particular item, nor do I think anybody else can at the present time. I have a statement from the Government Actuary which will be produced at the proper time and which will show that the scheme as a whole is sound in his opinion.

Hon. G. W. Miles: Why has not an estimate been produced?

The CHIEF SECRETARY: There has been no necessity to do so.

Hon. G. W. Miles: Bludgeon the thing through without such information!

The CHIEF SECRETARY: I ask the hon. member's withdrawal of that remark.

Hon. G. W. Miles: I withdraw. I say we ought to have that information.

Hon. C. B. Williams: Is "bludgeoning" a Parliamentary expression?

The CHAIRMAN: The word has been withdrawn.

Hon. C. B. Williams: But you did not ask the hon. member to apologise to the Committee.

The CHAIRMAN: I misunderstood the word.

Hon. C. B. Williams: You misunderstood! I did not.

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

Clauses 10 to 17—agreed to.

Clause 18—The Funds:

Hon. L. CRAIG: In my opinion, the word "accruing" in line 5 of Subclause (5) should read "received." The word "accruing" means "becoming due or due." Moneys that are becoming due cannot be invested. I move—

That in line 5 of Subclause (5) the word "accruing" be struck out and the word "received" inserted in lieu.

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

Progress reported.

BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS).

Returned from the Assembly without amendment.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

That the House at its rising adjourn till 2.15 p.m. on Tuesday, the 16th March.

Question put and passed.

House adjourned at 5.14 p.m.

Legislative Assembly.

Thursday, 11th March, 1913.

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

PRIVILEGE—LETTER TO THE SPEAKER.

MR. DONEY (Williams-Narrogin) [2.17]: Under privilege, might I ask whether you, Mr. Speaker, have anything to intimate concerning the letter I handed in this morning in regard to adjourning the House?

Mr. SPEAKER: Nothing, only that I told the hon. member, before the sitting of the House, that I did not propose to read the letter to the House.

Mr. Doney: Am I then in order in disagreeing with your ruling? I shall have no opportunity other than this.

Mr. SPEAKER: Order! I have given no ruling. I have only answered a question.

BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS).

Second Reading.

Debate resumed from the previous day.

MR. DONEY (Williams-Narrogin) [2.19]: As in the case of all legislation affecting local governing bodies, I would naturally have preferred time to have referred the subject-matter of this Bill to them over the week-end. They naturally deal oftener and more intensively with these electoral questions than we do, and as a consequence their views are more practical than ours on occasions such as this. I admit that to do that was not practicable this time. The Government is very anxious to have the measure passed, and I quite realise that the Minister in charge of the Bill has had no opportunity to follow the usual lines. The Bill at first sight does not appear clear, but on re-reading it I find it sets out in a satisfactory way a method of preserving the present desirable system whereby one-third of the members of a road board or municipality retire each year. It also overcomes the upset of routine caused firstly by the postponement of the

municipal and road board elections from 1942 to 1943, and secondly, of course, by the fact that 12 road board and five municipal elections of an extraordinary nature had to be held this year. Members must clearly recognise that this Bill deals only with the position created by the holding of the extraordinary elections to which I have just referred. It takes no cognisance whatever of similar elections that will, I assume, arise in 1944 and 1945. This position, I take it from the speech of the Minister, will be dealt with by a Bill such as this in each of those years.

At this point I would be glad if the Minister will take notice of the varying periods for which successive retiring batches of members will have served. I gathered from his speech that the result of the method now being adopted to adjust this position will mean that each of the retiring road board members or councillors would have been sitting in office for four years at the time of retirement. I am not raising this point as an objection to the Bill, because I take it that that difficulty will be adjusted in next year's measure. In respect of the 12 elections that took place this year, the members involved would, of course, have been sitting in office for four years prior to the elections. But the members of the other 110 or 112 boards that should have been retired in 1942, but will not now be retired until 1944, will have been sitting in office for five years, and the next one-third, and the yet further one-third, will have been in office for four years.

The Minister for Mines: That is if we do not alter the legislation in the meantime.

Mr. DONEY: Yes, provided there is no further postponement of the elections. That is all I wish to mention, except to express the hope that the Minister, if he should reply, will make some mention of the position outlined by me that there are actually five years of office in the one case and four years of office in the other.

HON. W. D. JOHNSON (Guildford-Midland): I am glad and grateful to the Government for having introduced this legislation. It is a matter which was first brought under my notice by the Bassendean Road Board, which explained exactly what the Minister stated when introducing the Bill, namely, that the general order of elections was disorganised by this extension on exactly the same lines as the Legislative Council would have been disorganised had not legislation been passed there. As a result, in company with the chairman and secretary of that board, I waited on the department concerned, and I presume that, as a result of the representations made, this legislation has been brought down. In addition to my knowledge of Bassendean, I know from the chairman of the Kalgoorlie Road Board that his board is in exactly the same position, and is awaiting the passage of legislation of this kind to assist in maintaining, as the member for Williams-Narrogin has pointed out, the order of election that has been the practice over the years. The Bill is timely because it will overcome the difficulties that have arisen in connection with the forthcoming elections. As the Minister pointed out and the member for Williams-Narrogin mentioned, another Bill will have to be introduced to overcome the anomalies that will be created in the matter of future elections. The Minister explained that those adjustments would be made during the sittings in September or October next. This Bill has been introduced in response to representations by local governing bodies, who are deeply interested in the matter, and will leave the position as it existed previously because of their not having taken advantage of the Act.

MR. SAMPSON (Swan): The Bill is undoubtedly necessary in order that the difficulty and confusion that have arisen may be overcome. I am glad the measure has been introduced and I am hopeful that, when subsequent legislation has been passed, local governing bodies will be able to revert to the original position. I do not know that it is to the interest of all concerned that elections should come to an end. There is generally a good deal of misunderstanding about the present position. When the original legislation was introduced there was justification for it, but I am doubtful whether that justification exists today. When the Bill to be introduced next session is presented, I hope it will provide facilities to reinstate the old method of regular elections for local authorities.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Third Reading.

THE MINISTER FOR MINES [2.30]: I move—

That the Bill be now read a third time.

MR. WATTS (Katanning): I had intended to speak on one matter in Committee but missed my opportunity. I am not at all satisfied regarding the position of those members of road boards who should have been elected in April, 1942, but who, on account of National Security Regulations, had no elections. This Bill, as I see it, does not provide for them, but I understood the Minister to say that they would be provided for in a subsequent measure to be introduced next session. If that is so, I have no further objection to offer, but I would like to have the point made clear because it has been represented to me that absence of reference to those members who should have retired from road boards in April of last year leaves a gap that ought to be filled. On reading the Bill I find no reference to the matter, and I cannot understand what the position of those members is at present. When the National Security Regulations came into operation, I understood—and I am speaking subject to correction—that there was provision for the postponement of elections for 12 months. Therefore it seems to me that the persons who should have been elected 12 months ago now exist until April of this year only, and if they are not re-elected, or if this Bill does not refer to them, they will cease to have any status at all.

THE MINISTER FOR MINES (in reply): What the Leader of the Opposition has overlooked is the Bill introduced by the Minister for Works and passed earlier in the session, which provided for the right to postpone elections for another 12 months. The hon. member was quite right in saying that the National Security Regulations provided for a postponement of 12 months only. The Bill introduced by the Minister for Works gave him authority to postpone elections for another 12 months subject to certain conditions. One condition required him to give so many days notice of intention to postpone elections. In the event of a majority of members of a road board or municipal council or of 10 per cent. of the electors disagreeing to a postponement, then an election had to be held. There were 12 road boards and five municipal councils which, by a majority, disagreed with any further postponement. Therefore those elections had to be held because those bodies disagreed with the exercise by the Minister of the right to postpone their elections. When the elections were postponed until this year, it was found that there would be members retiring in 1943 who should have retired in 1942 as well as those normally due to retire in 1943. This Bill was introduced to rectify that matter and preserve continuity. A further Bill will be introduced later in the year to make requisite provision for the future.

Question put and passed.

Bill read a third time and *passed.*

BILL—COMMONWEALTH POWERS.

In Committee.

Resumed from the previous day. Mr. Marshall in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: Progress was reported after new Clause 4 had been agreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

Recommittal.

On motion by Mr. Watts, Bill recommitted for the further consideration of Clause 2.

In Committee.

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

Clause 2—Reference of matters to Parliament of Commonwealth:

Mr. WATTS: I move an amendment—

That at the end of paragraph (b) the following words be added:—"but so that no law made under this paragraph shall affect or in any way prejudice the sovereign rights of the Parliament of the State through a State Arbitration Court or other State industrial tribunal to regulate and determine wages and other conditions of employment in the State."

My amendment has been on the notice paper for some three or four days. The Committee will remember that there was a great deal of discussion on the circumstances which might arise if the Commonwealth were entrusted with the power to make laws in regard to employment and unemployment. It was contended by various members on the opposition side of the House in the strongest possible terms that it was desirable the

people of Western Australia should retain, through the Parliament and Government of the State, certain sovereign rights which they have possessed ever since this State obtained self-government and throughout all the days of Federation, in regard to the matter of determining how, in what circumstances, and where, persons seeking employment in industry in this State should be controlled.

Much to my regret, no indication whatever was given by members on the other side of the House that there should be any recognition paid to the desirability of the State, as a State, retaining control over those aspects. It seemed to me that the Government side, following out some policy inexplicable to me, I must admit, had determined that there should be no alteration whatever to this measure. I contrast that attitude most sharply with the attitude adopted by the Premier of South Australia when introducing the measure. He stated he was the only person in the South Australian Parliament who considered himself in any way pledged to the letter of the measure, and that the House—and indeed his fellow Ministers in the Cabinet—were entitled to take such action on controversial subjects as they thought advisable. Had that been the case in this House, I have no doubt this paragraph, in conjunction with others, would have received a very different type of consideration from that which was given to it. But in the result the objective which we sought to achieve, namely, to leave the control of conditions of employment to the State Government and Parliament, was defeated.

There is one aspect of this matter to which I have, right from the very beginning, given very careful consideration, and it is the right of this Parliament to appoint and continue in office, as well as to abide by the determinations of, the industrial wages tribunals of its own creation. I say very distinctly that that has been my attitude from the moment this Bill was produced to the Convention at Canberra until the present time. As I said, in moving an amendment which I shall mention in a moment or two, I expected from the Commonwealth Government spokesman some undertaking that this aspect of determination of wages and conditions of employment would be one which the Commonwealth Government would be prepared to leave to the States. I was unable to obtain any such undertaking. In fact, I was asked by the Commonwealth Attorney General not to press the amendment, and I said last week that I deduced from that request the belief that it was definitely the intention of the Commonwealth Government to exercise the right which the passage of the Bill, as printed, would give to it, ultimately to deprive the State of the right to engage itself in the creation and maintenance of tribunals for the fixation of wages and the determination of conditions of employment. It will be found, at page 168 of the records of the Convention, that I said —

> There can be no opposition to the inclusion of the word "unemployment." Everyone realises that unemployment must be tackled, but Dr. Evatt is uncertain as to the implication of the word "employment." Although I do not think it is so intended, it might very easily lead to the abolition of the arbitration courts of the States, and the imposition of legislation fixing wages and conditions without proper inquiry. I do not think that we desire either to make such a fundamental change or to open up the possibility of the High Court determining that such a fundamental change could be made in our constitutional procedure.

The report continues—

> Mr. Cooper: Should not the preamble be read in conjunction with this provision?
>
> Mr. Willcock: The Commonwealth will be able to exercise this power if it so desires.
>
> Dr. Evatt: These are only heads of powers. We should not assume that the powers will be exercised unreasonably or in the interests of any political party.

I then said—

> I am not concerned with parties and have endeavoured to avoid that aspect, but I am concerned about the implications of the word "employment" in the absence of qualifications of any kind.

Later on, as I had had no satisfaction, I moved—

> That after the word "employment" the words "not including the fixation of wages and conditions of employment" be inserted.

That amendment was not very satisfactory; but the Committee will no doubt be pleased to recollect that this measure had been presented to the members of the Convention—other than those on the Drafting Committee—at about half past two in the afternoon and that discussion on it was taking place at about half past four. When members realise the study that has since been given to the legal aspects of this measure and the difficulties involved in drawing amendments to any Bill of this kind, they will doubtless

be prepared to sympathise with me in the very poor quality of the wording of the amendment, but nevertheless they will bear in mind that I was working on the line which I now indicate. Dr. Evatt subsequently said—

> I appeal to Mr. Watts not to press his amendment. If a legal dispute arose as to the meaning of the words, that meaning would be a matter for decision by the High Court. Why fetter unnecessarily the powers of the Parliament?

I have no hesitation in saying that Dr. Evatt, in making that statement, was playing with words, because he knew perfectly well —as well as we all know now—that there was no question, if the matter came before the High Court, what the determination of that court would be. Dr. Evatt was for many years a judge of that High Court. I could perhaps not be expected to realise its implications to the extent that an ex-judge of the High Court would realise them, but I have no hesitation in saying at this stage that he knew perfectly well that the use of the word "employment" would cover every aspect of the relationship between employer and employee, and many other aspects which probably do not come directly within that category. However, the amendment was not agreed to by the Convention. I returned to Western Australia and on my return I published in the daily newspaper a statement in which to some extent I criticised the proposals in the Bill. I said there were a number which required more than careful consideration before being passed. I made particular reference to the fact that if this paragraph were left as printed the control of industrial arbitration and conditions of employment would be taken away from the State.

I naturally anticipated that there would be some measure of enthusiasm displayed by every section of this Chamber in the retention of State authority in these matters. I did not feel it necessary to make any further reference to the matter because I felt that when the measure came before the House for proper and close discussion there was little doubt that every side of the House would rise in protest, not only against this clause—although I regard this as the major clause—but also against a number of others which have received full discussion in this Committee in the last few days. But the Bill came forward and no protest was raised by the Government side. It was then referred to a Select Committee, and still no protest was raised by those gentlemen who were members of the Select Committee and who sit opposite me in this Chamber. They were still prepared to subscribe to every line of this document. I then determined that the matter would be raised as well as I was able to raise it when the clauses came up for discussion in Committee. To the best of my ability, I opposed it.

