

The PRESIDENT: Order! Will the Honorary Minister proceed with his speech?

The HONORARY MINISTER: If this sort of thing is being done—I believe it is—it is looked upon as quite in order as a means of dodging the payment of income tax. I deny the insinuation that has been made in the House that a large number of miners are staying away from their work so as to avoid taxation payments.

Hon. C. F. Baxter: Both classes of men are human.

The HONORARY MINISTER: The principle is wrong, anyhow.

Hon. C. F. Baxter: You think that the Collie miner would not do it but that the businessman would!

The PRESIDENT: I ask members to listen in silence to the speech of the Honorary Minister.

The HONORARY MINISTER: Mr. Baxter made a charge against the Collie miners. My duty is to inform the House that other things of a worse description are being done, and I think I am quite correct in the statement I have made in that connection. I wish to refute the insinuations that have been made against these men, for in any case they could apply only to very few. I admit that the statement that has been made by some members that the Bill, if passed, would lift the responsibility of the Commonwealth Government in regard to the payment of old age pensions, needs some clarification. The coalminers' pensions' scheme in the Eastern States, I understand, was passed in the belief that the old age pension would be in addition to the miners' pensions.

Hon. C. B. Williams: I hope you are right.

The HONORARY MINISTER: Doubts have been expressed on this point, and if there is anything in those doubts the necessary amendment to the Bill could be made in Committee. In conclusion, I feel that the coalminers of this State, by work and service, have established the right to a pension. No-one who knows or realises the discomforts and hardships of a coalminer working underground would ever speak or vote against the Bill. I feel, therefore, that the House would be unwise to reject the measure, which has my wholehearted support.

Hon. C. F. Baxter: That does not help us very much.

On motion by the Chief Secretary, debate adjourned.

## ADJOURNMENT—SPECIAL.

**THE CHIEF SECRETARY:** I move—

That the House at its rising adjourn till 2.15 p.m., on Tuesday, the 9th March.

Question put and passed.

*House adjourned at 2.50 p.m.*

## Legislative Assembly,

*Wednesday, 3rd March, 1913.*

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

### QUESTIONS (2).

#### FISHERIES.

##### *As to Perth Herring.*

Mr. WATTS asked the Minister for the North-West: 1, What is the average minimum length, age, and weight of a Perth herring or gizzard shad at the time it first spawns? 2, What is the average gross weight of a dead Perth herring at 5 inches, 6½ inches, 8 inches, and 10 inches? Also what is the weight of a cleaned fish, that is gutted, tailed and deheaded ready for canning, at similar lengths? 3, Will a legal net mesh of 2½ inches capture a Perth herring of 5 inches, and if so, what steps, if any, is it proposed to take to rectify or stop the destruction of these immature fish; that is, before they can reproduce their species? 4, Will he continue to permit the commercial exploitation of the fish at 5 inches under the Second Schedule to the Fisheries Act, and if so, to what extent? 5, If not, will he increase the minimum length to 8 inches at least, of Perth herring in the Second Schedule to the Fisheries Act, and if not, why not?

The MINISTER replied: 1, Although scientific research in relation to the life history of our commercially important species is now being undertaken, Perth herring, which until a few months ago was regarded as valueless for food and even now is not by any means high in importance, has had to take a very low place in the list of

those fishes which are being studied scientifically. Nothing has been done with it as yet, and consequently nobody is able to say exactly at what length, age, and weight the species reaches maturity. 2, Answered by No. 1. 3, Occasionally small fish are caught in nets of large mesh, but this is not the general rule. 4, The Schedule length of five inches has been in vogue for a great many years, and the hon. member may rest assured that that length was not fixed arbitrarily and without sufficient reason. While that length stands as the legal minimum, the department is not in a position to stop the capture of herring which equal or exceed it, nor is it intended to alter the length unless and until proper scientific investigation shows that it is in the best interest of the fishery to do so. 5, Answered by No. 4.

#### LIQUOR LICENSES AND S.P. BETTING.

*As to Inquiry by Royal Commission.*

Mr. SEWARD asked the Premier: 1, Have arrangements yet been made to secure the services of a Royal Commissioner to carry out the inquiry asked for by this House on the 7th October last? 2, If so, when does the Royal Commissioner purpose to commence the inquiry? 3, If it has not been possible to secure a Royal Commissioner in the Eastern States, will the Premier urge upon the Chief Justice the desirability of his undertaking this important duty?

The PREMIER replied: 1, No. 2, Answered by No. 1. 3, No. This would not be proper especially in view of the letter already received from the Chief Justice on the subject.

#### BILL—COMMONWEALTH POWERS.

*In Committee.*

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

Clause 2—Reference of matters to Parliament of Commonwealth (partly considered):

The CHAIRMAN: Progress was reported after paragraph (b) had been agreed to.

Paragraph (c)—Organised marketing of commodities:

Mr. PATRICK: It appears to me that this reference has many of the objections that were expressed to the one we debated yesterday. It would have been simple to refer to a specific purpose, which Dr. Evatt said was required. Instead, we have a vague, rather

meaningless reference with almost unlimited implications. The paragraph refers to the organised marketing of commodities. Using the word in the singular, "commodity" means an article of trade; used in the plural, it means produce or goods. Consequently, there is no end to the implications involved. In dealing with this reference at page 171 of the report of the Convention, Dr. Evatt said—

"Commodities" is the word most frequently employed in State legislation. It refers to goods produced in primary industry rather than to goods of secondary production. By usage, the term also suggests dealings of a wholesale character.

I submit it means nothing of the sort. "Commodities" is a word in every-day usage and is employed for almost everything under the sun. Recently I noticed an advertisement of a particular firm in a trade journal that referred to the commodities in which the firm usually dealt and which were in short supply. The advertisement said, "When peace comes we will again be able to supply these commodities, such as laquers, chemicals, belting, cotton-waste, etc." There the expression could have no reference to primary produce. If the intention was that this reference should deal with the produce of primary industry, why not specify the clear intention? That is the object of my proposed amendment.

Our chief concern is not altogether with the primary industries, but with certain export goods. There is no problem in Australia about the produce of primary industries of which there is no export surplus. There are other primary industries with an export surplus, but these are easily controlled, as they are not widely spread over Australia. They may be confined to one State or to a very small number of persons, and consequently there is no difficulty in controlling them. Then there is the traffic of goods within a State. I submit that that is a recognised State function. That has been recognised in the United States and, I submit, it should be recognised in Australia. We have had some experience in that connection with Federal regulations which have proved a failure.

There was in this State a very small industry producing malting barley. The producers had contracts with the local malting people, and could always sell at a profitable price. Under the Federal regulation they were dragged in with producers of different types of barley in other States, their contracts at about 5s. a bushel terminated, and

they were mixed up with barley valued at something like 2s. or 3s. a bushel. The whole thing proved a fiasco and unnecessary. There is no necessity to pass over to a Federal authority the control of primary products subject to internal traffic, and goods within the State. An industry like wheat, owing to world conditions, must be handled on an Australia-wide basis, and that was clearly recognised many years before the war. In fact a stabilisation scheme was at one period introduced by the Commonwealth Government, but was abandoned on account of the Privy Council's verdict in what was known as the James case, which hinged on Section 92 of the Constitution.

The extraordinary feature about the James case was that James, as far as one could hear, was a man of straw, and the expenses of conducting his case in the High Court and the Privy Council were borne by big merchants in South Australia and the other States. Our own State Government assisted in briefing a lawyer to support the case. Because of the decision in that case the then Commonwealth Government took a referendum as to marketing in Australia without the limitations of Section 92. The referendum was held in 1937. That was again strongly supported by this Party in this Chamber. It was opposed by the Federal Labour Party because it said it did not go far enough. What the Federal Labour Party wanted was described as full trade and commerce powers without any limitation. The principle was opposed on the Government side here because the power sought was too great. In fact I remember the then Minister for Lands, Mr. Troy, making a speech in this Chamber in which he suggested that the Commonwealth Government already had ample powers to deal with this export marketing question, and he instanced the excise powers. The referendum was taken and overwhelmingly defeated. At a later stage the then Commonwealth Government introduced a measure to use its excise powers as suggested by Mr. Troy, and it was violently opposed by the then Federal Labour opposition. Of course there are great objections to it.

It is, for instance, an unpopular thing to put an excise tax on flour. If the Commonwealth had the power the simplest thing was to have fixed the price for wheat throughout Australia and allowed the price of flour to be governed solely by the price

of wheat. Since then, under the defence powers, we have had a stabilisation scheme introduced but, unless some other action is taken, this must fall to the ground after the war because the present powers for wheat stabilisation can be and are only exercised under the existing defence powers of the Commonwealth. Further than that, wheat is subject to an international agreement, and this is referred to in Dr. Evatt's book on post-war reconstruction on page 168 where he states—

The Governments of Argentina, Australia, Canada, and the United States of America shall adopt suitable measures to ensure that the production of wheat in their territories does not exceed the quantity needed for domestic requirements and the basic export quotas and maximum reserve stocks for which provision is hereinafter made.

The Premier: That broke down once before.

Mr. PATRICK: Yes, but this is of recent origin, and is a proposition put up by a meeting. It is like the matter we are dealing with—a draft agreement. Unless power was referred to the Commonwealth Government from the States I do not think it could deal with this matter at all. That is why I say in my amendment that wheat is one of the questions that must be referred to the Commonwealth Government. Wool is another very large primary product also subject, at present, to an agreement which could only be made under the present defence powers of the Commonwealth. The growers themselves have expressed a wish that that agreement should be extended for three years, and at a meeting, just concluded, of the Australian Woolgrowers' Federation, it was decided that there should be a five year plan to deal with the control of wool after the war. One can understand that, because when the war is over there will probably be several million bales of wool on hand which will have to be gradually marketed with incoming crops. So, of course, some measure of control will be wanted by the Commonwealth Government. As the existing control is only possible under the defence powers I favour an extension of those powers to cover wool.

Other primary products, such as butter and wheat, will undoubtedly have to search for new markets. Our pre-war market for them has been Great Britain, but there have been changing conditions of agriculture in Great Britain—in fact, extraordinary

changes have taken place there! I need only instance the fact that the wheat acreage has increased by no less than 50 per cent. One and a half million extra acres are under oats. Six million extra tons of feed-stuffs have been grown for livestock. That is an extraordinary thing because, in pre-war time, England bought many million tons of feed-stuffs for livestock. The whole of the domestic sugar ration is home-grown in the United Kingdom. During the first six months of 1942—and this is rather incredible—withstanding the millions of acres of grass lands under crop England produced over 10 million gallons more milk than in its best pre-war year. That market will be a diminishing one for our products. Having arrived at that high degree of expansion of agriculture Great Britain will not go back.

The Premier: It did that in the last war, and slipped again.

Mr. PATRICK: It has gone a great deal further now. It did not grow feed-stuffs then to anything like the extent it does now.

The Premier: There was tremendous increase in production during the last war, but it slipped back.

Mr. PATRICK: There was in area but now, despite the increase in area, Great Britain has increased its livestock production which it has never done before. No doubt with more profitable prices the farmers found they could go in for better systems of farming. Because of the changes in the agricultural system in Great Britain we will, after the war, have to look for different markets for our dairy produce and meat. Then the difficulty will arise with countries that undoubtedly will need our goods but will be unable to finance their purchase, so there will have to be some arrangement to send primary products from Australia, and other places that have export surpluses, to those countries which have been devastated by war and which urgently need foodstuffs. As the difficulty will be largely one of finance, there will need to be a system of lease-lend or barter between Governments. To handle such business on an individual basis would be very difficult, so the sale of such products in large quantities will probably be the subject of agreement between nations. The amendment of which I have given notice really specifies what Dr. Evatt says is required, namely,

power to deal with certain primary products. I move an amendment—

That after the word "of" the words "wheat, wool, meat, and butter and, with the consent of the Parliament of Western Australia expressed by a resolution of both Houses, and as long as such consent is not revoked by a like resolution, any other commodity or commodities of which a substantial portion was exported from the Commonwealth during any of the five financial years ending thirtieth day of June, one thousand nine hundred and thirty-nine, but so that no law made under this paragraph shall discriminate between States or parts of States in relation to the marketing of any such commodity or" be inserted.

The principle contained in the amendment already appears in the Bill regarding products which may be brought in with the consent of the Governor-in-Council in any State, and then any primary product or all primary products would be included though I have stipulated that this shall be done on a resolution of both Houses.

Mr. SAMPSON: The term "organised marketing of commodities" is so wide in scope that I doubt whether anyone who has considered the matter would agree to allowing the Commonwealth to determine what shall be done. In fairness to those concerned in the production of commodities, we cannot permit this power to be referred to the Commonwealth. In fact, I trust that the Bill will never become an Act. If the power is limited so that these things may be done on a resolution of both Houses, it will alter the whole aspect of the paragraph, which may then safely be passed. Let us remember what has happened under the control of the Apple and Pear Acquisition Board organised by the Commonwealth. Without the condition contained in the amendment, the paragraph would be a dangerous one.

Mr. Cross: Who started the Apple and Pear Acquisition Board?

Mr. SAMPSON: I wish the hon. member would consider these matters in the light of what suits the State rather than from the party standpoint. It does not matter who started the board. I am convinced that very grave injury is being done to growers by the application of the board's powers, and there is a question whether, under the Commonwealth Constitution, it is competent for the board to continue, seeing that the Act is now operating in only two of the six States. This is perhaps symptomatic of the manner in which the Commonwealth will

deal with a question when it is not possible to deal with it in any other way. Even the provisions of an Act of Parliament have been pushed aside. In the first year of the board's operations only those growers who produced apples and pears that were approved for export could market their fruit locally.

