

Hon. Sir Hal Colebatch: That would not be the case if the proviso were re-inserted.

The CHIEF SECRETARY: The position would still be the same; all those who are interested in the coalmining industry of this State would be contributors to this fund. If I may reply to Sir Hal Colebatch, I would say, taking the experience of the last two years as a guide, that the people for whom he is talking are the only ones who have got anything out of the industry, they having taken all the profits that have been made. However, that has nothing to do with this amendment, to which I hope the Committee will not agree.

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

Ayes	14
Noes	6
Majority for	8

AYES.

Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. C. R. Cornish
Hon. L. Craig
Hon. J. A. Dimmit
Hon. F. E. Gibson

Hon. J. G. Hislop
Hon. G. W. Miles
Hon. H. S. W. Parker
Hon. A. Thomson
Hon. F. R. Welsh
Hon. G. B. Wood
Hon. V. Hamersley

(Teller.)

NOES.

Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray

Hon. W. H. Kitson
Hon. W. J. Mann
Hon. C. B. Williams

(Teller.)

PAIRS.

Hon. E. H. H. Hall
Hon. H. Tuckey

Hon. E. M. Heenan
Hon. W. R. Hall

Amendment thus passed.

The CHIEF SECRETARY: The proviso that was inserted in the Bill in order to achieve some equitable arrangement whereby those who received incomes from the working of the Collie mines might pay their share of the contributions to the pension fund having been defeated—their position has been made particularly clear—I have no option but to move—

That progress be reported.

Motion put and passed.

Progress reported.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move —

That the House at its rising adjourn till 2.15 p.m., on Tuesday, the 23rd March.

Question put and passed.

House adjourned at 4.58 p.m.

Legislative Council.

Tuesday, 23rd March, 1913.

	PAGE
Questions: State Ferries, as to "Duchess II." ..	2914
Bags, etc., as to measures for preserving ..	2916
Bills: Coal Mine Workers (Pensions), recom.	2917
Commonwealth Powers, 2R.	2917
Adjournment, Special	2929

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

QUESTIONS (2).

STATE FERRIES.

As to "Duchess II."

Hon. H. S. W. PARKER asked the Chief Secretary: 1, What was the cost to the Government of putting into commission the South Perth ferry-boat "Duchess II."? 2, Who designed this ferry-boat?

The CHIEF SECRETARY replied: 1, £6,665; 2, Mr. W. H. Taylor, general manager, Tramways, Ferries and Electricity Supply.

BAGS, ETC.

As to Measures for Preserving.

Hon. V. HAMERSLEY asked the Chief Secretary: 1, Referring to damage to bags and tarpaulin covers caused by present-day superphosphate, if not already investigated will he inquire whether—(a) keeping tarpaulins clear of bags by pieces of timber or other means; or (b) allowing space between bags whether in trucks or in farmers' sheds; and (c) paying greater care to drying of superphosphate before packing would contribute to preserving bags? 2, If investigations of these matters have been made, what conclusions were arrived at? 3, Have investigations been made into the tanning of bags with red gum, and, if so, with what result?

The CHIEF SECRETARY replied: 1 and 2—(a) Keeping tarpaulins clear of bags by pieces of timber or other means will largely effect preservation of the tarpaulins. It should reduce somewhat the action on the bags by providing some ventilation and keeping down the temperature on the surfaces of the topmost bags which would come in contact with the hot tarpaulin; (b) allowing space between the bags whether in trucks or in farmers' sheds would considerably reduce the damage; (c) turning of the superphosphate to promote aeration and drying

is practised by works and will contribute to the preserving of the bags. 3, A large number of substances were used in experiments to increase the tensile strength and overcome the bursting of bags. A solution of black-boy gum was used, not red gum.

BILL—COAL MINE WORKERS (PENSIONS).

In Committee.

Resumed from the 18th March. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 19—Contributions (partly considered):

The CHAIRMAN: Progress was reported after Subclause (6) had been struck out.

Clause, as amended, put and passed.

Postponed Clause 2—Interpretations:

Hon. H. S. W. PARKER: I desire to move the amendment standing in my name on the notice paper. It has already been explained.

The CHIEF SECRETARY: When this clause was postponed I suggested to Mr. Parker an amendment to the definition of "coalminers," and I understood him to say it would be perfectly satisfactory. It was at that time my intention to place the amendment on the notice paper, but unfortunately I failed to do so. I feel sure the Committee will agree that the proposal I will now submit is a good one. It will make the definition read as follows:—

A person who at any time since the 31st December, 1937, has been or is employed underground in a coalmine in this State by the owner of the mine.

