

Legislative Assembly.

Thursday, 12th November, 1942.

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

QUESTIONS (4).

BUTTER.

As to Federal Subsidy.

Mr. McLARTY asked the Minister for Agriculture: 1, What amount per lb. butter-fat is expected to be paid to dairy farmers in Western Australia from the subsidy provided by the Commonwealth Government? 2, Are dairy farmers who are not employing labour to receive the subsidy? 3, Are dairy farmers who are assisted by their wives and families to receive the subsidy?

The MINISTER replied: 1, 2, and 3, The Tariff Board has arranged to commence an inquiry on Monday, 16th instant, with the view of recommending to the Minister for Trade and Customs the method of allocation of the subsidy of £1,500,000 to the dairying industry. No information will be available until the results of this conference have been considered.

SUGAR, TRANSPORT.

Mr. WITHERS asked the Minister for Railways: 1, Is it true that the practice for the past 10 years of transporting sugar by rail from the sugar refineries at North Fremantle to Perth has ceased? 2, That such transport is now conducted by private motors and transferred at various points to horse-drawn vehicles for delivery? 3, That on occasion such transfer has taken place in the street opposite the Perth goods

sheds? 4, If such alteration has taken place, was it sanctioned by the Transport Board; if so, for what reason, and what is the loss of revenue to the Railways? 5, If all the answers are in the affirmative will he give consideration to having such traffic returned to the Railways?

The MINISTER replied: 1, No. During the past month there was a temporary diversion due to the small tonnages which were being handled. 2, See answer to No. 5. 3, Yes. 4, Road cartage within a radius of 15 miles of the G.P.O., Perth, is exempt from control by the Transport Board. Due to rationing, the traffic was light and the loss of revenue was therefore inconsiderable. 5, The traffic has now reverted to rail.

HOSPITALS.

Nurses for Civilian Needs.

Mr. McLARTY asked the Minister for Health: 1, Have any arrangements been made with the manpower authorities to maintain sufficient nurses and assistant nurses for civilian hospital work throughout the State? 2, Has any agreement been reached in order to maintain sufficient domestic staff? 3, If so, what arrangements have been made?

The MINISTER replied: It is understood that the manpower authorities have not the power to order an individual to accept work in a hospital, but negotiations are in progress for such powers to be given to the manpower authorities.

LOAN COUNCIL.

As to Basis of Financial Advances.

Mr. NORTH asked the Premier: 1, Does the Loan Council at its meetings include any officers having scientific, medical or engineering qualifications? 2, Has the suggestion ever been made by any member of the Loan Council during his term of attendances that financial advances should be made not dependent upon a geographical formula, but rather upon the scientific, medical, or engineering merit of the requests? 3, If the answers to 1 and 2 are in the negative, will he give consideration to this proposal?

The PREMIER replied: 1, The Loan Council consists of the Premier of each State and two representatives of the Commonwealth Government. 2, The Loan Council does not make financial advances. The

function of the Council is to decide whether it considers that the amount of loan moneys required by the Commonwealth for other than defence purposes and the States can be raised on reasonable conditions. If the Council is of the opinion that the total amount desired is in excess of what the market can provide, it decides what amount can be raised. An allocation of the reduced amount is then made between the Commonwealth and the States. The suggested loan programmes submitted to the Loan Council are—so far as this State is concerned—based on our needs, which have been approved by the Government after the advice of the various technical officers has been obtained. Presumably the same conditions apply in the other States. 3, Answered by 1 and 2.

BILLS (2)—FIRST READING.

1, Reserves.

2, Road Closure.

Introduced by the Minister for Lands.

PRIVILEGE—FORESTS DEPARTMENT, CUTTING RIGHTS.

As to Position of Motion on Notice Paper.

HON. W. D. JOHNSON (Guildford-Midland) [2.20]: Before the Orders of the Day are called, I desire, under privilege, to draw attention to an extraordinary happening yesterday in regard to a motion that had been adjourned. It was reached, but further adjourned on the motion of the Premier. The Premier explained the matter to me, pointing out that the period the session would last after the motion was called was so limited that it was desirable to postpone it. To that I agreed.

The Premier: The sitting, not the session!

Hon. W. D. JOHNSON: I should have said, the sitting. The Premier said he would bring the motion forward so that it would not be snowed up under the other motions, as that would be unfair. I find now, however, that the motion is put down towards the bottom of the notice paper. If it is to be left there, that would be a distinct injustice. If it is not reached on Tuesday, then it will be snowed up under the motions for Wednesday. The Premier will doubtless appreciate that unless my motion appears on the notice paper for Tuesday, it

will be snowed under. I do not think the Premier would countenance that, because it would be so contrary to our established practice. My reason for raising the matter is that the motion is Item No. 24 on the notice paper, out of 26. I also raise the point to make sure that it will be reached on Tuesday and so avoid the risk of its not being reached on Wednesday. It would be an injustice to other private members' business to bring it on out of turn. I leave it at that, as I believe the Premier will do the right thing.

Mr. SPEAKER: I would point out that there was nothing extraordinary in the postponement of this motion. It was not a notice of motion, but an Order of the Day. Once a motion becomes an Order of the Day, it is the property of the House.

Hon. W. D. JOHNSON: That is so.

Mr. SPEAKER: The House is entitled to do what it likes with it then.

Hon. W. D. JOHNSON: I appreciate that. It was an extraordinary happening, however, after so long a time had elapsed for the motion to come up, for it to be postponed.

The **PREMIER:** By way of explanation: As the hon. member says, time was running on. We endeavour to meet the convenience of members by adjourning at about 6.15 or 6.20 p.m. to enable them to catch their buses or trains. That is the arrangement. Knowing what would be said on the motion, I thought the debate would continue past the adjournment hour of 6.30 p.m., and consequently I moved that it be postponed. I gave the hon. member an assurance that I would put the motion on the notice paper in a suitable place so that it could be discussed. The Government has no control over the order of procedure of private members' business. Wednesday is set apart for that business. Unless the House desires to alter that procedure, the Government has no say. Once the matter has been discussed by the House it then becomes the property of the House, and the Government, in arranging the order of the business, can do as it pleases. It might not come up on Tuesday, but it will not be snowed under. I give the hon. member an assurance that an opportunity will be made to discuss this matter at an early date.

BILL—STATE (WESTERN AUSTRALIAN) ALUNITE INDUSTRY PARTNERSHIP.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

BILL—WEST AUSTRALIAN MEAT EXPORT WORKS.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Main Roads Act (Funds Appropriation) Bill.

BILL—LOCAL AUTHORITIES (RESERVE FUNDS).

Read a third time and transmitted to the Council.

BILL—MEDICAL ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HEALTH [2.27] in moving the second reading said: This is not a very large Bill, but it is an important one in regard to the Medical Act. That Act is one of the very old ones on the statute-book. It was passed in 1894 and, I think, has not been amended since. Members will appreciate the fact that it has become somewhat antiquated. It is now the desire of the Health Department and the Government to bring it up to date. The Act provides for the Medical Board to consist of seven members who are appointed by the Governor-in-Council every seven years. The Governor-in-Council also appoints the chairman. This Bill provides for the board to be appointed every three years. It also seeks the inclusion of one layman on that board out of the seven members, instead of their all being medical practitioners. We think that three years is a sufficient time for the board to function before being re-appointed. Seven years is a long period. The fact of there being one layman will ensure that someone will look after the interests of the public. That is the only reason for suggesting that one

layman should be on the board instead of it consisting of seven professional men.

The section of the present Act dealing with the qualifications entitling persons to registration is antiquated, and we propose in this Bill to bring it up to date on the basis of recognising all Australian medical certificates together with any of equal standing issued by other countries, providing reciprocity exists with those countries. Reciprocity exists in some countries—not many, I admit—in regard to medical certificates. Unless there is a reciprocal arrangement between Australia and another country its medical certificates will not be recognised in this State. Outside of British-speaking countries, Italy was the last one with which we had reciprocity so that at the moment I do not think we have reciprocal arrangements with any foreign countries. After the war there will be a good deal of co-operation, and if a mutual arrangement is entered into we can fall into line. This Bill also gives the right to the board to register specialists and to specify the necessary qualifications.

Members will appreciate that the medical practitioner today goes through the University and probably does 12 months or more at a big general hospital, and then puts up his shingle. But these gentlemen have fallen into the habit in recent years of practising for a few months as general practitioners and then hanging up their shingles in St. George's-terrace, advertising themselves as specialists in some particular disease or other. To consult a specialist generally costs four or five times as much as to consult a general practitioner. Whether he gives better service or not I do not know. Instead of allowing that haphazard method to continue it is proposed in this Bill that before a medical practitioner can describe himself as a specialist he must conform to certain qualifications to be arrived at by the board. This will ensure to the public that the man who is setting himself up as a specialist in some disease or other will have the necessary qualifications to carry out his work.

Mr. J. Hegney: Are too many of them becoming specialists?

THE MINISTER FOR HEALTH: No. As a matter of fact I would like to see them all specialists. I think the hon. member has had something to do with this sort of thing and will appreciate that when a lad does five years' training as a fitter,

for instance, and another six months at the bench, he would not say that that boy was qualified to be classified as a first-class engineer. I could name specialists, or alleged specialists, who have not been out of Western Australia since leaving the Perth Hospital. They have gone nowhere else to get further tuition.

Hon. N. Keenan: Such a man may have read literature on the subject.

The MINISTER FOR HEALTH: He may have done, but the hon. member will admit that practical experience is much better than a lot of theory. It will do no harm to have a board to fix the qualifications for a specialist. The present Act provides that when a doctor applies for registration he must pay a fee which, up till recently, has been 10 guineas. The position was that a doctor who came from the Adelaide, Melbourne or Sydney University to Perth Hospital would apply for registration, and have to pay a 10 guinea fee. He might only remain in this State for a few months but it would still cost him 10 guineas, whereas it would cost him no more if he were to stay here for the rest of his life. The Bill seeks to reduce that amount to two guineas, and to follow the method adopted by other professions of charging an annual registration fee, in this case two guineas, so that everyone will be on the same footing.

One of the disabilities of the present Act is the restricted powers allowed to the board to deal with members of the profession. This is the particular clause in which I am most interested. Since I have been Minister for Health I have found, and am prepared to admit, that the medical profession as a whole forms a genuine section of the community, but its members are only human and at times the department, and myself in particular, have been worried about one or other of the doctors. The Medical Board, owing to the restrictions imposed on it under the present Act, has not been able to deal with the particular doctor in question. Even if it dealt with a member of the profession under the present restricted power, there is only one penalty that may be imposed and this is de-registration. To remove the name of a doctor from the register for life with no possibility of his being reinstated is a very severe penalty. This is one of the principal defects of the Act.

The board at present can only deal with a doctor who is convicted of a felony or

misdeemeanour or some other offence which renders him unfit for practice, and he must have been convicted in a court before the board may take action or adjudge him guilty of infamous conduct in a professional respect. I have done my best to find out what is meant by "infamous conduct." Apparently by long usage it has a very restricted meaning which cramps the board in the matters with which it may deal. We propose to substitute for "infamous" the word "improper."

Hon. N. Keenan: What does that mean?

The MINISTER FOR HEALTH: A doctor may be guilty of improper conduct that could not be described as infamous conduct. This will widen the powers of the board if it desires to deal with a man guilty of improper conduct. At present the board has no discretionary power. When seven medical men are called upon to try a brother practitioner and the only penalty that may be imposed is de-registration, one can understand that they might well feel diffident about finding the offender guilty. We propose to give the board power to suspend a doctor and reinstate him on the register, if thought fit, instead of having to impose the life penalty of de-registration.

My experience as Minister for Health during the last four years has convinced me that it is very necessary to empower the board to deal with habitual drunkenness and habitual drugging. I do not want any one to gather the impression that such lapses are common amongst medical practitioners, but more than one case has come under my notice. At present there is no means of dealing with such cases. The Bill will remedy this state of affairs and provide opportunity for the board to take action in such cases. The board will also be empowered to deal with instances of gross carelessness and incompetency.

Mr. J. Hegney: I have heard of a few cases such as sewing up scissors in a patient.

The MINISTER FOR HEALTH: That is so. The board will be empowered to inquire into such cases and, as they will be investigated by brother practitioners, we need have no misgivings about granting this power. Provision is also made for an appeal from the decision of the board to a judge of the Supreme Court.

Hon. N. Keenan: On a question of fact?

The MINISTER FOR HEALTH: That is not laid down, but I presume that is

what is intended. If, under the existing law, a doctor is de-registered for life, there is no appeal. Experience has shown that, in order to deal with unqualified persons carrying on various phases of the practice of medicine, the existing law is defective. Four relatively small amendments are proposed to Section 23, which together will stiffen up the law and close the present loopholes.

Section 24 of the Act deals with advertising. This section is to be amended to bring the use of radio within the definition of "advertising." Members will appreciate that nowadays there is probably a great deal more advertising done over the air than in the newspapers, particularly in regard to medical matters. Therefore it is advisable to bring radio broadcasts within the definition of "advertising."

Mr. Patrick: Doctors do not advertise over the air.

The MINISTER FOR HEALTH: But a lot of people who are not doctors do so. The Bill will prohibit the use of radium or ex-rays for therapeutic purposes except under the direction of a medical practitioner. The use of either is fairly dangerous in the hands of an amateur, and so we provide that treatment of this kind shall not be given except under the direction of a doctor.

The Bill contains three new provisions. One stipulates that a medical practitioner, when requested by a patient to arrange a consultation, shall do so. Instances have been brought under the notice of the board of a patient, being not quite satisfied with his doctor, having asked for a consultation with another doctor, and been refused, and we know that a doctor will not attend a patient if he is in the hands of another doctor. Under the new provision, if a consultation is asked for it must be arranged.

Mr. McLarty: What about the additional fee?

