

ADJOURNMENT—SPECIAL.**THE CHIEF SECRETARY: I move—**

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 5.52 p.m.

Legislative Council.

Thursday, 25th March, 1943.

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

QUESTIONS (2).**ARGENTINE ANT.**

Hon. A. THOMSON asked the Chief Secretary: 1, Has the Government's attention been drawn to a letter appearing in "The Albany Advertiser," dated the 18th March, 1943, under the heading of "A Worse Pest," and dealing with the spread of what is known as the Argentine ant? (This pest, if it reaches our orchards, will play havoc with our fruit industry and become a greater menace than the fruit fly.) 2, Has the Government made any attempt to exterminate this pest? 3, If not, will it realise the serious menace to rural industry if this pest becomes firmly established in this State, and take immediate steps to exterminate the Argentine ant which is apparently establishing itself in portions of Albany?

The CHIEF SECRETARY replied: 1, Yes. 2, Yes. The Argentine ant was first recorded in Western Australia from Albany in April, 1941. A comprehensive survey was immediately carried out in the Albany district and the metropolitan area. As a result regulations have been gazetted for the control of the pest. 3, Answered by No. 2.

TAXI-CABS.

As to Numbers Licensed, Fuel, Etc.

Hon. H. L. ROCHE asked the Chief Secretary: 1, How many taxis were registered in the metropolitan area as at the 12th

March, 1943—(a) by companies; (b) by individuals? 2, For what number of those taxis has the Liquid Fuel Control Board issued petrol licenses? 3, Are the remaining vehicles, if any, fitted with producer-gas? 4, If so, who issued the permits for fitting the producer-gas units in such cases, and on what authority?

The CHIEF SECRETARY replied: 1, 171 licenses issued as follows:—(a) 41 vehicles owned by companies; (b) 130 owned by individuals. 2, Information in this regard should be obtained from the Liquid Fuel Board which is a Commonwealth institution. 3, 110 fitted with gas producers. 4, The Liquid Fuel Board.

BILL—COMMONWEALTH POWERS.*Second Reading.*

Debate resumed from the previous day.

HON. H. S. W. PARKER (Metropolitan-Suburban) [2.22]: So far as I can judge the ostensible object of this Bill is to help in the bringing about of a so-called new order—a new economic and social order that is to be ushered in after the war. I should like to quote from the remarks of the Premier and the Hon. A. R. G. Hawke contained in the report of the Select Committee of another place to which the Bill was referred. In Paragraph 2 (b) the following appears:—

The people of Australia have been led to believe that a new economic and social order is likely to be ushered in in the years immediately after the war. No satisfactory new order of the nature suggested could possibly be established and maintained without a considerable measure of control or direction in respect of industry being available to a strongly constituted public authority such as the Commonwealth Parliament . . .

It is also asked in the Bill that we hand these powers over for a limited period of five years. Now, assume that the new economic order is brought in! Then I cannot understand why we need to assume that the States cannot govern as they have done. I am unable to understand that the Parliament of Western Australia cannot be as strongly constituted a public authority as the Commonwealth Parliament. Why are we not a strongly constituted public authority? Or why are we going to cease to be a strongly constituted public authority as soon as the war is over and for five years after? Are we then, after the five years, to come back and become a strongly constituted public

authority? I am one of those who still believe that the State Parliament can, and will be able to, govern the people of Western Australia; and I believe that this Parliament will do it in a far better manner than any Commonwealth Government ever will be able to. The reason for my saying that is that we have had the experience recently—in fact, ever since Federation—in that we cannot get anything done in any Federal department without the matter being referred to Canberra; it does not matter what it may be. It is not the Ministers, nor the heads of departments, that deal with these matters; and so we are dependent on some clerk, doubtless a senior clerk, in a Federal department to say whether a telephone can be shifted from one room to another.

People are always far better governed by men close to them than by men far away. So long as we have this State Parliament, the people of Western Australia can bring their troubles to it; and various troubles can be rectified far more easily, rapidly and satisfactorily here while we have a State Parliament, than by any Commonwealth Parliament. Of course, this is all for a new order. I do not know what the new order is, but later on I shall endeavour to deal with what is suggested. Section 51 of the Commonwealth Constitution Act sets out the powers of the Commonwealth Parliament, and it seems to be forgotten that those powers were given by the various States. At present the idea seems to be getting about that the Commonwealth is the sovereign power. It requires to be made known that the States are the sovereign power, and that the States will give the Commonwealth such powers as they think can be better handled by the Commonwealth—such powers as, obviously, defence, which is a national concern. But I fail to see why we should go handing out all sorts of powers to the Commonwealth for after the war because we are at war. The Prime Minister has definitely stated that the Commonwealth Government has all the powers it needs so far as the war is concerned. Not only has the Commonwealth Government all the powers it requires, but it is exercising them far in excess of the requirements of the war.

There is a great argument that the Bill is to give the Commonwealth more powers so that it may implement the Atlantic Charter. I do not know why this Parliament cannot implement the Atlantic Charter, so far as Western Australia is concerned, as

well as can the Commonwealth Parliament. If the argument is that we cannot, may I ask whether the Commonwealth Parliament can implement the Atlantic Charter to the full extent that the Parliament of Great Britain can? If the argument is good from the Commonwealth Parliament to the State Parliament, surely it is equally good from the Imperial Parliament to the Commonwealth Parliament! And therefore the logical argument is that the various Dominions should authorise the Imperial Parliament to pass all necessary legislation to implement the Atlantic Charter. When all is said and done, the Atlantic Charter, whatever our individual views with regard to it may be, has to be brought in. Let us see, then, whether it is necessary from that aspect to give powers to the Commonwealth Parliament as proposed by the Bill. That measure provides for a period of five years, and I ask members to look through the various items mentioned in it and point out one of those which can be dealt with in five years. There is the reinstatement and advancement of members of the Fighting Forces. It took a great many years to reinstate members of the Fighting Forces from the last war; in fact, I doubt if it was completed before the present war started.

Reinstatement of members of the Fighting Forces from this war will take many years, and therefore it is absurd to talk about this Bill being for a period of five years. And members must understand that whatever powers they give to the Commonwealth by the Bill are going to be everlasting. It is no use talking about or haggling over whether the period will be five years or whether the legal interpretation is, or is not, five years. It does not matter two straws what the legal aspect is. What matters is the practical aspect. And the practical aspect is this: Suppose we give the Commonwealth Parliament power to deal with uniformity of railway gauges, how on earth could that matter be completed in five years? It would be five years before the matter was proceeded with.

Hon. J. CORNELL: The Commonwealth Government would not start then.

Hon. H. S. W. PARKER: It might start after 4½ years. It might have its plans ready then, and at the end of five years what will happen? Immediately a referendum will be held and the Commonwealth Government will say, "Look how much trouble you are going to cause if you do

not give us this power. We have everything ready and have spent millions of money on it." The people will then be forced to vote "yes" on the referendum. They must do so. Whatever power is granted to the Commonwealth Parliament by this Bill must be granted eventually for all time. That is the object of the Bill. I will have more to say about the draftsmanship of this Bill later in my remarks; but I ask members to bear in mind that there is not the slightest shadow of doubt that whatever power is granted by it will be everlasting.

Hon. L. Craig: You have no authority for saying that.

Hon. H. S. W. PARKER: I have authority and will endeavour to show it.

Hon. J. Cornell: It is all assumption.

Hon. H. S. W. PARKER: Take employment and unemployment; how can that be dealt with in a period of five years? The same remark applies to organised marketing of commodities and uniform company legislation. What will happen if the Bill passes? Of course, the powers will have to be continued. Can the powers with respect to trusts and combines and profiteering and prices be given for five years only? These powers must be granted permanently. What is the use of giving the Commonwealth power to deal with air transport and repatriation, family allowances and the people of the aboriginal race for only five years? Some hon. members may be offended at what I have said, but I am afraid they will be still more offended when they hear my remarks upon the way in which this Bill is drawn. Members have had masses of literature sent to them dealing with post-war reconstruction. It has all been jettisoned. The Prime Minister said at the convention—

But how can any nation-wide Australian plan for reconstruction be made unless we are assured that nation-wide Australian authority will be available to put the national plan into execution? You might as well draw elaborate plans for a new city, without information as to whether it will be possible to go on with the building of it.

