

compared with counsel's brief for the plaintiff. The British authorities, as the court, will not accept anything either in the petition or in the Case for Secession, but will require everything to be proved by evidence given in the proper manner. It is necessary that the British authorities shall be satisfied that the petition and the Case for Secession are properly authenticated, before they will consent even to hear the petition. I emphasise that the Bill is not in any way a party measure. I have already pointed out the non-party nature of the referendum vote. Action to give effect to the vote must be of a similar nature. That is all I have to say on the matter, and I move—

That the Bill be now read a second time.

On motion by Mr. Latham, debate adjourned.

*House adjourned at 6.15 p.m.*

## Legislative Assembly.

*Tuesday, 24th April, 1931.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### BILL—SECESSION.

#### *Second Reading.*

Debate resumed from the 19th April.

**MR. LATHAM** (York) [4.53]: On Thursday last the Premier moved the second reading of the Bill and gave a full explanation of its contents, as well as a comprehensive history of the steps that led to the introduction of the measure. I am afraid I may weary the House to some extent because I will have to follow largely the remarks made by the Premier. I want the House to understand that Opposition members support the Bill and the principles underlying it. During the life of the present Parliament, no

other Bill has been introduced of such paramount importance as that now before us. It is very difficult for the House to say just what effect the measure will have on the future welfare of the State. That will have to be determined for us, but by the measure we will conclude the steps necessary to approach the Imperial Parliament, who will decide the issue for us. I am convinced that if we can give effect to the wishes of the people as expressed in the overwhelming majority in favour of secession, it will operate to the great benefit of the State. We can commence our deliberations regarding the Bill in the belief that we are doing something that will be of great advantage to Western Australia. Of course, the Bill is something of a preliminary nature. It represents the third step taken by Parliament towards giving effect to what the expression of the people's opinion shows they require. A Bill was introduced originally by the then Government to give the people the right to express themselves at a referendum, and members know the result of that vote, which was overwhelmingly in favour of secession. Then last session, by way of resolution moved by the Premier, Parliament decided to appoint a committee consisting of representatives of the people, not of Parliament, to frame the Case in support of secession, on behalf of the people themselves. Now the third step is the introduction of the Bill, which will enable the Case to be submitted to the proper authorities. There is nothing new in this move, nor did the pro-secession feeling originate during the last few years only. Almost immediately the effects of Federation made themselves felt in Western Australia, an agitation was commenced to enable this State to be released from the Commonwealth. In 1906 the then member for York, the late Mr. F. C. Monger, moved a motion in this House. It was carried and sent to another place where it was also endorsed. In order to carry the matter further, the member for York introduced a Bill in this Chamber. Not much progress was made with it because the then Speaker ruled that as the Bill committed the Government to expenditure, the member for York could not proceed beyond the second reading stage without a Message from His Excellency the Governor. Because of that, the Bill lapsed with the closing of the session. The measure was not taken up by the Government, and the Premier of the day explained why that was not done. He showed

that it would place him in a very delicate position. Parliament is now asked to give effect to the wishes of the people by way of an approach to the Imperial Government. That step is new to an extent. Last session the Premier clearly stated what the intention was. The members of the committee were appointed to prepare the Case on behalf of the people and they were also asked to prepare a dutiful address to His Majesty the King and petitions to be presented to both Houses of the Imperial Parliament. This House agreed to that decision, and there was no misunderstanding about the position. Members knew what the members of the committee were asked to do. If they did not favour the course proposed, members should have raised their objections then. To do so now is rather late in the day. I will not quote the detailed figures that the Premier submitted to the House last Thursday, when he stated that the referendum resulted in a majority of 67,947 in favour of secession, and a majority of 30,756 against the holding of a convention. It would be difficult indeed for any member of this House to take steps in defiance of such overwhelming majorities as those figures disclose. I propose to place before members the percentage of the votes cast in favour of secession in the constituencies represented by Opposition members. Taking the full percentage of the votes in favour of secession, the percentage in the electorate represented by all sections of the House was 66.23, or nearly two-thirds. In the electorates of Opposition members the percentage in favour of secession was 69.7, and in the electorates represented by Country Party members only, the percentage in favour was 73.3. I do not propose to express an opinion as to why the country electorates voted so solidly in favour of secession except to say that Federation has probably hit the primary industries harder than any other section of State activities. Of course, in hitting the primary producers, Federation hit the rest of the community, as well, but the general community probably did not feel its effects to the extent experienced by those associated with primary production and secondary industries. If we could segregate the votes of those associated with secondary industries, I would not be surprised if the result disclosed a 100 per cent. vote in favour of secession, because the importation of goods from the Eastern

States has adversely affected our secondary industries.

Mr. Ferguson: Some of the metropolitan constituencies voted for secession.

Mr. LATHAM: They all did. The Premier told us that 44 out of the 50 electorates represented in this Chamber voted in favour of secession. Unless members who represent those 44 electorates intend to act in accordance with their own opinions and not in accordance with the expressed views of the majority of the electors in their constituencies, they must support the Bill. It would indeed be daring on their part if they adopted the attitude that at times their democratic principles would compel them to give effect to the wishes of the majority, and at other times to flout the opinions of the greater number of their constituents. I am sure, therefore, that we will have 44 members voting in favour of the Bill in this Chamber. As to the other six members, I believe they realise that a majority of the people have the right to control. The Premier pointed out last Thursday that unless we appreciated that point and recognised what it meant, the probability is that we may see members who act in a contrary manner having no further right to their seats in the near future.

The Premier: I hold one of the seats.

