

prices. They told me that profiteering was rampant. If there is no over-riding power to prevent profiteering, the citizens of this State are likely to be the victims. For the first time in this debate I am on the Chief Secretary's side. I would not like it to be said that the Legislative Council is in league with profiteers.

Hon. H. TUCKEY: This paragraph should not be left in its present form. As it stands, I am opposed to it. The Commonwealth Government at present controls the price of land. A block of land cannot be sold unless the approval of the Commonwealth authorities is obtained to the sale. I know of one instance in which the Commonwealth made a valuation and decided to reduce the price by £150. In another instance, the sale of a hotel property, the local Commonwealth authority approved of the transaction when satisfied that everything was in order; but, nevertheless, the matter had to be referred to the authorities in the Eastern States for their approval. For this State to be subjected to treatment of that kind for all time would be distinctly unfair. Personally, I am not concerned about legal interpretation. After all, if the meaning of the term "profiteering" were disputed, the point would be decided by the High Court. As the matter now stands, it is open to the Commonwealth Government to take any action it likes with regard to trading. Unless some better proposition is put forward, I shall support the amendment.

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

Ayes	..	..	..	6
Noes	..	..	..	14

Majority against .. 8

#### AYES.

Hon. Sir Hal Colebatch	Hon. H. Tuckey
Hon. V. Hamersley	Hon. G. B. Wood
Hon. H. L. Roche	Hon. H. S. W. Parker
	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. W. H. Kitchin
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. C. R. Cornish	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. J. M. Drew	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. F. E. Gibson
	(Teller.)

#### PAIRS.

AYES.	NOES.
Hon. H. Seddon	Hon. E. M. Heenan
Hon. J. G. Hislop	Hon. W. R. Hall
Hon. H. V. Plasse	Hon. G. Fraser
Hon. L. Craig	Hon. T. Moore

Amendment thus negatived.

Clause, as previously amended, put and passed.

Bill again reported with a further amendment.

#### As to Adoption of Reports.

**THE CHIEF SECRETARY:** I desire to ask leave of the House to move that the reports be adopted. I wish to do so in order that the third reading of the Bill may be dealt with on Tuesday next.

The PRESIDENT: Is it the wish of the House that the Chief Secretary be granted leave to move that the reports be adopted?

Question (that leave be granted) put.

The PRESIDENT: There being no dissentient voice, I declare the question passed in the affirmative.

The CHIEF SECRETARY: I move—

That the reports be adopted.

Question put and passed.

#### ADJOURNMENT—SPECIAL.

**THE CHIEF SECRETARY:** I move—

That the House at its rising adjourn till 2.15 p.m. on Tuesday, the 13th April.

Question put and passed.

*House adjourned at 12.53 p.m.*

## Legislative Council,

*Tuesday, 13th April, 1943.*

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

#### QUESTIONS (2).

##### MINE WORKERS' RELIEF FUND.

##### As to Contributions, etc.

Hon. J. CORNELL asked the Chief Secretary: 1, How many persons contributed

to the Mine Workers' Relief Fund for the years ended the 31st December, 1940, 1941, 1942 in the following categories:—(a) mine employees and prospectors; (b) mining companies, syndicates, partnerships, and individual mine owners? 2, What amount of money did they subscribe to the fund in each category in each of the years mentioned? 3, How much more did the Government subscribe to the fund in each of the years mentioned? 4, What was the total amount standing to the credit of the fund in each of the years mentioned?

The CHIEF SECRETARY replied: 1, No. of contributors to Fund:—(a) Mine employees and prospectors, 1941—9,812, 1942—8,914; (b) mining companies, syndicates, etc., 1941—194, 1942—146. 2, Amounts subscribed:—(a) Mine employees and prospectors, 1941—£17,661 2s. 7d., 1942—£16,044 14s. 4d.; (b) mining companies, syndicates, etc., 1941—£17,633 16s. 6d., 1942—£16,022 5s. 1d. 3, Amount subscribed by Government:—1941—£17,683 11s. 1d., 1942—£16,068 17s. 2d. 4, Total amount standing to credit of Fund:—1941—£212,749 11s. 1d., 1942—£239,475 16s. 5d. Figures for year ended the 31st January, 1943, are not yet available.

