

my intention to seek the consent of the House, at the conclusion of the amendment moved by Sir Hal, to make a further slight amendment to the motion.

The PRESIDENT: We have passed that matter. The question is that the House adjourn till 2.15 p.m. on Thursday next.

Question put and passed.

House adjourned at 5.15 p.m

Legislative Assembly,

Tuesday, 16th March, 1943.

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

QUESTIONS (3).

APPLE AND PEAR ACQUISITION BOARD.

As to Losses.

Mr. SAMPSON asked the Minister for Agriculture: 1, Is he able to advise what loss for the different years since the inauguration of the Apple and Pear Acquisition Board acquisition scheme has the Commonwealth Government had to meet so far as Western Australia is concerned? 2, What number of cases of both apples and pears was concerned for the different years?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: 1, Information regarding the operations of the Apple and Pear Marketing Board in each individual State is not available. 2, Answered by No. 1. (It is anticipated, however, that when the three new dehydrators commence operations in this State, there will be very little fruit not marketed.)

TAXI-CABS.

As to Numbers Licensed, Etc.

Mr. SEWARD (without notice) asked the Minister representing the Minister for Police: 1, On the 30th June, 1939, 1940, 1941 and 1942 respectively, what number of

taxis were licensed in the metropolitan area? 2, Of the number licensed at those dates how many were registered by companies, and how many by individual owners?

The MINISTER FOR THE NORTH-WEST (for the Minister for Police) replied: 1, 30th June, 1939, 109 taxis licensed; 30th June, 1940, 109; 30th June, 1941, 108; 30th June, 1942, 133. 2, 30th June, 1939, 32 companies, 77 individual; 30th June, 1940, 33 companies, 76 individual; 30th June, 1941, 40 companies, 68 individual; 30th June, 1942, 41 companies, 92 individual.

RABBITS.

As to Sale as Pets.

Mr. SEWARD (without notice) asked the Minister for Agriculture: 1, Is he aware that rabbits are being sold as pets in the city? 2, Does he not think we have a sufficiency of these pests in the State at present? 3, In view of the fact that the State and land owners are spending thousands of pounds annually on the destruction of the pest, will he take the measures necessary to stop the sale of live rabbits, of any breed, entirely? 4, If not, why not?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: 1, Yes, under permit. 2, The rabbits in question are Angoras, Chinchillas, Beverons, and other fur-breeding breeds. These must be kept in hutches, and experience has shown that when they are loose they invariably die. 3 and 4, Owing to the demand for the fur of these rabbits, the Commonwealth Government permits the importation into Australia of these breeds, which, however, must be kept in proper hutches or in wire-netted enclosures. In these circumstances, as the breeding of these rabbits is regarded as a large industry in other countries, it is not intended to prevent their introduction. There is little possibility of these breeds becoming a pest.

BILL—COMMONWEALTH POWERS.

Third Reading.

Debate resumed from the 11th March.

MR DONEY (Williams-Narrogin) [2.20]: Despite the arguments submitted by the Premier and his colleague, the Minister for Labour, and despite the weight of propaganda by the Commonwealth Government, I can find no ground whatever for any tolerance on the part of Parliament towards the

Bill now before the Chamber. I voted against the second reading and gave my reasons. I shall vote against the third reading and again I shall give a few out of the many scores of reasons that I might advance. If the Bill should survive its third reading, I wish it all the bad luck possible thereafter. Members can therefore see exactly where I stand in regard to the future of this measure. As I see it, the only essential and desirable provisions of the Bill are those that deal with post-war reconstruction and the orderly marketing of certain commodities. The other 12 paragraphs to me mean nothing more than just the progressive murder of this State. To me, Dr. Evatt's persuasions, pretences and assurances mean exactly nothing.

Stripped of all its trappings, what Dr. Evatt, through this Bill, says to Western Australia is this: "The Commonwealth Government, with the consent of New South Wales and Queensland, has decided to break your neck. But that is not half as bad as it sounds and you are not to worry about it for we give you our solemn assurance that you will merely be in a state of suspended animation, and by and by at the completion of the fifth year, following the end of the war, you will come to life again and be all the stronger and better for your strange experience." I think we exaggerate not at all when we put it that way. The Premier and the few speakers on the Government side of the House have told us that we should be trustful of the Commonwealth Government. But after all, who is there in this Chamber, solely excepting the member for Guildford-Midland and the member for Perth—from whom we expect that attitude—who other than these two recalcitrants would take the word of any Federal Minister without question?

It is our duty to question any assertion, any promises coming from Federal members or from any Minister in authority, particularly when their decisions have such an effect one way or the other on the future of this State. Particularly should we adopt that attitude having regard to the disgraceful history of Federal promises to Western Australia. I reckon, and I imagine you, Mr. Speaker, reckon with me, that we are entitled to judge the present from what we have learnt in the past. Members will agree with me, I am sure, that we have merely to take the most recent instance of Federal perfidy, namely, that relating to the Commonwealth

Government's uniform tax proposals. It will be recalled that assurances were given that that legislation would operate for only a brief specified period, and Ministers spoke on that question from that angle. They asserted those who said otherwise were deliberately defaming the good name of the Commonwealth Government. Yet immediately the Bill was safely passed, Federal Ministers forgot what they had said and intimated that, promises or no promises, ways would be found to make the provisions of that Act operate permanently. When we reflect upon Dr. Evatt's burning desire for unification and the strong unificationist taint that characterises all Federal parties, those allied with us as well as that party to which members opposite are allied, and when we reflect upon the shriekings of Mr. Ward for the nationalisation of industries and realise that the future control of secondary industries here will be under the direction of that gentleman, we have ample food for thought.

Then again there is the question of the subordination of Army dispositions to the party platform. Having regard to all these matters, I cannot help asking myself what sort of bondage members opposite, by their support of the Bill, will let this State in for. The Premier will surely reflect upon this phase, too, that the attempts of his colleague, the Minister for Industrial Development, to have established in Western Australia secondary industries of one kind or another will have been so much wasted effort. I think that every member of this House must surely see it coming to pass that no industry calculated to have a detrimental effect upon the sale of goods produced in the Eastern States will be permitted to survive here. It is generally agreed that the past has been bad enough, but sure it is that the future will be infinitely worse. Perhaps the most outstanding example in this regard was our experience with respect to Jones's IXL jams. That firm, of course, is a powerful and very wealthy concern in the Eastern States and has a good market here for its output. It was thought by certain people in Western Australia that they could make cheaper and better jams, and accordingly a company was formed with that object in view.

You will recollect, Mr. Speaker, that the member for Nedlands the other day said that he had lost a considerable amount of his capital in the operations of that venture. Immediately the new firm got on its feet, its

prices were heavily undercut by the IXL people. To such an extent was this so that the local concern suffered and suffered still more, until ultimately it expired. Quite a number of examples could be quoted along those lines, all pointing to the one lesson. I put this question to the House: Who is there that really and truly desires the passage of this Bill? In Western Australia, as I see it, there is only that reactionary 25 per cent. or thereabouts that in any country, and certainly in any civilised country, may be found who are out to disrupt established authority. In this House—quite apart from the outside public—I think it is not so much the Government as the members for Guildford-Midland and Perth who really and truly desire the Bill to be passed. In addition to those two members, there are three or four others in this Chamber who masquerade as Western Australians but who actually have their spiritual home in the Eastern States.

The Premier: You are getting close to reflecting on some of us, are you not.

Mr. DONEY: I would not like the Premier to interpret my sentiments in that way.

The Premier: You have accused me of insincerity, anyhow!

Mr. DONEY: If the Premier has any fears on that point, let me make it plain that such was not my intention, nor could it be because if there is one attribute more than another the Premier has displayed during his public life it is that of sincerity. Therefore, his mind may rest content in that regard. Nevertheless, there is always such a thing as undue pressure from outside political quarters, and this frequently influences members in directions where their commonsense and judgment tell them they should not go. Whether the Premier is amenable to influences of that kind, despite his inherent sincerity, is best known to the Premier himself.

The Minister for Mines: Now what about the Bill?

Mr. DONEY: I have been dealing with the Bill. By way of a direct reply to the Minister's question, I say that in this Chamber there are indeed few who desire the passage of the Bill, despite the division list. Members know how very close some of those divisions have been. Two of the members I have already referred to have, by their speeches, shown where they stand; but I think I may say that neither the Premier nor any of his colleagues really desire this

Bill. The point is that they are obviously in a very unhappy position. As to why that is so can best be explained by Ministers themselves, when later on they take part in the debate on the third reading of the Bill. It is plain that they are acting contrary to the wishes of a large majority of the people of Western Australia, and they surely realise by now that they have taken the wrong turning.

They have to put this question to themselves: Shall we be loyal to John Curtin or shall we be loyal to Western Australia? They have to ask themselves further: Shall we, as it were, march straight on to the goal of natural, proper and justifiable desires, or shall we turn aside to the left and follow Mr. John Curtin and his Federal colleagues wherever they may lead us? They forget that Mr. John Curtin today is not so much the member for Fremantle in the House of Representatives as the leader and mouthpiece—and very often the uncomfortable mouthpiece—of the Federal majority who have, as is well-known, regarded Western Australia not so much as a land of free people but as a market. In other parts of the world I have had very considerable experience of the urge which drives all vigorous, well-ordered young countries along lines of their own choosing. The House realises, I imagine, that there have been numerous examples of disaster following attempts by other countries to thwart that urge. I give as an example, which might occur to all members the occasion when, on account of the ineptitude of the then Prime Minister of Great Britain, Lord North, and by reason of the series of mistakes he made, our country was permitted to lose what is now the United States of America. If for the weak Government of the United Kingdom at that time we substitute the Australian Government of today, a Government having, as every member will admit, an undue proportion of weak and pig-headed men, surely we must realise that history has an excellent chance now of repeating itself.

Our trouble here in Western Australia is that we are led by a Government which, though possessed of many very good qualities in other directions, is stubbornly attached to the Party ideal. This means that the Leader of such a Party leads only along the road he is told to travel; and that, certainly, is a policy no good today when we are seek-

ing to define Australia's attitude towards the Bill now before us.

The Premier: Who tells me to follow certain lines?

Mr. DONEY: That is merely the conclusion which we on this side of the House draw, and the country generally draws, when matters of policy are decided at the dictation of a non-political body outside Parliament.

The Minister for Works: You have even brought the Independents to heel over on your side!

Mr. DONEY: The Minister will not succeed in drawing me as to the attitude we on this side adopt to each other; but I may say that it is mutually helpful when the spirit so moves the Independents or moves us. It is said of Government members that by their own action they are ruining themselves. That may or may not be so; but what concerns us is that while ruining themselves by their own actions they will also ruin the State of Western Australia; for, as I see the position, it will be a disgrace to this Parliament if it passes the Bill. Members opposite must agree that by helping to pass the Bill they will crush our hopes of forming in this State a young and virile nation. It will have been noticed that in every speech from the Government side of the House there has been laid upon members this injunction, that the Bill is not nearly as bad as it appears to be. On the other hand, the view held on this side of the Chamber is that the Bill is probably, or even certainly, far worse than it looks; but even if it is only as bad as it appears to be we are certainly justified in declining to trust the Commonwealth Government.

I wish to point out to members that it is not by this Bill the intentions of the Commonwealth Government should be judged. For that purpose we want the Commonwealth Bill No. 1, the Bill first intended to be introduced by the Federal Attorney General. It is by the intolerable scheme set out in Bill No. 1 that we can best judge of the predatory intentions of Dr. Evatt and those associated with him. That No. 1 Bill was really and truly a despicable little document, and certainly was intended to put us in the pen without argument. Realising, later, that Bill No. 1 was in conflict with the sense of the Australian people, the Commonwealth Government eased its claims in the amended Bill which later, and quite unexpectedly, it

submitted to the Convention. The Convention, in its turn, further whittled down the projected Federal encroachment; but even then, I consider, it is proper and fair to assert that the new Bill was the product of fear rather than of reason. I believe every member on this side of the Chamber realises that. Further, I hope this House can see that by and by, when we are dividing on the third reading, it is not the provisions of the measure members have in their hands, but those of the original Bill, that should guide us in our decision to vote for or against that reading.

Another respect wherein I entirely disagree with the Government speakers is the claim that because members of the Convention accepted this Bill, the concurrence of this Chamber should ensue as a matter of course. I say, "Not at all!" The two members of the Convention who came from this State, or from any other State for that matter, bound no one but themselves. They had no right, nor so far as I know did they claim any right, to commit their colleagues. It follows that neither Ministers nor any other members, as indicated by Mr. Playford when explaining the Bill in the South Australian Parliament, are in any way fettered; nor were the delegates themselves fettered, even though they had been parties to the framing of the Bill. Indeed, I believe Mr. Playford said that the only duty of the delegates was to ensure that a full knowledge of the contents of the Bill as it stood was submitted to the Chamber, and that the delegates might at the same time hold the view that the Bill was not a fair one, and, further, that the delegates might finally, if they wished, vote against the Bill or vote to amend it.

It is suggested by our Premier that we should accept the measure, undesirable though it may be, lest worse befall us—that worse, I suppose, being a referendum. I cannot help saying that it would be wrong to adopt that course for safety's sake, since it is plain that to do so is to do what a coward would do. Again, I find it extremely difficult to understand the Government's attitude in regard to amendments submitted in this Chamber, which attitude seems to me to imply that the minority in the House has no rights. You will recollect, Sir, that all the amendments were put up by the minority, the Opposition, for the purpose of clarifying dubious phraseology or to erect defences

against Commonwealth encroachments; but the Government would not accept a single one of them. The Premier will be unable to deny this, that even without knowing what those amendments were he had previously declared that the Government would not accept any of them. That attitude, if it means anything at all, means that the Opposition has no right to erect defences against the Commonwealth Government's cupidity, and that the members of the Opposition are not to worry about the matter at all, because the Commonwealth Government itself has the matter safely in hand. Strategy of that kind is quite beyond me. If and when in the future the Commonwealth Government decides to take advantage of our comparative weakness—as it certainly will do if it runs true to form—the Government opposite will say, "Walk right in, gentlemen. The place is yours." We, on the contrary, want to put safeguards in this measure so that we can say to the Commonwealth Government by-and-by, and be on safe ground in saying it, "Keep out." That is the difference between the Government and the Opposition. The Government apparently wants to invite the Commonwealth enemy into the camp, and we want the legal right to compel him to stay outside.

