

Minister for Industrial Development will be persuaded to give a little more attention to trying to save the industries that we have even if he has for a little while to neglect the development of new industries, though I do not think there is any necessity for that.

I think I stated on the floor of this House before—although it may not be subscribed to even by the people to whom I am referring—that the tendency seems to be for this and another Government to nationalise our industries. I hope sincerely that that will not be brought about because it has to be remembered that private enterprise has supplied the capital necessary successfully to establish and develop most of the great industries in our own State and in the Commonwealth. We who believe to the uttermost in private enterprise and initiative look with intense anxiety at the over-developing paternalism of modern Governments. What destroys initiative and enterprise destroys individuality and the very citadel of man's worth. A nation's greatest assets are the skill, energy and intelligence of its people. It was John Stuart Mill who wrote the words with which I conclude—

A people may prefer a free Government but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if they can be deluded by the artifices used to cheat them out of it; if by momentary discouragement, or temporary panic, or a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet of a great man, or trust him with powers which enable him to subvert their institutions; in all these cases they are more or less unfit for liberty; and though it may be for their good to have had it even for a short time, they are unlikely long to enjoy it.

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

BILL—COMPANIES.

Received from the Assembly and read a first time.

House adjourned at 6.10 p.m.

Legislative Assembly.

Wednesday, 25th August, 1943.

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

QUESTIONS (3).

PHOSPHATE SUPPLIES.

As to Local Deposits.

Mr. WATTS asked the Minister for Industrial Development: 1, Have the results of recent tests of phosphatic rock at or in the vicinity of Dandarragan yet come to hand? 2, If so, are they satisfactory or otherwise? 3, What contribution are they likely to make to supplies of superphosphate for W.A.? 4, Are there any other sources of supply in W.A. which give promise of providing any relief of the superphosphate shortage?

The MINISTER replied: 1, No. 2 and 3, See answer to No. 1. 4, Yes. One deposit of phosphate rock is already being worked and another promising copralite deposit similar to that at Dandarragan is being examined.

SEWERAGE.

As to Graylands Area.

Mr. NORTH asked the Minister for Works: Has the recent extension of the sewerage in Claremont enabled the residents in the Graylands area to become connected with the service?

The MINISTER replied: The following allotments in the Graylands area are capable of being connected to the sewer:—Davies-road.—East side from Lapsley-road northerly to Lot 3 opposite Loc. 222 between Hay-street and Alfred-road. Graylands-road.—West side between Second and First avenues and on east side between First-avenue and Alfred-road.

VERMIN DESTRUCTION.*As to Strychnine Supplies.*

Mr. SEWARD asked the Minister for Agriculture: 1, When the Under Secretary for Agriculture stated last March that there were 6,000 oz. of strychnine in the State, and that the annual consumption was 4,000 oz., was the strychnine in Government or private control? 2, If under Government control how was it divided between commercial houses and the Government authority? 3, If under private control, on what basis did the Department of Agriculture obtain supplies, and in what quantities? 4, At what price was strychnine sold to road boards by the Department of Agriculture last year, and this year? 5, Does he know that strychnine is being sold by some country retailers today at 14s. 6d. per oz., while the price in Perth is 10s. 3d. per oz? 6, Will he take any measures that are necessary to prevent consumers being charged excessive prices for this urgently required poison? 7, What amount of strychnine was obtained by the Department of Agriculture between the 1st January and the 31st July this year? 8, What amount was made available to road boards during the year ended the 30th June in the last two years?

The MINISTER replied: 1, The strychnine was under private control. At the Department's request, the Directorate of Material Supply through Central Administration procured supplies amounting to 4,000 ounces. 2, Not under Government control. 3, Department requested Directorate of Material Supply to make supplies available for Western Australia. 4, Department has not sold poison to boards for years. 5, The Department arranged with wholesale druggists to supply all poisons to vermin boards at wholesale rates. This practice has obtained for a number of years. Retailers have always sold at a higher rate. 6, See 5. This has already been done by the Price Fixing Commissioner. 7, 396 ounces. Solely for use of departmental dog trappers. 8, Nil by Department. The amount supplied by wholesale druggists is unobtainable but is estimated at about 8,000 ounces annually.

BILLS (3)—FIRST READING.

- 1, Fremantle Municipal Tramways and Electric Lighting Act Amendment.

- 2, Public Authorities (Postponement of Elections) Act Amendment.
Introduced by the Minister for Works.
- 3, Constitution Acts Amendment.
Introduced by Mrs. Cardell-Oliver.

BILL—COMPANIES.*Third Reading.***THE MINISTER FOR JUSTICE [4.37]:**

I move—

That the Bill be now read a third time.

MR. MARSHALL (Murchison): When this Bill was passing through the Committee stages I gave the Committee an assurance that I would not issue the certificate unless all amendments of a consequential character were, so far as humanly possible, attended to. I wish to state that in conjunction with the Crown Solicitor and the two officers of this House, who rendered me untiring assistance, I went through the Bill on no less than four occasions. So far as we could ascertain, all consequential amendments, cross-references, etc., were dealt with most diligently. Members might imagine that some friction arose when the Bill was recommitted. But as the Committee decided it would have nothing in the Bill that was dealing with guarantee shares, but nevertheless passed paragraph (b) of Clause 12, and also Clause 93, both of which dealt with guarantee shares, the necessity arose for the recommitment. Therefore I give the House an assurance that my undertaking given in Committee was carried out before the certificate was issued.

Question put and passed.

Bill read a third time and transmitted to the Council.

MOTION—COMMONWEALTH AND STATE RELATIONSHIPS.*As to Post-War Financial Reform.*

MR. WATTS (Katanning) [4.41]: I move—

That this House is of the opinion—

1. That there is urgent need for consideration of radical reform at the termination of the present war in the financial relations between the Commonwealth and the States, and expresses its agreement with the principle of the joint resolution of both Houses of the Tasmanian Parliament to the effect that no financial relations between the Commonwealth and the States can be satisfactory that do not frankly take into account the different economic

positions of the several States and provide for a systematic review from time to time of any scale of payments.