Mr. LATHAM: But the Premier recognises that he is first of all Premier of the State and is member for Boulder in a secondary sense. It is because of that, that I appreciate the Premier's introduction of the Bill. Opposition members have no fault to find with the work of the Premier with regard to secession. He has taken the steps necessary to give effect to the wishes of the people, so far as it is possible for him to do so, and the Opposition are behind him in that respect. All the electorates voted against the holding of a convention to revise the Constitution, and in all the electorates, the percentage against that method of adjusting the State grievances was 57.91. The percentage against a convention registered by the electorates represented by Opposition members was 61.8, while in the electorates represented by Country Party members, the percentage in opposition to a convention was 64.7. It can clearly be seen that the people as a whole were not satisfied that they could obtain the relief they desired by means of a convention. The suggestion was that at the convention the States should be represented by an equal number of representatives, but even then the people were not satisfied. I endorse the opinion expressed by the Premier, that the

authorisation of the Case and petitions by an Act of Parliament represents the most effective way by which we can carry out the wishes of the people. I do not know of any better way. We could, as suggested by the member for Guildford-Midland (Hon. W. D. Johnson), content ourselves by passing a resolution in this House and a similar resolution endorsed by another place. On the other hand, we know what effect such resolutions usually have. If we know it, the people in Great Britain will soon share that knowledge. The Imperial Parliament would know it, and the advisers to the Imperial Government would know how we view such matters. They would know that resolutions of this House have not the binding effect that characterises an Act of Parliament passed by both branches of the Legislature. When such a Bill is passed and the Royal assent is given to it, some notice has to be taken of the measure. Decidedly the method suggested by the Premier is the most effective I know of. We pass Bills in this Chamber only after grave consideration has been extended to them, but we know that resolutions are frequently passed because we appreciate how little effect they will have. I believe that if we are to give serious recognition to the views of a vast majority of the people, we must do as the Premier has indicated. The people have expressed a desire to which Parliament must give effect. We cannot afford to fail in our duty to the people, else we shall know what to expect of them in the near future. They have spoken in no uncertain voice. It was a very simple issue. It did not require that members of political parties should go around among the people and explain it. The people were simply asked did they desire to remain in the Federation, or did they want separation from it. It will be put up that the people were not educated on the question. I contend that if the people were not sufficiently educated, our educational system has failed. Of course they were educated. It is to the credit of all political parties that they did not go around canvassing, but left the matter entirely to the people. The probability is that members on the Government side might have influenced some votes if they had gone out and tried to do so. But they did not do that, and so the people were left untrammelled to express their opinion, which they have done. I am not merely expressing my own opinions, for I know they are endorsed by my party. If other members know

of a better way of giving effect to the voice of the people, they will say so, but at the same time I think they missed the proper opportunity, which was given to them last session when they were clearly told by the Premier how it was proposed to give effect to the people's vote, namely by a dutiful address to His Majesty and by humble petitions to both Houses of the Imperial Parliament. Some members say the Case for Secession contains too much detail. That is a matter entirely for the committee which this House appointed, and has nothing to do with us. It is the people's Case, not our Case. I am sure if Parliament had decided that it should be a Case from this Parliament, it would have been given to parliamentarians to prepare. However, it is not our Case, and so we have to accept it as it is, or reject it, or refer it back to the committee that prepared it. We have no other alternative. It has been suggested to me that the Case can be adopted or can be altered and amended and all sorts of things done to it. I do not agree with that. Some years ago a Royal Commission was appointed to fix the boundaries of our electorates. The Commission fixed those boundaries and reported to this House. But the House was not satisfied with the report and consequently referred it back to the Royal Commission. The Commission, however, insisted that they had done the work as instructed, and refused to alter it. That was the reply sent back to the House. It was discussed by the House, and in the end it was recognised that it was the work of the Royal Commission, not the work of parliamentarians. Similarly, the Case before us to-day is not the Case of this House but is the people's Case prepared by the people, by a committee not of this House. All that we have to do is to see that the Case is circulated and properly sent on by way of dutiful address to His Majesty and humble petitions to the Imperial Parliament. The Case itself is of very great value. Not only will it tell the people of this State many things they did not know, but it will inform the people of the Eastern States of some of the disabilities under which Western Australia labours. It will educate the people in the Old Country, and when the petitions reach the Imperial Parliament they will convey all the information to be desired by that Parliament. Certainly it will be *ex parte* information, but, after all, our responsibility is to put up the Case for our people. When

that Case reaches the Homeland, the Federal Parliament will be fully acquainted with it and no doubt they will put up their reply. I know, from the readings of documents and conferences and Royal Commissions appointed by the Imperial Government, that very grave and serious consideration will be given to all the issues when the Case reaches the committee that may be appointed by that Parliament to consider it. Had the Case been submitted to the people before the referendum was taken, I am convinced the majority would have been far greater than it actually was, for the Case would have influenced many people who voted against secession. Since the circulation of the Case, I have heard many say they voted against secession but if they had had all the information before them they would have supported it. I want to emphasise the point that 44 members of this House represent the electorates that returned majorities in favour of secession. I hope those 44 members will cast their votes on behalf of the people, not on behalf of themselves. Coming to the Bill itself, I cannot see anything contentious in it. There is only one clause about which there may be some disagreement. The Bill is very simple. It sets out the form of the address and petitions, which must comply with the Rules and Standing Orders of both Houses of the Imperial Parliament. It provides that signatures shall be affixed, the proposed procedure for presentation of the Case to the King and Parliament. It authorises limited expenditure by the delegation without the consent of the Treasurer, and provides that the Revenue Fund shall be appropriated for the purposes of the Act, to give effect to the Act. The most important part of the Bill is contained in the Second Schedule, which sets out the text of the petition. That text epitomises the Case as briefly as possible, and no part of it, I think, could be left out. Some may say that it repeats itself a little; but that is only where it emphasises points requiring emphasis. In as few words as possible the text of the petition sets out very clearly what we want His Majesty's advisers and the Imperial Parliament to know. At this stage I desire to congratulate the committee on their work. It has been admirably done and a great deal of time must have been devoted to it by each of the members of the committee. The work was carried out in an honorary capacity and, on behalf of members of my party, I wish to tender our best thanks to the committee for the very fine

work they have done. Evidently those gentlemen threw themselves whole-heartedly into their task, which involved a tremendous amount of investigation. The Case reflects great credit upon them. It sets out the history of Federation: it gives a great deal of Federal and State statistical information; it deals with the reports of Royal Commissions and committees of inquiries into the disabilities of the State; it gives opinions expressed by experts and competent authorities on the relationship between the States and the Federal Parliament; it contrasts Commonwealth finances with State finances, and it presents the conclusions arrived at by the committee after exhaustive investigations. When one reads the Case and the headings of the petitions, he must be fully convinced it is not this Parliament's Case. The petitions start off with "We, the people," not "We, the Parliament of Western Australia," and so they go on right through. There can be no misunderstanding; it is the Case, not of this Parliament but of the people who put this Parliament here.

The Premier: We are the agent's handling it for the people.

