that the Commonwealth has been held up at the point of the bayonet. If we grant the Commonwealth power to make a uniform gauge, it will be able to do that on a fair basis without having to submit to any unfair basis that the South Australian Government might want.

Mr. Watts: But our Act cannot alter the position in South Australia and that State has already passed a Bill like this.

The PREMIER: That is so. So far as concerns what should be done by the Commonwealth ethically, I say that if the boot were on the other foot and we were holding up something that South Australia wanted done, the Commonwealth ought to be able to make this State do it. Uniformity of railway gauges is in the interests of Australia. I hope South Australia will see the light and agree to the transfer of this power to the Commonwealth. I trust it will not be necessary to exercise the power during this war, but it may be so. If 50,000 troops were to be transferred to this State, they would get here much quicker if we had a uniform gauge throughout the entire distance. I therefore must oppose the amendment. If the power is transferred to the Commonwealth as was originally intended then, according to the Commonwealth Constitution, the work would have to be carried out on just and reasonable terms. I move—

That the amendment be not agreed to.

Mr. SEWARD: I doubt whether anybody is opposed to giving the Commonwealth power to bring about an alteration in railway gauges. That is not contemplated in the amendment.

The Premier: Yes, it is.

Mr. SEWARD: It is not. All that the amendment aims at is to ensure that provision should be made for this State to have some control over the cost of any conversion which it is proposed to make.

The Premier: What would happen if this State or South Australia did not approve?

Mr. SEWARD: I am not bothering about South Australia.

The Premier: I am. It is of very grave concern to us what happens in this matter between New South Wales and Western Australia.

Mr. SEWARD: That has nothing to do with the amendment. Our duty is to consider the Bill as it affects Western Australia. It is extraordinary that the Premier, who usually is very guarded in connection with the finances of the State, should be ready to hand over to the Commonwealth Parliament full power to do whatever it likes in bringing about uniformity of railway gauge in this State, regardless of what it might cost the State.

The Premier: No.

Mr. SEWARD: But the Premier is.

The Premier: The Commonwealth Constitution says "on just and reasonable terms."

Mr. SEWARD: Suppose the Commonwealth, in its desire to bring about uniformity of gauges, decides to make the line from Perth to Kalgoorlie uniform and suppose the State has to bear the cost, what would the cost be compared with the cost of putting down a new line? I venture to say the cost of the latter would be less than half of what it would be to alter the gauge. Yet it is proposed that we shall give the Commonwealth power to carry out the more costly proposal! During the last 20 years we have done nothing to bring about uniformity of gauges; and, at the present time, I think we would be ill-advised to grant this power to the Commonwealth. The Leader of the Opposition mentioned this morning the experience of one State which had rushed in and handed over all these powers to the Commonwealth. That State is now asking the Commonwealth to return the powers. I wish I knew the Commonwealth's answer to that request, as it might strengthen our case. Probably the Commonwealth would refuse to hand the powers back. That is an additional reason why we should be careful in giving this power to the Commonwealth. I hope the Committee will agree to this very reasonable amendment.

Mr. SAMPSON: To give this power to the Commonwealth is to hand it a gigantic open cheque. The Premier spoke about

ethics when he mentioned South Australia. He appeared to be somewhat doubtful about trusting that State. If so, what are we to say with regard to the Commonwealth? The Commonwealth may or not be trustworthy. For this State to grant power to the Commonwealth over uniformity of railway gauges is a risk which this Parliament should not accept. The remarks made by members on the Opposition side of the Chamber when the Bill was before us on a former occasion have received the endorsement of the Legislative Council. Could anything be fairer than that Chamber's amendment? I have sufficient confidence in the Premier to know he would not support anything unless he believed it to be in the interests of the State; but he and his supporters say, in effect, "It does not matter what the Commonwealth wants; we will let them take it." Uniformity of railway gauges has been a subject of discussion in this Chamber as long as I have been a member, and I daresay for very many years before. The member for Claremont submitted a motion on the subject.

Mr. North: Free publicity!

Mr. SAMPSON: That motion was discussed at considerable length and carried. What have we done in the matter, either before or after the 1914-18 war? Nothing! We talked about it, but took no action. Now we are asked to give the Commonwealth Government unlimited power to deal with it. Perhaps, in a fit of unbelief in our capacity, we shall say that the Commonwealth knows better what should be done than do we. I have no faith in it and I am not prepared to support the suggestion. The member for Claremont, who took the broad view of what was essential, brought this matter forward previously. Has the behaviour of the Commonwealth Government been such as to lead us to believe we can afford to hand over a matter such as this without any restriction or conditions? I am afraid the Premier is committed to something which his own wisdom and perspicacity would not support.

From the standpoint of cost, I do not think there can be any question but that the State Parliament should be considered. I agree with the member for Pingelly that to construct a railway line, to make the two lines necessary to change our narrow gauge to the standard gauge from Fremantle to Kalgoorlie, would cost twice as much as to

start de novo. If we are to do it, let us build a line where the member for Claremont recommended, on a new route, but one which would provide a through track from Fremantle to Adelaide or at all events to Port Augusta on the standard gauge. We have marked time for all the years that this proposition was practicable. Today it is impracticable and it is more than impracticable to hand the matter over to the Commonwealth Government. To let the Commonwealth Government have the power would be stark, staring lunacy and I refuse to be associated with such an attempt.

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

Ayes	..	..	..	..	19
Noes	..	..	..	..	18

Majority for	1
--------------	----	----	---

AYES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Willcock
Mr. Johnson	Mr. Withers
Mr. Leahy	Mr. Wilson

(Teller.)

NOES.

Mr. Berry	Mr. Patrick
Mr. Boyle	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Soward
Mr. Keenan	Mr. J. H. Smith
Mr. Kelly	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Holman	Mr. Abbott
Mr. Raphael	Mr. Hughes
Mr. Rodoreda	Mr. Mann
Mr. F. C. L. Smith	Mr. Shearn
Mr. Styants	Mr. Stubbs
Mr. Wise	Mr. Thorn

Question thus passed; the Council's amendment not agreed to.