I submit this point, too, that the Government has certainly forgotten the result of the secession referendum held some few years ago; but we have not! I wish to quote from a letter written by Mr. L. Whithall, the Director of the Associated Chamber of Manufacturers of Australia. Lest it may be contended by the Government that that is a tainted source, I wish to let the Government know that after reading the few remarks by the gentleman whom I have just mentioned, I shall quote from the "Canberra Times," a journal that may have changed its outlook but that in the past has always been regarded as strongly pro-unificationist, pro-referendum, pro-greater Commonwealth powers, and everything like that—true Government men. The quotation should indicate to Government members opposite that they are following after strange gods, as it were. The views insisted upon by the Governments of Tasmania, Victoria and South Australia and by the Opposition in Western Australia are today the views held by this well-known journal in Canberra. I strongly recommend the issue to which I am referring to the close

study of the Premier and his Ministers. I want them to be thankful—I suggest that they should be—that they still have the opportunity to save their faces by letting the third reading of the Bill go against them on the voices. The quotation is headed "Commonwealth Powers Bill."

The Premier: Why not smile when you put over a joke like that?

Mr. DONEY: I suppose I would if I had formed the habit in my earlier youth; I am still in my youth, of course. This quotation is dated the 2nd March, 1943, and is as follows:—

It is believed in Canberra that the Government has abandoned any intention to place the Convention proposals before the country in the form of a referendum. It is realised that the attitude of the majority of the State Parliaments towards the proposals reflects public opinion in those States and that, therefore, a referendum would have no prospect of success and would penalise the election prospects of Labour candidates in all States save New South Wales and Queensland. In the circumstances, Labour's five-year plan for instituting national socialism has been for the time being frustrated.

In replying to the foolish statement of the Prime Minister, who said that he hoped "that the unfair, selfish, financial interests would not mobilise themselves on the side of an attempt to frustrate the Parliament of the Commonwealth," the "Canberra Times" on Saturday wrote that—

Mr. Curtin's charge suggests that certain State Parliaments have been influenced in their attitude to the Bill by financial interests, whereas the fact is that the State Legislatures are today closer attuned to public opinion in their respective States than the Commonwealth Government is, and this being a democracy, it follows that some Parliaments are adhering rightly or wrongly to democratic beliefs. The departure of Dr. Evatt for the United States probably sounds the end of the Commonwealth Powers Bill, and the fate of the Bill has doomed the success of a referendum. Every argument for the transfer of adequate powers is an argument for further consultation by the Commonwealth with the States to secure an agreement in keeping with the present State attitudes, and for action by the Commonwealth itself to remove the doubts which have been created by the Government at Canberra regarding the abuse and removal from direct Parliamentary control of the powers now possessed.

I will leave it at that. I hope the little lesson contained in that quotation will sink deeply into the hearts of my friends on the benches opposite.

The Premier: You forgot to tell us what Mr. Whithall said.

Mr. SPEAKER: Order!

Mr. DONEY: No, Mr. Whithall's comments form the first part of the quotation.

MR. McDONALD (West Perth): I do not propose to traverse in any detail the arguments for and against this Bill, as they have been covered in the exhaustive debate which has taken place during the last two or three weeks. I had been prepared to alter my view in accordance with such good reasons as might be forthcoming from time to time; but I have seen no reason to depart from the attitude which I first expressed—in fact, on the Esplanade—in the middle of January last, that the Bill should be passed with such amendments as will give to the Commonwealth Parliament for the post-war period exactly the essential powers it requires—no more and no less. In accordance with that view, the Opposition has endeavoured to give the Commonwealth Parliament, by amendments to the Bill, such powers as are at present shown to be reasonably and possibly required by it to meet immediate post-war ends. Those amendments have been defeated persistently by a very narrow majority, sometimes only the casting vote of the Chairman. With those amendments I would have been prepared to support the Bill; and if at any future time the Commonwealth Parliament could prove to this State that any specific definite power were required to meet the period of post-war reconstruction, then, as far I am concerned, I would be prepared to entertain the transfer of that specific, defined power for that specific purpose.

So far, the Commonwealth Government has certainly not justified any grant of power beyond those which would have been given by the Bill had the amendments moved by the Opposition been carried. We are now confronted by a comparatively simple proposition: Are we as a Parliament justified in passing the Bill in the form in which it is now before us? As far as I am concerned, I feel I have no justification for voting for the Bill in its present form. There has been no mandate from the people and, in the absence of such mandate, the duty of this Parliament is to exercise its self-governing powers, not to surrender them. By this Bill we are to all intents and purposes surrendering to the Commonwealth Parliament powers which at present are guaranteed to the people of Western Australia under the Commonwealth Constitution. In my belief, this Parliament has no authority, and can-

not by any stretch of the imagination be said to have any authority, from the people of the State to abrogate the inherent rights which they now possess, without consultation with them or a mandate from them.

I pass on to a few considerations of the present position. We are now able to look back on this Bill in retrospect, and it seems to me that the time has come to make a survey of the whole position. One State has rejected the Bill; two States have passed it as printed; the third State has passed the Bill with very considerable limiting amendments; one State still has the Bill before Parliament, and that is also the position in this State. Serious constitutional doubts have arisen from time to time. In the last few weeks the Commonwealth Government has been completely silent, although it seems to me the time has come for it to speak and tell us what its attitude is.

Hon. W. D. Johnson: The matter is sub judice, is it not?

Mr. McDONALD: There is nothing sub judice when under consideration by Parliament. When matters are before Parliament, that is the time public opinion should be most vocal.

Hon. W. D. Johnson: No.

Mr. McDONALD: A matter may be sub judice when before a court of law, when the judge and jury are required to form their own opinion on the evidence given in the court and not on what they hear outside. But we should be responsive to all the representations from every quarter that might be made by any people who are seeking the public good.

Hon. W. D. Johnson: Would it be advisable for ex parte statements to continue during the discussion on the Bill?

Mr. McDONALD: I cannot follow the member for Guildford-Midland. What are ex parte statements? Is the statement of Dr. Evatt, the father and sponsor of this Bill, an ex parte statement?

Hon. W. D. Johnson: Yes.

Mr. McDONALD: If that were true, we would all be silent. We would never get a step further. We are all interested.

Hon. W. D. Johnson: Dr. Evatt has had his say and he is allowing you now to have yours.

Mr. McDONALD: I am coming to Dr. Evatt. He has had his say and is going to have his say next in America and England. Can the plan which emanated from the Can-

berra Convention work? It seems to me it depended on uniform legislation, or legislation so similar that for all practical purposes it could be regarded as uniform. That has broken down. Can the plan now work? Has it been abandoned? As has been suggested by the extract of the member for Williams-Narrogin, has the sponsor of the Bill and the man politically responsible for it, the Federal Attorney General within whose jurisdiction any amendment of the Constitution essentially lies, decided that the plan cannot go forward? Is it for that reason that he feels at liberty to proceed, as he is about to do, to America and England for an indefinite period—maybe months? Where do we stand? Are there not perhaps inherent fundamental weaknesses in the plan? Is that the reason for the silence of the Commonwealth Government which has been complete for many weeks past? If the plan is fundamentally unsound or if it is impracticable, should not the people and this Parliament be told?

Hon. W. D. Johnson: That is your job.

Mr. McDONALD: Are we to proceed to pass a Bill which the Commonwealth Government was long ago prepared to abandon?

The Premier: That is all supposition and surmise.

Hon. W. D. Johnson: It is wishful thinking.

Mr. Watts: We have been well trained in that in the last few weeks!

Mr. McDONALD: Why cannot the Commonwealth say what it intends?

Hon. W. D. Johnson: Why should it?

Mr. McDONALD: Why should it not? It has taken the lead and asked for this legislation. The Commonwealth Government regarded this as so urgent that every Premier was obliged to give a solemn promise at the Convention that he would introduce a Bill before the end of January and do his best to get it through his Parliament with the utmost expedition. But on top of that we find that the man in charge of the Bill is leaving, for an indefinite period, for America and England. Nobody has been indicated as taking his place, or taking charge of this matter. The public is becoming confused; the people do not know what to believe. If this is as urgent as we were told, then surely somebody else could have gone to England and the man responsible could see this thing through to completion.

The Premier: Do you want a big stick waved over our heads by someone else?

Mr. McDONALD: I want no big stick; it has been waved with fatal results! The big stick will not do for the people of Western Australia, or for those of Australia. They want to be given reasons to convince them that these powers are necessary. What I want to know is: Will the plan work if, as seems possible, there are Bills going through the various Parliaments in drastically different form? That is completely alien to the original plan, which was that each State should pass legislation in the form in which the Premiers' Committee drew it up. That has all failed; the basis of the plan has collapsed! What I want to know and what the public wants to know from the Commonwealth Government is: Does the plan still stand? Is it to go through with Acts in different forms? Can it work when Bills are passed in widely different forms? Nobody can suggest that the Bill, as passed by the South Australian Parliament, does not differ drastically from the Bill which emanated from the Premiers' Committee. Do we not know also that the Victorian Parliament's Bill is not to come into operation unless the remaining State Parliaments pass Bills substantially in the form of the one that emanated from the Premiers' Committee? As South Australia has departed widely from that form in the Bill passed through its Parliament, the Victorian Act cannot now operate.

Hon. W. D. Johnson: Victoria as a State did not oppose the Bill, but passed it.

Mr. McDONALD: The member for Guildford-Midland is not very up-to-date in political history. The Victorian Bill passed through the Legislative Assembly with a clause providing that it shall not come into force unless all the other States pass Bills in substantially the same terms. South Australia has now passed through both Houses a Bill substantially different from that passed by the Victorian Assembly so that, automatically, the Victorian Bill can never come into operation.

Hon. W. D. Johnson: That does not—

Mr. SPEAKER: Order!

Mr. McDONALD: In addition, the Victorian Bill has not yet gone through the Legislative Council.

Hon. W. D. Johnson: I do not count that as part of Parliament.

Mr. McDONALD: The hon. member seems to be rather fretful this afternoon. The public is asking these questions, and any reasonable person would ask them. I want to know whether the scheme, based on uniformity, is now practicable when uniformity is no longer possible? But there is more than that! The whole scheme was introduced with a most unprecedented speed, and without proper consideration. Every week that passes by shows more clearly the difficulties in implementing the scheme. When I was speaking on the second reading I raised the question as to the difficulties that would arise if the Bill were not passed in the same terms by all the Parliaments. Of course that is what has happened. What is the position in regard to expenditure on works in one State which has authorised those works, when similar expenditure could not be made in another State which did not authorise that particular power? I wish to refer to some highly important remarks made in the South Australian Parliament when that Legislature was considering this Bill. These statements were made by the Commissioner for Crown Lands, Mr. R. J. Rudall, in an impressive speech. The observations I am about to read are entitled to weight because Mr. Rudall himself is a lawyer.

The Premier: That does not make them any better, surely!

Mr. McDONALD: The remarks I will quote deal with the legal aspect and for that reason Mr. Rudall, who was a Rhodes scholar and is a lawyer, is entitled to speak, feeling that he has had some training in the particular matter. He refers to what has now actually happened, that is that a Bill giving certain powers may be passed in one State and not in another. He wants to know what would then be the position from the point of view of expenditure by the Commonwealth Government. If, for example, New South Wales passed a Bill giving certain powers for national works and Tasmania did not pass a Bill giving those powers, what then would be the spending power of the Commonwealth? Could it expend £1,000,000 on national works in New South Wales out of money which had been partly obtained from the taxpayers of Tasmania? I am going to read what Mr. Rudall said on this subject to the South Australian Parliament. He referred to the debates of

the Convention that framed the Constitution, and said—

Mr. Deakin raised a question upon the ground of expenditure by the Commonwealth in exercising the power referred.

This discussion took place concerning powers conferred by a State on the Commonwealth Parliament. Mr. Rudall goes on to say—

His point was that if a matter were referred by one or more States, there would be no provision for finance if expenditure became necessary unless power to raise that money in the particular colonies were contained in the Act of reference. This is what he said:—

Consequently, if any legislation referring to any less number of colonies than the whole of the colonies and which involved any expenditure was passed by the Federal Parliament, although these colonies were willing to vote that expenditure, the Federal Parliament might have no power to raise the money. The only possible means of the Federal Parliament obtaining that power would be if it were conferred in the provisions of the referring statutes. And he suggested that an amendment should be made empowering the Federal Parliament in the case of a reference by less than all the colonies to raise any necessary money in such colonies.

Let me put a specific instance so that hon. members may understand the position. Suppose that New South Wales, Queensland, Victoria, and Tasmania refer a certain matter to the Commonwealth and the Federal Parliament passes legislation pursuant to the reference, involving the expenditure of money in those States. Mr. Deakin's argument is that you cannot finance this out of Commonwealth taxation, and so either power must be given in the referring Acts of those colonies to raise the money in those colonies, or the Commonwealth Parliament must be given power to do so by an amendment of this subsection.

We have now got into the position where it seems possible that Commonwealth money cannot be spent in States which refer a power, if there are other States which have not referred that power. The only way in which the Commonwealth could spend money in States which refer a power would be by money being raised in the State which referred the power and in which the money is to be spent. Mr. Rudall then goes on to say that the Commonwealth would have no power or authority in a State which had referred a power to raise money in that State, unless the referring Act itself contained an authority to the Commonwealth to raise within that State the money required to be spent in that State.

Mr. Rudall, in raising this most important matter said it was debatable. He explained that quite clearly. The view he

expressed and the difficulty he envisaged might not be real or accurate, but they are important aspects and, if there is anything in the points raised by him, it would indicate an inherent fundamental weakness in the whole plan, and, in the light of what has happened, an inherent difficulty against the plan proceeding further. So I wish to make a plea to the Commonwealth Government to break the silence it has maintained for so many weeks and let us know how it views the position. The Commonwealth might say that, notwithstanding what has happened, the plan will still be proceeded with. It could say that a plan based on uniformity of action is no longer practicable. It might come to the conclusion that there is no solution other than to refer the whole matter to the people by referendum under Section 128 of the Constitution. It might say that it now appreciates the necessity for holding another convention with a view to mapping out a new plan that would be uniformly acceptable to all the States. These are some of the alternatives that are now open in view of the manner in which this proposed legislation has been received by the various States.

Mr. J. Hegney: Is your argument based on the opinion of the Commissioner of Crown Lands in South Australia?