The MINISTER FOR HEALTH: A patient would not ask for a consultation unless he was prepared to pay the fee. The point is that if a patient now asks for a consultation, it may be refused, and the patient has no redress. The Bill seeks also to prevent a medical practitioner from administering his own anaesthetic in a major operation, except in a case of extreme emergency. In some cases a doctor might not be able to obtain the services of even a hospital matron or nurse and might have to

administer the anaesthetic as well as perform the operation, but this is to be permitted only in extreme cases. It is not in the best interests of a patient for a doctor to administer his own anaesthetic. The Bill also proposes to empower the board to expend moneys for scientific and educational purposes. I have explained that this is one of the oldest of our Acts and that we desire to bring it up to date. The measure contains nothing very contentious. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Returned from the Council with an amendment.

MOTION—COMMONWEALTH AND STATE RELATIONSHIPS.

As to Referendum Proposals.

Debate resumed from the previous day on the following motion by Mr. Watts:—

1, That this House firmly believing that the Federal system of government is the only just and practicable method of governing a large continent such as Australia, strenuously opposes the alteration of the Federal Constitution as proposed by the Commonwealth Government, on the following grounds:—

- (a) That the suggested amendments are apparently not genuinely aimed at necessary alterations to the Federal Constitution but will undoubtedly have the effect of ultimately destroying the Federal system of the voluntary union of six self-governing and sovereign States.
- (b) That such proposals are designed to bring about unification, camouflaged as a war necessity. They would result in a distinct breach of faith with the States, which entered into a Federal union, and would not only be destructive of the best interests of Western Australia but of every other State of the Commonwealth.
- (c) That it is impossible to govern Australia wisely and justly by a huge bureaucracy controlled from Canberra, and that the passage of such proposals would only cloud the future of Australia by bitter home rule agitations from its distant parts.
- (d) That while this country is fighting for its very existence and people's minds are distracted by the war, it is in the highest degree improper to divide the nation by highly controversial questions. With the people again leading normal lives free from the stress of war emotions in a period

of calm reasoning and clear thinking, a genuine verdict might be obtained.

- (e) That the Commonwealth Government at present possesses ample powers to deal with all matters arising out of the war, and these powers, could by arrangement with the States (if necessary) be extended for a period after the war.

2, That Western Australian members of both State and Federal Houses, and all Western Australian citizens, be urged to defeat the Federal proposals.

3, That the Premier be requested to forward this resolution to the Prime Minister and the Premiers of the other States.

THE PREMIER [2.46]: Before considering what the effects of the Commonwealth proposals are, we should in my opinion thoroughly understand what they mean. Members of the Government, having considered that aspect of the matter, decided that it would be well to be quite clear on it, and therefore to obtain the best possible advice as to the effects of the proposed amendments. Accordingly the matter was referred to the Solicitor General, and I propose to read extracts from the opinion he has furnished, so that the House may be fully informed. The Solicitor General states:—

4, Compared with the Federal Constitution as it now stands the proposed new Section 60A will make two very radical and revolutionary changes in the constitutional law of the Commonwealth.

5, In the first place, Subsection (1) of the proposed new Section 60A will give to the Commonwealth Parliament powers, which it does not now possess, to make laws in relation to matters which are not specifically defined, particularised or identified but which are covered by expressions of a general, very vague and most comprehensive nature, which by reason of those very characteristics can be applied to cover every matter imaginable.

6, In the second place, Subsection (2) of the proposed new Section 60A extends the revolutionary departure from the present Federal Constitution still further.

Under Subsection (2) it will be sufficient for the Commonwealth Parliament itself to declare that any matter in relation to which it is asked to make a law is a matter which comes within the general purposes for which laws may be made as provided for in Subsection (1).

7, Thus under the new Section 60A the Commonwealth Parliament—

- (a) Will be given legislative powers which are not defined, but merely indicated in general terms; and
- (b) will be the sole judge of the validity of the laws which it makes under Section 60A. That is to say, the High

Court of Australia will have no jurisdiction to determine the validity of such laws.

8, In the third place, in order to make it certain that the laws made by the Commonwealth Parliament under Section 60A shall not be subject to any limitation at all, and that the said Parliament's powers to make such laws shall not be in any way restricted, Subsection (3) of the proposed Section 60A provides that, as from a date to be proclaimed by the Governor General, the Commonwealth Parliament shall be empowered to exercise the powers given to it by Section 60A notwithstanding anything contained elsewhere in the Federal Constitution as it now stands, or in the Constitution of any State.

The Solicitor General then proceeds to examine the effect upon the position of the recent adoption by the Commonwealth Parliament of Sections 2 to 6 of the Statute of Westminster. I do not wish to enter into a detailed history of the Statute of Westminster. It was the result of what is known as the Balfour Declaration, which was made about 1926, because of an anxiety on the part of the Government of the Dominion of South Africa to satisfy its people that they were an independent nation in the British Commonwealth of Nations. This was set out in the Statute of Westminster passed by the Imperial Parliament; but, as the member for West Perth said yesterday, the Statute was uni-lateral legislation, inasmuch as it had not to be ratified unless a Dominion asked for that procedure.

Two previous attempts have been made to ratify the Statute of Westminster in Australia; but a serious attempt to have the Statute ratified here was not made until about a month ago in the Commonwealth Parliament. Then all sorts of reasons were given in the Commonwealth Parliament for adopting the Statute—one reason had reference to difficulties in prosecuting seamen charged with offences—but the actual reason became quite apparent when the adoption of the Statute of Westminster was followed by the proposals for amendment of the Commonwealth Constitution. I believe the member for Nedlands will recall that this House in 1931 or 1932 passed a resolution, which was transmitted to the British Parliament, in regard to the Statute of Westminster, with especial reference to the rights of States. That resolution had its effect in the passing of, I think, Section 9 of the Statute of Westminster, which declares that any power which a State had prior to the passing of

the Statute should be retained upon the ratification of the Statute by any Dominion Parliament. That is the effect of Section 9, which however was not adopted by the Commonwealth Parliament; only Sections 2 to 6 inclusive were adopted. The adoption of those sections cleared the way. We have some rights. Members will recall that during the time of the secession referendum we thought we had the right to approach the Imperial Parliament, and we did have that right. But now that Sections 2 to 6 of the Statute of Westminster have been adopted, it is fairly clear that that right has been taken away from us. At all events, on that aspect the Solicitor General says—

12, Inasmuch as the entity of the State as a colony in the Empire, and the Constitution of the State as such a colony with responsible Government were established by Acts of Parliament of the United Kingdom, and Subsection (2) of Section 2 of the Statute of Westminster empowers the Commonwealth Parliament, acting within its legislative powers under the Federal Constitution, to make laws repugnant to the said Acts of Parliament of the United Kingdom, it follows that if the proposed new Section 60A becomes law as it stands, and provided the Commonwealth Parliament declares that a matter of destroying the entity of the State as a State or of abrogating the Constitution of the State is a matter of post-war reconstruction, the Commonwealth Parliament will be able to make laws which will destroy the entity of the State as a State, and will abolish or completely nullify the Constitution of the State.

That could not be done under the Commonwealth Constitution, but it can be done under the Commonwealth Constitution if amended as now proposed, the Statute of Westminster having been adopted. The member for West Perth yesterday read an extract from a letter which I sent to the Prime Minister as far back as 1937, protesting against the passing of the Statute of Westminster. No notice was taken of the matter at the time, but on this occasion it has had the effect of causing reasons to be given in the Commonwealth Parliament—though not the real reasons. Section 60 (a) makes the position absolute as regards the Commonwealth, —without giving any solid reason, but by merely saying “In our opinion the proposed legislation will have something to do with the ‘Four Freedoms’ or with post-war reconstruction”—having its way, whether or not in the opinion of such a body as the High Court that statement is

correct. There can be no appeal to the High Court. The Commonwealth Government, provided it has a majority on any particular day, can brush away the rights of the State just by the mere vote of that majority for the time being; and that will be part of the Commonwealth Constitution for all time—unless altered again, I suppose, by referendum. It will be seen what serious implications there are in the powers the Commonwealth Parliament proposes to take to itself under the new Section 60A. The Solicitor General then sums up the position regarding the proposed alterations of the Constitution following upon the ratification of the Statute of Westminster—

13, The cumulative effect therefore of the provisions of the proposed new Section 60A, and of Subsection (2) of Section 2 of the Statute of Westminster, insofar as they—

- (a) leave virtually unlimited the number and variety of the matters upon which the Commonwealth Parliament may make laws.
- (b) constitute the Commonwealth Parliament the only judge of the validity of the laws which it is asked to make.
- (c) gives to such laws an operation superseding all provisions of the Federal Constitution and the Constitution of any State which are inconsistent with such laws; and
- (d) empowers the Commonwealth Parliament to make such laws under the proposed Section 60A even though they be repugnant to the Acts of Parliament of the United Kingdom—

is to place in the hands of the Commonwealth Parliament power completely to destroy the federalisation of the States, which was the expressed intention and object of the Constitution of Australia Act passed by the Parliament of the United Kingdom.

I thought I would obtain that legal explanation for the benefit of members, because in the heat of controversy and the enthusiasms of various members the real facts and meanings may be lost in the mists of debate and so escape the notice of members. However, when there is a cold and clear statement of what the Commonwealth proposals really mean, when members have at the back of their minds what can and what cannot be done if those proposals are agreed to, they know the exact position. It appears to me that the scheme is unification in disguise, without any safeguards or protection whatever for the rights of the States, and in particular for the interests of the smaller States, whose representation in the Commonwealth Parliament is totally inadequate.

Now I come to the question whether the proposals are in the best interests of the people of Western Australia, and what is the general attitude of the people of Western Australia in regard to increasing Federal powers. For the information of members I wish to state the views of the people of Western Australia, as expressed through the ballot-box, on the subject of increased powers for the Commonwealth Parliament. About four or five years ago we had a referendum in connection with giving powers to the Commonwealth Government with respect to aviation. The figures in favour were 100,000 and those against 110,000. That was a matter which most people considered could have been taken over by the Commonwealth Government, but so jealous were Western Australians with regard to giving additional powers to the Commonwealth that even that was not agreed to. When the matter was brought before this House by the Minister for Works, it was decided to refer to the Commonwealth Government all the powers required for the control of civil aviation, but with the proviso that this Parliament could withdraw that reference and consequently take away the power so given if, at any time, it thought such a course desirable.

An entirely different position arises in connection with an amendment of the Constitution. Once powers are relinquished in that way, they are relinquished for all time, unless a further referendum alters them again. While most people agreed that the Commonwealth Government should have power with regard to aviation, it was considered that the powers should be given by reference, as it is termed, rather than by an alteration of the Constitution. The other matter that was decided at that time by referendum concerned marketing. That proposal was overwhelmingly defeated, 57,000 being in favour and 148,000 against. In 1933 a referendum was conducted on the question of secession, the voting being 138,000 in favour and 70,000 against. In connection with voting on the convention to consider Constitutional alterations, 88,000 signified approval and 119,000 were not in favour. That gives a general impression of the viewpoint of people of Western Australia in connection with proposals to grant further powers to the Commonwealth Parliament.

Mr. Patrick: That second vote in connection with the convention was extraordinary.

The PREMIER: Yes. They said in effect, "Under no circumstances do we want to consider handing over further powers. We have had such bitter experience that we will not consider granting such additional powers, however desirable they may appear to be. We will hang on to what we have got." That seems to be the opinion of the people of Western Australia. I have quoted the figures as a matter of historical interest. It is apparent that unless the feelings of the people have undergone a radical change, far from being prepared to grant increased powers to the Commonwealth, they would like to see a reduction of the powers already possessed by it. What is the reason for the hostility to the proposal for additional powers? I think we can answer by saying that there is a deep-rooted conviction that Federal policy has developed in such a way that the more populated States have exploited the smaller States, and particularly Western Australia. I think that is the general feeling in this State.

Mr. Patrick: It is pretty right, too!

The PREMIER: There is discontent about the manner in which the tariff has operated to place a heavy burden on the primary industries of Western Australia and retard our own secondary industries. Dumping and other practices of that kind have shown that we require protection against the established industries of the Eastern States just as they, in their turn, required protection against the outside world at the time of the establishment of Federation. That is not sentiment; it is a proven fact. Many inquiries have been made in an endeavour to assess the damage caused to Western Australia by Federal policy.

The existence of disabilities has been admitted for many years by the payment of a disabilities grant by successive Commonwealth Governments. Looking back, I think we can say that the member for Nedlands, whose services were utilised by the State, did great service to Western Australia in forcibly bringing before the Commonwealth Government what was known as the State's case, which resulted in the Commonwealth Government's recognising that Western Australia had been exploited and eventually compensating this State by a monetary grant. That procedure persisted for seven or eight years until it was superseded by the present system of a Commonwealth Grants Commission, which deals with this question and

awards compensation to the State for the disabilities it suffers as a result of Federal policy. That is the only justification for the Commission—the existence of a Commonwealth policy which detrimentally affects Western Australia in an economic sense. Recognising the position, the Commonwealth has granted compensation for 17 or 18 years. That is not supposition. It has been recognised by the Commonwealth Government that Federal policy has worked detrimentally to Western Australia. The Commonwealth Government said it was impossible to alter the policy so that it could be to our benefit. It said, "We know that under the Federal system you will have disabilities, but we will compensate you by the payment of a certain amount of money. The disabilities you suffer will continue to exist, but you will be compensated." There is a feeling that the people of this State do not desire further to place themselves in the hands of the Commonwealth Government by granting to that Government additional powers. That hostility has been accentuated since the outbreak of the war.

Western Australia can truly claim to be an ultra loyal and patriotic State. Our enlistment figures are the highest in Australia and, with regard to investment in war savings certificates, we are second only to Victoria, on a per capita basis; while in the percentage of the quota subscribed Western Australia tops the list. It is our paramount desire to do more than we have been able to do in connection with the war effort. In that regard we have a feeling of frustration. Our enlistments have been used to make good deficiencies in the other States, but we have not participated in the nation's record industrial expansion. In fact, our industrial personnel is decreasing rather than increasing. We know that when post-war work is undertaken, the States that have war industries will be in a position of advantage. Because they had war industries they will, after the war, have peace industries. There is a vicious circle. I have talked to Commonwealth Ministers in regard to this matter. They say, "We are anxious to do what we can quickly in regard to the war effort. Industries are established in New South Wales and Victoria, and it would take a long time to establish those industries in Western Australia. We want the work done quickly so we say to New South Wales and Victoria, 'Do this in the interests of the war

and do it at once.' " There is only a certain amount of work to be done and it is done there and nowhere else. In the post-war period, expansion will take place in the States that have those industries, to our serious disadvantage. I do not think that viewpoint can be gainsaid.