I hope that definition will be satisfactory to the hon. member. I move an amendment—

That in line 1 of paragraph (a) after the word "who" the words "at any time since the 31st December, 1937, has been or" be inserted. If this amendment is agreed to paragraph (b) will have to be deleted.

Hon. G. W. Miles: What comes after the words "has been or"?

The CHIEF SECRETARY: "Is employed underground in a coalmine."

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That paragraph (b) be struck out.

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

Bill again reported with further amendments.

BILL—COMMONWEALTH POWERS.

Second Reading.

THE CHIEF SECRETARY [2.31] in moving the second reading said: Never before in the history of the Parliament of the State has this House been called upon to consider such vital and important proposals as those that are embodied in this Bill. They are proposals that by reason of their far-reaching implications will have an important bearing on the destiny of our people and which, if passed, will allow Western Australia and the Commonwealth to co-operate generally in the forming of policies, both national and international, as a contribution towards the establishment of a new and better era. The responsibility which devolves upon us, therefore, is great and momentous, and calls for a mutual understanding of all the problems involved.

It will be recalled that a few months ago consideration was given by both Houses of this Parliament to the then-suggested amendments of the Commonwealth Constitution by the Central Government. Those proposals were discussed from all angles and eventually objections were raised mainly on the grounds that—

Firstly, the Commonwealth would be enabled to over-ride the States by passing legislation to cover functions at present being carried on by the States; and

Secondly, that wartime was the wrong time to submit far-reaching proposals to the people by referendum.

That is a brief summary of the objections raised to the original Commonwealth draft Bill, which was responsible for the historic Convention held in November and December of last year, the first of its kind in the history of Federation. It was agreed, however, that the problem of post-war reconstruction was a matter for uniform action between all the States, and that the way to achieve this was by agreement between the Commonwealth and the States for the necessary powers to be referred by the States to the Commonwealth under Section 51 of the Commonwealth Constitution.

What happened at the Convention is now a matter of common knowledge. The original Bill was withdrawn and another was submitted in its place. At first sight the new Bill met many of the objections raised against its predecessor, but on closer examination it was found that the fundamental objections and difficulties still remained. It required

the holding of a referendum in wartime and still gave the Commonwealth Government or the Commonwealth Parliament power to take over any function it desired without any protection for the States generally, and the smaller States in particular. This was not acceptable to the members of the Convention, and it soon became apparent that, if a decision was to be reached, alternative proposals would have to be submitted. It is a compliment to the Convention's integrity of purpose that a unanimous decision was eventually arrived at. To put it in the Prime Minister's words:

That there should emerge from the Drafting Committee a unanimous submission to this Convention is a great and splendid demonstration of Australia's capacity to deal with high political problems.

Summed up, the general opinion of the Convention was that—

- (a) The Commonwealth must have more power;
- (b) The time was inopportune for a referendum; and
- (c) The powers should be defined as far as possible instead of in general terms, and should be for a limited period only.

These proposals were incorporated in an amendment moved by the Premier of Tasmania (Mr. Cosgrove), his amendment being as follows—

“That this Convention is of opinion that—

- (a) Adequate powers to make laws in relation to post-war reconstruction should be conferred on the Parliament of the Commonwealth;
- (b) It is undesirable that permanent alterations of the Constitution should be effected at this critical stage in Australia's history;
- (c) For this reason, legislative power with respect to suitable additional matters in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States under Section 51 of the Constitution;
- (d) Such reference should be for a period of not less than five years and not more than seven years from the cessation of hostilities and should not be revoked during that period;
- (e) At the end of such period, or at an earlier date, a referendum should be held to secure the approval of the electors to the alterations of the Constitution on a permanent basis.

Members will recognise the great similarity between this amendment and the resolution carried by both Houses of this State Parliament.

Hon. C. B. Williams: You do not think that a Labour Premier rescued a Labour Prime Minister, do you?

The CHIEF SECRETARY: The resolution of this Parliament was as follows—

In the opinion of this House the present time of war is inopportune for a referendum dealing with an alteration in the Commonwealth Constitution, and this House considers that an endeavour should be made to reach agreement between the Commonwealth and the States for powers to be referred to the Commonwealth, under paragraph (xxxvii) of Section 51 of the Commonwealth Constitution, for post-war reconstruction problems. Further, that if, after the holding of the forthcoming Convention, amendments to the Constitution are considered necessary, they be limited to specific additional legislative powers required for post-war reconstruction proposals for a limited period of years only.