Is not that exactly what I have said? An elaborate plan is proposed to be drawn up for five years and we do not know whether it will be proceeded with. Yet that is what this Bill proposes. The Prime Minister goes on to say—

This development of the past and the dangers of the present combine to make it important that the National Parliament of Australia shall be competent to carry out the will

of the people, to whom alone fealty is due—not the people of 40 years ago, but the people of today.

Are we not paying fealty to the people who lived in biblical times when we adopt the laws that are laid down in the Bible, laws which provide for punishment of offenders? Is it right to say, because the framers of the Constitution drew it up 40 years ago, that therefore it is no good? They were long-headed statesmen, who foresaw what is happening today. They realised and appreciated that some States would remain powerful while others would perhaps become weaker and they said, "We must not allow the powerful States to rule the weaker States." This Bill is framed for the one and only purpose of allowing the powerful States to rule the weaker States. It is designed for that purpose and for that purpose alone. As I say, the framers of the Commonwealth Constitution were statesmen of no mean order and we would do well to follow in their footsteps. On 18 occasions the people of Australia were asked to agree to an amendment of the Commonwealth Constitution, but only on three did they consent to an alteration. Is that not proof that the framers of the Commonwealth Constitution were long-headed men? The way in which the Bill is drawn makes one feel rather disgusted. Did the framers think that any body of intelligent men could possibly believe that the objects of the Bill could be attained within a period of five years after the war? I venture to say that the framers of the Bill, or the principal draftsman, knew full well that that was impossible, and the Bill was only framed in this way to hoodwink the people into passing it on the basis that the powers would be transferred for five years only.

No matter how legally binding this measure may be in fixing the period for five years, in practice the powers will be transferred for ever. At the end of four years, a referendum may be held or the Commonwealth Parliament may ask for an extension of time. While some specious arguments may be advanced, solid, sound argument, which cannot be refuted, will be put forward to induce the people to vote for an extension of time. Post-war reconstruction cannot be carried out in a period of five years after the war; it will take decades to achieve that. The easiest of those years will be the first five, because then the people will have plenty of money

and a tremendous amount of work will have to be done. The first five years will not present any great difficulty; it is after that time that difficulties will arise. Why should we say that the States will not be able to govern during the first five years? Why should we suggest that the Commonwealth Parliament is much more able to deal with these matters?

Make no mistake! If we pass this Bill as it stands, it will be the end of this State Parliament. It is complete and absolute unification. I say the Bill is a deep-laid plan to force unification on the people by first transferring these powers for five years, after which the people will be forced to agree to a complete transfer. The people will have experience of the measure for five years and will think it is all right, but later they will find out what it means. I will endeavour to show that the Bill is brought forward for the creation of a new economic social order, but that it is designed to bring about a different state of affairs from that which appears at first sight. The Bill is intended to result in unification and socialisation for the benefit of a section of the community only. I shall refer to the remarks of a responsible Federal Minister. I have always understood that in a democratic country, if a responsible Minister makes a statement with which his colleagues do not agree, either he relinquishes his position or the Ministry resigns. As neither of those things has happened the Federal Ministry must be responsible for all that this particular Minister has said. In "The West Australian" of the 22nd March appeared the following:—

Melbourne, March 21.—The Minister for Labour, Mr. Ward, said at a Labour Day Social at the Trades Hall last night that he believed there was no substitute for socialism, despite all the palliatives suggested for the present out-moded system. "It is no good fooling the people. We must tell them bluntly that under capitalism wars are inevitable," he said, "and only under socialism can we get real peace instead of another uneasy armistice of the 1918 pattern."

I honestly believe there is not a man, woman or child in Australia who would not do his or her utmost to avoid wars. The Commonwealth Government's idea of avoiding wars is complete socialism, as was stated by the Federal Minister for Labour. Nothing has been said about those remarks. The Prime Minister has not objected to Mr. Ward's statement nor has any other Federal Minister. This Bill points entirely towards that

outcome. What an extraordinary state of affairs it is that there should be proposed a new order of reconstruction for one section of the community only! We have had an example of the sort the Commonwealth Government has made with reconstruction legislation, when it objected to preference being given to the finest of the manhood of Australia, men who were prepared to risk their lives and all they had for the sake of their country. The Commonwealth Government says, "No, we will not give you preference, but we will give preference to those who stayed at home, to those who made the ammunition for you who risked your lives to fight with it." And we are asked to give further powers to a Government that will do things of that sort!

The Chief Secretary: What ground have you for making that statement?

Hon. H. S. W. PARKER: The ground I have is that we are told that the Senate, voting on a party basis, included in the Repatriation Bill a clause providing for preference to returned soldiers, which was opposed by the Government.

Hon. J. Cornell: The Senate's proposal is opposed by the R.S.L., too.

Hon. H. S. W. PARKER: I do not care whether it is or not; I am telling the House what the Senate did. The Government would not give preference to returned soldiers.

The Chief Secretary: I am afraid the hon. member does not know what he is talking about.

Hon. H. S. W. PARKER: I shall be delighted if the Chief Secretary will assure me that the Commonwealth Government will give preference in all Government contracts to returned soldiers over and above the unions. I will be delighted and only too pleased then to withdraw my remarks. Here is a strange thing: We are asked to give these powers to the Commonwealth Government, and the Prime Minister is reported to have said at the recent Convention—

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

The Prime Minister wants the State Parliaments to be some sort of body to administer laws made by the Commonwealth Parliament. He wants a new constitution to be

brought in, not only for the Commonwealth, but for the States as well. In another part of his speech he pointed out how essential it was that the States should continue to administer affairs under the Commonwealth. He said—

We have come to the conclusion that we should make a great effort to obtain unanimity in achieving the main objective of the Bill, which is to give sufficient authority to the Commonwealth Parliament to assume primary, though not exclusive, responsibility for the problem of post-war reconstruction. In this spirit, the Attorney General has re-examined all the objections which have been raised and has endeavoured to meet the most important of them. Therefore, he will suggest amendments to the Bill, and I now ask him to announce them.

So this Bill is primarily though not exclusively the responsibility of the Commonwealth Government. Again, if I might be permitted to quote, Dr. Evatt said—

It is desirable to emphasise that, although we propose to ask the people to confer important additional powers upon the Commonwealth Parliament, these powers will not become the exclusive concern of the Commonwealth Parliament. The States will retain all their existing powers of legislation in relation to all the topics I have mentioned. In other words, the powers of the Commonwealth Parliament and the State Parliaments over these topics will become concurrent—which means that if, and only if, there is a conflict between Commonwealth legislation and State legislation on the topic, the Commonwealth law prevails by virtue of Section 109 of the Constitution.

What an extraordinary Bill we are asked to pass! We are going to let the Commonwealth and the States toss up as to which shall do certain things. Dr. Evatt continued—

This brings me to the last point. It has been emphasised and illustrated in the book prepared by the Commonwealth for the Convention. We agree that national planning for post-war reconstruction and the carrying out of such plans will be a task requiring both Commonwealth leadership and State co-operation. The Commonwealth will require much the same assistance from the States during the period of post-war reconstruction as has been found necessary to carry out the national planning necessary to achieve success in war. Therefore, in order to facilitate and ensure such co-operation from States and local governing bodies, a special clause has been inserted in the Bill which empowers the Commonwealth Parliament to make laws authorising any State or any State Minister, officer or instrumentality, or any local government authority to assist in the execution of any power conferred on the Commonwealth Parliament by Section 60A. This I regard as a key provision.

What does this mean? It means that the Commonwealth will pass a law and then calmly ask the Premier to make regulations under it, as was the case in connection with the liquor question. This Parliament would have no power to deal with it, and if we objected we would have only five members in the House of Representatives and six in the Senate to vote for the disallowance of the regulations. What earthly chance has Western Australia under that suggestion? None whatever! Dust is being thrown in our eyes. We are asked to pass this Bill giving the Commonwealth complete power for five years, but the Prime Minister says, "Do not forget that you States will have to help." At the present time, and prior to the war, the States helped the Commonwealth in every way and the various Governments of the Commonwealth endeavoured to help the States. I cannot see why that should not continue for the future. A wonderful volume entitled "Post-war Reconstruction" has been issued. In it the Attorney General asks himself questions and answers them. I have never yet heard of a human being that would ask himself such awkward questions that he could not answer. I will not attempt to read all these questions and answers, but a few of them are interesting. He asked himself—

Can a plan for post-war reconstruction give everyone a job?