#### ARGENTINE ANT.

Hon. A. THOMSON asked the Chief Secretary: 1, Can the Chief Secretary give the House any more definite information than he has already supplied as to steps taken to combat the serious pest known as the Argentine ant? 2, Is the department aware that producers are becoming alarmed at the apparent apathy of the Government in dealing with this question? 3, Will the Government instruct its entomologist to take control and provide the necessary funds to exterminate this serious threat to industry?

The CHIEF SECRETARY replied: 1, The Argentine ant was recorded first in Western Australia from Albany in April, 1941. Following the identification of the pest, a visit was made immediately to the infested district by the Government Entomologist and a comprehensive inspection made. A street to street survey was made in company with the Albany health inspector and many householders and business men were consulted. In order to demonstrate control measures, poison baits were prepared and distributed by the Government Entomologist and a quantity of bait

was left with the health board for further use. Extensive publicity was given to the pest, and control measures have been published from time in the "Albany Advertiser," "The West Australian," the "Western Mail," and the "Daily News," as well as country newspapers. Following the discovery of the pest at Albany, and with a view to preventing the spread of the insect from that town, regulations were gazetted prohibiting the movement of plants from or within the Albany Municipality without the permission of the Department of Agriculture. This matter is receiving the constant attention of the departmental officers stationed at Albany. As comprehensive a survey as possible was then made of other localities likely to be infested, including Mount Barker, Bunbury, Geraldton, Northam, Fremantle and Perth. In addition a circular was forwarded to the Chief Inspector of Health and to road board secretaries in the principal country centres describing the ant, pointing out the danger of its spreading to country areas, and requesting that any ants of a suspicious nature should be forwarded to the Government Entomologist for identification. The Argentine ant was first recorded in the metropolitan area in May, 1941, and a street to street survey was made in many suburbs to discover the extent of the outbreak. Careful inspections also were made of the principal nurseries. Following the metropolitan survey regulations were gazetted prohibiting the removal to other parts of the State of all plants liable to spread the pest from within a radius of five miles of the Perth Town Hall without the permission of the Department of Agriculture. Inspections of nurseries within the affected areas have been made repeatedly with a view to preventing the possible spread of the ant by means of plant material. Extensive experiments with baiting material have been and still are being carried out by officers of the Entomological Branch. The formula of the most successful bait has been published repeatedly and forwarded to all householders communicating with the Department of Agriculture concerning the ant. Furthermore, as the bait is somewhat tedious to prepare, at the suggestion of the Government Entomologist a city firm has placed the bait on the market as a proprietary line. 2, No. Complaints, however, have been received of action being taken by the department to control this pest which interferes with the normal trade of certain pro-

ducers. 3, Effective action has been taken by the Entomologist to limit the spread of this pest, as far as is practicable. Eradication can be accomplished only by the householders concerned, who have been advised how this may be effected.

## **YOUTHFUL DELINQUENTS SELECT COMMITTEE.**

### *Extension of Time.*

**HON. SIR HAL COLEBATCH** (Metropolitan) [2.27]: I move—

That the time for bringing up the report of the Select Committee be extended till Tuesday, the 20th April.

The committee has sat almost daily since its appointment, has examined some 20 witnesses and has collected a great volume of valuable evidence, and that portion of its work is practically completed; but, because of the extent of the evidence and the importance of the subject, some few days are necessary for the preparation of the report. Question put and passed.

## **BILL—COMMONWEALTH POWERS.**

Read a third time and returned to the Assembly with amendments.

*Sitting suspended from 2.29 to 5.50 p.m.*

## **BILL—COAL MINE WORKERS (PENSIONS).**

### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 8, 13, 30, 34, 35 and 37 to 41 made by the Council, but had disagreed to amendments Nos. 1 to 7, 9 to 12, 14 to 29, 31 to 33 and 36.

**THE CHIEF SECRETARY:** I move—

That leave be given to consider the Assembly's message in Committee forthwith.

Question put and passed.