Side by side with that, we know that, in the administration of Commonwealth departments, full use is not made of the local knowledge of our State officers. Our industries are suffering disadvantages because of Federal policy. Without attempting to give a list of the disadvantages, I desire to mention one or two instances. Goldmining is the most important industry in Western Australia. To a very great extent it has built up our State economy and was responsible for an increase of population in this country. It came to our rescue and provided employment in time of need, and was responsible for the production of much wealth. This industry, which was so important to Western Australia, was singled out in a special way for a special type of tax put on no other industry in the Commonwealth. Irrespective of whether it was profitable or not, the tax had to be paid on every ounce of gold produced. Wheat production is our second best industry, but that has been restricted on a much more drastic basis than has been applied to the other States.

Mr. Patrick: This is the only State in the Commonwealth to which the restriction was applied.

The PREMIER: It was applied in a much more drastic manner than was the case in the other States. Excuses can easily be made for various actions taken by the Commonwealth Government, but we do not get the consideration to which we are entitled. I do not want to be a groucher or a growler, but nothing seems to work out accidentally to our great advantage, and actions that react to our disadvantage can be plausibly excused. Instances abound and the Minister for Industrial Development could give us many. Some members opposite have asked questions as to the development of industries. They have asked in what manner shipping space has been utilised. Under Commonwealth control, shipping space has been misused to send manufactured goods to this State, whereas half the space could have been occupied by raw

material and the finished articles could have been fabricated in Western Australia.

Consider the W.A. Industry Expansion Commission! I thought—and I imagine members of the House considered—that when that commission was formed we would have an opportunity to place our case directly before it, and that it, in turn, would make recommendations to the Commonwealth Government concerning our disabilities in respect of industrial development. I thought that the Commonwealth Government, because it had appointed that Commission, would take serious notice of the recommendations made. I thought the Commission would have executive capacity—that was the original idea—to spend money to find out what could be done in the way of industrial development in this State. I thought that here was an opportunity for a tremendous development—the best we had had for years. But I am sorry to say that so far as results are concerned, we have not gained very much from the appointment of the Commission. The Commission cannot be blamed. It has passed many requests and recommendations on to the Commonwealth Government, but they seem to have become lost in the maze of pigeon-holes and other places. I do not blame the present Commonwealth Government or its predecessor, but it seems that when proposals of this kind get into the hands of administrative officers who do not know the conditions existing in this State, a wet blanket is thrown over them.

Mr. Watts: It is so much more attractive to do things in New South Wales!

The PREMIER: It is so much easier to get in touch with Smith or Brown in New South Wales or Victoria. Why go anywhere else? So the industries remain in those States and are not inaugurated in places like Western Australia. We are not merely willing and anxious but absolutely eager to do industrial work in connection with the war, but because people do not know our conditions they do not seem to come here. They say, "Western Australia is a good place in which to dig gold, or grow wheat or timber," but they know nothing of our industrial capacity. When we do things of a mechanical character which they did not imagine we could do, they are amazed. Engines for some of the corvettes placed in the Australian Navy were made in Western Australia and are 100 per

cent. efficient. Officials have expressed surprise that we could do such a good job. Our desire has been that all the knowledge and technical skill available in this State shall be made use of, not for the benefit of Western Australia alone but in the interests of the Commonwealth as a whole. We are anxious to be of use by means of expanding our war effort, particularly in the manufacture of munitions.

If these are conditions that exist when we have the advantage of a Prime Minister who is a Western Australian, and we have the advantage of an active State Government in this part of the Commonwealth, and that is the position under the present restricted Commonwealth powers, how will we fare if an unsympathetic majority should assume control in the Federal arena who know nothing about us—the members from this State are very few in the total of 75 in the House of Representatives—and have the advantage of the wide powers they would secure under the proposed new Section 60A that is to be embodied in the Commonwealth Constitution? To say the least of it, there is a distinct feeling that any such alteration to the Constitution will not be to our advantage. Members will agree that it is only by constant prodding that we have been able to get as much as we have had, and, in many instances, industries have been started here only because of the technical advice and, at times, the financial assistance provided by the State Government—not by the Commonwealth Government. Moreover, the State Government has taken a very active part in connection with the defence of Western Australia. While that phase of national life is the prerogative of the Commonwealth Government, State Ministers have not been content to tolerate conditions with which they were not satisfied.

Frequent conferences have been held with those at the head of the Fighting Forces in this State, and strong representations have subsequently been made to the Commonwealth Government on various matters. On my visits to the Eastern States I have always discussed defence matters with the Prime Minister and other Commonwealth Ministers as well. Almost invariably I have also had consultations with the heads of the Fighting Services. Where we have found deficiencies to exist, we have not been hesitant in saying so. I think the Minister for Lands started the ball rolling, as it were, in Janu-

any last, after he had paid a visit to his constituency in the North-West. He was able to bring many matters under the notice of the Defence Department and gave them information of which they had previously been totally unaware. That proved of tremendous benefit to Western Australia, and had those deficiencies not been rectified they would have proved distinct handicaps to our welfare. The Deputy Premier had to take a special trip to the Eastern States in order to make representations regarding the serious lack of defence measures that was apparent in parts of the State. The then Leader of the Opposition, who had to proceed East on other business, accompanied him and joined in the representations that were made to the Commonwealth authorities, which resulted in the defence provisions being made much more adequate. Naturally there can hardly be any completely adequate defences that can be regarded as such in any part of the world today. For security reasons I cannot discuss all the things that happened, but I will claim that it is necessary to have a Government on the spot that can understand local problems and conditions, and make representations regarding such deficiencies as may exist.

While the Prime Minister, Dr. Evatt and others have undertaken the task of making representations all over the world in relation to defence matters affecting the Commonwealth, it will be realised that just as it is necessary that Australia's voice shall be heard in the planning of the defence requirements of the Commonwealth in relation to the present global war, so is it essential for the Government as representative of the people of Western Australia to ensure, as far as it can, that adequate defence requirements of the State are met. If there were no State Government to undertake that task, there would be no one to handle the situation. Without any desire whatever to boast regarding what has been done because of the many and wise representations that have been made to the Commonwealth Government, I claim that the position in this State today is at least satisfactory compared with that apparent in any other part of the Commonwealth. On the other hand, had matters been allowed to drift, it would not be so. I shall not stress that point further at this stage. With regard to the effect of the Commonwealth proposals on the social and industrial life of the State, I think it would be disastrous.

The Commonwealth Grants Commission penalises us every year because of our social conditions. The members of that body say that various State Governments here, over the years, have built up a set of social and industrial conditions superior to those obtaining in any other part of the Commonwealth, and consequently the people of Western Australia will themselves have to pay for them. To that end the Commonwealth Grants Commission imposes what it calls "penalties," by deducting amounts that would otherwise be included in the Commonwealth grants to Western Australia. I think we can be proud of our living standards in Western Australia. We sometimes hear people criticise local industrial and social conditions, and contend that they are better than they need be and that they handicap industry. While we hear those statements, I am convinced that those critics deep down in their hearts are proud of the industrial conditions under which the workers of Western Australia are employed. That could not be so under unification, which would place all workers on a dead level, and our standards would be forced back to the level of the States not so advanced. I do not desire to particularise in that respect, but I could mention many aspects.

My experience after attending the Loan Council for six or seven years indicates that Western Australia has always had to put up a solid fight against financial strangulation. In fact, we have had to fight for our bare necessities in order to carry out our loan programme which is essential for the development of the industries of this State. Each year the Commonwealth Bank has informed the representatives of the States that it was not agreeable to financing the loan requirements submitted for consideration. On every occasion the Commonwealth Government—I am speaking particularly of the period prior to the war—ranged itself on the side of the Commonwealth Bank and opposed the States. Always there was a strenuous fight to secure even a reduced amount compared with what the States actually required for developmental purposes. If that has been our experience in this far-distant part of Australia under the present Federal system, members will appreciate the fact that it would be much worse under unification, which the Commonwealth Government's proposal would undoubtedly bring about. To my mind the problem is to

a great extent one of geographical considerations. I am sufficient of a realist to appreciate that one's geographical situation gives one a different outlook. I remember reading John Stuart Mill's essay on "Liberty" in which he said—

The same reason which makes you a high churchman in London would make you a Moslem if you lived in Arabia.

There is a lot of sound reason in that statement. It is all a question of how one is brought up; what one's influences have been. Religion is bred into people; it is not a matter of reason or logic. The reason that would make me a high churchman in London would be that which would make me a Moslem if I lived in Arabia. Then again it is self-interest that governs most of our actions, and the reason that would be sufficiently good for a Labour man in the Eastern States to be a unificationist would almost automatically make him a federalist with a desire for local autonomy if he were resident in Western Australia.

Members: Hear, hear!

The PREMIER: Geographical circumstances govern the opinions of the individual. It is all a matter of where he lives as to how he is affected. From a purely Labour point of view, the platforms of the party in the different States are almost identical in many respects, but when it comes to industrial affairs the fact that a Labour man has lived here and has had experience under our system of Government tends to make him a good federalist rather than a unificationist.

Mr. Patrick: Geographically we are as far removed from Canberra as is New Zealand.

The PREMIER: That is so. Similarly from the Labour point of view, because Great Britain is a highly industrialised country, the worker there is strongly free-trade in his fiscal outlook. He demands a cheap loaf and cheap food supplies from all parts of the world. He desires no barrier erected against the realisation of his objective. On the other hand, the worker in Australia, actuated by the same ideals and adhering to an almost identical political and industrial platform, because of geographical considerations is strongly protectionist in his outlook.

Mrs. Cardell-Oliver: And there is the production phase.

The PREMIER: Yes. Geographical conditions make all the difference regarding the individual point of view. It is not a matter of principle: it is a question of where the individual lives. John Stuart Mill said that a man's religion depended upon where he was born, and equally fiscal policy is dominated not so much by principle as by considerations of where the individual lives and how he is affected. The same reasoning that would make an individual a strong freetrader if he works in a factory in Great Britain will make the worker in Australia a strong protectionist. People living far away from the centre of government are severely handicapped compared with those who reside closer to that centre. When addressing the House of Commons, William Ewart Gladstone said—

The City of London need not have much political representation at all, so closely was it in touch with the Parliament and the Government and so strong was the influence it exerted.

That was quite true. Every member of the House of Commons knew what was happening in London, and it certainly does not need members representing London itself to make the requirements of London known to the Commons. The same position applies throughout Australia.

Mr. Patrick: You find that some of our members develop that way when they go East.

The PREMIER: Yes, that is somewhat more apparent in the Commonwealth Parliament. I do not think it would handicap Melbourne and Sydney if those cities had half the political representation in the Commonwealth Parliament that they possess today, because Federal members are always about Melbourne and Sydney. The point of view of the people living in those centres is fully known to members of the Commonwealth Parliament, much more so than are the requirements of those residing in the more distant parts. Again, it is a question of geographical considerations. From my experience as a member of the State Government, I know that I have to exert deliberate efforts to bring to mind problems associated with parts of the State far removed from the seat of government. We have to stir up matters, as it were, in order to secure remedies for what may be regarded as weak spots in, say, the North-West. Where matters of defence were involved it became necessary deliberately to direct increasing at-

tention to such matters to the exclusion of other subjects requiring consideration. We do not always have a clamouring Press, or people harassing and importuning us to get something done. Members of the districts concerned do what they can by advising Parliament of the situation, but they are circumstanced in this House similarly to Western Australian representatives in the Commonwealth Parliament. They constitute a small percentage of the membership. It has got to be as a result of deliberate anxiety to do something for these outback places that something is done. I am sorry to say that that anxiety did not seem to exist so far as some Commonwealth Governments are concerned in respect of Western Australia.

Distance from the seat of Government, because of lack of close contact and knowledge, also breeds misunderstandings, and once those misunderstandings occur they take a lot of dissipating. I think it can be said that our Empire war effort has been severely handicapped because of the misunderstandings which occurred between the people of the Southern Ireland and Great Britain, and also between the people of India and Great Britain. Everyone will remember the classical example afforded by the people of the United States in the misunderstanding which resulted in the severance of that part of America from the British Empire, that being due to the unsympathetic control of a Government situated in London thousands of miles away, relatively as far away from the United States as is this State from the seat of Government in Australia. I now come to the question whether these proposals are necessary. It is admitted by the Commonwealth Government that it has all the powers required for the prosecution of the war. Its claim is that it needs additional powers for post-war reconstruction. It makes no statement, however, of the specific powers which it will need but which it does not now possess. There is not a word concerning the problems that will arise after the war.

A feature is now being made of the failure to honour promises. If there has been any failure to honour promises that was not due to any constitutional limitations. What statutory bar was there after the last war which prevented the promises, of which we have heard so much, from being carried out? There was no

statutory bar and there was nothing whatever to prevent the Commonwealth giving effect to any promises that were made. Dr. Evatt says we must not fall down on the job as we did after the last war. If there was a falling down on the job was that in any way the fault of the Constitution? I do not think it was. I think it can be said that the power to give effect to the promises was there, and could have been used if the will to give effect to them had been in the minds of the people in control. It was not a question of power, but of the will to do those things not being in the proper place.

Mr. Patriek: I think Australia was very prosperous in the first 10 years after the last war.

The PREMIER: It is those things which Dr. Evatt and other hard critics say were broken promises respecting post-war reconstruction. I do not know anything about broken promises. In Western Australia we are faced with the necessity to pay interest on a debt of about £7,000,000 which was written off, as a result mostly of the settlement of soldiers and other people after the last war.

Mr. North: It is more a question of the economic system than of promises.