Mr. LATHAM: That is so, we are merely handling it on behalf of the people. I stress that, because some members seem to have the idea that they are at liberty to alter the Case. I contend that it is not our Case and therefore not a Case for altering, but must be adopted or sent back. Personally, I do not see how we could alter it. I am no constitutional authority, but I claim to have a certain amount of common sense, and that common sense dictates to me that it would be very unwise of me, with the limited time at my disposal and the limited knowledge that I have, to attempt to alter it in any way. That Case clearly sets out the reasons why we are asking His Majesty the King and the Imperial Parliament to grant the request of our people. Let me quote from Thomas Jefferson, the third President of the United States of America, who said—

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth the separate and equal stations to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the cause which impel them to the separation.

Those remarks can well be applied to Western Australia to-day, and I claim that the committee has worthily set out the Case to be laid before His Majesty and the Imperial Parliament with the request that we be granted separation from the Eastern States. I am most anxious to see the Bill assented to and the Case for Secession safely launched. There are still a few more steps to be taken and, during the progress of our attempt to get secession, it may have to traverse stormy waters. But I know that there is ahead the beacon of success to guide us to the ultimate goal of Dominion status. I feel confident that it requires only the whole-hearted support of the House to give effect to the wishes of the people. We must endeavour to reach that goal without creating any discordant note or unfriendly feeling, and with a minimum of disturbance. Much depends upon the selection of the right persons to form the delegation to launch the request in Great Britain, and the Premier has asked that that be left entirely with him. The minority in this State has always shown a ready willingness to get behind the majority when it will lead to our mutual benefit, and I am confident that we can give effect to the wishes of the people and so reach the ultimate goal of Dominion status. I cannot quite understand the attitude adopted by the member for Guildford-Midland (Hon. W. D. Johnson) the other day. He had an opportunity to voice his objection to the procedure when, last session, the motion was moved by the Premier authorising the committee to prepare a Case for secession, a dutiful address to His Majesty and humble applications to both Houses of the Imperial Parliament. At that time the hon. member raised no objection. Yet that was the time when we were instructing the committee to do certain things. Now the hon. member says that all that is necessary to do is to pass a resolution in this House, which is very different from views that he previously expressed.

Hon. W. D. Johnson: The Premier said I was too early, but now you say I was too late.

Mr. LATHAM: You were too early in the day, for you were anticipating the Bill. That was the whole trouble. If only the hon. member had been a little patient he would have seen what was in the Bill; but he was anticipating. No doubt he was keenly disappointed when he saw the Bill.

Hon. W. D. Johnson: There is no doubt of that.

Mr. LATHAM: I am glad the hon. member has admitted it. The hon. member had an opportunity previously to raise the issue that he sought to raise the other night. The House had previously agreed to the course to be adopted.

Hon. W. D. Johnson: It had not decided.

Mr. LATHAM: It had; the hon. member has only to look at the resolution passed by Parliament.

Hon. W. D. Johnson: It has no bearing on the point.

Mr. LATHAM: We instructed a committee to prepare the Case.

Hon. W. D. Johnson: Yes.

Mr. LATHAM: And the very fact of our instructing a committee to prepare a dutiful address to His Majesty and petitions to both Houses of Parliament gave the hon. member an opportunity to raise an objection.

Hon. W. D. Johnson: I did not object to the address: this is purely a citizens' matter.

Mr. LATHAM: Yes, a petition of the people.

Hon. W. D. Johnson: Not of the people.

Mr. LATHAM: I say that the committee represented the people. The hon. member would not care to accept a challenge to submit the question once more to a referendum, because he would find that he was voicing the opinion of a smaller minority than before. In quoting the case of Newfoundland, the hon. member mentioned only the final proceedings. There is no analogy between the case of Newfoundland and that of Western Australia. Much had been done previously to prepare the way for the action adopted in regard to Newfoundland.

Hon. W. D. Johnson: That has no bearing on the points I quoted.

Mr. LATHAM: Newfoundland could not finance itself, and asked the Imperial authorities to suspend or cancel the Constitution and arrange for government by commission.

The Premier: Parliament asked for it, not the people.

Mr. LATHAM: Yes, the Parliament of Newfoundland discovered that they could not obtain sufficient money to meet commitments. They approached the Imperial Parliament who made a thorough investigation and even sent a commission to Newfoundland. Like the member for Guildford-Midland, I got

into touch with some of the University authorities and they could mention no case similar to this one. It is probably unique.

The Premier: I should like to know who this mysterious person at the University is.

Mr. LATHAM: I presume the member for Guildford-Midland consulted the same gentleman as I did—Mr. Alexander—who attended a meeting of the League of Nations.

Hon. W. D. Johnson: No, I consulted Professor Beasley.

Mr. LATHAM: Professor Beasley may be acquainted with some of the constitutional aspects, but why did not the hon. member consult the man who had made a study of world geography and history? Evidently I consulted the right authority and the hon. member consulted the wrong one. As there has previously been no case identical with the present one, I submit that we can determine our own method of approach. If it proves to be wrong, we shall be advised. I assume that the Premier is in touch with the Agent-General, and that he will do the spade-work. I cannot imagine for a moment that when the address reaches His Majesty by the channels through which it must pass and when the petitions reach the Imperial Parliament by the channels through which they must pass—the petitions to Parliament must be presented by a member unless the standing order is suspended to permit of their being presented at the Bar of the House—the King's advisers will not give them due consideration and have a thorough investigation made. I believe the Imperial authorities will recognise that it will be to the advantage, not only of this State, with its large tract of territory, but also to the advantage of the Old Country that whatever can be done should be done to permit of this State making progress. I hope that the Case will be circulated sufficiently early to give members of the House of Lords and House of Commons ample opportunity to digest it. Probably to some of those members it will prove rather dry reading, but there are members in both Houses of the British Parliament sufficiently interested in the welfare of Western Australia to read the Case from cover to cover. Of that I have no doubt. Hence it is with confidence that I suggest that the Case be circulated as early as possible. The important work that remains to be done will devolve upon the delegation. Whoever the delegates may be, they must be qualified to state the people's case. Upon them will rest a very serious

duty and a very great responsibility. On no account could they afford to make a mistake. Once they are sent to the Old Country, they will have to do the best that can possibly be done for the State. I do not offer any suggestion as to who should comprise the delegation. Whoever are sent will be faced with a big and important task, and the work required of them will probably constitute the main work of the whole programme. I realise that the Case is purely an ex-parte case. There is another side to it and that other side will have to be investigated. Still, I believe that the Case has been given sufficient thought that there will not be many Aunt Sallies to knock down. The investigation, however, will probably be a slow process and we must not expect results in a few months. However, I feel sure that, when His Majesty the King and the Parliament of Great Britain shall have acceded to the request of the people of Western Australia, the sunshine of prosperity will forever beam on the Dominion of Western Australia, and that the Imperial authorities will experience no regret at having created this Dominion. On behalf of the Opposition I assure the Government of our wholehearted support and of our assistance to get this piece of legislation placed on the statute-book.