2. That at the termination of the present war means should be found to restore to the States the right to impose income taxation either generally or in defined limits, while at the same time not imposing on the taxpayers the necessity of providing two different returns and complying with two differing laws.
3. That a conference between representatives of the Commonwealth and State Parliaments, including both Government and Opposition members, should be arranged at a reasonably early date to consider such reforms.
4. That copies of this resolution be conveyed to the Prime Minister and the Premiers of the several States.

I believe I am not alone in feeling some concern about the position that has developed regarding the relationships between the two authorities in question since the creation of the Federal compact some 43 years ago. It has progressively deteriorated through all that period of years until the time has arrived when, unless some definite and suitable action is taken, we shall find that it is too late and that the Federal compact, not by any direct process of constitutional alteration or legislation but by stealthy means not easily detectable, will have ceased to exist as we once knew it and become nothing more than a mere sham.

When I was at Canberra with the Premier last November, I had the privilege of a discussion with the Hon. E. Dwyer-Gray, Treasurer in the Tasmanian Government, and fell to talking with him on this topic. I found he was extremely interested in it; in fact to use the word "interested" is not sufficient. He had taken action regarding it on more than one occasion, either as a Minister or as a private member of the Tasmanian Assembly, with the result that the Tasmanian House has on three occasions, the last of them as late as this year, on the motion of that hon. member, resolved—

That no financial relations between the States and the Commonwealth can be satisfactory which do not frankly take into account the differing economic positions of the different States and provide for a systematic review from time to time of any scale of payments adopted.

In consequence of that discussion, I presume, I received from Mr. Dwyer-Gray a booklet issued by the Tasmanian Govern-

ment entitled "Financial Relations between the Commonwealth and the States; History of Tasmania's Parliamentary Formula," which I understand is the name given to the resolution I outlined a moment ago. Later on I decided that action along parallel lines might with advantage be taken in the Parliament of this State in order that we might comply at least with the principle contained in the Tasmanian Parliamentary formula and put forward our opinion as to what should be done regarding this matter. In order to understand the progressive deterioration, as I call it, of the financial relationships between the Commonwealth and the States, it is necessary to recapitulate something of what has taken place in the period since Federation. There have been radical departures from the spirit if not from the actual letter of the Commonwealth Constitution. Section 87 of the Constitution, known as the Braddon Clause, reads—

During a period of 10 years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure.

The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.

That was to be done until otherwise provided by the Parliament of the Commonwealth. A number of such provisions appear in the Commonwealth Constitution, but in this case action was taken almost as soon as the period of 10 years had expired and, in consequence, the payments that were being made to the States under the Braddon Clause ceased. I hope later on to show by comparison what the effect of losing those payments has been on the financial position of the States generally and of Western Australia in particular. Section 94 of the Constitution provides for the distribution of surplus Federal revenue as follows:—

After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth.

Uniform customs duties were to operate from two years after Federation. This surplus revenue, as I understand the position, was subsequently converted into a payment of 25s. per head of the population, and this continued for a number of years as the

basis on which the Commonwealth was to contribute to the financial requirements of the States. However, about 1927, there came into being the Financial Agreement, which was subsequently embodied in the Commonwealth Constitution as one of the very few amendments carried by the people of Australia. Under the Financial Agreement the loan raisings of the States and the Commonwealth were placed in the hands of the Loan Council, and there was also control available under Section 105A of the Constitution dealing with the public debts of the States. I incline to the opinion that a great deal of pressure was brought to bear upon the State Premiers of the day to induce them to recommend this particular alteration to their people.

The Premier: Duress, not pressure.

Hon. P. Collier: It was not pressure; I was there and know all about it.

Mr. WATTS: I was not there and so I have used the word "pressure" as a milder term in order not to be guilty of exaggeration.

Hon. P. Collier: We were told that we had to accept the Commonwealth proposals or we would get nothing.

Mr. Doney: What was that but pressure?

The Premier: It was duress.

Mr. SPEAKER: Order!

Mr. WATTS: Whatever may have been the actual circumstances, it is quite obvious that the agreement was not obtained from all the Premiers, at all events on a purely voluntary basis. Certain learned gentlemen have given some consideration to the effect of this Loan Council and subsequent legislation passed by the Commonwealth Parliament after a dispute with the Premier of New South Wales some 10 or 11 years ago, and also its effect not only upon the financial policy of the Commonwealth and the States, but also upon the legislative and governing rights of the Governments and Parliaments of the States. Among those gentleman is Professor G. B. Portus, who has established some reputation for his knowledge of constitutional matters. In a little work of his entitled "Studies in the Australian Constitution" he says, referring to the provisions of Section 105A of the Financial Agreement—

A State may be compelled to carry out any agreement made under Section 105A, and, in the process of compulsion, the "sovereign rights" of the States may be ruthlessly swept aside. In the course of enforcing such an

agreement, the control of the servants and of the revenues of a State may be taken out of the hands, not only of the Government, but of the Parliament of that State. (Indeed the people of that State may be prevented from having the Government they want.) The Financial Agreement can be used as a lever to secure the adoption and the carrying out by all the Governments of national policies which may encroach very considerably upon the independence of the States and Commonwealth. If a Government needs to borrow it must do it on terms approved by the Loan Council, and must conform to the conditions which the Loan Council imposes. During the last phase of the struggle between the Commonwealth and the State of New South Wales, the Commonwealth Parliament passed an Act entitled "Financial Emergency (State Legislation) Act." The Commonwealth Parliament, exercising the powers given to it under the Constitution and in order to give effect to the further powers given to it by the Financial Agreement, may be able to control entirely the whole of the legislative programme of a State.

Mr. Doney: It sets out the fear we had when the secession campaign was on.

Mr. WATTS: That is so. I do not profess to know anything like as much of the subject as does the professor, but there have been indications which very strongly support his contention, and that in years not very far past. However, since the Financial Agreement was entered into and because of the difficulties of certain States, there was created a Commonwealth Grants Commission. This Commission has been dealing with the affairs of Western Australia, South Australia and Tasmania, which three States are somewhat pathetically known as the "Claimant States." The whole tenor, so far as these three States are concerned, of the proceedings of the Grants Commission and the legislation which gave it birth, has been to make mendicants of these three States, one of which at least—I refer to Western Australia—is one of the greatest producers, on a per capita basis, of real and exportable wealth in the Commonwealth. In fact, it is the greatest; there can be no argument about that. Yet, under this infamous system it has been called a Claimant State and has been reduced to the level of a mere mendicant.