### *In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary 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 CHAIRMAN: The reason given by the Assembly for disagreeing to this amendment is that it would have the effect of

destroying the principle of the pensions scheme contained in the Bill, and that for that reason it is applicable to all the amendments disagreed to.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This amendment is necessary on account of a later amendment made by this Chamber, namely, to restrict pensions to coalminers employed underground. Eventually it became necessary to define what a worker really was in accordance with the amendment made by this Chamber. It will be remembered that Mr. Parker drew attention to the fact that the paragraph did not read sensibly. The object of another place is evidently to get back to the definition as it appeared in the Bill when the measure was first introduced here.

The CHAIRMAN: The Bill now applies only to underground workers.

Hon. L. Craig: That is what I want to ensure.

Question put and negatived; the Council's amendment insisted on.

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 CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: This paragraph includes transport workers, those engaged in the transport of coal from the mine

to the rail. This Chamber having decided that the Bill should apply only to underground workers, it became necessary to strike out the paragraph, and another place desires to re-insert it. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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 CHIEF SECRETARY: The Committee will recall the long discussion on this point. The person involved is really the secretary of the Miners' Union. More often than not that official at Collie is an old miner. This Chamber insisted that one of the qualifications he should have to become entitled to a pension, in addition to being secretary of the organisation, was that he should have worked at least five years in the aggregate as a miner underground. Another place desires to retain the definition as it was originally contained in the Bill. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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 CHIEF SECRETARY: This amendment is one of a number consequential upon the insistence of this Chamber that the pension scheme shall be limited to underground workers only, with one or two exceptions. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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 CHIEF SECRETARY: This is the same thing, and I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: In order to assist the Committee I say that this amendment is in the same category as previous amendments. Again I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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.

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

The CHIEF SECRETARY: These amendments also are consequential. I move—

That the amendments be not insisted on.

Question put and negatived; the Council's amendments insisted on.

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

The CHIEF SECRETARY: Here also I have to move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

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.

The CHIEF SECRETARY: All these amendments are consequential, and I move—

That the amendments be not insisted on.

Question put and negatived; the Council's amendments insisted on.

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

The CHIEF SECRETARY: This is another amendment consistent with the amendment moved by Mr. Seddon, and the same argument applies. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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.

The CHIEF SECRETARY: These three amendments are consequential, and I move—

That the amendments be not insisted on.

Question put and negatived; the Council's amendments insisted on.

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

The CHIEF SECRETARY: Consequent upon the scheme to limit the scope of the pensions fund to underground workers, this amendment was made by this Chamber. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: This is the provision which was amended by the

Council to increase the qualifying period of an underground worker for a pension from 300 days to 500 days in certain circumstances. Apparently another place desires to retain the 300 days qualification. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: This amendment also is consequential. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: Subclause (2) gives the tribunal fairly wide powers with regard to persons not otherwise qualified for pensions. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: Here again the Council decided to increase the qualifying period—in this instance from 600 days to 1,000. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 33. Clause 8: Delete this clause.

The CHIEF SECRETARY: This amendment refers to the clause dealing with "hard luck" cases, to which many members of this Chamber took exception. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHIEF SECRETARY: This amendment deals with contributions to the pensions fund by the companies. It prohibits the companies from passing on more than 50 per cent. of the cost of such contributions. There is also the proviso dealing with the question of payments being made to the fund out of moneys due to preference or ordinary shareholders—that very contentious clause.

We decided eventually to delete the whole of that clause. Now another place desires to reinstate the entire clause. I move—

That the amendment be not insisted on.

Hon. G. W. MILES: While there might be room for some compromise on other clauses, whoever are appointed managers should insist on this amendment until the Davidson award is adjusted.

The CHAIRMAN: Order! No instructions can be given to managers by implication.

Hon. G. W. MILES: I am not giving instructions to managers. I want to emphasise my view on this clause, which has to do with giving the companies the right to pass the payments on as part of their costs, as in New South Wales or anywhere else. The Davidson award now fixes the limit the companies are allowed to charge, and it is therefore not fair for us to insist on the companies contributing. I hope the Committee will insist on the amendment.

Question put and negatived; the Council's amendment insisted on.

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

*Sitting suspended from 6.22 to 6.35 p.m.*

### **BILL—COAL MINE WORKERS (PENSIONS).**

#### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers.

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. H. Seddon, Hon. C. F. Baxter and the mover, and that the conference be held in the President's room at 8 p.m.