No. 16. Clause 2, paragraph (n)—Add at the end of the paragraph the words "in co-operation with the State."

The PREMIER: Paragraph (n) is "the people of the aboriginal race" to which the Council proposes that the following words be added, "in co-operation with the State." I have not any great objection to the amendment. I do not think we could hand over our powers or responsibilities in regard to the aboriginal race without amending our Constitution, which originally provided that funds should be made available for the welfare of the natives, to supply them with

food and clothing and generally to promote their preservation and well-being. Without amending the Constitution we could not hand over those responsibilities. I move—

That the amendment be not agreed to.

Mr. WATTS: I am glad to hear the Premier has decided to agree to this amendment. I am satisfied that in view of the fact that the Commonwealth Constitution exempts the Commonwealth from legislating in regard to aborigines in any State, to insert in this paragraph the words "in co-operation with the State" will be effective. It is quite clear that the co-operation of the State will actually mean something. For once I am heartily in agreement with the Premier.

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

No. 17. Clause 3, Subclause (1)—Insert after the word "manner" in line 38 the words "as hereinafter."

The PREMIER: We have finished with Clause 2 and now come to the principle in regard to how these powers may be withdrawn. The original Bill says that the powers cannot be withdrawn during the five-year term after the cessation of hostilities without a referendum in the State concerned. The next three amendments substitute for the principle of a referendum, the principle of a majority of both Houses of Parliament which is somewhat similar to our Standing Orders and our Constitution dealing with an alteration of our Constitution. The three amendments all deal with the same subject. If the amendments are agreed to it will be provided that the powers cannot be withdrawn "unless the second and third readings of such Bill shall have passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively." The reason why the Convention included the referendum was that the Bill was only for five years and the probabilities were that we would not have much experience of the working of these powers at the end of two or three years, and, as only another couple of years would have to run, no capricious withholding of the powers should take place; their revocation should be made difficult. This proposed amendment goes a long way towards meeting that position, but, having given an undertaking to the Commonwealth

Government that I would endeavour to get the Bill passed in this form, I move—

That the amendment be not agreed to.

Hon. N. Keenan: How far does your undertaking apply?

The PREMIER: To the whole of the powers in Clause 2.

Hon. N. Keenan: You gave an undertaking on behalf of this Parliament?

The PREMIER: No. It was my own undertaking. If this Parliament likes to turn me down, I cannot help it. If the reference of these powers was for ever, I would not care, but they are only to apply for a matter of four or five years. For that reason and because, as a result of them, the Commonwealth Government will have entered into some commitments, the powers should not be capriciously revoked in a year or two. They should remain for the full term of five years unless their revocation is so important that we should seek it by a referendum of the people.

Mr. McDONALD: The next three amendments deal with the same subject-matter as this one, so I will not divide the Committee on them, but will take this amendment as expressing members' views. The principle laid down here by the Commonwealth is that this Parliament is fully competent to give away the powers of Western Australia, but it is not competent to take them back. The Commonwealth Government believes in easy marriage. It rushes for a special license in order to complete the espousal under which Western Australia is to love, honour and, particularly, obey, and endow the Commonwealth with all its worldly goods. The marriage contract is contained in this Bill, and the Commonwealth has been rushing for all it is worth to complete the ceremony with this provision, however, that divorce is to be particularly difficult.

The Minister for Labour: On your argument, the Commonwealth is committing bigamy because there will be six marriages.

Mr. McDONALD: I would not put it past the Commonwealth to have a few more constitutional wives, including New Guinea, the Philippines, or other places. I do not propose to see this Western Australian constitutional wife rushed into a hasty marriage under the terms suggested by the Commonwealth. If this State is good enough to take the enormous responsibility, without con-

sulting the people, of handing over nine-tenths of its self-governing rights, then it should retain the right—on even more difficult terms, because a constitutional majority is required for revocation—at the instance of public opinion and the views of the people expressed through their representatives here, at any time to re-take any or all of the powers sought to be transferred.

The Premier: You do not believe in a marriage of convenience for a short term?

Mr. McDONALD: The Commonwealth is holding out the bait that it is only for a term of years, but I have not the slightest doubt that the Commonwealth intends it to be for ever. We are not to be allowed to get out of it.

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

Ayes	..	..	..	..	19
Noes	..	..	..	..	18
Majority for ..					1

AYES.

Mr. Collier
Mr. Coverley
Mr. Cross
Mr. Fox
Mr. Hawke
Mr. J. Hegney
Mr. W. Hegney
Mr. Johnson
Mr. Leahy
Mr. Millington

Mr. Needham
Mr. Nulsen
Mr. Panton
Mr. Sleeman
Mr. Tonkin
Mr. Triat
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Berry
Mr. Boyle
Mrs. Cardell-Oliver
Mr. Keenan
Mr. Kelly
Mr. McDonald
Mr. McLarty
Mr. North
Mr. Patrick

Mr. Perkins
Mr. Sampson
Mr. Sewara
Mr. Shearn
Mr. J. H. Smith
Mr. Warner
Mr. Watts
Mr. Willmott
Mr. Doney

(Teller.)

AYES.

Mr. Holman
Mr. F. C. L. Smith
Mr. Raphael
Mr. Rodoreda
Mr. Szyant
Mr. Wise

NOES.

Mr. Abbott
Mr. Hill
Mr. Hughes
Mr. Mann
Mr. Stubbs
Mr. Thorn

Question thus passed; the Council's amendment not agreed to.

No. 18. Clause 3, Subclause (1)—Delete the words "in this section" in line 38.

The PREMIER: This is consequential. I move—

That the amendment be not agreed to.

Mr. McDONALD: Regarding this and the two subsequent amendments made by the Council, all of which are consequential, I merely desire to say that my opposition to them remains.

Question put and passed; the Council's amendment not agreed to.

No. 19. Clause 3, Subclause (2)—Delete all the words after "assent" in line 41, and substitute the following:—"unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively."