The PREMIER: There is no bar in the Constitution against any alteration in the economic system. The question of post-war reconstruction will be dealt with by the Commonwealth Parliament, where three States with a representation of about 16 members will have only about half the political representation of a State like New South Wales. We shall not, therefore, get on very well in those circumstances. The proposals which have been submitted contain no suggestion of greater representation for the smaller States in the National Parliament. If it had been said that under a unified system of Government more members would be required in the House of Representatives, and that the smaller States would be given greater representation, there might have been something in the argument.

Mrs. Cardell-Oliver: Has not a tentative promise been made of more representation?

The PREMIER: No, that was not even suggested. I have read Dr. Evatt's speech most carefully, and most of what has been said during the subsequent debate. Nothing of the kind has ever been referred to.

Mr. Watts: There is talk about increased membership, but not an increased proportionate membership.

The PREMIER: Probably there would be a greater number of members of the Commonwealth Parliament, but only in the same ratio as we have at present. What are the alternatives that we might suggest in connection with these proposals? It may be, as the member for Claremont said, that some additional powers are required by the Commonwealth for purposes of reconstruction. If we can be told specifically what those powers are we can consider them and determine whether they are necessary. If we agree, the States can refer those powers to the Commonwealth without a referendum. Failing an agreement the specific subjects could be determined by a referendum. The reply may be that until the problems are tackled the Commonwealth will not know specifically what powers it will require, and is meeting this obstacle by taking everything. That seems to be the attitude of the Commonwealth Government—"We do not know what we will want so we will take everything." It can be said that the Commonwealth Government has all the power it needs under the National Security Act. That, however, will endure only for the period of the war. We could, however, continue that Act for two or three years after the war, and if a referendum to that effect was required it would probably be carried. During that period the Commonwealth Government could ascertain the specific powers it needed for permanent reconstruction. Before the expiration of that time the Commonwealth and the States could confer, and the resultant proposals could be submitted to the people.

If it can be demonstrated that those extra powers are required by the Commonwealth Government for post-war reconstruction I believe the States would be quite willing to confer those powers just as they did in connection with the aviation powers under Chapter 37 of Section 51 of the Constitution Act. A further point arises—is the time opportune? The Leader of the Opposition in his original discussion of the motion considered that the time was inopportune. I agree up to the hilt in that regard. At present the people are in a state of emotional stress, induced by war psychology. It is only necessary for the Commonwealth Government to say that such and such a thing is necessary for the war and they will

support it almost without thinking. They will not require proof such as they would in calmer moments. It is conceivable that the people would enthusiastically support the Commonwealth proposals, and later live to regret having done so. We have reason to believe that the people might agree to these proposals. The co-operation of the States with the Commonwealth Government has been very real during this war. Successive Prime Ministers have paid a tribute not only to this State but to the other States for what they have done. They have said that nothing that has been asked for by the Commonwealth by way of war effort has been denied them by the States. Particularly might that be said of Western Australia. This State has given to the Commonwealth, land, personnel for the Fighting Forces and the Civil Construction Corps and public works generally. Everything we have been asked to do has been eagerly and willingly done.

Mr. Doney: We have shown the way all the time.

The PREMIER: We have.

Mr. Doney: We are the people!

The PREMIER: The conclusion which this Government has come to is that we will approach the forthcoming convention with an open mind. Dr. Evatt said in the House of Representatives that the measure was not a party one and that he hoped it would not be so considered. We are in full agreement with that. We are also told that the proposals are not final, and that any suggestions that are made will receive full consideration. I am sure that if the Commonwealth Government is as fully prepared to co-operate as we are it should be possible to reach some agreement. On the other hand I trust that the convention will not prove to be the same fiasco as was the previous conference in regard to uniform taxation. On that occasion the Premiers thought they were going to Melbourne to be consulted on the proposals, and that their suggestions would be given effect to, or would at least receive consideration. Before I arrived, however, a statement appeared in the Press that no matter what the Premiers thought or said, no matter what proposals were brought forward the Commonwealth was determined to bring down the uniform taxation proposals and that there would be no giving way. If that is to be the spirit of the forthcoming conven-

tion there is not much use in our going. We could be told now, and that would save a lot of time. I do not look forward to following the Prime Minister over there and possibly sharing with him an illness brought about by the long train journey, and perhaps having to rest on my return. I hope the convention is being called together for purposes of consultation, and, if fair and legitimate proposals are put forward, that some consideration will be given to them and that they will be adopted.

Mr. Doney: You are called over there to agree; that is all.

The PREMIER: I hope the convention will not be held on those lines. If so, we might as well stop here. Our attendance at the convention will involve 6,000 miles of travel, something to which not many people look forward. If the proposals contained in the Bill are genuinely open to discussion and modification, we shall be fully prepared to examine the additional powers that are required by the Commonwealth. If those powers are really needed I do not think any State will hesitate to confer them upon it. If, however, we find that the Commonwealth insists upon submitting to a referendum the powers contained in the draft Bill, then I can only say that because of their implications and because of the inopportune time this Government will be found in opposition to the proposals. I hope that is not to be the spirit of the convention. If it is, the present proposals will be such a handicap to the people of Western Australia that this Government will not be able to bring itself to supporting them.

Hon. N. KEENAN (Nedlands): The member for West Perth and the Premier have told the House that this Bill, which is known and described as the Constitution Alteration (War Aims and Reconstruction) Bill, is connected with the Statute of the Imperial Parliament, to which the Premier and the member for West Perth also referred, known as the Statute of Westminster. I make no apology for referring, at any rate in some degree, to that Statute. From what I have heard from the Premier, and from the rather brief references made by the member for West Perth, it seems possible that members generally are under a misconception as to that Statute. Its history has been told, at any rate to some extent, by the Premier, but I may perhaps remind the House of that

history. In 1924 in South Africa General Hertzog came to power as leader of the Party in South Africa known as the National Party, and consisting almost exclusively of either people of Dutch descent or of those who were connected by marriage or in some other way connected with the Dutch or the French Huguenots. To those people, Great Britain and the British Empire were anathema. They had a distinct programme by which a majority in the Union Parliament could sever the connection of the Union of South Africa and the British Empire, and declare South Africa a republic. General Hertzog went Home in 1926 to attend the Imperial Conference held that year.

There was a very strong desire on the part of the then English Colonial Secretary, Mr. Balfour—afterwards Earl Balfour—to do everything possible to save the British in South Africa, because otherwise it would have meant the most bitter civil war. It was not a mere question of South Africa breaking away from the Empire and declaring itself a republic, but it was an absolute certainty that Natal, which was intensely British, and a large portion of the Cape Colony Province, which also was intensely British, would fight, and fight to the last man, before they would allow the Union of South Africa to leave the British Empire. It may be unfortunate that actually the Dutch were prepared to meet that collision in civil warfare. They knew what it meant and were determined to go ahead and face it. So the position was exceedingly critical. Then it was that Mr. Balfour, at that Imperial Conference of 1926, brought down what is called a formula, a word which unfortunately is so used and so abused as to make it difficult to know its meaning; but what it meant was a declaration of what the Imperial authorities considered to be the position of all the self-governing Dominions, which of course included the Union of South Africa.

Under the declaration, every self-governing Dominion was wholly independent in regard to everything that it is possible to imagine a self-governing country can concern itself with. It was not only free as regards the British tie, but free as regards any influence of any other Dominion; and the consequence was that the Dominions were simply tied together by the mythical tie of the Crown; because, although it is stressed as being a mat-

ter of importance, it is in truth a matter of mere form. So General Hertzog went back to South Africa and told the Afrikaners that they were just as free to do whatever they thought fit in their own Legislature as if they were a republic, that there was no bond whatever on them by reason of their being within the British Empire, and that the tie of the Crown was one—and this is important to remember—that they could repudiate. But there was no value whatever in repudiating it. On the contrary, if anything were to happen from repudiation, it must be some loss to the party repudiating, because it would estrange that party from the sympathy which so often leads to trade and the other advantages of the other self-governing Dominions, which together form so large a part of the British Empire.

Actually, there was no keen desire whatever on the part of Australia, New Zealand or Newfoundland for this declaration by Mr. Balfour; nor did they press, as South Africa did at the next Imperial Conference, that effect should be given to the declaration by embodying it in some Act of the Imperial Parliament. I will point out in a moment what the effect was on that Statute of the existence of no keen desire whatever by Australia, New Zealand or Canada for this declaration to be so embodied in the statute-book. When the Statute was passed in 1931, after the Imperial Conference of 1930, the parties to the Statute were set out in the preamble. They were the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland. After reciting what was decided at the Imperial Conference held in the year of our Lord 1926, and also at the further conference of 1930, they concurred in making the declarations and resolutions which are set out in the Statute. Every single section of that Statute would be binding on all those parties the moment the Statute passed. They were binding on the Union of South Africa, Canada and Great Britain; but, in consequence of the doubt as to the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland wanting this legislation, they were exempted from certain sections of the Statute. In Section 10 that exception is set forth. It provides (*inter alia*)—

None of the following sections—that is, Sections 2 to 6, both inclusive—is to be applied as

part of the law of any of the Dominions which are set out in Subsection (3), unless those Dominions approve of them.

But all the rest of the Statute applies, and I personally have no doubt in the world, whatever Dr. Evatt may imagine, that any rights—unfortunately very doubtful rights—which are secured to the State by either Section 8 or 9, are the law and require no approval by the Commonwealth Parliament to be the law.

The Premier: The law relating to whom?

Hon. N. KEENAN: The law as to the relationship of Australia and the Imperial authorities, of which this Statute is declaratory. The whole Statute is declaratory. It is to clear any doubt as to the relationship between the Imperial Parliament and any one of the Dominions named, and so far as that is expressed in any other sections, except Sections 2 and 6, it stands as part of the agreement that all these parties were bound by, and in consequence of which this legislation was placed on the Imperial statute-book. In those circumstances, it is not at all surprising that there was little enthusiasm shown by New Zealand or Newfoundland or Australia to adopt the Statute of Westminster. True, some spasmodic mention was made of a desire to do so, but it was never pressed. In fact, when it was introduced it was very soon dropped, until it was recently brought forward by Dr. Evatt.

Dr. Evatt justifies his bringing it forward by two reasons in the main. One reason was that it was necessary to do so because by one of the sections it is provided that no law of the Commonwealth can be declared invalid in consequence of any of the provisions in the Statute known as the Colonial Laws Validity Act, which was passed in 1845. I have been living now in Australia for 50 years, and have been concerned very largely in public life for very many of those years, and I have never heard of any statute of any State or of the Commonwealth which was declared invalid in consequence of any provision of the Colonial Laws Validity Act. It is true that academically one can say it is possible to provide an occasion when a law might or might not be declared invalid, but that point has never arisen. In practical politics, the Statute has been of no disadvantage whatever. It would be impossible for any person who has a knowledge of the history of Australia to cite an

instance where it has been of disadvantage to the Commonwealth or to any State. One would have expected to hear of such an instance, if that had been the case, especially if it had occurred in a State.

The Premier: Or in a small colony with no responsibility.

Hon. N. KEENAN: Yes. The other reason given was that the merchant shipping legislation of Great Britain, which also by the Statute of Westminster was removed from having bearing on legislation by any of the Dominions, might create some difficulty in the passing of necessary and proper laws for navigation in Australian waters. Again, I have never heard of any instance of that. We passed our Navigation Act and no person suggests that it is faulty in any respect, because of limitations imposed by any section of any Imperial statute dealing with merchant shipping.

The Premier: It penalises Australia in some instances.

Hon. N. KEENAN: It is true that one can say academically it might, but from a practical point of view it never has. To drag down this Statute now with those excuses is practically only a make-believe. No one ever heard of any embarrassment arising in Australia from either of those Statutes or from any of the merchant shipping legislation, which is covered by the Statute of Westminster. But there is one section to which the Premier referred and which I desire to read to the House. From Dr. Evatt's point of view, it was very important to obtain that section for an ulterior purpose. It has never been mentioned by the Commonwealth Attorney General as the reason for adopting this Statute, but there is no ground in the world to doubt that it was the only reason. I refer to Section 4, which reads—

No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

Once that section has been ratified and adopted, the position, as I understand it, is this: It would probably make the matter clearer if, instead of putting it as a positive I put it as a negative proposition. What would be the position if Section 4 was not declaratory of the relations between the Dominion of Australia and the Imperial

country? If it were not the law, then if any party—any State, either that of Western Australia or any other—to the original Commonwealth Constitution Act, which was an Act of the Imperial Parliament, could properly allege that there was a breach of any of the conditions of that Statute, the Imperial Parliament would be in a position to give relief because it was the authority which created the Constitution. If that Constitution was, beyond question, abused by way of breach of any of the definite conditions on which it was granted, the Imperial Parliament had the power, before Section 4 was adopted, to pass a law to deal with such breach and rectify it. But now it will be necessary before it can pass any law affecting the Commonwealth, or anything the Commonwealth has done, to get the prior assent of the Commonwealth unless, of course, the other sections of the Statute, to which I drew attention, can be properly construed as preserving the rights of the State—not only the rights of this State, but those of any other State in Australia. That is specially mentioned in Sections 8 and 9, which were inserted at the instance of the Imperial Government after representation had been made that the States did not want to see legislation of this kind put on the statute-book of the Imperial Parliament without the preservation of the rights of the States. Section 8 provides—

Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia, or the Constitution Act of the Dominion of New Zealand, otherwise than in accordance with the law existing before the commencement of this Act.

Section 9 states—

Nothing in this Act shall be deemed to authorise the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

Lastly,—

Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia.

It is in connection with that portion that I want to bring the matter clearly before members. Nothing in this Act

shall be deemed to require the concurrence—which Section 4 required—of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia. That would be the only lifeline left. I regret to say that it was not clearly retained. The language used did not say that, if the Commonwealth of Australia was able to obtain the consent of the majority of the citizens of Australia, voting in a majority of the States, to an alteration of the Constitution under which the other party, the minority, would then have no rights left, such minority could approach the Imperial Government to prevent the abuse of the machinery of government by the Commonwealth Parliament or the Commonwealth Government. There can be no doubt that by the adoption of this Statute a very important lifeline has been severed between the people of this State, and the Parliament and people of the United Kingdom.