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

*Sitting suspended from 6.40 p.m. (Tuesday) to 12.1 p.m. (Wednesday).*

### **BILL—COAL MINE WORKERS (PENSIONS).**

#### *Conference Managers' Report.*

The CHIEF SECRETARY: 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.

*Sitting suspended from 12.5 to 3.38 p.m.*

### **BILL—COMMONWEALTH POWERS.**

#### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 2, 3, and 16 made by the Council and had disagreed to amendments Nos. 1, 4 to 15 and 17 to 21.

The CHIEF SECRETARY: I move—

That leave be given to consider the Assembly's message in Committee forthwith.

Question put and passed.

#### *In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

No. 1. 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 CHAIRMAN: The Assembly's reason for disagreeing is—

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.

The CHIEF SECRETARY: I agree with the reason submitted by the Assembly and move—

That the amendment be not insisted on.

Hon. Sir HAL COLEBATCH: All I have to say is that the powers will be known.

Question put and negatived; the Council's amendment insisted on.

No. 4. Clause 2, paragraph (b)—Delete the word "and" after the word "employment" in the first line and 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".

The CHAIRMAN: The Assembly's reason for disagreeing to amendments No. 4 and No. 5 is—

It is desirable that the national Parliament should have power in post-war years to deal

with all phases of employment and unemployment in order to avert crises similar to that of the bad depression years of 1930-1934.

**THE CHIEF SECRETARY:** Again I agree with the reason submitted by the Legislative Assembly. We should not limit the opportunities the Commonwealth will have to provide employment whether it be for those unemployed or for those who are employed. The Commonwealth may desire to inaugurate certain works in Western Australia and not to limit them to the unemployed. By this amendment as it appears in the Bill at the present time we are saying to the Commonwealth, "You shall have the right to provide employment for those who are unemployed, but your right will be limited to that extent." I move—

That the amendment be not insisted on.

**Hon. H. SEDDON:** I hope the Committee will insist on the amendment. I am quite satisfied that the powers given to the Commonwealth Government in the Bill are sufficient to enable it to carry out its work as a Government and to do anything it intends to do in accordance with Government policy to relieve unemployment.

Question put and negatived; the Council's amendment insisted on.

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

**THE CHIEF SECRETARY:** This is consequential. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 6. Clause 2, paragraph (c)—Insert after the word "of" the following:—"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 CHAIRMAN:** The Assembly's reason for disagreeing is—

Post-war marketing and trade problems will probably be dealt with in the peace negotiations and it is desirable that the Commonwealth should have full powers to deal ade-

quately with this matter at the peace conference.

**THE CHIEF SECRETARY:** We had a long discussion on this particular power. I think I submitted at that time a reason similar to that submitted by the Assembly. The moment we start to specify certain commodities we limit the power of the Commonwealth, and I do not think we should do so in this particular regard. Certainly the power as it is in the Bill at present will enable additional commodities to be included, provided a resolution by both Houses of Parliament to that effect is agreed to. I suggest that is a very cumbersome method to adopt. If Parliament were not sitting it would not be possible to include any further commodity until Parliament was called together. There might be considerable delay, which could work very much to the detriment of this State. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 7. Clause 2—Delete paragraph (d).

**THE CHAIRMAN:** The Assembly's reason for disagreeing is—

A uniform company law would facilitate trade and would be a great convenience to the commercial community of Australia.

**THE CHIEF SECRETARY:** This is a case in which this Committee has said, "We do not desire the Commonwealth to have the right to provide a uniform company law for Australia." The issue is very clear cut. I think that more often than not the argument in this Chamber would be for uniformity in connection with anything to do with trade and commerce. Seeing that company legislation is very important to trade and commerce in the Commonwealth, I suggest the Commonwealth Government should be given this power. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

**THE CHAIRMAN:** The Assembly's reason for disagreeing to amendments No. 8 and No. 9 is—

The interpretation of this clause would lead to a great amount of litigation and would render the proposed power largely ineffective.