I have a vivid recollection of a Premier saying—"Work for all!" I was one who suffered as a result. The Attorney General made the following reply to the above question:—

Yes. So long as consumers want more food to eat, more clothes to wear, more houses to live in—and so long as the community wants more roads and bridges built, more factories and machines built—we can go on employing men. It needs only Government initiative to set unemployed men to work to produce these goods and services.

It all hinges on the word "if." We have plenty of work if the work is there. His question No. 76 is as follows:—

But what guarantee is there that the Commonwealth Parliament will not abuse the power?

His answer is—

What guarantee is there that a State may not abuse its existing powers, which are undefined so far as subject-matter is concerned? The best guarantee against abuse of power is the control of the legislator by the people.

The people here have far better control over the members of this House, and those of the Assembly, than they have over the members

of the Commonwealth Parliament. We can take Dr. Evatt's answers as being very much in favour of throwing out this Bill. Again, I point this out: If a Bill was presented to this Chamber and some member asked the Chief Secretary what a particular clause or subclause meant and the Chief Secretary replied, "The Government draftsman has informed me that the court will have to interpret it," some extremely rude remarks would be made about the Government, and I venture to say that the senior legal officer of the Crown would not be asked to draft another Bill. He certainly would get a wiggling from someone—probably from the Minister concerned. This Bill was drafted by a man whom the Prime Minister describes in this way—

But the Government is fortunate in having the benefit of the Attorney General's unique experience as a constitutional jurist whose reputation extends far beyond our own country. That is the gentleman who, with the aid of two others employed by the Crown, drafted this Bill. After it had been drafted and re-drafted, etc., Mr. Watts, Leader of the Opposition in the Western Australian Parliament, asked the Attorney General a simple question, mention of which appears in the report of the Select Committee, as follows:—

Dr. Evatt was asked whether the power "Employment and Unemployment" would be limited to the relief of unemployment or would extend to the control of wages and the conditions of employment. Dr. Evatt's reply was as follows:—

I regard it as a very great power. It is difficult, especially at the beginning, to assign precise limits. Its more obvious meaning is not only the relief but also the prevention of unemployment by the provision of employment. Whether it goes further than that I should not like to say.

He is asking us to give him a blank cheque. The report of the Select Committee continues—

When asked by Mr. Watts whether this power would be likely to extend the power already possessed by the Commonwealth Parliament in regard to conciliation and arbitration, Dr. Evatt replied:—

I should not care to make a dogmatic statement or even to express a personal opinion: it is a broad power . . . If a legal dispute arose as to the meaning of the words, that meaning would be a matter for decision by the High Court.

It disgusts me to think that a man holding such a high and honourable position should calmly ask this Legislature to pass, as a Bill, something of which he himself, who has been described by the Prime Minister

as a world renowned jurist, does not know the meaning. Is there anything more disgraceful than that? As I said earlier, this Bill is only dust in our eyes. It is not brought down with the real intention of assisting in post-war reconstruction, as such. It is not quite the harmless and nice little document that it appears on the face to be. The highest legal authorities in the land cannot decide on the meanings of all the powers sought. Had the Commonwealth intended to assist in a democratic way in regard to post-war reconstruction it would have brought forward a very simple Bill and asked that the powers it has used for many years, dealing with repatriation, should be conferred on it and continued. It would not have come along in this stupid way and asked us to give powers in regard to the repatriation of the members of the Fighting Forces for five years. Who is included in the term "Fighting Forces"? I do not know. It might include anyone. It is not much use arguing what it might or might not include. I am in favour of settling the question of whether the Commonwealth Government has the power to repatriate people by giving it those powers, not for five years but indefinitely. I think every State Parliament thinks the same. I am ashamed of the tactics adopted in this matter, but I will do my utmost to assist, when the Bill reaches the Committee stage, in giving certain limited powers to the Commonwealth indefinitely. For that reason I will support the second reading.

HON. L. CRAIG (South-West): My remarks will be brief. What perturbs me about the consideration that has been given to this question and the Bill in particular is the suspicion that members of this Chamber and of another place have displayed regarding everything that is done by the Federal authorities. I do not refer to the present Government only, but to previous Commonwealth Governments as well. It would almost seem as if the people governed by the Commonwealth Administration are different from those whose destinies are controlled by State Governments. I think the Commonwealth Government is just as honest in its intentions and quite as much above suspicion as is any State Government. If we are to instil into the minds of the people generally suspicion of everything their elected Federal members do, we in Australia are in for a very bad time. The stage

has been reached when we should display some trust in our elected representatives.

Hon. C. F. Baxter: Have not those who have had experience the right to adopt that attitude in view of what has happened in the past?

Hon. L. CRAIG: I do not disagree with most things that have been said by previous speakers, but is it regarded as essential to relate the history of misdoings of previous Commonwealth Governments?

Hon. A. Thomson: Are we not justified in raising our objections?

Hon. L. CRAIG: I do not take exception to that, but now we are at the cross-roads. The Chief Secretary, during the course of his speech, made a statement that impressed me. He remarked that Australia is now a nation, that we have been recognised as a nation in war and we shall expect to speak as a nation at the Peace Conference and at the international conferences that will follow. That being the position, surely our representatives who will attend those conference must be armed with authority on behalf of the nation. I would like to ask members what the position will be if we are to chop the Bill to bits. Apparently we cannot be in agreement with any other State, for each State seems to hold a different opinion. There must undoubtedly be someone armed with authority to speak for Australia as a whole, and the States certainly cannot do that. I put this to the House: What is the alternative? What are members to do about it? It is useless going back a hundred years for instances of misdeeds. History does not help us.

Hon. V. Hamersley: History is a good guide.

Hon. L. CRAIG: It is, but in this instance a responsibility has been thrust upon us. What are we to do? Pontius Pilate washed his hands when the issue before him became too big for him to handle. That is the attitude some members are adopting. They say that because they do not like the Bill, and because its provisions will interfere with their little coteries and the beliefs they have built up, they will wash their hands of the responsibility.

Hon. A. Thomson: Are we not justified in seeking to protect the interests of the State?

Hon. L. CRAIG: We have an even greater responsibility than that, and we must shoulder it even if we dislike doing so. We

have the responsibility thrust upon us to see that 1,500,000 people are returned to industry. That in itself is a momentous consideration. I do not like the Bill any more than do other members, for I believe we cannot interpret the far-reaching effects of its provisions. No one can do so. One has only to read clause after clause, ask one's-self just how far they go and then consider the Bill as a whole, to recognise that huge powers are being handed over to the Commonwealth. The measure was framed originally with the object of transferring those powers for all time but, as a result of the discussions at the Convention, a term of five years was fixed, the effect of which has been to make some of the clauses anomalous.

For instance, those dealing with the aborigines and company legislation obviously cannot terminate at the end of five years. I take it that the comparatively short term that has been placed on the life of the Bill means that the powers to be referred will, in most instances, revert to the States. There will be some that will remain with the Commonwealth, but the passing of the Bill will not mean that everything will cease at the end of the five-year period. The States will not desire the legislation to cease. The main thing is that we must accept our responsibilities; and how are we to shoulder them? Are we to wash our hands of the whole thing and let someone else deal with it, and yet not give that other authority the necessary power to deal with the issues involved? Are we not penniless? Members know that we are dependent, and will be for some considerable time, upon the Commonwealth Government for our financial arrangements.

Hon. V. Hamersley: And the Commonwealth is dependent upon us.

Hon. L. CRAIG: We are the same people. I ask the House not to brush the Bill aside and say, "We do not like it, we will throw it out." Our soldiers will not be very pleased about this, nor will be the people who must be returned to civil employment. The exercise of extensive powers will be required for years to come. The primary producers have been asking for organised marketing for a long time and only now have they obtained controlled marketing, which has proved very successful. We should not forget that when the war is ended our main market will have gone. The Prime Minister of England, Mr.