No. 20. Clause 3—Delete Subclauses (3), (4) and (5).

On motions by the Premier, the foregoing amendments made by the Council were disagreed to.

No. 21. Clause 5, Subclause (1)—Delete the words "shall commence on the date upon which this Act is assented to, and" in lines 30 and 31.

The PREMIER: This amendment deals with a phase that was discussed at length on an earlier amendment which we disagreed to.

Hon. N. Keenan: Then it is consequential?

The PREMIER: Yes, that is the position. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee consisting of Mr. Watts, the Minister for Labour and the Premier drew up reasons for not agreeing to certain of the Council's amendments.

As to Adoption of Reasons.

THE PREMIER [3.20] I move—

That the reasons be adopted.

MR. WATTS (Katanning): When we were drawing up the reasons, I told my colleagues that if they were united in the point of view that these were satisfactory reasons for disagreeing to the Council's amendments, they had better carry on and I would express my views in the House, because I regard quite a number of the reasons, apart from being unsatisfactory in the light of my own opinions, as being ill-advised and in some cases in the nature of an excuse. Therefore I am unable to allow

the motion to pass without offering some protest as to the terms in which the reasons have been drawn.

The first reason relating to the amendment of the Council to bring the Act into operation when proclaimed reads—

As post-war reconstruction plans are being actively considered by the Commonwealth and the States, in common with the United Nations, it is desirable that the terms of reference should be known as soon as possible.

I think that is the only one that I, in any measure, can support amongst the reasons for differing with the Legislative Council. There is some ground for that answer to the Council's amendment for a postponement of the proclamation of the measure. In my opinion it is not desirable that the national Parliament should have power in post-war years to deal with all phases of employment. I have given many, and I think, valid reasons why that should not be so. To my mind it is not desirable that the Commonwealth should have full power to deal with post-war marketing and trade problems, believing as I do that certain aspects should be reserved to the State. It would be desirable that the Commonwealth should have power to deal with other aspects provided the States first agreed to the Commonwealth so doing. A uniform company law, in my opinion, would not be a great convenience to the commercial community of Australia. In all probability—and this statement is based on the evidence tendered to the Select Committee—it might often be an inconvenience. I do not agree that the power to fix prices should be vested in the national Parliament, for the reasons which I gave earlier and which I do not need to repeat now.

I do not consider that power should be vested in the national Parliament to exploit fully the productive capacity of the nation, because, on past experience, I do not think such exploitation would be likely to react to the interests of Western Australia. I contend that the Commonwealth should be restricted to encouraging production, and I am fully prepared to allow the Commonwealth to assist in the establishment of new industries, but I would not go any further. I am unable to agree that the international currency and exchange position is such as the Premier has indicated, although I have stated that I am willing to give the Commonwealth control over oversea investments, provided such control is exercised through

the Loan Council. To my way of thinking, air transport should not be dealt with by the Commonwealth Parliament. I believe that the Commonwealth should have power to regulate air transport, but it should not be vested with full power to regulate in regard to all aspects and, in addition, legislate itself into the position of being air transporters. In these circumstances, many of the reasons offered have no background to which I can subscribe, and consequently I can only submit to the House the views I hold on the matter.

THE PREMIER (in reply): I do not object to the hon. member expressing his opinions with regard to the reasons submitted for disagreeing to the Council's amendments. He has a right to express an opinion on any matter which comes before the House, and he, as well as other members, should exercise that right whenever he considers it necessary to do so. However, when the hon. member has been appointed to attend a conference, it is his duty to represent the viewpoint of this House just as the managers from another place, when they attend a conference, represent the viewpoint of that House. The Chief Secretary, speaking as a member of the Government, would probably have his sympathies engaged with a number of the clauses of the Bill, if not with all of them—I should say, all of them—but when he represents the Legislative Council at a conference intended to smooth out differences of opinion he has to represent the expressed viewpoint of the Legislative Council. I hope the Leader of the Opposition, when he attends a conference, if we do have a conference on this Bill—I intend to ask for one later—will, in the same way as the Chief Secretary has to represent the Council's viewpoint, in his turn represent the viewpoint of this Chamber, as expressed by the votes of its members, in dealing, at the conference, with the amendments we have been considering.

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

Sitting suspended from 3.32 to 4.20 p.m.

BILL—COMMONWEALTH POWERS.

Council's Message.

Message from the Council received and read notifying that it insisted on its amendments Nos. 1, 4 to 15, and 17 to 21.

In Committee.

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

The PREMIER: I move—

That the Assembly continues to disagree to the amendments insisted on by the Council.

Question put and passed.

Resolution reported and the report adopted.

Assembly's Request for Conference.

The PREMIER: I move—

That the Council be requested to grant a conference on the amendments insisted on by the Council, and that the managers for the Assembly be the Minister for Labour, the Leader of the Opposition, and the mover.

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

Sitting suspended from 4.24 to 4.40 p.m.

BILL—COMMONWEALTH POWERS.

Council's Further Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed the Chief Secretary, Hon. Sir Hal Colebatch, and Hon. C. F. Baxter as managers for the Council, the President's room as the place of meeting and the time forthwith.

BILL—VERMIN ACT AMENDMENT.

Council's Further Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed Hon. G. B. Wood, Hon. L. B. Bolton, and Hon. L. Craig as managers for the Council, the Chief Secretary's room as the place of meeting and the time forthwith.

Mr. SEWARD: I desire to notify the House that the Leader of the Opposition has been appointed a manager for two conferences. I, therefore, move—

That the member for Avon be appointed in place of the Leader of the Opposition as one of the Assembly's managers at the conference on the Vermin Act Amendment Bill.

Question put and passed.

Mr. SPEAKER: I will leave the Chair until the ringing of the bells.

Sitting suspended from 4.40 p.m. (Wednesday) to 11 a.m. (Thursday).