Hon. P. Collier: It has been called by Federal members a begging State.

Mr. WATTS: That is so. What is more, the financial chiefs of these three States—the Treasurers and other officers—have been examined, cross-examined and re-examined as to the financial position of their particular State and as to what they intend to do with the money which will be granted to them,

and they are informed of the conditions upon which the grants will be made. No attempt has been made properly to assess their "disabilities." Claims are dealt with on what are known as a "needs" basis; but whether those needs are actually the needs of the States or not, is not nearly so clear, because this Commission has seen fit from time to time to impose penalties on one or other or all of the three claimant States for the reason that they may in some direction have created a state of social or other conditions which are slightly better than the average of the six States of Australia. Unless the Claimant States are to be placed in the position of mendicants, unless their independence is to be a mere sham, it is imperative that some way be found to alter the present state of affairs, and thus make the independence of the State legislatures something real, at least within the sphere of their constitutional activities.

It is not a new thing to adopt a regularised and systematic method for assisting States within a federation. On inquiry, it will be found that such systems prevail in Canada and the United States. The latter bears a close resemblance to the Australian Federation. In the United States there has been laid down a more or less systematic method whereby the development and economic conditions of the various States are taken into consideration and reviewed from time to time; and consequently the Governments of those States know approximately what they are entitled to receive and do not have to go cap-in-hand from year to year to some committee, board or commission which will tell them what they need, not what they are entitled to. What is required in Australia is a settled policy of that character, so that the States may know with some certainty what is going to happen over a reasonable period of years, with the assurance that if the position alters and our economic needs become less or more, there will be a scale upon which they can be calculated, and that scale will be known in advance.

To show how we would have fared under the terms of the original Constitution I shall quote from information supplied by the Treasurer of Tasmania. He pointed out that the grants which would have been distributed per head of the population in 1940-41, if the Braddon Clause had remained in operation in that year, would have pro-

vided approximately £2,500,000 for Western Australia. Had the surplus revenue distribution still been in operation, the State would have received a little over £500,000; but under the Financial Agreement the amount was approximately £650,000. I am aware the Commonwealth Parliament was entitled to depart from the Braddon Clause and to legislate as it did. I am raising no objection to that, but we would have been immeasurably better off had the spirit of the Constitution in that regard been observed. I say the spirit of the Constitution, because I do not for an instant imagine that it was expected by the framers of the Constitution that the distribution of any proportion of the Commonwealth Customs and Excise revenue, as provided by the Braddon Clause, would have ceased immediately on the expiration of the bare period of ten years, which has been the situation. The total, so this booklet calculates, which would have been paid to the States in the year 1940-41 under the Braddon Clause, is £40,000,000, and under the Surplus Revenue Act £8,500,000 approximately, whereas under the Financial Agreement they received a total, including contributions to Sinking Fund, of £9,150,000. So it is quite obvious that there has been a very great deviation from and reduction in the amount available compared with the spirit of the Commonwealth Constitution at the beginning of its period of life.

Another point of interest is this: Since 1911, which I believe is the year in which the Braddon Clause ceased to operate, the six States have accumulated deficits of £80,000,000. The Commonwealth in the same period, up to the 30th June, 1941, had a net surplus of £1,500,000. In that period Western Australia had the greatest deficit, namely, £12,437,000. That was the net amount after deducting the surplus of £28,000 which was in existence before the expiration of the clause. On a per capita basis that is £26 10s. which represents the indebtedness of the people of Western Australia in regard to deficiencies on the income and expenditure account during that period. The next highest was New South Wales with £18 6s. per head. Meanwhile Western Australia, as I said earlier, has produced per capita more real and exportable wealth than has any other State, and that has contributed very substantially to the solvency of the Commonwealth. To take the year during which the war began we find that the

total rural and mining production—I have not added manufacturing because I do not think manufactured goods can be classed as exportable wealth so far as the Commonwealth is concerned—was as follows:—

State.	Amount per head.		
	£	s.	d.
New South Wales	26	17	5
Victoria	24	6	4
Queensland	43	8	7
South Australia	36	2	6
Western Australia	47	13	6
Tasmania	31	9	2

That is to say that per head of population Western Australia produced in that year—and I think this is a fair indication of the whole position—about twice as much as New South Wales and Victoria, 12½ per cent. more than Queensland, about 50 per cent. more than South Australia, and about 75 per cent. more than Tasmania. Yet notwithstanding the fact that the figures for New South Wales and Victoria are respectively about half of the figures for Western Australia, this is one of the claimant and the mendicant States. So I think I have afforded justification—particularly when one bears in mind the fact that a similar resolution has been carried by the Tasmanian Parliament on more than one occasion and the latest this year—for the first part of this motion, namely—

That this House is of the opinion—

- (1) That there is urgent need for consideration of radical reform at the termination of the present war in the financial relations between the Commonwealth and the States, and expresses its agreement with the principle of the joint resolution of both Houses of the Tasmanian Parliament—

which I read earlier in my remarks. The second part of the motion deals with the question of uniform taxation. We all know what is the position under the present uniform taxation law, and I do not think any member of this House desires me to go into details regarding that position, which has prevented the States from assessing their own income tax and again places them to a very large extent in the hands of the Grants Commission or the Federal Treasurer, because of the additional responsibilities imposed on the Grants Commission by the uniform taxation laws. The Grants Commission itself makes reference to this in its ninth (1942) report, when it points out that Section 6 of the States Grants (Income Tax

Reimbursement) Act provides that if the Treasurer of any State feels that he has not got enough out of the taxation pool he can make representations and the matter is then submitted to the Grants Commission. If the Grants Commission thinks it is right that that State should receive a little more, the Commission may make a recommendation to the Federal Treasurer, and if he thinks it right that the State should receive a little more, he can direct the payment of that little more to the State in question provided the amount paid does not exceed the amount the Grants Commission recommended. Under Section 51 of our Constitution the Commonwealth is given power to impose taxation.