I have no doubt that it was the intention of the Attorney General to accomplish that, and nothing else. I now propose to refer shortly to the Bill which is entitled, 'Constitution Alteration (War Aims Reconstruction) Bill, 1942. In his remarks when introducing this Bill Dr. Evatt reminded the Commonwealth Parliament that there had been, in the 42 years which have passed since the inauguration of the Commonwealth, 18 constitutional referendums, but that only three had been successful. He then proceeded to examine the reasons for the rejection of the 15. The conclusion at which he arrived was that both in the United States—which he examined as well as Australia—and in Australia, when amending Bills merely sought to give powers, the proposals left room for fear that the powers would be exercised in some way objectionable. He concluded that the 15 proposals were rejected because the people could not be reasonably sure how the powers asked for would be exercised.

It appears to me, and I think it will to most members, to be correct to say that that is a fact. The people of Australia rejected these proposals to alter the Constitution not out of caprice, and not because they were proposed by the Government, but because they did not know how the powers sought would be used. They did not know

the extent of the powers or what would really be the result of placing them in the Constitution. If it is correct to say that that was the reason for the rejection, one marvels at the audacity of the Attorney General in recording these reasons. Let me draw attention to the specific terms of the Bill. What is asked to be placed in the Constitution is to be grouped under a new part called Part VI. and is to be headed "War Aims and Post-War Reconstruction." This is the part which members are asked to say shall be placed in the Constitution—

The Parliament shall have full power to make laws for the peace, order and good government of the Commonwealth, its territories and all places under its jurisdiction or control, for the purpose of carrying into effect the war aims and objects of Australia as one of the United Nations.

In his introductory remarks the Attorney General pointed out that the word "include" was only for the purpose of illustration and did not in any way reduce the ambit or range of the power sought. It was merely an illustration. It included the instances given by way of illustration, of economic security and social justice for the post-war world, and for the parties to the post-war reconstruction generally. In his speech Dr. Evatt explained that that meant, not in Australia alone, but everywhere in the world. On page two of his speech he says that these powers are sought for the purpose of implementing the Atlantic Charter and the historic declaration of the four freedoms involved in that Charter. It applies to anywhere and everywhere in the world. We are, apparently, to take on this job of rectifying all the conditions that are wrong in any part of the world and to give power in our Constitution for our Commonwealth Government to do that. Who on earth can say what the term "Aims of the United Nations" means? Nobody can! They vary from day to day. If members take into account the fact that these aims are the aims, not of Australia, but of the United Nations in any part of the world, can they say what they mean? There is an old expression to describe the widest possible range on the earth, and that is to say, "From China to Peru." I have no doubt that members have, at one time or another, come across that expression.

The Premier: Another is "From the Cattegat to Cape Horn."

Hon. N. KEENAN: Yes. It would be more specific to say, "The aims of the United Nations everywhere and in every place in the world." The language used by Dr. Evatt is, "Anywhere and everywhere." I have no hesitation in saying that there is not a member here who would dare attempt to explain what those words mean. They may mean anything because the aims, as I mentioned a moment ago, are changing from day to day and will continue to do so. They must because, in a large measure, to be realistic, they must be within our competence, and we do not know what we will be competent of doing tomorrow. We do not know which of the things we are capable of doing today we will be incapable of doing tomorrow.

I might give an example: After the Japanese-Russo War, at the beginning of the century, Korea which up to then had been a separate kingdom, was annexed by Japan and that annexation was recognised in the Treaty of Portsmouth. It is a well-known fact that the Koreans have suffered under Japanese rule. They have been deprived of their civil rights, and have become practically slaves. All foreign investments in Korea were confiscated. There were many British investments in that country. Japan by the right of conquest has done some of the most brutal things possible for a country to do. It might well be one of the aims of the United Nations to rectify that position and restore to the Koreans the liberty taken from them, and the right to live their own lives without fear, and practise their own customs. I have no doubt that many other instances could be called in aid to show the utter impossibility of defining the range and extent of the term "aims of the United Nations." In the course of his speech Dr. Evatt further amplified this by saying that the words which appear in the second part of the section and which begin, "Without limiting the generality" of the first part are not to be regarded as anything but a mere illustration. That is to be found on page 4 of the pamphlet. They are to be merely an illustration, but as an illustration they cover almost everything that one could conceive would form the basis of government. They deal with—

The reinstatement and advancement of those who have been members of the Fighting Services of the Commonwealth during the war and of the dependants of such members who

have died or been disabled as a consequence of the war; employment, including the transfer of workers from wartime industries and the development of the country.

That is the first and most important duty of this Government and has been the first and most important duty of every Government in Western Australia—the development of the country. That is to pass away from us. That is to be taken out of our hands.

The expansion of production and markets. Every member sitting on the Ministerial bench is fully aware that that is the constant study of the present Government and was the constant study of every preceding Government.

The production and manufacture of goods and supply of goods and services and the establishment and development of industries. All of those are absolutely the very kernel of local government.

Prices of goods and services.

When we speak of prices and services, we surely must mean the right to prescribe industrial awards, and this again is a matter which the State enjoys and always has enjoyed. Under the Constitution Act as it exists today, there is no right whatever on the part of the Commonwealth Court of Arbitration to interfere or make an award unless the dispute extends beyond the boundary of one State.

Encouragement of population.

Surely this is essentially a State matter! I notice that according to a report of a meeting held in Melbourne, enthusiastic support was given to the dumping in the Far North of a great number of ladies and gentlemen "of another nationality."

The Premier: Aliens!

Hon. N. KEENAN: I suppose they claim nationality on the ground that they are entitled to Palestine. This, however, is only an instance. I know that a concession in the North was desired for certain purposes and received a sympathetic hearing from the present Government. I have no doubt that the gentleman who approached the Government deserved a sympathetic hearing and examination of the proposals. But I do not think we did or could agree to an influx of the people to whom I have referred into that part of the State merely to make it a stepping stone to coming down here. When the gentleman who was acting as the agent for those desirous of forming that settlement approached me in the matter, I told

him I felt certain that the first question he would be asked by the Government would be, "What assurance is there that there would not be a constant leakage from the settlement to the southern parts of the State?" where we could not contemplate an influx of the sort that might occur. Apparently that matter also is to be taken out of our hands. Then we find—

Carrying into effect the four freedoms.

I have a great admiration for President Roosevelt, and I have a very great admiration for Mr. Churchill as a war leader, a man of indomitable turn of mind under whose able leadership the British people were enabled to bear their misfortunes. But I am not enthusiastic about the Atlantic Charter. I do not care for these wide, undefined expressions.

Freedom of speech.

That is an essential freedom enjoyed to the fullest possible extent in every part of the British Empire and, of course, in the United States of America. It is refused to the people only where the dictators in Europe hold sway.

Religious freedom; freedom from want and freedom from fear.

These are all elementary freedoms, and I do not think a practicable programme will be formulated by endeavouring to give specific effect to them. There must be those freedoms; otherwise society would not be worth existing in.

National works including water conservation.

So even the dams about which the Minister for Works has so ably discoursed in this House will be under the entire control of someone who is not concerned in the slightest degree with the welfare of this State, but the contrary.

Transport, including air transport; national health and fitness; housing of the people and child welfare.

Dr. Evatt says that none of these is to be cited as a limitation on the general power, but these things cited as illustrations are of the widest and most dangerous character. Having made only a short and cursory examination of the language used, is it possible for any member to say that this is more than a nebulous proposal? Could it be more nebulous? If an effort were made to make it more nebulous, would it have any success?

If it be correct to say that the people of Australia have in the past turned down 15 out of the 18 referendums because they were asked to agree to something of a nebulous character, is it not a piece of gross impertinence to ask the people of Australia to accept these proposals? As the Premier remarked, there is one specific proposal, and one only, in the whole of this Bill, which is to provide, if this is carried, that in future it will no longer be necessary to have a referendum. If this is passed, all that the Parliament of the Commonwealth will have to do will be to say that in its opinion the law that is before it is a law within its cognisance, and that will settle the matter. It will be quite unnecessary to consult the people of Australia and, of course, the people of Western Australia.

Mr. Doney: It is a referendum within a referendum.

Hon. N. KEENAN: The High Court of Australia is to be deprived of the jurisdiction it has under the present Constitution for the purpose of safeguarding the liberties of the people of Australia. It would appear to me that Dr. Evatt, having deliberately severed the only protective tie between ourselves and our kith and kin in the Home Country that existed until the adoption of the Statute of Westminster, now wants to break the tie between the High Court and the people of Australia—to abrogate the very function of the High Court.

I can recall the first words uttered in Western Australia after the High Court was established. Mr. Justice Barton, as he then was, made a speech. It was a most marvellous piece of oratory. He recalled the fact that the High Court of Australia had no outriders as had the judges in England when they went on circuit, where the sheriff had to appear with all his men-at-arms and accompany the judge on his goings to his lodgings and from his lodgings to the court. That was done to add to the dignity of the law. But Mr. Justice Barton said that that was not to be found in the case of the High Court of Australia. What was to be found was the belief of the people of Australia that this court was the watch-dog of their liberties. If those liberties were endangered, whether by an individual or a party, the court would act for their protection. That is the function of the High Court. It has other functions dealing with legal matters and the

interpretation of the Constitution, but when the Constitution was in danger of being violated the High Court was there to prohibit violation. That would be abolished if this Bill was approved of by the people.

The mentality with which the Commonwealth Attorney General approached the whole matter is clearly discovered in what he calls the alternatives he submitted, and which I beg the House to remember he undoubtedly meant were alternatives the House would adopt. I am now speaking of the Commonwealth Parliament. He submitted these proposals as ones that were assumed to be possible of adoption. If we examine them, we will discover the mentality of this extraordinary man. The first proposal was to alter the Constitution in the same way as was done on three occasions in the past. The Constitution was then altered in the way provided for in the Constitution—in other words, altered to give specific powers to accomplish specific objects. This he objects to on the ground that the power asked for and given was a power extremely hard for a layman or even a lawyer to understand. Well, the answer to that is a very simple one, assuming it is correct. It could be explained in plain language understandable by every layman. Surely that is no objection at all! If it is anything in the nature of an objection, it is an objection against the drafting of these additional powers.

Mr. Patrick: Usually a pamphlet was distributed stating both sides of the question.

Hon. N. KEENAN: Yes. Apart from that, it is only a principle of draftsmanship: and the matter can be cured at any time, even in our own Crown Law Department.

The Minister for Mines: I do not like the way you say that!

Hon. N. KEENAN: Well, it is not meant too seriously. I want to deal with the other alternative which illustrates the outlook of the type of man of the Attorney General of the Commonwealth. The second alternative is to adopt the South African Union's Constitution. That, it has been pointed out, was a Constitution which would necessitate the complete tearing-up of our Constitution. To use Dr. Evatt's own language, it would be necessary to rewrite the whole Constitution, to tear it up from beginning to end and establish another Constitution on the basis of the South African model. That

would give to the Commonwealth limitless power in all matters, leaving the States only such powers as were assigned to them by the Commonwealth. That is the alternative which he considered as a possible practical method of dealing with what he conceived to be the necessary alteration of our Constitution—to tear up the existing Constitution, which consists of certain powers which were given by the States of their own free-will, and to substitute a Constitution under which the Commonwealth would be the sole authority to delegate what authority it chose to any of the States. The only objection he had to it was that this was a kind of alternative hardly open at the present time, owing to war conditions. That was the only objection he had. Otherwise he would tear the existing Constitution to bits, throw it into the waste-paper basket, and adopt a wholly different Constitution.

The third alternative was to adopt the Canadian system. That was, shortly put, to reverse the conditions as they exist under our Constitution today. Under our Commonwealth Constitution every power which the State had not agreed to surrender and give to the Commonwealth remains in the enjoyment of the State. The whole of the residuary powers are all State owners; as for instance—I think the Premier pointed this out—the power to govern the traffic of the air. At the time of the establishment of this Commonwealth, that traffic was not dreamt of, and no provision made for it. Consequently it remained in the power of the States. But the third alternative Dr. Evatt suggested was possible and acceptable, except for some differences which I shall in a moment point out. It was the adoption of the Canadian system, under which the Central Government would have all the powers except those powers which were specially allotted to the States. Dr. Evatt said the only reason for that not being a suitable alternative to adopt was the war-time conditions; that otherwise it was admirable. The last one, he said, the Commonwealth Government had adopted, the one set out in this Bill, was to take away all the powers of the States not retaining even the Canadian principle of leaving some of the powers, or the South African principle, but to take all the powers except such powers as the Commonwealth would like, in its absolute dis-

cretion, to allow the States to exercise, either directly or else by means of agents whom the Commonwealth would provide for the purpose. That is what we are asked, what the whole of Australia is asked to endorse by our votes, saying "This is a proper measure to be inserted in our Constitution."

Hon. W. D. Johnson: Cannot that be reviewed by the proposed convention?

Hon. N. KEENAN: We have had our experience of these conventions, and I shall be surprised if this convention varies from the practice. I hope the House will bear with me if I remind it of the terms on which Western Australia agreed to join the other people of Australia in a Federal partnership. But before I deal with that aspect I would like to remind the House that when in 1933 the people of this State wished to shake themselves free from the partnership, because in their opinion it was throttling them and depriving them of any prospect of success in the future, men like William Morris Hughes and others made one point clear, that there was no political distinction in the matter. The most enthusiastic supporters of Dr. Evatt now are politically opposed to him. As the Premier reminded us, members of his party do not favour the proposal. But Mr. William Morris Hughes, when he came over here on a special mission to convert the people of Western Australia, flaunted these words, from the preamble to the Constitution Act, in our face, that "All parties had agreed to unite in one indissoluble Federal Commonwealth union under the Crown." Now apparently there is not going to be the least difficulty in dissolving that one Federal indissoluble union, nor is there to be any word of breach of faith. That was then flung in the teeth of those who were working to obtain fiscal freedom for Western Australia.