BILL—VERMIN ACT AMENDMENT.*Conference Managers' Report.*

Mr. SEWARD: I have to report that the managers appointed by the Assembly met the managers appointed by the Council to discuss the amendments to the Bill and arrived at the following agreement:—

Insert in the Bill after Clause a new clause, to stand as Clause 2, as follows:—

2. Section four of the principal Act is amended by deleting the definition of "holding" and inserting in lieu thereof a definition as follows:—

"Holding" means any parcel of land as defined and identified by metes and bounds and by a number or other particulars in the Certificate of Title, Crown lease or other instrument of title by which the ownership of such parcel is evidenced. The term includes any parcel of land aforesaid whether held or used or occupied—

- (a) in fee simple;
- (b) under pastoral lease, conditional purchase lease or other lease granted by the Crown or as a homestead farm;
- (c) as a public reserve;
- (d) as a timber lease or timber concession;
- (e) as land under a sawmill or other permit under the Land Act, 1898, or any amendment of that Act, or under the Forests Act, 1918.

The term does not include any parcel of land held for any tenure under the Mining Act, 1904.

Clause 2 of the Bill—Delete the whole of Clause 2 and insert in lieu thereof a clause as follows:—

(2) Section fifty-nine of the principal Act is amended by adding to Subsection (2) thereof a further proviso as follows:—

Provided also that where two or more holdings are situated within an area of land which is completely enclosed with a rabbit-proof fence, and the said holdings and the said area of land are owned by one and the same person, each and every one of such holdings shall for the purposes of this section be deemed to be enclosed with such rabbit-proof fence notwithstanding that such fence is not erected upon all of the boundaries of the holding.

Clauses 3 to 6, as amended by the Legislative Assembly, were agreed to. I move—

That the report be adopted.

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

BILL—COMMONWEALTH POWERS.*Conference Managers' Report.*

THE PREMIER [11.8]: I have to report that the managers appointed by this House met the managers chosen by the Legislative Council in conference regarding the amendments made by the Council and disagreed to by this House. Conference reached an agreement regarding the various amendments. The first amendment made by the Council was to Clause 1 at the end of which it proposed to add the following words:—

And shall come into operation on a day to be fixed by proclamation, but so that such day shall not be earlier than the first day of January, one thousand nine hundred and forty-four.

The Assembly disagreed to that amendment but the managers agreed to amend the Council's amendment by deleting the words "a day to be fixed by proclamation, but so that such day shall not be earlier than." The Council's amendment would give whatever Government was in office at that time the power to determine whether or not the Bill should be proclaimed. If the Government did not feel inclined to proclaim the Bill, it need not do so. The conference decided to amend the amendment, the effect being that the Act will come into operation on the 1st January, 1944.

Hon. W. D. Johnson: And not before the 1st January, 1944?

The PREMIER: The provision will not say whether it is before or after that date. It means that the Bill will come into operation on the 1st January, 1944. The Council's amendment No. 4 dealt with paragraph (b) of Clause 2, referring to unemployment. The Council proposed to strike out the word "and" after the word "employment" in the first line, and to insert the following:—

of unemployed persons on the construction of national works, public works and local government works, and the relief of unemployed persons by occupational training and insurance against.

Conference agreed to amend paragraph (b), as amended by the Legislative Council, by inserting therein after the word "persons" last appearing in the paragraph as amended, the words "by grants and loans of money and goods and." With regard to the Council's amendments 5, 6, 7 and 8 we made no alteration.

Hon. W. D. Johnson: What do you mean by that?

The PREMIER: We accepted those amendments.

Mr. J. H. Smith: Very wisely.

The PREMIER: No. 9 was the next amendment made by the Council that was dealt with by the conference. The Council proposed to amend paragraph (e) of Clause 2—this deals with trusts, combines and monopolies—by adding at the end of the paragraph the following words:—

other than by the compulsory acquisition of property: Provided that this paragraph shall not apply—

(a) to trusts, combines and monopolies—

(i) whose operations do not unreasonably restrain trade and commerce, and are not to the detriment of the public; or

(ii) which are conducted or carried on by the Government of the State or any public authority constituted under the State; or

(b) to monopolies lawfully granted by the State or the Government thereof, or any semi-governmental or local governing body in the State.

From that amendment the words in the proviso "whose operations do not unreasonably restrain trade and commerce and are not to the detriment of the public" were deleted so that the amendment will now refer to the regulation and control of trusts, combines, and monopolies "whose operations are not to the detriment of the public." We have eliminated the words that the Assembly thought would lead to endless litigation.

Mr. Watts: That is not in my copy.

The PREMIER: Is it not?

Mr. Watts: The words "do not restrain trade and commerce" appear in my copy.

The PREMIER: That is so. The word "unreasonably" and the words "and are not" are struck out. The effect is that conference agreed to amend paragraph (e), as amended by the Legislative Council, by deleting from subparagraph (i) of paragraph (a) of the proviso the word "unreasonably" and the words "and are not," so that subparagraph (i) will now read—

(i) whose operations do not restrain trade and commerce to the detriment of the public; or.

Hon. W. D. Johnson: Who will be the deciding factor—the State, or the Commonwealth?

The PREMIER: The Commonwealth. All these powers that the Bill grants to the Commonwealth will be subject to the decision of the Commonwealth whether it will utilise any or all of them or, on the other

hand, decide that the powers are not sufficient and decline to bother about them at all. Very considerable, very wide powers are referred by the Bill to the Commonwealth, which may be most anxious to use them.

Hon. W. D. Johnson: Who will decide whether in this connection anything is detrimental to the public?