The CHIEF SECRETARY: Under this, the regulation and control of trusts, combines and monopolies would not be quite as wide as it would be under the paragraph as it appeared in the Bill originally. If trusts or combines were operating to the detriment of the State or the Commonwealth something more than the mere regulation and control of them might be necessary. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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 CHIEF SECRETARY: I previously suggested that we should be uniform in our attitude. I would, however, again point out that "other than by compulsory acquisition of property" is really meaningless in this Bill because the Commonwealth already has, under its Constitution, power compulsorily to acquire property on just terms, which is limited only to the extent that it should be property in connection with which the Commonwealth has the right to introduce legislation. Here, although we are giving the Commonwealth the right to introduce limited legislation in regard to the regulation of trusts, combines and monopolies, we are also, notwithstanding the provisions of the Constitution which give the Commonwealth the right to purchase property, taking away that right. While it is within our power to refer matters to the Commonwealth giving it additional power, we certainly have not the right or authority to take away any powers that the Commonwealth now has. For these additional reasons, I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

The CHAIRMAN: The Assembly's reason for disagreeing is—

The power to fix prices should be vested in the national Parliament as trade and commerce is absolutely free between the States. Profiteering could not be effectively controlled without power to fix prices.

The CHIEF SECRETARY: The Assembly's reason that if we are to give the Commonwealth the right to deal with profiteering it must also have the right to deal with prices by means of price-fixing, is similar to the argument raised in this Chamber. This amendment prohibits the right to institute a scheme of price-fixing in connection with profiteering. Personally I think the term "profiteering" is wide enough to include the question of the prices at which goods have been sold when a charge of profiteering is laid against an individual. Nevertheless it would not cover the whole field of price-fixing. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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 CHAIRMAN: The Assembly's reason for disagreeing is—

Power should be vested in the national Parliament to exploit fully the productive capacity of the nation, and to prevent discrimination in distribution.

The CHIEF SECRETARY: The Assembly's reason is a very good one because under our amendment we are severely limiting the operations of the Commonwealth Government in regard to production. We only give to the Commonwealth Parliament the right to deal with the rationing of goods where there is a shortage of supplies. One can understand that in the post-war period it will be necessary for the Commonwealth Government to have far greater powers than that. It may be necessary for it to deal with goods not in short supply. The situation in many other ways may be such that the Commonwealth Government will



have to speak on behalf of the whole of Australia in its negotiations with other nations. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

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

The CHAIRMAN: These two amendments can be taken together. The Assembly's reason for disagreeing is—

International currency and exchange will be one of the most important aspects of post-war reconstruction and upon it will depend all international trade agreements. Great Britain and the U.S.A. are already working on this problem and the Commonwealth Government has been consulted. This matter will be the direct responsibility of Governments all over the world and it is essential that the National Government in Australia should not be in the impossible position of having no power to negotiate in connection with it. The power already possessed under the External Affairs section of the Constitution is uncertain.

Moreover, it will be necessary to exercise control over the internal expenditure of capital and the Australian Loan Council is the most competent authority to deal with this question.

The CHIEF SECRETARY: These deal with one of the most important of the powers proposed to be referred to the Commonwealth. In my opinion we go too far when we seek to limit the power to the Commonwealth Bank's control of overseas exchange. There are many other phases to be considered such as overseas investments and investments within Australia itself. The raising of money for any particular project should be subject to the approval of, and control by, the Commonwealth Parliament. With regard to the raising of money which will be so necessary when the war is over, I sincerely believe it is absolutely essential that the Commonwealth Government shall have the power originally suggested. I move—

That the amendments be not insisted on.

Hon. J. A. DIMMITT: I hope the Committee will insist on its amendments. That will enable financial matters to be dealt with by financial people, and political matters to be handled by politicians.

Question put and negatived; the Council's amendments insisted on.

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

The CHAIRMAN: The Assembly's reason for disagreeing is—

Air transport is so essentially international and interstate in character that it should be dealt with by the Commonwealth Parliament.