I can recall the struggle in Western Australia prior to 1900, immediately prior, in the matter of joining the Federation, of becoming one with the rest of the people of Australia, for some specific purposes, in a Federation. At first the Parliament then governing Western Australia was opposed to that taking place. I was strongly in favour of it, as were of course my goldfields friends in those days. I suppose it was the goldfields vote that finally determined the matter. But at that time we had

a strong opposition to the adoption of the proposal which was called "The Bill"—in other words, the proposed partnership contract of the people of Australia. Mr. Moorhead, afterwards Mr. Justice Moorhead, toured the goldfields—the most eloquent man in opposition to that proposal. Against it also was Mr. Vosper, a most eloquent man and a big asset of the then Labour Party, the predecessor of the present Labour Party which did not exist at that time.

Hon. W. D. Johnson: We were definitely behind him in those days.

Hon. N. KEENAN: Mr. Vosper also toured the goldfields in strong opposition. On the other hand I myself and others were enthusiastic to enter Federation; and we did so on the distinct basis of what we were told the Federation meant, not by one but by many leaders of the movement in the Eastern States. For a long time I had a correspondence—which unfortunately I have lost—with Mr. Barton, as he then was, and also with Sir Samuel Griffiths. Those gentlemen explained to me what the proposals were, and also gave an estimate, in which they were hopelessly wrong, as to what the cost of the adoption of Federation would be. But beyond any doubt the proposition that was put to the people, and the only proposition they accepted, was to enter into a Federal union in which the Federal authority would be seized of specific powers which the States would surrender to it, and would have no further power unless the States agreed to cede it to the Commonwealth. The compilation of the powers that the States were to surrender, and agreed to surrender, at that time to the Commonwealth authority that was hoped to be brought into existence was carefully effected in conventions from the middle of the last century down to the days when Barton, Griffiths, Deakin and other leaders in the eastern Colonies finally hammered out the Constitution. Even old Sir Henry Parkes lent his aid in the days when he was the supreme ruler in New South Wales.

And yet this work which took so long and was so carefully prepared by the most brilliant sons of Australia, this Attorney General of the Commonwealth had the impudence to refer to as a "horse and buggy Constitution." At any rate, I feel certain that to all thinking men any insult which that term conveys will react on the man who

offered it, not on men who are admittedly recognised as having been the most brilliant men that Australia ever had the good fortune to be served by in all her history. Now, those who framed the Constitution recognised, of course, the necessity for some alterations to be made from time to time, and provided for it in two ways, both of which have been explained by the Premier—one by the power given to the States at any time to hand over any power which they chose to hand over to the Commonwealth; the other to alter the Constitution by a referendum. I have no doubt whatever that those who framed the Constitution would have put in a safeguard preventing the destruction of the Federal structure on which the whole Constitution rests if they had thought that there was the least danger at any time of that Federal Constitution being put in peril. To make that matter more clear, I would refer members to Sections 123 and 124. In Section 123 it is provided that—

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

So they made it an absolute condition that only with the consent of the State in such a small matter as the alteration of its boundaries involved, only with the consent not only of the Government but of the people voting on the issue, could anything be done.

The Premier: The Government, the Parliament, and the people—three parties.

Hon. N. KEENAN: That is so. Yet it is suggested that this complete obliteration of our right to self-government, of the rights conferred upon us under the Constitution, can be effected without our having a word to say, if it is possible to persuade a majority of the people in Australia and a majority of the States to agree to the proposition. In Section 124 it is provided—

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States but only with the consent of the Parliaments of the States affected.

The whole inference to be drawn is that they never contemplated the possibility of the Federal structure being attacked, or they would have made provision that whatever alteration was submitted to the people of Australia under the section under which it was provided that alterations could be made, was to be consistent with the maintenance of the Federal structure.

Assuming, as I do from the past history of Western Australia, that the people, on the taking of this referendum, reject the proposal with considerable emphasis; assuming that to be what happens, have they not a moral right to refuse to be bound by a new order, entirely contrary to the contract they entered into, being forced upon them by some persons outside the State? To my mind there is no question at all, and I do not think that any member of this House questions that morally they would be entitled to repudiate any attempt to enforce any such new order upon them. They entered into a contract. It is true they did so after a good deal of hesitation, because they were not parties to the Bill as it was first passed in the Imperial Parliament. Western Australia came in as a party only after the Bill had been passed, and then entered with great reluctance and on specific terms. If those terms are fundamentally altered and abolished, I have no hesitation in saying that there is a moral right to repudiate the contract in toto. It certainly would be the case in all matters between individuals. Is a different rule to apply when a contract is made, not between individuals but between groups of individuals?

Mr. Patrick: According to the preamble, that contract had to last forever, too.

Hon. N. KEENAN: The Premier very properly said that no objection whatever would be offered to the Commonwealth addressing itself to the problem of rehabilitation after the war. On the contrary, why should we offer any objection? Why should we not give every possible assistance? Why should we object when its doing so will produce results of which we approve but which we have not the money to produce? Of course there will be no objection! I think it was when the member for West Perth was speaking that the Premier interjected to that effect. Who would possibly object to the Commonwealth having the power to carry out all post-war reconstruction which was

proposed by it, and which it was prepared to carry out? But while that is so, the only offer that is made by Dr. Evatt by way of an invitation to the States is in the last paragraph of his address, in which he invites them to commit hari-kari. There is no invitation, as an alternative to this proposal, that the States should agree to assist the Commonwealth to the very limit of their powers in post-war reconstruction. There is no suggestion whatever of that kind. The only suggestion is that the States should fall in behind Dr. Evatt in getting the Bill put to the people and passed by them.

There are a few definite reasons given by Dr. Evatt for the proposal to murder the Constitution. The first is—though not in direct language—that the promises that were made to the fighting men in the last war were broken. I think the answer of the Premier was conclusive: That if they were broken, who broke them? Not the State. But, in fact, they were never broken at all. It is the greatest concoction to say so; it is absolutely untrue! There is not a returned soldier who will allege for a moment that when he came back from the last war he did not receive generous treatment from the Commonwealth Government and subsequently from the State Government in its own sphere, a sphere it was not bound to enter. The State Government assisted in soldier settlement and, as the Premier has told us, at a loss to the State of £7,000,000. So that reason is one which is only to be described as untrue.

Then there is the other impudent assumption, with which the member for West Perth dealt, of some kind of superiority in the Commonwealth Parliament and in Commonwealth Ministers in the matter of dealing with any situation and of solving any difficulty that arises, a superiority over all State members of Parliament and all State Ministers. I had the opportunity on a few occasions to meet Federal Ministers and our own State Ministers under conditions that allowed readily of comparison, and on not one occasion was the comparison not in favour of our own State Ministers. I do not say that to flatter them, but to contradict the impudent assertion that the brains of Australia are to be found in Canberra and that outside of Canberra there is nothing but a vacuum so far as the headpieces of our legislators are concerned. There is no desire on the part of anyone in this House, certainly no desire on my part, to deery the

capacity of Federal Ministers. The only desire that is apparent is the desire on their own part, in the mouth of Dr. Evatt, to indulge in most unwarrantable bragging and that, of course, necessarily involves a denial on our part. But there is no room or occasion for recriminations. We do not want to say that we are superior men. We leave that to the Germans, especially when they are running. But we do say that we are just as good in every sense of the word in solving problems that need solution as is any Federal member or Minister.

Mr. Boyle: We have local knowledge, too.

Hon. N. KEENAN: Of course we have an enormous advantage in the fact that we know what we are talking about, and they do not. It appears that of the two reasons given by Dr. Evatt, one is untrue and the other absurd. That is all that remains to be said. There are, however, a few observations I would like to make which do not perhaps deal specifically with this motion, but might be described as observations in the nature of a long view of what may happen in the future. They are, of course, entirely personal observations and may not be fully warranted, but I should like to make them. If we examine the course of history we shall find that Democracies have always stood next door to dictatorships. Every dictatorship that has come into existence had its birth under democratic conditions. The reason is easy to discover. It is the great freedom enjoyed under democratic conditions. That great freedom lends itself to the building up of movements which tend to destroy Democracy.

There is too much freedom in a Democracy, if there can be too much freedom! The result is that, instead of efforts towards dictatorship being crushed at the start, they gather way, until finally they are so powerful that they destroy the democratic institution that allowed them to be born. So the day finally comes when one individual is able to impose himself on a nation and the nation accepts him. The oldest democratic community in the world so far as my knowledge goes, was the democracy commonly known as the Republic of Athens which existed many hundreds of years before Christ. Those responsible for the preservation of that democratic form of society, the Government, adopted a means of dealing with this difficulty. It was known as ostracism. When some individual became too powerful

in the community and had too large a following and too much influence, and therefore constituted a possible danger to the State, they had the simple system of telling him to get out. The most classic example was one of the most famous sons of Athens, a man who went all the way from Athens to Sicily. He became of such enormous importance that he constituted a danger. And so those wise men of the day put him out; they did not kill him.

Mr. Hughes: Were they wise or merely jealous?

Hon. N. KEENAN: They were wise; they did not attempt to take his place. It is impossible under the modern social system to imagine that one could now exercise any such powers as that. There is, however, an absolute safeguard affording protection against any possibility of dictatorship to be found in the unimpaired sovereign rights of the State. The German Reich was formed in 1870. That was made possible then by the wholly independent German States surrendering part of their powers at Versailles to the new authority that was called into existence by Bismarck—the German Reich. That system continued right down to the days of Hitler. Members will find on page 471 of “Mein Kampf” that Hitler at once saw that the existence of independent States like Bavaria—with its own Government and subject only to the powers that it had surrendered to the central Government—Saxony, and Wurtemberg as well as other similarly situated States, constituted an absolute block to the progress of his movement. He realised that those self-governing States had to be destroyed before his movement could succeed. He put the position in a few words when he wrote—

National Socialism—

That is the name by which his movement was known but we know it as Nazism—

—must claim the right to impose its principles on the whole German nation without regard to what were hitherto the confines of the Federal States.

Hitler worked for that purpose and destroyed the Federal States. Then, having secured all the power in the hands of the central Government, he destroyed that Government and became the dictator we know him to be today. Of course, it is a long, long cry before any dictator could possibly arise in Australia. But so long as the separate States of Australia remain as they

are today—entirely autonomous—it is an impossibility—not a long, long cry, but an absolute impossibility—because a dictator could never secure control of all the States at the same time. Until he could get control of all the States at the one time, it would be impossible to succeed in imposing himself as a dictator in Australia. I said it was a long, long cry before there was any possibility of a dictator arising in Australia if there was only a central Government, even if all the separate States were abolished; but it is by no means a very long cry before a coterie of individuals could obtain power over the central authority, if there were only one central authority.

So long as we retain our separate autonomous powers in the States, so long is it certain that no coterie, however powerful, would be able to deprive the citizens of Australia, as a whole or any part of them, of their civil and industrial rights. It may not be tomorrow or even at an early date in the future that a position could arise such as I have indicated, but it might arise in the far distant future when a coterie of a few individuals might unite to take control over the central Government and thereby secure control as dictators in Australia. But that can never come about if we retain our identities as individual self-governing States. There can be no question that this is a matter of the greatest importance. It means very much to all of us who are looking forward into the future, and desire to preserve for our children and our grandchildren the rights we have enjoyed for ourselves during our lifetime. I wish now to add only a very few words to my summary of the position. Here again, my views are purely personal, although I think they will be shared largely by many of the members of this House. I would prefer a National Government to be in power in Western Australia, and I hold that view for many cogent reasons that I do not propose to give. Despite that, I would prefer this State to be governed by a Labour Government of the poorest calibre rather than it should be governed from Canberra.

Mr. J. Hegney: You would still have the Legislative Council in control!

Mr. Fox: Do not rake up that subject.

Hon. N. KEENAN: I would sooner see the State governed not as it is today by a Government that in many directions is excellent, but in many other ways

is not so excellent or by one that had nothing to recommend it at all, so long as it was responsible to the people of the State and elected by the people of the State. I would infinitely prefer that rather than that the State should be ruled by bureaucrats sent here by a Government centred in Canberra. I have no doubt that if the time should come for experience to be gained in that respect, that sentiment will be shared by everyone. They will agree that it was far better to be governed badly by an Administration that, from time to time, could be removed from power in Parliament through being answerable to the people themselves, than be ruled by those they cannot control in the smallest sense of the word. That brings me to the only other point I wish to emphasise. There is nothing of a party question about this subject.

I have no doubt there is no person more anxious, on behalf of the people of this State, that they shall have the right to establish their own future and determine the development of their own country than is the Premier, or his colleague the Minister for Lands, or the Minister for Works or, for that matter, any one of the Ministers on the Treasury bench. This is in no way a party matter. Whatever way we view the matter, we cannot do so from any party angle. I will conclude by saying that I strongly support the prayer of the member for West Perth in this House that in any action it takes it shall take firm action, action about which there is no doubt. We should not hang out any flag of truce or indulge in parleying, but say, straightforwardly and without qualification, that we are out to defend the rights of the people of this State, and we are out to defend those rights because we sincerely believe that without those rights there will be no future for this State.

MRS. CARDELL-OLIVER (Subiaco): After listening to the excellent speeches by the Leader of the National Party, the Premier and the member for Nedlands, I feel very humble in adding a few remarks. What I shall say I think members will agree will be practical. First of all, I do not think the Premier or the others who were asked to attend the convention, should have accepted the invitation nor should they attend. By being present at the convention they will accord tacit recognition to the right of the Commonwealth to hold the convention and

the subsequent referendum. Secondly, I think we should make a non-party protest to our Federal members, and it should be broadcast throughout the State. We should ask them to vote against the Bill that will make the holding of the referendum possible. I object, and I think every other member objects as well as the people generally, to the tremendous amount of money spent by the Commonwealth Government in sending forth Dr. Evatt's pamphlets and appeals. They have been sent to hundreds of thousands of people throughout the Commonwealth. I regard that as a misuse of State money. It is our money, because it is procured from the States. It is being utilised in putting forth propaganda.