Mr. McDONALD: I am putting my argument on a much wider basis. I am putting it not only in view of the difficulties mentioned by the Commissioner of Crown Lands in South Australia, who said this is a debatable matter, but also in view of the breakdown of the plan for uniform legislation. Does the Commonwealth any longer consider that the plan is practicable? The Commonwealth should tell us.

The Premier: The Constitution tells us that without going to the Commonwealth about it.

Mr. McDONALD: The Constitution does not tell us that.

The Premier: What does paragraph (xxxvii) say?

Mr. McDONALD: It says that the Commonwealth may legislate on matters referred to the Commonwealth by the States.

The Premier: And what else?

Mr. McDONALD: And that the law shall operate only in those States by whose Parliaments the matter is referred.

The Premier: Does not that mean that it will not be operated in the States that do not refer the power?

Mr. McDONALD: When the representatives of the Commonwealth met the Premiers, the Commonwealth put before them a plan involving uniform legislation, and every Premier was pledged to try to get the Bill through in the uniform type. That has failed and I want to know, particularly in view of the impending departure of the originator of the Bill, Dr. Evatt, whether the Commonwealth Government still proposes to proceed with this matter in the light of differing Bills, or whether it has in contemplation some other move. May I illustrate the matter as it appears to the man in the street? Admiral Evatt desired the assembly of six good ships of State with a view to leading them to the haven of reconstruction. After they had been at sea for a few weeks, a storm arose with reefs ahead. When the weather cleared, it was found that the Tasmanian ship had gone back to its home port. The ships of Queensland and New South Wales sailed on into the blue and the South Australian ship turned into a neutral harbour. At this stage the admiral radioed that he was going off alone on a voyage of his own. Now the good ships Victoria and Western Australia are steaming around in circles wondering what on earth the admiral wants them to do. That is the position today.

It is up to the Commonwealth Government to tell us whether it wants us and the other States to go ahead, or whether it has some new plan which it thinks will be of more advantage to the people of Australia and to the object that we all have in view, differing though we may as to the means of attaining that object, that is to say, to meet adequately the shock of post-war reconstruction and at the same time to do it without giving away those rights which the States, and especially Western Australia should retain if they are to be mindful of their own interests and mindful of what will be best for their own people in future. I do not propose to support the third reading, and I trust that the silence of the Commonwealth Government will before long be broken and that some lead will be given to the States, especially in view of Dr. Evatt's impending departure, of what is in the mind of the Commonwealth in this matter of referring powers to the Commonwealth.

MR. PATRICK (Greenough): It is rather unusual for me to speak on the third reading of a Bill but, having supported the second reading, I feel that I ought to explain my attitude in view of what has occurred during the Committee stage. I was one of those people who thought that Western Australia should never have joined the Federation, because I considered it was not joining on terms of equality of development. That was a reason why I supported the movement for secession some years ago, the object being to retire from the Federation until we had attained that measure of equality. That course failed, and now the position is that we have a choice between the Federal system of government and a unified system of government. In my opinion, a unified system of government centred in Canberra would be absolutely disastrous to a State like Western Australia, if not to the other States of the Commonwealth. Therefore I have always resisted any encroachment upon the powers which the States still possess—encroachments with the ultimate object of destroying the Federation. I have agreed in connection with this Bill that it might be necessary for the Commonwealth to possess certain powers in regard to post-war reconstruction, but I have never in my experience known so big a question as this to be handled so badly. An attempt has been made by the Commonwealth under the stress of war conditions to gain powers from the States greater than it ever attempted before, greater in fact than the powers which have been rejected time after time by the people of the Commonwealth.

This campaign began with what we might call a blitz broadcast under the personal direction of the Federal Attorney General. In this he was assisted by certain lesser lights such as university professors and others, whom we might regard as yes-men. In this connection all the national stations in Australia were used in furtherance of the campaign. There was no opposition from the States or from any other interest affected. So it was really a very one-sided argument. In fact, it was somewhat like the experience we had later on when certain questions were asked and answered by the man who had put them. A very strong campaign was put over the air. Doubtless the object of the blitz was to soften the objections of the States before the next phase of the campaign was entered upon. This con-

sisted of a convention, which duly met but failed to endorse the proposals put over the air with such tremendous force and representing one side of the case only.

The Premier: They did not soften much.

Mr. PATRICK: They did not appear to soften very much. The idea of the original campaign was that the Constitution and the High Court were to be conveniently bypassed. This was apparently unacceptable to a majority of the members of the Convention. The Commonwealth Attorney General then opened his little bag and produced another Bill. This was somewhat similar in effect; it was sweetened a little, but it likewise failed to secure endorsement. Strong-arm methods were then dropped and a commonsense idea was brought forward of asking the States to refer certain powers.

This is something I have never been able entirely to understand in the Commonwealth Constitution. It seems to me that the idea of this referring of powers must have been intended for some peculiar set of circumstances arising probably in one State. I do not think it was ever intended to amend the Constitution by getting all the States to refer certain powers, because that seems to me entirely against the democratic method under which the Constitution was drawn up and the provision that amendments could be made only by reference to the people. Nobody seems to know how this provision crept in. In reading the debates of the original Convention, one cannot get a very clear impression as to how it got into the Constitution. As I have said, I believe the idea was to deal with peculiar circumstances probably affecting one State only. However, it was a commonsense idea, in contrast to the ideas originally put forward, to hold a Convention. The Drafting Committee produced a Bill, which was rather hurriedly drawn up, and adopted without debate after a few not very enlightening remarks by the Federal Attorney General.

The Premier: It was debated.

Mr. PATRICK: That is the point where I consider the Convention made a big mistake. It should have examined the proposals and debated them for some time, but it practically adopted them without any discussion whatever, and the States were then asked to pass legislation to bring about the reference of powers. There seemed to be no examination by members of the Convention of the effect

the powers would have on the Commonwealth Consitution.

The Premier: Anyone would think we were proposing to make permanent alterations.

Mr. PATRICK: That is a specious form of argument. It is possible to refer certain powers to the Commonwealth and for the Commonwealth to take action accordingly, but after granting those powers, it will be almost impossible to get rid of the situation thus created. In my opinion, after the Convention had sat, the Bill should have been referred back to the States for examination as to what effect it would have on the Federation, and a conference of the States should then have been held to consider what powers were thought necessary and what powers the States were prepared unanimously to give the Commonwealth. It is the States which are referring these powers to the Commonwealth; it is not the Commonwealth that is taking them. It is entirely for the States to determine what powers they prefer to remit. If what I suggest had been done we might have arrived at a unanimous decision and not had the untidy political mess that is before us today.

The Premier: The Commonwealth did not want the powers referred. It wanted a referendum.

Mr. PATRICK: The Commonwealth saw that it had very little opportunity to get these powers at that time. It gave serious consideration to the question of holding a referendum, but as the result of past experience it assumed there was not much chance of getting these things put through. It then approached the different States in the hope of getting the same kind of unlimited power without the necessity of holding a referendum.

The Premier: It was not a Commonwealth proposal at all.

Mr. PATRICK: Of course not! The Commonwealth proposals were turned down. The other proposals came from the Convention, and were adopted by the Commonwealth. The Government of Australia found itself getting into an impossible position and adopted that way out. These blitz or rush tactics were entirely unnecessary. The argument was advanced by the Commonwealth authorities that when the war ended there was going to be a state of absolute chaos. The position was dealt with by Mr. W. M.

Hughes on page 38 of the Convention report, when he said—

My point is that this is not the time to take a referendum. That is quite definite. I repeat, the Commonwealth has all the powers necessary and will retain them for at least eighteen months after hostilities cease.

Mr. Hughes probably had more experience than had any other member of the Convention as to how long the powers would last after the cessation of hostilities. He went on to say—

I repeat the Commonwealth has ample powers. The war may last for years; it will certainly last for a considerable time. We gather experience every day by co-operation with the States as to what powers will be necessary to give the Commonwealth to deal effectively with post-war problems.

There was, therefore, no great hurry. The matter is one which could have been considered calmly and deliberately without any blitz or rush tactics. Mr. Forgan-Smith, the Premier of Queensland at the time, pointed that out last September when he said—

I am not willing to give the Commonwealth the powers it is now seeking. If an amendment to the Constitution is desirable or necessary it should be done only when men can meet and reason together, not during a period of emotional thinking.

That is quite sound, and I agree with Mr. Forgan-Smith's statement.

The Premier: Brother Scots!

Mr. PATRICK: Yes. There has been a deliberate attempt to stampede the people of the States into doing something that will perpetuate the present defence powers that the Commonwealth possesses and all the regulations attendant thereto. Dr. Evatt states in his book what the Commonwealth wants in the way of power after the war is over to continue the defence authority. That has already been roundly condemned by the Queensland State Minister, who reflected, I think, the opinion of the major portion of the people of Australia. Most people in Australia are absolutely sick and tired of what has been termed Dedmanism, Wardism, and other forms of ism. There is no doubt that when the war is over there will be another little war on, a fight on the part of the numerous boards to retain the power and authority which they now exercise. Recently when I was a member of a Select Committee I saw evidence of the impudence of one of these boards. It had opposed the decision of the State Government and of the local people who had the requisite knowledge of

the position, and deliberately stepped in and defied the various Western Australian authorities.

The country is absolutely over-ridden with boards. The mystery is how some of the men serving on them ever found a way into those positions. I am reminded of the great English poet who was asked how it came about that a fly was embedded in a piece of amber, and the poet replied—

T'was not; the thing was neither rich nor rare;

One wonders how the devil it got there.

The Premier referred to the motion which was carried last year. He said it was carried unanimously by the House. It will be remembered that another motion in similar terms was nearly carried, and was defeated, I think, on the casting vote of the Speaker. A motion somewhat similar to that which was carried in the House was carried at the Convention on the motion of Mr. Cosgrove. It was in effect, "That adequate powers to make laws in relation to post-war reconstruction should be conferred on the Parliament of the Commonwealth." That is very similar to the motion which we carried in this House. The Bill we have before us, which has been passed practically unamended, goes far beyond the terms of that motion. It gives power to control such things as production and distribution, powers that are not wanted in normal times. It seems to me there has been a tendency to exaggerate what are termed post-war difficulties. There is no doubt that many thousands of people, who are now engaged in war activities will return to their old employment, and that many thousands more will be required to catch up on civil requirements, including the building of houses. A certain number of people, a fairly large number, will no doubt be retained in the army permanently.

All that was required with regard to the reference of powers to the Commonwealth is contained in paragraph (a) which says, "The reinstatement and advancement of those who have been members of the Fighting Services of the Commonwealth," etc. The Commonwealth has held that power unchallenged for 25 years, and for all that time has had a Minister for Repatriation and a Repatriation Department. In my opinion the paragraph was put in as padding to catch the eye of the electors. One would have expected to see a paragraph regarding the reinstatement of munition and other war

workers, and people engaged generally in war industries, and also, another paragraph dealing particularly with the export of certain commodities, but certainly not a paragraph dealing with the marketing of every commodity produced in this country such as we find in the Bill. The other powers asked for are not required for the purpose set out in the Bill. The fact is that the Commonwealth possesses ample power in every other direction, especially if it is prepared to work amicably with the various States. As to control generally, the local people would be far more efficient than the politically appointed muddling boards that are in existence today. The mistake made by the Government was in resisting all the amendments that were put forward by the Opposition. Towards the conclusion of the Committee stage the Government realised the very wide terms of the Bill as suggested by the words "employment and unemployment." And yet the amendment brought down by the Government to that particular paragraph dealt with only one small phase concerning what the word "employment" implies. This of course has its humorous side, as was shown by the remarks of the Minister for Labour when bringing down the amendment.

Federal Labour, which members opposite always support, is ever seeking wider arbitration powers. They were not satisfied when the proposals were originally introduced by referendum dealing with the term "employment." They tacked on to that word the words "(a) including wages and conditions of labour and employment in any trade, industry or calling, and (b) the prevention and settlement of industrial disputes, including disputes relating to employment on or about railways, the property of the State." Labour wanted those things in then just as it now wants to take absolute control of the whole of the arbitration system of the Commonwealth. In tacking on this paltry amendment members opposite were not too consistent. The member for Canning seemed to think the Commonwealth would not be bothered with the affairs and disputes of a number of small unions. I do not think he could have read the debates in the Commonwealth Parliament when the original proposals were brought forward. The Attorney General of that day said it would be necessary tremendously to increase the number of members of the Federal Arbitration Court, and to appoint subsidiary

judges to deal with the affairs of different States, because they anticipated dealing with the whole of the arbitration affairs in all States. The States were to be put entirely out of business so far as arbitration was concerned. That was the Federal policy then, and it is the policy today. The attempt of the sole amendment put up by the Government to retain a few of the crumbs of arbitration was rather pitiable. The member for Bunbury at different times has babbled rather pleasantly about ancient history. He does not seem to be aware that history is in the habit of repeating itself. It has done so in the Bill before us now.

Mr. Withers: If it repeats itself advantageously to those concerned you do not mind.

Mr. PATRICK: There is nothing original in these proposals. They have been turned down by the people already three times. It is merely a matter of history repeating itself. There is nothing new under the sun. Some 400 years before the Christian era there was a well known Greek writer who wrote political plays, and these would be just as fresh if quoted in relation to present politics as they were in those days.

Mr. J. Hegney: Who was that?

Mr. PATRICK: I refer to Aristophanes, whose political plays will be found in the Parliamentary library. A reference to those plays will show that history is repeating itself, and the remarks about politicians appearing in those plays are just as applicable to politics today as they were to politics of 2,500 years ago. History has repeated itself in the last few years. A certain mountebank came to this State and successfully contested a Parliamentary election, after which he was exposed. Today the same type of man is working with the same technique but in a different direction, and is getting the same results.

Mr. J. Hegney: Our very existence depends on history repeating itself.

Mr. PATRICK: Because we have in the past had experience of Federal promises we want to be extra careful before we refer to the Commonwealth any further powers. Even today we are getting a rough deal in regard to our two main industries—wheat-growing and goldmining.

Mr. Needham: You told us that on the second reading.

Mr. PATRICK: I am telling the hon. member again, because it is something he

does not seem able to realise. There is nothing like rubbing these things in over and over again. It might be thought that there were peculiar conditions attached to Western Australia in regard to the wheat industry, but members may take their minds back to the statement made in this House by the Minister for Lands when he said it was agreed at a conference at which he was present that there should be a reduction in wheat areas in certain States, including this State and South Australia. During the sittings of a recent Select Committee, I asked the manager of the present wheat scheme in the Commonwealth whether the problems we had in Western Australia were present in South Australia, and he said, "Yes." No action was taken in South Australia in regard to wheat restriction.