MR. NEEDHAM (Perth) [5.8]: In common with the Leader of the House and the Leader of the Opposition, I tender my meed of praise to the committee who prepared the Case for submission to the Imperial Parliament. There is no doubt that the preparation of the Case has entailed a considerable amount of work, and that the committee have done their job well. When the matter was originally before this House, I expressed my doubt as to the ability of the men appointed to prepare the Case. I am glad to say now that my doubt on that occasion was misplaced, that the committee have fulfilled the duties imposed upon them in an excellent manner and have displayed diligence, research and zeal in their work. In saying that, I do not wish it to be imagined for a moment that I agree with the whole of the Case for Secession as compiled by the committee. There are many chapters and many paragraphs in the Case with which I totally disagree. At the same time I must recognise the vast amount of work that has been necessary in

order to compile the Case. Whatever may be the result of the petitions to the Imperial authorities, whether they agree or disagree with the prayer of the petitioners, the committee have prepared a monumental work that for all time will be a useful reference in the libraries of the State. In discussing this matter I realise that, as the Leader of the Opposition said, we must be careful not to cause any ill-feeling or to say anything that would give a wrong impression to the people who may be or will be called upon to decide the issue. It is true that the electors I have the honour to represent cast a very emphatic vote in favour of the withdrawal of this State from the Federation, and it is because they, in company with a vast majority of the electors of the State, decided in that manner at the referendum that I shall give all assistance in my power to facilitate the transmission of the Case to the Imperial authorities for their consideration. While doing that, I still have every faith in our national structure. I have every faith in the structure of the Commonwealth Constitution. I cannot but believe that the foundation of our national structure has been well and truly laid. At the same time I realise that during the 34 years that have elapsed since the structure was first erected, many flaws have been discovered and defects that are in need of repair. The Commonwealth Constitution is the work of human minds and that being so, it is, of course, capable of being improved at any time. The 34 years' experience has proved the necessity for a revision of the Constitution and the necessity for repairing some of the defects in our national structure. When in another Parliament, and when on the platforms of the State, I have at all times stressed the disabilities under which Western Australia has laboured since the inception of Federation. I have always contended that the best way to overcome those disabilities would be to have a revision of the Constitution by means of a national convention. I confess that the hostile attitude adopted by the Federal Government at the last meeting of Premiers has been the means of causing bitter feeling amongst very ardent Federalists. The cavalier fashion in which at that conference the Federal Government treated the proposal for a convention, a convention to discuss the Constitution of the

Commonwealth, to find out in what way it could be altered to enable the machinery of the Commonwealth to work more smoothly with respect to the smaller States, has certainly been the means of causing much bitter feeling. It would have been far better had the Federal authorities recognised that the smaller States are dissatisfied with the way in which the Commonwealth Government have treated them, and with the manner in which the Commonwealth Constitution has been interpreted. Anyone who reads the formidable document making up the Case can only come to the conclusion that the committee blame the Federation for all the ills, political and economic, from which this State is suffering. Because this State has entered into a partnership with the other States of the Commonwealth, Western Australia is suffering, and its progress has been impeded. That evidently is the conclusion to which the committee came. My contention is that many of the disabilities under which we are suffering are not the outcome of Federation. Many of those disabilities, of which we rightly complain, are not the result of the partnership into which we entered, but are the aftermath of the great war.

Mr. Hawke: And the economic system of the day.

Mr. NEEDHAM: Yes. I notice in one portion of the Case presented by the committee that they make no provision for the economic situation, or else treat it in a sort of cavalier fashion. In the matter of banking they are hoping, like Micawber, for something to turn up that will tend to ease the monetary situation, and are also hoping for some guidance from Great Britain. The committee passes over lightly this most important feature in our troubles. No doubt the monetary system of the day is largely to be blamed for the position in which this State finds itself. Whilst we are suffering as a result of the great war, and the operations of the present economic system, there are some troubles that we ourselves can remedy, provided we have a real patriotic spirit. We should do more than we are doing, and should do more than we have done in the past to encourage local production, and keep within the confines of this State £8,000,000 which we send to the neighbouring States every year. That is a phase of the situation which has not received the attention it deserves, at all events until the last 12 months or so. I admit that during the past year, since the advent of the present State Government, a local production psychology has

been established and propagated. I freely admit that strides have been made in that direction, but we must keep at it. Had we possessed a local production psychology to a more marked degree in recent years than we did have, many of our difficulties would have been overcome, and we should not be in such a hard position as we are in to-day so far as unemployment is concerned. I have said that the Great War is responsible for many of our disabilities. I would direct the attention of the House to a chapter in the Case headed "The Effect of Federation on the Finances of Western Australia." In paragraph 267 appears a statement dealing with defence. This is a most important statement. Under the heading to which I have referred and in the paragraph I have mentioned, the complaint is made that the cost of defence, to the Defence Department and others, in 1900, was 10.5 per cent. of this State's revenue, compared with what it is to-day. I agree there is a considerable increase in the cost of defence, and that it is costing this State very much more to-day than it did 34 years ago. Can anyone honestly say, even members of the committee, that this definitely is the result of Federation? No member here, and no citizen outside, could correctly state that the cause of the increase in the cost of the Defence Department, in its bearing on our financial situation, is due to Federation. There has been a great war in the meantime, a four years' struggle, a cataclysm of four years in which the world was plunged into a shambles, when the fields of Europe were bathed in human blood, and when money was spent in millions, as if it were water. This Commonwealth of ours was involved in that terrible struggle, and sacrificed its men and its money. We all know what a terrible cost it was in money alone, apart from life, to this young nation. Western Australia, as a partner in the Commonwealth union, had necessarily to bear its share of the increased expenditure on defence. There is this one important thing in the Case for Secession to which I draw the attention of members, and in connection with which I would emphasise the point that the increase in the cost of defence cannot be laid at the door of Federation. There is another important phase of the Case with which I would like to deal. One cannot deal in detail with a document of such bulk, but I would like to touch upon that portion of it which deals with the interpretations given to the Con-

stitution by the High Court. This is a very interesting portion of the document. Anyone reading the statements contained in the report must come to the conclusion that it practically puts the High Court in the dock.