Previous to the advent of acquisition, certain approved apples and pears could be exported but, when the board started to operate, it stipulated that only the apples and pears approved for export could be marketed here. That was a most callous disregard of the rights of growers, because many of those who depended upon Perth and other local markets for the disposal of their fruit found they could not market it. Many small growers do not produce the scheduled varieties; they grow other sorts. These are, however, quite good fruits—apples of commerce, and dozens of other apples. These could not be marketed, but the growers who hitherto had largely depended on these apples had perforce to accept 1s. per tree for the fruit; and the fruit was not allowed to be marketed or to be used. It had been acquired by the board, and there was only one thing to do with it—destroy the fruit, return it to Mother Earth. We are going to have a case of the kind now. Bartlett pears could not be exported, but depended on Western Australia for their market. Therefore, when the Apple and Pear Acquisition Board got going, those pears had to be marketed through the board. I repeat that the Bartlett pear was never exported.

Growers of Bartletts found, when the produce was brought under the control of the Board, that without Bartlett pears they could not get all the financial returns they otherwise would obtain. But how unfair! Again that indicates the unjust manner in which a Commonwealth organisation—and that is what the Apple and Pear Board largely is—is prepared to act, and did and does act. Arguments could also be used in regard to the price fixed by the Prices Commissioner for eggs. Whenever a price is fixed in the Eastern States probably a fortnight elapses before the operation of an increase, if there be an increase, reaches Western Australia. The same thing relates to lemons, oranges and honey. These matters are highly important to a State such as Western Australia, which depends at least to some extent on small farming. The amendment

really implies a full knowledge of the grave danger which faces producers unless it is set out that the consent of the Parliament of Western Australia, by both Houses, is first obtained. If it were approved thus, I would say that we could accept it; but I have so little faith in the possibility of the passage of the amendment that I will not delude myself into a belief that it will get through. I shall support the amendment, but I am obsessed with doubt and misgiving regarding the whole Bill.

Hon. W. D. JOHNSON: I am astonished at the introduction of an amendment of this kind by the member for Greenough. The hon. member is Deputy Leader of the Country Party, and apparently is not prepared to do for other primary products what he is prepared to do for wheat and wool. The hon. member excludes apples, pears, grapes, wine, raisins and dried fruits. The member for Murray-Wellington will be interested in the exclusion of potatoes. It is impossible to organise marketing if one has to rely on a resolution of Parliament. Take the position with regard to this year's apples. It is true that the export of apples is not possible at the moment; but assuming that things became normal and the Commonwealth Government organised the marketing of apples, as it would do under the amendment, in the case of wheat and wool the results would be satisfactory. Those results cannot be achieved by regulation which is so framed as to meet the special exigencies of war. Every regulation must take some cognisance of the fact that all regulations, and everything of that nature, must be done from that angle.

Wheat and wool are not organised today in the sense that they would be under organised marketing. Wool is today sold in London by a committee representative of the Government of Britain. The committee buys the Australian wool, and markets it. The balance not sold by the committee is distributed by that body. Marketing of wool is done under war conditions in collaboration with the British Government. But this Bill aims at preparing for peacetime. When we get a committee of the kind, it will be the Australian people that will decide the entire organisation. It will not be decided by regulation hurriedly prepared to meet special circumstances. If the Bill passes, it will be done in anticipation of the peace period at a leisurely pace, so that no mistake

will be made. True, one fails to understand why certain details are resorted to in the case of wartime organised marketing. That, however, is not what I rose to say.

Member: You took a long time to say it.

Hon. W. D. JOHNSON: The member for East Perth desired to be educated in the matter of orderly marketing.

Mr. Hughes: My word! He needs it when he sees apples rotting on the ground.

Hon. W. D. JOHNSON: The subject of orderly marketing is not dealt with by this measure. The Bill anticipates that after the war there will be a kind of lease-lend policy, with Governments negotiating with other Governments for the exchange of commodities. That will be done on what could be termed a scientific basis, with due regard to the relative claims of those parts of the world that can produce a given commodity and consume another. But I rose to reply to the member for Greenough. He dealt only with meat, wheat, wool and butter; he produces all four and understands them. But what about wine? Are we to sacrifice our wines? Are we to allow them to be sacrificed on the British market by the operations of the Eastern States? The member for Toodyay knows perfectly well that for years we have been trying to fight the combination that is operating against our wines in London. The South Australian Government seems to have the gift of penetrating into the market.

Mr. Patrick: What surplus wines have we got?

Hon. W. D. JOHNSON: We must not have this State competition. Instead of Australian wines being produced and blended in such a way as to reach an Australian standard, we know that today wine of a certain quality is sent by Victoria that prejudices the better wines produced in this State. The Western Australian wine cannot compete because of the special organisation South Australia has in the heart of the Empire from a marketing point of view. We cannot go on in this way. We must have some central marketing arrangement and someone with greater authority, and certainly more ability, than the authority we have today, so that we can put our wine on the market as Australian wine with an Australian brand.

Mrs. Cardell-Oliver: That is all in favour of the Eastern States.

Hon. W. D. JOHNSON: I object to that. I hate the idea that we are people in separate compartments. We are Australians. I am speaking of the Australian people.

Mrs. Cardell-Oliver: You are talking of the Eastern States.

Hon. W. D. JOHNSON: It is that kind of talk which is stopping our progress and preventing us from making a really valuable contribution to the world market. This State is being "murdered" by State competition, State misrepresentation and State interference with State. This Bill is designed to stop that. We are not to suffer poverty in the midst of plenty. We shall market our commodities on a properly organised basis. We have done so as far as apples are concerned; there is a certain organisation and there are certain understandings—not very stable—in regard to apples. These understandings could not be stable because of State competition. Tasmania will "murder" Western Australia if it gets the chance, and Western Australia will "murder" Tasmania if it gets the chance. That is wrong. We must profit by the failures of the past and devise some central means of organising our surplus products. The Commonwealth will only organise our surplus products.

Mr. Thorn: Western Australia has no surplus wine. We are short of wine.

Hon. W. D. JOHNSON: The Commonwealth would be interested only in surpluses.

The Premier: No.

Hon. W. D. JOHNSON: I may be wrong.

The Premier: Should not Western Australia get a fair cut of a commodity which is in short supply?

Hon. W. D. JOHNSON: Will the Premier bear with me? New South Wales may have a surplus of a commodity we are short of. Naturally, the Commonwealth would deal with that matter. If we have sufficient for our needs, the Commonwealth will not worry.

The Premier: Should one State get the lot?

Hon. W. D. JOHNSON: No. That is another matter that will be organised. The Premier does not seem to realise that I am speaking of surpluses. A surplus in one State should be distributed to supply the needs of another State.

Mr. Hughes: No, destroy it!

Hon. W. D. JOHNSON: If there is not a surplus there must be a deficiency. That is

really worse than a surplus. Here again organisation steps in.

Mrs. Cardell-Oliver: What about gas-producers, sugar and many other things?

Hon. W. D. JOHNSON: The member for Subiaco forgets that we are at war and that organisation today is not based on a proper system. We are at war and it has been found necessary to introduce regulations dealing with this, that and the other commodity for the time being. These matters cannot be organised during wartime in the thorough manner that is proposed under this Bill. The hon. member quoted the James case. Are we to drop that? We have been agitating for years to secure some kind of reciprocity between the States.

Mr. Watts: If the clause is passed as printed, it will not cure that difficulty.

Hon. W. D. JOHNSON: If the clause is passed as printed someone will be given comprehensive powers to deal with the matter. This reference is something like the reference of "employment and unemployment."

Mr. Watts: The matter to which you refer is still subject to Section 92 of the Commonwealth Constitution. That is the section involved in the James case.

Hon. W. D. JOHNSON: Then the provision is of no value. The Commonwealth will have to get the power in some way or other. To say that this Bill will not operate after it has been passed is nonsense.

Mr. Patrick: It will not operate in that direction.

Mr. Watts: Your friend, Dr. Evatt, does not believe so.

Hon. W. D. JOHNSON: I do not care whether he does or not. The principle involved in the dried fruits case has always been the trouble. I remember that when I was Minister for Agriculture we tried all sorts of schemes to organise the dried fruits industry. We did put a Bill through at one stage that helped locally, but it is of little value when we strike a surplus production in any other State.

Mr. Thorn: You were not much of a success when you were Minister.

Hon. W. D. JOHNSON: I am not saying that I was, but I am saying we had a difficult time. I would not expect the hon. member to give me credit for any virtues at all.

Mr. Thorn: You take a lot of convincing.

Hon. W. D. JOHNSON: I am not convinced now, but I would not like to judge

myself by the hon. member. He would not give me credit for anything. I do not know that I reciprocate. I think I am generous. The position is that we want to make this power such that it will enable all the circumstances to be dealt with as they arise. We cannot anticipate a surplus in any commodity at any particular season. Neither can we deal with a surplus that arises by referring it to Parliament. In the first place, the State Parliament may not be in session. In the second place, if the State Parliament is the Commonwealth Parliament may not be, and while the matter is being discussed in the State Parliament and the Commonwealth Parliament, the season is over and the market gone. If the commodity is perishable, it rots.

There is only one sane thing to do and I am astonished that my friends opposite would limit a paragraph of this description and try to confine it to wool, wheat, meat and butter. Those are not the only products of Western Australia. It is true that we are proud of our production in each of those commodities, but our fruit is of a comparatively higher standard than that of any other part of Australia. That cannot be said of our wool, wheat, butter or milk. It can be said of our fruit and honey. Our honey is penetrating the world's markets at the moment. I do not care who is handling it; it is a Western Australian product and it is being successfully exported. But we would do it better if it were done from an Australian point of view so that we would have Australian honey instead of a South Australian brand competing with a Western Australian brand. We have "Kangaroo" butter. The British people do not ask for Western Australian or South Australian or Queensland butter; they ask for "Kangaroo" brand, and get it. As we have organised the export of butter, so we could organise these other products. There are commodities that need organising, and I am surprised that members opposite want to limit the number.

Mr. THORN: I support the amendment moved by the member for Greenough. The member for Guildford-Midland seems to be surprised and astounded at every move that comes from this side of the House. The hon. member wants to deny this side of the House an opportunity to voice opinions or protests against this Bill.

Hon. W. D. JOHNSON: How can I do that?

Mr. THORN: It is the attitude the hon. member adopts. On every occasion he rises he is absolutely flabbergasted at the attitude we have adopted.

Hon. W. D. Johnson: I am, at your attitude on this clause.

Mr. THORN: This as a most important measure to every member on this side of the House. We are taking a lot of the clauses of this Bill very much to heart. I have pointed out before that by this means we are giving away the soul of this State. We are simply sacrificing this Parliament and all the powers we ever held, and the hon. member knows it. I am puzzled over the attitude of the member for Guildford-Midland. There seems to be some reason behind his enthusiasm. I do not know what organisation is pushing him so hard. I know that just lately there was a very virile Communist organisation formed in the Guildford-Midland area.

The Premier: And at Upper Swan.

Mr. THORN: Yes. I have had that in my district for a little while, but it has cropped up in the Midland Junction district now. I hope it is not that organisation that is pushing the hon. member so hard.

The CHAIRMAN: I want the hon. member to confine his remarks to the subject-matter before the Chair.

Mr. THORN: Regarding the dried fruits industry, all we have ever had from the Commonwealth Government, so far as the State Parliament is concerned, is a Commonwealth enabling Bill. We are getting on quite all right in the dried fruits industry. We do not want any further powers. I do not think the Commonwealth Government wants any further powers. The organisation is good and it seems to me to be quite complete and going on very well indeed. There is an understanding between the States. I know that we cannot contravene Section 92 of the Commonwealth Constitution, but we have a very good understanding, and the operation of the Dried Fruits Act is proceeding very well indeed. It is no good the member for Guildford-Midland concerning himself on this question. He is in touch with the industry and knows the position is quite all right.

Hon. W. D. Johnson: It is not stable.

Mr. THORN: Nothing is stable at present. We must have this Bill in toto! We must not interfere with it. If we have this Bill, everything will be all right! The hon. member mentioned wines. We have no wine

to export. We do not supply half the requirements of this State.

Hon. W. D. Johnson: Wine was exported.

Mr. THORN: Of course we exported it. We had our export quota. But this wonderful Commonwealth Government the hon. member talks about withdrew the bounty, withdrew everything and put us back where we were.

Hon. W. D. Johnson: They do not believe in bounties.

Mr. THORN: The Commonwealth Government gave us a bounty and encouraged the export trade, and then withdrew the lot. I suppose the hon. member thinks that if we pass this Bill everything in the garden will be lovely.

Hon. W. D. Johnson: I do!

Mr. THORN: It is wonderful! The hon. member's beliefs are marvellous. Now I come to the apples and pears that the member for Swan and the member for East Perth mentioned. Is any scheme a success when we waste or allow to rot two-thirds of the production? Is that successful? No! It is criminal.

Hon. W. D. Johnson: Why is dehydration mentioned in this Bill?

Mr. THORN: Never mind about that.

Hon. W. D. Johnson: That is to cure the position.

Mr. THORN: It is going on at the present time. There is a very limited market for dehydrated fruit.

Hon. W. D. Johnson: Nonsense!

Mr. THORN: There is a limited market.

Hon. W. D. Johnson: There is a world-wide market.

Mr. THORN: Do not be silly! There is not a world-wide market. I ask members to consider themselves and their own households, and the quantity of dehydrated apples and pears they use.

Hon. W. D. Johnson: We have not been doing it. We are going to do it now.

Mr. THORN: The hon. member is out of touch.