The Premier: And there was no compensation.

Mr. PATRICK: Which compensation in no way benefits the small farmers of this State. I have pointed out that some members seem to think that small farmers are not much affected by this Federal intervention; in fact, Mr. Scully said that every farmer can get his £600. But the fact is that many of the small farmers of this State have been put in the position that they are not able to produce 3,000 bushels of wheat. One man wrote to me the other day whose quota was fixed at 80 acres, which is all he is allowed to crop. It is impossible for him to produce 3,000 bushels on that area. That applies to the majority of the small wheat farmers in this State. Their acreage was reduced one-third, just the same as was that of the big farmers. I could see some sense in it if it had been made to apply only to farmers cropping over certain acreages, but to reduce the small farmers to a non-wage-earning position was absolutely unfair and ridiculous and was not justified by the position in this State. Personally I have never felt that the position taken by the Commonwealth Government in regard to goldmining in this State was justified. Only last week there was a statement in "The West Australian" regarding Canada, which was rather interesting. It was as follows:—

The outlook for goldmining in Canada for the remainder of the war is reasonably satisfactory. While there is a small prospect of expansion of the industry, yet there is likewise small likelihood of any serious decline. The promotion and development of new gold-

mining projects are not being encouraged, but there is a very evident keen desire at Ottawa for the established mines to maintain production at current levels. The output of some 200,000,000 dollars in new gold each year is an important pillar in Canadian economy.

This is the only country in the world in which it was necessary to take this action, and, in my opinion, it was never justified. I go so far as to say, as I have said before, that if gold had bulked as largely in the economy of a State like New South Wales as it did in Western Australia, it would have been left untouched. One of the remarkable features of this debate—there may be an explanation for it—is the Premier's sudden conversion to the merits of the Federation. We know what he said in November last when he made his speech in regard to the manner in which we had been treated under the Federal system. But when he was speaking on the subject of a uniform railway gauge, he said that, if an amendment were inserted as the Opposition required, the State might sit pat—I think that was his expression—and make the Commonwealth pay. He did not consider that the reverse might apply and that if the paragraph went in unamended the Commonwealth could sit pat and make the States pay. Past experience indicates that this unlimited faith in the Commonwealth cannot be justified. Dr. Evatt talks vaguely about our obligations towards the Atlantic Charter. One of the main reasons why he wanted his original Bill to go through was that the Commonwealth could carry out its obligations under the Atlantic Charter. What are those obligations? Let him be more specific. The Under Secretary for Foreign Affairs in America, Mr. Sumner Welles, answered the same question recently. He said—

Trade barriers and economic nationalism spread poverty. We cannot maintain our standards of living in a world of want, and as we enable other nations to develop resources and raise their living standards, we improve ours.

If that is one of the implications of the Atlantic Charter, that Charter means very radical changes from Australia's previous economy.

The Premier: And America's, too!

Mr. PATRICK: Yes. America is evidently prepared to adopt those changes, but what pronouncement has the Commonwealth Government made on this question? We have a vague statement that we must carry out our obligations under the Atlantic Char-

ter. But is the Commonwealth Government prepared to carry out those obligations as interpreted by the well-known American, Sumner Welles? It is certain this Bill will do nothing to implement the Atlantic Charter. It merely seeks to perpetuate the present regimentation of the Australian people, and what we want after this war is that the initiative and enterprise of the Australian people shall be given free play. Australians have shown that they have superlative initiative in other avenues in which they have been placed, and there is no doubt that initiative is one of the great attributes of Australia.

When this war is over we do not want to keep up the present regimentation of the Australia people. We want their initiative and enterprise to be given fair play. These proposals are no good for this State. Western Australia can rise only through the efforts of its own citizens, and this Bill will hamper and retard them. The powers we so lightly propose to give have no limit; they are absolutely unlimited. There is nothing clearly defined. It is an attempt by unificationists to use the war to break down the Federal system of Government. It would not be tolerated today in any other and older system of Federation, and I refuse personally to be a party to it and intend to vote against the third reading.

[*Mr. Withers took the Chair.*]

HON. N. KEENAN (Nedlands): Under normal circumstances it is not usual to have a debate on the third reading of a Bill. Indeed, in the whole of the 19 years I have served in this House I cannot recall a single instance when I spoke on the third reading of a Bill. But the present occasion is not a normal one; it is as opposite to being normal as is possible to imagine. It is an extraordinary occasion. It is extraordinary because, if the Bill now before the House received the assent of Parliament and became law, there would be an absolute end to responsible government in Western Australia. Therefore what we are saying here now is in the nature of a funeral oration on the death of our liberty. All the members of this House—and I believe a very large majority, if not all of the members of the community at large—are in favour of granting to the Commonwealth Government by way of the Commonwealth Parliament, all powers which can be legitimately wanted for

the purpose of the repatriation of those who are now serving or those who have served in the Fighting Forces of Australia, and for the resettlement in civil occupation of those who are engaged in various forms of war work. I said, "legitimately wanted," because it is more than obvious that excuses have been made of the war and the incidents surrounding the war to seek for power far in excess of what is legitimately wanted, and to seek for authority from quite ulterior motives and motives other than the prosecution of the war.

These powers which are required for the repatriation of our fighting men and the replacement in civil occupation of those who have been—in some cases forcibly—compelled to engage in war work, we are prepared to surrender to the Commonwealth Parliament and to surrender them forever, and not with any humbergging qualification about these powers being for a certain period of time after which they are to be returned. If the Bill which is before the House becomes law, however, we shall give away powers which go to the very root of self-government in this State. It is for that reason only, and not because we do not want to give every possible power that can be legitimately wanted, that we are opposing the Bill. I find what I think has been referred to today as a shadowy majority behind the acceptance of this measure.

Mr. J. Hegney: But none the less a real majority!

Hon. N. KEENAN: On many occasions only the casting vote of the Chairman, which is about as shadowy a majority as one could imagine, has led to the rejection of some amendments designed to preserve the sovereignty of the State. I find that those who favour the passing of the Bill do so for two reasons. I propose to lay those reasons before the House and to deal with them. They believe the Bill is one which should be temporary in character. That is the first reason. The second is that they believe the Bill to be radically different from that introduced by the Attorney General of the Commonwealth, Dr. Evatt, on the 1st October last year. Apparently, but for the fact that they believe in those two very important considerations, they would not give the Bill their support or countenance.

The Premier: What about that?

Hon. N. KEENAN: I propose to deal with that. I would not rise if it were not

for the purpose of dealing with that, and I hope that the Premier, when I have made my arguments to the House, including him, will have a receptive mind.

The Minister for Works: He requires an analytical mind.

Hon. N. KEENAN: A mind both analytical and receptive! It is useless having an analytical mind which merely throws to one side everything that is contrary to one's preconceived ideas. If one has an analytical mind that is used in an orderly way, one must have an open mind. Of course, there are some members who would support the Bill irrespective altogether of the two very important considerations that I have just mentioned. As to those members, I am not concerned about their attitude. They represent, in a certain sense, the same type of mind that a certain section in Australia represents. Such individuals, while they are Australian citizens, enjoying all the benefit of Australian laws, accept no obligations whatever to Australia, but accept extraordinary obligations to some authority established outside Australia. One cannot deal with that class of person. I do not propose to deal with such people in this House. I do not know how many there are of that type. I should say that they are very few in number. These people are prepared to support the Bill, no matter what it may mean and irrespective of the two considerations I have already mentioned. That is not the attitude of the Premier, nor indeed, as I believe, of the great majority of those who sit on the Government side of the House.

Time and again the Premier has asserted that he supports the Bill because, whereas the measure of the 1st October of last year was purely and simply a Bill to bring about unification, the present measure is of an entirely different character and seeks to transfer far less authority from the Parliament of the State to the Parliament of the Commonwealth than was proposed in the Bill of the 1st October last. If that were correct, it would undoubtedly be a very strong and important argument for the acceptance of the Bill now before the House, but I propose, with the leave of the House and particularly of the Premier, to show that that contention is absolutely incorrect, and I hope to make that abundantly clear. The Premier also gave as a reason for his support of the Bill his belief that the powers to be transferred were of a temporary character

only. Indeed, that might be the principal ground, although I think not, on which he tried to convince himself that he should support the Bill which he believes is not one to achieve unification.

The Premier: I support it because it is of a temporary character for specific purposes.

Hon. N. KEENAN: Let me remind the Premier of what he told this House. He said—

The great thing in regard to these constitutional amendments is the way in which the transfer of power is to be made. Safeguards exist inasmuch as the alterations are only temporary. We felt that we could go a long way in giving power for a certain limited period. We felt that we could give more power for a limited period than we would be inclined to give if the period were indefinite. The amendments are to have a limited application of five years after the war finishes—not after peace is declared. We felt that that was not a long period in the history of the nation, and that we could trust the Commonwealth Government with these additional powers for that particular length of time.

That again, I claim, is incorrect. If it were correct, what the Premier stated would be an important consideration, but I hope to make it abundantly clear that his beliefs are absolutely ill-founded. It may be desirable to remind the House briefly how it is that this present Bill comes before members. What was its antecedent history before it came to this Chamber for discussion by members? Dr. Evatt, the Federal Attorney General, on the 1st October of last year, brought before the House of Representatives a Bill which was a perfect bombshell. It was brought down at a time when all Australia was distraught because of the war position. It was not as it is today when, to a great extent, we can flatter ourselves that the tide has turned and that we are making progress, however slowly, towards victory. At that time the German armies were sitting on the banks of the Volga River in Russia and appeared to be there for the winter, thereby being able to control the whole of the central trade of Russia which is dependent upon transport over the waters of the Volga. Rommel was still looking towards Cairo. Nothing was to be seen on the whole war horizon to suggest a semblance of hope for the cause of the United Nations. We were in the unfortunate position of having encountered setbacks. We had been defeated in Libya; Russia had suffered enormous reverses and was only hanging

on in the extraordinarily grim way that nation can whenever called upon to make sacrifices. Such was the position confronting us at that time. The public was not concerned one iota about a mere minor tragedy in the face of the great tragedy that confronted the United Nations.

It was at such a time in the history of the world that Dr. Evatt was good enough to spring this Bill upon the Commonwealth Parliament. The whole circumstances associated with its introduction were alarming. There had been no prior discussion and no public demand for it. True, there had been some general form of discussion among the literati on the question of post-war problems. If there was one thing that marked public opinion at the time, it was that Australia should give all thought and energy to the prosecution of the war and that the people generally should not concern themselves with anything else. Thus one is forced to ask one-self what was the reason for the extraordinary haste at a time when such haste respecting such a matter was most undesirable, particularly at such a juncture when all were naturally concerned with the immediate dangers associated with the war position. At such a time, what reason was there for this haste? I have endeavoured to find out the reason and it seems to me it can be attributed to one factor only. That factor is that just about that time, or about the end of July, the Commonwealth Government went too far in its invasion of State rights and was challenged in the High Court.

When one challenges the acts of an autocrat, which is the position of the Commonwealth Government in Australia today, the autocrat immediately looks round for means whereby he can strengthen his position. He knows that if he is once successfully attacked such attacks will be repeated. It appears to me perfectly clear that because at that period the challenge of the two regulations seemed likely to be successful, means had to be taken to obtain greater and more extensive powers. The point must be borne in mind that had the Bill brought down by Dr. Evatt been accepted by the Commonwealth Parliament and the people of Australia had ratified its provisions, the legislation would have come into force at once. In the Bill now before this House, special provision is made that it is to come into force immediately it is enacted. It is not a

post-war Bill. The object is to provide present powers to supplement the deficiency in powers which was discovered by virtue of action taken by one State. That appears to be conclusive as indicating the reasons underlying the actions of the Commonwealth Government. No other reason can be suggested. That reason as a fact did exist.

If the Bill now under discussion is passed it will, in the opinion of the three legal advisers to the Commonwealth Government, entirely cure that position and make the powers of the Commonwealth Government unchallengeable. Members must appreciate that it is not only those regulations that were challenged in Victoria, that can be challenged. For instance, there are the regulations applying to the sale of liquor in Western Australia which simply invite a challenge. The government of the liquor traffic is entirely a State affair and can be interfered with only to the extent that for defence considerations such interference becomes pre-eminently necessary. We have the extraordinary position in Western Australia that by the issue of buttons, privileged individuals are entitled to go into certain hotels and procure drink irrespective of the State law. It does not matter what that law may be. If a man possesses the button he is enabled to get intoxicating liquor. Yet there are thousands who are doing more war work than those particular individuals, and they do not enjoy the same privilege!

The Premier: What has the man who receives the button to do in order to obtain it?

Hon. N. KEENAN: He has to write to the department concerned and he obtains the button in due course.

The Premier: You know that he has to work overtime on war operations?

Hon. N. KEENAN: There are thousands of men working overtime on war work, and yet they cannot obtain a similar privilege.

The Premier: Each man who possesses the button has to work overtime.

Hon. N. KEENAN: And there are thousands doing so but have not buttons.

The Premier: At any rate, the man has to work overtime on war work before he can obtain a button.

Hon. N. KEENAN: I am afraid that on this matter the Premier and I will have to agree to disagree. The point is that buttons have been issued to a privileged class to the exclusion of others engaged in war work to, perhaps, a far greater extent than are those

who enjoy the privilege and are permitted to over-ride the State law.

The Premier: After the matter has been determined by a court of law.

Hon. N. KEENAN: The court of law has only the right to say which particular hotel may supply the liquor. The court of law has no power to interfere with the State Legislature. Nevertheless, the possession of this button enables the man to obtain a drink at 11 p.m. or midnight.

The Premier: The court of law has to give the man his button.

Hon. N. KEENAN: The giving of the button is merely a matter of external appearance to enable the individual to secure drink.

The Premier: That is not the position.

Hon. N. KEENAN: What the Premier is shutting his mind to is that we are giving some men these buttons and allowing them to over-ride the State law. The State Parliament says that during certain hours no-one shall be served with intoxicating liquor, but the man who possesses the button can get it when he demands it.

The Premier: I do not think anyone possessing a button would demand drink as you suggest.