The encouragement I got was the defeat of the amendments I supported and the acceptance on a purely party vote of the whole of paragraph (b) without the slightest attempt being made to amend it in any way that this side of the Chamber was able to propose. As will have been seen by the record I have mentioned, I have been very greatly interested in this aspect of the case. I have very considerable confidence in the people of Western Australia and in their industrial behaviour. I make no secret of the fact that I look on the workers of Western Australia as the cream of the workers of Australia, and I believe that statement can be justified by the evidence that can be brought forward in any part of this State. I believe that their rights and their wrongs are best entrusted to the Parliament of Western Australia. I know the same belief is held by my colleagues on these benches. Believing that, we came to the conclusion there would have to be one further effort to amend the Bill in some other form in order to prevent the industrial and employment conditions of the people from being subject to control from a centralised Government 2,500 miles away, whose activities are substantially controlled and may yet be more substantially controlled by the representatives of New South Wales for whose industrial workers I have nothing like the regard I have for the industrial workers of Western Australia—and again I am basing my remarks on the evidence which is before us almost every day.

So I put on the notice paper the amendment I am about to move. Before I move it I am going to speak of a matter to which I referred last week. Some years ago, the hon. gentleman who occupied this seat before I did, and whose honesty and probity no one in this House for one moment doubts, made, it is alleged, in 1933, a statement that there ought in the interests of industry in Western Australia to be a uniform wage fixation throughout the Common-

wealth. As I was not present in this House and did not hear his policy speech I am not of my own knowledge able to say whether that statement was made or not. And it is not of the slightest interest to me whether it was made or not in those terms. But what is of interest to me is the response that such observations received from the hon. gentlemen who then sat and in some cases now sit on the opposite side of this House. I looked over "The West Australian" newspaper of February, 1933, the other day. I should like to be able to quote to this House the observations there reported of the member for Boulder in regard to this matter.

Hon. P. Collier: You could not do that; it would not be etiquette.

Mr. WATTS: I do not suggest for one moment that the hon. member was wrong when he interjected the other day that he won an election over that, or words to that effect. I would also like to quote the observations of a gentleman who was subsequently the Minister for Labour, Mr. Kenneally, which observations are reported in the same Press, and I think I could extract some satisfaction also from the views of the present Minister for Works who also took the opportunity of commenting on the public platform on that subject. Each and every one of those gentlemen and others whose names are too numerous to mention, but whose speeches are all recorded in that wonderful 1933 volume of "The West Australian" claimed that the net result would be that the member for York of that day was going to cost the workers of Western Australia 10s. per week each through his suggestion that there should be a Federal basic wage. The position today is, and at almost every other period in our history since 1933 has been, exactly the same or very substantially like it. At present, without labouring this point, it would cost them 6s. 9d. per week each. So I cannot for the life of me understand why all the opportunities which were available to my friends opposite to do something about this matter were neglected. They were warned at Canberra and in the Press when I came home, and in this House last week by half-a-dozen speakers, and why it should be necessary for me to come before the Committee this afternoon and put up this proposal, I am blest if I know!

Mr. Withers: The champion of the workers!

Mr. WATTS: I do not profess to be the only champion of the workers. I profess to be the champion of Western Australia at this present time, which is more than I can say for my friends opposite. I am sorry to have to say that.

The Premier: We are big enough to speak for ourselves.

Mr. WATTS: I daresay members opposite are quite big enough to speak for themselves, but it will take a lot to get round the observations and speeches made in this House in the last few days. There will be a great many people in this State they will not succeed in getting round. Instead of this matter having been submitted to the House on a non-political basis—and it should have been and would have been but for the attitude adopted by the other side of the House—it has been brought here purely as a party measure, and forced through this Committee, in some respects I venture to say, against the better judgment of some of my friends opposite.

The Minister for Mines: You are guessing.

Mr. WATTS: I am not guessing at all. There are a great many gentlemen opposite who in some respects—not in all respects; in some parts I have no objection to the Bill myself—have agreed to the measure against their better judgment. They cannot deny that they did not want in toto the passage of this Bill. My position is that I prefer—as I have said all along in this regard—that matters of this kind should be left to the Parliament of the people of Western Australia. Anyone who suggests there is any other authority in Australia which has proved itself better qualified to deal with the matter, or which is likely in future to prove itself better qualified to deal with it, will have a very difficult task to convince me.

Hon. W. D. Johnson: I suppose you include the Legislative Council?

Mr. WATTS: Such industrial laws as are upon our statute book and which from time to time have been highly commended on the public platform by members of the party opposite and by candidates under their banner, were passed by the Legislative Council. Therefore, if they are as stated—and I believe they are—good samples of that type of legislation and have done good work in Western Australia; and I want them to do more good work, whether members opposite do or not—I would remind members that they have been passed by the Legislative

Council and are therefore in that perfection which has been claimed for them as much the work of that House as of this. They have been passed by both Houses. If the hon. gentlemen who have made references to our industrial laws, references containing the highest praise, do not think they are suitable laws, why have they not said so? As they have made those statements when there was no pressure or need to make them, I must assume they meant that they are highly desirable laws—as I believe they are—and are working satisfactorily. The fact that the Legislative Council has not agreed to every amendment to those laws which has been submitted and to every proposal that might be embodied in them which this House may have agreed to, does not remove or alter the fact that they are good laws passed by the Legislative Council equally with this House. Although it is possible to hedge and argue and criticise and condemn in regard to this case, all the arguments that can be brought forward are brought forward only with the idea of making the Legislative Council appear slightly foolish in the eyes of the public, when the actual facts are that the Legislative Council in passing these laws did good work and realised its responsibility to the people of Western Australia, as it has done in regard to many other laws.

Mr. W. Hegney: You believe in the Legislative Council?

Mr. WATTS: Yes, I have no objection whatever to a Legislative Council in Western Australia, but I am not discussing the constitution of that House on this measure, nor would you, Mr. Chairman, let me do so. I take it I can refer only to the actions of the Legislative Council in regard to industrial legislation, which I take it does come under this provision. Should the hon. member desire me to enter upon a dissertation on the question of what should be done regarding the Legislative Council, if he will introduce a Bill aiming at its abolition or the alteration of its constitution, I shall have much pleasure in indicating how far I shall be prepared to support or oppose his proposals. I know perfectly well that the hon. member has no more intention of abolishing the Legislative Council than I have because, if that Chamber were to deal with this Bill as he desires, he will confirm the earlier expression of opinion when a prominent member of his party said, "Thank God for the Legislative Council."

The Minister for Mines: You are making the member for Boulder blush!

Mr. WATTS: That is by the way. I now submit my amendment.

The MINISTER FOR LABOUR: I listened with considerable interest to the speech by the Leader of the Opposition in placing his amendment before the Committee, but was rather sorry to find that almost at the end of his remarks he developed very obvious signs of blood-pressure, which caused me to think he needed another week-end's rambling in the Porongorups. The hon. member dipped rather deeply into history respecting the attitude of the party he now leads, concerning the fixation of wages for the workers of Western Australia. He has gone back to 1933 and, in a fairly impressive way, has sought to throw from the shoulders of the members of the Country Party the very heavy political burden which their leader, now Senator C. G. Latham, fastened upon them in that year. The Leader of the Opposition indicated that he did not desire to reduce the wages of the workers of this State as his former leader might have wished to see accomplished.

Mr. Thorn: I am glad you used the words "might have wished."

The MINISTER FOR LABOUR: The Leader of the Opposition has also indicated that the Country Party has an overflowing admiration for the workers of the State and, in fact, he said he regarded them as the cream of the workers of Australia?

Mr. Watts: Do not you agree with that statement?

Mr. Sampson: You will not deny that claim, will you?

The MINISTER FOR LABOUR: My attitude has been such that my actions have indicated what I think of the workers of Western Australia. It has not yet become necessary for me to rise in Parliament or anywhere else to say what I think of them.

Mr. Doney: I would like to hear your private opinion of them sometimes.

The MINISTER FOR LABOUR: The fact is that the Leader of the Opposition has had to adopt that attitude in order to endeavour to put the Country Party right in the eyes of the workers of Western Australia.

Mr. Warner: That shows they have cobbers everywhere!

The MINISTER FOR LABOUR: The Leader of the Opposition has a tremendous task on his hands.

Mr. Thorn: And you have something similar yourself. You will have to keep going.

The MINISTER FOR LABOUR: The member for Toodyay has not only a great deal upon his hands but unfortunately a great deal upon his conscience as well. I suggest to the Leader of the Opposition that the task he has embarked upon in an endeavour to put the Country Party right with the industrial workers of Western Australia is a tremendous one.

Mr. Watts: You have made it all the easier for me.

The MINISTER FOR LABOUR: His speech this afternoon was full of praise of the workers, but I would remind him that the workers of Western Australia, in addition to being the cream of the industrialists of the Commonwealth, are also pretty hard-headed individuals.

Mr. Thorn: And they have taken a tumble to you.

The MINISTER FOR LABOUR: They are not likely to be convinced by what the Leader of the Opposition has said this afternoon when he endeavoured to establish that the Country Party is now, after all these years, setting itself up to be the special protector of the wages, working conditions and general existence of the workers of the State. The hon. member entered upon a long explanation in an attempt to justify his action in coming forward so late in the discussion on the measure with his amendment—

Mr. Thorn: He has stirred you up.

The MINISTER FOR LABOUR: —the effect of which is to maintain the existing state of affairs with regard to the fixation of wages and working conditions in this State.

Mr. Watts: Are you going to move your amendment later on?

Mr. Thorn: He is coming to that..

The MINISTER FOR LABOUR: So I put it to the Leader of the Opposition that, despite the fact that he has made a speech to indicate that everyone had been more or less neglectful of this phase and that it had remained for him to do something, when paragraph (b) was before the Committee previously he did not move along these lines.

Mr. Watts: In view of the amendment put earlier, there was no need for this type of amendment.

The MINISTER FOR LABOUR: After the earlier amendment was defeated, the Leader of the Opposition could then have moved the amendment he has now submitted.

Mr. Watts: And you would have been the first to complain that it had not been placed on the notice paper.

The MINISTER FOR LABOUR: That might be so, but the subject could easily have been suggested for consideration on the following day.

Mr. Seward: It was, on the first amendment.

The MINISTER FOR LABOUR: The Leader of the Opposition in his speech could have given some indication of it.

Mr. Watts: I did.

The MINISTER FOR LABOUR: The Government would then have had an opportunity to study the proposal and ascertain what was involved.

Mr. Watts: Why did not you bring forward an amendment then?

The MINISTER FOR LABOUR: If, as the Leader of the Opposition suggested, members of all sections of the Committee had been neglectful and guilty to some extent in this matter, he was equally neglectful and guilty. In fact, he was neglectful and guilty to a greater degree because, as he told the Committee, he had had this phase, as it were, on his conscience right from the time the Bill was first brought forward by the Drafting Committee.

Mr. Watts: There is a record of my remarks at that stage.

The MINISTER FOR LABOUR: The records show that the Leader of the Opposition talked about it and expressed certain fears, but do they show that he moved an appropriate amendment to deal with this phase.

Mr. Thorn: Do not you agree with the amendment?

The MINISTER FOR LABOUR: I hope I shall, at the appropriate stage, indicate to the satisfaction of every member of the Committee what are my views on the amendment. At that stage possibly the member for Toodyay will be able to understand clearly my attitude.

Mr. Watts: It is extremely difficult to understand that so far.

The MINISTER FOR LABOUR: Now that the question has been definitely raised and the Committee is being called upon to make a declaration respecting the position regarding the fixation of wages and working conditions for the workers of this State, the Committee has before it the amendment moved by the Leader of the Opposition and, on the notice paper, an amendment submitted by the Government. The latter amendment will be considered if the amendment moved by the Leader of the Opposition is defeated.

Mr. Kelly: Why did you not submit your amendment earlier?

The MINISTER FOR LABOUR: I suggested that in the earlier consideration of the clause this phase was not brought before the Committee. Now that it has been raised, the Government is prepared clearly to define its attitude and indicate the best way in which this matter could be dealt with.

Hon. N. Keenan: Do you suggest there was no mention of the Arbitration Court of Western Australia being affected by the paargraph?

The MINISTER FOR LABOUR: I have not said, suggested or even imagined that.

Hon. N. Keenan: Then what are you suggesting?

The CHAIRMAN: Order! If the Minister will address the Chair he will possibly avoid interjections.

The MINISTER FOR LABOUR: I said that at no stage during the earlier Committee proceedings was any amendment moved along the lines of that now suggested by the Leader of the Opposition.

Hon. N. Keenan: In specific words! Is that what you mean?

The MINISTER FOR LABOUR: I mean that no amendment was placed before the Committee to achieve what is aimed at by the amendment now moved by the Leader of the Opposition. The present amendment of the Leader of the Opposition aims at establishing a position which would leave the workers of this State, in respect of the fixation of their wages and the determination of their working conditions, under the State industrial law. The Government's amendment, if I may refer to it for the purpose of indicating briefly what it contains in principle, will leave to the absolute discretion of each industrial union and the workers therein the question whether they shall go under Commonwealth industrial law or remain under State industrial law. So the difference between the amendment of the Leader of the Opposition and mine is that he would by his amendment compel the workers of Western Australia concerned to remain under the State industrial law, whereas the Government's amendment leaves the individual workers within each separate union with the absolute right to make their own decisions.

Mr. Thorn: They would go under State law one week and under Commonwealth law the next week.

The MINISTER FOR LABOUR: Nothing of the kind! The Leader of the Opposition has told us this afternoon that the workers of our State are the cream of the workers of Australia. What the Government proposes to do in respect of the cream of the workers of Australia is to give the right to the cream of Australian workers to make their own decision regarding their own future industrial destiny. There is the principle attached to this that the workers shall have the free and democratic right to decide under which industrial law they desire to have their wages and working conditions fixed. So I trust that no member of the Opposition, and particularly no member of the Country Party, will deny to the cream of the workers of Australia the right to make their own decision in respect of industrial awards and jurisdictions under which they are to have their industrial conditions and their wages determined.