The PREMIER: If somebody takes exception to the powers, that exception can only be taken before the High Court. Any objection to legislation of any kind can only be dealt with by process of law, subject only to the qualification that Parliament declares that if the Government brings down a Bill of that kind and Parliament itself takes exception to the measure, the proposal cannot be carried out. If some individual desires to prevent the Commonwealth from passing this legislation, or to have it declared ultra vires, action will have to be taken. Amendments 10 and 11 were agreed to. Amendment 12 deals with the control of overseas exchange and overseas investments and regulations for raising money in Australia as approved by a majority of the Loan Council, and the relevant paragraph of the managers' report reads—

Clause 2 (h). Conference agreed to amend paragraph (h) as amended by the Legislative Council by substituting the word "through" for the word "by" after the word "control." The amendment submitted by the Council proposed to cut out the words "the control of overseas exchange and overseas investment" and to insert in lieu "the control by the Commonwealth of the bank rate of overseas exchange." That was amended by deleting the word "by" and inserting the word "through." Members will recollect yesterday's discussion and the contention that the power in question should be vested in the Commonwealth and not in any bank—in accordance with the procedure generally adopted. The Commonwealth Bank has been doing the work quite satisfactorily; but if the Commonwealth Bank Board refused to do it there is no power to force the board to do it. The amendment is a very satisfactory one. Amendments 13, 14, 15 and 16 were agreed to, and Clauses 17, 18, 19, 20 and 21 were adopted.

HON. W. D. JOHNSON (Guildford-Midland): I wish to express my very keen disappointment at the drastic amendment which the Bill has undergone. Mem-

bers are aware that I have been a consistent supporter of the Bill as sent out from a representative Convention which sat at Canberra. I have never heard any reason or any argument really justifying any amendment of that Bill from a post-war reconstruction aspect. There never has been a case submitted in support of the view that post-war reconstruction cannot be faced and successfully dealt with by various Parliaments having certain authorities. The discussion in this Chamber—and, I assume, also in another place—has all been from the aspect of vested interests. Supporters of amendments to the Bill have all looked for pre-war conditions.

Mr. Sampson: It is most unfair to say that.

Hon. W. D. JOHNSON: They have determined to see that pre-war conditions shall be restored after peace has been regained. I disagree absolutely with that view. I am whole-heartedly with those throughout the world—and this is a world-wide question—who maintain that we cannot go back to the old conditions, that there must be a reconstruction, and that the reconstruction must be of a totally different conception from the conditions prevailing during the pre-war period. I do not believe it is possible to revert to manufacture and production solely for profit. I believe that the trend of the world will be towards manufacture and production for use. I do not believe that the profit motive will be allowed to continue. I believe that socialisation in some form will begin, and because of its popularity and its humane conditions will grow in strength as the years roll on. We cannot do justice to our Fighting Forces, nor can we do justice to those who, owing to war service, have had their homes disorganised, whose lives have been totally changed, whose avocations have in numerous cases been completely altered, under pre-war conditions. Those people cannot be given adequate protection in the reconstruction period if we do not pass the Bill as it originated from the Convention. Again, I did not think—and I say this sadly—that I would live long enough to see a Labour Government compromise with sacred principles of this kind at the direction of a proprietary Chamber.

The Minister for Labour: Another Daniel come to judgment!

Hon. W. D. JOHNSON: I cannot understand, especially since we have the experi-

ence of Tasmania whose Legislative Council decided against the Bill, but whose Legislative Assembly persisted—and there is no doubt that the Tasmanian Government has come out of the issue stronger than it was when the issue was raised—how such a compromise could have been effected here. Tasmania has stuck to principles, has stuck to Labour policy as directed by a Labour Government in the Commonwealth sphere. Again, Queensland has passed the original Bill on the same invitation and the same conditions as accompanied the Bill submitted to this Labour Government of Western Australia. New South Wales is in exactly the same position as Queensland. Although New South Wales has a Legislative Council, it did pass the Bill. Therefore I cannot bring myself to support amendments to a Bill that the Queensland Government has passed, the New South Wales Government has passed, and the Tasmanian Government has stuck to as far as was possible in the Chamber it controlled. When it comes to this Chamber, the Government has not stuck to the position as they stuck to it in Tasmania. I stated in an early part of the debate on this Bill that the Government has a responsibility because it has a majority. No Government can live without a majority and a majority must carry the responsibilities associated with it. Therefore, I expect—and the Labour movement throughout Australia expects—that where there is a Labour Government with a Labour majority that majority will function, and that majority—although it is only in office and can only control this Chamber—will never succumb, will never stop fighting, and will never compromise with a property Chamber. Therefore I am disappointed and I am sad today, but I want to make very clear my convictions and my loyalty to the movement that I have served for nearly 50 years in this State. This is the first time I have been in conflict with the party on a big issue of this kind. I am sad that it should face me now as I grow old.

Mr. Thorn: You do not look very sad.

Hon. W. D. JOHNSON: I have taken this opportunity to speak on the issue because it has been discussed previously. I have now no hesitation in declaring that these amendments will never be endorsed by my vote.

MR. WATTS (Katanning): I did not expect to see the member for Guildford-Midland in the House this morning as it had

occurred to me that the exigencies of his own electorate and the affairs of that neighbourhood would claim his attention.

Hon. W. D. Johnson: Is that an accusation of cowardice, or what do you mean?

Mr. SPEAKER: Order!

Hon. W. D. Johnson: It is a rotten thing to say!

Mr. SPEAKER: Order! I must ask the member for Guildford-Midland to keep order. He has already spoken.

Mr. WATTS: Now that the member for Guildford-Midland is here it is, of course, apparent that he persists in taking up the time of the House and thereby induces other people to do likewise in order that his statements may not go unchallenged.

The Minister for Labour: He was not here yesterday.

Mr. Thorn: Nor at Midland Junction; I was!

Mr. WATTS: For, I should say, the twenty-fifth time during the course of the debate on this measure the hon. gentleman has observed that vested interests are responsible for the amendments which are now acceptable, I believe, to both Houses of this Parliament.

Mr. Thorn: He represents them, too; that is the point!

Mr. WATTS: I am not going to indulge in a discussion on the personal affairs of the hon. gentleman, but I am going to say that the interests that were involved so far as members of this side of the House were concerned, as was clearly shown by the arguments put forward and the information submitted in support of those arguments, were the interests of the people of Western Australia who have declared from time to time and will again declare, I believe, if given the opportunity, that they will not have unnecessary Federal domination. I believe that in this measure as it stands now, the amendments put through by the Legislative Council have been substantially accepted, and they were very similar to those debated in this House. I believe that as it stands now the Bill is reasonable and one that we can, with a certain measure of equanimity, pass on to the Commonwealth Government, a Bill in which we have not handed over powers the handing over of which would never be assented to by the majority of the people of this State. The member for Guildford-Midland may shed crocodile tears on the 50 years he has fol-

lowed the Labour movement and express his disappointment at the decision of the Government in regard to this particular measure, but I say that the Government accepted these amendments in order to secure the passage of the measure; for neither the people of this State by referendum nor the members of another place by vote would ever have passed the Bill as it stood. Therefore the Government has acted very wisely.