Hon. N. KEENAN: I saw the other day where a man had demanded drink in the metropolitan area at 11 p.m.! I knew of no place in the State except the goldfields where men can get drink at that hour. The Premier knows that this is granting something entirely different, something that the State Parliament has prohibited in its law. Yet this sort of thing can go on! It is apparently nobody's business—least of all the business of this State Government. And if this Bill, now before us, becomes law, this state of affairs will go on not merely during war days but for ever. Now I turn to what happened to the Bill of the 1st October last. Dr. Evatt made a speech, which has been referred to by more than one member this afternoon, introducing the Bill into the Commonwealth Parliament and inviting that Parliament to pass it as an amendment of the Commonwealth Constitution, whereas in truth it was no more an amendment of that Constitution than a few short words stating that the Commonwealth Constitution was abolished would have achieved. It proposed to establish a unitary form of government, and to put a final end to the Federation.

Had the Bill been passed by the Commonwealth Parliament, it would have needed endorsement by a referendum. Never before has such a campaign of propaganda been indulged in to prepare for the referendum which would have followed the passing of that Bill! Ten thousand copies of Dr. Evatt's speech were forwarded to the R.S.L. in New South Wales for distribution to its members. Advertisements favouring the referendum were lavish. But in spite of splendid organisation and lavish expenditure of public moneys the campaign failed. That was why the first Bill was abandoned, and not because the State Premiers and Mr. W. M. Hughes protested. The campaign was a flop.

The Premier: What made it a flop?

Hon. N. KEENAN: Public opinion! The Commonwealth Attorney General next proposed a Convention—a Convention of picked men—not after selection of delegates by the electors, but after selection by Dr. Evatt. The Convention consisted of the Premiers and Leaders of the Opposition of the various States, and a picked few Federal Parliamentarians well known to be in favour of unification, and the legal advisers of the Commonwealth and the States. The Bill of the 1st October was dead long before the Convention was held. It was scarcely mentioned at the Convention, and then a very little Bill was trotted out and allowed to disappear. I have a very high opinion of Dr. Evatt as an astute lawyer: and he got the various Premiers, without the Leaders of the Opposition and without their legal advisers, into a room and there and then proceeded to discuss the Bill we have now before us. Of course it was an impossible position. As the Premier knows, I have a high respect for him as a man of affairs; but I think he would be mere putty in the hands of an astute lawyer when it comes to shaping a Bill. The Premier is extremely effective when he gets the necessary time, and so this thing was rushed. The various Premiers gave it their support and blessing when they had not a scrap of authority to approve of it.

The Premier: That is a matter of opinion. It is like other things you have said this afternoon. It is not a fact. It is just your opinion.

Hon. N. KEENAN: No authority whatever was given to the Premiers.

The Premier: Our only undertaking was to bring the Bill before the Houses of Parliament.

Hon. N. KEENAN: Since the matter was pushed through at Canberra with all possible haste, there has been considerable discussion among the people of the States, and particularly among the people of Western Australia, and they wanted to know why they were not consulted and asked their views and their wishes. What was the result? A wild howl was raised against any such action on their part upon the ground that it would be a breach of faith. "You must not depart from what your Premiers agreed to at Canberra!"

The Premier: Who said that?

Hon. N. KEENAN: It is said every day in the Press.

The Premier: By members of the staff who write to each other through the public opinion column.

Hon. N. KEENAN: Any journalist is entitled to do that. It is impossible to ignore all this howling, and particularly the howling of friends of the Soviet Union, who have suddenly come to light as friends of the Commonwealth Government—

The Premier: No. We do not want them.

Hon. N. KEENAN: The Premier may not want them, but they are there, and they are going to let him know they are there, and he will not be able to ignore them.

Hon. P. Collier: They will be hard to shake off!

Hon. N. KEENAN: Very hard! But does it not all remind one of the tactics of a gentleman named Adolf Hitler? If anybody objects to a proposal of his, he shouts, "Treachery! Traitor!" So here, if there is any criticism at all of the Bill, it is treachery.

The Premier: Who said that? That is a silly, exaggerated statement.

Hon. N. KEENAN: I do not think the professional journalist I referred to is a Communist, but I have read in his contributions matter of exactly that character.

The Premier: One is not bound to follow a journalist's advice.

Hon. N. KEENAN: Am I in any worse position because I am not bound to follow the advice of the Premier? I propose now to turn to the question whether the Bill is one of a temporary character. I do not propose to submit to the House any legal argument as to the limitation of time, nor

any submission that is not constitutionally possible. I waive all that, although I am absolutely certain that my view is correct, that the limit of time is unconstitutional. But is it practical politics, presuming that it is constitutional? A moment's consideration of the paragraphs of Clause 2 of the Bill will convince anyone who has any sense and an open mind in the matter that the limitation of time is wholly and entirely impracticable.

Let me deal shortly with that consideration. Take paragraph (a), for instance, of Clause 2—"Reinstatement and advancement of those who have been members of the fighting services of the Commonwealth," etc. Who imagines for a moment that that will be done in five years or in 10 years, or in 20 years? Why, repatriation after the last war is not half accomplished yet! And yet, if the limitation of time is to be correct, the authority contained in paragraph (a) would cease to be within the power of the Commonwealth at the end of five years after the armistice! Take paragraph (b)—"Employment." It is left in that wide, unlimited sense. Who imagines that any laws of an intricate character passed in regard to that matter would come to an end in a period of five years after the armistice? Or could do so? Or could do so, indeed, at any period one cares to mention—20, 30, 40 years? Then take "Organised Marketing"!

The Premier: You cannot refer to the specific paragraphs of Clause 2.

Hon. N. KEENAN: If the Premier takes exception, I will finish in this way. Any member of this Chamber can look at Clause 2 of the Bill as printed, and he will find that there is not one single heading the subject matter of which could be finalised within four times the span of five or even 10 years.

The Premier: Oh, no!

Hon. N. KEENAN: So all this talk of the limitation of time is pure moonshine. It is not practical politics.

The Premier: I say that that is your opinion, for all it is worth.

Hon. N. KEENAN: I ask the Premier to give reasons for differing, not merely to assert the difference. I say that every single subject-matter which is being conveyed cannot be finalised within a term of five years beginning at the point when the armistice is declared.

The Premier: If they have to be finished in five years, they will be. That is all about it.

Hon. N. KEENAN: Is not that an extraordinary statement? What must be, must be!

The Premier: If you have power to do certain things within a certain time, that is all the time you have in which to do them.

Hon. N. KEENAN: If the Commonwealth had power to deal with repatriation for only five years, not one-hundredth part would be dealt with in that time, and that would end it. Is that the idea?

The Premier: So far as the Bill is concerned, yes. If I asked the hon. member to give me that advice, he would say yes.

Hon. N. KEENAN: That ends it.

The Premier: Yes.

Hon. N. KEENAN: And that is practical politics?

The Premier: Yes.

Hon. N. KEENAN: The Premier proposes to give the Commonwealth a power which he knows definitely cannot possibly be exercised and finalised within the period, and he insists that that is practical politics! Of course, it is not practical politics.

The Premier: That settles it.

The DEPUTY SPEAKER: Order!

Hon. N. KEENAN: At the end of that time one of two things will happen. Either we will have extraordinary chaos in Australia, with various matters particularly—and sometimes very particularly only—dealt with; or we shall have to give up permanently what we are now pretending we are not giving up permanently—the power to deal with these matters. So, whatever limitations may appear, they are purely paper limitations. In reality and in truth, these limitations would never apply, because they would produce a state of affairs that would lead to chaos in Australia of an indescribable character.

I now turn to another consideration. Is this Bill different from that introduced on the 1st October, in the sense that it means in any substantial degree a transfer of less authority and less power from the State to the Commonwealth? Of course, it is a different Bill from the point of view of many of its important items; as, for instance, the High Court still remains the custodian and watch dog of the Commonwealth Constitution, and there is also no longer the power which was contained in Dr. Evatt's Bill,

namely, to determine by mere vote of the House whether a matter came within the scope of the Bill. As to all matters dealing with the transfer of powers from the State to the Commonwealth Parliament, I propose to show that the Bill now before the House and the Bill of Dr. Evatt are identical. In fact, if there is any difference, this Bill is a wider Bill. It transfers more power than Dr. Evatt's Bill. That necessitates a short examination of the two Bills. I propose, Mr. Deputy Speaker, instead of using the word "paragraph," to use the term "heading," because that is the more correct designation. Heading (a) of the Bill before the House corresponds word for word with Clause 2 of Dr. Evatt's Bill. Heading (b) is far wider than the power for which Dr. Evatt asked in his Bill of the 1st October.

The Premier: Everyone, except you, thought it was far less.

Hon. N. KEENAN: Let me point out why it is wider. In the Bill now before us there is no definition whatever; the heading is simply, "Employment and Unemployment." In Dr. Evatt's Bill of the 1st October the heading is "Employment, including the transfer of workers from wartime industries."

The Premier: But Dr. Evatt's heading says "including."

Hon. N. KEENAN: Employment is designated in Dr. Evatt's Bill. It is not designated in the Bill before the House. It is as wide as it can possibly be. There is no limit. Dr. Evatt in his heading refers to the transfer of workers from war industries to peacetime industries. Heading (c) in this Bill is not to be found in Dr. Evatt's Bill. It deals with organised marketing of commodities. We know from experience already in organising markets for export what the limitations suggested are. Heading (d) is also not included in the Bill presented by Dr. Evatt. It deals with company law. But that is not a surrender of State rights to which anyone would take exception, or, at any rate, exception only on the ground that it is a matter suitable for the State. We all recognise it would be a great advantage to have uniform company law prevailing in Australia.

Mr. Patrick: In answer to a question in the Federal House, Dr. Evatt said recently that he considered the Commonwealth had that power.

Hon. N. KEENAN: Yes. So with headings (e) and (f) in the Bill now before the House! These are contained in Dr. Evatt's Bill, but not in any wider phraseology; if anything, in more restricted phraseology. Heading (g) in the Bill now before us corresponds with heading (d) in Dr. Evatt's Bill, except that in this Bill the goods of primary production are not to be included without the consent of the Governor-in-Council. So we find headings (h), (i), (j) (k), (l), (m), and (n), with only slight differences of language, in both Bills. To sum up, while in the Bill before us the control of overseas exchange and the investment of moneys overseas are included, they are not in Dr. Evatt's Bill. This is a very important matter. As I pointed out to the Premier when discussing it, Australia—and particularly Western Australia—to a large extent lives on foreign capital.

The regulation of the raising of money is a matter again of gravest importance to the State, which has all its development before it; what we have done so far is not worth talking about, except on the primary industry side. Again, consider the omission from this Bill of subjects which might well have been included and which do not refer in any wide sense to our powers, the carrying into effect of the four freedoms, the improvement of living conditions, the housing of the people and the encouragement of population! All those heads appeared in the Bill presented by Dr. Evatt, but are not to be found in the Bill now before us. As I said, outside of provisions not concerned in the transfer of sovereign power it will be found that the two Bills are identical; both hand over absolutely and entirely the authority that hitherto has been invested in this Parliament to the Parliament of the Commonwealth.

The Premier: You would never say that!

Hon. N. KEENAN: It would be difficult to find a jury that could come to a different verdict on that point.

The Premier: There is an immense difference between the two Bills.

Hon. N. KEENAN: There are immense differences, but they do not affect in the slightest degree our authority as an independent State. The four freedoms are not mentioned in the Bill before us; that is nonsense and has very properly been left out. It was only the window-dressing of the Atlantic. Nobody knows what it means and

nobody bothers about knowing. The matter of increase in population has not been included, although that is a burning question. It may be too delicate to mention; it is too much open to controversy and I admit at once that it is a question in which all party feeling will have to be lost and dropped before it can be solved. But there is no difference in the transfer of real power between Dr. Evatt's Bill of the 1st October and the Bill now before the House.

The Premier: What is the difference between the sale of a property and the lease of it for two or three years?

Hon. N. KEENAN: The one idea which seems to permeate the mind of the Premier is the limitation of time.

The Premier: Very important too!

Hon. N. KEENAN: I would say that not a single person who approaches this question would have any doubt that the limitation of time is pure moonshine. It is not practical politics at all. I ask that we should vote on this matter with a clear knowledge of the facts. If we are prepared—as apparently some are prepared—to surrender the self-governing powers of this State of ours, let us do so with our eyes open. Let us not deceive ourselves as to what is going to happen; above all, let us not attempt to deceive others. Before we determine to deprive the people of Western Australia of their right to self-government—a right which they won after a long struggle from the eighties to the nineties—let us ask ourselves what authority we have for such action. We are bare of any authority whatever. As was pointed out by the member for West Perth, the Leader of the National Party, the electors of Western Australia have never been consulted. There is not a man in this Chamber who dares say that he knows what are the wishes of the electors.

The Premier: That authority was conferred on this Parliament by the Imperial Parliament.

Hon. N. KEENAN: I will deal with the Imperial Parliament in a moment. We did not get any authority from the Imperial Parliament to commit suicide.

The Premier: We got authority from the Imperial Parliament to refer powers. The Constitution is an Imperial Act.

Hon. N. KEENAN: The Commonwealth Constitution gave authority to the Commonwealth Parliament to receive and make laws in respect of any matters that the States

delegated to it, with the proviso, properly referred to by the Premier, that such reference only referred to the State that made it. But that does not authorise the State to hand over, *holus bolus*, all of its legislative power. Because it got authority to remit questions to the Commonwealth Parliament does not mean that it is to remit those questions without authority from its own electors. It is not constituted the sole judge; it is not constituted a judge at all.

The Premier: The State Parliament has that authority.

Hon. N. KEENAN: Only when the electors authorise it; and the electors have never authorised this Parliament or Government to make this transfer.

The Premier: The Imperial Parliament did that.

Hon. N. KEENAN: We are bare of any authority. We have not consulted the electors or made any attempt to find out what their wishes are, and we are carrying out what we are doing, not because of any expressed wish of the electors of Western Australia, but because of the expressed wish of people who are not electors of Western Australia.

The Premier: Two Houses of this Parliament carrying a resolution constitutes the authority.

Hon. N. KEENAN: Does the Premier suggest that our two Houses of Parliament, by carrying a resolution, adopt this Bill as a statute?

The Premier: No.

Hon. N. KEENAN: Of course he does not. Does the Premier suggest that he was given *carte blanche* to go to Canberra and put his name to anything on behalf of the State?

The Premier: You ask a question and then frame it in a different way.