Mr. KELLY: I am at a loss to understand the why and wherefore of this last minute rush on the part of the Leader of the Opposition and of the Minister for Labour to put themselves right with the labour section of Western Australia. It has struck me not only today but throughout this discussion that there is a lack of any safeguard in the measure for the workers of Western Australia. The position leaves us with absolutely no confidence whatever in the actions of the Commonwealth Government where Western Australian workers are concerned. We know very well the effect of Commonwealth Government action on our goldmining industry, and we know that we cannot look forward with any great confidence to the future of this country from an industrial arbitration point of view if the Commonwealth obtains the full control suggested by the Bill. Therefore I unhesitatingly support the amendment of the Leader of the Opposition.

Mr. McDONALD: I confess that my head was rather in a whirl when I saw the amendment of the Leader of the Opposition on the notice paper. I thought, "Poor fellow, what earthly hope has he of getting that amendment accepted? Not the remotest in the world!" And now I hear the Minister for Labour, to my astonishment, competing with the Leader of the Opposition in point of merit from that aspect. The story of this amendment is strange and unusual. Nine months ago Dr. Evatt and the Commonwealth Government decided to pass the death sentence on the States by their first Referendum Bill, admittedly a unification measure. When that proposal was not popular, and the people condemned to death expressed some reluctance to being executed, Dr. Evatt decided to do it by a kind of euthanasia, a death so slow and easy that one would not notice one was being executed. So he brought down this second Bill, in which he introduced a term under the head of employment by which he condemned to death, among other things, the Industrial Arbitration Courts of the States, including of course the Arbitration Court of Western Australia. A jury of Premiers, including our own Premier, was called and confirmed the death sentence, and put that sentence to the Convention, which had no time to consider it.

In the history of legislation there has been no Bill of such wide importance which has been put up with such haste as this Commonwealth Powers Bill. No legislation in the world has received such scanty consideration—discussion extending over two hours, just when the members of the Convention were picking up their bags to catch their trains to the various States! The members of the Convention, with two or three recalcitrants or doubters, were too tired or too hurried to ascertain what effect the Bill would have if carried, but seemed to think within themselves, "We will have a breathing space when we get home." But the exclusion or reprieve of the State Arbitration Court was moved at the Convention, and Dr. Evatt refused to allow any mercy. Even our own Premier never raised his voice for the condemned institution. The measure for the death warrant was brought before this Parliament by the present Government; and because of the State Arbitration Court and a few other considerations the Opposition moved for and secured the Select Committee so that the State Arbitration Court and a few other things might be considered before the death sentence was carried into effect.

Thereupon the Solicitor General, who of course was at the Convention, was called in and asked a categorical question, whether this paragraph meant that the Commonwealth Parliament would be referred power to legislate for the extinction of the State Arbitration Court. He answered categorically and plainly, "Yes." So the matter was brought before the Select Committee, of which two members were the Premier and the Minister for Labour, in the most forcible way in which it could have been brought forward. Thereupon the Premier and the Minister brought in their report, in which they said that they considered there had not been sufficient evidence adduced to warrant the Select Committee in recommending that any amendment should be made to the powers proposed to be referred to the Commonwealth under the Bill. In other words, the Premier and the Minister for Labour said that so far as the Arbitration Court was concerned, having been told it was under the death sentence, the death sentence would be allowed to go forward.

The next step was that prior to the appointment of the Select Committee—on the 20th January, 1943—there appeared on the notice paper of this Chamber an amendment in the name of the member for Nedlands to paragraph (b), the effect of which I will not read, but which is for the purpose of preserving the Arbitration Court of Western Australia. Subsequently the Leader of the Opposition and I, in our report after the Select Committee had sat, proposed an amendment in a different form for the purpose of preserving the Arbitration Court of Western Australia, which was repeated last week in this Chamber. We proposed to leave employment to the Commonwealth Parliament, and as the natural result we would retain our own State power and the State Arbitration Court. It was not then necessary to proceed with the amendment of the member for Nedlands, because we covered much more than the salvation of our State Arbitration Court. I had the honour of moving the amendment to preserve the rights of the State over employment, including industrial arbitration. I recollect the terms in which I moved it. I commenced my remarks by quoting the exact words of the Solicitor General, which were in effect that if we ac-

cepted paragraph (b) as printed the Commonwealth would have power to legislate for the extinction of the State Arbitration Court. That was the first ground I advanced for this amendment.

In pursuance of the policy set out in his report the Premier rose and said the amendment would be opposed, which meant explicitly "We are prepared to hand over the power to extinguish the State Arbitration Court." In that spirit of optimism which I am afraid, in spite of my period in this Parliament still clings to me, I had the fixed idea, shared by a few others, that that amendment to preserve the State Arbitration Court which I moved might be agreed to by the Committee. But it was refused. Once again the Government expressed its relentless determination to see the extermination of the State Arbitration Court. After all that history and when to our surprise we received no support from the Government side for the reprieve of the State Arbitration Court, and the amendment was rejected and the paragraph passed, the Leader of the Opposition, in pursuance of the policy which he had expressed from the day when he first heard this power referred to at the Convention down to the present day, took the first and only opportunity he had to move a specific amendment on recommital to preserve the rights of the State Arbitration Court. I am not going to be very concerned about this. I have lisened to the remarks of the Minister for Labour. I realise that he is repentant and that on that repentance he relies for the salvation of his political soul; and I also realise that on the eve of his political death and that of his colleagues he has done the proper political thing and has recanted and repented. I am prepared to accept his recantation and his repentance.

The Minister for Labour: Are you prepared to accept my amendment?

Mr. McDONALD: He is endeavouring to do two irreconcilable things. He is endeavouring to say, "I have been a good boy all along and did not do anything wrong, but at the same time I repent of all the ill-deeds I have done." That is a difficult thing for him to do. Even the Minister for Labour with all his political ability has failed to make a very convincing job of it. We can leave it at that. All along there has been the endeavour on the part of this side of the Chamber to retain something of our institutions and something of our rights, but all along the Government has yielded not one inch and has stuck to every line and letter of the Bill. Up till today we have seen drama proceeding in this Chamber, and the Premier, like King Lear, taking off the crown of sovereignty which he has worn for so many years on behalf of the State, and laying it at the feet of Mr. Curtin. After all that drama we ought to be thankful for a little farce and humour as we had when the Minister for Labour came along and played his little part this afternoon.

In this happy combination of events, the Government having repented and recanted, having perhaps seen the axe approaching as near to it as it intended that that weapon should approach the State Arbitration Court, we are now all combined to some extent in the endeavour to save the Arbitration Court, and, so far as the Minister for Labour is concerned, put it into the position of suspended animation in which for the greater part of the time it will be dead, but from time to time by the magical touch of an industrial union may be brought to life if only for a week or two and if only the union thinks it would like to see the court play its part once again. I am not going to speak to the Minister's amendment just now. It is the most amusing one I have ever read. I accept his word that he was in another place watching the progress of the Coal Mine Workers (Pensions) Bill. I am convinced that had he spent the whole afternoon he would have prepared a much better amendment than this one. If the time comes I hope to have a word or two to say about it. It is going to introduce the most remarkable principle in legislation and government that has ever been brought before the Legislative Assembly. For the time being let me say I support the amendment of the Leader of the Opposition.

Hon. N. KEENAN: I think there can be no doubt as to the attitude, up to now, of this Government on the question of the preservation of the Arbitration Court of Western Australia. That question was raised amongst others by myself last year, not yesterday or the week before, but last year when the matter was first discussed on the proposals of Dr. Evatt, and raised in connection with the subject of the complete loss by this State of any right of control over its own industrial interests, of which a large part is comprised in the Arbitration Court.

But the Government was quite prepared to allow the court to go without any question, and then to trust to the generosity and the good wishes of the Commonwealth authorities.

Mr. Withers: I suppose you had the blessing of the president of the Labour movement when you brought that forward?

Hon. N. KEENAN: I do not know whether I had the blessing of that union or not, but I hope to receive it some time. I shall be pleased to receive it if I am worthy. At present I am discussing the attitude of the Government, and the retention of the power of this Parliament to deal with the industries of Western Australia. What is the attitude of the Government in respect to the amendment moved by the Leader of the Opposition? That amendment seeks to preserve the sovereign rights of this Parliament in specific terms to deal with industrial matters in this State, and in particular in relation to the State Arbitration Court. There is no such reference in the white-washing amendment which the Minister for Labour has placed on the notice paper. There is no desire on his part to preserve the rights of this Parliament, no expression of exclusion of those rights from any part of the effect of this Bill. On the contrary, by deliberate omission it is clear that the Government is prepared to sacrifice any privilege or right this Parliament has to deal with industrial matters in Western Australia.

There is another comparison which the Minister for Labour has made and which I hope to show is entirely fallacious and deceptive. He said his amendment would give the worker the choice, that he could say, under the amendment, "I will have the Federal authority or I will not;" or "I will have the State authority." That, he says, will not be the case if the amendment of the Leader of the Opposition is accepted. He indicated that the amendment of the Leader of the Opposition would mean that the worker would have in every case, in the case of every industry that is carried on in Western Australia, to submit to and to be governed by awards made by the Court of Arbitration of Western Australia. That is not the case. The amendment moved by the Leader of the Opposition will not alter in one iota the present law; and the present law is that where any award of the Court of Arbitration of the Commonwealth applies it does not matter about the State award, because, being the Commonwealth law, it overrides the State award. The definite language of the Commonwealth Constitution provides that where the Commonwealth law is contradictory to the State law, as in the case of a State arbitration award, the Commonwealth law prevails.

The Minister for Works: Who invokes the Commonwealth law?

Hon. N. KEENAN: In every case it is invoked by the parties concerned, the parties who are permitted to invoke it.

The Minister for Works: Of course it is.

Hon. N. KEENAN: It is invoked by the employers or the employees. What I want to make clear is that it is a false representation to say that the amendment moved by the Leader of the Opposition would compel the workers of the State to resort only to the State Arbitration Court. It would do no such thing. They would still have, in every case where the dispute was one which came within the cognisance of the Arbitration Court of the Commonwealth, the right to go there, and the decision of that court would prevail. This is shelving, avoiding and dodging the whole issue. The point is not the approach to the State court, but the effect that would be produced in Western Australia if the Commonwealth basic wage applied here and only when that wage applied here; in other words, if there was taken from Western Australia, from the instrumentality appointed by this Parliament, the right to fix the basic wage in Western Australia. That is the point at issue, and that is what frightened the Minister for Labour and brought about this last-minute repentance on his part. For some days before the appointment of the Select Committee there appeared on the notice paper an amendment in my name, the effect of which was to preserve the rights and privileges of this Parliament and of the industrial Arbitration Court, in the same way as does the present amendment of the Leader of the Opposition. I propose to ask members to let me read and recall to their memory the terms of that amendment. It applied to paragraph (b) of Clause 2, and is as follows:—

But so that no law made under this paragraph shall affect or in any way prejudice the sovereign right of the Parliament of the State to determine the class or description of employment which can be lawfully pursued within this State and the rights and obligations of employers and employees engaged in such employment, or shall affect or in any way pre-

judice the authority of any State instrumentality appointed for such purpose to regulate and determine the relations between employers and employees.

Nothing was said about that amendment by the Government. It went by the board when the Select Committee was appointed. I was ignorant of the fact that it is our practice, when a Select Committee is appointed to deal with a Bill, for all amendments then appearing on the notice paper to be automatically taken off.

This amendment was removed pursuant to that practice, but it was there when I challenged this particular paragraph as being one which, if passed in the form as printed, would mean one thing and one thing only—the complete handing over of the whole of the control of our industrial life to the Commonwealth Parliament, with the consequent obliteration of our State Arbitration Court. Not a word was said, but now we have this death-bed amendment brought down by the Minister. Is it deserving of consideration even apart from the language of it, which has been rightly described as comical? Are we to defeat the amendment proposed by the Leader of the Opposition which, in plain and honest terms, preserves the right of this Parliament to pass what legislation it thinks proper and fit with regard to the industrial life of this State, and which does not, as is alleged by the Minister for Labour, in any way prevent a worker enjoying every right that he at present has to approach the Commonwealth Arbitration Court? I hope the Committee will accept the amendment moved by the Leader of the Opposition which asserts in a way beyond dispute and doubt our right to control and protect our workers.

Mr. THORN: I hope the amendment of the Leader of the Opposition will be accepted. What puzzles me is why the Government has found it necessary, through the Minister for Labour, to frame an amendment at this stage. The whole matter was fully discussed and the Government abided by the Bill as printed. Evidently something has been worrying the Government in regard to the amendment moved by the Leader of the Opposition, who only desires to preserve the sovereign rights of this State and the functions of our own Arbitration Court. The Minister referred to something that happened in 1933. I know what happened then and, if ever a statement has been misconstrued and twisted by a Government, the statement of the then Leader of the Opposition has. What was the effect of the Government's attitude in agreeing to the Bill as submitted by this Government? The purport of it was to accept the Federal Arbitration Court's basic wage. It did not think of what the position would be at the present time when the State basic wage is 6s. 9d. higher than the Federal basic wage. I remember the incident in York quite clearly. I was present at the meeting and know exactly what happened. The Leader of the Opposition never mentioned the acceptance of the Federal basic wage as was stated by the Minister for Labour. The then Leader of the Opposition said that he did not think it was right that two men standing alongside each other, doing the same work, should receive different payments.

The Minister for Works: You might call for copies of the "Primary Producer."

Mr. THORN: I know what was said. If the Government believes in the Bill, why does it move an amendment at this stage. Why not defeat the amendment moved by the Leader of the Opposition? I know the Minister for Labour was greatly concerned. He speaks about putting in his time in another place on the Coal Mine Workers (Pensions) Bill, but I know where he put in his time. He spent all yesterday afternoon in drawing up and redrafting amendments to get something that would undermine, or bring about the effect desired by the amendment of the Leader of the Opposition!

Mr. Withers: That is a figment of the imagination.

Mr. THORN: No. He brought his amendment in to his leader a dozen times, so that he could have a look at it; and well he knows it. I have no intention of detaining the Committee. I hope the amendment of the Leader of the Opposition will be accepted. I am surprised when I look at the cross-benches.

Mr. J. Hegney: A fine body of men over here!

Mr. THORN: Yes. They are real dyed-in-the-wool industrialists. They are men who have been through the mill; who have started on the lowest rung of the ladder and worked their way up until they are able to take a seat in this Parliament. And what are they doing? They are sitting silent!

Mr. J. Hegney: You might sit down and give us a chance.

Mr. THORN: One would expect such men to stand up and express their views on an important industrial matter of this kind.