THE PREMIER (in reply): I do not want to say much at this stage except that I am rather astonished at the attitude taken up by the member for Guildford-Midland in regard to this matter. My position is quite clear. There is no need for me to define it because it is defined in the Bill, in the preamble of which it is set out that—

the Premiers of the several States have agreed to do their utmost to secure the passage through their respective Parliaments, as early as possible, of a Bill in this form. . . . That refers to the Bill approved by the Convention. I do not know whether the member for Guildford-Midland wants to accuse me of not doing my utmost to get the Bill through, or whether he wants to accuse this party or this House or anybody else.

Hon. W. D. Johnson: My trouble is that the Bill has not gone through.

The PREMIER: I did not say that I would pass this Bill through. I would have been foolish to say such a thing. I could guarantee my own personal attitude but not that even the Government would support me. In introducing a similar Bill in South Australia the Premier of that State said that he had given a personal undertaking to do his best to get the Bill through in the form in which it was presented, but that that undertaking did not bind other members. As a matter of fact, during the passage of the Bill, several members of the Cabinet in that State voted against it.

Hon. W. D. Johnson: That is big politics!

Mr. Patrik: You want machine politics.

The PREMIER: Fortunately, the Labour movement in this State is a long way more loyal than were the members of the South Australian Cabinet to each other and to their Premier. I have never had occasion to quarrel about the loyalty of all the members of my Party. On this occasion I could only give an assurance on my own behalf. As a matter of fact, the Cabinet agreed unanimously to support the measure, and the members of the Party so

far as every portion of the Bill that counted was concerned, stood solidly and loyally behind the Government.

Mr. Patrick: I do not think they all agreed to the Bill.

The PREMIER: I am talking about their exhibition of loyalty in comparison with what happened in South Australia. The Party of which I have the honour to be leader, unanimously, without quarrel or reservation, supported the stand I took when I gave an assurance at the Convention. I have no quarrel with the attitude of my party, and for the benefit of the member for Guildford-Midland and others, that is all I am concerned with. If the members of the Party of which I am leader are prepared to afford me full support, after consultation with them, I do not want anything else. I have not any right to ask for anything else. I may put up arguments in favour of another course in an endeavour to convince members of the opposite side of the House or of another Chamber that they should do certain things I am agreeable to, but I have no quarrel with them. I can, however, quarrel with any of my own side who do not loyally support the Party. That is all I want and all this Party wants—solid, united, loyal support of anything we have decided on in connection with the Labour platform. The decision whether the Commonwealth will use these powers or not does not rest with us. We have passed a Bill which I estimate is about 70 per cent. of the Bill that was decided on at the Convention.

Mr. Warner: The Prime Minister did not expect to get 100 per cent.

The PREMIER: I do not think he did. Had I exercised my discretion unwisely, I might have said, "If Parliament does not pass every single one of these powers, I will not be satisfied with 99½ per cent." and the Prime Minister could rightly say to me, "What right had you to do that? What right had you to reject 70 per cent. of the powers? Surely, you might have left that decision to the Commonwealth Government." I am convinced that in the Bill, as passed, there are many powers which will prove of tremendous advantage to the people of Australia should the Commonwealth decide to exercise them. Yet the hon. member would have me and the members of my Party deny the Commonwealth Government the authority to exercise powers which will now

become law under this measure! I would not be a party to any such action; I would be foolish if I were.

If I were to do what the hon. member urges, most people would say that I adopted a foolish attitude. Should the Commonwealth not be satisfied with the measure, the decision rests with it. If it thinks the powers transferred are insufficient, it can have a referendum and ask the people for any further particular power it requires. If the Commonwealth advanced good and cogent reasons, my Party and I would be pleased to give it any power which would be of benefit to Western Australia, Australia and the world in the post-war reconstruction period. The decision does not rest with me; it does not rest with this Parliament; it rests with the Commonwealth Parliament. I undertook to introduce this measure into the Western Australian Parliament and gave an undertaking that I would do my utmost to get it passed. I think I can successfully claim that I have honoured my undertaking.

Members: Hear, hear!

Mr. Warner: You have done very well in the circumstances.

The PREMIER: This Bill has been patiently and exhaustively discussed for four or five weeks and the discussion has been on a very high plane. In addition, a Select Committee comprising members of this Chamber discussed it for two or three weeks.

The Minister for Works: And this is the utmost that Parliament will agree to.

The PREMIER: Yes. We have not lightly passed something or agreed to something. I have no twinges of conscience about anything I have done in regard to this Bill. On the other hand, I have carried out my undertaking, and that is what I always try to do. Whether or not the hon. member will support the Bill, I cannot help; but we would be the subject of recrimination from the Commonwealth if we decided not to give it any power when we had the opportunity of giving it 70 per cent. of the powers which it desired.

The Minister for Labour: The alternative to this Bill is no Bill at all.

Mr. SPEAKER: Order!

The PREMIER: I do not wish to delay the House further. I wanted to make my position clear in view of the remarks made by the member for Guildford-Midland.

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

Mr. SPEAKER: As the session is about to close and some members wish to ask questions, I will call on questions.

QUESTIONS (6).

RAILWAYS.

(a) *Sheep Truck Freight.*

Mr. DONEY (without notice) asked the Minister for Railways: 1, Is it a fact that when only one-half of a sheep truck is loaded with sheep the owner is charged more than half the full truck rate? 2, If so, what freight rate is he charged? 3, When two owners load sheep into one truck, one using the top half and the other the lower half, is more than the freight rate for a loaded truck charged and, if so, what rate is each owner charged? 4, If the rate charged in these cases is more than the half-rate and more than the full truck rate respectively, will he state the reasons for the department collecting a higher rate of freight than that for one loaded truck?