Hon. W. D. Johnson: Three plants are being constructed today.

Mr. THORN: The hon. member is out of touch.

The Premier: He is out of order.

The CHAIRMAN: I would ask the member for Toodyay to address his remarks to the Chair.

Mr. THORN: I am endeavouring to do so. We know that country people are ab-



absolutely starving and crying out for apples and pears which they cannot get.

Mr. Cross: They are too dear to buy in the city.

Mr. THORN: Yes. The organisation is not complete. Study the operations of this board that the member for Swan has mentioned. Study the return for apples and pears, and take into consideration the return that the growers are receiving. Take into account the expenses of the board! It put all those vans on last year to distribute apples and pears. What was the result? It sold rotten apples at a loss! It is a losing concern. It sold low-grade fruit while the high-grade stuff was rotting under the trees. The system, therefore, has broken down. Apart from that these vehicles were absolutely abused. They were used for other purposes and I saw that several times, but each time I raised the question here I was squashed by enthusiastic members from my own side of the House. Their enthusiasm is so great that they cannot see the faults of the scheme, which has cost the apple and pear growers of this State a tremendous amount.

Hon. W. D. Johnson interjected.

Mr. THORN: Dry up! That was done, well knowing that the people in the country were starving for this fruit. If we had a proper system of distribution they would get apples and pears, and the grower would be better off. It seems to me that the Government has adopted the attitude that no amendment suggested by this side of the Chamber to make doubly-sure, is acceptable. What is wrong with making doubly-sure?

Mr. J. Hegney: Why not make trebly-sure?

Mr. THORN: That will do me, because this Bill means a tremendous lot to Western Australia. As long as the Government is satisfied that these amendments to make doubly-sure are in order—and I think the Government is sure on that point—why does it not accept them?

The Premier: You are limiting the whole thing.

Mr. THORN: It wants limiting. Crocodile tears, and tears of blood have been shed in this Chamber over the rehabilitation of our soldiers when they return, but it seems as though members have altered their attitude since the last war. It is remarkable to see

them so concerned about the future of our young men who will be returning.

Hon. W. D. Johnson: We know the sufferings that were caused by the last war.

Mr. THORN: I am referring to the hon. member who has just interjected. How often have I heard him say, "For the sake of humanity, and for the sake of these young men returning we must have this Bill!" He has altered his views. I suppose he is allowed to do that, because since I have been here he has altered them nearly every week.

Mr. Cross: You have some good examples of that.

Mr. THORN: I am therefore surprised at his attitude, and I hope the Committee will accept this amendment.

The PREMIER: This paragraph is a very severe modification of the original one which it was proposed to include in the Bill. The original clause in the second Bill was to give power to the Commonwealth over all forms of trade and commerce. Members on the other side of the House, in common with other members of the Drafting Committee, considered that that power was too wide, but that in regard to marketing, and particularly what is known and accepted by the term "organised marketing," they consider the power should rest in the Commonwealth because the Commonwealth will be represented at a peace conference in, I hope, the not very distant future, and will have to speak on behalf of Australia when dealing with the peace terms which we will agree to. When the Australian delegate at that conference is asked, in regard to marketing, "Can you assure us that you can do what you propose to do in connection with this particular term of the peace treaty?" he would say, "No, I cannot assure you definitely."

Mr. Hughes: It is not going to be a negotiated peace.

The PREMIER: It will be a negotiated peace between the victors. They will have to agree on the terms. Those people who desire to do something for each other after the war will also be considered. It can easily be imagined that one nation, because of its geographical position, could starve for want of commodities. The other nations might say to Australia, "You are a big producer; what about guaranteeing, under the terms of the peace treaty, that you will give

so many millions of bushels of wheat, and so many apples and pears, and wine, etc." The Australian delegate would then be in the humiliating position of having to say, "No, I cannot guarantee that but, if the States had given the Commonwealth the power, I could."

Hon. N. Keenan: That applies particularly to exports.

The PREMIER: It applies to anything that might be the subject of trade between nations.

Mr. Watts: A surplus!

The PREMIER: It might not be a surplus. The needs of some nation might be so great that even though we have a shortage of the particular commodity required we would say, "We will sacrifice our own interests and allow you some meagre proportion from our short production."

Mr. Watts: You would give power to contribute to other countries from a shortage.

The PREMIER: When we talk about the Atlantic Charter and freedom of trade, and freedom from want and fear, access to raw materials, and all those things in connection with the proposed peace terms, the people who shared in the sacrifices necessary to win the war should also share in the commodities available for the immediate period after the war. We are not discussing powers for 10 to 15 years hence. These powers are only for the few short years of reconstruction and rehabilitation following the destruction caused by the war throughout the whole world. During a period of two, three or four years there will be shortages and all sorts of want and trouble. During that time we must help each other. If nations which have made great sacrifices—some even greater than Australia, perhaps—are in absolute want, and facing starvation and famine, and we have something that they need, then cannot we share it?

Hon. N. Keenan: If we have enough for ourselves?

The PREMIER: No. We may have a substitute. We have something that we can do without because we have a substitute, and these nations to which I have referred would be entitled to the commodity they need. Suppose we ordinarily use 1,000,000 tons of some commodity and we have 999,000 tons of it, would we say, "We will not let you have even 1,000 tons?" That is not the principle on which the nations joined to-

gether. They united for the purpose of doing everything and making every sacrifice—of life, money, production, shipping and everything else—to gain victory. Because of our geographical position we might have 300 or 400 million bushels of wheat. Are we going to stick to it or make it available to others? Are we going to say that we cannot spare an ounce of it, even though other people are dying of starvation? We want to be able to market commodities in an organised way.

Mr. Watts: The amendment provides for the organised marketing of wheat, so why worry about it?

The PREMIER: The Commonwealth might desire to deal with tin, zinc and other raw materials. Dr. Evatt said the proposal dealt with primary products as well as other things.

Mr. Patrick: He said it referred to goods produced in primary industries rather than to goods of secondary production.

The PREMIER: I do not agree with all that Dr. Evatt said. Many points of difference between us were thrashed out at the meetings of the Drafting Committee. If Dr. Evatt had had his way, this would have been an entirely different measure. If there was a shortage of beer, sugar, tobacco, flax or any other commodity, I am not sure that the Commonwealth would have power to ration those things to ensure that everybody got a fair share, unless this power is granted. Of course, those commodities could be rationed under the Commonwealth's defence powers, but not otherwise. Many goods are rationed to prevent wealthy people from buying up everything available to the exclusion of the poor.

Mr. Patrick: Would not that come under production and distribution?

The PREMIER: It may be desired to arrange for the marketing of goods that are in short production. High prices are not a deterrent to the purchasing of goods by some people who are wealthy. Black-marketing and such like things could break down price fixation if we do not have organised marketing. Thus there are many reasons why this power in regard to marketing should not be circumscribed. I disagreed with the original proposal that all trade and commerce should be handed over to the Commonwealth.

Under "organised marketing" as we understand the term, many things may be done,

and wide power will be necessary when negotiations are begun at the peace conference. We should not circumscribe the power so that only three or four commodities may be dealt with. The power must be wide. If it is too wide it will not be exercised. If it is too narrow, many of the things that ought to be done will be incapable of being done. We want to give whatever power is necessary for reconstruction after the war. I repeat that this transfer of power is for a period of only a few years when disorganisation, stress and lack of production will prevail. At the Convention we considered that within a reasonable time after the war, industry would be able to get back into its stride and do things as they were done before the war. In the intervening period, however, we ought to give the Commonwealth the necessary power to do almost anything in regard to the marketing of our commodities.

Mr. HUGHES: I cannot support the amendment, although I am opposed to this power being given to the Commonwealth. My objection to the amendment is a general one applicable to most propositions coming from members of the Country Party. They always want to limit their proposals in order to benefit only their own particular section of the community. I suggest that they will never get anywhere until they abandon their restricted view and endeavour to benefit other sections who are suffering from the same disabilities. This amendment is an attempt to restrict Commonwealth powers to the organised marketing of wheat, wool, meat and butter.

Mr. Seward: Read on.

Mr. HUGHES: And, with the consent of Parliament, any other commodity. Seemingly it is good for the people of Katanning that the Commonwealth should have unrestricted power but, if it is also good for the people of East Perth, a string is attached to it.

Mr. Seward: No, put in whatever you desire.

Mr. HUGHES: I am tired of drafting proposals for the hon. member.

Mr. Watts: What commodity in East Perth do you want organised, because I will move for its insertion if you are too shy to do it yourself.

Mr. HUGHES: We are told it is right for the Commonwealth to have full powers to deal with certain commodities but not with

others. Why should wheat, wool, meat and butter be put in a different category from apples?

Mr. Watts: Because they have exportable surpluses.

Mr. HUGHES: What is the difference between giving the Commonwealth power over bread and power over fruit? That is where the people of East Perth are affected. Fruit is as important to them as is bread. In the post-war period there may be an export market for apples and other commodities.

Mr. Watts: Have you ever studied the pre-war export market for apples.

Mr. HUGHES: I refuse to believe that upon the cessation of hostilities the world will revert to exactly where it was in August, 1939. Will the 450,000,000 Chinese revert to exactly where they were prior to the war? I do not believe that they can be forced back to their pre-war conditions. They will want different conditions; they will want commodities which we have been unable to export in the past but may be able to export in the future. The Bill should deal with general principles. If it is good to have marketing facilities, let us give them; otherwise let us withhold them. In the immediate past there is nothing to inspire us with confidence as regards giving the Commonwealth special powers. The Commonwealth has an excellent opportunity now to show what it can do in the way of organised marketing. There is no shortage of manpower in the case of the Commonwealth.

Commonwealth departments are bursting with surplus manpower, writing memorandums to each other to while away the day. If the Commonwealth is to inaugurate a control which will apply only to Western Australia, the effect will be to destroy Western Australia. In the post-war period the same conditions will apply as obtain today regarding the Commonwealth Government. Whatever Commonwealth Government may be in power will be such as pleases New South Wales and Victoria; all its legislation will be directed towards benefiting those two States. Let Dr. Evatt stand up in the Commonwealth Parliament to initiate legislation that will benefit Western Australia at the expense of the big financial institutions and of the interests of Sydney generally, and he will remain in Parliament only for that term, at the expiration of which he will lose his seat.

The Premier: Dr. Evatt does not represent many bankers.

Mr. HUGHES: I believe that whatever Commonwealth Government may exist will be dominated from New South Wales and Victoria, because of the electoral basis. No member of the Commonwealth Parliament from those two States can afford to support development of Western Australia at the expense of New South Wales and Victoria.

The Premier: Western Australian development might be for the benefit of New South Wales and Victoria.

Mr. HUGHES: When that is the case, our problems will be solved; but unfortunately we can judge only by past experience. Even at the present time, when we are at war and the development of Western Australia is for the benefit of Eastern States, they have done nothing. They have merely used Western Australia as a dumping-ground for surplus unsatisfactory public servants who are not wanted over East. They are sent here to do work which local men could do much more efficiently. The people sent here by the Commonwealth, not bright or brilliant, have jobs made for them.

The Premier: The hon. member is an authority on many things, but I do not think he is an authority on the people who come over here from the East.

Mr. HUGHES: In many cases the local men are more efficient, and yet when there are plums going about in connection with new boards and new departments, do they go to Western Australians? A branch of the Commonwealth Crown Law Department was opened here, and nearly everyone employed in it is from the East.

The Premier: I was asked to lend an officer from the State Crown Law Department.

Mr. HUGHES: The Commonwealth could have secured two men who were applicants and who are much more capable than the persons appointed.

The CHAIRMAN: Hon. members understand that we are desirous of getting through the Bill in Committee and, while they may generalise, I hope they will do so as briefly as possible, in order that some progress may be made.

Mr. HUGHES: I do not wish to delay the Committee. When dealing with a clause like this we have only past and present experience to draw on. The Premier said that after the war it may be necessary for the victors at the Peace Conference to make ar-

rangements for the supply of available commodities of which there may be a shortage in some countries. But the Commonwealth would not get that power under this reference. If commodities in Australia were required for America or China, the Commonwealth would not get authority to deal with them under a marketing power. It would act on its inherent power—the doctrine of eminent domain.

The Premier: The Commonwealth could not prevent those commodities from being sold in Australia.

Mr. HUGHES: It could. It could take them from the people. The Commonwealth would get the power under this reference.

The Premier: It could prevent anybody from selling things that it wanted to deal in.

Mr. HUGHES: The Commonwealth could do that in peace or war. It can acquire property provided it pays compensation.

The Premier: It can acquire property on just terms.

Mr. HUGHES: The Commonwealth would never want to do otherwise. Should the Commonwealth require property it could obtain it under its inherent power.

The Premier: It is very doubtful.

Mr. HUGHES: The Commonwealth could not do it under an organised marketing plan. It could not say, under a pretence of organised marketing, "We are going to acquire property and sell it to another State."

The Premier: Yes, it could.

Mr. HUGHES: I do not agree with the Premier.

The Premier: We just disagree; that is all.

Mr. HUGHES: The Premier says that the Commonwealth first wanted the trade and commerce power in its entirety. After all, what are trade and commerce but the marketing of commodities?

The Premier: The term "organised marketing" has quite a different meaning—a generally accepted meaning.

Hon. N. Keenan: What is the meaning?

Mr. HUGHES: Now the Premier is faced with a poser.

Hon. N. Keenan: I have never understood the term.

The Premier: It does not mean selling a pound of sugar over a grocer's counter, although that is marketing.

Mr. HUGHES: If there is control of the marketing of commodities, which I suppose is synonymous with the exchange of commodities, what is there left to trade and

commerce? That is the very essence of trade and commerce.