Churchill, said quite recently, that never again would British agriculture revert to what it had been in the past, and that Britain must continue to grow greater quantities of foodstuffs than in former days. The fact is that the British agriculturists are doing that now.

Therefore Australia must find other markets for her commodities, seeing that her main outlet has already gone. We shall have to make international trade agreements for the exchange of goods. That is inevitable, and we must do that through some authority. There can be only one authority for that task—the Commonwealth Government. Unless that is done, our primary production will be in a chaotic state, particularly if some form of controlled marketing is not inaugurated. As members are aware, I hold strong views regarding agricultural matters. I go so far as to say to the powers-that-be, "You find the markets for our commodities and you need not bother about the agricultural industry, nor need you worry about spending money on the development of the agricultural areas of Western Australia." Obviously we must have markets, but I do not say that we must expect excessive prices. Wheat must be sold at a reasonable price, say, 4s. or 5s. a bushel; meat must be disposed of at about the prices that rule now, and so on regarding other commodities. If we can have the industry established on that basis, we need not bother about borrowing millions of pounds for expenditure on the development of agriculture. The industry will look after itself. It was a sad day for Western Australia when we borrowed millions for the development of the agricultural industry and proceeded to do that by putting round pegs in square holes.

Had we not adopted that policy, we would not be confronted with the tragedy that is apparent today. The greatest tragedy was precipitated by the placing of inexperienced people on the land. I have not much more to say except again to ask members what they are going to do. I am not prepared to say that someone else can have the job and evade the responsibility that is ours. We should not take up the stand that the Commonwealth Government has already the necessary powers, when we know in our hearts that that is not so. We must view this matter on an international basis and unless we pass the Bill in some form or other—

Hon. H. S. W. Parker: There is nothing international about this matter!

Hon. L. CRAIG: The whole thing is international. The whole problem of post-war reconstruction is international.

Hon. E. H. H. Hall: Do you say that the Commonwealth Government has full power to deal with repatriation matters?

Hon. L. CRAIG: No, for repatriation is linked up with controlled marketing. What is the good of putting men on the land to grow wheat if there is no market for their output? Should not there be some Australia-wide control in that direction?

Hon. E. H. H. Hall: The Commonwealth has it now.

Hon. L. CRAIG: The Commonwealth has not. All it has is a wartime power that will cease when the war ends.

Hon. E. H. H. Hall: You try to sell some of your produce and you will soon find out.

Hon. L. CRAIG: But that power is exercisable only during the war. The hon. member is well aware of that fact.

Hon. E. H. H. Hall: What about butter control and marketing?

Hon. L. CRAIG: In that industry we have a gentlemen's agreement, and luckily there are gentlemen in the industry or the arrangement would be broken down immediately. The control of butter marketing in peacetime is a voluntary arrangement that anybody could break down if he so desired.

Hon. E. H. H. Hall: Brought about by the Commonwealth Government.

The PRESIDENT: Order!

Hon. L. CRAIG: The James case proved that the Commonwealth had not the power. It is necessary that some authority should be vested with the power to control markets of that sort after the war.

Hon. C. F. Baxter: We are not disputing that.

Hon. L. CRAIG: We have to give authority for that to be done.

Hon. C. F. Baxter: There has been no objection to it in this House.

Hon. L. CRAIG: I think strong objection has been raised to giving that power.

Hon. C. F. Baxter: Not in respect to export commodities.

Hon. L. CRAIG: I cannot see how it will be possible to discriminate and determine whether we are giving enough power or too much power. Obviously we must give some power beyond that which the Commonwealth has at present. I intend to support the

second reading, and if sound argument is advanced in favour of amending certain paragraphs, I am prepared to give my help. We have to take the responsibility of ensuring that some authority will be able to speak for this country as a nation, and that it will have power to restore to industry those people who have been engaged in the Fighting Forces and have been working in war industries.

HON. SIR HAL COLEBATCH (Metropolitan): Mr. Craig stated that after the war Australia would have to be able to speak as a nation. After the 1914-18 war Australia spoke as a nation, and after the present war Australia will speak as a nation, irrespective of whether this legislation is passed to confer additional powers on the Commonwealth. The hon. member asked what we were going to do, whether we were going to shoulder our responsibility. I am prepared to shoulder my responsibility by taking the course which I consider best in the interests of Western Australia as well as of the Commonwealth. As regards matters that may arise in connection with the marketing of products, they can be arranged after the war by co-operation between the States and the Commonwealth far better than by anticipating certain things which might prove to be very different from what we expect.

In his introductory remarks, the Chief Secretary said that the Canberra Convention was the first of its kind in the history of Australia. I express but one hope and it is that it will be the last. I cannot imagine any man with the most rudimentary ideas of fair play summoning and carrying through a Convention as Dr. Evatt did. He started off by circulating an enormous quantity of printed matter dealing with certain proposals which, he said, represented the least he would accept. When he found that those proposals were not acceptable, he summoned a conference of the Premiers and Leaders of the Opposition of the various States, but before the conference met Dr. Evatt had abandoned his proposals and submitted others, modified to some extent but still unacceptable.

Dr. Evatt having done that, what happened? He appointed the people to draw up the provisions of the Bill. He did not ask the Convention to do it. No; he loaded the dice against the States and in favour of his own party, because a majority of the Premiers are not only members of his party, who had been instructed by the then very

recent Labour Conference to support even his original proposals, but also men whom he knew were bound to comply with the instructions of the Labour Conference, although they were Premiers of States. Then, as if to lend some air of fairness to the designs, he invited a member of the National Party, Mr. W. M. Hughes, to take part in the drafting of the Bill, knowing full well that Mr. Hughes is the most professed unificationist in the whole of Australia. Then, after the Bill was drafted, there was a discussion, in the course of which Dr. Evatt admitted that he was unable to explain the meaning of this or that term contained in the measure, on which doubt had been expressed by members of the Convention. This Bill is the result.

It was asserted by the Chief Secretary that it was impossible to get a clear definition suitable to all parties. Let me ask this question: To which party is it suited? Which party is suited by the fact of these powers being so indefinite? The answer to that question is to be found in the obvious motives behind the Bill. There are two motives; the one is unification and the other is the socialisation of industry. Who is suited by the indefinite character of those powers? Obviously the people who want unification and the socialisation of industry, but who are not inclined to tell the people of Australia by definite paragraphs that this is what they are after. So I say there are people who are suited by the indefiniteness of the proposals.

The Chief Secretary: That phrase had no reference at all to political parties.

Hon. Sir HAL COLEBATCH: I do not know what it had reference to. The Chief Secretary said that it was impossible to get a clear definition suitable to all parties. I do not know whether that is intended to apply to political parties or to whom it is intended to apply, but I do know that the indefiniteness of the proposals is suitable to the people who wish to use these powers for purposes other than those they have declared to the public. Both unification and the socialisation of industry have long been planks in the Labour platform, and both of them received emphasis at the Labour Conference held a few weeks before the Federal Convention. In fact, the Labour Government was complimented on what it had done during the war towards securing the socialisation of industry and was impressed with

the necessity for pushing on with the good work. How then can we disguise the fact that this is the policy behind the Bill?

Now I come to the question of the five years' limitation. I agree entirely with other speakers, that the powers, once given, can never be recovered. First of all, why a period of five years? Mr. Parker has dealt clearly with that matter. I do not think anybody is wise enough to be able to tell what conditions will prevail after the war but, if we are to judge by history, we know that so far as victor countries are concerned, it has not been the first period of five years after the war that has presented the difficulties. During the years immediately succeeding the Napoleonic wars the position in England and victor countries was one of great prosperity and everyone thought the halcyon days would continue for ever. Only after a considerable number of years had elapsed did those countries experience a depression such as has not been known in modern history. After the 1914-18 war, the first five years were a period of prosperity, when everyone had plenty of money, and it was not until ten years after the war that we struck trouble.