Already we hear over the wireless a tremendous volume of propaganda in favour of the referendum. I suggest that extracts from some of the excellent speeches delivered in this Chamber be published in pamphlet form and sent throughout the country. That should be done straight away, and the work should not be left to the last moment. The pamphlets should be sent to those to whom Dr. Evatt has despatched his propaganda. We are all aware that the outside public knew nothing about the Statute of Westminster when it was ratified. In fact, they know little about our own Constitution. That is why the pamphlet I suggest should be issued at once so as to inform the people that the Statute of Westminster was ratified without their knowledge. It represents one of the most wicked, unthinking, undemocratic actions that could have been taken by any Government. The people do not know that since the ratification of the Statute of Westminster we stand alone. In my opinion we are no longer—I cannot speak technically on the point—a partner in the British Empire.

Members: Oh, oh!

Mrs. CARDELL-OLIVER: It is not a matter of "Oh, oh." I was in England when the Statute of Westminster was enacted, and I remember the discussions that took place. Many Dominion people thought it was very dangerous and that it was a mistake on the part of the British Government to enact such legislation. Individual people in England considered that it was all right because they believed that we in Australia and other loyal Dominions would never ratify the measure. They thought we would remain loyal to Britain, and therefore they

did not really mind the measure being passed. I feel that when the Constitution was being framed, if there had been any suggestion that a measure such as the Statute of Westminster could have been enacted, a safeguard would have been included so that the people of Australia would themselves have been able to decide upon their destiny. That is what we are fighting for. We want nations to decide their own destiny. The people of Western Australia should have the safeguard so that they themselves could determine such issues.

Another practical suggestion I would advance is that the Government form a team, comprising members of Parliament and, perhaps, others, to travel throughout the smaller States—I do not refer to New South Wales and Victoria, but to South Australia, Tasmania and Queensland—so as to lecture to the people there about the position, for they are the States upon which we shall have to depend if the referendum is not to be carried in the affirmative.

We all know that when Britain gave the colonies the right to become Dominions, she herself had tremendous faith in her nationals. She had slowly and painfully built up her colonies until eventually they reached the status of dominions. They did so under the protection of the British Navy and Army, and after Britain had spent no less than £1,287,000,000 on them. That is an unthinkable amount. It was then England decided she would enact the Statute of Westminster. That was done, as was explained by the member for Nedlands, particularly through Hertzog's visit to England but mainly because of Ireland and the absolute belief that Dominions already with complete freedom would not cut themselves apart from her. Ireland had been practically a nuisance to Britain for centuries. Ireland was a very dissatisfied country. All the colonies were satisfied when England granted them dominion status, except Ireland. I am partly of Irish descent, and I consider I would not be doing justice to my forbears if I did not say that the Irish are among the most loyal people in the world. We find them in the Dominions as loyal people; we find them in the British Army amongst the greatest fighters.

But I wish to make this point. The result of the passing of the Statute of Westminster, which gave absolute autonomy to the Dominions, as well as to Ireland, was that

Ireland has remained absolutely neutral during this war. She will not allow Britain to use any of her ports as naval bases. Ireland has even objected to the landing of American soldiers in Northern Ireland. By the granting of that autonomy, Britain has even given the Dominions freedom to join with her enemies against her. We can trade and have traded to the detriment of Britain, with her enemy. While Japanese cotton mills worked a 24-hour day and the mills of Lancashire were idle Britain with her navy kept the sea lanes open for the dominions to trade with Japan. I wish to read the following extract from one of the newspapers. It shows what the ratification of the Statute of Westminster may allow some of the Dominions to do. It is as follows:—

Dr. Malan, speaking in South Africa recently, said that if the next general election in 1943 was won by the party to which he belonged he would make peace with Germany and deny the use of naval bases to England, so that England would have to take them by force and this was the last war in which South Africa would be involved at the behest of England.

That has resulted from the granting of absolute autonomy and the cutting of the tie by the Dominions. That is what the Statute of Westminster has allowed some of these countries to do. If I may, I shall quote Ireland again. I think it is the political lethargy of the people of that country that has permitted them to be ruled by a 50 per cent. blood Irishman, and 100 per cent. anti-Britisher and foreigner.

I feel we can understand Dominions, with a tremendous foreign population within their borders, desiring to ratify the Statute of Westminster; but I can hardly understand Australia and New Zealand doing so, because we are almost 100 per cent. British. I am quite certain that had the people of Australia been consulted about the ratification of the Statute of Westminster they would never have ratified it. I am Australian-born and am ashamed to think that any Government, calling itself Australian of British extraction, should have ratified that Statute without consulting the people, especially—as was pointed out by the leader of the National Party—during a world war, thus allowing our enemies to think we were disloyal. Our brothers and sisters in England can rightly consider in such circumstances that we are ungrateful for the great sacrifices which they made, while they were fighting alone

for one long year to preserve freedom for us so that we could live in our own way. I consider that the Commonwealth Government's action was a betrayal of trust.

Since the Statute has been ratified, it is easy to understand the subtle agitation that was proceeding against Britain some months ago, just before its ratification. We heard over the wireless and read in leaflets that Great Britain was not giving sufficient help to Australia, that the Army in England was insufficient, while at the same time flattering calls were made to America. I do not for one moment suggest that the Commonwealth Government initiated that propaganda, but I say that it occurred. The following appeared some time ago in an Australian paper:—

British propaganda can no longer deny that the British Empire is breaking up. History records several such instances, and in each the cause was the same. Fatness caused weakness and carelessness and the ability to defend the Empire was lost. Issuing fresh propaganda will not alter the fact, even if it prevents the citizens of the Empire from finding it out for a few months.

But that is the country that is giving £10,000,000 free to Malta for housing. One would expect to read a statement like that in a foreign—a German—newspaper, not in an Australian paper. This propaganda goes on nightly. Even last night one could have heard people deriding Britain. I believe it was on account of such deliberate propaganda that the Statute of Westminster came to be ratified, as the people did not realise what was being done, the public mind being confused and agitated.

Now we come to the next serial in the political crime series. A referendum then! I may not be a Cassandra, but I definitely say that the next act after the referendum will be a republic. We have heard much about Dr. Evatt, and I suppose members know that he married a rich American woman. I think America has gone to his head.

Mr. Hughes: Apparently it went to his heart.

Hon. N. Keenan: His pocket.

Mrs. CARDELL-OLIVER: A member has told us about the four freedoms, as they are called. They are mere catch phrases. Take freedom of speech: Only the other day the member for Murray-Wellington made an excellent speech about land-girls. He said there was propaganda over the wireless that

they were being induced to join the Fighting Services and drawn from much needed work. His speech was not reported in the Press. I assert that anything said in this Chamber against the referendum or against Dr. Evatt would be expressed but mildly in the Press, if at all.

Mr. Watts: It would be censored.

Mrs. CARDELL-OLIVER: Yes. The Premier said there might be a Commonwealth Government of one mind. Of course it will be of one mind. Suppose we pass the referendum and everything in this proposed Bill becomes law: why, we should then be bound body and soul! Suppose there was a Cabinet comprised of humanitarians!

Mr. McDonald: Or Jehovah's Witnesses!

Mrs. CARDELL-OLIVER: Suppose there was a Cabinet comprised of humanitarians, who may not believe in any religion. Many humanitarians do not. That Cabinet would certainly endeavour to cut out religion, instead of allowing it to be free, because religion means freedom of thought and no totalitarian Government can allow that. Here let me say that the only Government that has never interfered with religion is our present Commonwealth Government.

Member: It did not interfere with Jehovah's Witnesses!

The Minister for Mines: That is not a religion.

Mrs. CARDELL-OLIVER: It is a religious body. They can interfere with other religions, if they so desire.

Mr. Patrick: The United States Government interned them.

Mrs. CARDELL-OLIVER: I am very glad the Commonwealth Government has power to do so in time of war; but this Bill deals with peace-time. If the Bill passes, there will be a totalitarian Government and one can be sure that religion will be eventually liquidated. Dr. Evatt has asked through the Press: Can six Governments plan as effectively as one? All I can say is that the present Government has had the power. It has been proceeding as one planning unit for some time. When the history of the war is written, I assure members it will disclose the most colossal muddling that has ever been perpetrated by a central body. We have had petrol, tea, and clothes rationing muddles. The military authorities have taken over our schools, thus disrupting our school life. There is much waste in the commissariat department. The following

letter which I received yesterday tells of the waste:—

The surplus butter which is taken from the tables at every meal is thrown into large containers, from which it is dug out by shovelfuls to light fires!

While the public were unable to secure potatoes for their use, tons of them were thrown away near the dogs' home in Subiaco. We have the muddle of the Apple and Pear Board, as well as the muddle of the A.I.F. and the A.M.F. Members will have read about the dissatisfaction of returning soldiers, who complain of being badly treated. There is no need for me to go into details, as members themselves read of such matters. Then there is the calling up of men who are put into wrong jobs. If it were not tragic, it would be funny. I know of half a dozen professional men in one camp as camp cleaners. One is a school-master with a wonderful knowledge of psychology. He was to have been placed in a psychological unit but so far he has not reached it. Instead, he has to stand at the camp entrance with a broom and shovel and obliterate the evidences of equestrian visits.

It has already been remarked by the Premier that we are as distant from the Eastern States as they are from New Zealand or the Solomons. It is not only that. Our climatic conditions are different. There is also a difference in the soil, and in the people themselves. As we were constituted we could have appealed to the Motherland if anything went wrong in our State. That right has been filched from us. We can now appeal to the Commonwealth Government if there is any great injustice perpetrated, but when this Bill becomes law we will have no authority to appeal to at all. If the referendum is passed, we will, as the member for Avon has said, become a Cinderella State. I denounce any Government—no matter what party—that uses war-time as an argument for more power to be given to it so that it can in the future do justice to the soldier.

I particularly say, in the future! The men at the front, if they are given an opportunity to vote on this referendum, will vote for it and so will the people at home because they will feel that they are giving the soldier something more than he is getting at present. The greatest snag will be that only one authority will then exist to say what the basis of post-war reconstruc-

tion shall be, and to say what terms shall be fulfilled and who shall fulfil them. By these proposals an authority similar to Hitler will be set up. We shall have a President, probably Dr. Evatt, who will say, "I am the law." Hitler said, "I am above the law." Then what about prisoners of war and the men in the jungle? Are they to have a vote? Are the men in the ships to have a vote. And what about those who have already paid the supreme sacrifice for the land they knew and loved; a land which consisted of six States one of which was the land of their birth? They knew this country to be a part of the British Empire. These men have already been betrayed!

The motive behind this Bill is simply to Sovietise Australia, but not in the way that Russia did by decentralisation and the building of industries in her far flung land, but rather as Hitler would Sovietise Europe by central control from Germany. The central power in Australia will be located in the East and we will become simply a local borough. The rock upon which ambitious men and nations so often split is that of the lust for power, and in my opinion the motive behind Dr. Evatt's proposals is that he shall be the first President of an Australian republic. Members may laugh, but that is so. I trust that the Premier will inform the public of the position and tell the people of the other States the disadvantages under which we will suffer, and they too, if this Bill becomes law. I trust we will all fight—I know we will in this Chamber—unitedly against this iniquitous proposal. I hope the Premier will see that propaganda is immediately sent out to combat this evil before it comes upon us.

THE MINISTER FOR WORKS: I move an amendment—

That all the words after the initial word "That" in line one be struck out and the words "in the opinion of this House the present time of War is inopportune for a referendum dealing with an alteration in the Commonwealth Constitution, and this House considers that an endeavour should be made to reach agreement between the Commonwealth and the States for powers to be referred to the Commonwealth, under paragraph XXXVII of Section 51 of the Commonwealth Constitution, for post-war reconstruction problems."

"Further, that if, after the holding of the forthcoming convention, amendments to the Constitution are considered necessary, they be

limited to specific additional legislative powers required for post-war reconstruction proposals," inserted in lieu.

Amendment (to strike out words) put and passed.

THE MINISTER FOR WORKS: I move—

That the words proposed to be inserted be inserted.

MR. McDONALD (West Perth): I move—

That the amendment be amended by inserting in line 4 after the word "House" the following words:—

"views with the utmost alarm the proposals contained in the Bill now before the Commonwealth Parliament entitled 'Constitutional Alteration (War Aims and Reconstruction) Bill.'"

(a) That this Parliament of the people of Western Australia considers that such proposals constitute a direct betrayal of and contradiction of the basic principles and conditions on which the then wholly independent and self-governing people of Western Australia agreed in the year 1900 to become associated in a Federal partnership with the other peoples of Australia.

(b) That in the opinion of this Parliament of the people of Western Australia the reasons put forward in support of these proposals are unfounded and without substance, inasmuch as no reasonable anticipation exists that the Government of this State will not at all times fully accord to the Federal authority any co-operation and aid asked of it in the carrying-out of post-war rehabilitation, and in particular in making adequate peace-time provision for all now engaged in the war effort, and especially for those engaged in the Fighting Forces and their dependants."

I regret that I was unavoidably prevented from hearing the contribution of the Premier to this debate, which is an occasion momentous in the history of Australia and fraught with grave possibilities to the future of this State. I believe his contribution to have been worthy of the occasion. Before proceeding further I would like to say I listened with deep interest to the speech of the member for Nedlands. The occasion is an important one, and members will agree that his speech was worthy of it. I understand from the remarks of the Premier that there is general agreement in this House that this State must defend the sovereign rights which it now possesses, and which are involved in the proposal submitted to the Commonwealth Government by the Federal Attorney General, Dr. Evatt.

The only question before the House is that of the terms in which our objection should be made. In this amendment I have ventured to propose an alternative form of protest which I would ask the House earnestly to consider. The feeling behind my amendment is this: We agree with the first part of the Minister's motion that this is not an opportune time to present a referendum of this kind to the people of Western Australia. The rest of the proposal might be replaced by something which expresses more emphatically and truly the feeling of this House and the people of this State. The amendment of the Minister for Works conveys a suggestion of compromise. That is the meaning which would be gathered by those members of the public who read it. It gives the impression that, after all, we may be prepared to surrender part of our sovereign rights to the Commonwealth Parliament, and not merely as a measure for the emergency requirements of post-war reconstruction, but permanently as powers to be gained by the central Government and, accordingly lost to this State.