Hon. N. KEENAN: There is no question of putting it forward in a different way. The question is a simple one: What authority did the Premiers, when at Canberra, have to sign for their electors? None whatever, and that is where we stand today as a Parliament! We have no authority. Further, I ask this: Two years ago the life of this Parliament, as given by the electors, expired, and—

The Premier: Fifteen months ago.

Hon. N. KEENAN: The Premier surely does not dispute these facts.

The Premier: Yes.

Hon. N. KEENAN: It expired two years ago.

The Premier: You do not understand.

Hon. N. KEENAN: We have twice extended our life. What a wonderful victory for the Premier!

The Premier: It shows how you mis-state facts.

Hon. N. KEENAN: It has twice extended its term.

The Minister for Labour: Parliament has.

Hon. N. KEENAN: Parliament has! This Assembly is sitting because of its own will and not by the will of the electors. It might, and perhaps can, be said that in the first instance the extension of the life of this Parliament was justified, but it is perfectly clear that in that extended term Parliament should have done nothing except purely formal governmental business. When we choose to extend our life without asking the electors for their consent, we are not justified in doing anything except purely formal business. But here, with that rule applying, we are prepared to throw away the birthright of the citizens of the State.

The Premier: I did not hear the hon. member in opposition to any great extent to that Bill when it was before the House, and that was when he should have made his protest.

Hon. N. KEENAN: I told the House a moment ago that, in my opinion, on the occasion of the first extension, owing to the very serious war position at the time, we were justified, and I said so in the House then.

The Premier: Now you are raising objections.

Hon. N. KEENAN: No. I am telling the Premier that one extension does not justify another and another. I have also just told the Premier that in that extended period this House should have done nothing except purely formal governmental business. Its only reason for the extension was that an election could not be held without great difficulty; a difficulty so great that the extension was warranted. But that does not mean that Parliament is to go on legislating and doing things which, in ordinary circumstances, it could not or should not do, without a direct mandate from the electors. Yet that is what we have done. In this extended period we have abused our attenuated authority by handing over, with a shadow majority, our self-governing rights.

The Premier: You are taking more exception to the Bill at this stage than when it went through.

Hon. N. KEENAN: What Bill?

The Premier: The Bill extending the life of the Assembly.

Hon. N. KEENAN: I am obliged, very much against my will, to repeat what I told the Premier a moment ago. I supported the first extension and spoke in its favour. I gave my reasons for supporting it. I voted against the second extension, and my reasons for so doing were given by the member for West Perth, with whose views I entirely agreed; but that is by the way. The real point is that we have an extended period of life, by our own act, and under that extension we are not at liberty to do anything more than purely formal business, but here the Government is endeavouring to do business that only a direct mandate from the electors would justify.

The Minister for Works: That is a weak attitude for a strong-minded man to adopt.

Hon. N. KEENAN: That is perhaps one of the worst sides of public life. No matter how strong the arguments that may be advanced for a particular course of conduct, everything is decided upon from the party point of view. I would welcome the fact that there was any man sitting on the Government side with a mind sufficiently open to address himself to this matter and ask himself whether, under these circumstances, he is warranted, either by a sense of duty or a sense of honour, in voting for this Bill.

MR SEWARD (Pingelly): Briefly, I intend to make myself clear, as have other members, on this Bill before it is finally passed or rejected by this Chamber. I supported the Bill when it was before us at the second reading stage. I did that, not because I was in any way enamoured of its contents, but solely for the reasons I gave on that occasion, namely, that I considered the outstanding duty of any State Parliament at the present time was to facilitate and expedite any measures necessary for the repatriation of those of our citizens who are engaged in the Fighting Forces, or in any branch of the Fighting Forces, such as munition making, or anything of that description. In that belief I considered it would be a calamity if any Parliament failed to co-operate with the Commonwealth Parliament so as to place beyond any doubt that that particular work could be under-

taken and, I hope, successfully undertaken when the time arrives. I found that when the Bill came to be considered by this House, no discussion took place on the paragraph dealing with the work of repatriation. All members agreed that it was necessary and gave it the expeditious passing one would expect. But there are many powers contained in this Bill to which I made reference on the second reading that have nothing whatever to do with repatriation. They amount simply to a handing over by this State Parliament of the sum of the sovereign rights of this State as a free gift. In other words, they were, as the member for Avon described it, sounding the death knell of the State.

If this Bill is passed and I, like the member for Nedlands, greatly fear that it will go through although I live in hopes, it will mark the end of self-government for Western Australia. From our past experience of Commonwealth Governments, not only the present one, but all of them, we can look forward with a sense of hopelessness to any sympathetic administration by that authority so far as Western Australian interests are concerned. I do not think that the only way to secure a favourable or satisfactory repatriation of the members of the Fighting Forces is to give this power to the Commonwealth Government. We can do it through this State Parliament provided we take the necessary precaution to draw up a plan satisfactory to the State and Commonwealth Parliaments beforehand. It is probable, too, that the proper policing and carrying out of the plan, after it has been agreed to, could be better done by the State Parliament. The alternative, of course, was to hand the whole matter over to the Commonwealth. We on this side of the House had no possible chance of doing anything in the way of drawing up a plan or implementing it after it had been drawn up. Therefore the only alternative was to give that power to the Commonwealth, and I was then and am still in full accord with that. However, this alone cannot be done. We have to take the Bill as it is. Although I supported the second reading, I did so in the hope that amendments would be made in Committee, and that we would be able to shape the measure favourably to a majority of the members and thus preserve the rights of the State. We have not been able to do this, and so I shall record my vote against the third read-

ing, sincerely hoping that a majority of members of the House will see their way clear to do the same thing.

There are many reasons why I am adopting this attitude. I view the handing over of the question of repatriation to the Commonwealth with great concern. One of the reasons for this concern was dealt with fully and ably by the member for Nedlands, and hinges on the time limit. We have inserted certain precautionary provisions in the endeavour to make the Bill apply for only a certain time, but we still have to get the decision of the only tribunal competent to say whether this is a temporary measure or not. While the Commonwealth Constitution makes mention of our being able to refer matters to the Commonwealth, it contains no provision stating that we can do this for a limited period only. Consequently, despite the steps that have been taken to make this Bill a temporary measure, there still remains very grave doubt as to whether it is a temporary measure or not. That is another very strong argument for confining the number of powers proposed to be referred to the Commonwealth to the very minimum.

I recall an old saying, "When in doubt play safe." There is considerable doubt about this measure, and my inclination is to play safe and vote against the third reading in the hope that the Bill will not become law. I would not be perturbed if the Bill were not passed. If it were defeated, I cannot believe that the heavens would fall. I do not think that any great trouble would occur if we did not pass the Bill. On the other hand, a great deal of good might result. If the Bill were rejected, I do not think the State Government would be so silly as to follow the lead of the Tasmanian Government and try to get the Imperial Government to abolish the Legislative Assembly. I think the obvious course of action would be for the Commonwealth to summon a further Convention, and if a further Convention were called—

The Premier: We would just be left out.

Mr. SEWARD: I do not agree with the Premier. I do not think the Commonwealth would be so keen to leave Western Australia out of this matter, though it might be quite pleased to leave us out if it could write off any of its obligations to us. No, the Commonwealth would not do that. Another Convention would be called, and the spokesmen of the Commonwealth would be sufficiently

enlightened by the discussions that have taken place in the various State Houses to realise that a measure must be submitted more in keeping with what the States desire in regard to repatriation, and the elimination of the other powers the Commonwealth so eagerly desires to get hold of.

Another point to be considered is the position of Western Australia in the House of Representatives. We have a very small representation—only five members out of a House of 74. If any Western Australian was faced with the question of surrendering further powers to the Commonwealth, the first question he would want to have decided is, What extra representation Western Australia, as distinct from the other parts of Australia, would be given in the Federal House? That is a question I would certainly want decided long before any power was surrendered to the Commonwealth. Dr. Evatt, however, was quite indifferent to this matter. He refused to discuss the question of extra representation until after the States had given the Commonwealth the additional powers. Even a child could see through Dr. Evatt's attitude. What extra representation would we get after we had given the Commonwealth all the powers we possessed? None whatever! The Commonwealth would ignore our requests. If Western Australia suffers from under-representation in the House of Representatives at present—and I say it undoubtedly does and members on the Government side say so also—the time to get extra representation is before we surrender these powers, and not after.

We have been treated to quite a lot of admonition to trust the Commonwealth Government. Several times during the debate the Premier interjected to the effect that we could trust the Commonwealth Government. He also went on to say that the Commonwealth is now giving greater consideration to our primary industries. That statement does not influence me in the direction of conceding further powers to the Commonwealth. On the contrary, it influences me to restrict the granting of any further powers. It would mean that the Commonwealth would issue regulations based not on the needs or requirements of Western Australia, but on the needs and requirements of the Eastern States, and that is not to say that they would apply with equal justice to this State.

Let me give two instances that I have in mind, though before doing so I should like to reply to an interjection frequently made by the Premier during the debate regarding the compensation that Western Australia is receiving for the restriction of area devoted to wheatgrowing. The Premier has several times drawn attention to the fact that we are receiving a compensation payment of 12s. per acre for the reduced area sown to wheat in this State. It must not be taken for granted that this is necessarily an advantage to this State. Unlike the Eastern States, our land cannot be allowed to lie idle. Simply because land is not to be sown to wheat, it does not follow that it is possible to maintain the holding capacity for sheep. The land has to be turned over periodically. Irrespective of whether it is cropped with wheat or oats, the land must be cultivated. Because compensation is paid on condition that the land is not devoted to growing wheat, it does not follow that the farmer can afford not to work the land.

The Premier: The farmer is given 12s. to enable him to work it.

Mr. SEWARD: But it is necessary to get a return from the land; otherwise the farmer will be out of pocket. While the Commonwealth prohibits our farmers from growing wheat, but not other crops, on a proportion of their land, I ask, "What other crops can be grown to the same extent as can wheat?"

The Premier: You can grow oats.

Mr. SEWARD: That does not apply generally. For many years we have not been able to grow profitable crops of oats in many parts of the State owing to climatic conditions. Oats require a rainfall different from that needed by wheat. Wheat can be grown in the more easterly districts for a better return than can either oats or barley, and the 12s. per acre is not all profit for the non-growing of wheat. Another matter in connection with administration from the Eastern States to which I wish to refer, because we had an instance recently, is the restriction on the quantity of superphosphate allowed to farmers. We had a deputation recently and were fully informed of the position, but there again we had the unpleasant experience of having South Australia and New South Wales quoted to us. I refuse to believe that the superphosphate requirements of New South Wales or South Australia are suitable in Western Australia because the conditions vary so much.

There has recently been issued an order prohibiting the sale of salt to farmers if it is to be given to sheep. In an explanatory statement received from the Under Secretary for Agriculture, he pointed out that sheep will consume salt when it is given to them, but there is no proof that they need it. He went on to say that experiments in South Australia proved that two lots of sheep fed under identical conditions, with the exception that one lot was given salt, proved that no benefit was derived from the feeding of salt. I cannot accept the conditions in New South Wales or South Australia as being applicable to Western Australia. Therefore if we grant these additional powers to the Commonwealth, there is a very great danger of our being legislated for on conditions that suit New South Wales, Victoria or South Australia, but yet might be totally inapplicable to this State.

During the debate the member for Perth made a statement to which I could not reply at the time but which I cannot allow to go uncontradicted. He stated that, after the 1914-18 war, prices went up in the lift while wages went up by the stairs. I generally attach considerable weight to the utterances of the hon. member, because he occupies a prominent position in the Labour movement and probably studies these matters more closely than does anyone else. His statement, however, is contradicted by the "Year Book"; the position is precisely the reverse. I quote the following:—

The first occasion when the effective wage was higher than in 1911 was in 1921 when wages increased considerably while prices declined, the increase in effective wages being 7.6 per cent.

Unemployment reached its peak during 1921. I am reviewing the years 1901-1927, and it might be interesting to give the percentages of unemployment during the war years and the years following the termination of the war. During the six years 1914-19 the percentage of unemployment stood at an average of 7.15 per cent. In the succeeding six years the percentage was 8.63 per cent., a difference of 1.48 per cent. If we exclude the year 1921 when the figures stood at 11.2 per cent., as compared with an average of 7.15 during the war, we find that the average for the eight years after the war was 8.6 per cent. The "Year Book" continued—

Both wages and prices fell in 1922 but the former, i.e., wages, less than the latter, re-

sulting in a further increase in the effective wage. As wages remained practically stationary while prices rose, the effective wage for 1923 showed a decline. A rise in wages coincided with a fall in prices during 1924 and the effective wage increased.

Therefore the hon. member's statement that wages went up slowly while prices rose quickly was not correct. The fact was that wages outstripped prices in the years after the 1914-18 war. The Minister for Industrial Development pictured for us a tragic position of all the business people being ruined after the war as a result of articles in stock purchased by them at high prices and then articles coming in after the war at cheap rates, which would hopelessly undermine their position. Can anybody imagine cheap freights ruling after the war, considering the rate of sinkings occurring now? I believe that freights will be so high that it may become necessary to protect the people against the charging of high freights. That seems more likely than a fall in freight rates.

The member for Nedlands said that no doubt the Commonwealth was inspired to get more effective control of State matters because of the neglect by State Governments to exercise the functions committed to them, and instanced the matter of making special provision for industrialists to obtain liquor after hours to the exclusion of other people. Let me mention another direction in which we would like to see a little more energy displayed by the State Government. That is in regard to the exercise of the lighting restrictions. It is not the first time this matter has been raised in the House. Going round the city in recent weeks one could only be amazed at the state of affairs. There are people who have driven cars having such masks fitted to them that the lights could hardly be seen at a distance of ten yards. In other instances cars have had lights which could be seen blazing from one end of St. George's-terrace to the other. That is the kind of thing with which people are getting fed up. These matters are under the control of the Commonwealth Government, yet apparently some people can do as they like. Anybody who tells me that lights cannot be seen shining out to sea from Fremantle and Perth must be very innocent.

The Minister for Justice: Dozens of summonses have been issued nearly every day.