Mr. W. Hegney: You pay men in your district 8s. a day.

Mr. THORN: That is not in the Bill.

The CHAIRMAN: Order!

Mr. THORN: The member for Pilbara is only speaking from disappointment—the great disappointment he suffered when he was going to organise the Swan and do this that and the other.

The CHAIRMAN: Order! I want the member for Toodyay to be somewhat relevant.

Mr. THORN: He failed. I sincerely hope that members sitting opposite will show their good judgment and vote for the amendment of the Leader of the Opposition, which embraces everything they stand for—the sovereign rights of this State and the free functioning of our own Arbitration Court. They should not allow the Minister for Labour to draw a trail across the track with his amendment.

Mr. J. Hegney: What about the Legislative Council; do you stand for it?

Mr. THORN: The amendment of the Leader of the Opposition stands for everything that members opposite stand for.

Mr. WATTS: The Minister for Labour made a speech after I had finished a few minutes ago, and in the first part repeated six times a phrase which I think I used once in the course of my remarks. The second part of it was that I was trying to put the Country Party right. I do not know what that means exactly. The only interpretation I can put upon it is that the Country Party has hitherto been wrong with regard to the maintenance of industrial arbitration in this State by the State Arbitration Court.

The Minister for Labour: No, in regard to Mr. Latham's 1933 declaration.

Mr. WATTS: The Minister would not like to go back over all the declarations made by his party since 1933, and stand pat on them.

The Minister for Labour: Not this afternoon!

Mr. WATTS: Nor at any other time. I do not know the exact expression used by the then member for York, but I do know what it is alleged he said, and the allegations vary in just as many ways as there are speeches of Labour leaders at that time, reported in "The West Australian." I could produce the volume of "The West Australian" and read it to the Committee, and members would then know the Press reports of what the hon. gentlemen did say. Practically every statement was different.

Hon. P. Collier: I quoted from the "Primary Producer's" report.

Mr. WATTS: Maybe the hon. member did, but the interpretations placed upon the statement by the various members of the Labour Party were all different. If the member for Boulder is correct, then all the rest are wrong; if the others are right, then the member for Boulder is not correct. Whatever the member for York at that time said, a very long period has elapsed since, and I do not think the Minister wants to be responsible for remarks alleged to have been made or actually made by leaders of his party in past times. He must take responsibility for the things he has done since he has been a member of the Western Australian Labour Party. He was one of the wise men who came from the East, and cannot be expected to have any personal knowledge of what took place in 1933, except that that was the year in which he was for the first time a candidate at our elections. We can, since then, load him with the responsibility to which he is entitled. Now he is an excellent and deserving citizen of this State, whose behaviour nobody is criticising except in matters political. From a personal point of view, possibly some of us have a higher regard for him than he suspects; from a political point of view, however, we shall deal with him as we think fit.

My party will accept responsibility for what has happened since 1933. One thing that has happened since then, as I took the opportunity of telling the Minister for Works some months ago, is that this appears in the constitution and platform of our association—

> Maintenance of the powers of the Arbitration Court to regulate wages and conditions of employment.

That appears in the State platform of the party and so it refers to the State Arbitration Court. There is no reference to the fixation of wages and conditions under the Commonwealth. As a State party we are not concerned with the Commonwealth court at all. This plank has been in our platform for a number of years, and it is as well for members opposite and others associated with

them to have the fullest realisation of that fact. We have a point of contact with this matter. We say also, as we have iterated a hundred times during this discussion, that we do not propose to surrender to the Commonwealth one power that it is not absolutely necessary to grant in the interests of the whole of Australia. If we can find, as we have found, one or two that are probably necessary in that interest, we are prepared to grant them. If, on the contrary, the powers are only designed or are likely to injure severely the sovereign rights of this State without any compensating advantage at all, we shall oppose them. This business comes in that category.

If I were relieved of any obligation at all to the industrial workers of the State, I would still hold the view that the amendment is desirable because Western Australia and its institutions, as they are functioning satisfactorily, should be preserved. As I told Dr. Evatt at the Convention, I did not intend to liquidate the Federation, and I am not here to assist in that direction. This Committee has refused to accept any of my amendments, but I find that under pressure the Minister for Labour is now bringing down an amendment which apparently the Government is prepared to accept, though it will not accept mine. Consequently the whole of the work done by the Government to get this Bill passed intact without a "t" crossed or an "i" dotted has been broken down.

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

Ayes	16
Noes	18
Majority against	2

AYES.

Mr. Boyle	Mr. Sampson
Mr. Keenan	Mr. Seward
Mr. Kelly	Mr. Shearn
Mr. Mann	Mr. Thorn
Mr. McDonald	Mr. Warner
Mr. McLarty	Mr. Watts
Mr. North	Mr. Willmott
Mr. Patrick	Mr. Doney

(Teller.)

NOES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Fox	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

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Berry	Mr. Cross
Mr. Abbott	Mr. Holman
Mr. J. H. Smith	Mr. Raphael
Mrs. Cardell-Oliver	Mr. Rodoreda
Mr. Hill	Mr. F. C. L. Smith
Mr. Stubbs	Mr. Styants
Mr. Perkins	Mr. Wise

Amendment thus negatived.

The MINISTER FOR LABOUR: I move an amendment—

That at the end of the paragraph the following words be added:—"but so that no law made under this section shall operate in relation to employment within the State in a manner which will enable rates of wages to be fixed, and conditions of employment determined, if and whenever any industrial union of workers, or other legally constituted association of workers, whose members would be affected thereby, objects in writing to the employer or association of employers concerned, and requires that such fixation of wages or determination of conditions of employment shall be dealt with and made under the laws of the State relating to Industrial Arbitration."

I have already explained how my amendment differs from that of the Leader of the Opposition. Mine will mean that the unions in this State at present working under State awards and industrial agreements of the State court will be entitled to continue working thereunder and, in the event of any attempt being made to bring them under the industrial laws of the Commonwealth, any union will have the right to object in writing served on the employers concerned and the notice of objection will automatically prevent the unions in question from being brought under the Commonwealth law. These unions will continue in future, as in the past, working under State industrial jurisdiction.

Mr. McDONALD: The Minister's proposal will require some amendments if it is to become law. Before suggesting those amendments, I wish to make a few observations. I do not want to criticise the drafting of the amendment. I do not know who the draftsman was. In a short space of time he has obviously attempted to do the impossible and, being human, has not been able to achieve it. It is a remarkable amendment. In the first place, I do not know whether it means what the Minister desires. I have been looking through some of the questions he asked when the Select Committee was sitting, and it seems clear beyond all possibility of doubt that his intention then was, as his subsequent attitude

confirmed, that no such option as is now proposed should be given to the workers. When Mr. J. W. Diver, president of the Primary Producers' Association of Western Australia, was giving evidence before the Select Committee, according to page 139 of the transcript, the Minister asked him—

You would not favour granting that power (employment and unemployment) to the Commonwealth if it meant Commonwealth control of the fixation of all wages, hours of labour and working conditions?

The witness replied—

That is so. You will appreciate that at the moment we have in our midst the peculiar methods that have been adopted by the Commonwealth Government to determine those questions.

I have no doubt Mr. Diver had in mind the action of the Commonwealth Rural Workers' Committee, which established a new principle not known in British procedure since the days of the Star Chamber of arriving at decisions without hearing the other side which would be affected. Then the Minister went on to ask Mr. Diver—

Actually, I am dealing only with the principles. You are aware that under the present system of Commonwealth and State control, varying basic wages exist not only as between State and State but occasionally within the same State?

Another question asked by the Minister was—

Might not there be more advantage than disadvantage obtained if a situation could be established in which wages, hours of labour and conditions of employment were made reasonably uniform throughout the Commonwealth, especially as regards the capital cities?

I am not reading the replies to the questions asked by the Minister:—

You are probably aware that in the past the level of industrial conditions has been higher in Western Australia than in, say, Victoria?

By virtue of that condition, the industries generally of Victoria have a competitive advantage over those of Western Australia?

From the aspect of establishing reasonably fair conditions of competition between the industries of one State and those of another, might there not be some merit in the Commonwealth having power to achieve uniformity of industrial conditions?

There will be no uniformity of industrial conditions if this amendment is passed. I have no objection to the Minister becoming wiser as he grows older; but if he means by this amendment to maintain what his questions indicate he had in his mind, then he will not achieve what he desires. This amendment is somewhat extraordinary and, I think, very interesting to members, and it should be interesting also to constitutional lawyers, because it appears to involve a new method of constitutional government. It is hard to understand exactly what it means, but it apparently means something like this: Normally, the workers of this State will be entirely under the jurisdiction of the Commonwealth Arbitration Court.

The Premier: If the Commonwealth Parliament passes legislation.

Mr. McDONALD: If it passes legislation and exercises the power which we are going to give it to deal with arbitration.

Hon. N. Keenan: We are not asking that these powers be put into cold storage.

The Premier: There are two or three "ifs."

Mr. McDONALD: If the Commonwealth did not desire to have power to abolish the State Arbitration Court, then Dr. Evatt would have said immediately to Mr. Watts, "I accept your amendment. Nothing was further from my mind or the Government's than to abolish the State Arbitration Court." Dr. Evatt declined to accept Mr. Watts's amendment, so we have to assume in relation to the State Arbitration Court, if in relation to nothing else whatever, that the Commonwealth means to have the power, which it will probably exercise or, I would say, certainly exercise to the extent of superseding the State Arbitration Court. If the Commonwealth gets the power and exercises it, then workers will come under the Commonwealth arbitration law. In that case, any industrial union, by notice in writing to any employer who may employ a man who is a member of the union, can automatically transfer itself from the jurisdiction of the Commonwealth to the jurisdiction of the State. Presumably, by the same procedure, it could get back from the State to the Commonwealth. The amendment does not say so, but I presume that is what is meant. The workers could then hand another note to, say Boan's Ltd., the following week stating that they were going back to the jurisdiction of the Commonwealth.

That is very interesting constitutionally. People may write a note to each other and transfer themselves from State jurisdiction to the Commonwealth jurisdiction; and presumably a month or even a week later they may write another note to each other and come back to the State jurisdiction. The

principle could be extended to merchants operating under the Commonwealth jurisdiction. Altogether, it will be an interesting experiment in a new type of alternative governmental control. The whole idea is that one goes to the best market. The State and the Commonwealth, from the point of view of fixation of wages, will be like two competing traders. Outside the door of the State Arbitration Court there will be written, "£5 2s. 6d. a week" and there will be a rush to the State Arbitration Court; a week or two later, outside the door of the Commonwealth Arbitration Court there will be written "£5 2s. 8d. a week" and there will be a rush then from the State to the Commonwealth Arbitration Court. It is all very delightful. Of course, it is quite a new idea of government.

The Minister for Justice: That is the present position.

Mr. McDONALD: Not at all. The present position as regards industries which are not inter-State in character is that there is only one arbitration authority, and that is the State Arbitration Court.

The Minister for Mines: There may be an artificial dispute. That has been going on for 20 years.

The Minister for Labour: The member for West Perth is not very well informed.

Mr. McDONALD: But that can only be done if there is a foundation.

The Minister for Mines: The foundation is easily laid. It has been laid during the last 20 years.

Mr. McDONALD: Whether that is good or bad, it is going to be magnified one hundred times by this amendment.

Mr. W. Hegney: Wages are pegged, anyhow.

Mr. McDONALD: So we have this new principle. Let me pause for a moment and consider the position of the State Arbitration Court, which will now be a kind of inferior creature. It will only be called upon to function if the other court does not please; it will be a kind of stop-gap. As regards most of its jurisdiction, presumably the first thing that will happen, if the Commonwealth exercises this power, will be that the State Arbitration Court will cease to function; all the workers will come under Commonwealth arbitration control. Our State Arbitration Court will then become dormant; it will be in a state of suspended animation. But some fine day an industrial union will come along and say, "We are going to the State Arbitration Court." Then the good old Arbitration Court will raise its head, shake the dust off its shoulders, walk to the bench and start working again as regards that particular trade. If it behaves itself and pleases everybody it may get some more business; if not, it will again become dormant. I do not know whether the Arbitration Court would be prepared to accept a status of that character. It was said at one time that we ought not to impose humiliating conditions on the Commonwealth Parliament. I cannot think of anything more humiliating, either to the State Arbitration Court or the Commonwealth Arbitration Court, than this proposal.

Mr. W. Hegney: There are unions registered under both jurisdictions and they can go to either court.

The Minister for Mines: Several unions in this State are in that position today.

The Minister for Labour: Yes, several.

Mr. McDONALD: There are cases where workers can be under one court and then under the other, but that is established by law. It is established by the legislation applying to the facts of the case; it is not at the individual dictation of any industrial union of employees or industrial union of employers. They cannot play hide and seek round the courts of justice under existing law; but they could do so under this amendment. We find that the employees under this proposal can change their doctor, but the employers cannot. If we are to have any semblance of representative Government, then what is good enough for the employees should be good enough for the employers. But under this amendment the employee could sack the Federal Arbitration Court and take on the State court, if he so desired; the employer could not do so. I do not know whether the Minister intended that. I feel it must have been an oversight on his part, because evenhanded justice ought, I think he will agree, be given by this Parliament to both sides. I regret that the clear specific amendment of the Leader of the Opposition was not passed by the Committee, because then nobody would have had any doubt where he stood.

This amendment does not sell the worker's birthright and the people's birthright in the same way as does paragraph (b); it sells only half their birthright. I suppose the people of the State may be thankful for

that. The amendment moved by the Leader of the Opposition would have preserved to the people their birthright as far as industrial conditions and wages are concerned. This amendment does not, although it is a little better than paragraph (b), as passed by the Committee. That, however, is all I can say for it. Even if this amendment will give something out of the wreckage to the people of the State, and therefore is worthy of some support in default of the better amendment, I hope it will not be passed in its present form. I would not like to see it go on to the statute book of the State as a piece of legislation of this Parliament. Further consideration of it might produce something more in keeping with the framework of our Constitution and the practical working of our laws.