Mr. Hawke: And convicts it.

Mr. NEEDHAM: Yes, convicts it of the charge of leaning towards the Federal side on any question involving the States. There is something to be said for that statement, that in the majority of cases relating to disputes between the State law and the Commonwealth law, invariably the High Court has leaned towards the Federal side in its decisions. In that statement I am sure neither the committee nor I would dream of casting any reflection upon the integrity of any of the occupants of the High Court Bench. I agree, however, with the committee in the conclusions arrived at and the suggestions made, that in the interpretation of the Constitution and on questions of conflict between the States and the Commonwealth law, generally speaking the judgment has been in favour of the Federal side. I think that phase of the matter was particularly intensified on the occasion of the last judgment of the High Court in the case of the New South Wales Government v. the Commonwealth, when the High Court decided against the taxation measures introduced by the Government of New South Wales, when Mr. Lang was Premier. To my mind the decision then destroyed the sovereign rights of the State of New South Wales.

The Premier: And really of every other State.

Mr. NEEDHAM: In effect, it destroyed the sovereign rights of the other States as well. Whether we agree with the particular taxation measures brought down or not is beside the question. The main point is that the Government of a sovereign State, acting within their sovereign realm, did introduce into the Parliament of that State a measure of taxation. The Federal Government challenged it, brought them before the High Court, and the High Court decided in favour of the Federal body. This, I say, at once destroyed the sovereign rights of that State, and no doubt it will have its repercussions upon the other States in the union. It is a well-known fact that any country that has not the right to impose taxation at once loses its right to govern. Its sovereign rights are at once destroyed. With regard



to that phase of the Case, as presented by the committee, I am in accord. I now want to ask this question. Suppose we have a complaint to make against the decisions of the High Court on constitutional points. We may contend that the decisions have invariably been against the States and in favour of the Federation. We may still contend, as members of the committee contend, that such decisions were injurious to the States, and a means of hampering their progress under Federation. Suppose we cannot trust the High Court of the Commonwealth, the members of which tribunal have at least a fair if not intimate knowledge of the Constitution, some members of which tribunal took part in the movement for Federation in the nineties, and furthermore, were members of the convention which drafted the Bill that to-day stands as the Federal Constitution. If we cannot trust them to give a proper and just decision when Federal and State laws come into conflict, how can we expect members of the Imperial Parliament, 12,000 miles away from here, and with scarcely any knowledge of our Constitution, to determine the question whether or not Western Australia shall be permitted to withdraw from the Commonwealth? I venture to say very few, if any, men in the House of Commons or in the House of Lords possess anything like the intimate knowledge that is possessed by members of the High Court in regard to Australian conditions such as State laws and Commonwealth laws, and the constitution of the respective Parliaments. Therefore I say that if we cannot obtain justice and equity in regard to conflicts between State and Federal laws from our own High Court, we cannot expect to get a valid and equitable judgment from the Imperial authorities whom we are now to petition. I shall give every assistance to facilitate the transmission of the petition to the Imperial authorities, but I contend that this is not the way to go about the matter. In my opinion there is only one way, the constitutional way. I am under the impression that shortly after the petition reaches the Imperial authorities, it will come back to Australia.

Mr. Hawke: We shall secede from the Empire then!

Mr. NEEDHAM: To my mind the question should have been led in another way.

Admitting that there are disabilities under which this State labours, admitting that the other smaller States also labour under those disabilities, there is a constitutional procedure for redress. That procedure I need not traverse now, but if it were adopted we should have the constitutional method of getting out of Federation. It has been decided to try this way, and we can only await the result. The Imperial authorities will be asked by the petition to intervene in an Australian domestic matter, in something affecting one of the Dominions. I believe that British statesmen of to-day have a vivid recollection and keen knowledge of what happened in Boston, of how the American Colonies were lost to Britain. Realising the great strides that have been made since then, and the great change which has come over the relations between Britain and the Dominions, particularly in view of the Statute of Westminster, the Imperial Government will hesitate before they take this matter up. That they can determine the issue I am not disputing. It is within their power to do so. But whether or not they will do so is another question. Mention is made of a Fremantle sugar party.

Mr. Hawke: That is not referred to in the Case.

Mr. NEEDHAM: Such references might well be omitted from a document that is to be sent Home. That kind of language will not help the Case for Secession. A Fremantle sugar party has been mentioned somewhere in this connection, if not in the Case itself. It should not be mentioned either in the Case or by any supporter of secession.

Mr. Hawke: It was mentioned by one of those who prepared the Case.

Mr. NEEDHAM: That is all I have to say in regard to the main question of the petition and the Bill now before the Chamber. Next I come to the question of the proposed delegation. I am being asked, with other members, to support a proposal to send Home a delegation to present the Case to the Imperial Government, or to His Majesty the King, the House of Lords, and the House of Commons. I said at the beginning of my speech that I would render every assistance towards the transmission of the Case to the Imperial authorities, in deference to the will of the people as expressed at the referendum; but I will not