**The Premier:** The term "organised marketing" has developed a well-known meaning during the last 10 or 15 years.

**Hon. N. Keenan:** What is that well-known meaning?

**The Premier:** I will talk with the member for Nedlands privately.

**Mr. HUGHES:** After all, commerce rests on the marketing of commodities. If we have control of marketing, that will be the method and the manner in which commodities will be exchanged. It would be possible then to control production, which could easily be fostered or hindered by marketing regulations.

**The Premier:** You have just said that the Commonwealth can only acquire property on just terms, according to the Constitution.

**Mr. HUGHES:** There is a vast difference between acquiring property for the use of the sovereign power, and imposing marketing conditions of such a character as to stop production because the producer cannot market his produce. That is what is being done today. At present we have a plethora of boards and a plague of beaurocrats in Western Australia, as well as in the other States. When the war is over, the beaurocrats will naturally desire to carry on. The Premier will probably agree that the Commonwealth has established boards to do work which could easily be done by State departments. There has been a duplication of services. One illustration will suffice. For the life of me, I cannot see why the Western Australian Public Works Department should not act as the agent of the Civil Construction Corps.

**The Premier:** It practically is.

**Mr. HUGHES:** There are two branches. There is an army of beaurocrats in Murray-street doing work which our Public Works Department could have carried out efficiently. The trained engineers of our Public Works Department know quite as much about the building of roads and the construction of bridges as does the man in charge in Murray-street, who has not done anything in his life except manage second-rate hotels.

**The Premier:** He has asked our Public Works Department to do that work.

**Mr. HUGHES:** I know. I suggest it is not necessary for him to make that request. The work could have been handed

over to our department. He had to make the request because he did not know anything about the work.

**The Premier:** That policy was initiated by another Government which believed in contracts; it did not believe in day-labour under any circumstances.

**Mr. HUGHES:** It was a bad policy.

**The Premier:** For the reason that it did not suit capital.

**Mr. HUGHES:** It is a waste of manpower. It was bad when it started. It developed into a healthy child, but afterwards became worse. A special branch of the police force was detailed to deal with aliens. The Intelligence Department was a wonderful refuge for draft-dodgers who were well connected. Now we have a Department of Security, probably a quadruplicated service. All these beaurocrats will want to hang on after the war. That is readily understandable, because for them economic salvation means the war or, vice versa, the war means for them economic salvation. These powers will be used to keep that system in existence.

**Mr. Patrick:** That has been said. The Commonwealth wants to carry on under the powers it has under the present Defence Act.

**Mr. HUGHES:** Yes. Unfortunately, when it comes to dispensing with these boards and beaurocrats that are squeezing us to death in this State, the Commonwealth will probably say, "Well, so-and-so must be found a job and we will start him on some organised marketing scheme." So they will remain with us for ever; even death will not remove them. At present we have this bright spot on the horizon, that death is on our side as far as the beaurocrats are concerned; but if we turn them into corporate bodies, with perpetual succession, we are doomed for ever and posterity will suffer in the same way as we have. I would have no objection to the Commonwealth having this power if it would result in benefit to the people. The result of such activities is our best guide. For instance, we have in this State the Apple and Pear Board, established for the orderly marketing of certain commodities, to wit, apples and pears. What has been the result?

Last Sunday I saw at least 50 acres of beautiful apples and pears within 20 miles of Perth and that fruit is not even going to be picked off the trees. So far as the owner is concerned I could have gone in and taken

the whole lot. He is not going to pick them. On the other hand, I return to Perth, 20 miles away, go down Barrack-street and see apples priced at 7d. per lb. What chance has a working man of East Perth of getting apples for his family? Apples are regarded as one of the most wholesome foods. We even have a slogan, "An apple a day keeps the doctor away." Children like apples which are good for them, but they are 7d. per lb. in Perth, while 20 miles away they are rotting on the trees and will not be picked because of some fetish of our orderly marketing. The worst feature is that the proprietor of the orchard could not give the apples away. Although he has 50 acres of apples he was not at liberty to give me one to eat. I would say that the people who are responsible for that should be tried as criminals. We have a mass of children in the metropolitan area and the wheatbelt and other parts of the State who are famishing for this foodstuff, but some nincompoop in St. George's-terrace is laying down a law that a man must not sell his fruit and must not even give it away.

Mr. Patrick: He cannot even exchange it for wheat.

Mr. HUGHES: He cannot dispose of it in any shape or form. I suppose 10 or 15 per cent. of the crop I saw will now be lying on the ground, and within a month the whole 50 acres will be in the same position. I suppose that in other parts of the State there are more than 50 acres in the same condition. Around the corner is a man producing beautiful pears. He has been selling them on Friday nights at Subiaco. He produces the pears, carts them to Subiaco and sells them in the Subiaco market. But the Apple and Pear Board comes in and what he has to do is to make up 50 cases of pears and tell the Apple and Pear Board, "I am taking 50 cases to Subiaco to sell on Friday night." The board says, "Very well. We will sell them to you. at 12s. a case." So he buys his cases of pears at 12s. a case. He then transports them to Subiaco, and in order to get his retailer's profit has to sell them at 6d. a lb., which gives him 18s. a case. So he gets 6s. a case out of the Subiaco people as his legitimate retail price. He has to pay 12s. a case to the Apple and Pear Board, and later they give him back 4s. 3d. a case. The Apple and Pear Board has never touched them. They have never been out of the hands of the

producer, but the board takes 7s. 9d. a case from him, and he has the privilege of re-tailing his product to the aristocrats of Subiaco. The ordinary people of Subiaco who have to earn a living without wearing wigs and gowns cannot pay 6d. lb. for pears. I suggest that the board is not exploiting the producers as much as it is exploiting the people of the metropolitan area. It is definitely preventing people from getting fruit. If that is organised marketing let us have done with it. For whose benefit?

Mr. Cross: The Apple and Pear Board's.

Mr. HUGHES: Yes. The board gets 7s. 9d. a case and has never touched it.

The Minister for Labour: I think the member for Albany may inform you why.

Mr. HUGHES: The member for Guildford-Midland said that I needed some education on this point. I must say that I do, but the member for Guildford-Midland and the member for Albany are going to have some difficulty in convincing me that it is good economics—bourgeois or communist—

The Minister for Labour: I bet they know that!

Mr. HUGHES: —to have a food denied to the people of East Perth and of Guildford-Midland under those conditions. What about allowing the children of Midland Junction and Guildford to have some apples at less than 6d. lb.?

Hon. W. D. Johnson: They probably grow apples themselves.

Mr. HUGHES: Perhaps that accounts for the nigger in the woodpile. I am speaking as a consumer. When I see that sort of thing I am very wrath because I always thought it was a fundamental of the Commonwealth Constitution that there was to be no discrimination between the States. But we find there is discrimination. A man who is producing apples in the Eastern States can put his commodity on the Sydney and Melbourne markets, but a Western Australian could not do it. Even if our local people could get the transport they could not put their apples and pears on the Sydney market to compete with Eastern States interests.

Hon. W. D. Johnson: That is a war regulation.

The Premier: They cannot get compensation and free markets at the same time. They are getting compensation and it suits them.

Mr. HUGHES: Whom?

The Premier: The producers!

Mr. HUGHES: What compensation is the consumer getting?

Hon. W. D. Johnson: Good apples!

Mr. HUGHES: I am told by the apple and pear growers within 20 miles of Perth that they are not getting compensation at all; that the Apple and Pear Board puts a closure on two months before it needs to on the plea that it is equalising the export trade. But they lose more from losing the right to sell their apples to the people of the metropolitan area at a reasonable price than they get in compensation.

The Premier: A lot of people are losing a lot of things in this war to a much greater extent than they are.

Mr. HUGHES: Yes, but do they get any compensation? I could understand it if the Commonwealth Government said, "We are going to set up a means whereby we will compensate everybody pro rata for any injury or loss he has sustained in consequence of the war."

The Premier: That is an impossibility, of course.

Mr. HUGHES: I do not think it would be. Take a businessman in the city who is called up for military duty and has to close his business! He loses the whole of his goodwill and has to go into the Army at 5s. a day, whereas previously he was earning £7 or £8 a week. Nobody talks about giving him compensation. It is said, "That is one of the disabilities of war; you are unlucky. It is unfortunate that you are a person who is obliged to render military service at 5s. a day when your normal earning capacity is £1." People do not worry about that. But why should a married man with a wife and children who is living in the metropolitan area and is so treated, be penalised further by being told, "Now that you have lost a certain amount by serving your country, we are going to put an unseen tax upon you. If you want wholesome fruit for your wife and children you must pay twice its value to compensate somebody else, so that he will not suffer as a result of the war."

If we cannot equate the loss and spread it over the whole community, and give everyone his fair share of compensation, we should not pick out a few favoured people because they are wealthy and say to them, "We are going to tax the people in other parts of the State in order that you shall get some com-

pensation." After all, from what the apple and pear growers tell me—and I don't profess to know many of them; I suppose I do not know more than ten altogether—this is just a scheme for protecting the big people at the expense of the small men, and at the expense of the community. But whatever the cause, surely it is wicked to say to the people, "Although the price is beyond your capacity we would sooner let the food drop to the ground than allow you to have it." What an atrocity that is! I can understand the case put up by the Premier when he said, "Although we might be short of a commodity we may have to ask our people to go shorter still in order to give to some country overseas." That would be a sensible and humane thing to do, but to say to our people, "You must go without this food because we want to allow it to rot on the ground," is criminal.

I would not be inclined to trust anybody, whether an institution, or an individual, with more power to do that, because I can visualise this: If we give these powers to the Commonwealth Government which has in its control the Apple and Pear Board and that board becomes some permanent form of marketing with its own regulations, it will say, "Oh! well, we regulated apples and pears before and made a minimum price of 6d. per lb. to the consumer, and gave Mr. So and So some compensation so that he would not suffer as a result of the war." It will be inclined to do the same again and we will, therefore, have a permanent disability whereas it now might go out at the end of the war. I am, therefore, opposed to giving this power until we get some better earnest that it will not be abused.

Mr. BOYLE: This is one of the paragraphs of the Bill that has my wholehearted condemnation. I cannot see why the Government will not accept clarification of the position.

The Premier: A limitation and modification.

Mr. BOYLE: The paragraph reads—

Organised marketing of commodities.

Everything is a commodity. Anything tangible is a commodity.

The Premier: It is limited by the amendment to certain commodities.

Mr. BOYLE: The amendment seeks to clarify the position by inserting the words—

Wheat, wool, meat and butter and, with the consent of the Parliament of Western Aus-

tralia expressed by a resolution of both Houses, and as long as such consent is not revoked by a like resolution, any other commodity or commodities of which a substantial portion was exported from the Commonwealth during any of the five financial years—

It is of paramount necessity that the Commonwealth should, in the interests of the primary industries, have power to control marketing. The member for Nedlands asked the Premier to define orderly marketing.

The Premier: Organised marketing.

Mr. BOYLE: What is the difference? If it is organised it is orderly; if it is not organised it is disorderly. Having, perhaps, a little more temerity than the Premier in this regard I will endeavour to explain what orderly, or organised marketing is, as we know it. The question has been partly answered by those who control secondary industries in Australia. They have organised to some effect within the Commonwealth. The Colonial Sugar Refining Company long ago solved the problem of organising its trade. It now controls the sugar industry in Australia from producer to retailer. That is organised marketing within the Commonwealth. The B.H.P. controls the whole of the steel trade and heavy iron industries in Australia. Incidentally it controls the galvanised iron firms such as Ryland's and others. Today in Australia over 60 trade combines of producers have solved the problem of organised marketing. That question is completely answered so far as it concerns Australia's secondary industries. But the Royal Commission on wheat and flour, which furnished a report in 1936, pointed out that the primary industries of Australia have no system of orderly marketing—especially in view of the fact that the Judicial Committee of the Privy Council in the James case upheld James in his attack on attempted orderly marketing. It is a well known fact, too, that James was not a wealthy man, and yet he fought his case against the Commonwealth, through to the Privy Council, at an expenditure of £25,000.

I, and those of a like mind, think that the Central Government should have this power in regard to organised marketing of commodities, but how on earth it can get over Section 92 of the Commonwealth Constitution Act, is beyond me. The Premier must realise that we have in Western Australia orderly marketing for milk, eggs and onions. Much has been said of the Apple

and Pear Acquisition Board. Today it is only operating in Western Australia and Tasmania. One apparent failure does not disprove the whole logic of a case, by any means. The Premier took the supposititious case of a representative of Australia, present at the negotiations after the war when the nations gathered together to decide how much the have-nots shall have from the haves. That will be largely the basis of the redistribution of wealth in this world. That is, Australia can supply wheat and wool and other products, and other countries can also supply goods. But the Premier said that the Australian representative could only come back to Australia and tell the States that certain commodities were needed by other countries. Section 51 of the Constitution already gives that power by paragraph (xxxi) which states—

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

It had the power and today has exercised it under the provisions of the National Security Act. We have in Australia one of the finest examples of orderly, or organised, marketing in the Australian Wheat Acquisition Board which has handled nearly 600,000,000 bushels of wheat and has done the job extremely well. Let members picture to themselves what would have happened in Australia had it not been for the establishment of that board, with its right to acquire from the growers their output of wheat, to store it and sell it and subsequently to recompense the growers on account of their commodity. That very action has enabled the Commonwealth Government to guarantee 4s. a bushel for 3,000 bushels from each grower in the Commonwealth, which is an excellent result in all the circumstances. In 1938 legislation was passed which provided the farmers with a guarantee of 3s. 10½d. per bushel at ports for their wheat. Thus it is plain that the Commonwealth Government has already power under the Commonwealth Constitution to do these things.