The MINISTER replied: 1, Yes. 2, Two-thirds of the full truck rate; this is known as half truck rate. 3, Providing the whole of the stock is consigned from one centre to one consignee, full truck rates are charged; if consigned by different senders and/or to different consignees, then each deck would be charged at the half truck rate. 4, In the case of only one deck being used, more than half rate is charged owing to the fact that the truck is hauled in a half-empty condition. When both decks are used, senders may combine—as stated in the answer to No. 3—To obtain the benefit of the full truck rate; otherwise the loading is treated as two distinct consignments which necessitate a greater amount of detail, inasmuch as two consignors and two consignees have to be dealt with, besides separate entries, etc.

(b) *Dining Car and Refreshment Rooms, Kalgoorlie Line.*

Mr. PERKINS (without notice) asked the Minister for Railways: 1, Who is the lessee of the dining-car attached to the Perth-Kalgoorlie express and what annual rental does he pay? 2, Has he the lease of any refreshment rooms along that route and, if so, which ones, and what rental does he pay? 3, What is the daily average number of dinners and breakfasts served in the

dining car referred to in No. 1 during the periods of each half-year ended the 30th June and the 31st December, 1941, and 1942? 4, What is the daily average number of passengers carried on the Perth-Kalgoorlie express and on the train running in the reverse direction during the period mentioned in No. 3?

The MINISTER replied: 1, (a) Mrs. H. Gorman; (b) £900, including Kalgoorlie Refreshment Room. 2, Yes; Chidlow £1,599; Merredin, £525; Southern Cross, £450. 3, The department has no information on this question. 4, Year 1941, 175; year 1942, 200. Numbers on train running in reverse direction would be approximately the same.

TELEPHONES.

Mr. J. H. SMITH (without notice) asked the Premier: As I understand many petitions have been presented to the Premier dealing with telephones, does he propose to take the subject up with the Commonwealth Minister?

The PREMIER replied: I have received several petitions from numerous people and from members of Parliament during the last few days on this subject, but the Government has not decided upon anything because it has not had the opportunity to consider the matter.

BARTON'S MILL PRISON.

As to Prisoners' Conduct, Conditions, Etc.

Mr. McDONALD (without notice) asked the Minister representing the Chief Secretary: 1, Is it a fact that Assistant Controller of Prisons Wilson and Superintendent Dickson were assaulted by prisoners recently at Barton's Mill? 2, Is it a fact that when Mr. Wilson ordered certain recalcitrant youths to be taken to the cells the warders were unable to carry out the order because of the hostile attitude of the bulk of the prisoners, and that the youths were escorted to the cells not by the warders but by certain of the long-term prisoners? 3, Is it a fact that Mr. Wilson and Mr. Dickson were attacked by the youths with pickhandles seized from an office in which an inquiry was being held? 4, Is it a fact that there have been several near-riots at the hills prison lately, particularly on Saturday nights when many of the warders are absent on leave? 5, Is it a fact that warders have been instructed to "lay off" interfering with certain long-term prisoners? 6, Is it a fact that a deputation of prisoners waited

on the superintendent some time ago and protested against the locking up of certain youths in the special one-man huts that have been erected? Did the superintendent accede to the men's request? 7, Has a written statement been given to the Government as to conditions at Barton's Mill by a prisoner, Stanley Joseph Harris, as referred to recently in the Press? 8, Will he lay this statement on the Table of the House, or, alternatively, make it available for perusal by members of the House?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied: 1, On no occasion has the Deputy Controller General been assaulted by prisoners. There was, however, an occasion when, in respect to certain youthful delinquents, it was necessary for the superintendent and some of his staff to use force in order to compel obedience to the Deputy Controller's orders, and in resisting the youths endeavoured to use a variety of missiles. The youths were subsequently brought before the visiting justices for this breach of discipline. The report of the incident made at the time by the Deputy Controller General may be made available for perusal by any members interested. 2, No. 3, Answered by No. 1. 4, On no occasion has the situation ever got out of hand at Barton's Mill prison. 5, No. 6, Certain prisoners endeavoured to incite the youthful delinquents against being locked up at night. The prisoners concerned were brought before the visiting justices for this breach of discipline. 7, Yes. 8, The Controller General will make available Harris's statement to any member interested.

TRAMWAYS.

As to South Perth Service.

Mr. CROSS (without notice) asked the Minister for Railways: 1, Is the Minister aware that the Tramway Department has taken off a number of trams from the South Perth route at peak periods? 2, Is he aware that serious inconvenience is occasioned to people working in essential industries because of the shortage of trams between 7.30 and 8.30 a.m. each day? If that is so, will the Minister see that the service is restored to what it was previously?

The MINISTER replied: I am not aware of any of the facts suggested by the hon. member. I shall make inquiries to see what should be done.

NATIONAL SECURITY ACT.

As to Motor Headlight Masks.

Mr. CROSS (without notice) asked the Minister for Mines: 1, Is he aware that in places such as Sydney and Newcastle motor cars do not have their headlights masked during the night-time? 2, If that is so, will he take steps to see that masks are removed from the headlights of motor cars running in the city of Perth which is considered not to be nearly as vulnerable as either Sydney or Newcastle?

The MINISTER replied: 1, I am not aware that motor cars are running about Sydney or Newcastle without masks. 2, I am not aware that Perth is less vulnerable than Sydney or Newcastle. After reading the Prime Minister's statement and the remarks of General MacArthur I would say that this city is particularly vulnerable.

BILL—COMMONWEALTH POWERS.

Council's Message.

Message from the Council received and read notifying that it had agreed to the conference managers' report.

BILL—VERMIN ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it had agreed to the conference managers' report.

FARMERS AND PASTORALISTS' DEBTS.

As to Resumption of Debate on Mr. Stubbs's Motion.