The CHIEF SECRETARY: Here again is another important matter that in the post-war period will assume far greater significance in the Commonwealth than ever before. All must recognise the advances made regarding aeroplanes and air travel generally, which are attributable to the war. No doubt when hostilities cease people will be more air-minded than ever before, and it is essential that the Commonwealth shall have power not only to regulate but to deal with all phases of air transport. The Commonwealth should control that form of transport, not only as between States but within States. There are many phases that the Commonwealth will have to take into consideration very seriously, and I should not be surprised if it were found necessary in the post-war period for the Commonwealth Government to own transport planes as it owns its railway now and as the States own railways and ships. Moreover, the necessity will arise to provide air services to all parts of the Commonwealth. We shall be in a better position to do that when the war is over because of the large number of aerodromes and landing grounds that have been established. As we can expect great developments along these lines during the reconstruction period, I do not think we should limit the Commonwealth in this respect. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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 CHAIRMAN: The Assembly's reason for disagreeing is—

The uniformity of railway gauges is so important from a defence standpoint that States should be unable to prevent uniformity under reasonable terms.

The CHIEF SECRETARY: I do not agree with the limitation that we propose

to place on the power of the Commonwealth Government to deal with the uniform railway gauge problem. It should be apparent that we must give the right to that Government to deal with this matter without any limitation at all. Originally the proposal was that the work should be done in co-operation with the State, and I cannot see anything wrong with that proposal. I move—

That the amendment be not insisted on.

Hon. G. W. MILES: The Committee should carefully consider this amendment. If there is one development that is essential for the well-being of Australia, it is uniformity in connection with our railway gauges. During my second reading speech on the Bill I quoted authorities to indicate that the railways today constitute a menace rather than an aid to the defence of the continent. We have an example in the refusal of South Australia and Victoria which prevents the Commonwealth from constructing a through line that would be of importance at the present juncture. That should influence the rest of the States in favour of giving the required power to the Commonwealth to deal with the railway problem. I hope the Committee will agree not to insist on its amendment, particularly as the Constitution provides adequate protection for the State.

Question put and negatived; the Council's amendment insisted on.

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

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

No. 19. Clause 3, Subclause (2)—Delete all words after the word "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).

The CHAIRMAN: These four amendments deal with the one question, the jettisoning of the proposed referendum and the substitution of provision for a statutory majority of both Houses of Parliament.

They can be dealt with together. The Assembly's reason for disagreeing is—

As it is desirable that the referred powers should operate for a reasonable time and important commitments may be entered into, a referendum should be held before the powers can be withdrawn.

The CHIEF SECRETARY: The reason given by the Assembly embodies the argument against the amendments we inserted in the clause. As it stands at present, it would be quite possible for the Commonwealth to have acted in pursuance of some of these powers referred to it in the interests of this and other States. The commitments so entered into might be of such an important character that it would be particularly embarrassing if this Parliament at that stage sought to withdraw the Commonwealth's right to act on our behalf. It is reasonable to assume that that would be a very serious matter. I realise that a constitutional majority of both Houses would afford some protection, but it is quite conceivable that both Houses might act a little hastily and without due regard to all the circumstances, in which event we might put the Commonwealth as well as ourselves in a most invidious position. I move—

That the amendment be not insisted on.

Hon. C. F. BAXTER: This is a most important amendment. I cannot understand the Chief Secretary saying that the two Houses might act hastily. Surely we would get a more considered opinion from a constitutional majority of both Houses than from a referendum of the people! A very small percentage of the people voting at a referendum really understand the questions placed before them.

Hon. G. W. MILES: I have never heard a weaker argument than that advanced by Mr. Baxter. Seemingly we cannot now trust the people, though the people elect members of Parliament. A referendum is the proper procedure by which to amend or withdraw these powers. The people and not the Parliament should exercise the power. It is possible that we might go on extending this moribund Parliament for all time.

The Chief Secretary: Is not that a reflection on this Chamber?

Hon. G. W. MILES: I do not think that it is. Members, and not the people, are electing themselves to Parliament. Yet Mr. Baxter argues that the members can give

a more considered opinion on these matters than can the people.

Hon. C. F. BAXTER: Mr. Miles has helped to mould and pass the Bill on the vote of a simple majority. If it is sound for members of Parliament to place the measure on the statute-book, surely they are the ones to amend or revoke any of the powers! Had the Bill been introduced with the backing of a referendum of the people, it would be another matter. The hon. member is quite content that the measure should be placed on the statute-book on the votes of members of the Parliament, and yet he argues that they are not fit and proper persons to amend the Act. We cannot get a considered opinion from the people on a referendum.