Hon. N. KEENAN: I do not want at any time to address a legal argument to the Committee but I remind the committee that there is a very large volume of legal opinion which certainly holds that while under paragraph (xxxvii), Section 51, of the Commonwealth Constitution a State or States can refer any subject-matter to the Parliament of the Commonwealth, there is no power given to a State to impose limitations on such particular reference. I am quite aware that that is a purely legal question, I am also aware that there is a difference of opinion on that question although there is this to be said, that purely non-official opinion is all one way; and the only support of being able to impose limitations is official opinion. But whatever may be said in support of the right to impose limitations on a reference of this character, I venture to say that not a single man can be found in the whole of Western Australia or anywhere else in Australia who would suggest that a limitation of the character appearing in this amendment could be imposed on the reference. This proposed limitation is to be exercised at the casual wish of any organised body or association of workers.

The Minister for Mines: They are the people most concerned.

Hon. N. KEENAN: I am not for a moment discussing who is concerned. I am discussing the fact that here we are asking the Commonwealth Parliament to accept the reference of a subject-matter in respect of which by its own Constitution it has power to pass laws and it is to be subject at any time to recall, not by any formal act of this Parliament, but by the pure wish of any single industrial union.

The Premier: So far as the law concerns them.

Hon. N. KEENAN: So far as the reference is concerned; not the law, the reference.

The Premier: The law made under the reference!

Hon. N. KEENAN: If there were not a reference a law could not be made; the one follows the other. But fancy suggesting that a position of that kind could be taken up in reference to the exercise by this State Parliament of the powers given to it under Section 51, paragraph (xxxvii) of the Commonwealth Constitution! It is comical to suggest that we can pass legislation of that character which deserves the consideration of anybody. That would be enough to make this amendment, in comparison with the amendment rejected, a ridiculous one; but there are other matters which concern me very considerably. As I stated when discussing the amendment moved by the Leader of the Opposition, this amendment leaves out altogether any assertion of the sovereign rights of this Parliament, any suggestion of the sovereign right of this Parliament to make laws in reference to industries carried on in Western Australia. So I shall take the opportunity at the appropriate time to move an amendment for the purpose of making some attempt to preserve our rights as a Parliament.

The Premier: This is the appropriate time.

Hon. N. KEENAN: I understand that if I move an amendment, the amendment alone will be before the Committee. If I leave the matter until the debate on the general effect of this amendment is concluded, I shall not interfere with the rights of any other member. It is a great pity that this Committee did not accept the amendment of the Leader of the Opposition. It was in clear, specific language. I notice that the Minister for Labour did not make any attempt to reiterate what he said when speaking to the amendment of the Leader of the Opposition that his amendment would alter the present position. Of course it does not! The amendment of the Leader of the Opposition retains the present position in which, of course, every single worker—as pointed out by the Minister for Mines—every single

union that desires to do so can create a dispute and thereby have resort to the Federal Arbitration Court. But once it has done so, it cannot go back. It cannot say, "We are not satisfied with the award the Federal Court has pronounced and we are going to have another try, but not with you. We are going back to our State law."

The Premier: A lot of them did that.

Hon. N. KEENAN: In every case where the Federal Court of Arbitration has pronounced an award in respect of any industrial dispute, that award is final for Australia. It would be the law, according to what was laid down by Mr. Justice Higgins in a certain case—I have forgotten which one—namely, that an award by the Federal Arbitration Court of Australia is a Federal law and therefore, being a Federal law, prevails over every other law.

The Minister for Mines: Only for the period for which it is made.

Hon. N. KEENAN: That is so of course; not forever.

Mr. Patrick: A Federal award can apply to, say, three States and not the whole Commonwealth.

Hon. N. KEENAN: It would apply universally. If there were no dispute except in only one or two States, it would apply in the States in which the disputes existed. It was a matter of very great regret that the Committee did not accept the clear and concise statement of what we wished to accomplish, which is to be found in the amendment moved by the Leader of the Opposition. Here we have an amendment that may be described as an example of a comical drafting of a Bill. Who will understand from the words "if and when any industrial union of workers objects" that a reference made by this Parliament is then to cease, that a Bill which is passed in this House and becomes an Act is then to cease?

The MINISTER FOR LABOUR: I am sorry the member for West Perth is not present at the moment. He evidently had a few moments to take up in respect of his speech on this amendment, so he occupied them for the most part by reading from part of the report of the Select Committee in connection with the Bill.

Hon. N. Keenan: Do you challenge it?

The MINISTER FOR LABOUR: I will deal with it in my own way if the hon. member does not object.

Hon. N. Keenan: I do not object.

The MINISTER FOR LABOUR: Thank you! I was saying that the member for West Perth took up about ten minutes at the beginning of his speech on this amendment to quote questions and answers from the report of the Select Committee. I think the purpose of the quotation was to try to indicate in some way that my attitude on the Select Committee differed from the attitude I have taken up on this point this afternoon. There seemed to be an endeavour to create the idea that to some extent there was an element of inconsistency in my attitude. If, however, the member for West Perth gave full weight to the witness of whom the questions were asked, and to the association that that gentleman represented, he might understand more fully why the questions asked were directed to that witness. If I were inclined to adopt the same attitude towards the member for West Perth that he adopted towards me in the first ten minutes of his speech I could quote to members, if the Chairman would permit it, a speech made by the member for West Perth on the Esplanade on the subject of the Commonwealth Powers Bill several weeks ago, and could go on to trace the attitude of the member for West Perth towards the Bill since that time. But I have no desire——

The CHAIRMAN: I would draw the Minister's attention to the fact that the only matter before the Chair is an amendment to paragraph (b).

The MINISTER FOR LABOUR: That is what I propose to deal with. It was suggested, both by the member for West Perth and the member for Nedlands, that the position of affairs likely to exist if this amendment becomes law would be chaotic and farcical. The member for West Perth told us that under this amendment the Commonwealth Arbitration Court would hang a notice on its door, "Commonwealth basic wage today, so much," and that the State Arbitration Court would have a notice on its door, "State basic wage today, so much," and there would be a pitting of one against the other. He declared that the unionists of this State would be spending the whole of their time rushing from one court to another according as the basic wage of one court was higher than that of the other. I am sure the hon. member exaggerated very greatly the position that will exist if this amendment becomes

law. If the member for Nedlands and the member for West Perth had a reasonably complete appreciation of what is involved in approaching the Arbitration Court—either Federal or State—they would know there is not a rushing to the court or from one court to another court. There is set down a certain procedure which any union of workers or union of employers has to recognise and fully adhere to whenever any such body desires to get a hearing in either the Commonwealth or the State Arbitration Court.

If members will cast their minds back to about four or five years ago they will know that there was congestion in both the State and Commonwealth Arbitration Courts, and that congestion was brought about because of the fact that a union cannot rush into the court. There is a certain set procedure which has to be adopted, certain definite steps which have to be taken one after the other before the employers or the workers can get into the court for the purpose of having a particular case heard and determined. What will be the position if this amendment becomes law? It will mean that in respect of the referred power to the Commonwealth of employment and unemployment the Commonwealth Parliament will not be able to pass any law under that referred power, unless in that law it provides that the industrial unions of Western Australia are given the right to object to be taken away from the State Arbitration Court to the Commonwealth Arbitration Court. How could a union be taken away from the jurisdiction of the State Arbitration Court and placed under that of the Commonwealth industrial tribunal? It could be only as a result of action on the part of the employers concerned. If members opposite spoke for the employers today in expressing such keen desire and anxiety to retain the State Arbitration Court and its jurisdiction, then it seems to me that the employers will not in future take any action to transfer workers now operating under the State industrial laws to the jurisdiction of the Commonwealth tribunal.

It appears quite clear to me that if the amendment is agreed to, the immediate effect will be that the existing position will be preserved and current awards and agreements made under the State industrial laws will continue to operate. Will there be any confusion or chaotic and farcical conditions in consequence? If, however, any employer or group of employers sought to escape control by the sovereign laws of the State by seeking to create a dispute in which they, with employers in other States, could bring their employees in the States affected under the jurisdiction of the Commonwealth Arbitration Court, the union of workers concerned in this State would be able to lodge an objection in writing to the employer or group of employers concerned, and automatically the rights of those workers to remain under the industrial laws of the State would be protected. So I submit that the amendment will provide for the protection of the State industrial laws and the State industrial tribunal. In effect, it will prevent the workers being transferred from the State jurisdiction by any action on the part of the employers along the lines I have suggested. We have been told this afternoon, particularly by the member for Nedlands, that once a union of workers places itself under the jurisdiction of the Commonwealth Arbitration Court, it must remain under that jurisdiction for all time and cannot revert to the State jurisdiction.

Hon. N. Keenan: In respect of any dispute.

The MINISTER FOR LABOUR: The hon. member only added that qualification when his attention was drawn to the point by way of an interjection.

Hon. N. Keenan: I made my meaning clear.

The MINISTER FOR LABOUR: Until the hon. member's attention was drawn to the point his statement was anything but clear, and tended to be obscure and misleading.

Hon. N. Keenan: I do not think my statement was obscure to any member.

The MINISTER FOR LABOUR: The hon. member's remarks tended to give the Committee the impression that once a union was brought under the jurisdiction of the Commonwealth Arbitration Court, it could not change back to the jurisdiction of the State Arbitration Court. The member for Nedlands was emphatic in making that point until the member for Greenough asked whether a Commonwealth award could not be made to apply to two or three States—to fewer, at any rate, than all States. That enabled the member for Nedlands to give further consideration to the matter, and so

he amended his previously emphatically expressed views.

Mr. Patrick: You have tried on three occasions to hand over our arbitration system to the Commonwealth.

The MINISTER FOR LABOUR: I think it would be more correct to say that Commonwealth Governments in the past have made moves in that direction.

The Minister for Mines: I think Mr. Bruce made an effort, too.

Mr. Patrick: Yes, it was made on four occasions.

The MINISTER FOR LABOUR: A union now under the jurisdiction of the State industrial laws can, by creating a special set of conditions, be brought under the jurisdiction of the Commonwealth Arbitration Court and subsequently by taking the necessary action can revert to the State jurisdiction.

Hon. N. Keenan: In respect of the same dispute?

The MINISTER FOR LABOUR: Not necessarily. When a Commonwealth award has been issued in connection with the original dispute, the union can take subsequent action to withdraw itself from the Commonwealth jurisdiction and revert to the State jurisdiction. That has happened on several occasions. Some members of the Opposition must remember such instances. At one stage the timberworkers were federated and secured a Commonwealth award.

Mr. Patrick: And nearly had a bust-up over it.

The MINISTER FOR LABOUR: That is so. It is becoming abundantly clear that the member for Greenough is well-informed regarding industrial matters in this and other States, and had the member for Nedlands consulted him earlier he would not have spoken in the manner he did. The member for Nedlands should remember that the Commonwealth Arbitration Court once issued an award affecting the goldmining industry of Western Australia. These instances could be multiplied. We also know that the Commonwealth Arbitration Court can issue awards applying to two States or three States, or to all the States. As a matter of fact, most of the railway workers of Australia work under a Commonwealth award, but practically the whole of the railway workers in Western Australia are governed by a State industrial award.

The Premier: Apart from a section of the engineers.

The MINISTER FOR LABOUR: That is correct. If the railway unions of this State cared to link up with kindred unions in the other States, they could within a short period be brought under the jurisdiction of the Commonwealth Arbitration Court. Thus when the member for West Perth placed before the Committee his exciting picture of what might possibly happen if the amendment were agreed to, particularly regarding the unions rushing from the State to the Commonwealth and back again, it will be agreed that his picture was highly exaggerated.

The Minister for Works: It was a caricature!

The MINISTER FOR LABOUR: The arguments advanced by the member for West Perth and the member for Nedlands regarding the effect of the amendment were without reasonable substance at all. If the amendment were agreed to and a State union desired to transfer to the jurisdiction of the Commonwealth Arbitration Court, the transfer could not be achieved overnight or in a month. It would take a fairly long period for the necessary action to be completed. If, subsequently, the union wished to revert to State jurisdiction, it would not be able to effect the alteration in a short time. It would have to observe all the formalities and the procedure laid down. If the amendment be agreed to the procedure will be along the lines that have been followed for years past. There will be nothing disorderly about it; we will see no rabble rushing to and fro. The transfer from one jurisdiction to the other will be in a steady and legal orderly way. If any union representative on reading the provision gets the idea that he will be able to go to the Commonwealth today and back to the State jurisdiction tomorrow, he is due for a rude shock. I suggest that the transfer would not be finalised inside, perhaps, 12 months. If the rush set in in the exciting manner predicted by the member for West Perth, I am afraid that some unions would have to wait for nine years or so before their transfer applications could be heard and finalised. I am afraid that during the discussion there has been a good deal of the drawing of the long bow and exaggeration.

Mr. Sampson: Is this a confession?

The MINISTER FOR LABOUR: It may be, to some extent.

Mr. Watts: I cannot admit that.

The MINISTER FOR LABOUR: As most of the talk has come from the Opposition side of the House, it can fairly be said that most of the exaggeration must have emanated thence.

Mr. Watts: Proportionately, you have had all of it.

The MINISTER FOR LABOUR: I submit that the amendment is desirable and safe, and will give the workers the right to decide whether they desire to be taken away from the jurisdiction of the State industrial laws and the State Arbitration Court; and until they agree to be so taken away they will remain under State jurisdiction.

Mr. SEWARD: Of all the extraordinary speeches I have ever listened to, the most extraordinary is that just delivered by the Minister for Labour. Previously, he had not told us much about the matter; but he has made it clearer now. But I am the more puzzled that since the Minister is so desirous of preserving to the employees the right to come back again to the State Arbitration Court should they unfortunately have been transferred to the Commonwealth Arbitration Court, he should not have supported the amendment moved by the Leader of the Opposition, which could only tend to retain the workers under the State Arbitration Court. Yet the Minister turned round and helped to defeat that amendment. It would be difficult to find a more glaring case of inconsistency. We were assured that we had only to give that power to the Commonwealth, and everything would be all right; but now the Minister is anxious to provide some means for the employees to come back under the State Arbitration Court after this Government has provided them with means to go under the Commonwealth Arbitration Court.