It is clearly apparent that the amendment moved by Mr. Cosgrove and the resolution mentioned bear a remarkable resemblance, and the fact that the amendment was agreed to with slight modifications and was the basis for the draft Bill which was eventually adopted by the Convention is a compliment to the members of this State Parliament for the painstaking and thorough manner in which they discussed the original proposals of the Commonwealth to amend the Constitution.

During the discussion of Mr. Cosgrove's amendment at the Convention, the Prime Minister intimated that the Commonwealth Government was prepared to attempt the procedure recommended by the Premier of Tasmania, subject to the following:—

(1) The powers to be granted should be adequate to the needs of the post-war reconstruction period.

(2) The period of the grant must be sufficiently long. The Government regards the period mentioned in Mr. Cosgrove's amendment as adequate;

(3) Provision should be made to make any revocation of the grant impossible without the approval of the electors of the particular States;

(4) This Convention should proceed to recommend the powers to be granted and consider a draft Bill with the assistance of a drafting committee to be appointed forthwith;

(5) While it is recognised that the Premiers and Leaders of the Opposition representing the six States cannot bind the Legislatures of their respective States, it is possible for them to agree to do their utmost to pass the draft Bill into law;

(6) The draft Bill should be passed into law within a reasonably short period.

A Drafting Committee was appointed consisting of the Premier of each State, the

Federal Attorney General (Dr. Evatt) and the Right Hon. W. M. Hughes, and a unanimous recommendation was submitted to the Convention in support of the draft Bill prepared by the committee. That draft Bill was the measure which the Premier submitted to the Legislative Assembly on his return to this State—the one which the Premiers of all States agreed to do their utmost to get State Parliaments to pass so that additional authority could be granted to the Commonwealth to handle the problems which must necessarily arise in the post-war period. The Bill passed the second reading stage in another place and was referred to a Select Committee, which was unanimous in respect to the necessity for certain amendments that, with one other amendment, were subsequently agreed to in Committee, with the result that we now have this measure for consideration.

The difference between the Bill adopted by the Convention and that now submitted is that the time limit has been more clearly defined, and the clause referring to the powers has been made non-severable from the clause fixing the time limit, so that if ever the time limit is held to be invalid, the reference of powers will also be invalid. That was one of the principal objections raised at the time these matters were originally considered. There was a considerable body of opinion that believed that if any powers were referred to the Commonwealth, the reference could not be for a limited period but would be permanent. By the amending of the original Bill an endeavour has been made and, I believe, successfully, to make the necessary provision as I have explained. Another amendment is that dealing with the reference "employment and unemployment" by which members of trade unions will have the choice of determining whether their wages shall be fixed under Federal or State awards.

I make no apology for recounting the various phases leading to the introduction of the Bill in this House. This has been necessary for the one very good reason that it indicates that the measure prior to reaching this Chamber, has received the utmost possible consideration by Commonwealth and States' representatives at the Convention and has run the gauntlet of a Select Committee of our Legislative Assembly. Before proceeding to deal with the various items specified in the Bill, I would point out that some of these items are not defined

in close and exact language, for the simple reason that it is quite impossible to get suitable definitions acceptable to all parties. However, in view of the method by which the transfer is to be made, this is not considered absolutely necessary, because the safeguard consists, not so much in the legal interpretation placed upon the power as in the fact that the power is temporary; and upon the manner of the use or abuse of that power will depend the verdict of the people, at the expiration of five years, whether the power will be continued, withdrawn, extended or reduced.

The drafting of the Bill proved a difficult job. On the one hand there was the Commonwealth Government which had already considerably modified its original proposals and which is most anxious to get very wide powers to ensure that it is not hamstrung by constitutional limitations. On the other hand there were the States, which do not wish to hamper the Commonwealth but desire to retain the federal powers of Government, asking that the powers required be specifically defined. To reconcile these divergent points of view was quite an achievement at the Convention, and the Premiers undertook to exert their best endeavours to get the Bill passed through their respective Parliaments. The Government believes that, taken as a whole, the Bill represents the best solution that it is possible to obtain.