Referring again to the five years limitation I ask, can it be effective? Is there any reason whatever for the inclusion in the Bill of a duration of five years for paragraph (a)? The Commonwealth Government has been exercising repatriation powers ever since the 1914-18 war, and if there is any doubt as to its powers in that matter being limited, what sense is there in giving the Commonwealth extended power for a mere matter of five years? Then we have the question of uniform company legislation. I do not believe it is wise to transfer company legislation to the Commonwealth; but to transfer it for a period of five years would simply be stupid. On the power over aircraft transport there might well be some limitation that would prevent the Commonwealth Government from nationalising the whole of air transport. "Family allowances" is already a power exercised by the Commonwealth Government, and a power it should have; but again, what is the use of transferring it for five years? The same may be said regarding the transfer of people of the aboriginal race.

Of the 14 powers proposed to be referred, there are at least five of which it must be said that if transferred at all they should be transferred permanently. Then take (b) em-

ployment and unemployment, (c) organised marketing of commodities, (e) trusts, combines and monopolies, (g) production, (1) national health—I say that each of these powers can be used, and I assert deliberately that it is the intention of the Commonwealth Government, that there can be no other intention in view of the Labour Party's policy, except to use all these powers for the nationalisation of industry. Now, that having been done, industry having been socialised in all directions during the course of the five years, is it not supremely ridiculous to suggest that those powers can be resumed, that what will have been done during the five years can be undone? One cannot unscramble eggs. There are only four powers of which it might be said that there was a possibility of recovering them—the powers over uniformity of railway gauges, national works, organised marketing of commodities, national health.

Before proceeding to discuss these powers separately, I should like to make this suggestion—that if the second reading of the Bill is passed, and I hope it will not be, and the House agrees to transfer certain powers, any power of which we know that if transferred at all it must be transferred permanently should be so expressed in the Bill as to give the measure some semblance of commonsense. That can be done by inserting in Clause 4, at the end of the third line of paragraph (a), the words "This Act shall not be construed as referring any matters permanently to the Parliament of the Commonwealth excepting matters such as repatriation and family allowances." The amendment would at least put some commonsense into the Bill, which it lacks at the present time.

But there is another feature of this time limitation. The Bill is to come into operation when assented to. That, we may assume, will be very shortly after it has been passed. It would come into operation during the war. Already the Commonwealth Government has used the wartime powers it possesses to a very large extent in the implementing of its policy; but there are certain directions in which it cannot go at present. It cannot use the defence powers beyond the requirements of defence. But the moment this Bill is passed and assented to, then all the powers it contains can be used at once by the Commonwealth Parliament, and there will be nothing, no obstacle at all, in the way of

their use towards carrying out the Government's policy of the socialisation of industry.

When introducing the Bill the Chief Secretary said that Australia was bound by its commitments to its Allies to provide for its people certain economic standards! I think those were approximately the words used by the Chief Secretary. It was noticeable to me that he omitted any reference to obligations cast upon Australia by the Atlantic Charter and the Lease-Lend Agreements to provide equality of treatment to the people of other countries by cutting down excessive tariffs and prohibitions. I note no references in his speech to those things. Oh yes, we are committed to other nations to do certain things for our own people, but there has been no reference to the fact that we are definitely committed to other nations to do all in our power to provide better standards of living for the people of those other nations, to admit their products, to see that they have free access to raw materials as far as we can do it.

There was in the Chief Secretary's speech no reference to obligations we owe to other countries, but simply a reference to the obligations we owe to our own people. I presume the Chief Secretary had in mind the Four Freedoms. I propose to refer to only one of them—freedom of speech. How is freedom of speech interpreted? To my mind, freedom of speech is valueless except it casts upon every man an obligation to say what he believes to be right; not when it casts upon him an obligation to say what some party conference has told him to say, even though it is diametrically opposed to what he said before and to what he said the people of his country want. It is a most extraordinary thing that members of the Government of a State should be dictated to by the Labour Conference in Melbourne!

Now to turn to consideration of the matters item by item. If there is any doubt about repatriation—I do not think there is—then that doubt should be removed and the power of the Commonwealth emphasised. Take (b), employment and unemployment! Another place in this connection has made an amendment, to my mind an impertinent amendment, an amendment giving to trade unions the right to choose between decisions of the Commonwealth and those of the State Arbitration Court. Surely it is an insolent provision to insert in an Act of Parliament that one section—not the employers, but one

section—should be allowed to choose between Commonwealth determinations and State Arbitration Court decisions. To my mind the reference of this power with respect to employment and unemployment is based on the entirely false assumption that Government activities are going to restore Australia. How is the power to be used? Where is the money going to be spent? We have present illustrations.

Every week there are complaints that goods manufactured in the other States are being sent to Western Australia notwithstanding the restrictions on shipping and rail transport. For what purpose? Obviously to advance manufactures in the big States on the eastern seaboard! If members will look at page 5 of the latest available issue of the "Statistical Abstract" they will find that since the commencement of the war departures from Western Australia have exceeded arrivals by 10,278. Of these upwards of 7,000 were males. The figures refer only to civilians. They do not take into account soldiers. Now, we know that enlistments in Western Australia have been on a higher percentage than enlistments in any other State, and that Western Australian enlistments have been relied upon, in many cases, to make up the numbers in other States. So that straight away a greater percentage of our manpower has been taken from Western Australia as soldiers; and in addition to that we have actually lost 10,278 of our population by excess of departures over arrivals since the outbreak of the war.

Hon. L. B. Bolton: In what period?

Hon. Sir HAL COLEBATCH: Since the outbreak of war until the latest statistical abstract. We know very well the result. We know the extent to which our industries have been hampered. I do not think it necessary to go into that matter further, because it is the sort of thing we cannot help in wartime. It is, however, an indication of how this State would fare either under unification or under the transfer of these powers, particularly the power of employment and unemployment. We cannot get away from the fact that political power lies with the big cities on the eastern seacoast, where the votes are and where the money will be spent.

I now come to the next reference, "Organised marketing of commodities." The word "commodities" makes that power all-

embracing. It implies a very wide extension of bureaucratic control and of government by regulation, nor is there any guarantee of its success. After the 1914-18 war the marketing of wool was organised, but largely under a co-operative scheme in which the growers had a very big say. It was not a mere Government undertaking. We have had instances of Governments trying to regulate and organise marketing, thinking that they can put the law of supply and demand out of office. It will be remembered that shortly after the last war wheat reached the high price of 7s. a bushel. There were indications that that price would not be maintained, but the Governments of the United States and of Canada put their heads together and said, "Yes, we will maintain the price. Europe is obliged to have our wheat and Europe will have to pay 7s. a bushel for it."

What was the result? Encouragement was given to people to produce more and more wheat, while on the other hand consumption of wheat throughout the Continent was cut down to the barest possible necessities. In Italy white bread was prohibited; France and Italy gave their wheatgrowers subsidies which enabled them to grow wheat on land entirely unsuited for the purpose, and for which wheat the growers were paid as much as 15s. a bushel. The result was that the American and Canadian scheme collapsed completely, and that was the first step in the depression which overtook the whole world in 1929. That depression was a direct result of organised marketing. I believe that when it comes to searching for markets, private enterprise—which has been accustomed to handling this business—will make a far better job of it than can any Government by a cut and dried scheme, having as its basis the idea that the law of supply and demand can be put on one side. Taking this paragraph in conjunction with paragraph (g), "Production," the Commonwealth Government will be given complete authority to implement its policy for the socialisation of all industry.

With regard to uniform company legislation, if this power is to be transferred at all, it should be restricted to the passing of a Companies Act, and not deal with details of company legislation; and, if it is given, it should be given permanently. We all know what happened

when the Commonwealth Government, after long years of delay, decided to exercise a power that has been in the Constitution since its inception. I refer to the passing of uniform bankruptcy law. I have not heard a single opinion expressed on that law which was complimentary to the Commonwealth Government. Every opinion I have heard expressed with regard to it has been that it has imposed additional cost and injustice upon both the creditor and the debtor.