Here again I submit that the spirit of the Constitution has definitely not been followed. It was never intended, I venture to say, by any of the framers of the Constitution, that the States should be deprived of the right of assessing and collecting their own taxation and that the Commonwealth should be the sole assessor and collector. I believe it was necessary that the Commonwealth should have such taxing power in the same way that, by an amendment of the Constitution, the Federal Government of the United States has such power, but I do not think that even in the exigencies of war-time it has been exercised by the Federal Government of the United States in the same manner as here. It seems to me—and I believe there is a lot of justification for this opinion—that this uniform taxation was brought about last year mainly to compel the State of Victoria to subscribe more to the taxation funds than it was doing under the beneficent influence of the Government it had in the State Parliament for a considerable number of years, and in consequence Victoria has, from an individual point of view, been the chief sufferer so far as uniform taxation is concerned.

But we are also deprived of the right to collect increased taxation which we might obtain in the normal way by increased population or increased productivity. That, instead of being the function of the local governing authority of the State—to wit the Parliament of the State—has now become the function of three gentlemen known as the Grants Commission upon whose recommendation the Federal Treasurer may, if he chooses, act. Instead of the representatives of the people of Western Australia deter-

mining whether conditions are such that we should have the same tax or the facts themselves—an improvement in conditions—providing on the same assessment more tax, those rights have been handed over to the Commonwealth Grants Commission which does not represent any body except I suppose, to some extent, the Commonwealth Parliament that appointed it.

The Premier: We went through a legal process to try to prevent this.

Mr. WATTS: I frankly concede that. I am not engaging, on this motion, in any party political argument whatever. I am simply endeavouring to put up a case for the carrying of the motion, which I think is one which in this State in particular should be dissociated entirely from all party political matter. I know that every effort that could be made within the Constitution was made to prevent this taking place. The fact remains that it did take place and has been decided as constitutionally and legally right, and it is now left to us, so far as I can see, to suggest some means, before we get too deep into this business, whereby some improvement can be made. I remind members that this Parliament creates local authorities—road boards, municipal councils, health boards, vermin boards, and other authorities of that nature. We say to them, "You may impose, assess and collect rates." Frequently we say, "You shall not impose or collect those rates except within limits which the Act, under which you operate and which we have passed, defines." But in regard to income tax we as a State Parliament have not even that privilege. We are therefore in that regard immeasurably worse off than are the local governing authorities, who owe their very existence to this Parliament, who are controlled by a Minister responsible to this Parliament and who may not in any circumstances go outside the borders of legislation passed by this Parliament.

We are in a worse position in regard to the collection of income tax than those local authorities are from the point of view of the collection of their revenue. I know that as the position stands at present and during the war we must submit with good grace, but this motion has reference to the period immediately after hostilities cease, with a suggestion that action should be taken to prepare the way for what is to take place after hostilities do cease and without too much delay. One advant-

age of the uniform taxation laws, as I understand it, is that taxpayers are not compelled to prepare two separate returns and comply with two different laws. It was and would be again a great inconvenience for taxpayers, in my view, to have to return to the system which operated for many years before uniform taxation. There were substantial differences in the allowances made under the State law as opposed to those made under the Federal Income Tax Assessment Acts. The net result was there was a considerable amount of confusion and there was a necessity in most of the States to deal with two separate departments. Here there was one department, but that one department was conducting its affairs under two Acts, and for a long time with two separate income tax return forms. I do not think we are so short of intelligence in Western Australia or anywhere else in the Commonwealth for that matter that means cannot be devised to enable the States to assess and collect their own income taxation without the necessity of having two different departments, two different forms and two different laws.

I think that if we applied ourselves to the subject-matter we should be able to find a way out of that difficulty and I think we have got to do it. I do not believe the taxpayers of this or any other State would willingly return to the old state of affairs, although they would be willing enough to pay a proportion of their tax to the State knowing that it had been assessed by the State and was for the use of the State. There should be an early approach to the Commonwealth for a discussion on this matter. I think, moreover, that that discussion should be more in the nature of a conference between Commonwealth and State representatives. Here again, although the Tasmanian Parliament has not dealt with the question of uniform taxation, so far as I know, it has suggested that there should be a conference with representatives of the Commonwealth Parliament with a view to finding some way out of this impasse. I have called it a "conference" and not a "convention" because I prefer the use of the former word. I am not attracted by the idea of a convention, hence I have not used that term, although the Tasmanian Parliament did so. However, whatever we may designate the gathering, we should get down to a round table discussion and present a united front.

Only then would there be some prospect of arriving at conclusions that would stabilise the financial position and the respective responsibilities of the State and Commonwealth Governments. I think, moreover, that the representatives of each State at such a conference should be equally divided as between the Government and Opposition parties.

Under those circumstances, the conference would be fairly representative of the majority of the people in each State and would, in consequence, carry with it greater weight than if the representation were drawn from only one side of each State Parliament. I do not for one moment suggest that the delegates should be elected. They should be selected by the State Parliaments for the specific purpose of representing the States' interests at the conference. To my mind, the election of people to attend a conference in such circumstances would be utterly ridiculous. That is why I could not work up any enthusiasm, as the Premier will remember, for the proposal submitted by Mr. Fadden at Canberra for an elective convention. Although I did not object to the proposal publicly, for reasons that will be obvious, I appreciated what would be the inevitable result of a campaign for election of such persons to go to Canberra to discuss this very involved question. I think those who go to such a conference should be men who have been closely in touch with affairs of state for years. They are the men who should undertake the grave responsibilities—if the work is to be undertaken—of attending a conference such as I have suggested.

I should like to conclude my presentation of the motion with the following words: There must be a definite allocation of the fields of taxation as between the Commonwealth and the States. The Federal power to tax should be limited to Federal purposes. Nevertheless, the line of demarcation is essential if local self-government is not to be destroyed by the abuse of the Federal financial powers. As a war-time measure, uniform taxation may be essential; as a peace-time policy, it can and will destroy Federation, imposing centralisation and bureaucratic control by stealth. I hope the Premier will see his way clear to support the motion and that he will be good enough, as the motion suggests, to forward it to the Prime Minister of the Common-

wealth and the Premiers of the other States in order that they in their turn, if they have not already done so, may give consideration to the matters involved therein, and which I say are of transcendental importance to Western Australia and, indeed, to every State of the Commonwealth. They are matters that in my view cannot be further neglected if we are to get down to some more sound and satisfactory basis on which the financial relationships of the Commonwealth and the States can rest, with some certainty as to the methods to be used over a period of years, the amounts to be received, and the methods by which the money is to be collected.