I have no objection to passing this paragraph and still less objection to its clarification as suggested by the amendment. What does "organised marketing of commodities" mean? It means that every commodity produced in Australia could be brought within the application of this particular power. I have already pointed out that practically the whole of the products of our secondary in-



dustries are already organised, and no one in any part of Australia can secure a special advantage. I have endeavoured from New South Wales to Western Australia to procure farm machinery, superphosphate and other products of secondary industries associated with farming activities, and found that I could not get any advantage in price or from the standpoint of concessions. The fact is that these people compete only for sales and not in regard to prices. The result of this policy is that the manufacturing interests of Australia could produce in 1937 £450,000,000 worth of commodities and could sell those commodities within Australia, exporting only three per cent. of their output. Therefore that phase of orderly marketing is solved so far as those people are concerned. I was one of those who in 1937, in opposition to the present Government, urged the people to vote "Yes" to the proposal to delete Section 92, with the consequent transference of these particular powers to the Commonwealth. On this occasion I find myself in good company with many secretaries of trade unions in urging the people to vote "Yes" on this particular question. Those people held meetings on the Esplanade to deal with the subject and I commend them for their actions. So today I am again in accord with the altered outlook of the Government.

The Minister for Mines: We are in good company now.

Mr. BOYLE: Yes, that is the position. I certainly desire to retain this particular provision in the clause, but the amendment also has my support for the reasons I have outlined.

Mr. WATTS: I support the amendment; it would be queer if I did not do so, seeing that I attached my name to that portion of the Select Committee's report that recommended an amendment in almost identical terms. There is no doubt in my mind that a certain amount of control must be exercised by the Commonwealth Government respecting the organised marketing of certain commodities, and probably in respect of others that we cannot at the moment definitely foresee. The inclusion of the items—wheat, wool, butter and meat—is primarily with the idea that the orderly marketing of them can be adequately dealt with by the Commonwealth Government if the Bill is passed. In this respect the evidence given before the Select

Committee has been closely followed. Even the Premier and the Minister for Labour in their section of the report commented on the fact that Mr. Diver, the General President of the Primary Producers' Association, represented an organisation with a very substantial membership. I shall quote to the Committee portion of the evidence that Mr. Diver gave on this phase. His statement read—

Organised marketing of commodities:—We are in favour of this proposal, but feel that Federal organisation should be directed to those commodities that are substantially of export character.

Further on he said—

All those industries that are particularly of State concern should be left to the States to deal with.

During his cross-examination by one member of the Select Committee, Mr. Diver was asked the question—

Would you indicate to the committee those commodities which you deem covered by the words "substantially of export character"?

Mr. Diver's answer to that question was—

Wheat, wool, dairy produce and meat.

Hon. W. D. Johnson: He does not know anything about apples, then?

Mr. WATTS: Mr. Diver probably knows a great deal more about apples than does the member for Guildford-Midland.

Hon. W. D. Johnson: You will find that out directly.

Mr. WATTS: As I was saying, the witness indicated that in his view wheat, wool, dairy produce and meat were covered by the words, "substantially of export character." The only other witness who had any particular knowledge of a subject of this character was Dr. Sutton, a retired Director of Agriculture. If members peruse his evidence they will find that his views are along lines similar to those of Mr. Diver. He made a point in his evidence when he referred to wheat and dairy produce in particular. I contend it is no part of our business as members of Parliament and the representatives of the people of Western Australia to give the Commonwealth Government the authority to control the marketing of commodities that are not of an export character, and respecting which we have shown ourselves to be quite capable of attending to by means of legislation passed by the State Parliament.

Hon. W. D. Johnson: Why do you exclude apples?

Mr. WATTS: Will the hon. member leave apples alone? I will come to apples when I am ready.

Hon. W. D. Johnson: I want to have that information.

Mr. WATTS: It is said that an apple a day keeps the doctor away. If the member for Guildford-Midland were to take an apple it might keep him quiet—which would be most satisfactory to members of this Committee. In this Parliament we have passed legislation from time to time dealing with the marketing of primary products that are of particular interest to this State alone; that is to say, the whole or the great bulk of those products which are disposed of to the people of Western Australia. I contend that we are amply justified in refusing to minimise the control which we have taken and hold today over commodities of that description. I instance, for example, the activities of the Milk Board. I cannot see any justification whatever for enabling the Commonwealth Government to interfere in the activities of that board.

I admit there are aspects of the conduct of the business of that board which seem to me to require further consideration and that consideration I will be quite prepared to give as a member of this Parliament, but I am not prepared suddenly to give the control of that board to Canberra, 2,000 odd miles away from here and obviously incompetent—I use that word advisedly—to deal with matters of a local character which affect the people of this city. I strongly approve of the amendment because, while it indicates the particular products that we consider require organised marketing, the power is placed with the State Parliament to increase the list if it decides by resolution to do so. If a case were made out for the inclusion of any other item, Parliament would be justified in passing the requisite resolution. If the proposal did not appeal to Parliament, it would not do so, but the amendment does not close the door to the list being added to if the circumstances are found to warrant that course.

It has been suggested that the tremendous delay that must occur before the State Parliament could be assembled to deal with the matter would make the proposal inadvisable. If a matter is of sufficient importance, Parliament can be brought together with a minimum of notice required for the purpose. That argument is entirely

unfounded. If the Commonwealth Government suggested to the Premier that an early decision on the marketing of some commodity was required, I suggest that within 14 days Parliament could be assembled. Therefore I am quite unprepared to accept this as an excuse for refusing the Parliament of Western Australia a measure of control over the organised marketing of commodities that are particularly of State interest.

Now I turn to the question of apples. I am glad that the member for Guildford-Midland is still in his place. He will be able to hear all I have to say, and I assure him it will give him no satisfaction whatever. Before the war, a majority of the fruitgrowers of Western Australia resented any idea whatever of the organised marketing of their products under governmental control. They contended that they were getting along very well under the system which with the co-operation of the Fruitgrowers' Association had been built up, and they did not think it to be any concern of the Government to interfere in the matter of the disposal of their products. The fruit was sold on the overseas markets because there was a vastly greater quantity produced than the people of Western Australia particularly or of Australia could consume. I well remember the resentment displayed at one of the principal fruitgrowing centres when, in 1936, the suggestion was made at a public meeting that it was necessary to have Government control for the organised marketing of fruit. Times changed and during the war, fruitgrowers, many of them reluctantly, subscribed to the procedure adopted by the Apple and Pear Acquisition Board and, the Commonwealth will have authority, if it still wishes to do so, to continue the scheme for at least 12 months after the war under the defence power.

By that time I think there will be sufficient international trade in a commodity of this kind, after long years of deprivation, to warrant the fruitgrowers of Australia and of Western Australia particularly in returning, if they so wish, to the control of their own products. For my part, unless and until they come to the Parliament of Western Australia and say they want fruit included in this list, it is not going to be included. If they asked in terms of the amendment for a resolution of Parliament

and could show cause for it, then I should be only too pleased to subscribe to it. Before the war they did not want it; they got on well without it, and the public of Western Australia were better served without organised government control. After the expiration of 12 months following the cessation of hostilities, when it is assumed that the Commonwealth defence powers will come to an end, if the fruitgrowers cannot revert to the position they previously occupied, they can come to Parliament and seek our concurrence in obtaining Federal control. That is my answer to the member for Guildford-Midland.

I remind the hon. member that the control on a Commonwealth basis of the organised marketing of some of our primary products has not been very successful from the point of view of this State. I well remember the great work that was done by officers of the Department of Agriculture and interested breeders in producing the Swandown lamb, a particular product of Western Australia that was being placed on the London market. The Swandown lamb was being accepted on its name in just the same way as the Canterbury lamb of New Zealand was accepted, and was bringing the highest prices in the Australian and English markets. Suddenly, when the Commonwealth secured an opportunity to take some control in the matter, it decided that the Swandown lamb should cease to exist, and the Western Australian Swandown lamb lost its identity and the Western Australian producers suffered in consequence. So I question whether it is advisable to give the Commonwealth control over the organised marketing of meat. When one is in doubt, it is customary to be guided by more experienced persons, and I do not intend to go outside the evidence placed before the Select Committee on wheat, wool, meat and dairy produce. So it is of no use for anybody to try to assure me that the activities of the Commonwealth Government will unquestionably always be of benefit to Western Australia, even to the limited degree proposed by the amendment. In fact, I believe there is ample evidence to the contrary.

Wheat, I agree, we cannot handle and, owing to the question of the surplus, we may not be able to deal with it after the war without some kind of government control. Regarding wool, I think we have had sufficient experience to warrant us in agreeing that control of the marketing of wool should be

included in the powers referred to the Commonwealth. Those concerned in the industry particularly desire this, and the difficulties alleged by certain interests to exist may be overcome by a continuation of some system allied to the one at present in force. I am prepared to give an opportunity to see whether that is so or not. There has been strong dissatisfaction in the industry regarding the pre-war marketing of wool. Similar dissatisfaction did not exist in the apple and pear industry, and that is why I hold particular views on that item as compared with wool. The member for Guildford-Midland—and apparently other members of this Committee as well—appear to consider that in Section 92 of the Commonwealth Constitution we have nothing to limit or affect the Commonwealth Government in its control of the matter, if we pass the clause as printed.

I will quote from the observations of Dr. Evatt on page 170 of the proceedings of the Convention; and I may say that these observations were made when he was explaining, although in a somewhat cursory manner, the effect of the proposals in the Bill which he was then proposing, and which is this Bill. Dr. Evatt said—

The present peacetime powers of the Commonwealth are hampered by the absence of any authority with respect to intra-state dealings; but, of course, it does not overcome the difficulty due to Section 92. That can only be dealt with by an amendment of the Constitution in the normal way, and the decision of the Convention to meet the situation, not by amendment, but by a reference of powers, necessarily leaves the Commonwealth still subject to Section 92. This, therefore, is a power dealing with one aspect of trade and commerce, that is, in relation to what is called "organised marketing of commodities," or what I might call national marketing—marketing on such a scale that the Commonwealth Parliament would be prepared to deal with it. So that from this and other legal opinions given to the Select Committee and obtained from other sources in the Eastern States and elsewhere, it is clear that the opening paragraph will not cure any difficulty that has arisen in regard to the effect of Section 92 of the Commonwealth Constitution, which provides that trade, commerce and intercourse between the States shall be absolutely free.

My last observation on this question is in regard to the remarks of the Premier, who wished apparently to persuade this Committee to the belief that the Commonwealth

Government could by no means be satisfied with the right to deal with our major export commodities, but might have to enter into some extraordinary arrangements after the war to supply a quantity of commodities regarding which we were in short supply. The Premier made a point of referring to the Atlantic Charter, to freedom of trade and freedom from want. I submit that a great deal of the opposition to the Bill and to this paragraph in particular, has arisen from the obvious lack of intention on the part of the Commonwealth Government to pay any attention whatever to the question of freedom of trade. I venture to assert that had the Commonwealth Parliament in the last 20 years given more attention to the question of freedom of trade, the organised marketing of many of our Western Australian products would today be entirely unnecessary. By their process of intense nationalism—one can call it nothing else—successive Australian Governments of all political complexions have imposed upon this country an ever-rising tariff.

That ever-rising tariff has had the effect of forcing up the cost of living, which in turn has had the effect of requiring the worker to ask for more pay—for which one could not even for a moment blame him. The greater pay the worker gets has forced up the price of the article which he was engaged in making or producing. That, in turn, has occasioned a demand in other sections of the community for more pay for what they were producing in order that they might meet the increase in cost of what he was producing. And so it has gone on *ad infinitum*. What is meant is that the primary producer of this country, as the result of this Federal policy, has paid twice as much for all the things he requires as they were worth in reasonable countries of the world, twice as much in many cases as they cost in the United States of America, where nobody can say the worker is degraded or grossly ill-paid. But there, nevertheless, for some reason or other, these commodities are substantially less in price.

So federal policy has been responsible to a very large extent for the clamour of the primary industries for organised marketing of their commodities, in order that they may extract from the consumers—their own people—a price substantially higher than those commodities were worth in other countries, in order to counteract the evil imposed

upon them by successive Commonwealth Governments of all political characters. It was the tariff, and the tariff principally, which was responsible for the secession outburst in Western Australia 10 or 11 years ago; and unless some notice is taken of the Atlantic Charter and the idea of a measure of freedom of trade, it will be found that the tariff will be the source of the ruin of this State. I am not prepared to give to any Government complete control over all commodities of every kind—which is what the paragraph implies. I am prepared to give the Commonwealth now the control of those commodities which force of circumstances seems to demand the Commonwealth shall have, and to add to this if and when it is time to do so.

Mr. HILL: I support the amendment, and am pleased to see in it provision for apples and pears if we need to include those commodities. Quite a lot has been said about the Apple and Pear Acquisition Board, and by men who do not understand the position. In 1939, 500,000 cases of apples and pears were shipped from the port of Albany alone. Another 800,000 cases were shipped from the port of Fremantle. I believe 500,000 cases were used in local consumption. At a very conservative figure, this meant £600,000 to Western Australia. It can safely be said that out of the £600,000 not less than £30,000 went to sawmills for cases supplied. One thing notable about the fruit industry is that a larger proportion of its gross returns is distributed throughout the State than in the case of any other Western Australian industry. The 1939 conference of fruitgrowers was held at Albany, and at that conference I had the most unpleasant duty of announcing that war was practically declared. It was most unpleasant, because we saw ruination absolutely facing us.