Mr. SEWARD: Thousands will have to be issued in the near future if the Govern-

ment is going to get abreast of things! This has not been occurring recently only but has been going on for months. Certain people disregard the law and fix any type of mask on their cars, and have blazing lights shining for miles. Other people put masks on and not only endanger the lives of other people but also risk their own lives. Once more I express the hope that members sitting on the Government side of the House will take a little more interest in this very vital debate, and realise the responsibility resting on them when casting their vote on the third reading of this measure. I know perfectly well that some of them are not so lightly interested as the poor attendance in the House at times has indicated. They realise that if this measure is passed it is the end of self-government in Western Australia, and if they had their own way I have not the slightest hesitation in saying that they would vote against the third reading. We have heard complaints about party Government, and unfortunately we have the worst example of it in this instance, in which men have put party loyalty before the interests of their country. They have been told they must vote for the Bill and up to date they have complied with that instruction.

Mr. Sampson: I think they may have changed their views.

Mr. SEWARD: I hope the hon. member is right and that they have come to see that if they vote for the third reading they will, as the member for Avon said, ring the death knell of self-government in this State. I hope that that will not be the case, and that before it is too late they will realise their position and vote against the third reading.

[The Speaker resumed the Chair.]

MR. SAMPSON (Swan): I very much regret the trend of this debate and the maintenance of a disregard for what I consider the best interests of the State. I feel sure that, as a result of what is being done, the State will suffer severely. In variance with the previous speaker I am not inclined to think that members on the opposite side of the House have changed their minds. I believe that right through, if one could have an idea of their innermost thoughts, one would find that they have been opposed to the Bill, but the party whip has been cracked, and we have most remarkable indications of party control. That control has been exercised throughout the different debates. Mem-

bers opposite do fear the result of this Bill, but under a mistaken idea of loyalty they feel they must support the measure. It will be said in very many places that as a result of what has been done and what apparently will be done, permanent dishonour will be cast on this House, and not alone on the party which is responsible for what appears to be the certain result.

Time after time we have been assured that the Commonwealth Parliament requires greater powers, but we know that is not so. The Commonwealth Parliament has ample power. There has been talk of reconstruction and what should be done, but the Commonwealth Government already has sufficient power to do what is required. The final result of the passing of this measure will be that Western Australia will be required further to mark time. No State on the mainland has made such little progress within the past quarter of a century as Western Australia, and the reason is that the Commonwealth Government is out of touch with this State, and consequently there is a lack of sympathy and understanding. Western Australia has found and will find more and more intensively as time goes on that the revenue which it has been in the habit of receiving will cease, for taxation is already taken from us and how people can be willing to give the Commonwealth Government the unlimited power which is sought is very difficult to understand.

Mr. North: Would you lead a secession movement?

Mr. SAMPSON: I have for many years supported secession. I am sure it would be a great thing for Western Australia if we were not a part of the Commonwealth. Unfortunately the time is not opportune, but I believe we shall never progress while we are under Federal control. Western Australia's power to develop has been greatly reduced and will continue to be reduced until eventually it will disappear. We are, as it were, a vassal State. We have such limited powers, and there is so little possibility of secondary industries being developed in this State, that those who view the matter seriously cannot look at it with other than grave doubt and misgiving. Needless to say, I shall vote against the third reading of the Bill. But it hurts me to think that all those on the other side of the House—all those supporting the Government—should lay aside consideration of this State and give

their first consideration to what has evidently been a party instruction.

THE PREMIER (in reply): I do not desire to say much in reply because, with all due respect to those who have spoken, not very much that is new has been said in the course of the third reading debate. Consideration has been given to every point of view advanced during the discussion of the Bill at every stage. For three months the business of this House has been almost entirely taken up with the discussion of the various aspects of this measure. Consequently it could not be expected that any new point would arise at this stage. It is rather surprising that my friend from Williams-Narrogin should accuse me and other people of lack of sincerity.

Mr. Doney: No, you made a mistake.

THE PREMIER: The hon. member made the mistake. Everything put up in this House in regard to this Bill has been replied to and, while members may not have agreed to the arguments submitted to points that have been raised, logical reasons have been adduced, and a majority has supported the attitude taken in regard to the Bill.

Mr. Doney: I do not dispute that.

THE PREMIER: It seems to me that members opposite want to construe this measure as being one giving forever unlimited powers to the Commonwealth Government. That cannot be supported by facts. The member for Nedlands, who has a wonderfully-trained legal mind, suggested there is no difference between a lease of five years and permanently parting with a property—the property in this instance being the right and title we have to self-government in this State. So far as we are concerned we have said we are prepared to take the risk of losing some of those powers for a short period—for five years—and the hon. member said there was no difference between that—

Hon. N. Keenan: Not from the point of view of practical politics.

THE PREMIER: If I were to ask the hon. member for a legal opinion he would have no hesitation in saying there was a tremendous difference.

Mr. Watts: Some people think this is a lease with an option to purchase.

THE PREMIER: The option of selling is on this State.

Mr. Hughes: It may be a lease that will exhaust the property.

THE PREMIER: No. A lot of things have been said by way of supposition which have no factual base at all. It is purely a matter of opinion of certain people as to what may happen. Briefly to detail the history of the genesis of the Bill, I would point out that there was a proposal in the Commonwealth Parliament to pass a Bill to put the question before the people of this country as to whether that Parliament should be given the power to legislate for any power it liked without reference to the High Court—that is to say, so long as the Commonwealth Parliament considered it was necessary in the interests of Australia to pass a certain Bill, that Bill was to become law, and no High Court or anybody else had any right to challenge its legality. That was violently opposed. In fact, we gave some consideration to that proposal in this House and debated it for some time. I expressed myself as unequivocally opposed to that viewpoint, and said that if that were the proposal I would be strongly in opposition to it.

I stated that it was a plank of the Labour Party's platform that there should be no amendment of the Constitution except by way of referendum and that, until such a course were taken, we reserved our right in regard to the piecemeal handing over of powers which might have a tremendously detrimental effect on the Government and people of this State. The piecemeal handing-over of powers, which would be detrimental to this State, would not be willy-nilly supported by me. If unification is to be established in the proper way it must be in a form that will conserve the rights of the people. The provisions of the necessary legislation will have to be set out so that they can be properly understood by everyone. The matter will have to be submitted to a referendum of the people who will determine what they want. Whatever may be the verdict of the people I shall abide by it, and I think that every member, irrespective of where he sits, will abide by a decision of the majority of the people in a majority of the States.

Mr. Doney: Do you think it possible under any form of unification to conserve existing rights?

THE PREMIER: The rights of the citizens of Australia could be conserved if a wise scheme of unification were formulated. I believe the hon. member has been in New Zealand where there are many provinces,

but would he say that the New Zealand Government cannot legislate adequately and conserve the rights of the people from the northern-most point to the most southern cape and inclusive of Stewart Island?

Mr. Watts: There may be people in New Zealand who may not think as you do.

Mr. Doney: There are geographical considerations to reckon with.

The PREMIER: It is not always a question of geographical considerations; community interests have also to be taken into consideration. The member for Nedlands claimed that the Government had no mandate or right—

Hon. N. Keenan: No authority whatever!

The PREMIER: The Government has authority under the Constitution, as I mentioned by way of interjection when I said that the Commonwealth Constitution was just as much an Act of the Imperial Parliament as was the Act that granted responsible government to Western Australia. The Commonwealth Constitution includes a section that says that the States can refer powers to the Commonwealth. We have that power.

Hon. N. Keenan: You have the power but not the authority to exercise it.

The PREMIER: To have power is useless unless one can exercise it.

Mr. McDonald: We have the constitutional power to make everyone dress in pink.

The PREMIER: We have that power, but we would not be foolish enough to exercise it. During the course of the debate there has been much exaggerated talk about what could be done in all sorts of circumstances, but the fact remains that nothing of the sort has ever been attempted. Members must remember that the present Bill arose out of the original proposal that we were to hand over lock, stock and barrel what the Commonwealth Government desired without the people of Australia giving consideration to the proposition at all. Such opposition arose to that unfair proposal that it was withdrawn. Members of this House considered that question for two or three days. We came to the conclusion that was arrived at by most people in Australia, and this is a point that has been forgotten during the third reading debate. The point is that everyone considered it was necessary for some additional powers to be transferred to the Commonwealth Government so that it could adequately deal with the problems of

post-war reconstruction. The Bill indicates the reason why the present measure is submitted. It says—and members agreed to this on the second reading and during the Committee stage—that—

Adequate powers to make laws in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States.

This House agreed to that expression of opinion. Members realised that necessarily the Commonwealth would require added powers to enable it adequately to deal with post-war reconstruction problems. The only point at issue is the degree to which those powers should be referred. That is the reason for the introduction of the present Bill. The object is to enable the Commonwealth Government to cope with the tremendous problems that will arise during the reconstruction period so that they will be dealt with more effectively than was the experience after the 1914-18 war. The member for Nedlands said that the Commonwealth had all the powers necessary to deal with repatriation matters. The point is that the Commonwealth did not have those powers after the earlier war and, not having them, did not attempt to exercise such powers. The result was that most expensive and solid work was unloaded on the States.

Among my earliest comments when the proposal was first made to extend the powers of the Commonwealth was my statement that I hoped, if any powers were to be transferred, that the necessary authority would be vested in the Commonwealth Government to incur expenditure on the repatriation of our soldiers seeing that after the previous war the Commonwealth had absolutely refused to accept any financial responsibility in the matter. Notwithstanding that, the member for Nedlands still claims that the Commonwealth has all the necessary power to deal with repatriation matters. If it has that power, the Commonwealth Government did not exercise it. On the contrary the Commonwealth claimed it was not its responsibility at all. The Government of which the member for Nedlands was a member was told by the Commonwealth Government at that time that unemployment was a problem for the States to deal with, and that the States would have to accept the financial responsibility associated with that task. The Commonwealth Government would have nothing to do with it, and said so emphatically. Everyone who had experi-

ence of that period must appreciate that there will be much unemployment after the present war and realise that it is essential to grant extra powers to the Commonwealth Government to enable it to deal with the problem effectively. The stand I take regarding the Bill is that the transference of the powers set out is necessary.

Mr. Watts: The trouble is that you want to give away more than is necessary.

The PREMIER: The whole tenor of the speeches against the Bill during the third reading debate has been that we should not transfer these powers.

Mr. McDonald: That is completely wrong.

Mr. Doney: He mentioned exceptions.

The PREMIER: They referred to small matters.

Mr. Doney: We voted for the second reading of the Bill.

The PREMIER: Yes, and now members say that too much power is to be transferred to the Commonwealth. Members say that they are not necessary and they intend to vote against the third reading of the Bill.

Mr. McDonald: You read our speeches.

Mr. Watts: The trouble is that you will not allow us to cross a "T" or dot an "I."

The PREMIER: Members opposite apparently can see no virtue in the Bill.

Mr. Doney: Has the Premier seen any merit in our amendments?

The PREMIER: I did not say there was no merit in them.

Mr. SPEAKER: Order!

The PREMIER: I did not condemn them as utterly without merit.

Mr. SPEAKER: Order! Will the Premier address the Chair?

The PREMIER: The member for West Perth desired enlightenment as to the Commonwealth's attitude respecting amendments made to the Bill by some of the State Parliaments. I do not think it is the duty of the Commonwealth Government to enter into a violent Press controversy with partisans all over Australia and indicate what it intends to do. Obviously the Commonwealth Government will wait until the consideration of the legislation has been completed by all the States. Why worry about what one State has done instead of waiting until all the States have dealt with the legislation? It was suggested that we need not worry ourselves about the measure because Dr. Evatt had cleared out of Australia and that was the end of the legislation.

Mr. McDonald: Yes, cleared out without saying goodbye.

The PREMIER: The fact is that he has not gone yet. During the second reading debate I said that the scope of the Bill might be a little wider than was necessary, but on that point I emphasised that the Government did not know just what powers were required to deal with post-war reconstruction problems. Who can say what problems will actually arise prior to or during the peace conference discussions? We do not know how the position will develop. Who can say how the various nations will view the requisite arrangements? Is it not appropriate that Dr. Evatt, as Minister for External Affairs, should go overseas to visit the heads of the United Nations to ascertain to some extent what the probabilities will be? Having gained information along those lines, the Minister can indicate that amendments made by the States have denied the Commonwealth powers that are requisite.

Mr. McDonald: In other words, the Commonwealth Government has asked us to pass a Bill without knowledge of what it wants, and now it is going to find out what is requisite.

The PREMIER: That is not the position. I may admit that some of the powers to be transferred may be a bit wider than is necessary, but, as I indicated earlier, I would sooner take a risk over a limited period by granting slightly more extensive powers than are really necessary than pass the Bill transferring less power than is essential. If the Minister for External Affairs is to go to the peace conference—

Hon. N. Keenan: Will he or the Prime Minister go?

The PREMIER: At any rate, whoever will go will attend as the representative of Australia, and should he have proposals submitted to him he may have to say, "I am very sorry, but I cannot give you an answer regarding that matter at this conference because I shall have to discuss the question with the State Governments in Australia."

Mr. McDonald: Do you think the peace conference will be concluded within three years?

The PREMIER: I hope so.

Mr. McDonald: I do not think it will be.

The PREMIER: Solomon in all his glory and wisdom could not answer that question!

Mr. McDonald: I would take a bet on three years.

The PREMIER: At any rate, I shall not attempt to answer the question. The point I make is that the tenor of the debate has been that we are handing over greater powers than are necessary, and the member for Nedlands claims that we are doing it in a manner which means we shall never enjoy these powers again.

Hon. N. Keenan: That is my view.

The PREMIER: I do not agree with him.

Mr. Doney: That appears to be the view of all the subject States.

The PREMIER: I do not accept that viewpoint. A law passed to transfer powers for three or four or five years is totally different from enacting a measure disposing of those powers completely. The Government has power to appoint a man to a position for a number of years or to pass legislation applying for a specified period. It can undo what it has done in the past. It can pass legislation to undo what others have done. A lease of land is different from the sale of the fee simple. If the present Government has made serious mistakes, the people can turn it out of office. What it has done can be remedied by a future Government. An alteration of the law in future will have the effect of reversing what may have been done in the past. Despite that, the member for Nedlands continues to adhere to the opinion that, once we refer these powers to the Commonwealth for a limited period, we surrender them for all time. He is entitled to his opinion, but I cannot agree that his views are backed up with logic. At any rate, I do not subscribe to them, nor do I think many people will accept them.