Hon. G. W. MILES: Before much more is done by this Parliament, an election should be held, and I hope no attempt will be made by sections to extend the life of Parliament, as was done last year.

The CHAIRMAN: That is out of order.

Question put and negatived; the Council's amendment insisted on.

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 CHAIRMAN: This is contingent upon amendment No. 1.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

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

*Sitting suspended from 4.17 to 4.30 p.m.*

## **BILL—COMMONWEALTH POWERS.**

### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to, the conference to be held forthwith in the President's room and that the managers for the Council be selected by ballot.

Hon. J. CORNELL: I have no wish to throw a spanner into the works, but I think the motion is out of order. The Chief Secretary must nominate the managers, and any member objecting can ask for a ballot.

Hon. H. S. W. Parker: I agree.

The PRESIDENT: It would be better for the Chief Secretary to nominate the managers. The Standing Orders provide—

322. Every motion for requesting a conference shall contain the names of the members proposed by the mover to be the managers for the Council.

323. If, upon such motion, any member shall so require, the managers for the Council shall be selected by ballot.

The CHIEF SECRETARY: I bow to your ruling, Sir, and amend my motion as follows:—

That the Assembly's request for a conference be agreed to, the conference to be held forthwith in the President's room and that the managers for the Council be Hon. C. F. Baxter, Hon. Sir Hal Colebatch and the mover.

The PRESIDENT: The members nominated as managers are Hon. C. F. Baxter, Hon. Sir Hal Colebatch and the Chief Secretary. Does any member desire a ballot? If not, I shall put the motion.

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

## **BILL—VERMIN ACT AMENDMENT.**

### *Assembly's Request for Conference.*

Message from the Assembly having been received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

Hon. G. B. WOOD: I move—

That the conference be held forthwith in the Chief Secretary's room.

The managers for the Council have already been selected by ballot.

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

*Sitting suspended from 4.38 p.m. (Wednesday) to 11 a.m. (Thursday).*

## **BILL—COMMONWEALTH POWERS.**

### *Conference Managers' Report.*

The CHIEF SECRETARY: I beg to report that the managers of both Houses met in conference on the Bill and reached the following agreement:—

No. 1.—Clause 1: Conference agreed to amend Clause 1. as amended by the Legislative

Council, by deleting therefrom the words:—"a day to be fixed by proclamation but so that such day shall not be earlier than"

This means that the Bill will come into operation on the 1st January next.

No. 4.—Clause 2, (b): Conference agreed to amend paragraph (b), as amended by the Legislative Council, by inserting therein after the word "persons" last appearing in the said paragraph amended as aforesaid, the words "by grants and loans of money and goods and".

This amendment, in other words, provides for the maintenance of persons who may be without money and goods.

No. 9.—Clause 2, (e): Conference agreed to amend paragraph (e), as amended by the Legislative Council, by deleting from subparagraph (1) of paragraph (a) of the proviso to the paragraph the word "unreasonably" and the words "and are not" so that paragraph (1) shall read as follows:—

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

This is an amendment to the paragraph dealing with trusts, combines and monopolies.

No. 12.—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 Conference agreed to accept, without alteration, the Legislative Council's amendments Nos. 5, 6, 7, 8, 10, 11, 13, 14, 15, 17, 18, 19, 20 and 21.

I move—

That the report be adopted.

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

## **BILL—VERMIN ACT AMENDMENT.**

### *Conference Managers' Report.*

Hon. G. B. WOOD: I beg to report that the managers of both Houses met in conference on the Bill and reached the following agreement:—

Insert in the Bill after Clause 1 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 of the Bill, 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 Assembly.

*Sitting suspended from 11.20 to 11.40 a.m.*

## **BILL—COMMONWEALTH POWERS.**

### *Assembly's Message.*

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

## **BILL—VERMIN ACT AMENDMENT.**

### *Assembly's Message.*

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

## **QUESTION—WOOLCOTT-FORBES EXTRADITION PROCEEDINGS.**

Hon. C. B. WILLIAMS (without notice) asked the Chief Secretary: In view of the urgent necessity of conserving Australian wealth for the war effort, will the Government make representations to the Govern-

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.*

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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 Wharfage.*

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 wharfage per ton *ex* South Australia? 4, What is the wharfage *ex* Esperance?