We knew that a State with a population of 450,000 could not consume close on 2,000,000 cases of fruit, the normal consumption being about 500,000 cases. A meeting of the executive was held at Kojonup, and proposals were brought forward with the object of trying to induce this Parliament to introduce legislation which would limit the amount of fruit to be placed on the local market. We realise that if the fruit was placed indiscriminately on the local market it would mean the ruination of the industry. This scheme was under consideration when the matter was placed be-

fore the Commonwealth authorities, who then agreed to acquire the whole of the crop of apples and pears grown in Australia. Much has been said about looking after the big man and protecting the small man. The member for East Perth said that he had spoken to only about 10 growers, and I think I can safely say these were men close to the metropolitan area who would cater for the local market. But suppose that that market, which normally takes perhaps 300,000 or 400,000 cases, had 1,000,000 cases put on it, where would the small man be?

Mr. Hughes: Where would the consumers be? They would be twice as healthy.

Mr. HILL: I suggest to the hon. member that he sends someone to my orchard and I will try to arrange with the Apple and Pear Board to give him some fruit. He would then ascertain how much it costs to get the fruit from the orchard to his home. He would find out that a great proportion of our gross returns represents freight and other charges.

Mr. Hughes: If you will send me some fruit, I will make it a test case.

Mr. HILL: I do not intend to run against the law. I will not do anything to prejudice a scheme under which I and many others have benefited. New South Wales, Victoria and South Australia have big centres of population and do not export fruit on a large scale. In fact, they import more fruit from Tasmania than they export. If transport facilities were available, we also could send apples to Victoria and New South Wales, but if the fruit of Western Australia and Tasmania were dumped on the markets of Melbourne and Sydney, it would spell ruination to the growers in those States.

Mr. Hughes: Would it ruin the people of Sydney and Melbourne?

Mr. HILL: Sooner or later it would.

Mr. North: It would ruin the doctors.

Mr. HILL: No-one would pack fruit and despatch it to a market unless he received an adequate return. I realise that the Apple and Pear Board has made mistakes. It has done some things with which I do not agree, but what organisation which has taken on a big job has not made mistakes? I would like to see more fruit made available at low prices, but fruit must be properly packed. If fruit were sent from Albany, Mt. Barker or Bridgetown in bags, by the time it reached Perth it would be all

bruised. That was tried in order to keep down expenses, but it was found necessary to pack the fruit in crates. Bags of fruit should be made available for country districts, but the Railway Department will not deliver them at a flat rate, as they do case lots.

Mr. Hughes: That benefits the growers of New South Wales and Victoria.

Mr. Patrick: Those States are not in the scheme.

Mr. HILL: Tasmania is in the scheme, but it is not allowed to dump fruit on the markets of Sydney and Melbourne.

The CHAIRMAN: I cannot permit a discussion of all the ramifications of the fruit-growing industry in Australia, unless the hon. member can show that what he says is either in support of or against the amendment.

Mr. HILL: I support the amendment, because I realise how essential organised marketing is to our primary producers.

Mr. SAMPSON: I wish to point out that the administration of the Apple and Pear Acquisition Board is entirely unfavourable to this State.

Mr. Cross: And very expensive.

Mr. SAMPSON: Glory be! For once the member for Canning and I are in agreement. I hope it will be recorded. Let us consider for a moment or two early eating apples, and the action—or inaction—of the board with respect to them. I am not speaking of the scheduled varieties, those which are exported. Under the present regulations of the board—and these vary frequently—it is competent, in fact, obligatory upon growers who desire to sell early eating apples to forward them to the market, via the board. But the growers do not send them in, for the reason that it does not pay them to do so; or, if the growers do send them to the market, they send only small quantities. I have made inquiries from a number of fruiterers in Perth and find that, with very rare exceptions, early eating apples are not sold in the city. Early Jonathans, early Dunn Seedlings, and Cleo's, really immature apples, are sold by the fruiterers; they are available for apple pies, dumplings, apple sauce and so on. One fruiterer told me that he was selling some so-called early apples, not the real early eating apples, at the request of the local doctor and that he found the doctor was doing very well because of it.

Under the acquisition scheme, good apples have been sold for stock feed at the rate of 10s. per ton. Why should this be so? There is certainly a market for thousands more cases of apples than are marketed today.

Mr. North: That is the point.

Mr. SAMPSON: Under this unfortunate scheme, there has been lack of distribution. Fruit has not been sent into the market to the extent it should have been sent in. Further, there are people in the country who seldom or never get any apples. I am sure I am on sound ground when I say that thousands of cases of apples could be sold in the country if they were sent there. This is one result of handing over marketing control to the Federal authorities. It is quite unsafe to do so. The time may not be far distant when the Premier will find that the orange-growers of the Northampton and Geraldton districts will not bother about their crops, as, if under Federal control, these may not be a payable proposition.

Another matter to which I wish to refer—and one would imagine that it could not come to pass—is that dehydrated apples are being brought here from Tasmania today. I say today, but it may have been a week or two ago. They are being sold in Perth. Why should those apples be brought from Tasmania when already we do not know which way to turn to secure shipping space? Today I received an envelope containing a note and a clipping sent to me from a North Perth friend. I am not permitted to mention the writer's name, but he says—

I wonder if the enclosed cutting would help you in your efforts on behalf of the fruit-growers.

The clipping is from a paper entitled "The Farmer." It is issued at Moonta in South Australia and is dated the 23rd October, 1942.

The CHAIRMAN: Has this any relationship whatever to conferring powers under paragraph (c)?

Mr. SAMPSON: I think I can prove it has a very direct relationship. I want to show—and I do not know that it will require very much more showing—that the Federal authorities are not qualified to take up this work and, if they do, they do it to the detriment of their own finances, the finances of the growers, and at the cost of the consumers. This extract is headed, "Open Column. Sabotage of the People's

Food." It is from S. J. Russell, Edithburgh, South Australia and reads as follows:—

Of all the mean actions inflicted upon a long-suffering people the following is outstanding. As is well known, the waste of apples in Tasmania is appalling and in certain places are huge dumps of this fruit. To some of these dumps poor people (Tasmania still has its quota of breadliners) were in the habit of going to pick out a basket of apples which were there in sound condition.

I do not think anyone associated with apple-growing in this State will deny that hundreds of tons of apples have been destroyed during each year that the Apple and Pear Board has been in existence, and the position is growing so bad that the growers are losing interest in their apple and pear crops.

Mr. Hill: What do you suggest they should do with the apples?

Mr. SAMPSON: I suggest the growers should receive a subsidy of a couple of shillings a case and do their own marketing. There would then be a full supply of all the people's needs, and there would not be this wanton and shocking waste which has been going on ever since the Apple and Pear Board set out to administer the distribution of this fruit. I will continue to read this cutting—

However the eyes of authority were upon them and the fruit was sprayed with kerosene and other vile muck, making it unfit to eat. We should find out who among those in authority were responsible for this act of sabotage of the people's food. I ask readers of "The Farmer" to help probe this matter and if the Apple and Pear Board were responsible for this hideous act, let us so spray them with public indignation that never again will they poison God's bounty.

There is an indictment of whoever may have been responsible. I cannot say the Apple and Pear Board was responsible. I can hardly imagine any human being being responsible for it, but this arises from the control of the apple and pear production of the Commonwealth. At the time this matter appeared in the newspaper South Australian apples were under the control of the board. We cannot in fairness to ourselves and to our State do anything other than oppose a measure, the effect of which would be a continuation of a shocking and immoral state of affairs.

Mr. PERKINS: This is one of the most important clauses of the Bill. The implications of the clause are so wide that, unless what we hope to achieve by the clause is

achieved, many of the moves being made by the Government to introduce reform of the economic system at the close of the war will be nullified by a lack of stability in the agricultural industry. The purpose of the clause is to achieve stability in three industries, at least. We hope it will achieve stability in all industries. I am rather surprised that the Government is opposing the amendment to such an extent. All the amendment sets out to do is to restrict the operation of the clause to the actual industries that require it at the present time. So far as other industries are concerned, as the Leader of the Opposition has pointed out, it is within the power of our own local organisation to achieve control. So what is the object of bringing those industries within the purview of the Bill? All that the Government is setting out to do can be achieved by the passage of the amendment.

The amendment restricts the position perhaps more than is desirable, but there is no reason why a further amendment should not be moved. The important thing is the principle that we are setting out to achieve under the amendment. I see no reason to restrict the operations of the Bill to commodities that were exported in the five financial years specified in the amendment. The amendment covers all those commodities in respect of which it would have been necessary to take action in pre-war days. But it is always possible that due to the changing economic conditions of the country, other commodities may be brought within the same category, such as those specifically mentioned in the amendment. It is possible some secondary industries might come within the same category. I understand that in wartime certain secondary products are being exported from the Commonwealth, and it is possible a trade may be built up in those commodities and the same arguments may apply to them as apply at present to some primary products.

Mr. Patrick: It is very doubtful whether dairying products are not secondary products.

Mr. PERKINS: That is another point. It was suggested at one time when this matter was discussed that the word "primary" might cover the question, but of course when one starts to consider the matter one realises that even some products, which are really primary products, do have a certain degree of manufacturing processes applied to them and for that reason it is doubtful whether

they come strictly within the confines of the word "primary."

The Premier: What is condensed milk?

Mr. PERKINS: There are many products in respect of which it is very difficult to say within which line they fall. But so far as the general principle goes, I believe that, to secure any amount of stability in our primary industries, it is necessary to refer to the Commonwealth Government the power as specified more particularly in the amendment. Conditions of international trade are changing or have changed under stress of war to a very remarkable extent, and it seems inevitable that many of the changes that have been made will be retained in a modified form in peacetime. There are some authorities who hold the view that ordinary international trade as between individuals will be more or less a thing of the past, that in the future international trade will be rather a matter of block transfers between national Governments. If that is so, and that becomes the line upon which our international and national economic systems develop, it will be necessary for our national Government to have general power at least in regard to export commodities. That position would be adequately secured by the passage of the amendment. Why give these added powers covering all sorts of commodities which may be the subject of political pressure, and which could easily be the means of dislocating growing industries within our State, if all the safeguards can be applied by giving the power in the form set out in the amendment? We shall be doing the best service to our State and to the producers if we pass the clause with this amendment.

Mr. SEWARD: As I said yesterday, when addressing myself to a previous clause, I do not like any clause in the Bill.

Mr. Triat: That is why you are stonewalling.

Mr. SEWARD: There is no stonewalling about it. If more members on the Government side were present during this debate, it would convince me that they had an interest in the measure commensurate with their responsibilities. I do not like the paragraph nor the amendment, but as I dislike the paragraph more than the amendment I will support the latter. If it were possible to move for the deletion of the paragraph, I would do so. I view with great apprehension the passing of the control over any West-

ern Australian commodity to an authority situated on the other side of Australia. We need only remember the instance that occurred last year in connection with our tobacco industry. That industry is not included in the list set out in the amendment, because we do not produce any surplus tobacco. We do, however, produce a certain amount, and last year a large percentage of it was prohibited from being manufactured in this State. It had to be sent to the Eastern States to be manufactured. That is the kind of thing I am afraid of. Instead of building up our own industries here, our production will pass to the Eastern States, thereby giving them the opportunity to employ their workers instead of employment being given in this State.

A lot has been said about the Apple and Pear Acquisition Board. I do not want to say much about it other than that it provides a good illustration, not of the fact that we should not have this board but of the way it operates when it has been established. It has been said that we are not able to get apples in convenient supplies. I have here a couple of interesting cuttings taken from "The Ballarat Courier." One is dated the 6th and the other the 13th February, 1943. The paragraph of the 6th February is as follows:—

The Apple and Pear Board has recently communicated with representatives of several foundries in Ballarat with a view to disposing of the surplus of the Tasmanian and Western Australian apple crop by making available cartons containing 12 lbs. of good quality apples for 2s. The Ballarat Trades and Labour Council, at its meeting on Thursday night, decided that the secretary (Mr. J. Stewart Miller) should communicate with the board to secure all possible information about the scheme, and also that it should give every assistance to the proposal.

A week later, on the 13th February, the following notice appeared:—

Recently the Ballarat Trades and Labour Council discussed a proposal for supplying cheap apples to trade unionists by the Apple and Pear Board, and agreed to give the scheme its support. Following inquiries by the council information has now been received that the board is making available quarter-bushel cartons of apples, containing from 10 to 12 lbs., at a price between 2s. and 2s. 6d. This will operate between 14th March and 30th June, 1943, while deliveries made subsequently to 30th June and up to 31st October will be at slightly higher rates to cover cold storage costs. The board will arrange deliveries to factories and other industrial establishments where a shop steward, shop committee, or canteen committee undertakes to collect weekly orders on

a "cash with order" basis, provided that not less than 30 cartons are required in any week. No restriction will be made in the number of cartons any individual purchaser may wish to buy. There will be a rebate of 2d. per carton for all empty cartons in sufficiently good order for further use, and a handling fee of 1d. per carton will be allowed by the board on every carton ordered. The board suggests that as a recompense for the persons undertaking the collection of orders at the factories they would be paid the handling fee and rebate on cartons. No rule has been laid down about this, however. According to the secretary, the board will not be able to extend the operation of this plan to country centres, as facilities to effectively handle it outside the metropolitan area are lacking. However, the Ballarat Trades and Labour Council intends to take active steps to see if the scheme can be extended here, as there are facilities in Ballarat which are lacking in many other centres, and in addition it is anticipated that large numbers of trade unionists would avail themselves of the opportunity to secure apples at from 2d. to 3d. per lb.