cast a vote in this Chamber to authorise the expenditure of money to send a delegation to London for the purpose of presenting the petition. I will not cast such a vote, be the delegation great or be it small. Some say there should be six members, others that there should be four. I say there should be none. I can be quite loyal to the decision of the electors, and at the same time oppose the sending of a delegation. Does any hon. member think that a committee of the House of Lords or a committee of the House of Commons will wade through the Case? I do not think so, though I do not say whether they should or should not do so. There is this other view, that the first thing the committee will pay regard to, before examining the Case at all, is the constitutional position. They will determine that before attempting to examine the Case. The constitutional position is the important aspect the committee will have to consider. They will not rush pell-mell into interference with an Australian domestic question: they will first make sure of what they are able to do. Then, if the constitutional position is such that they can proceed with the presentation of the petition to His Majesty the King, they will need to consider carefully the Case presented. Is it necessary that we should send a delegation oversea to help them in that? I say, no. There is a Western Australian Agent General in London, and it is the duty of that official, no matter who he may be, to make all necessary arrangements for presenting the petition in the proper quarter. The man who to-day occupies the position of Agent General is eminently fitted and suited for that work. I am and always have been in entire disagreement with the political views of Sir Hal Colebatch, but he is a man for whom I have always had a great personal regard and whose indubitable ability I have always admired. Sir Hal Colebatch is in London, and well able to make all arrangements for the presentation of the petition. I do not suggest that he should do the work single-handed. I admit that he will need the assistance of a constitutional lawyer, and if such assistance is obtainable in Great Britain there is no need for a delegation from Western Australia. Sir Hal Colebatch is quite capable of presenting the Case. He is an ardent secessionist himself, and that is an advantage. He is a man who has studied this question, and is perfectly competent to handle it. Instead of sending a delegation

from Western Australia, we should authorise the Agent General to make all necessary arrangements in connection with the presentation of the petition. There is another reason why I object to a delegation being sent. The names of certain gentlemen have been mentioned as probable delegates—for instance, the names of the Leader of the Opposition and the Leader of the National Party. I would not like to see this Parliament bereft of their genial presences for such a period as will be necessary if they go away on a delegation as proposed. I venture to say that it would be a Kathleen Mavourneen job, lasting maybe for years and maybe for ever. I am utterly unable to foresee the end of this petition. We know the red tape which obtains in our own Government service. It is very pronounced, but the same feature is much more pronounced in Britain, where they have a leisurely way of doing things. I venture to say that if delegates are sent from here, it will be some considerable time before they see Australia again. Another feature of the delegation is this. We cannot forget that Western Australia is dependent on the Loan Council for all its expenditure.

Mr. J. H. Smith: Why bring that up?

Mr. NEEDHAM: In that respect, Western Australia is on the dole. The Loan Council dole out so much to us each year. And not only that, but they compel us to spend the money monthly; from month to month we have to get remittances from the Loan Council.

The Premier: The Loan Council consists of State representatives, not of Federal authorities.

Mr. NEEDHAM: At the same time, the controlling factor in the Loan Council is the Federal Government.

The Premier: Oh no!

Mr. NEEDHAM: At any rate, if a delegation is sent, a lot of money will be required. I doubt whether the Loan Council would agree to lend us money for that purpose, to enable a State to fight with the object of freeing itself from the Federal union. It is not my intention to occupy much of the time of the House. I have merely voiced my opinion on two or three phases of the question.

Mr. J. H. Smith: You have not committed yourself at all.

Mr. NEEDHAM: My friend is generally rational when he interjects. I know where I stand, anyhow.

**Mr. J. H. Smith:** It is not too sure that you do. You are trimming a lot.

**Mr. NEEDHAM:** I am supporting a Bill for the submission to the Imperial authorities of the decision expressed by the people of this State at the last election. Whilst supporting the Bill, I must oppose the sending of any delegation, as I consider that the Agent General whom we have in London is quite capable, with the legal assistance available there, of putting the Case for Secession before the Imperial authorities.

**MR. HAWKE** (Northam) [5.45]: First of all I desire to quote a statement I made during the election campaign a year ago, and I hope the member for Nelson (**Mr. J. H. Smith**) will be able to comprehend it and save me the necessity of answering his questions later on.

Secession, in my opinion, will not be achieved through any non-constitutional channel. Its benefits are doubtful. The question is supposed to be non-political, but there is a strong suspicion that it has only been brought forward to try and save the present Government—

now the past Government—

—from overwhelming defeat. However, people should vote according to their judgment. It is my intention to vote "No" to Secession and "Yes" to the convention question.

**Mr. Thorn:** Why did you secede from South Australia?

**Mr. HAWKE:** Not for the same reason as did my friend. But let me continue to read what I said 12 months ago—

Being at heart a true democrat, I will do my best to see that the decisions of the people on the referendum are given effect to. No candidate could fairly promise to do less than that, and no candidate could honestly promise to do more.

I still stand firm to that declaration. I have been very much amused during the last few months to find leading secessionists and other people congratulating the present Government upon their work in taking all steps necessary to give effect to the will of the people. One would think from those declarations that have been made that it was a most unusual thing for the Labour Party and the Labour Government to give effect to the will of the people, whereas in fact that is one of the foundational principles upon which the Labour movements exists. If the Opposition parties had been in power

on this occasion, and had taken steps to give effect to the will of the people, then there would have been occasion for great surprise. There was much division of opinion regarding the best steps to be taken to obtain a decision upon the question of secession, and the members of this Parliament should give careful attention to that aspect of the situation. It is not enough to say that we are voting for this Bill, that we are supporting the Case, and that we are giving our attention to the address to His Majesty, and the petitions to some other organisations. Those actions cannot be the correct actions to take in endeavouring to have this matter expedited. The action this Parliament proposes to take may be action which will be proved to have hindered the gaining of a decision in connection with the Case, and therefore it is very unwise for members merely to think that this is, in effect, the best way.

**Mr. J. H. Smith:** Do you know of a better way?

**Mr. HAWKE:** I think I do. My opinion is that this State, before any referendum was taken, should have approached the Federal Government and asked them to give consideration to the holding of a Commonwealth-wide referendum on the question of Western Australia seceding from the Federation. Hon. members opposite are laughing, but probably when the position comes back to that point in six months time, or a year's time, they will be actually squirming.

**Mr. Latham:** The Commonwealth would have no power to take such a referendum.

**Mr. HAWKE:** Of course one would hesitate to disagree with the opinion of such an established constitutional authority as the Leader of the Opposition, but I am strongly of the opinion that when our Case is presented overseas we will be advised to approach the Commonwealth authorities, and we will be told that this is a question that must be decided within the Commonwealth by the people of the Commonwealth. If that does come about, as I believe it will, then to a certain extent we will have been proved, not foolish altogether, but not sufficiently careful in our examination of the best course to pursue and the best methods to adopt. There is, however, a good deal of clash of opinion on the whole matter, and the course we are now pursuing will at least gain for us the knowledge as to how we must move if we are to have the question finally decided. But it may take us one, two or three years to gain that inform-

ation. I am fearful of another aspect of the situation with regard to the procedure we are now adopting. We are approaching His Majesty the King and the Imperial Parliament. Most people in this State believe that His Majesty and the British Parliament have the right to grant us secession from the Australian Commonwealth, but there are others who do not believe that they have that power. Again, there are others who believe that while His Majesty and the Imperial Parliament have that power they will never exercise it, and if His Majesty the King and the members of the British Parliament reject our claims, our petitions, and our Case, then I can imagine some of those charged with the leadership of secession affairs in this State immediately commencing a campaign to secede from the Empire.