One member declared that if my amendment were carried, we would have the spectacle of employees, through their unions, continually applying either to get under the State law or to be brought back under the Commonwealth law, until the matter would become an option. The Minister said that the object was only to give them an opportunity to come back under the State law after transfer to the Commonwealth law, owing to the generally better conditions obtaining under the State law. If there is one cause that has contributed, in Australia, to justify unrest among workers it is the congestion that has existed in the Commonwealth Court of Arbitration. That has not been the case in our own State Arbitration Court, since we appoint temporary commissioners to assist in dealing with a rush of citations. Our railway employees are not under the Commonwealth court, whereas other railway employees have applied to come under the Commonwealth Arbitration Court. Why should we pass a law to compel our railway employees to come under the Commonwealth Arbitration Court, and then hastily pass an amendment giving them an opportunity to return to our court when they realise that they have made a mistake? Instead of making provision for them to return we should keep them here a'together. I have an amendment to move later.

Mr. SAMPSON: I regret very much the reception accorded to the amendment moved by the Leader of the Country Party.

The Premier: That amendment is finished with.

Mr. SAMPSON: I know, but this follows upon that. No-one can dispute that the amendment of the Leader of the Country Party was in the best interests of the workers. It was a fair and very proper amendment to bring forward, and I was very regretful to note its reception, which provided a sad commentary on Parliamentary conditions here.

The CHAIRMAN: Order! The member for Swan must not reflect on any vote given by this Chamber. He can use it only by way of comparison.

Mr. SAMPSON: I regret that the amendment was not accepted. This afternoon we were told by a member that the Minister who had the duty of drafting the amendment now before the Committee continually withdrew from the Chamber, and as frequently returned to submit the result of his consideration of the matter—thus finally securing the Premier's approval. That is an amazing state of affairs, and indicates a caricature of legislation which is not in the best interests of this or any other Parliament. Apparently an amendment cannot receive reasonable consideration in this Committee if it comes from the wrong side of the House. I certainly regret that questions in this Parliament should be viewed in such a partisan light as has been indicated.

Mr. CROSS: Listening to the speeches of members opposite on the amendment, one cannot but infer that they know very little of the activities of our unions federated with unions in the other States.

Mr. Sampson: The amendment comes from your own side.

Mr. CROSS: Yes; and it is not designed to effect any change at all, but merely to make doubly certain that the present status and rights of unions are preserved. There are in the Commonwealth Cabinet men who have been associated with unions, and who understand the ramifications of affiliation with the Eastern States, and know what obtains particularly in South Australia and Western Australia. Only the larger unions operating in the same industries in various States have federated, and the federated unions are naturally registered in the Federal Arbitration Court. But the greater number of unions, especially small unions, are usually affiliated with and registered in the State Arbitration Court. The small unions could not possibly afford the cost of conducting a case in the Federal Arbitration Court, since it is extremely unlikely that the court would sit in Perth at all; and the smaller unions usually fight shy of the Federal Arbitration Court because of the heavy costs involved. The amendment merely seeks to make certain that the rights possessed by unions in this State today shall be preserved after this Bill is passed. If members opposite are wise, they will refrain from any opposition to the amendment.

Mr. McDONALD: I do not think I said that unions "rushed to the Arbitration Court." If I said that, I own frankly that the words somewhat over-painted the picture. What I meant to convey, and what I hope I did convey, is that by the amendment the Arbitration Courts could be alternatively resorted to from time to time as they might appear to offer the best conditions. While I would not be dogmatic on the interpretation of the section, having only received it a short time ago and having hardly had time to analyse it with care, I would say that if the Commonwealth passes a law providing for the application of Commonwealth arbitration in this State, then that law would apply in the State, and would apply automatically to the workers of this State for a year or two years; after which any union, by notice in writing to the other side, could remove itself, even during the currency of an award possibly, from the jurisdiction of the Commonwealth court with a view to transferring to the jurisdiction of the State. The amendment says that this transfer may be made whenever a union gives notice in writing.

Mr. Withers: When will it give the notice?

Mr. McDONALD: There is no time limit at all. It does not say within three months of any Federal Act coming into force the union shall have the option of remaining under the State system. It says whenever a union so desires and gives notice in writing it may remove from the Federal arbitration system and transfer to the State arbitration law, and from what the Minister said —although the procedure is by no means clear to me—it seems that though the union, by giving notice, has transferred to State law or remained under State law, it will have power to transfer to the Federal law.

Mr. Withers: Only at the expiration of the award.

Mr. McDONALD: Within the limits of the working of the tribunals it could keep on doing this and the objective would be to get better conditions by each move. Even though at the present time under existing laws there may in future cases be some means of transferring from one system to the other, this is going to make the position worse and is far less satisfactory than the amendment moved by the Leader of the Opposition.

Hon. N. KEENAN: I move—

That the amendment be amended by inserting after the word "manner" the words:—"prejudical to the sovereign rights of the Parliament of the State of Western Australia or."

Mr. J. Hegney: It is going to be loaded up with a lot of legal phraseology now!

Hon. N. KEENAN: It must be loaded up with some phraseology, and I prefer legal to nonsensical phraseology. My object in moving this is to attempt to preserve some of the privileges and rights of this Parliament. I ask that the amendment be accepted in that light. I pointed out that had we accepted the amendment of the Leader of the Opposition, the rights and privileges of the Parliament of this State would have remained intact whereas, by the amendment of the Minister—through non-mention—they are thrown overboard.

The MINISTER FOR LABOUR: I do not propose to accept this amendment because my amendment establishes the safeguards which are necessary in this regard. It preserves the position in so far as the State industrial laws are concerned.

Hon. N. Keenan: Does it preserve the rights of this Parliament?

The MINISTER FOR LABOUR: Yes, and the industrial laws we have will continue to operate and a number of unions operating under the State law will continue to go to the State Court. They will continue to have wages and conditions determined there in accordance with our State Industrial Arbitration Act.

Hon. N. Keenan: What is the position if we change our State Industrial Arbitration Act?

The MINISTER FOR LABOUR: We could amend our Industrial Arbitration Act in any way we thought fit, and it would continue to apply to those workers who under this amendment had their right to remain under the State industrial law protected. Surely it is not suggested that we could have an industrial law which would enable our industrial tribunal to decide rates and wages and conditions for those workers in this State remaining under the court, and yet could not at any time alter the appropriate Act for the purpose of improving the Act, or may be for the purpose of doing something else to the Act?

Surely if the Act is still operating the court is still functioning, and thousands of workers in this State are still having their wages and working conditions fixed under the State law, this Parliament will be entitled to make such alterations to that law as it sees fit from time to time! That seems to me to be a right that will still remain with the State Parliament. I am not suggesting that the State Parliament could pass any law that would be effective in respect of workers who transferred from the State Court to the Commonwealth Court. They must place themselves under the Commonwealth industrial law. We would have no power. Any amending law that we might pass for that purpose would not be worth the paper on which it was written. But any amendment that this Parliament might subsequently make to the existing State Industrial Arbitration Act would be effective in respect of the workers still remaining under the jurisdiction of that law, and under our own Act. Therefore there seems to be no need further to load the amendment with words which might possibly tend to encourage disputation as to what, in fact, is the effect of the amendment. I ask the Committee to defeat this amendment.

Hon. N. KEENAN: The Minister has made a statement to show, to his own satisfaction at any rate, that this amendment will preserve the rights of the workers and, I presume, of those engaged in industry who are not described as workers. But my amendment is directed to preserving the rights of Parliament. It does not deal with the rights of workers, employers, or any one else in industry, but with our own rights; the rights of this Chamber. When we hand over the subject-matter to the Commonwealth Parliament we are doing so subject to the conditions that the reference will not be used by that Parliament in any way to prejudice the Parliament of our own State. That appears to me to be an unassailable position. I regret that the Minister has not accepted it.

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

Ayes	15
Noes	19
Majority against	4

AYES.

Mr. Boyle	Mr. Seward
Mrs. Cardell-Oliver	Mr. Shearn
Mr. Keenan	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Watts
Mr McLarty	Mr. Willmott
Mr. North	Mr. Doney
Mr. Sampson	*(Teller.)*

NOES.

Mr. Collier	Mr. Millington
Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Wilson
Mr. Marshall	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Hill	Mr. F. C. L. Smith
Mr. Perkins	Mr. Rodoreda
Mr. Patrick	Mr. Wise
Mr. Shearn	Mr. Raphael
Mr. Stubbs	Mr. Styants

Amendment on amendment thus negatived.

Mr. SEWARD: I move—

That the amendment be amended by striking out the words "if and whenever any industrial union of workers or other legally constituted association of workers, whose members

would be affected thereby, objects in writing to the employer or association of employers concerned, and requires that such fixation of wages or determination of conditions of employment shall be dealt with and made under the laws of the State relating to industrial arbitration.''

When moving his amendment and in subsequent speeches the Minister expressed his desire to give to the workers or employees the opportunity to get back to the State Arbitration Court after the Government had handed them over to the Commonwealth Government. The effect of my amendment will be to preserve for them the availability of the State Arbitration Court without handing them over at all to the Federal Court. As the Minister pointed out, the Federal Court is frequently blocked and congested, with the result that unions have made applications without being able to have them heard.

Mr. Cross: That has happened in this State, too.

Mr. SEWARD: If it happens in the State court we, in this Parliament, have the ability and the power to rectify the position.

Mr. Cross: You did not do it.

Mr. SEWARD: When we pass this right on to the Commonwealth Government it goes out of our control, so that if further judges are required in the Federal Arbitration Court it remains for the Commonwealth to appoint them. In place of appointing further judges the Commonwealth Government might adopt the expedient that it did last year when it made what is known as the "Wheat Award"—if such an arrangement can be called by the dignified term "Award!" Such an impossible state of affairs could not be viewed with any satisfaction either by the Government or the people of this State, and particularly the employees. The whole of the Minister's speech was devoted to the necessity of giving to the employees the right to remain under our present system, or revert to it after being handed over, and that is the effect of this amendment. It will preserve them in a happier state than they would otherwise be.

The MINISTER FOR LABOUR: This amendment is very much in line with the one moved by the Leader of the Opposition, but I am not raising that point.

Mr. Watts: It will leave your amendment somewhat similar, but still different.

The MINISTER FOR LABOUR: As it is very similar, I ask the Committee to reject it.

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

Ayes	16
Noes	19
Majority against	3

AYES.

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hughes	Mr. Shearn
Mr. Keenan	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney

(*Teller.*)

NOES.

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
Mr. Millington	

(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Hill	Mr. F. C. L. Smith
Mr. Perkins	Mr. Rodoreda
Mr. Patrick	Mr. Wise
Mr. J. H. Smith	Mr. Raphael
Mr. Stubbs	Mr. Styants

Amendment on amendment thus negatived.

Mr. McDONALD: I desire to move—

That the amendment be amended by inserting after the word ''workers'' in line 7 the words ''or employer or union or association of employers who'' . . .

The right of the people of this State is to approach and use the State Arbitration Court. The Minister, by his amendment, provides that if any industrial union of employees so desires, it may elect to retain the right it now has of operating under the State arbitration system. The Minister, however, proposes to give no similar election to the employers, who are equally concerned.

The CHAIRMAN: We have just taken a vote and decided that all the words down to "arbitration" at the end of the Minister's amendment shall stand, and I can accept no amendment that would affect the preceding words.

Mr. McDONALD: I accept your ruling, though I did not think that the decision against the striking out of certain words would prevent my moving to insert other words. I will not proceed with the amendment.

Mr. Watts: Cannot the hon. member move to add the words at the end of the Minister's amendment?

The CHAIRMAN: That is a different question.

Mr. McDONALD: I could not attempt to frame such an amendment on short notice, because I might mar the elegant wording of the Minister's amendment and might thus share the responsibility for it, or even worse.

Mr. WATTS: I think it well to make quite clear at this stage that members on this side of the Chamber will now support the amendment moved by the Minister for Labour. We desired to preserve the rights of the State, the State Parliament and the workers. In that we have been frustrated. We then thought to achieve a similar object—the preservation of the rights of those three entities—by moving amendments to the Minister's amendment. In that also we have been frustrated. Rather than leave the reference as printed in the Bill in the very unsatisfactory state in which it appears, it is our intention now, as I said might be the case, to support the Minister's amendment.

Mr. McDONALD: There is a term in Admiralty jargon known as salvage. When a ship is wrecked it is sometimes possible to get something of value offered for it. We are accepting the Minister's amendment as salvage—salvage of our arbitration system.

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

Bill again reported with a further amendment and the report adopted.

Third Reading.

THE PREMIER [5.45]: I move—

That the Bill be now read a third time.

MR. WATTS (Katanning): I do not intend to speak at any great length on this subject, but I think it becomes essential at this stage that my attitude towards the Bill be made clear both to this House and to the people of the State. In anticipation of the Bill being capable of amendment, and likely to be amended, I agreed to the second reading; but I also say that insofar as amendments of the powers themselves are concerned, despite every effort made by members on this side of the Chamber there has been no substantial amendment carried in Committee other than the last amendment. In consequence it is necessary for me to make my position clear on the third reading of the measure. I would like to quote, first of all, from that section of the report of the Select Committee to which the signatures of the member for West Perth and myself are appended. In paragraph 16, on page 15, we said—

> If the amendments we have recommended are not substantially agreed to by Parliament we consider that the Bill should be rejected as otherwise it will represent an invasion of the self-governing rights of the people of the State to which Parliament should not give its assent in the absence of a direct mandate from the people of the State.

I have, earlier, expressed my regret that the same position as existed in South Australia when the corresponding Bill was debated in Committee there, did not exist in this Parliament; that is to say, that there was not any divergence of opinion on purely party lines. For that, as I have said, the Government side must accept the responsibility, because it has been impossible on any occasion, with one minor exception, to obtain from the great majority of members on the Government side any interest in or support for vital amendments moved by us. I have explained over and over again, but it may be well to reiterate, that the amendments which we have moved were designed to supply the Commonwealth with every power that was actually requisite for the purposes it had in mind.

We did not, however, lose sight of the fact that during the war there has been very great and very earnest co-operation by Australian State Governments in the prosecution of the war, and that this great co-operation has been appreciated and referred to by the Prime Minister of the Commonwealth and his colleagues; and this applies also during the term of his predecessors in office. It is quite clear to me that it was only essential to give the Commonwealth a fraction of the powers sought in the measure as they were printed therein, and a number of others with substantial amendments, so as to carry out all the Commonwealth could possibly wish to do, provided it was assured of the continued co-operation of the Governments of the States. There is no doubt whatever that the Commonwealth could have reckoned upon that continued co-operation. My feeling is that the longer this matter has been debated, and the more the publicity given to it, the greater has become the opposition, which has been growing in this State, to the transfer of the powers as printed to the Commonwealth Government

even for a temporary period. This is the case not less because once these powers have been handed over for a temporary period of seven or eight or nine years, or possibly longer, depending on the time when hostilities cease, the powers will, I believe, be difficult to draw back; and therefore it became essential, as the member for West Perth stated more than once in our debates on the Select Committee's report, to ensure that the powers are granted in such a manner that if ever drawn back they will react not only in the interests of the Commonwealth and the interests of the other States, but also in those of this State.