That is an extraordinary thing to me. Some two years ago I waited on the authorities in control of the Appeal and Pear Acquisition Board in Perth, and pointed out that there was a shortage of these commodities in the wheatgrowing areas and asked if something could be done to extend the selling organisation to those districts. All that resulted was that the selling organisation was extended to the city of Perth. But I doubt if the city of Perth can buy cartons containing 10 to 12 lbs. of apples for 2s.

The Premier: Twenty pounds.

Mr. SEWARD: "The Ballarat Courier" mentions cartons containing 10 to 12 lbs. at 2s. The apples are being sold in that city at that price after freight has been paid on them from Western Australia, and yet we cannot get them in our country districts. It is that sort of thing that impels me to oppose the handing over of the marketing of our commodities to organisations controlled from the Eastern States. They seem to think that the sun rises and sets in the Eastern States, and overlook altogether the rights of the people in the smaller States.

The Premier, in the course of his remarks, supported the handing over of these powers to the Commonwealth Government, so that the representative of Australia could go to the Peace Conference and give a guarantee that if any particular commodity was required it could be supplied, regardless of whether we had supplies or not. What representative of a nation could give a guarantee that his country could supply what it



did not have a sufficiency of? That applies only to commodities of which we have an exportable surplus, and sufficiently indicates the reason why the member for Greenough has confined his amendment to those commodities of which there is, generally, an over-supply. If, as the member for East Perth pointed out, there should be commodities of which he has cognisance that happen to have been missed, it is open to him to move an amendment to include those commodities. So far he has not taken action along those lines, and I think that if there were anything of that sort in his mind he would have taken the necessary action. I do not like the paragraph or the amendment, but I dislike the amendment less and shall therefore support it.

Mr. MANN: I shall not take long in indicating my support of the amendment. Like the member for Pingelly, I do not favour very much either the paragraph or the amendment. I will instance the Government control of the meat industry. During the last 12 months the only two States penalised in that respect have been South Australia and Western Australia, where the prices ruling for mutton, beef, lamb and pork have been much below those obtaining in the other States. I approached the Minister for Agriculture on the matter, and asked him why our prices were below those of the Eastern States. His reply was that Professor Copland fixed the prices. The prices for bacon and pig meats, on an equivalent basis, showed that in Western Australia the rate was £4 10s., in South Australia £6 4s., and in New South Wales £8 4s. Today we are asked to hand over the control of the marketing of our commodities to the Commonwealth Government or to a Commonwealth board. The injustice to which I have drawn attention shows that we have been decidedly penalised respecting our meat products compared with the conditions that have obtained in the Eastern States.

Recently the Commonwealth Government decided that there was a meat shortage here and sent inspectors out to buy culled ewes for storage. In the market those ewes were fetching 8s. a head. The Government sent men round to purchase privately on the basis of 12s. 6d. per head as against the market rate. Then we had the Australian Meat Board, the members of which were practical men and knew their job. The Com-

monwealth Minister for Commerce, Mr. Scully, decided to do away with that board, possibly because it was representative of all the Australian States. In its place he substituted the Meat Commission consisting of five members, all from New South Wales, with a chairman who is a tailor! The Premier will appreciate the fact that on the Australian Meat Board we had men of great experience in the various branches of the industry, including the canning and handling phases. Mr. Scully decided that that was not right, and by means of a regulation he dismissed the board and established the Meat Commission with a tailor as its chairman. What knowledge would that man have of the meat industry? Was it any wonder that the Senate threw out the meat regulations? Today Mr. Scully is endeavouring to frame fresh regulations that will satisfy the Senate.

I hope we shall not hand over all our commodities to Commonwealth control. Naturally we know there must be some such control over the sale of our commodities, but if we agree to the paragraph under discussion we shall simply be saying to the Commonwealth Government, "You can fix your prices and your sales." The Commonwealth Government can say to us in Western Australia, "We shall fix the prices for you on a lower basis than we shall fix for Eastern States growers." Last year the Commonwealth sent 1,000 tons of meat to Western Australia. I saw telegrams that had been received from the Commonwealth Minister for Supply and Shipping, Mr. Beasley, dealing with the matter, and indicating that, as there was a great shortage of meat, he was sending over 250 tons of beef and 750 tons of mutton from culled ewes. This involved three trips to the boat owing to rain, and the carcasses had to be re-frozen.

What was the explanation of that? They had a surplus of culled ewes in the Eastern States, because the dehydration system had not been established there at that stage. In consequence of that the people in the East were eating prime New Zealand lamb and the Commonwealth Government emptied the refuse in Western Australia. Some of that meat was hardly fit for anyone to eat. I certainly hope we shall not agree to transfer to the Commonwealth Government the power indicated in this paragraph; it is altogether too vague. Under it the Commonwealth authorities will have power to

say what shall, or shall not, be done, and we have no right to agree to government by the Commonwealth authorities through regulations, particularly when such a socialistic attitude is being adopted. I hope the amendment will be agreed to. I understood this Bill was to be dealt with as a non-party measure. It does not seem very much like it considering the attitude of the Government side of the House. On no previous occasion have I known the Speaker to take a seat on the floor of the House to support the Government during the Committee stage of the consideration of a Bill. Surely we must drop the idea that this measure is being dealt with on non-party lines. It is definitely a party measure judging by the way members opposite have cast their votes.

Mr. McDONALD: I support the amendment, and, if I might so far presume, I would advise the sending of a telegram to the Commonwealth Government urging it to accept this or any other amendment appearing on the notice paper. I would do so because, as far as I can learn, the longer this matter is delayed the less chance will the Commonwealth have of securing any increased powers. Day by day, when things happen, upon which I shall not dilate in detail, in connection with various administrative acts of the Commonwealth Government, the people of Western Australia become more and more disposed to retain the self-governing powers they now possess. Obviously the matter is not urgent because the sponsor of the Bill is now about to proceed to the United States of America and Great Britain, apparently having come to the conclusion that there is no urgency about the proposition to transfer these powers to the Commonwealth.

If we agree to the amendment we shall give the Commonwealth Parliament power to organise in relation to the marketing and selling of any commodity produced in this State. No manufacture can be too small; no farmer or primary producer can be so small that his product may not come within the control of the Commonwealth Government. Once within the control of the Commonwealth authorities, the commodity, be it the product of either primary or secondary industry, will be subject to the operations of the marketing scheme that will apply just as much to the big

man in New South Wales as to the small man in Western Australia. The man who, with his wife and perhaps one employee, produces jam in this State in an endeavour to build up a struggling industry will be subject to exactly the same control as that exercised over a huge producer of jam like Henry Jones in Tasmania. I do not think that is a good proposition for Western Australia. In my opinion, it would only mean one more example in support of the findings in "The Case for Secession" which I quoted and which showed that, generally speaking, every disability mentioned as being suffered by this State is the direct result of a Federal policy that was framed to suit conditions in the Eastern States with little or no heed to the necessity for action to preserve the best interests of Western Australia.

Under the amendment, in relation to the main items of food and clothing with which it will be necessary to help distressed countries after the war—wheat, wool, meat and butter—it is proposed to give the Commonwealth exactly the power it has sought from the States. If desired, that power may be extended to any other export commodity by resolution of this Parliament. There need be no apprehension that the representatives of the Commonwealth engaged in negotiations at the peace conference will suffer one moment's embarrassment. The peace treaty and its terms will not come like a clap of thunder. Weeks and months will elapse before the final terms are arranged, and there will be ample opportunity to refer back to the Commonwealth and the States any question of additional power over commodities which it might be necessary to insert as part of the terms of the treaty.

I recall that the Queen of Tonga calls her Parliament together once every year and the sittings last a week. This State is not like Tonga. We meet very frequently and we could meet virtually at 48 hours' notice. The same thing applies to the other States and almost equally so to the Commonwealth Parliament. If there should be need for the Commonwealth to have increased power in the post-war period, if there should be need to refer additional authority to meet the requirements of any peace treaty or international arrangement, no apprehension need be entertained about the Parliaments of the States and the Commonwealth being rapidly

summoned as to give any necessary and proper power to our representatives at the peace-treaty table. I support the amendment wholeheartedly. The mover has included everything that can operate for the benefit of the State and has excluded all those things that can operate to the disadvantage of the State. The amendment is a practicable and useful one and I hope it will be accepted.

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

Ayes	..	..	..	16
Noes	..	..	..	19

Majority against	..	..	3
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## AYES.

Mr. Berry	Mr. North
Mr. Boyle	Mr. Patrick
Mrs. Cardell-Oliver	Mr. Perkins
Mr. Keenan	Mr. Seward
Mr. Kelly	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Sampson

(Teller.)

## NOES.

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

(Teller.)

## PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Doney	Mr. Wise
Mr. Hill	Mr. F. C. L. Smith
Mr. Shearn	Mr. Styants
Mr. J. H. Smith	Mr. Raphael
Mr. Stubbs	Mr. Millington
Mr. Willmott	Mr. Rodoreda

Amendment thus negatived.

Paragraph put and passed.

Paragraph (d)—Uniform company legislation:

Mr. WATTS: I have given notice to move for the deletion of this paragraph, but as you, Mr. Chairman, are treating the paragraphs as clauses, I should like to know whether I shall be in order in moving in that form.

The CHAIRMAN: I can accept no amendment for the deletion of the paragraph. The hon. member may vote against it.

Mr. WATTS: I suggest that we should follow the example of the House of Assembly of South Australia and not include this paragraph in the Bill. It seems utterly ridiculous that there should be in this Bill a proposal to give the Commonwealth power

to legislate for uniform company laws when the measure is expressly limited to a period to end five years after the cessation of hostilities. The inclusion of provision for uniform company legislation in such a Bill seems to me to be entirely wrong and without justification. At present we are and for some time have been busily engaged considering a new State law with regard to the registration, control, administration and liquidation of companies in Western Australia. If we pass this reference to the Commonwealth for a limited period, it is to be assumed that the Commonwealth intends to act upon it, and will pass Commonwealth legislation for exactly the same purposes. At the end of the period of five years after the cessation of hostilities, that authority will come to an end unless—which we cannot determine now—a referendum of the people of Australia hands over that power to the Commonwealth or this Parliament agrees to extend the reference for a further limited or unlimited period. If those things happen, of course the legislation operated by the Commonwealth would continue to operate; but it is quite clear that we have no guarantee whatever that either of those things would take place.

All the arguments of the Premier in support of the measure have had underlying them the circumstances that it is to cease to have effect five years after the cessation of hostilities. The Premier has confessed that in this Bill there are things which he would reject were it not for the limitation. So this Committee must take the Bill as being one which is to have effect for a period ceasing five years after the cessation of hostilities; and in those circumstances either the Commonwealth can never act upon this reference of company legislation, because it would realise that this would be impracticable, or else it would act, and companies would find themselves at the end of the period in an intolerable position. They could probably be called upon to come back under the State law and go through the performance of registration and amendment of their conditions to comply with the State law, having only a few years before complied with a new Federal law. Even those members of the Committee who may hold that it is reasonable to believe the Commonwealth should have permanent control of legislation affecting companies, must realise that it is ridiculous in a Bill of this character. Expressing my

own opinion, I would be indeed reluctant to grant the Commonwealth a permanent power. One witness, who has had great experience in Western Australia of the operation of the Commonwealth Bankruptcy Act, stated that the effect of that Act on business in Western Australia had been disastrous. It has been about 15 years in operation here, and has been continually amended. In my opinion it has not demonstrated the suitability for all Australian conditions of uniform legislation of this character.

We know, particularly in regard to company law, that there are many aspects where people in this State desire special provisions for the peculiar circumstances which, with our infinitesimal representation in the Commonwealth Parliament, it would be extremely difficult to have incorporated in company law, and also extremely difficult to attempt to incorporate in State concurrent legislation. The Minister for Justice will remember the evidence of Mr. Malloch, and also I think of Mr. Goyne Miller, before the Select Committee on the Companies Bill, when they endeavoured to have us recommend some special legislation in regard to small mining companies here. It is my view that the members of the Select Committee were not quite able to grasp what was required, and that therefore no recommendation along the lines suggested was made; but in fact it was an indication—and there were other indications as well in the evidence taken by the Select Committee—of special circumstances existing in Western Australia which made the matter undesirable even for permanent reference to the Commonwealth. Whether members regard this as a permanent reference, or whether they regard it—as we have had impressed upon us so often in this debate—as a temporary reference, in either case, the reference of this very power of legislation to the Commonwealth in regard to companies is undesirable.

**The PREMIER:** The question of company law was very doubtful. Apparently it was considered during the first eight or ten years of the life of Federation that the Commonwealth had power to enact such legislation. However, the High Court disposed of that contention about 1910. Since then the Premiers have met in conclave, and from all States there were resolutions to the effect that a uniform company law should be enacted for the whole of Australia. The

Premiers agreed to introduce into their various Parliaments a form of Act which it was proposed to draft. However, different Governments came into power after the original agreement had been arrived at. The form of Act was adopted by the first State that attempted to amend its company legislation; but it approached more closely to the English Act. Two or three other States followed the example of the first State, and the draft uniform company law became a thing of the past. Australia is treated in the Commonwealth Constitution as one indivisible whole, and trade is to be free between the States of the Commonwealth. There is a tremendous trade, despite our isolation, with the Eastern States. There is about 15 or 16 million pounds' worth of trade to and fro between Western Australia and eastern Australia.

The differences in company administration and company law between various States lead sometimes to misunderstanding, and it certainly does not help to improve the method of doing trade when different things can be done under the different company laws of the various States. If company legislation on our statute-book were repugnant to the Commonwealth law, we should still be able to have control of legislation dealing with companies; but this is one of those things which, if it could be done, should be done; a satisfactory Companies Act passed by the Commonwealth Parliament would prove of great advantage. If eventually there should be a demand for its extension, it could be extended at the end of the five years period. The Bill does not confer powers, but only the legislative power under which companies may be registered.