Members: No.

Mr. HAWKE: I know there are a number of men associated with the secession movement who have declared that they are prepared to go to any lengths, constitutional or otherwise, for the purpose of achieving secession. Senator Lynch has said that he is prepared to load guns and shoulder bayonets so that secession shall be brought about.

Mr. Latham: He did not say anything about seceding from the Empire. You are also criticising a man who is not here.

Mr. HAWKE: I suggest to the Leader of the Opposition that if the loading of the guns and the handling of the bayonets do not mean seceding from every constitutional institution on earth, then words have entirely lost their meaning. Automatically, if such a position arose, we would secede not only from the British Empire but from every other constitutional authority in existence. I ask members to consider seriously the effect of such a repercussion upon our people and this State if His Majesty the King or the British Parliament reject or turn down, or refer to some other authority, any request for the secession from the Commonwealth of the State of Western Australia. With regard to the Bill before the House there is really only one controversial clause in it, and that is the clause which deals with the delegation. As mentioned by the member for Perth (Mr. Needham), there have been numerous suggestions as to the number of persons

who should comprise the delegation. As many as 12 have been suggested, and some people, and newspapers, have proposed that the delegation should be large and powerful. It has been suggested also that quite a number of members of Parliament should be included in the delegation. For my part, I am not prepared to butcher the taxpayers of Western Australia for the purpose of making a politicians' holiday.

Mr. Latham: That is playing to the gallery.

Mr. HAWKE: My friend himself might be an authority on playing to the gallery; I am not in a position to say whether or not that is playing to the gallery.

Mr. Latham: I say definitely it is.

Mr. HAWKE: Then I accept the judgment of the Leader of the Opposition on that point.

Mr. Thorn: Very good judgment, too.

Mr. HAWKE: Yes, wonderful judgment! The number of members he brought back with him from the polls is eloquent proof of that.

Mr. Thorn: He brought them all back.

Mr. HAWKE: Yes, in a scattered condition. Seriously, I say that it is unnecessary for any member of this Parliament to accompany the delegation. If anybody is to be sent from Western Australia, I think only one person should go as adviser on the constitutional aspect, and that person should be the Crown Solicitor of Western Australia. That gentleman, in collaboration with the Agent General in London, would be able to do everything necessary to see that the Case was presented in the strongest and most effective manner. Even the supporters of secession are doubtful as to what the result of our overtures in London will be. The more enthusiastic of secessionists are quite certain that it is only a matter of asking for secession, and it will be granted. Others of a more serious turn of mind, and better informed with regard to the general situation, agree that it is very difficult indeed to say what the result will be. The Leader of the Opposition himself said this afternoon that it was difficult to say what the result of our overtures to the Home authorities will be. Evidently there is a strong doubt in his mind since he appears to hold the belief that our overtures may be rejected, and that we will be advised to go

elsewhere. That, of course, is the common-sense view to take up, and the fact that the Leader of the Opposition and others who think and speak with him, voice that belief, goes to show that this matter may be with us for many years to come. The Leader of the Opposition also stated that we may have to traverse many stormy waters before secession is achieved. I do not know what stormy waters the Leader of the Opposition had in mind, and I suggest that if he were asked he would be able to explain what those stormy waters were, or where they might be encountered. Some people argue that this Parliament has not the right, nor the power, to alter the Case as prepared by the special committee, and that neither have we the power nor the right to alter any of the other documents that will be sent with the Case. That is a very debatable point upon which there will be a good deal of divided opinion. This Parliament appointed a special committee to draw up the Case for Western Australia. This Parliament is more representative of the people of the State than was that special committee, and we should say, therefore, that this Parliament has the right to endorse the Case in its present form, or to alter it, or to refer it back to the committee for further consideration. That is a point that will probably have to be gone into before we can agree to it.

Hon. W. D. Johnson: Have you any news as to what should be done?

Mr. HAWKE: My opinion is that any member of this or another place has a perfect right to suggest alterations to the Case, to the address to His Majesty or to the petitions to the two Houses of the Imperial Parliament.

Hon. W. D. Johnson: Are you interested enough to take it on?

Mr. HAWKE: I am prepared to suggest and, if necessary, to move that alterations be made in certain instances, but I am sure that, by the time we reach that stage, the Speaker will have determined just what power we have in that direction. I shall be surprised if he has to rule that members of this or another place have no power to make any alteration in the Case or the other documents. There are certain matters included in the Case and in the other documents that do not altogether meet with my approval and which, in my judgment, do not represent the views of the majority of the people of Western Australia. I do not blame the

members of the committee for what has happened in that direction. The members of the committee had their own ideas on various matters. If they had not actually been prejudiced in their views, they had leanings in this or that direction. I am sure each member of the committee endeavoured to push that tendency aside, but there is always the danger that unconscious bias will operate. As a result, certain matters will always be found in a report, such as that before Parliament at present. Those matters will not, in fact, represent the opinion of the majority of the people. For instance, in Clause 19 of the address to His Majesty the King and of the petitions to both Houses of the Imperial Parliament, there appear the following words:—

... to effectuate the restoration of Western Australia to its former status as a separate and distinct self-governing colony in the British Empire under its present constitution. . . .

In other words, we ask that if secession be granted, Western Australia shall be given power to carry on as a self-governing Dominion under its present Parliamentary Constitution, which provides for the Legislative Assembly and the Legislative Council. I am confident that the majority of the people of Western Australia do not approve of the Parliamentary Constitution under which we now operate. I feel sure that the majority of the electors would not be prepared to hand over the Federal Constitution, which is 100 per cent. democratic both as regards the Senate and the House of Representatives, to accept a Constitution under which adult suffrage is provided for the election of members of one branch of the legislature and a very restricted franchise operates for the second Chamber. That is an important point to which consideration should be given. We know that the present Constitution of this State is restricted and conservative; it works to the detriment of the majority of the people and is advantageous only to a small and powerful minority. Therefore that phase is deserving of serious consideration, not only by members of Parliament but by the people of the State. While the electors, by a large majority, endorsed the proposal to secede from the Commonwealth, that decision cannot be interpreted as endorsing the documents that we, as a branch of the legislature, are considering at present. We

should not take too much for granted in that respect.