The Bill takes cognisance of these things, but I emphasise that modern warfare is so terrific that no individual can escape its impact and no country at present can view the post-war period with equanimity. Australia is fighting as a nation; we are proud of the part we are playing in the conflict, and I have no doubt we will expect to be treated as a nation when peace is achieved. May I say that, in my opinion, the problems to be then solved will tax our ingenuity and loyalty to the utmost. Our representatives will act for Australia as a nation and therefore must have authority from all the States; while our own internal problems will be such that only the Commonwealth Parliament will be able adequately to cope with them.

The powers are of a temporary nature. Before they can be made permanent, they must be confirmed by the people at a referendum. Within the period of five years for which the powers are referred, the people

will be able to judge, firstly, to what extent the powers are necessary and, secondly, to what extent they are likely to be abused by the Commonwealth Government. Therefore the power of revocation is our greatest safeguard. It is better to give a little additional power which we can withdraw later if we so desire than to give too little and wreck the whole scheme. The proposal is not to transfer powers but to authorise the Commonwealth Parliament to make laws with respect to the various subjects enumerated. Before the functions are exercised, legislation will have to be passed by the Commonwealth Parliament. This means that it will be open to discussion and amendment, and, if necessary, subject to the pressure of public opinion.

Take the first of the powers set out in the Bill, namely, "the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during the war and the advancement of the dependants of those members who have died or been disabled as a consequence of the war"! This will be a formidable task and one that should need no elaboration on my part. The Commonwealth already enjoys the necessary powers to cover the first reinstatement of a returned soldier after his discharge, but the difficulty arises in determining how far that authority can be extended. Therefore the matter cannot safely be left in doubt. The responsibility of dealing with all matters affecting the rehabilitation of men and women of the services is surely that of the Commonwealth. It is not merely a question of providing for the rehabilitation of these men and women in civil life once and for all. Power is desired to provide for their betterment generally and also for the protection of their dependants.

The acceptance by the Commonwealth of the necessary powers implies acceptance also of responsibility to see that the job is done. It is the Commonwealth which has taken these men and women from their civil tasks and it is the Commonwealth which must see that they are cared for after the war. After the last war the States were involved in great expenditure in this direction—expenditure which should more rightly have been borne by the Commonwealth with its greater obligation and its greater resources. State finances have since suffered from this burden. It has of course, been argued that the Commonwealth already has the necessary

powers in this connection. Authorities, however, differ, but even if it were so, it should not be too much to ask that this provision be made in the Bill, so that there would be no doubt about it whatever.

The next of the powers set out in the reference clause of the Bill deals with "employment and unemployment." It reads as follows:—

Employment and unemployment, but so that no law made under this section shall operate in relation to employment within the State in a manner which will enable rates of wages to be fixed, and conditions of employment determined, if and whenever any industrial union of workers or other legally constituted association of workers, whose members would be affected thereby, objects in writing to the employer or association of employers concerned, and requires that such fixation of wages or determination of conditions of employment shall be dealt with and made under the laws of the State relating to industrial arbitration.

This particular reference has been qualified to the extent that members of trade unions in this State will have the choice of determining whether their wages shall be fixed under Federal or State awards, and to that extent this reference differs from the draft Bill which was finally adopted by the Convention. The matter of employment and unemployment is closely related to the subject with which I have just dealt; that is, the rehabilitation of men and women who are engaged on war work of all kinds. There can be no doubt that this question must be interwoven with that of rehabilitation of the men and women in our armed services. If experience is any guide, unemployment in itself will be one of the most crucial problems of the post-war period. Power in this connection is aimed at providing employment for those seeking it, and providing it in a way which should be advantageous to the community as a whole. This power would cover many things. Unemployment relief, which at best is only a palliative, must be replaced by providing employment for all requiring it. The training of persons seeking employment must be undertaken, and it is quite certain that many will have to be absorbed by the setting up of national works. Then there is the necessity for keeping persons in employment, all of which indicates how wide and far-reaching the phrase "employment and unemployment" is.