On motion by the Premier, debate adjourned.

MOTION—LEGISLATIVE ASSEMBLY DURATION.

As to Warrant for General Election.

MR. BERRY (Irwin-Moore) [5.20]: I move—

That, as the state of national emergency which existed at the time of the postponement of the State elections by Act of this Parliament now no longer exists, and, as the Prime Minister of Australia has publicly stated that there is no longer risk of a major invasion of Australia by the Japanese, this House recommends the Lieut.-Governor, under the provisions contained in the proviso to Section 5 of the Legislative Assembly and General Election Postponement Act, 1942, to issue his warrant for a general election for the Legislative Assembly.

As members will observe, the motion deals with the necessity for an immediate State election. I make no apology for the fact that I gave notice of this motion a short time ago, although I had supported the original Bill which postponed the holding of the State election. In common with every other member of the House, when it was decided to postpone the election 18 months ago, I was actuated by a sense of definite honesty. We felt it was in the best interests of the State to adopt that course, having due regard to the fact that at the time Western Australia was in peril. We also had due regard to the fact that the minds of the people at that juncture were in a turmoil. The same applied to a lesser degree to the action taken by the House last year, although I admit that the urgent necessity for postponing the State election at that time was not so apparent. At that stage there was some opposition to the pro-

posul. There were people who thought the situation was then clear enough to allow members to go before their constituents. A fair volume of controversy ensued, for some people doubted the democratic principles that actuated this Chamber. I was not much concerned about that because I believed that the support accorded the original Bill by members was based on a sheer sense of honesty of purpose, with the welfare of the State itself in view.

Now we find there has been an almost abnormal and, at any rate, a happy change in our position in relation to the war. I shall not go into details but will merely remind members that since the beginning of the year Egypt and then North Africa were cleared of the enemy menace, Sicily is now in our hands and we are in a progressively favourable position in Europe. Most of us realise that since we first postponed the State election, the Mediterranean has been cleared. In consequence of the improved position, I have not the slightest doubt the Prime Minister of Australia made his famous statement wherein he pointed out that through the efforts of our boys in New Guinea and of our Allies in the Solomon Islands, the threat of invasion of our continent had receded further and further from our shores. That news was most welcome, and when the Prime Minister's statement was made I and others felt that the time had arrived when we must face the fact that that was the precise moment when our decision to postpone the State election should be revoked.

The moment the Prime Minister assured Australia that the risk of invasion had gone was the time when this Parliament should have been dissolved and we should have gone to the people. It could be claimed no further that the morale or the mentality of the people was such that we would not be justified in plunging them into the turmoil of an election. In view of the changed position, that claim has gone by the board. There has been considerable troop movement which has also altered the situation, and there is no further justification for present members continuing to hold their seats. There may be a technical jam, so to speak, preventing the immediate implementation of the motion, but Victoria has held an election.

Mr. W. Hegney: The Commonwealth has held an election.

Mr. BERRY: I shall come to that. Western Australia's position at the outbreak of war, geographically speaking, was intensely precarious. At that time the fact was obvious because of the number of ships that tore down our coast with evacuees from Malaya and the islands to the north of Australia. I do not know whether the story is true but it is said that the accumulation of ships at Fremantle was so great that if the stern of one ship swung out a bit too far from the bow of the ship behind it, the master of an incoming boat would try to squeeze in and so take advantage of the portion of the wharf rendered available. That serves to lend emphasis to the danger that existed in Western Australia at the time. I am certainly of opinion that, if the silly Japanese people had not committed a grievous blunder, they could have come down with a rowboat and a catapult and taken Australia at that stage. Today the position is totally different. We had to impose black-out restrictions and we objected strenuously. The precaution was deemed necessary owing to our geographical position.

Now we find that the city lights are ablaze, and that applies practically throughout the whole State. I believe there is still some regulation about lights that face outwards to the sea, but I do not think they are observed. There is the Rottneest light, for instance. If there is sufficient light in the city we should see the necessity for an election. The minute the lights were switched on and we were afraid no longer, the State elections should have been held—as the Commonwealth elections have been held. Geographically speaking, the Commonwealth, as the owner of Western Australia, is in the same position as we are. In view of the nature of the motion it needs no emphasis, and I shall not take up any further time in its advocacy, for I believe the House will accept it as being very necessary.

THE PREMIER: Let me say at the outset that I do not intend to oppose the motion. In fact, I have no objection to it. The justification for the life of this Parliament being extended on both the occasions when we decided upon that course was apparent at the time. When we first decided to postpone the elections, on the very day the people would have been asked to go to the polls, one part of the State had

been subjected to a terrific bombardment. Although the fact was not made public at the time, considerably over 100 people lost their lives that day at Broome. They were mostly refugees from Java. Of course in such circumstances, if anyone could have foreseen what was to take place, no one would have dreamt of holding an election simultaneously with such happenings. After that, of course, we were directly under the threat of invasion; and it would have been entirely unjustifiable to force on the people, when it could be avoided, all the disunity aroused by a controversial election. In passing let me say that in this legislation we were careful to insert a provision enabling an election to be brought on if the position improved to such an extent that an election might be considered desirable or justified in view of events. Very few people will deny that such a change in the situation would justify this Parliament in passing the legislation in question at the time it did so.

Again, during last session Parliament extended the life of the Postponement of Elections Act by a period, but again carefully inserting the provision that upon a majority of this House making the necessary recommendation to the Lieut.-Governor, the Lieut.-Governor at that stage should have power to order the holding of an election. But last year we had a highly controversial subject brought before the House when in the ordinary course of events the House should have adjourned. The Leader of the Opposition referred to that aspect this afternoon. The measure relating to transfer of powers from the State to the Commonwealth was before this Chamber, and the Convention necessitated did not take place until the first week in December. It was desirable that that highly controversial subject should be dealt with at the earliest possible moment. The House was engaged on it, and instead of disposing of it at that particular time adjourned for several weeks to allow the whole subject to be adequately discussed. Then, when Parliament did meet, the matter was referred to a Select Committee. The Commonwealth Powers Bill was discussed for two or three months; at a time when ordinarily an election would have been held, we were engaged in coming to a decision on that highly important measure. I think that as late as the 20th May of this year, portion of our territory was bombed at Exmouth Gulf, and enemy recon-

naissance planes have been seen even further south than that point. During the last two or three weeks both Broome and Port Hedland have been bombed. I understand the hon. member representing the town of Port Hedland was in that town on the day before bombs fell there.