Mr. J. H. Smith: There is no doubt you are a die-hard!

Mr. HAWKE: In the opinion of some members of this Chamber, it is a pity the hon. member was not a die-early.

Mr. J. H. Smith: I thought you were democratic.

Mr. HAWKE: In Clause 12 of the petition to be presented to both Houses of the Imperial Parliament, the question of banking is dealt with, and it is suggested that if the State be granted dominion status, it should be empowered to consider the setting up of banking institutions that will be owned and controlled by the Dominion Government of Western Australia. Evidently our friends of the Opposition are entirely in accord with that proposal! It is indeed pleasing to find that after all, they do not regard Government control of banking as such a terrible thing. The question of setting up a new banking system in a State like Western Australia, would be most important, provided secession were granted. During the past year or two, the people of Western Australia have been forming definite ideas on the subject, but on such an important question, I feel it would be necessary to give them a direct opportunity of making their views known. We should not accept in their entirety the views submitted in the paragraph in the petitions as framed by the special committee. Dealing with the Case itself, there can be no doubt that the members of the committee have displayed a great deal of industry. They must have devoted days and nights to the collection of material, to the comparison of statistics and in dealing with the whole of the other matters contained in their report. For that industry and the work they carried out in that direction, they are deserving of the thanks of Parliament and of the people. I am afraid, however, that what happened in the preparation of the Case was that various members of the committee were given certain features to deal with. One member of the committee was probably regarded as more or less an expert with regard to one phase, another in connection with another phase, and so on. I think that when the members of the committee met to discuss the report, there was a disinclination on their part to criticise in any way what had been compiled, or to cut down the sections

as presented by individual members. If my reasoning be correct, the result is to be found in the very bulky case that has been presented. In my judgment, it is at least ten times too long. It could be reduced to one-tenth without making any difference regarding its effectiveness. Members who have given careful consideration to every word and line in the Case, will agree that at least 50 per cent. of the report is not relevant to the Case or to secession. I suggest that if members of this House have no right or power to alter the contents of the Case in any way, the document be referred back to the committee with a courteous request that the members of that body shall give consideration to eliminating from the document many phases that do not in any way touch on secession and which cannot, to any degree, have the slightest influence upon the authorities who will study the Case and arrive at a decision upon it. I have no desire to reflect upon the members of the committee in any way, but, in my opinion, the Case includes many contradictions and not a few inaccuracies. When I first perused the Case, I formed the impression that it read like an auctioneer's advertisement. It appealed to me as though we were offering the State of Western Australia for sale to Great Britain. Others may not gain that impression from their reading of the document, but nevertheless I feel sure that the report could be cut down a great deal, and if we sent it forward in briefer form its very brevity would make it so much more effective than it could be in its present form. There are certain phases of the Case, from beginning to end, which should be carefully considered, but as the question whether we can deal with the report has not yet been decided, and as it is not necessary to deal with it just now, that aspect can be allowed to stand over. One of the outstanding features of the Case is that while the committee are able to prove that our secondary industries have made very little progress from the inauguration of Federation to the present day, all their figures regarding primary production prove that this State has advanced by leaps and bounds ahead of any other State in the Commonwealth.

Mr. Latham: In spite of Federation, we have done that.

Mr. HAWKE: That is a very weak contention to put forward.

Mr. Latham: But it is the question.

Mr. HAWKE: The authorities who will consider this Case will not take that into consideration.

Mr. Latham: Won't they?

Mr. HAWKE: They will not do so, because they will not know whether it is true or untrue; they will take the particulars as set out in the Case. If they find that our progress regarding the establishment of manufacturing industries has been slow and that the slowness of that progress has been more than counter-balanced by the remarkable speed with which we have developed our primary industries, they will logically form the conclusion that we have concentrated upon fostering the latter form of production. In arriving at that conclusion, they will be quite correct. There are a hundred and one features of the Case of a similar description that require attention, and so it seems to me there is need, if the Case is to be made more effective still, for further careful consideration to be given to it, particularly with the object of greatly reducing its present bulkiness. I am prepared to do everything possible to see that the decision of the people is implemented, if it be humanly possible. There need be no surprise on the part of anyone that the present Government—a Labour Government—should have taken the steps deemed necessary to give effect to the decision of the people, so emphatically recorded a year ago.

On the motion by Hon. W. D. Johnson, debate adjourned.

### ADJOURNMENT—SPECIAL.

**THE PREMIER** (Hon. P. Collier—Boulder) [6.15]: I move—

That the House at its rising adjourn until 4.30 p.m. on Thursday, the 26th April.

Question put and passed.

*House adjourned at 6.16 p.m.*

## Legislative Assembly,

*Thursday, 26th April, 1934.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### QUESTIONS (2)—FRUIT INDUSTRY.

#### *Fly Pest.*

Mr. J. H. SMITH asked the Minister for Agriculture: 1, Is he aware that fruit fly has made its appearance in hitherto clean South-West areas in a most alarming manner during the past few months, needing drastic action? 2, In view of this fact will he, at the earliest opportunity, consider the repeal of the legislation passed last year in regard to second-hand fruit cases being used for any purposes?

The MINISTER FOR AGRICULTURE replied: 1, I am aware that fruit fly has made its appearance in some South-West districts which have been free of this pest for some years. 2, The seriousness of this pest is recognised and any action considered advisable will be taken that will assist in controlling the pest.

#### *Grant to Exporters.*

Mr. J. H. SMITH asked the Minister for Agriculture: 1, What action has his department taken in regard to the Federal grant to exporters of fruit for last season? 2, On what basis is the distribution of this grant to be made? 3, If the basis has been arrived at by the department will it be made available immediately, as many growers are in a necessitous position?

The MINISTER FOR AGRICULTURE replied: 1, The matter was brought up at the conference of Ministers of Agriculture, when it was unanimously decided to approach the Commonwealth asking that a "necessitous" fruitgrower be defined as follows:—"A fruit grower who, in regard to any export shipment of apples or pears during the season 1933, failed to obtain for the fruit off the