The next two paragraphs deal with trusts, combines and monopolies, and profiteering and prices. These may be linked together. No one knows better than I that Australia has been bled over a long period of years by combines and monopolies. What is their origin and what is their strength? Tariffs and prohibitions, for which the Labour Party has been chiefly responsible, although the other parties have followed very closely! During the four years I was a member of the Senate, there was more than one opportunity of cancelling the prohibition of the importation of sugar. What happened? The Labour members to a man rushed to the support of the Colonial Sugar Refining Company. So it has been throughout. Who was responsible in 1929 for the defeat of the then Prime Minister, Mr. Bruce, without exception the finest man that post-war Australia has produced? Who was responsible? The combination between the manufacturers and the Labour Party, because Mr. Bruce had expressed his intention of bringing down the tariffs! It was they and the American picture show companies who were responsible. I know as a matter of fact that a large proportion of the expenses of the Labour Party in that campaign was provided by Sydney manufacturers. I know as a fact that when Mr. Theodore over-ran the constable to the extent of £5,000 or £6,000, he knew exactly where to go in order to get it.

Hon. C. B. Williams: Do they not all know?

Hon. Sir HAL COLEBATCH: And after Mr. Theodore got it, the manufacturers wrote their own ticket as far as the tariff was concerned. All that was in the past. Is there any indication that there is to be a change in the future? A little while ago Dr. Evatt made a world tour by aeroplane. Whom did he take with him as his technical adviser?

Hon. L. B. Bolton: Whom?

Hon. Sir HAL COLEBATCH: Mr. W. S. Robinson, the head of big business in Australia. I venture to say that had Mr. Menzies or Mr. Fadden gone on a tour and taken Mr. W. S. Robinson as technical adviser, Australia would never have heard the last of it. Dr. Evatt is going for another tour. I do not know whether he is taking the same capable adviser with him again, but I feel very strongly that the tall poppies in Australian big business will not worry at the prospect of these two powers being handed over to the Commonwealth. I have already referred to the items of production and distribution. The paragraph is worded in close accord with Labour policy, and its object cannot be disguised in view of the resolutions passed at the last Labour conference.

With regard to the control of oversea exchange and oversea investment, I think the Commonwealth Government has exercised control over oversea exchange, and I daresay it will be proper for it to continue to do so, although I do not think it needs this power to be transferred to it. The remaining portion of that paragraph to my mind can have no effect other than to discourage investment of capital in Australia. We have heard talk in Labour circles of the determination to increase Australia's population after the war. If it is to be increased—and it is a dire necessity—it will have to be done by the development of industries, and for this purpose capital will be required. If we pass legislation of this kind and tell the world that the Government in power has, as its motive, the socialisation of secondary industries, is it likely that capital for investment will be attracted to Australia? And unless we can attract capital, what is our chance of increasing Australia's population and providing employment? To my mind, the chance is very remote indeed.

I have already spoken on the subject of air transport. So far as uniformity of railway gauges is concerned, I think it would be foolish to spend a great deal of money in that direction. Uniformity of railway gauges may be considered a military necessity; if so, well and good; otherwise it seems to me that railways will have a very limited usefulness in the future. They may be required for long-distance traffic of low freight goods; these may be carried cheaper by railway than by any other method. But

if we spend money on railways and maintain them by prohibiting the use of roads for the carriage of goods by more modern transport, we shall place the country at a great disadvantage, as it will have to compete against the rest of the world. We cannot afford to do it.

In Western Australia for a long time an attempt has been made to bolster up our railways by prohibiting more modern, cheaper and better means of transport. It is a false policy, a policy that cannot help and that cannot make for the prosperity of the country. Paragraph (1) refers to National health in co-operation with the State. I do not think there is any lack of co-operation at present. What is the purpose? Is it the nationalisation of the medical profession on the New Zealand plan? To my mind that is a step of extremely doubtful wisdom though I suppose there is a good deal to be said in favour of it. I remember that 20 years ago when I was in Calcutta it was published in the Press and confirmed, so far as these things can be confirmed, that there were something like 1,500 fully qualified Indian doctors in Calcutta alone without any work to do.

It was also pointed out that there was ample work waiting for them in the country, but that they would not go there for the simple reason that, if they did, their earnings would not be above £2 a month. Having spent a good deal of money in acquiring the necessary knowledge they were not willing to go into the country. That same position does not exist here, but relatively to the different communities it does exist. It may well be said—I am speaking of peacetime—that there are too many doctors in the city and too few in the country. That might be used as an argument for the nationalisation of the profession and the compelling of doctors to go out into the country. But I think that the arguments on the other side, which I do not propose to advance now, will outweigh that argument in favour of the nationalisation of the medical profession.

I come to family allowances. That is a power already exercised by the Commonwealth Government. I do not wish to be understood as approving the manner in which the power is exercised. I have said that I regard it as dishonest for any Government to provide any form of social service to meet which it was not prepared to take money from the community. For any social services

that are provided, the community should be compelled to find the money by direct taxation. What is the case at present? We are told that £30,000,000 out of the present taxation is to be set aside for the purpose of social services after the war. We know quite well that any money raised by taxation, supplemented by loans, will be insufficient for war purposes and therefore the whole of the money raised by taxation and by loans will have to be devoted to such purposes and reliance will have to be placed on the Commonwealth Bank credit to make up the difference. If the war lasts for five years and if in each of those five years £30,000,000 out of taxation is set apart for social services, we know that when the war is over not one penny of that money will be available. The position will be no different from what it would be if the Commonwealth printed 150 million notes and said, "We are going to provide social services with that." It is a fraud—a vote-seeking fraud—but it cannot be long before the general public realises the position and understands that the £30,000,000 a year will have no real existence.

So far as the people of the aboriginal race are concerned, I am inclined to think they will be better off under the State than under the Commonwealth, provided that the Commonwealth does as it should and contributes money to the States which have to look after the aborigines. As a member of the Royal Commission on the Constitution, I remember that a great many persons interested in the aborigines urged that power to control the aborigines should be transferred to the Commonwealth and always when asked why they gave the same answer, namely, "Because the Commonwealth has the money." Other evidence given indicated that aborigines under State control were better treated than were those under Commonwealth control.

I repeat that there are two motives behind this Bill. One is unification. I think we have had sufficient experience of the raw treatment this State has received from the Commonwealth to stand four-square against any departure in that direction. For my own part I opposed, against the majority of my party, the Financial Agreement, and I am convinced that the agreement has worked to the detriment of this State and to the advantage of the politically powerful State of New South Wales. I opposed uniform taxation and I am sure that is working in the same direction, greatly to the advantage of the State where the votes are. The sec-

ond motive is the nationalisation of industries. There we have the real conflict between those who think post-war reconstruction can be carried out and post-war troubles met by the State, and those who believe these things can best be done by giving the greatest freedom and encouragement to private enterprise and initiative. I take it that every member has read the speech delivered a few days ago by the Prime Minister of England, Mr. Winston Churchill, on Britain's policy after victory. Let me commend to members four features of that speech that do not square with the policy of the Commonwealth Government now in power, the Government that desires to have this Bill passed. I shall quote the Prime Minister's words:—

1. A National Government either representing the three parties in the State or comprising the best men of all parties who are willing to serve.
2. Insurance for social security on the widest possible scale and on a contributory basis.
3. The revival of village life as the only means of sustaining the race.

Great Britain is a small country with a population of 40,000,000 people, and yet responsible individuals recognise that the British race cannot continue unless there is a reasonable surplus of births over deaths and recognise also that that can be achieved only by restoring rural life. The same arguments apply to an even greater extent to Australia which has only 7,000,000 people and in which the natural increase of population has fallen below that necessary to maintain, let alone increase the population. It is not without significance that the only State which just balances, which just shows sufficient surplus of births over deaths to maintain the population, is Western Australia. Why? Because here to a greater extent than in any other State we have a rural population. Always in all ages it has been the country which has sustained and renewed the nation, and the need in England for a restoration of village life is not nearly so great as the need in Australia for the restoration of the country. There has never been a country that has enjoyed either economic or political stability unless the man on the land has had a sense of reasonable welfare. The last of Mr. Churchill's statements, which I shall quote word for word was as follows—

There is a broadening field for State ownership and enterprise especially in relation to

all kinds of monopolies, but all the more vital is the earliest possible revival of widespread healthy and vigorous private enterprise.

There we have an expression of the need for the fifth freedom, economic freedom, which is contemplated by the Atlantic Charter, and which it is intended by this Bill to destroy. Because it is a dishonest Bill intended to do things entirely different from what appears on the face of it, I shall vote against the second reading.

On motion by Hon. G. B. Wood, debate adjourned.

MOTION—YOUTHFUL DELINQUENTS, DETENTION CONDITIONS.