At that stage it would not have been highly desirable to hold an election. In May of this year the Prime Minister of the Commonwealth issued a warning that the Japanese were building up a powerful attacking force north of Australia. That is only three or four months ago. Up to that time neither the Commonwealth nor any State had had an election since the commencement of the war. But since our Parliament last sat—we adjourned in April last—a great change has come over the scene. The Prime Minister has intimated that the Commonwealth Government and its military advisers now consider Australia to be safe from military invasion, though liable to raids. In view of that announcement—which was not made until about the end of May—elections have been held in the State of Victoria and also in the Commonwealth sphere. Thus the grounds on which the life of this Parliament was prolonged no longer exist, and there is no reason why an election should not be held here as early as possible. However, there is a reason why we should not unduly rush the election and thereby cause considerable inconvenience and perhaps injustice.

In the first place, before we hold a State election, provision must be made for voting by members of the Forces; and a Bill for this purpose is on the notice paper. Further, I observe that the Leader of the National Party has given notice of a motion for a Select Committee on the subject. Whether the committee is necessary I cannot say at this stage; but the passing of a measure of some sort to enfranchise the men and women of the Services overseas is an absolute pre-requisite to the holding of an election. Then there is the necessity for printing rolls. We would create an injustice if we conducted an election at a time when 40,000 or 50,000 people entitled to vote would be denied the exercise of that privilege. Obviously it would be a crying injustice to prevent the members of our overseas Services from voting! Then there is the organisation of the Electoral Department for holding an election, and

particularly for voting by electors outside the State. While instructions were issued some weeks or months ago for the preparation of the rolls, the Government Printing Office has been exceedingly busy with the printing of Federal rolls and, while canvasses are being conducted for the State rolls, it would not be easy to have those rolls printed in a month or so. The Government Printing Office, like all industrial establishments, has been severely curtailed in regard to its personnel, and cannot get outside labour to do the necessary work. What can be done by engaging extra personnel in times of peace is impossible now. Moreover, special forms of papers had to be prepared for voting by the Services.

Further, if an election is to be held this year, it will be highly desirable to have the Annual Estimates passed, so that the Government returned at the election may not be compelled to hold a session this year for the purpose of passing Estimates covering a period of which perhaps five or six months will have already elapsed. It has been provided in our Constitution, mainly on the insistence of the Country Party, that elections should not be held in the later portion of the year. If the Country Party is agreeable to ignore that provision, I shall have no objection to doing so. Elections are debarred during the latter part of the year, except in case of dissolution; and Parliament, if elected after May or June, shall go on till the 31st January of the next year, and the election shall be held after that date. However, I do not think that would apply to the election now proposed. So there are certain factors making it undesirable to rush an election. There is no violently controversial question, nor has the Government committed any political sin, necessitating an immediate appeal to the country. The mover of the motion, I think, went so far as to indicate that he wished elections for this Parliament to be postponed for the duration of the war.

Mr. Berry: I admitted all that. But the position has now changed.

The PREMIER: The position has not changed insofar as regards the continuance of the war.

Mr. Berry: But the position has obviously changed so far as Western Australia is concerned.

The PREMIER: But the hon. member did not foresee that.

Mr. Berry: The position has now changed, from my point of view. I do not wish you to put words into my mouth, Sir. I am in agreement with you.

The PREMIER: The Leader of the Opposition, if there had been any insistence on an immediate election, would have introduced a motion dealing with the subject, for he is the constitutional watch-dog in this respect. The provision speaks of a time "when an election can conveniently take place." I do not think any member desires the existence of this Parliament to be prolonged further. We deliberately altered the Constitution because of the fact that a war was on, and that it was highly undesirable, and indeed dangerous, to hold an election at that time. The position having altered in that respect, however, we all want to try to get back to that provision of our Constitution which lays down that general elections shall take place every three years. It has not come under my notice that there is a desire for an election to be held immediately; and the East Perth by-election, which is the only by-election held comparatively recently, resulted in an expression of confidence in the present Government, although that constituency was formerly represented by an Opposition member. The aim of the State Government at the present time is to co-operate with the Commonwealth Government.

In remarks I made at the close of the last session I indicated that it was not the intention of this Government to have a heavy legislative programme for this session. Though we have Bills on the notice paper, an examination of the list will show that notice has not been given of any highly controversial legislation. While the provisions of the measure under which members of the Fighting Forces on active service will have an opportunity to be given a vote are being discussed in this and the other Chamber, we may be able to pass some other legislation during the progress of the constitutional procedure which will have gone on during that period. Once this resolution is carried, the Act will make it incumbent upon the Lieut.-Governor to issue a writ for a general election without undue delay.

Mr. Marshall: How do you interpret the words "undue delay"?

The PREMIER: It is for the Lieut.-Governor to interpret them. If the hon. member refers to the Postponement of Elections Act, he will recognise that if this Chamber by an

absolute majority recommends His Excellency the Governor to have an election, His Excellency shall give effect to such a resolution. I would not think it necessary to finalise this motion until it is desirable that it should be carried—if it is going to be carried—and then presented to His Excellency. In the meantime, we could deal with the Bill concerning soldiers' votes, and any other business that may be deemed important. Members will know, for instance, that there are four continuance Bills that must be passed. I do not think we could hold an election for at least three months. If it were held then, some time would elapse before it was finalised on account of the necessity for getting soldiers' votes from oversea. We could not then meet again before Christmas. Meanwhile Parliament would not be in session.