If our amendments had been carried or substantially accepted in this Chamber, I for one would have been prepared to let the third reading go through in order that the measure might receive consideration in another place; but the position is such that the Bill has not been amended, and I am not prepared to grant the Commonwealth unnecessary power even if the limitation of time be a guaranteed one, which is still doubtful, because I do not think there is much chance of getting back the referred powers at the end of that time. I certainly think another effort will be made to have the time extended or to make the powers permanent. If we as a State Parliament unnecessarily surrender to such demands, then I do not see how we can be justified in complaining if the powers are removed from us for all time. In short, I am not prepared to sacrifice this State on any basis of wishful thinking. And that is the basis on which we have been asked to give consideration to the more important parts of the measure. We have been asked to believe that everything we could possibly think right would be done, and that nothing we thought might possibly be wrong would ever be done. Past experience has not taught us along those lines. During the secession campaign, we were told that various things which we feared would never be done to us by the Commonwealth, and that things hoped for might be expected from the Commonwealth; but the actualities proved to be practically the reverse. That seems to me to be the substance of the experience we have had in the past, and I consider that we would be making unnecessary sacrifices without any mandate from our people, if we agreed to surrender our sovereign rights and the powers of the Parliament of this State, and submit to the passage of the Bill as it stands now.

I am aware, of course, that my friends opposite are members of a party which has for its background unification. Possibly those members do not hold altogether the same views as I hold on this subject. As I have said before, I am convinced that many of them believe that this measure goes very much too far. I would remind them that they are citizens of this State and that it is time to protest with all our strength against any approach to unification. Moves towards unification have been rejected time after time by the electors, as also have proposals aimed at increasing the powers of the Commonwealth, even though on one or two occasions some of those powers were included among those which, subject to amendments, I would have been prepared to hand over to the Commonwealth. But I remember also that this State is the only one which by a two to one majority sought release from the Federation, casting 138,000 votes for secession, against 70,000 or thereabouts in opposition. Evidently the vast majority of Western Australian electors believed that the effect of Federation had been disastrous upon Western Australia. So I have felt, and still feel, that we have to be remarkably careful as a Parliament before we proceed, with no mandate from the people and in face of the votes which they have recorded in the past, to hand over these extraordinary powers to the Commonwealth Government, even for a period of years. As far as I am concerned, it becomes necessary now to explain that I am going to vote against the third reading, for the reasons I have given.

Before I conclude my remarks, I do not think I can do better than read a few observations of the Commissioner of Crown Lands in the South Australian Parliament, whose views—as expressed in the South Australian "Hansard" of a week or two ago—are so strongly in accord with my own and whose method of expressing them is so much better than my own, that I could not improve upon them and would be better advised to read them to the House, saying at the same time that they express my view more completely than any words which I could possibly use. He says—

> Although I have always claimed a complete freedom as the representative of my district and have always made that perfectly plain to my electors, I most certainly have never sug-

gested to them, nor do I imagine that they ever understood that by that freedom I was enabled to hand over to the Federal authority, even temporarily, powers of so wide and far-reaching a nature. On the contrary, I am a trustee for them of the powers of this State. It is my duty, except under the most special circumstances, as their representative, to play my part in the exercise of them, but not to surrender them. I shall have to satisfy my electors in no uncertain way that the special circumstances were such as to justify my action. But I have to face no ordinary position. This Bill is in itself a result of an agreement reached by the Commonwealth Government and the Premiers of all the States. . . .

Further on he says—

I have now discharged to the best of my ability a responsibility greater than any I have been called upon to bear in my public life.

And no greater responsibility has been placed upon me, short though my public life has been. He goes on to say—

I have tried to consider the whole position in no spirit of Party politics, and I believe that these should not intrude into so vital a question. I have endeavoured to put my opinions before the House freed, I am sure, from any personal motives, and freed, I sincerely trust, from any petty Party motives. I have endeavoured to give to the House my opinions based only upon what I consider to be in the best interests of the future of our Commonwealth and in the interests of its citizens.

The House has not seen fit to accept the views which I and my colleagues have expressed on these most important matters, not in any degree at all. In consequence, holding the views I do and without wishing to detain the House any longer, I desire most plainly to state that I can do nothing else now but vote against the third reading.

Mr. BOYLE: I move—

That the debate be adjourned.

Motion put and negatived.

MR. BOYLE (Avon): I feel that this is an occasion on which a third reading debate is justifiable. A good fight has been put up.

The Premier: We have spent a lot of time on the Bill.

Mr. BOYLE: I do not think the time factor enters into the matter. The amendments sought by this side of the House were well put, but were consistently defeated. Knowing what I know, and with my experience, I say this Bill is the swansong of the sovereign rights of Western Australia.

Mr. Seward: Hear, hear!

Mr. BOYLE: The passage of this Bill through both Houses of this Parliament will mark the beginning of the end of the economic security of Western Australia. It will mark the commencement of a retrograde movement in this State that will be accelerated as time goes on by the centralised control and rule of an authority 2,500 miles away. I also firmly believe that it will be the beginning of a home-rule agitation for Western Australia, the beginning of an epoch of political unrest, and a period in which the citizens of Western Australia will have to assert their rights in ways in which other people have sought to obtain home-rule in other countries of the world. That means only one thing. It means unrest. It may mean bloodshed as well. It may mean many other things we do not care to contemplate.

The Premier: We shall be like the Irish.

Mr. BOYLE: Yes. Ireland fought for 750 years to obtain home-rule, and then obtained it by force, not by political action. But Ireland gave away nothing to obtain home-rule. The Parliament of 1798 is considered by historians to have been a special act of treachery to the Irish people. There was no Irish Parliament to give away home-rule in 1798. There was a Parliament at Stephen's Green that was not an Irish Parliament at all.

Mr. Needham: Do you compare the treatment of Ireland——

Mr. SPEAKER: Order! I do not think Ireland comes into this matter.

Mr. BOYLE: Ireland was brought into it by the Premier.

Mr. SPEAKER: Order!

Mr. BOYLE: At all events, the Premier's remark fell on fertile ground. We need only examine the position. We remember the beginning of this desire for control by the Commonwealth Government. We were told that there was to be a referendum of the people, whether we liked it or not; we were also told that the thirteen Houses of Parliament of Australia were outside the question. If I may, I shall quote some remarks made by Mr. Curtin, the Prime Minister, at the Convention. Mr. Curtin is the Federal member for Fremantle. Fremantle is my birth-place. I think a great deal of Mr. Curtin, but I consider it a tragedy that the Federal member for Fremantle should have spoken in the way he did on this matter.

The Minister for Labour: Do you remember the letter you put in the Avon "Argus" just before the last Federal election?

Mr. BOYLE: I still hold those views.

Mr. SPEAKER: Order!

Mr. BOYLE: I regret to say that I have——

The Minister for Labour: It was a treacherous letter towards Mr. Curtin.

Mr. BOYLE: Of course, the Minister for Labour may know more about it than I do.

Mr. SPEAKER: I think we will get back to the Bill.

Mr. BOYLE: In the course of his remarks, Mr. Curtin said—

> A few months earlier, just before the outbreak of war, and when I was Leader of the Opposition in the Commonwealth Parliament, I expressed, in general terms, my own view of the need for modernising the Constitution of 1900.
>
> Experience of war, and of the tasks of Government, has emphatically confirmed what I then said. Let me repeat some of the paragraphs, the point of which has been most strongly underlined by the war—
>
> > There are several of the major sides of national life now partly or completely vested in the States, yet as to which the interests of all Australia are uniform and indissolubly interconnected. The control and regulation of these should most certainly be the function of the National Parliament.
> >
> > These sides of national life include the great body of laws regulating the relations of employer and employee; of company law, banking, standards of commodities, carrying of goods and the like.
> >
> > I know that efforts have been made to secure the passing of uniform Acts by all State Parliaments. Results of these efforts have not been satisfactory. Even when they have been successful, the delay and waste of effort involved in securing the passage of a uniform bill through thirteen Houses of Parliament could have been avoided if the National Parliament had been endowed with the necessary power.

The point I wish to emphasise is in the succeeding paragraph. Repeating what he stated before the war, Mr. Curtin said—

> I am firmly of opinion that the best form of government for modern Australia, having regard to all the circumstances, is one in which all major national questions are dealt with by the National Parliament and that matters of minor importance, as well as administration of national laws, should be left to the States.

The Minister for Mines: That is what Earle Page said years ago.

Mr. BOYLE: Mr. Curtin said that matters of major importance should be dealt with by the Commonwealth and matters of minor importance by the States, and the States should carry out the administration of the Federal law. We are told today that it is war that has brought about the necessity for the surrendering of our rights. But Mr. Curtin definitely repeated what he said prior to the war. So we are to assume that the carrying out of the desires of Mr. Curtin now by this Parliament are in conformity with Mr. Curtin's pre-war ideas. The claim that these powers are to be referred for a limited time is absurd. I would welcome a referendum of the people on this question. As the Leader of the Opposition said, we have no mandate from our people to decide this question. We have the added disadvantage of being a Parliament which has prolonged its own life. In the circumstances the third reading should be thoroughly debated. It should be shown to the people that their decision of 1933 has not been flouted by this Parliament without very keen opposition. We cannot get away from the fact that in 1933 a majority of about two to one of the people decided to sever the Federal bond.

Today not only are we not severing that bond but we are actually conferring practically all the remaining sovereign rights of this State on the Commonwealth Government. I will refer to a referendum that took place in 1937 and to arguments that were advanced in that year by the Labour Government of Western Australia, which urged the people to vote "No." Today the same Government is urging the people to give, or rather it is actually giving away the State rights to a centralised Government. In 1937 a referendum was held on the question of marketing and aviation. Incidentally I supported the referendum on marketing, not because I wanted to transfer powers to the Commonwealth Government but because I wanted it to use powers it already possessed. In "The West Australian" of the 5th March, 1937, the following appeared:—

> "No" Vote Urged.
>
> Government Attitude.
>
> Where Responsibility Lies.
>
> Strong advocacy of a "No" vote was made by the Deputy Premier (Mr. M. F. Troy) in a final statement on the Marketing Referendum issued yesterday. No section of the farmers need be afraid that if they vote "No" the Commonwealth Government will be unable to make provision for a home consumption price for primary production if at any time that be necessary. The Commonwealth Government possesses all the powers now for that purpose,

and its objections to legislating for a home consumption price are political, not constitutional. This has been admitted by Commonwealth Ministers, including the Commonwealth Attorney General (Mr. R. G. Menzies) at every conference at which the matter has been discussed within the last few years.

Today the same Government is handing over all those powers. After the referendum the Premier, Hon. J. C. Willcock, referred to "The arrogance of overlordship." He said—

> Regarding marketing proposals apparently nothing but absolute and entire control was acceptable to the Commonwealth. At the Premier's Conference dealing with this matter in August last, there were several alternatives suggested, but with an arrogance of overlordship; nothing would satisfy the Commonwealth except the fullest possible powers. The Commonwealth has never been willing to assume responsibility for the primary industries in the same way as it has accepted responsibility for the secondary industries.

Is not the arrogance of overlordship still inherent in the Commonwealth Government? I have often referred to the fact that the Commonwealth Government has had time only for secondary industries and very little time for the primary industries of the Commonwealth. In remarks published in "The West Australian" on the 10th March, 1937, the Premier stated—

> The Commonwealth has never been willing to assume responsibility for the primary industries in the same way as it has accepted responsibility for the secondary industries.

Now this Parliament intends to hand over everything to a Government which the Premier of this State in 1937 rightly said had the arrogance of overlordship. As a Western Australian and a member of this Parliament I shall not willingly hand over our rights to the overlordship of any Government in the Commonwealth. The Premier spoke the truth at that particular time. It saddens me today to see the way in which these powers are being given away. I know it is not with alacrity that the Premier is handing them over but they are being given, nevertheless, and by the Party of which the Premier is the Leader.

The Premier: The Commonwealth Government has given better consideration to primary industries of late.

Mr. BOYLE: Admittedly, but not comparably with the consideration given to secondary industries in Australia. We have had repeated instances of that. Take the wheat position! We are restricted in this State. We are driven back from an average of 37,000,000 bushels a year to 21,000,000 bushels, and to what we shall be further driven back nobody knows. In 43 years of Federation our overlords have permitted us to provide annually only £18,000,000 worth of secondary products out of £451,000,000 worth for the whole Commonwealth. One of the reasons why I supported the "Yes" vote in connection with the marketing referendum was to erect between the States of Australia some sort of protection by the abolition of Section 92 of the Constitution, that permits free trade between the States. What does that indicate? Free trade between the States means that for all time we are to be inundated with manufactured goods from the Eastern States. We have not now even a say in it. We have five representatives out of 74 in the voting House. What a farcical arrangement! There is some talk of increasing the number of members in the Commonwealth Parliament. What does that matter? They will be increased proportionately.

Mr. Thorn: We will not be given equal representation.

Mr. BOYLE: No, not under any consideration. A citizens' rally, held in the Town Hall, was reported in "The West Australian" of the 17th February, 1937. I quote this report because I could not find that the Government of the day had addressed any public meetings in regard to the referendum. But Hon. P. Collier——

Mr. SPEAKER: Order! The member for Boulder——

Mr. BOYLE: I am sorry. The member for Boulder attended that meeting, and if there is a man in this House who can speak with certainty and has been received with respect during the whole of his political career, it is the member for Boulder, who was Labour Premier in Western Australia for many years. I am not quoting this in any light way, but am giving the views of the hon. member who had at the time just relinquished the Premiership of this State. The report is as follows:—

> Earnest appeals for a "No" vote at the forthcoming referendum on marketing were made last night at a citizens' rally in the Perth Town Hall by Mr. N. Keenan, M.L.A., and Mr. P. Collier, M.L.A.—
>
> An interesting feature of the gathering was that it was the first time for 30 years that Mr. Keenan and Mr. Collier had co-operated on a public platform—

Mr. Collier said that there was no justification for a State such as Western Australia, which had voted for secession, now changing its mind and agreeing to confer additional powers on the Commonwealth Government.