The next of the powers which it is proposed to refer is "Organised marketing of

commodities." In time of peace Australia has already had a good deal of experience in working out plans under separate Commonwealth and State legislation for organised marketing of primary products especially. Apart from the operation of Section 92 of the Constitution, they worked satisfactorily. But the plans took a long time to organise. Experience during the war has shown the advantages of enabling one authority to deal on a national basis with a particular commodity. The conditions which Australia's major export industries will have to face after the war make it desirable to continue the authority that the defence power gives to the Commonwealth in time of war. Though the Commonwealth's power to organise the marketing of commodities under this Bill will still be subject to Section 92, it will not be negligible. The High Court decisions have shown that an organised marketing scheme may be established without contravening Section 92, even though interstate dealings in the commodity are regulated. The power to make laws with respect to organised marketing of commodities is another case in which close co-operation between the Commonwealth and the States will be practicable, as envisaged in the preamble of the Bill.

Turning now to the next power which it is proposed to refer, namely, "Uniform company legislation," it is pointed out that as the Commonwealth Constitution stands at present the passing of legislation in this connection is not within the province of the Commonwealth. In many ways the lack of such uniformity involves inconvenience and unnecessary duplication. There should, I consider, be no hesitation whatever in agreeing to this proposal, representations from all quarters having been made in this connection.

"Trusts, combines and monopolies" is another power dealt with in the Bill. During the Convention it was pointed out that these items cannot be adequately dealt with by the States, and that the powers which the Commonwealth has at present are not sufficient, it having power only in respect of foreign corporations and transactions involved in the carrying on of interstate and overseas trade and commerce. The Commonwealth, under its limited powers over commerce, did try, by passing the Australian Industries Preservation Act, 1906, to deal with the problem of trusts and combines, but

the power can be effective only if it is granted in general terms.

"Profiteering and prices," the next power, is linked up to some extent with "Trusts, combines and monopolies." The word "profiteering" was defined to the Convention as follows:—

Profiteering is here used to mean the deriving of excessive or undue profit, to the detriment of the public, from the supply of goods and services.

The experience after the 1914-18 war was that prices rose rapidly in 1919 and 1920 and then fell just as rapidly in 1921. Too sudden a stimulus of civilian demand, coupled with shortages of supply, will tend to create a profiteer's paradise unless there is adequate authority to control the situation. After the last war some of the States made efforts to control profiteering, but it is clear that the problem can only be dealt with efficiently on a national basis. With regard to "prices," experience after the last war suggests that attempts by a State to preserve stability on a State basis cannot be successful, and that price-fixing to be effective should also be carried out on a national basis.

Experience further suggests that, immediately after the close of hostilities, the problem will be to maintain stability in the face of exactly the opposite tendency. It may be necessary to maintain certain prices, rather than limit them. The Commonwealth must be prepared against both phases of the post-war period. Without adequate power to carry out national planning in relation to these matters, there can be no effective post-war reconstruction at all. Whether the defence power would carry over, into peacetime, conditions to sustain some national control of prices is very doubtful. It is desired that these doubts be removed; hence the inclusion of this reference in the Bill.

The next item is—

(g) Production (other than primary production) and distribution of goods, and, with the consent of the Governor in Council, primary production, but so that no law made under this paragraph shall discriminate between States or parts of States.

The authority desired in this connection is essential if the Commonwealth is to be in a position to honour its international pledges to improve living standards and to expand production and distribution. During the war, by order of the Commonwealth Government, private enterprise has produced large

quantities of food, clothing and equipment for the various arms of the services. In the post-war period it may be necessary for the Government to control the production and distribution of products by private enterprise in order to make them available to the public at prices which will ensure that, particularly during the period of emergency, standards necessary for health and efficiency are maintained in the community.

Dealing with the next paragraph—

(h) Control of overseas exchange and overseas investment; and the regulation of the raising of money in accordance with such plans as are approved by a majority of members of the Australian Loan Council,

it was pointed out at the Convention that certain powers for Commonwealth control of overseas trade and commerce already existed through the banking provisions of Section 51 of the Constitution. There being some doubt as to the scope of such powers, it has been found necessary to include this particular reference in the Bill. The power needed to regulate the raising of money is required in order that capital expenditure may be utilised in such a manner as will ensure the maximum employment for post-war reconstruction and maintain a high level of employment, so that some control may be exercised over the alternation of boom and depression. Any plans in this connection would be such as would require the approval of the Loan Council.

Turning now to "Air transport," this form of modern transport stands out as one which inevitably calls for national control. As things stand, in peacetime the law on this subject is very curious and anomalous. Under the "external affairs" power the Commonwealth can validly implement the Air Navigation Convention, but must keep within the limits of the Convention itself. Under the "trade and commerce" power of the Constitution, the Commonwealth cannot deal with intrastate air navigation, nor can it deal with interstate civilian air navigation except that of a commercial character. This was decided by the High Court in two recent cases. All States have passed Acts applying the Commonwealth regulations to intrastate aviation. But the proposed reference will make the Commonwealth's power secure over all aviation in Australia.