Acts would have gone out of existence that ought to have been continued and could not be continued. It is desirable that such Bills should be passed before Parliament is dissolved prior to an election. I do not think that whatever happens in regard to the printing of the forms and rolls we can reach the stage when we can have a general election and Parliament can be assembled again before Christmas. Perhaps an election could be held some five or six weeks before Christmas. I do not want to have anything more to say on this subject at the moment. Every member of the House will agree that certain things will have to be done prior to an election. The rolls will have to be prepared and printed, but to do this there is only a limited printing staff available. Then there will be the distribution of the voting papers oversea. I do not want to indicate what the provisions of the Bill relating to soldiers on active service are to be. We cannot have papers flying about all over the world, but we could have them distributed in Australia and to places contiguous thereto. In all the circumstances, I have no objection to the motion. I am supremely confident that all that the Government has done will merit the approval of the people of the State. We would rather welcome an early election, but I do not want to deprive members of the Forces of the opportunity to record their votes as to who shall govern the State as a result of an election.

MR. WATTS (Katanning): I was opposed to the postponement of the elections last year, as everyone knows, but I do not

propose to dwell upon that aspect of the matter this afternoon. I am substantially in support of the observations made by the Premier. He has in many respects summed up the position very sensibly. I feel certain that to bring an election upon this State after 4½ years—that time has elapsed since the last election—and to do it immediately without taking into consideration those matters which the Premier raised, would not only be unwise but unfair to a very large section of the community. In the ordinary course of events there is a reasonable lapse of time before an election is held during which the rolls can be cleared up. In the normal course the electors, as well as members of Parliament, know to within a few weeks when an election is to take place. That is usually in February or April in the election year. From about the present time of the year onwards the electors are given an opportunity to put their names on the roll, and members are given an opportunity in common with officers of Electoral Department to clear up the rolls, and to see that, as far as is practicable, everything is in good order. To say to the gentlemen of the Electoral Office and to the electors as well as to ourselves that all this is to be done in a few weeks at this stage would make matters very difficult. That is not to say that I wish there to be any unnecessary delay.

The electors of the State, for reasons we need not go into now, have lost their Parliamentary franchise, and the quicker it is restored to them the better for everyone, whatever may be the result of the election that will have to be held. I also strongly sympathise with the Premier's point of view in regard to legislation for the taking of the votes of at least a substantial number of members of the Forces. It is essential that they should be given the opportunity to vote in their home districts, those to which they normally belong. It would be impracticable to do that in all cases—such as if they are in action—and there will be great difficulties to be overcome in other cases. I know also there will be abuses to be guarded against in regard to the business of taking the votes of soldiers who are in camps and other similar places. We shall have to exercise considerable care before we decide on what methods to adopt in regard to the votes of these soldiers. It is not going to be a matter of agreement by me

that legislation in regard to this question shall be hastily put through Parliament in order to comply even with the wishes of the member for Irwin-Moore.

I am intrigued—I think that is the word to use—by the attitude of that hon. member. He endeavours to indicate to the House that his only interest in the postponement of the election was occasioned by the fact that we were at war and in danger of hostile action from the Japanese. Because he received an assurance from the leading citizen of Australia, given on the advice of his military advisers, that the possibility of hostile action from the Japanese is remote, he is immediately prepared, without taking any of the steps or safeguards which the Premier suggests, to adopt the provisions of the Legislative Assembly Duration and General Election Postponement Act of last year and go straight ahead with an election. That is not what he said; that is not the position he took up when he first supported the postponement of the elections. He said the election should be postponed until six months after the cessation of hostilities. He said that when we were not at war with Japan, when the enemies of the Commonwealth were thousands of miles away. He said that on the 4th December, 1941, three days before Pearl Harbour. Up to then everyone, including the American Government which was negotiating with the Japanese, believed that there was a reasonable and indeed a good prospect that we would not be at war with Japan.

Mr. Berry: Now you say we ought to have an election, but you do not seem to be too keen on it.

Mr. WATTS: I would have an election tomorrow if the rolls were in order and we could ensure that the soldiers were given a vote. When the Premier reminded the hon. member of what he had said, the hon. member denied it, and it is now my duty to remind him of what he did say.

Mr. Berry: Do not wriggle; you are trying to get out of it.

Mr. SPEAKER: Order!

Mr. WATTS: When the member for Irwin-Moore objected in the strongest terms to my opposition last year to a further postponement of the election I recollect that I sat and listened to his observations, some of which were of a nasty character, without interjecting, and I suggest that he adopts the same attitude. I propose to quote a few

of the remarks the hon. member made, since he forces me to do so. On the 4th December, 1941, he said, referring to the remarks of another member—

I feel, as he does, that a general election involves considerable expenditure that is not actually needed for the prosecution of the war. By far the better course would be for members of the Chamber and of the other Chamber to postpone elections until possibly six months after the end of the war.

The hon. member was speaking of the war with Germany and Italy and their satellites. That is what the hon. member said on the 4th December, 1941. Now, in the course of hasty interjections from the hon. member, he objects to my falling into line to some extent with the Premier's remarks, which had reference to the clearing up of the rolls and a satisfactory method of recording the votes of a substantial proportion of the members of our Armed Forces. I would now turn to what the hon. gentleman said on the 5th November, 1942, in regard to these matters.

The Minister for Labour: What hon. gentleman?

Mr. WATTS: I refer to the member for Irwin-Moore and thank the Minister for making the matter clear. He said—

The whole point is that country electorates—I am not speaking of city electorates at all—are inundated with imported soldiers who presumably will have a vote after they have been here for six months. I am not sure on that point.

Another odd circumstance in connection with the military aspect is that many of our individual electors have left the State altogether. In due course they may have the right to vote at Cairns, Townsville, Timbuctoo or somewhere else. The whole issue regarding the franchise is in such a state of disruption that it would be quite useless to hold a fair election at this stage. I am sure that if we do go to the people in all probability Opposition members may receive a surprise when the result of the polling is announced.

The hon. member said that the whole issue regarding the franchise was in such a state of disruption that it would be quite useless to hold a fair election at this stage. What change has taken place meanwhile in regard to the soldiers?

Mr. Marshall: There are a lot more who have gone now.

Mr. WATTS: Yes, more than there were on the 5th November, 1942.

Mr. Marshall: And they have gone further away, too.

Mr. WATTS: If there was disruption then sufficient to cause the postponement of the election, and it was advanced as one of the reasons for such postponement, I point out that there is greater disruption now and substantial ground for the observation of the Premier that a little time might elapse in order that the whole matter might be attended to. I will not labour the discussion by quoting any further observations of the hon. member, although there are many more that I could quote. I point out that the Constitution Act says—

Whenever any Legislative Assembly would expire by the effluxion of time between the last day of August of any year and the first day of February next thereafter, such Legislative Assembly shall continue up to and including the day next preceding such first day of February and no longer.