We considered the issues involved and agreed that this was not the time when a referendum should be held. We recognised the necessity for adequately dealing with post-war reconstruction problems when we discussed the question at that time. And after we had discussed it we thought some of these powers were necessary for four or five years. The House agreed with that view. It was not a party vote. We sent the expression of our viewpoint to the Legislative Council—where this Government is in a hopeless minority—and the Council also agreed to the resolution. Then we went along to Canberra and said, "We think some of the powers are necessary, and we think that what is required should be done by reference." The policy adopted by this Par-

liament was the policy adopted at the Convention.

That is the position we find ourselves in. While the member for Nedlands says we have no mandate, and seems to imply that the Government must remain supine and do nothing during the term of its extended life, I say the position is entirely different and that we should exercise all the powers of government; otherwise we had better get out and let other people come in. It might be, for instance, that some of the people in this country had to be evacuated; and so I say that if we did merely formal things, our existence as a Government would be useless. The life of this Parliament having been extended, whatever is necessary to be done for the good government of Western Australia will be attended to; and if it is not done, that will not be our fault. Whatever can be done for the welfare of Western Australia will be attempted by this Government.

I really have no wish to continue further, for I feel that most of the things I have been saying have already been said during the second reading and Committee stages of the Bill, and also by other speakers during the present debate. I want that we should get ourselves back on the straight road again by referring some powers for some time to the Commonwealth Government—and for some purposes.

Mr. Watts: The limitation of time in that motion came from this side of the House.

The PREMIER: Well, we agreed to that.

Mr. Watts: But your reference was wrong.

The PREMIER: We put the whole thing before the House, and accepted the responsibility of putting it before the House; and the collective wisdom of the House accepted the motion. We did not oppose the motion; we supported it. Therefore we accepted, equally the responsibility for it. It is not the property of any party in this Chamber. All I want it to get back on the clear, straight road that for post-war reconstruction it is necessary that the Commonwealth should have extra powers. Everybody admits the problem of reconstruction to be a big one; and it is for that reason the Commonwealth Government is to be given additional powers. No-one disputes that point.

The only matter in dispute is the amount of power to be given. We do not say that at the end of the period consideration will

have to be given to whether some legislation which we have passed, as we thought, in the best interests of Australia and Western Australia, should continue. If, however, there is something against our State's interest, it will be the fault of the Parliament of the day if that is allowed to continue. It will, however, stop automatically, without the passing of any Bill, unless someone takes positive action to continue it in existence after that period. I no longer entertain hopes of converting members in regard to the Bill. I do, however, want the true significance of what we are doing to be understood by the people of Western Australia; and that would not have been understood had I not made these few remarks, which I conclude by expressing the hope that the third reading of the Bill will be carried.

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

| | | | | |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 20 |
| Noes | .. | .. | .. | 17 |

Majority for .. 3

AYES.

| | |
|---------------|----------------|
| Mr. Barry | Mr. Marshall |
| Mr. Collier | Mr. Millington |
| Mr. Coverley | Mr. Needham |
| Mr. Cross | Mr. Nulsen |
| Mr. Fox | Mr. Panton |
| Mr. Hawke | Mr. Tonkin |
| Mr. J. Hegney | Mr. Triat |
| Mr. W. Hegney | Mr. Willcock |
| Mr. Johnson | Mr. Withers |
| Mr. Leahy | Mr. Wilson |

(Teller.)

NOES.

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

(Teller.)

PAIRS.

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

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—COMPANIES.

In Committee.

Resumed from the 23rd February. Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

Postponed Clause 59—Return as to allotments:

Clause put and passed.

Postponed Clause 170—Redemption of forfeited shares:

Mr. TONKIN: I move an amendment—

That in line 4, after the word "sale," the following words be inserted:—"and at any time on that day not later than two hours before the time fixed for sale."

I tried to move that amendment previously, but withdrew it on the understanding that the clause would be postponed and further consideration given to the matter. The member for Nedlands suggested that provision should be made to enable a person to redeem shares on the day of sale. We endeavoured to frame an amendment to this end. The Minister promised to consider the clause and give an opportunity later for a suitable amendment to be moved. I have discussed my amendment with the Minister, who raises no objection to it.

Mr. HUGHES: Would it not be better to delete from line 3 the words "the day fixed for" and then, so long as a person applied before the sale took place, he would be able to redeem his shares. May I move in that direction, Mr. Chairman?

The CHAIRMAN: Not unless the member for North-East Fremantle withdraws his amendment.

The MINISTER FOR JUSTICE: The object is to give those concerned time up to within two hours of the sale to redeem their shares. If we allowed a person opportunity to redeem them right up till the last moment, it might have the effect of upsetting the sale. I favour the amendment.

Mr. TONKIN: I would be disposed to agree to the suggestion of the member for East Perth but for the fact that it would be difficult for people to redeem their shares right up to the last minute. Dislocations would occur that would probably upset the sale. Two hours is a reasonable time.

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

Postponed Clause 306—Meaning of unregistered company:

Hon. N. KEENAN: I move an amendment—

That in line 4 the word "partnership" be struck out.

The question of partnership has been settled as any group of individuals not exceeding 20, whereas by including the word "partnership" in this clause we shall be restricting it to more than five members.

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

Postponed Clause 322—Exemption of certain companies from payment of fees:

The MINISTER FOR JUSTICE: The member for North-East Fremantle desired that this clause be deleted. I am agreeable to that. If it becomes necessary to charge fees for these companies, the matter can be dealt with by regulation.

Clause put and negatived.

Postponed Clause 340—Companies to file balance sheets:

Mr. TONKIN: I move an amendment—That Subclause (4) be struck out.

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

Postponed Clauses 368 and 411—agreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

Recommittal.

On motion by the Minister for Justice, Bill recommitted for the further consideration of Clauses 143, 152 and 249 and a new clause.

In Committee.

Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

Clause 143—Disqualification for appointment as auditor:

Mr. HUGHES: I move an amendment—

That a new paragraph be inserted as follows:—“(c) a body corporate.”

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

Clause 152—Qualification of director:

Mr. HUGHES: I move an amendment—

That a new subclause be added as follows:—“(6) Any person being a shareholder or director of a company to which he, his wife or child, agent, servant or employee is indebted in a sum equal to the nominal value of his shares held by him in such company, or the amount subscribed on such shares, whichever is lower, shall not act as a director, either in person or by his agent, servant, or employee of or directly or indirectly take part in or be concerned in the management of the company or any of its business, and any person so acting shall be guilty of misdemeanour within the Criminal Code and be liable to imprisonment of hard labour for one year.”

The object is to ensure that where a director has withdrawn capital from a company, either by way of loan to himself or to some representative on his behalf, and has drawn more than his holding in the company, he

no longer can exercise control over the company. It may be suggested that this would be a hardship to a director, but I suggest that it is a salutary safeguard against two evils. If he is indebted to the company he has a conflict of duty. His personal interest frequently comes into conflict with his duty as a director. As a director, he would be most reluctant to prosecute himself in order that he might pay what he owes the company. The shareholders would, therefore, suffer. In effect, he must elect whether he is to be a borrower or a director of the company.

Mr. McDONALD: I oppose the amendment and hope it will be given further consideration. I am all for protecting any conflict of interests; but a director of some small company might hold shares to the value of £10 and inadvertently borrow £10 from the company to meet an emergency. By so doing, he will render himself liable to imprisonment for 12 months. A person would need to be a Philadelphian lawyer in order to become a company director, otherwise he would be liable to go to gaol every day of the week.

Mr. Hughes: What is wrong with that? Only lawyers will be directors!

Mr. McDONALD: The position may prove to be very harsh for a director who may borrow £10 from a company.

Mr. WATTS: I am in agreement with the principle of this provision. I understand the desire is to prevent a director from being indebted to a company and therefore in danger of having a conflict in his mind as to which interests he should protect. So far as I am concerned, that is quite acceptable with regard to the director and I think I may go so far as to say in regard to his wife and children, because I take it he would be acquainted with their activities. But I think the hon. member is going a step too far when he proceeds to bring in agents, servants or employees, because I cannot gather how the director in question is going to have a knowledge of what is the position in regard to his employee, for example. I thought at first that the hon. member simply intended that the agent, servant or employee should have been acting in regard to incurring the debt for and on behalf of the director. Had that been the position it would have been safe to assume that the director knew all about the matter; but I find there is no such pro-

vision and whatever the indebtedness of the agent, the employee or the servant of the director, whether the director knew anything about it or not, and whether the director had been a party to incurring the debt or not he would be unable to act as a director without being liable to a substantial penalty. I do not think we should accept the amendment as printed.

THE MINISTER FOR JUSTICE: I have given some consideration to the amendment and agree with it. We should accord shareholders all the protection possible. If the words "wife or child, agent, servant or employee" are not included, such people may be used as dummies. It is not uncommon for business men to incur liabilities in the names of relatives, agents or servants. This provision will prevent that. If a director or a manager is indebted to a company for an amount equal to the nominal value of his shares, or to a greater amount, I do not think he should have any right to a say in the administration.

Mr. McDonald: Should he go to gaol for 12 months?

THE MINISTER FOR JUSTICE: If he is quite aware of the position and if he takes the risk I do not see any reason why he should not be penalised, though the penalty provided may be harsh. Perhaps the member for East Perth would be prepared to modify the penalty.

Mr. WATTS: I am surprised to hear the Minister accept this without qualification. Take the position of a co-operative company. A director holds 10 shares valued at £1 each. A farm manager, an employee of the director—who is obliged under contract to maintain him and his family—goes into the co-operative store and incurs a liability of £30. Under this provision immediately that becomes known the director is no longer competent to be a director, although he had nothing whatever to do with what his farm manager did. This will apply to all companies, great and small, and all directors great and small. We cannot allow a provision of this kind to be hastily inserted in the Bill. We will never get a director to operate in a concern of this kind if such conditions are imposed.

Mr. HUGHES: I have made the provision comprehensive because I fear the ingenuity of lawyers. If a loophole is left I have no doubt that some bright young lawyer will come along and find ways and

means of defeating the clause. I fear it may be possible for the purpose of the clause to be defeated if we say that a director cannot owe a company any money, but that his employee who is under contract of service to him may do so. I agree that inconvenience to certain people may be caused. There are lots of avenues in life upon entering which one is restricted in many directions. Take the position of a citizen coming into this House! He is immediately cut off from having any contractual relationship with the Crown under pain of a most terrific penalty. In order to keep the conflict of interests apart a man must make his choice. I am not wedded to the wording of the clause. I want the principle established. I desire it to be effective and not something that can be driven through. If a man has only £10 capital in a company, surely it is a fair thing to say to him that his indebtedness shall not exceed £9.

Mr. Watts: Yes, but not his bona fide employee.

Mr. HUGHES: I am sorry if the Leader of the Opposition wishes to exclude the employees, because I fear that it will create an opening for a dummy.

Mr. Watts: I do not want to do it that way, either.

Mr. HUGHES: If members feel that this is going a little too far, I would be agreeable to that suggestion, but every inch we give opens wider the door to the dummies. If the Leader of the Opposition wishes to delete the words "servant, agent or employee," I shall raise no serious objection. I have seen, in my thirty years' experience of companies, some terrible things done by directors, where they have borrowed all that they have ever had in the company and yet exercised their powers as directors to the detriment of the minority shareholders. That is why if I have done anything I have gone a little too far.

Mr. WATTS: I move—

That the amendment be amended by striking out the following words "agent, servant or employee."

Amendment on amendment put and passed; amendment, as amended, agreed to. Clause, as amended, put and passed.

Clause 249—Appointment of liquidator:

Hon. N. KEENAN: I move an amendment—

That in line 7, after the word "shall," the words "subject as hereinafter provided" be inserted.

It is, in fact, provided in the proviso that the court may appoint any person on grounds being shown for the appointment to be made.

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

New Clause—Remuneration of directors:

The MINISTER FOR JUSTICE: I move—

That a new clause be inserted as follows:—
“155A. (1) The remuneration and emoluments of directors to be paid for their services in whatsoever capacity and under whatsoever designation they may serve and be entitled to such remuneration and emoluments, shall from time to time be determined by the company in general meeting and shall not in any circumstances be fixed by any provision contained in the memorandum or articles of the company.

(2) Where the memorandum or articles of a company formed and registered under this Act contain any provision fixing any remuneration or emoluments of a director contrary to Subsection (1) of this section, such provision shall be absolutely null and void.

(3) Where the memorandum or articles of a company formed and registered under any of the repealed Acts prior to the commencement of this Act and subsisting at the commencement of this Act contains any provision fixing any remuneration or emolument of a director contrary to the effect and intention of Subsection (1) of this section, such provision shall, notwithstanding any contract or agreement between the company and the director to the contrary, remain in operation and have effect until the date of the next ensuing annual general meeting of the company after the commencement of this Act and no longer, and as from the date of such next ensuing annual general meeting of the company Subsection (1) of this section shall apply in relation to the fixation of the remuneration and emoluments of the directors of such company, and, in relation to such last-mentioned fixation of the remuneration and emoluments of a director the provisions of Section one hundred and fifty-six of this Act shall apply.

This really means that no remuneration or emoluments can be fixed other than by the annual general meeting of the company. They cannot be fixed by an agreement. If so fixed, they become absolutely null and void. The third subclause of this proposed new clause deals with the emoluments of directors fixed by the memorandum or articles or by some agreement. They will stand until the first annual general meeting, when such remuneration must be fixed. On no account, after this Act is proclaimed, shall any director, after the first annual general meeting, have his remuneration or emoluments fixed other than by the annual general meeting.

New clause put and passed.

Mr. McDONALD: I had intended to move that a new clause be inserted, but some time would be required to deal with it. I suggest that I be allowed to see the Minister on the matter, and the clause might possibly be considered by the Legislative Council.

Bill again reported with further amendments, and the report adopted.

ADJOURNMENT—SPECIAL

THE PREMIER: I move—

That the House at its rising adjourn to a date to be fixed by Mr. Speaker.

It is not certain when we will meet again. In the meantime, the Legislative Council has to give consideration to the Commonwealth Powers Bill, which will take two or three days, or perhaps a little longer. We can deal with the business on the notice paper in a few days, and I am sure you, Mr. Speaker, will be able to call the House together in sufficient time to do that. I, together with the Leader of the Opposition and the Leader of the National Party, received a communication from the organiser for the third Liberty Loan. He has asked that the various members of this House make themselves available to attend meetings, and generally to assist in making this present Loan a success. I told him that the members of this House would be willing to undertake these duties, and this short adjournment will give them an opportunity to visit their districts in furtherance of the War Loan.

Question put and passed.

House adjourned at 6.37 p.m.