To Inquire by Select Committee.

Debate resumed from the previous day on the following motion (as amended) by Hon. E. H. H. Hall:—

That a Select Committee be appointed to inquire into and report upon—

- (a) what provision should be made by the State for the care and reform of youthful delinquents;
- (b) the conditions of Barton's Mill prison as a place of detention for male youthful delinquents, and of York or elsewhere for females, and whether improvements can be effected at such places for such purpose;
- (c) the problem of juvenile delinquency generally.

HON. G. W. MILES (North) [4.52]: I want to say just a few words in support of the motion, and the suggestion made by the Honorary Minister and my late colleague, Mr. Angelo, that a training ship should be supplied for delinquent youths. I have been told that we have not a sufficient number to man a training ship but, if such a scheme could be brought about, it would be a splendid thing for the State. These boys would be trained to a seafaring life. We have as much marine wealth around our coast as we have wealth on the land. These youths would not be able to escape so easily from a training ship as they do nowadays from the prisons. Mr. Parker said that 40 years ago we had a reformatory for these youths. I do not know why we have not one today. If we cannot get a training ship, it would not be a bad scheme, as Mr. Angelo suggested, to train them in the seafaring life on an island like Carnac.

Hon. G. B. Wood: You would not want to train them to swim!

Hon. G. W. MILES: They would be trained to swim, too. Instead of these boys

mixing with criminals, as we are led to believe they do now, they would be trained to become useful citizens.

HON. F. E. GIBSON (Metropolitan-Suburban): Some little time ago I had the privilege of introducing a deputation, representing the whole of the local governing bodies of the metropolitan area, to the Minister controlling child welfare, for the purpose of discussing this question. It was made quite clear to the Minister at the time that we were not finding any fault with the conditions obtaining in the denominational institutions. We realised the remarkably fine work being carried out by those organisations. But some concern was expressed by members of the deputation because of the apparent increase in child delinquency in the metropolitan area. We went to the Minister to discuss with him the causes of the increase and the steps to be taken to minimise it. The special magistrate, Mr. Schroeder, was present at the deputation. The Minister was particularly sympathetic in his reception, and pointed out the steps the Government had hoped to take, but which it had been prevented from taking because of the present war. The special magistrate also addressed the deputation and pointed out one or two things that he thought would help and which would not involve the Government in any great expense. The Minister said that these requirements would possibly be put into operation shortly.

The special magistrate required some extension to be made to the mental home at Heathcote for the purpose of having any of these particularly bad youths so placed that the magistrate could have the advantage of trained medical knowledge to advise him as to what treatment should be given. He also suggested that a compound should be made available in the hills near Barton's Mill, and fitted so that those cases not amenable to probationary treatment could be confined and taught a trade. The deputation retired with the impression that the Minister was fully seized of the facts, and was anxious that all that could possibly be done to meet the wishes of the deputation would be done. Personally I am of opinion that the conditions existing have been greatly exaggerated. We have it from the special magistrate that the number of hard cases does not exceed ten, and of course, that is too many. But from the publicity given to the question recently one would believe that

the whole of the metropolitan area was overrun with these erring youngsters. Such is not the case. I think that the great concern shown at present is due to the more frequent cases of delinquency in young girls, that is definitely a major problem.

In his speech, Dr. Hislop told us that the conclusions he had reached, after giving the question much thought, had later to be revised. This is common to all who think seriously about the matter. Prevention, of course, is the best cure, but what about those cases which need treatment now? Through the courtesy of the hon. member I have had access to a book published in England less than two years ago dealing with this problem as it applies to the City of Liverpool. There either the offenders are placed on probation, the case is dismissed, they are sent to an approved school, or they are fined. Those sent to an approved school are the more serious cases. The vexed question of whipping is discussed. It is stated that, in spite of influential advocacy of this punishment, public opinion has forced its abandonment, and but for the war, it would have been removed from the powers of the court. When a juvenile is brought to the court, a report from the school medical officer, giving details of his physical condition, is available, and a report is asked for, from the headmaster of the school attended by him, as to his mental condition. This is somewhat similar to the practice adopted here.

To secure an accurate knowledge of the treatment of delinquents under our methods it is necessary that a study of the subsequent history of each case should be made. Such a study would take into account the offence committed, details of the delinquent's home, environment, individual characteristics, mental and physical condition, etc., the treatment prescribed and its effect, and would try to assess reasons for either success or failure. From such an inquiry would gradually emerge a basis for treatment which at present is lacking and which is the most direct need in our court today. I do not know the percentage of second offenders coming before our court, but in Liverpool it is between 30 per cent. and 40 per cent. If it is as bad in this State, surely no effort should be spared to reduce the figure. Without knowledge, however, of all aspects of the subject, the problem cannot be tackled on the best lines. An inquiry of the kind suggested would help to furnish that knowledge.

The Mayor of Midland Junction, in the course of his remarks at the deputation to the Minister, expressed the view that lack of parental control was responsible for the greater number of cases. This opinion is borne out by Dr. C. Burt, who, in his book "The Young Delinquent" says—

Of all environmental conditions, indeed of all the conditions whatsoever, that find a place in my list of causes, the group showing the closest connection with crime consists of those that may be summed up under the head of "Defective Discipline." Such features are encountered five times as often with delinquents as with non-delinquent children.

Investigations made go to show that it is the influence of environment that brings most delinquent children into court. Juvenile delinquency is not widely spread in the metropolitan area. I believe it will be found to be greater in those areas where the less fortunate of our citizens reside, although that view does not coincide with the position indicated in the figures produced by the Honorary Minister. While efforts will be made to lessen the incidence of this disease of society, it is evident that progress towards its total elimination will be difficult, if not impossible, without the solution of our various social problems.

Increase of juvenile delinquency during wartime is a well-marked feature of this new evil, and the percentage increase during the first two years of the present war is almost identical with that experienced during the corresponding period of the 1914-18 war. This may be accounted for by the absence of the father from the home with the consequent weakening of parental control. The Honorary Minister, during the course of his remarks, suggested that the shocking housing conditions that existed in Perth and Fremantle were responsible to a great extent for child delinquency in those areas. I think he greatly exaggerated the position. All are agreed that poor housing is a contributory cause that should be removed. The Honorary Minister took the local authorities to task for their neglect to improve those conditions, and suggested that medical officers and health inspectors were prevented from doing their duty by those local authorities, who had acted in the interests of landlords. I can speak for the local authority at Fremantle—I believe I can speak for all local authorities—when I say that no such interference has ever taken place. Of course, the Honorary

Minister has been a member of a local authority for many years.

Hon. C. B. Williams: Perhaps he spoke in the light of his own experience.

Hon. F. E. GIBSON: Yes, possibly he can speak with more intimate knowledge of that particular body than I can. We all desire that each home shall be characterised by decent living conditions. If the proposed Select Committee is appointed, this particular phase could receive some consideration. During the course of his speech the Chief Secretary devoted considerable attention to Barton's Mill. Some time after the transfer of prisoners to Fremantle from Barton's Mill, I accepted an invitation to visit the latter institution and I was agreeably impressed by what I saw there. I believe it reflected great credit on the department responsible for handling such a difficult position in so short a time. I know the ideals the Minister has in mind, and if they can be realised the conditions at Barton's Mill will represent a great improvement upon those that obtained at Fremantle. I sincerely trust that whatever happens, none of the prisoners at Barton's Mill will ever be returned to Fremantle.

HON. E. H. H. HALL (Central—in reply): In moving the motion originally, I was careful not to convey the impression that I was out to condemn Barton's Mill. I think I succeeded in establishing that in the minds of a majority of the members, and they have given me credit accordingly. I ask to be excused if I again refer to the letter I wrote to "The West Australian" expressing my approval of what I saw at Barton's Mill. It will be recognised that my object is not to effect general prison reform or to condemn the Prisons Department respecting what has been done at Barton's Mill. On the contrary, I have commended the department regarding many phases of the activities at that institution. Consequently, I do not desire unduly to weary the House in replying to the debate. I shall be as brief as possible. The Chief Secretary made two fairly lengthy speeches on the motion, and the Honorary Minister also spoke in opposition to the appointment of the Select Committee. Both Ministers failed to submit any sound reasons why an inquiry should not be held to enable an impartial finding to be reached regarding the many very discreditable reports that have appeared for some considerable time past in the city Press.