That is the particular part of the Constitution Act we had to amend, and we did amend twice by postponement. The 1942 Act is before me and it refers to the issue by the Lieut.-Governor of a writ when a resolution has been passed by the State Assembly. It says that when a resolution has been passed recommending the Governor to issue a warrant, the Governor shall give effect to such recommendation. That implies, I consider, almost immediate action. If the Act said, within six weeks or two months, I would not be discussing this matter now, because, so far as I am concerned, there is no reason why as soon as a reasonable time has elapsed to attend to these matters the elections should not be immediately held. But we have to be sensible, and realise that the Lieut.-Governor cannot, any more than anyone else, disregard the provisions of the law. If the motion is carried in its present peremptory terms he must take almost immediate action. If he did that we would be, I think, in regard to the matters we have raised, if for no other reasons, in some position of difficulty. I think it is necessary to add something to this motion in order that the Lieut.-Governor may know exactly what it is that we desire. Of course it may be argued that he can temporarily ignore the law, but that is putting him in a most extraordinary position.

This is not a pious resolution of the House, but one contemplated by the Constitution and which, when carried, has immediate force and effect, and directs the Governor and others to do certain things. We can discuss pious resolutions which have

no immediately legislative or legal effect and then delay for some time any action in regard to the subject-matter, but we cannot do it in this case. If we pass this motion in its present form we must act immediately. That is the position as I understand it, and I was glad to know that the Premier and his legal advisers held somewhat the same views. I propose to ask this House to add to the motion a few words which will indicate to His Excellency that we want an election in the very near future, in fact, as soon as two things can be done. I move an amendment—

That after the word "Assembly" in the last line the following words be added:—"Immediately after arrangements have been made to bring all electoral rolls up-to-date, and for a fair and satisfactory system of recording for their home electorates the votes of members of the Forces, both of which this House is of opinion should be put in hand immediately."

It is not necessary for me to make many remarks concerning the amendment. The position has been made clear by what has been said by the Premier and by myself. The object of this amendment is that the arrangements should be made for an election, and that it should be held as soon as two things have been satisfactorily attended to, the one by this Parliament and the other by the governmental departments concerned. I do not think the Premier will have any objection to an addition of this nature as it obviously applies to the difficulty he mentioned. He also referred to the necessity for passing the Annual Estimates in order that the Government might function immediately after the elections without a hiatus. I agree that that is necessary. While one cannot expect, if the Estimates are introduced, that they will be allowed to pass without a word being said by members, nevertheless I assure him that when they are introduced there will be no unnecessary delay in putting them through in order that there may be no tardiness in bringing about the intention of this motion.

MR. McDONALD (West Perth—on amendment): In expressing the opinion that this motion might be adjourned for some further consideration, I wish in the first place to say a few words so as to make my position clear.

Mr. SPEAKER: The only thing permissible now is to speak to the amendment.

Mr. McDONALD: It is on the amendment that I wish to speak. I understand.

from the Premier's remarks that he suggested the whole matter might be adjourned, because a motion of this kind might be mandatory on the Lieut.-Governor and precipitate an election before a number of essential duties had been discharged. It appears to me that the amendment just moved ignores these considerations, because it states that—

Immediately after arrangements have been made to bring all electoral rolls up-to-date and for a fair and satisfactory system of recording for their home electorates the votes of the members of the Forces, both of which this House is of opinion should be put in hand immediately.

The Lieut.-Governor is then to issue his warrant for an election. On looking at the amendment of the Leader of the Opposition, with the principle of which I agree, it seems to me that the proper construction of the wording might be that the moment arrangements are put in hand to bring the electoral rolls up-to-date, and arrangements put in hand for a measure to enable the soldiers' votes to be properly recorded, then the warrant should issue. Arrangements may be put in hand, but the accomplishment of what is intended might not be possible for some weeks after. For example, arrangements might be put in hand for the rolls to be brought up-to-date, but it would take several weeks to achieve.

Mr. Marshall: It would take several weeks to print them.

Mr. McDONALD: Yes. Therefore on looking at the amendment, which the Leader of the Opposition was good enough to show me this afternoon, and with which I agreed, it does seem that the wording might need some alteration, otherwise the passing of it together with the original motion, might lead to an undesirable result. I agree with the remarks of the Premier and those of the Leader of the Opposition, that after sitting for nearly five years this House cannot drop its responsibilities on the floor of the Chamber and go straight to the polls. It owes a duty to the people to discharge any essential business, and two such items of business are certainly that there should be an amendment of the Electoral Act, which will be received with the confidence of the people as making adequate provision for soldiers and civil construction workers to record their votes for their home electorates. The other provision, as the Premier said, relates to the matter of supply. There are also the continuation Acts,

a number of which if allowed to lapse would cause serious confusion in the community.

Last year I, as well as the Leader of the Opposition, was opposed to any postponement of the elections, and I am now strongly of the opinion that as soon as possible and reasonably practicable the people should have an opportunity to exercise their franchise. At the same time I feel that we should, before going to the people, discharge those duties which must be done and which should essentially precede any general election. I understand that the Premier is of opinion that this motion might be adjourned.

The Premier: I think that is the safest course.

Mr. McDONALD: I support the motion and the amendment, with this reservation that I think the amendment requires some further amendment. In my opinion the House would be wise, so as to avoid unforeseen consequences, to adjourn this debate to allow the motion to be framed in such phraseology as will meet with the views which are common to all members.

On motion by the Minister for Lands, debate adjourned.

House adjourned at 6.13 p.m.

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

ADDRESS-IN-REPLY.

Seventh Day.

Debate resumed from the previous day.

HON. G. B. WOOD (East) [4.34]: At the outset I have some observations to make regarding the evidence submitted to the Royal Commission on Child Delinquency and, as did Mr. E. H. H. Hall, I shall read a few paragraphs from the report of the evidence. I am convinced that the inquiry into that matter was fully justified. The further we went and the greater the number of witnesses we examined, the more was I satisfied that this Chamber acted properly in agreeing to the motion submitted by Mr. Hall for the in-