THE PREMIER: The resumption of the debate on this motion was adjourned to the next sitting of the House, but this sitting has continued since last Tuesday. Can the motion be discussed at this stage, Mr. Speaker?

Mr. SPEAKER: Not unless we have another sitting. Standing Order 181 states—

A resolution, or other vote of the House, may be read and rescinded; but no such resolution or other vote may be rescinded during the same Session, except with the concurrence of an absolute majority of the whole House, and after seven days' notice.

COMPLIMENTARY REMARKS.

THE PREMIER [11.47]: This concludes the business for this session, and it is proposed to adjourn to a date to be fixed by Mr. Speaker, in the same way as we did last

year. I hope it will not be necessary for the House to be called together before the usual time. We have been sitting almost continuously for about nine months. The business we have done, particularly that in connection with the Commonwealth Powers Bill, has made this one of the most important sessions in the history of this Parliament. Important constitutional amendments to the Commonwealth Constitution have been agreed to, and other important business has been dealt with. It is not anticipated that it will be necessary to call Parliament together before the usual time, which is the latter end of July, or the beginning of August. However, we must all be prepared. As the Minister for Mines just said, the defence position of Australia is not at all satisfactory. Expressions of opinion have been offered by General MacArthur, Commander of the Allied Forces in the South-West Pacific, by the Commander in Chief of the Australian Forces, General Blamey, and also by Dr. Evatt in his representations to the United States Government. During the last two or three days the Press has given publicity to these statements. As a result, a feeling of intense disquietude is brought about because of the possibility—even though it is not a probability—of Australia suffering invasion by hostile forces. We are living in strenuous times and the position is not as satisfactory as we would wish. It is possible that this House will be called together to deal with urgent matters. If that position does not arise, we will not resume until the usual time.

When we do meet, the Government does not expect to have a very extensive legislative programme. A large number of Bills has been dealt with during the current session. The next session will be the one prior to the State elections. As the elections are to be held early next year, members will no doubt desire that the Government will, during the recess, give consideration to the framing of legislation so that the Western Australian soldiers—there are 70,000 odd of them, more than half of whom will not be in the State at the time of the election if the present position continues—will have an opportunity to vote. Some effective measure will have to be devised, and a law passed so that these people will not be denied the privilege of exercising the franchise. I am giving members an in-

dication that legislation along these lines will be introduced, and I hope that in the recess they will consider the matter so that they will have constructive ideas to submit as to how best we can extend the vote to the soldiers who will not be in the State and who, under the present law, would be disqualified from exercising a vote at the election.

I extend to you, Mr. Speaker, the Chairman of Committees, officers of the House and members of the "Hansard" staff my best thanks for the consideration that has been extended to me personally during the whole of this long session. I also extend my thanks to the Leader of the Opposition and the Leader of the National Party. I have already intimated that I have nothing to complain of regarding the loyalty that members on this side have shown to me as Leader of the House. Members of the Opposition, too, have extended to me all possible consideration, courtesy and co-operation, and for that I express my gratitude publicly.

MR. WATTS (Katanning): There are some regrets to which I would like to allude before we close the session. One is the unfortunate ill-health of my colleague, the member for Wagin. I express the hope that he may be restored to health in order that he may again be with us when Parliament re-assembles. Of course, it is not to be expected that we can have him with us indefinitely, but we should certainly like to see him here again next session. This brings me to the unfortunate position regarding the motion which was moved by the member for Wagin some five or six months ago, or at any rate some time before the Christmas vacation, and I make this allusion, although I accept your ruling on the matter, Mr. Speaker. It is regrettable, in view of all the circumstances, and in view of the hon. member's state of health, that he could not have had the satisfaction of knowing that his motion had been debated to finality before the session closed. However, the movements of the House that have taken place in order to deal with the difficult constitutional problems confronting us have upset the even tenor of our way.

Mr. Tonkin: What was to prevent us from closing this sitting and commencing another in five minutes' time?

Mr. WATTS: No motion to that effect was submitted. The position is as I have mentioned, and I do not propose to cavil about

it at this stage. I extend to you, Mr. Speaker, to the Chairman of Committees, the officers and all associated with the House, our best thanks for the attention we have received during the somewhat trying summer days experienced while we have been sitting. We appreciate all that has been done in our interest and hope that when the House re-assembles we shall find, as the Premier suggested, that members will be in a constructive frame of mind and will be able to assist in putting through legislation that will be a further credit to this Parliament.

MR. McDONALD (West Perth): I join with the Premier and the Leader of the Opposition in expressing to you, Mr. Speaker, the Chairman of Committees, officers of the House and members of the "Hansard" staff our appreciation of the help that has been afforded us throughout the session. I also wish to thank my associates for the assistance and advice they have given, and the Leader of the Opposition and his supporters for their co-operation. In this session we have been called upon to discuss matters of great constitutional importance, and I believe that all sections of the House have contributed to the discussion on a basis, as the Premier said, which has redounded to their credit. Whether we prove to be right or wrong in our decision on the Bill, I regard it as a wise and statesmanlike decision, and the discussions have certainly been creditable to all members. I am grate-

ful for all the assistance we have received, and I trust that members will be able to address themselves to other matters during the interval over which the House stands adjourned. The member for Wagin has rendered long service to the State, and our hopes are that he may be restored to health and able to resume his place next session.

MR. SPEAKER: On behalf of the Clerks, members of the "Hansard" staff, and of the staff generally, I thank the Premier, the Leader of the Opposition and the Leader of the National Party for their kindly remarks. I take this opportunity to thank them also for the great assistance they have given me, in common with members generally, which assistance has made my task easy. I hope that when we meet again later in the year, the member for Wagin will be in his place, restored to health. While it might be too much to expect that members of the House who are away with the Colours might also be present, I hope it will not be too long before they are taking their place here after the successful conclusion of hostilities.

ADJOURNMENT—SPECIAL.

THE PREMIER: I move—

That the House at its rising adjourn to a date to be fixed by Mr. Speaker.

Question put and passed.

House adjourned at 11.58 a.m. (Thursday).