The Commonwealth has a certain amount of jurisdiction over the subject for the moment; but once a uniform company law is passed in Australia, after two or three years' experience of it there will be no desire to go back to five or six different Companies Acts spread over Australia. I believe that the suggestion was adopted by two or three Conferences. The Bill for the purpose did not appeal to one or two States. I do not know that a question of principle was involved. I believe it was merely a matter of convenience. The opinion was that it would be a great convenience if a single companies law obtained throughout Australia. I can see no objection to uniform company law. On the other hand, I can see

many advantages that would arise from it. As I said, it does not matter much from the standpoint of ethics. We will secure good company law, whether it be passed by the Commonwealth or by the State. We have to trust Parliament to use its discretion in a wise manner and pass a law which will receive the support of all the people. I think we ought to grant this power to the Commonwealth, and I support the retention of the paragraph.

**Mr. McDONALD:** This particular paragraph is of very small account. The Committee has been dealing, and will be dealing, with powers that will vitally affect the very life of our State. The granting of this particular power will not cause much trouble one way or the other. In fact, when Dr. Evatt brought in his lions and tigers—paragraph (g) and one or two others—it is astonishing that he should have brought in also this constitutional mouse. It is too trivial to be included in a measure which is expressly stated to be of a temporary character, and we might almost toss up to decide whether we shall assent to it or not. I am in agreement with the Leader of the Opposition that it is ridiculous to include this reference and that we might just as well leave it out, if only for the sake of consistency and our own reputation for passing reasonably responsible and consistent legislation. I do not agree with the Leader of the Opposition in his views regarding company law. I am of the opinion there should be uniform company law but that it should in due course be brought about by a referendum of the people under Section 128 of the Commonwealth Constitution. The power should be given to the Commonwealth Parliament for all time. As for this triviality, I say with the Leader of the Opposition, "Throw it out, it is worthless." I shall vote against it.

**Hon. N. KEENAN:** I regret I do not agree with the member for West Perth that uniform company law is desirable for Western Australia. I hold a view which, unfortunately, I did not have an opportunity to lay before this Chamber, that even our own attempt at producing company law is not at all in accord with the requirements of Western Australia. Company law must necessarily be determined very largely by the class of company that exists. Large companies, with huge capital, can have duties cast upon them

—and properly so—that would crush out of existence small development companies. At present, and I am afraid for some considerable time in the future, we as a State will have to develop our resources slowly and laboriously, as we did in the past. As the Minister for Justice knows, many of our successful mining companies were formed by persons in an hotel while they were enjoying a drink. Those companies came into existence under the most informal circumstances. There were no large money flotations, no attempt at creating what might be described as the big company, which today monopolises to a large extent the trade of Australia. It was simply a gathering together of a few people to form a company. They put up sufficient capital to pay the first expenses and make a start.

All our big mining companies were originally small concerns, with a secretary who received a salary that nowadays would not be acceptable to an office boy. There were no directors receiving large fees; in fact, the directors did not receive any fees at all. The company had the right to use a room, provided it put up a board outside the building with its name on it. Everything was cut to a scale necessary in a community that was just beginning its development. We are still in those days as far as the industrial life of Australia is concerned. Had I the opportunity, I would have preferred to see an entirely different conception of company law introduced into this Parliament, a conception more in accord with our real circumstances. We should not be including in our Companies Bill provisions which are right, proper and necessary in the case of large companies such as those existing in Victoria, New South Wales and, to a large extent, also in Queensland and South Australia. There is no room for that here; we have to grow from our childhood, as far as industrial matters are concerned, for many a long day before we can hope to rival the Eastern States in the class of companies carrying on business here.

In my opinion, there is no room for uniform company law in Western Australia. We want a special form of company law, which will permit of the bringing into existence of a company at little expense, but a company which of course will grow. When it does, it will come under other provisions. My conception of a proper Companies Act for this State is one divided into parts deal-

ing with the small company, the pioneering company, the company gradually increasing its trade and finally the company on as great a scale as the large companies elsewhere in Australia. That would have been an Act suitable to Western Australia. Now we turn to another consideration. From what I have said, I hope it will be clear that I am against uniform company law for Australia as a whole only from the point of view of Western Australia. If I were a Victorian and speaking from a Victorian standpoint, or if I were in New South Wales and speaking from the standpoint of that State, or if I were in South Australia or Queensland and speaking from the standpoint of those States, I would be in favour of uniform company law, because more or less the industrial circumstances of those States are the same. But I am a Western Australian and therefore I am looking at the matter from the point of view of this State.

But now there is the further consideration whether it is proper to find in a Bill of this character any reference at all to uniform company legislation. If one feature has been stressed by the Premier again and again it is that this is a temporary measure, that it is only for a limited and small number of years. How is that to be reconciled with a uniform company law? Assume that the operations of the measure come to an end at the time described in the Bill! What would happen to a company registered a month or two or three months or even six months previously under some uniform company law passed under this reference? It would be in the air; it would have no existence. There would be no option for a company but to register under that law because, although there may be State laws on the same subject, when the Commonwealth exercises its powers to legislate its power is supreme. So any company that came into existence at that period would have to register under the Companies Act passed by the Commonwealth Parliament. Yet six months afterwards that law might disappear and the company would be left in the air. So it is absurd for a provision of this kind to exist in a temporary measure. Although for the reasons I have given I would not under any circumstances vote for it from a Western Australian point of view, nevertheless there is added to that point the fact that this provision is one particularly unsuitable for inclusion in a Bill of this kind.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	17
Majority for					1

## AYES.

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

(Teller.)

## NOES.

Mr. Berry	Mr. Patrick
Mr. Boyle	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hughes	Mr. Shearn
Mr. Keenan	Mr. Thorn
Mr. Kelly	Mr. Warner
Mr. Mann	Mr. Watiss
Mr. McDonald	Mr. Sampson
Mr. McLarty	

(Teller.)

Question thus passed; the paragraph agreed to.

Paragraph (e)—Trusts, combines and monopolies:

Mr. McDONALD: I move an amendment—

That before the word "trusts" the words "The regulation and control of" be inserted. "Trusts, combines and monopolies" are words to conjure with. They represent in most people's minds something sinister, something against the public interest and which oppresses the people. Of course trusts, combines and monopolies can be sinister or beneficial. There can also be trusts, combines and monopolies which are admirable and those which are quite the reverse. There can be combines by workers in industrial unions where they combine for the purpose of getting better conditions and wages. Nobody takes exception to that. There can be combinations between manufacturers and producers, whether primary producers or producers of secondary commodities, the object of which is to ensure cheaper production and lower prices and to eliminate the costs of middlemen. So we start off by realising that there can be trusts, combines and monopolies in the public interest as well as those against the public interest.

There are other amendments to this paragraph, one of which is to be moved by the Leader of the Opposition. I do not want to cover at this stage the reasons which he will give the Committee for the amendment

standing in his name. I desire to have inserted the words I have mentioned in order to limit the authority of the Commonwealth Parliament to what is reasonable in the way of regulation or control, because it now seeks to control organisations whose operations are confined to this State. It seeks by this new power to regulate matters which our State Parliament now has power to regulate, and seeks to be able to supersede the exercise of power we now have in our own hands to regulate matters that are purely domestic and confined to this State. Where these organisations have ramifications of an interstate or an oversea character the Commonwealth Parliament already has power to control trusts, combines and monopolies. It now seeks to control organisations whose activities are confined to one State, for example, Western Australia. So far as I am concerned, that is going to be limited only to occasions and circumstances when its interference can be justified.

The later amendment to be moved by the Leader of the Opposition will show the limits which I think and he thinks should be applied to this power which is now sought, and is part and parcel of the amendments which appear on the notice paper. I want to confine the power of the Commonwealth Parliament to the regulation and control of certain organisations—and the later amendment will indicate the scope or nature of the organisations over which the Commonwealth Parliament will have this right of regulation and control. If the power is granted in the way proposed by these amendments then the people of this State cannot say that we have given away the inherent rights they possess today. We will not have done them a disservice, but if we go beyond these then we are giving the Commonwealth Parliament the right to interfere with worthy and useful organisations in this State, whose activities are confined to the State. It is a right and power which, in my opinion, the Commonwealth Parliament should not have.

Hon. N. KEENAN: In this matter surely there is room for a little commonsense. Is it not clear that if the monopoly or trust is one that extends beyond the State then existing power under the Constitution Act allows the Commonwealth to deal with it? And in fact, it has to a certain extent done that by passing an Act in 1907. But this Bill

relates only to a monopoly or trust in this State alone. Surely we can deal with that ourselves as far as is necessary! Are we so incapable of handling matters that we have to hand them over to another authority? We are capable of dealing with them if they require to be dealt with and if we have the will to do it. Practically the only combine I know of in Western Australia is the timber combine, and the most active member of it is the State Sawmills.

Hon. W. D. JOHNSON: Why bring that up?

Hon. N. KEENAN: I am giving an illustration and the hon. member has asked me why I do so. Can any member tell me of any trust or monopoly operating in Western Australia alone, other than the one I have mentioned? Of course there are State monopolies which have been granted, namely the State railways, the State tramways and even the State trolley buses.

The Premier: The electricity supply!

Hon. N. KEENAN: An Act was passed by the State allowing trams to be run in certain areas and, if they are run in other parts of the State, under the same Act, they would also be controlled by State legislation. Now, without any reason we are prepared to hand over this power. In South Australia, where a similar measure has been passed, all monopolies created under State law have been deliberately excepted. Are we going to hand over what another State deliberately refuses to hand over?

The Minister for Mines: Surely you are not going to follow another State? If there is one member in this Chamber who has said, "Do not worry about another State," it is you.

Hon. N. KEENAN: The only reasons for handing this over are incapacity or laziness.

The CHAIRMAN: Order! Will the hon. member address the Chair? He will find there will be fewer interjections.

Hon. N. KEENAN: There is no reason for handing over a trust or monopoly which exists only in Western Australia—if one does exist. We have complete power to handle the question ourselves, and are able to deal with any difficulties that may arise.

Mr. Patrick: Many municipal enterprises are monopolies.

Hon. N. KEENAN: Yes. They exist to a large degree in the country. There are electricity supplies.

The Premier: And water boards!

Hon. N. KEENAN: The Premier can supply many instances, but he apparently is not going to take action against handing these matters over to a Parliament in which our representation is so small that we might as well have none. I hope that common-sense will prevail.

Progress reported.

*House adjourned at 6.13 p.m.*

## Legislative Assembly.

*Thursday, 4th March, 1943.*

Questions: Sterilisation of degenerates .....	PAGE
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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

### QUESTIONS (3).

#### STERILISATION OF DEGENERATES.

Mr. NORTH asked the Minister for Health: 1, Has the eugenic sterilisation of degenerates ever been recommended to the Government by the Health Department—(a) as a means of preventing such degenerates from having children, thus gradually reducing the proportion of undesirable citizens? (b) As a means of reducing taxation by eliminating much of the work of various welfare and reformatory institutions, and the consequent public expenditure involved therein? 2, If not, will he deal with the following assertions which are receiving growing support in the Claremont electorate, namely—(a) That in the absence of eugenic sterilisation, mental and physical degeneracy is on the increase? (b) That sterilisation is already practised in 29 of the United States and in many other countries, and has the effect of reducing sexual offences? 3, In addition to the above points will he inform the House—(a) Whether sterilisation permits happy married life without disabilities except the impossibility of procreation? (b) Whether it is practised in this State today to any extent?

The MINISTER replied: 1, (a) No. (b) No. 2, (a) It is possible that eugenic sterilisation would reduce degeneracy, but

many degenerates are by no means mentally or physically unsound enough to bring them within the scope of such legislation. (b) Although there may be legislation of this nature in twenty-nine States of America it is understood that the legislation is not in operation or has been discontinued in many. Moreover, sterilisation does not in most cases interfere with sex impulse or activity and is therefore no preventive of sexual offences. Castration only can effect this after a varying period of time, but eugenic sterilisation does not involve this. 3, (a) Sterilisation permits satisfactory sexual union, but excludes the happiness which arises from procreation. (b) Sterilisation is not practised to any great extent in this State except for medical reasons.

### IMPORTED COMMODITIES.

#### *As to Ports of Discharge.*

Mr. HILL asked the Minister for Industrial Development: 1, Is he aware that ships with essential commodities (such as sugar) which must be imported, are no longer to call at Albany but instead are required to unload such commodities at Fremantle, with resultant mileage to all centres nearer Albany? 2, Can he take any action regarding this state of affairs to prevent the extra expense and unnecessary railway haulage? 3, If so, will he do so immediately?

The MINISTER replied: 1, The movement of ships for security reasons is not made public. 2 and 3, Inquiries will be made.

### WHEAT.

#### *Acreage Restriction Compensation.*

Mr. BOYLE asked the Minister for Lands: 1, Is he aware that the Commonwealth Minister for Commerce has publicly stated that the wheat acreage restriction compensation in Western Australia is to be paid by the Australian Wheat Board direct to the farmer? 2, Is it a fact that in many cases the Agricultural Bank Commissioners have apportioned this compensation, arbitrarily, as part of the Industries Assistance Act advances to farmers carry-on for 1943-1944? 3, If so, do actions of this sort tend to stultify the Commonwealth Minister's promise? 4, Will he take appropriate action to see that there is no interference by any of the departments under his control, in the disposal of this compensation grant as set out by the Commonwealth Minister?