In the course of his remarks the Chief Secretary said that I had not submitted much to justify the appointment of a Select Committee. I refuse to repeat the damaging reports that I referred to previously. What is required is an inquiry so that, if possible, the statements appearing in those reports can be refuted before an impartial body. The Chief Secretary mentioned the frequent escapes from Barton's Mill. If members read the speech I delivered in moving the motion, they will find that I did not once mention those unfortunate episodes. That surely should convince the House that my intention is not to condemn the Government. While on that point I certainly do think, and I believe the majority of members will agree with me, that those episodes are not very creditable to the institution. They are altogether too frequent. I think we should take into consideration the cost that is involved with regard to the Police Force and the anxiety occasioned the residents of the hills districts, many of whom are women whose husbands are in the Armed Forces. The Chief Secretary admitted my commendatory remarks regarding the department's efforts at Barton's Mill, and I believe that supports my claim that the launching of the motion was not in a spirit of hostility to the administration, but with a desire to improve matters. The Chief Secretary in the course of his remarks said—

We were given 14 days in which to prepare our plans to leave Fremantle. Quite justifiably, the Minister claimed a great deal of credit for himself personally and for his officers regarding what has been done at Barton's Mill. But had the order to evacuate the Fremantle prison not been issued, we can take it that the change to Barton's Mill would not have been made, and prisoners would still have had to put up with the conditions that obtain at Fremantle. Consequently, any credit due to the Chief Secretary and his officers arose not through their own initiative but because the move was forced upon them. The Chief Secretary referred to the staff at Barton's Mill, but did not claim any credit for what had been done for them or for their wives and families. Although it might be outside the scope of the inquiry, if agreed to, I believe that the housing of the staff at Barton's Mill could be considerably improved, especially when we remember that the department has plenty of land available for what I have in mind.

I do not think anything further is required from me in order to induce members to favour the appointment of a Select Committee than to remind them of the frequent utterances made by the magistrate of the Children's Court, and also the statement by Mr. McMillan, S.M., as reported in "The West Australian" of the 27th February, when he said he regretted it was not possible to make the punishment fit the crime until the Government provided a proper institution to which juvenile offenders could be sent. How can we any longer continue to refuse to take notice of men in official positions such as those I have mentioned? Local governing authorities have also taken action to bring this matter before the notice of the Government. Let this House now act as is proposed by the motion and so justify itself in the eyes of the people.

Can any member who listened to the Chief Secretary relating the cases of youthful offenders not feel convinced that action is long overdue to make a change in dealing with these delinquents? Here are some of the cases he mentioned—one youth 16 years of age had no fewer than 38 charges against him; another of the same age had 15 charges against him; another who had 26 charges against him was said to be likely to develop into a dangerous criminal; another was likely to become a gentleman crook. We have often been told that prevention is better than cure and I ask, "Is it not time something was done?"

In 1937, a couple of years before the outbreak of the war, a deputation waited on the Minister controlling the Child Welfare Department on the matter of juvenile delinquency, and the Minister informed the deputation, not that action would be taken, but that for 12 months the Government had been giving serious thought to the matter. Two Ministers are affected; the Hon. A. R. G. Hawke controls the Child Welfare Department and the Chief Secretary controls the Prisons Department. Yesterday one member wanted to know why Barton's Mill was mentioned in the motion. As I stated in my introductory speech, I cannot separate the two matters, especially when the magistrate who has been specially appointed to preside over the Children's Court has so frequently called upon the Government publicly to do something in the direction of providing some place other than Barton's Mill for the re-

ception and treatment of juvenile offenders. Is any member now in doubt as to why I have coupled Barton's Mill with juvenile delinquency? I have been glancing through the Child Welfare Act and have wondered how many members are aware of the provision in Section 104, which reads—

(1) A written license authorising a child of or over the age of twelve years to engage, within prescribed hours and subject to the regulations, in a specified description of street trading, may be issued by the department.

This means that a boy of 12 may sell papers in the street until any hour of the night or early morning. Since I tabled my motion, a school teacher has informed me that he has in his class a boy of a little over 12 years who is out in the streets till all hours of the night selling newspapers with the result that at school the lad is only half awake.

What is the use of our having a law to compel parents to send their boys and girls to school until they reach the age of 14, and giving serious thought to extending that age to 16, unless we amend the provision in the Child Welfare Act to make the age 14 years? What is the use of requiring children to attend school until they reach the age of 14 and then, by another Act, permitting them at the age of 12 to sell papers or engage in other work that keeps them out at all hours of the night? On that alone we stand condemned. It is neither one thing nor the other. Members who have children studying for the Junior examination know that in the large majority of cases it is absolutely necessary for them to do at least one hour of study each evening. In fact, the headmaster of the High School at Geraldton told me that a child ought to do two hours of evening study. Do not we want every boy and girl who possibly can to pass that examination? Are we not spending a large sum of money on our education system? Or is the system intended for a select few only?

It is time these matters were reviewed. The two departments ought to be brought more into co-ordination and co-operation. I am not taking so much notice of what has appeared in the Press—with one exception—but I am taking notice of the repeated requests from the gentleman who presides over the Children's Court for a better place in which to treat juvenile offenders than by sending them to a general prison such as exists at Barton's Mill, good though that may be in many respects.

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

Ayes	16
Noes	4

Majority for .. 12

AYES.	
Hon. C. F. Baxter	Hon. V. Hamersley
Hon. L. B. Bolton	Hon. J. G. Hislop
Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. C. K. Cornish	Hon. H. S. W. Parker
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. H. Seddon

(Teller.)

NOES.	
Hon. J. Cornell	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. C. B. Williams

(Teller.)

PAIRS.	
AYES.	NOES.
Hon. H. L. Roche	Hon. W. R. Hall
Hon. H. Tuckey	Hon. E. M. Heenan

Question thus passed; the motion, as amended, agreed to.

Select Committee Appointed.

HON. E. H. H. HALL (Central): I move—

That a Select Committee be appointed consisting of five members, Sir Hal Colebatch—

Hon. C. B. WILLIAMS: On a point of order! I ask for a ballot without any names being mentioned previously.

The PRESIDENT: Perhaps it is better to have the ballot first, and then the motion.

Hon. J. CORNELL: I submit that the mover was perfectly right, under the Standing Orders, in first naming the members of the Select Committee. Then if any member raises objection, a ballot must be taken. Standing Order 270 reads—

Members to serve on a Select Committee shall be nominated by the mover; but if one member so demand, they shall be selected by ballot.

Hon. C. B. Williams: It is understood that I have asked for a ballot.

Hon. E. H. H. HALL: I move—

That a Select Committee be appointed consisting of five members.

Question put and passed; ballot taken.

The PRESIDENT: A ballot has been taken, and there have been six informal votes in consequence of the name "Hall" being mentioned without the initials. There are two "Halls" who are members of the Council, Mr. E. H. H. Hall and Mr. W. R. Hall. In the circumstances, the fairest course to adopt would be to have a fresh

ballot. I ask members who vote for either Mr. E. H. H. Hall or Mr. W. R. Hall to prefix the initials of those members. Fresh ballot papers must be distributed.

Further ballot resulted as follows:—Hon. Sir Hal Colebatch, Hon. C. R. Cornish, Hon. E. H. H. Hall, Hon. C. B. Williams, and Hon. G. B. Wood.

On motion by Hon. E. H. H. Hall resolved: That the Select Committee have power to call for persons, papers and records, and to adjourn from place to place, that three members form a quorum, and that the Committee sit on days over which the House stands adjourned; to report on Tuesday, the 13th April.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

That the House at its rising adjourn till 2.15 p.m. on Tuesday, the 30th March.

Question put and passed.

House adjourned at 4.50 p.m.

Legislative Council.

Tuesday, 30th March, 1943.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Business Names Bill.

QUESTIONS (2).

INCOME TAX.

As to Lag in Collection.

Hon. G. W. MILES asked the Chief Secretary: In the interests of the taxpayers of Western Australia, can the Government ascertain whether the statement published in the Sydney "Bulletin" on the 24th Febru-