I, as well as many other members, feel that this is no time for parley. Our attitude to these proposals is one of no surrender; our feeling is that these proposals of the Federal Attorney General have no basis for compromise, and none for discussion. It is not fitting that we should now make amendments to the Constitution, even if they were to be entertained at any later time. The Attorney General admits that these are matters involved in the post-war reconstruction. When the warring nations lay down their arms an interval of months will elapse before the peace terms are signed. During that period the Commonwealth Government will have at its disposal all the powers involved in our defence and will without any difficulty be able to introduce measures to return the troops, to some degree, to their civil life. There will then be ample time to take any steps which may involve the co-operation of the States with the Commonwealth Government in post-war reconstruction, or restoring soldiers and those who worked in munition factories and essential services to their peace-time employment.

As the member for Nedlands said, and the Premier also I believe, when that time comes the State will be prepared to grant all necessary co-operation, but it will ex-

tend that co-operation not as a delegate, but as a free and equal partner in the attainment of one objective. I suggest that the amendment does not express strongly and unequivocally enough the attitude which has been adopted by this House and which must be adopted by the people of Western Australia, and for that reason I have ventured to place before the House the amendment I have read. This amendment is short, but it sets out the two main features which are the basis of the objection of the people of this State to the referendum proposal. It is a betrayal of the terms on which Western Australia joined the other States in the Federal union; it is a contradiction of the essential basis of the Constitution, which is a Federal union. It proceeds on an unwarranted assumption that there will be no co-operation by the State for the protection of our sailors, airmen and soldiers and their dependants, and workers in munition factories, when they need to be restored to their peace-time avocations. That assumption of no co-operation by the State is completely without foundation, completely unwarranted, and contradicted by the past history of the State in matters of this kind.

I propose that we make an unequivocal declaration on the part of this State that there is no surrender and no compromise in connection with the proposals to be submitted to the people, so that our delegates can go to the forthcoming convention knowing exactly where we stand. They can make it clear that when the time comes and co-operation is asked for, we will not part with any portion of the sovereign rights of the State, but are and always will be prepared to extend all necessary co-operation to the Federal authorities as free and equal partners and in the exercise of sovereign rights in order to bring about the common end, which is justice and adequate protection for sailors, soldiers, airmen and those restored from war and war effort to civil life. My amendment will fulfil that object, and I hope, with all respect to the amendment moved by the Minister for Works, the House will feel that this is no time for exhibiting any doubt about the attitude of the Parliament or the State, that we cannot afford in any declaration by this Parliament to leave any suggestion in the minds of the Commonwealth Parliament and the advocates of these proposals that we are prepared to go any part of the way in the direction of the

objectives which they are seeking to attain.

MR. WATTS (Katanning—on further amendment): I support the amendment on the amendment. It will have been noticed that when the Minister for Works moved that the whole of the words after "House" be deleted, I offered no objection because it was apparent that this amendment could not be debated unless those words were first struck out. On further consideration, I have come to the conclusion that the words proposed by the member for West Perth, coupled with those that remain in the amendment of the Minister for Works, are probably far better than those which were proposed by me in the first instance. The Premier should have little difficulty in supporting this amendment, because every word uttered by him in his most admirable and well-constructed speech contained full and complete support for every phrase contained in the amendment moved by the member for West Perth. Therefore I cannot believe that the hon. gentleman will not support the amendment. I feel that there can be no question that he is in favour of nearly all, if not all, of what is contained in the amendment now before us.

When I spoke on this matter in the first place, I think I indicated that I was satisfied that the proposals, if given effect to, would destroy the Commonwealth Constitution. For the last 42 years that Constitution has worked satisfactorily to all parties, both in this State and in the rest of the Commonwealth. We might have had disagreements about it, but by and large it has proved to be a satisfactory Constitution. Therefore the second part of this amendment is wholly in accordance with my sentiments. I would ask the House to believe that this has been proved beyond a shadow of doubt, not only by the speeches made in this Chamber but also by the actions and behaviour of successive Governments since 1914.

I believe there is no reasonable anticipation that any Government in this State would not at all times fully accord to the Commonwealth Government any aid sought in the matters referred to, namely making adequate provision in peace-time for all those now engaged in various phases of war effort. It is quite unnecessary for the people of this State to contemplate for a mo-

ment any idea that any Government of this State, whatever its political opinions might be, has not done or will not do its utmost to co-operate with the Commonwealth Government in any proposals for the amelioration and betterment not only of those engaged in the war effort, but also for the whole of our people. I am quite satisfied to accept the amendment of the member for West Perth, and I trust the House will agree to it.

HON. W. D. JOHNSON (Guildford-Midland—on further amendment): I hope the proposed words will not be inserted, because we shall be assuming that we know today the questions that will be submitted to the people of Australia, and also the method by which the people will be consulted. We know what is contained in the Commonwealth Bill. The subject had to be introduced in some way, and the Commonwealth Parliament, in its wisdom, decided to submit it in the form of a Bill and not proceed with the Bill. This measure remains a Bill partly considered. It was considered in only a limited way by the expression of the views of the sponsor. He said the Bill was an introduction to the thoughts that were in the mind of the Commonwealth Government. Then he proceeded to say that the measure was not a final conclusion, not a declaration of Government intention; it was merely an outline of Government ambition. Whether that ambition will be fulfilled has yet to be determined.

Mr. Patrick: What did Dr. Evatt say later?

Hon. W. D. JOHNSON: I do not care what the hon. member thinks about Dr. Evatt. He introduced the Bill and might have been unduly dogmatic, bumptious, and that sort of thing; but I am not here to defend him.

Mr. Patrick: I was referring to what he has said since that time.

Hon. W. D. JOHNSON: True enough, in subsequent discussions he has maintained the type of expression used when introducing the Bill. That, however, was the expression of one man. We have not been given the considered opinion of the Commonwealth Government.

Mr. Patrick: He said he spoke for the Government.

Hon. W. D. JOHNSON: Again, that is the expression of one man's opinion. I have

it from the Leader of the Government that he is not dogmatic in the matter. If he had been dogmatic, the Commonwealth would not have decided to call a convention for the purpose of considering the scheme, the outline of which was roughly laid down in the Bill. The amendment of the Minister for Works is a sensible one. In speaking of what may happen when the convention meets, members are going outside the issue. They are reading into it something which is not there, something outside the expression of opinion by Dr. Evatt. Are not we elevating Dr. Evatt unduly? Are not we placing him on a pedestal, as if he were the one man who could get us by the ears and upset the whole of this Parliament and every other Parliament, simply by one speech delivered in Parliament and followed by newspaper statements? Are not we unduly magnifying the importance of that utterance?

Mr. Patrick: Yes, if it was only his opinion, but it is the Government's opinion.

Hon. W. D. JOHNSON: The hon. member does not know that; nobody knows the Government's opinion. I assume that the Bill was introduced as a bit of kite-flying. The subject had to be introduced in some form or other.

Mr. Watts: If one Minister does that, the Government must take the responsibility for it.

Hon. W. D. JOHNSON: That is all right. I have no objection to the Government saying that the introduction of the Bill was by Government consent, as of course, it had to be. But the Government's consent to the introduction of the Bill does not declare, and has not declared yet, the question to be submitted to the people of Australia, or indeed whether a question will be submitted to the people of Australia. The matter has been ventilated. It has not been implemented. But it is said that there shall be means by which the rough outline of the Bill, as dogmatically put by the sponsor of the Bill, shall be implemented by a representative convention. That may not be as democratic a method as one would like, but it is far more democratic than the method adopted by the Legislative Council of this Parliament.

Let no one talk to me about Democracy with the forms of government we have here! I say that the representative of Katanning on adult suffrage, and similarly the member

for Geraldton on adult suffrage, are the elect of the people of this State; not the elect of vested interests. They are elected by a small percentage of the people, and by this percentage are, because of their qualities and because of their progressive politics, raised to leading positions in the confidence that they will do justice to the people they represent, and that they are prepared to do justice to the rest of the people represented by other members. Therefore, this convention will be a convention of representative people; and when I say representative, I mean representative of humanity. There are going to be no vested interests represented. It is purely the human souls of Australia that will be called together to put the proposals into shape, into detailed form—either to scrap the whole thing and decide to do what is wanted by referendum, or to do it in some other way. A convention of all the States of the Commonwealth, including both sides of politics throughout the Commonwealth, must have a say.

Several members interjected.

Hon. W. D. JOHNSON: It is nonsense to deny that. Every man going to the convention will not be silent. Why reflect on the Leader of the Country Party by suggesting that he is in the bag? I am speaking now not of a Loan Council meeting, but of a Federal convention. To show that the convention will be taken seriously, let me mention that special provisions are being made for the utterances of every member of that convention to be broadcast to the people of Australia. It is going to be a truly representative gathering, so that every shade of opinion will be clearly understood. Every representative's words will be recorded, and will be reproduced in public halls. Therefore it is quite wrong to declare that the convention will not be representative. It will be representative, as far as possible, of the humanity of Australia. I am prepared to admit that if this machinery were not available for the appointment of representatives of the convention, an elective proposal, like that which resulted in the original Convention, might prove more democratic. But I declare it would be an absolute waste of money and of effort to attempt the latter method. There is no need for it.

If we have the Leader of the Government and the Leader of the Opposition from every Australian Parliament, we get a really representative convention, which would not be

very different from the convention by election that has been suggested. For instance, it is quite possible that in this State and in Queensland no Opposition members at all would be elected; it is feasible that no Labour representatives would come from either State if the elective process were adopted. However, by appointing the leaders of the two parties in every State of the Commonwealth, we shall secure a truly representative gathering with voices that will represent the respective views of the people of each State. When the brains are drawn together in one gathering, it is for them to put into shape for submission to Parliaments and the people exactly what is wanted.

Mr. Seward: How can they do that when they are out-voted?

Hon. W. D. JOHNSON: It is all right, no doubt, for Labour to be out-voted by a property Chamber; but when one gets humanity together, and only humanity, the hon. member interjecting talks about being out-voted.

Mr. Seward: That is tedious repetition!

Hon. W. D. JOHNSON: No; it is rubbing in the point of view adopted by some members. It is all right if property can have a voice; but the voice is not representative, nor can it be trusted or relied upon, and it is not faithful and true if it represents only property. With others, I represent here humanity, and humanity only; and I do not care whether the human being comes from Queensland or from Western Australia—I am convinced that he will do the best he can for the humanity of Western Australia. If the Commonwealth Parliament attempts to do an injustice to the people, then we shall have to look to these representatives of the people to protect us and to see that nothing is admitted which will undermine the interests of humanity. Then why is it that so much is being said about an alleged proposition of which we know nothing? We have listened to or read all the glorious speeches; but when one gets down to practical tinkers, what are the speeches about? There is nothing to talk about because there is nothing concrete before us. Therefore I want this House to carry the amendment moved by the Minister for Works, that we let some water run under the bridges first.

Mr. Hughes: But what if the water washes the bridge away?

Hon. W. D. JOHNSON: It cannot do that, for the bridge is well constructed and is put up to carry public opinion as expressed at the convention. Until that convention meets we have no right to move amendments of the kind suggested. The member for West Perth has much vision and great capacity but he does not possess either the right or the qualifications to read into Dr. Evatt's speech the policy of the Commonwealth Government. He cannot do it, because the Prime Minister himself has not declared anything other than that he is looking forward to the convention meeting, and is making such arrangements that not only will everyone else at that convention have the right to express his views, but his expressions will be recorded in such a manner that there will be no misunderstanding by reporters. The actual voice will be recorded, and not only will it be on record to help us to arrive at our decisions after the convention has given us something to decide, but it will be a record for all time. Therefore I hope that the wisdom of this House will realise that, seeing that we have nothing definite, it would be wise not to go too far.

I think the Premier has gone as far as he can possibly go without misrepresenting the ambitions and intentions of the Commonwealth Government as voiced in the kite-flying speeches on the Bill introduced by Dr. Evatt. When we get the proper information, we can voice our opinions, but up to date we have not got that, and therefore the Premier went as far as we can go without gross misrepresentation. While individuals can risk misrepresenting and distorting, Parliament cannot. Parliament must realise that we do not know, as a Parliament, what will be the ultimate question submitted, how it will be submitted, or whether it will ever be submitted at all.

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

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|-------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 17 |
| Noes | .. | .. | .. | .. | 17 |
| | | | | | — |
| A Tie | .. | .. | .. | .. | 0 |
| | | | | | — |

Mr. Berry
Mr. Boyle
Mrs. Cardell-Oliver
Mr. Hill
Mr. Hughes
Mr. Keenan
Mr. Mann
Mr. McDonald
Mr. McLarty

AYES.

Mr. North
Mr. Seward
Mr. Shearn
Mr. J. H. Smith
Mr. Thorn
Mr. Warner
Mr. Watts
Mr. Doney

(Teller.)

NOES.

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

Mr. Needham
Mr. Nulsen
Mr. Panton
Mr. Tonkin
Mr. Willcock
Mr. Wise
Mr. Withers
Mr. Wilson

(Teller.)

Mr. SPEAKER: The voting being equal, I give my casting vote with the "Noes."

Amendment on amendment thus negatived.

MR. PATRICK (Greenough): I move—

That the amendment be amended by adding the following words:—"for a limited period of years only."

I move this on fairly good authority. In speaking upon the proposed constitutional amendments Dr. Evatt said that they depended not only upon victory but upon the way in which the problems of reconstruction were handled in the three or four years immediately following the war. Recently the Tasmanian Labour Government decided it could not recommend the acceptance of the Bill in its present form, but favoured wide powers, fairly well defined, being given to the Commonwealth for a period of five years after the war, to deal with post-war reconstruction.

Amendment on amendment put and passed.

Amendment (to insert words), as amended, put and passed.

Question put and passed; the motion, as amended, agreed to.

BILL—LEGISLATIVE ASSEMBLY DURATION AND GENERAL ELEC- TION POSTPONEMENT.

Returned from the Council without amendment.

BILL—LEGISLATIVE COUNCIL (POST- PONEMENT OF ELECTION).

Received from the Council and read a first time.

House adjourned at 6.22 p.m.