Mr. Sampson: Hear, hear!

Mr. BOYLE: At the same meeting Hon. P. Collier——

Mr. SPEAKER: Order! The member for Boulder.

Mr. BOYLE: I am quoting from the newspaper.

Mr. SPEAKER: He is the member for Boulder in this House.

Mr. BOYLE: Must I alter the reading of the Press report? This extract is from "The West Australian" of the 16th February, 1937, and is as follows:—

Mr. Collier twitted members of the Country Party with being coerced by the P.P.A. and with being afraid to do other than support the association's policy of "Yes." Mr. Collier provoked a good deal of laughter when he said he would like to see the ballot papers of some people in this State who were publicly recommending the electors to vote "Yes."

If the people in the Town Hall laughed at Country Party members the gods on Olympus must be laughing today—

The Minister for Labour: They are not there now.

Mr. BOYLE: for the simple reason that there has been a consistent "Yes" vote maintained in this House. A split in the Labour Party at the time was threatened. "The West Australian" of the 5th March, 1937, contained the following:—

Mr. Mooney repudiates advice given by Premier to vote "No" against referendum. Probable Labour split. Acting Premier, Mr. Munsie, "Cabinet advice not binding."

Mr. Mooney referred in the Press at the time to the fact that the Australian Labour Party in Western Australia decided to remain neutral in the matter; it was not taking sides. The attitude of the Australian Labour Party in Western Australia is outlined in the following extract taken from "The West Australian" of the 18th February last—

The General Secretary of the State Executive of the Australian Labour Party (Mr. T. G. Davies) said yesterday that in accordance with the policy of the Party the following letter had been forwarded to the Secretary of the Parliamentary Select Committee on the Commonwealth Powers Bill:—

> It would be appreciated if you would kindly draw the attention of the members of the Select Committee who are, in accordance with the decision of the Legislative Assembly, taking evidence and reporting back to the Legislative Assembly in connection with the Commonwealth Powers Bill, to the fact that the Australian Labour Party, W.A. Branch, does not desire to uselessly delay the proceedings or time of the Select Committee by re-affirming in evidence its declared policy of supporting to the very maximum the Bill which was introduced in the Legislative Assembly and which was the consequence of a decision arrived at by Leaders of Governments and of Oppositions at a conference convened by the Government of the Commonwealth to consider the extension of that Government's authority in relation to certain matters which, in a modified form, are now contained in the Bill before the Legislative Assembly."

Mr. Needham: What is wrong with that?

Mr. BOYLE: Nothing. I am contrasting it with the attitude of neutrality on the referendum of 1937.

The Minister for Mines: Many countries were neutral when war broke out, but later altered their opinions.

Mr. BOYLE: This country is in no different position today. The idea of the war having caused this does not ring true with Mr. Curtin's idea.

Mr. Needham: The two positions are not comparable.

Mr. BOYLE: Of course they are! The A.L.P. had a perfect right to do what it did. I merely wish to show that its neutrality of 1937 has now become active in wishing for the extension of these Commonwealth powers.

The Minister for Mines: It has grown up.

Mr. BOYLE: The "Yes" vote today is not consistent, but Thomas Carlyle said that consistency was an attribute of fools.

Mr. Withers: The amendments about which you were concerned today—

Mr. SPEAKER: Order!

Mr. BOYLE: Had the amendments been accepted they might have helped, but I took little part in the discussion on them. It will be remembered that when the notice paper came out I sought to delete ten out of the 14 powers. As the member for Nedlands said, when the Bill was referred to a Select Committee all those amendments were eliminated from the notice paper. I do not make any apology. I speak as I feel. I have not altered my opinion regarding this Federal compact undertaken 40 odd years ago by this State. But its continuance is fatal to Western Australia.

Mr. Thorn: It is too serious to joke about.

Mr. BOYLE: Those who joke may not regard it in the future as such a joke. I

would now like to deal with a few of the things that we are in for if this Bill becomes law, and judging by the voting that has already taken place it will be passed. The amendments have not been carried, so it is logical to think that the Bill will be carried. I am not speaking with any hope of converting members on the other side of the House—far from it!

Mr. Withers: Why delay the progress of it?

Mr. BOYLE: I wish I could; I wish I could delay it for one hundred years.

Mr. Doney: The member for Bunbury thinks exactly as you do.

Mr. BOYLE: I am not in the hon. member's confidence to that extent. In 1935 a Federal Commission of three members was appointed to inquire into the effects of Federation on Western Australia. One of the Commissioners, Mr. Entwistle, expressed his views in a special note as follows:—

> In my opinion W.A. should never have entered the Federation, but, having done so, there is, I feel convinced, only one complete and satisfactory remedy for her present disabilities, viz.: Secession.

That was after 25 years of Federation, and Mr. Entwistle was never a friend of Western Australia; in fact, he had expressed himself as hostile to this State.

War has had its disabilities for Western Australia in more ways than one. The present is the second major war since Federation was inaugurated, and seemingly from this war as from the other one, Western Australia will emerge despoiled and with all of its powers lost. It may interest goldfields representatives who have voted for the Bill to hear something of the effect of Federal action on the goldmining industry. Take the great gold steal of 1915-18, when over 4,000,000 ounces of gold were taken by the Federal Treasury and paid for in paper money at pre-war prices of £3 17s. 10d. for standard gold and £4 4s. 11d. for fine gold! Our gold-producers of that period had the spectacle of their gold being sold in London at a profit to the Commonwealth Government of 15s. per ounce and over £3,000,000 was lost to the mining industry. During this war, the goldfields are again an object of attack. One could understand restrictions being imposed, but a wholesale putting out of action of one of our staple industries is unwarranted. The Commonwealth is taking employees out of the mines. This is a step that has not been taken in South Africa, and it has been taken to only a limited extent in Canada. Gold is being produced in Russia today; yet the industry in Western Australia is suffering under Commonwealth control. The goldmining industry has repeatedly come to the rescue of the State. From 1892 onwards it was really responsible for the substantial progress made by the State and it enabled the agricultural industry to be established.

Mr. Leahy: That is a timely acknowledgment.

Mr. BOYLE: I am always prepared to acknowledge the value of the goldmining industry to this State. Now, however, the industry, as a result of Commonwealth action, has been practically ruined, notwithstanding that 85 per cent. of the gold production of Australia comes from Western Australia. I suppose there were 18,000 persons employed in the goldmining industry.

The Minister for Mines: Not 18,000.

Mr. BOYLE: Well, say 15,000; and by Federal enactment that number has been reduced to 4,500. That is a clear loss of 10,500 workers on the goldfields. In the same way we have seen others of our industries practically destroyed. Take the base metals industry, which now should be flourishing, because base metals constitute one of the important requirements of the world at the moment! During the 1914-18 war, the Commonwealth Government prohibited the export of tin, copper and lead unless it was first sent to Port Kembla, New South Wales, to be refined. The base metals industry of Western Australia actually had to send its tin, copper and lead to Port Kembla to be refined before it could be exported. Places like Greenbushes and Pilbara, which had been producers of tin, have been entirely ruined. "The Daily News" of this period remarked—

> Thus once again our bondage to Federal administration of a peculiar kink of mind is demonstrated. Whim Creek must willy-nilly help to bolster up the metal octopus of the east. The ore must be carried half-way round Australia before it is permitted to increase the stocks of the world or to reach open markets ready and eager to purchase.

At the same time, the Perth "Sunday Times," from information received, stated that a sensation would be created if the real shareholders in the Port Kembla works could be exposed. Today we know who they are, and practically the same conditions prevail today. In consequence of this dictatorship or overlordship and the prohibition of ex-

port, the whole of the base metals industry in this State was crushed out of existence and about 1,000 mine workers were compelled to seek other avocations. These are only a few instances of the crushing of staple primary industries in a helpless State.

Other instances are the flour export embargo and the leather export ban. Coming to later years, we had the Yampi Sound iron-ore embargo. I think the Premier was himself instrumental in getting a motion of protest passed by Parliament against the closing down of the iron-ore industry at Yampi Sound. The wheat acreage restriction is another instance. Western Australia is the only State of the Commonwealth where a restriction of the wheat acreage has been enforced and we have no secondary industries to compensate for it. In New South Wales there is a 50,000,000-bushel wheat crop compared with our crop of 21,000,000. The 50,000,000 bushels of last season was above the average for New South Wales, and yet we in Western Australia are restricted to a production of about 52 per cent. of our average. The whaling industry had been established at Albany by a Norwegian company. I happened to be at Albany when Mr. W. M. Hughes, in reply to our protest, ordered the Norwegian whaling company to get out of Frenchman's Bay and destroy all its shore equipment. He stated that the British Government would require the naval moorings for the next 50 years under lease. Thus we lost a valuable industry. Just before the war, we had the spectacle of the Japanese—our enemies in this war—using Fremantle freely as a port of supply for its whalers. Possibly some of the explosives now being used by the Japanese were manufactured from whale oil and products obtained within our sphere of influence.

I could continue for a long time quoting instances in which our primary industries—not our secondary industries—have been affected by Commonwealth control and restriction. Mining is a primary industry; timber is a primary industry, and so is whaling. Western Australia comprises one-third of the Commonwealth; it is one of the oldest-settled of the States, and yet it ranks second lowest in point of population. On the other hand, in point of natural wealth, this State would be hard to beat. I regard it as second to none in the Commonwealth. We have mineral wealth; we have wealth of all kinds. The Minister for Labour today is developing what was hidden wealth in the Lake Campion district. I hope the Commonwealth will not interfere with that industry. Let me draw a parallel with the States of America. What efforts have been made by the central Government there to restrict the sovereign powers of the 48 States? None whatever! Rather has the central administration sought to increase the States' powers. At the beginning of the war President Roosevelt called a conference of the governors of the States and asked their co-operation. He did not submit Bills from Washington asking for the surrender of powers by the States. He summoned the Governors, who are elected governors, to meet in conference and to convey to their respective States what was desired in the matter of co-operation.

Mr. SPEAKER: I hope the hon. member does not propose to stay in America too long.

Mr. BOYLE: I am quoting a parallel case. I regret the necessity for having to address the House at this hour, but that is not my fault. I am merely exercising my right to address the House while it is in session.

The Minister for Labour: We have no objection to your sitting down.

Mr. BOYLE: I am sure the Minister would not object.

Mr. SPEAKER: There is no objection to the hon. member's continuing.

Mr. BOYLE: I claim that as a right, not as a privilege. I know that the Minister would be pleased——

Mr. SPEAKER: The Minister is not under discussion on the motion for the third reading of the Bill.

Mr. BOYLE: Very well. I will leave him out. I have no desire to detain the House further, but I feel that the third reading of the Bill should not go through without the expression of my views. I have a feeling that possibly this is the last time a member of the House will ever have a chance to express similar views. To me it appears that throughout the Commonwealth of Australia there is a growing objection to the handing-over of these powers. We find that objection in various States of the Commonwealth. In Tasmania, a small State, the Bill has been rejected by the second House of the Legislature. We find that in Vic-

toria, objections have been raised. Even the larger States are becoming apprehensive of the effect of transference of these powers.

Mr. Seward: The States closest to the Commonwealth Government.

Mr. BOYLE: Yes. If there is a State which should receive some advantage from being in the Federation, it is Tasmania; but the Tasmanians are not eager to surrender their last vestige of sovereignty. Therefore I intend to register my vote against the third reading of the Bill.

On motion by Mr. Doney, debate adjourned.

House adjourned at 6.35 p.m.

Legislative Council.

Tuesday, 16th March, 1943.

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

BILL—COAL MINE WORKERS (PENSIONS).

In Committee.

Resumed from the 11th March. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 18, as amended, had been agreed to.

Clause 19—Contributions:

Hon. L. CRAIG: I move an amendment—

That Subclause (6) be struck out.

This clause provides for the contributions that shall be made to the pension fund, and sets out that the Government shall pay one-quarter, the miners one-quarter, and the companies, in effect, one-half. Of the companies' contribution one-half is to be passed on to the consumers. Perhaps all members of the Committee are not aware of the repercussions of this clause. In New South Wales and Victoria the contributions to the pensions scheme are roughly the same, but the total of the companies' contributions are added to the price of the coal, and that affects the price of coal to the extent of 5d. per ton. Here it is proposed that only 2d. per ton shall be added to the price of coal, so we differ from the other States in that respect. This provision means that the companies must pay out of their profits one-quarter of the contribution, or one-half of their contribution. For the last three years, I understand, the ordinary shareholders of the Amalgamated Collieries have not received any dividends; therefore, the contribution must come from the dividends payable to the preference shareholders. The Bill authorises the directors to deduct the contribution from dividends payable to the shareholders, whether preference or ordinary. Therefore, the Bill definitely repudiates a contract entered into between the preference shareholders and the company. I contend that if it is desired to alter the Companies Act it should be done by a Bill amending that Act, and not by this measure. An agreement was entered into between the Amalgamated Collieries and the preference shareholders by which the latter were to be paid eight per cent. on the amount contributed by them. It must be borne in mind that there are risks associated with mining companies. In New South Wales, where a pension scheme now operates, some of the mining companies are paying 10 per cent. by way of dividend and no deductions are made from the dividends of the preference shareholders; the whole of the cost has been passed on. But here the repercussions of this particular provision are greater still. I understand the capital of the Amalgamated Collieries is roughly £200,000 divided into 50,000 ordinary shares and 150,000 preference shares. The preference shareholders have no voting rights as long as they are paid a dividend of eight per cent. Consequently, the company is being conducted by the directors representing the 50,000 ordinary shareholders. This clause specifically allows or instructs or compels the directors to reduce the eight per cent. dividend.

Hon. C. F. Baxter: The Bill says "they may."

Hon. L. CRAIG: If there are no ordinary dividends, where else is the money to come from except from the preference dividends? This clause therefore says more than "they may." In effect, it says the directors shall pay the contribution from the preference dividend, thereby reducing the amount payable to the preference shareholders.