Dealing with "Uniformity of railway gauges," it was pointed out at the Convention that the railway sections of the Constitu-

tion, as it now stands, were the result of much controversial discussion at the Conventions of 1897 and 1898. They confer on the Commonwealth a restricted power of control over State railways. Apart from Section 102, which is at present inoperative in the absence of an Interstate Commission, the only direct Commonwealth power is over rail transport for naval and military purposes. Without a State's consent, the Commonwealth can neither acquire nor extend a State railway nor construct a railway of its own in any State. It is considered that, in accordance with the ordinary principles of interpretation, the new Commonwealth power with respect to the uniformity of railway gauges cannot be exercised in conflict with the prohibitions contained in the railway paragraphs of Section 51. But the new power as proposed by this Bill should enable the Commonwealth to assume the responsibility for initiating a plan in accordance with which uniformity of gauges can be brought about; in any case, co-operation between the Commonwealth and the States will be essential in this vital matter.

In connection with the paragraph which deals with "National works," experience in the world depression of 1929-1933 has shown that in any attack on the problem of securing full employment for the people a carefully planned policy of public works, organised on a national scale, is an essential element. The doubts which have been expressed from time to time in the High Court about the extent and limits of the Commonwealth's appropriation powers make it essential to give the Commonwealth authority to carry out necessary works. At the same time, the execution of public works is an important part of every State's activities. Accordingly, safeguards have been included to ensure that, while the Commonwealth has clear power to formulate the general policy to be followed, it will carry out its plans only with the consent of and in co-operation with the State. In this particular instance, the general agreement to this effect recited in the preamble is also repeated in the reference clause itself.

Dealing with the paragraph "National health in co-operation with the States," it was emphasised during the Convention that this power would not be exercised so as to duplicate the Health Departments of the various States; rather was it desired that the services of the State departments be utilised

for the common good in co-operation with the Commonwealth. That this is to be so is ensured by the terms in which the power is proposed to be referred.

The next paragraph deals with "Family allowances," this power being needed so that the Commonwealth may have without any doubt whatever the required constitutional authority to go ahead with its plans for certain social services in respect of family allowances. There is full constitutional authority for old-age and invalid pensions at present, but doubts exist as to constitutional authority in respect of such things as family allowances. Finally we come to "People of the aboriginal race." Representations have been made that the Commonwealth should take over this responsibility, and the reference of this power will enable it to do so in co-operation with the States.

Thus I have covered all the powers which the Bill proposes to refer to the Commonwealth. My comment in most cases has been very brief, but there will be full scope for debate on all matters when we are dealing with the Bill in Committee, and I have no doubt the opportunity will be fully exercised. This, therefore, is the Bill which has been adopted by the Convention and which, with the amendments already referred to, requires the consideration of this House.

As I remarked previously, the Premiers of each State agreed at the Convention to submit the then draft Bill for early consideration with the idea that if possible it be passed without amendment, it being considered that with the safeguards I have already mentioned, namely, that power in the Bill is only given to the Commonwealth to pass laws for defined purposes and for a limited period, mutual understanding would prevail in the best interests of the nation. It was, of course, realised that this probably would be a very difficult task. When the matter of additional post-war powers was first contemplated by the Commonwealth Government it gave consideration to the method of referred powers which it is now proposed to adopt, and rejected it as impracticable. This aspect was dealt with in a book which the Commonwealth Government prepared and presented to the Convention, and I quote one of a series of questions and answers—

Q.: But would not a referendum be avoided by getting the States to agree to "refer" all necessary matters to the Commonwealth Parliament?

A.: That seems to be answered by the experience of the last war. In 1915, during the war, at the Premiers' Conference the Commonwealth Government agreed to postpone for the duration a referendum on the grant of further Commonwealth powers; the State Premiers agreeing on their part to introduce into their several Parliaments a Bill to refer certain specified powers to the Commonwealth Parliament for the duration. The Bills were duly introduced in the six Parliaments. In New South Wales the Bill was passed but not proclaimed pending action by the other Parliaments. In all the other Parliaments it met with one setback or another; lapsed, was shelved, was rejected by the Legislative Council, or was just not proceeded with. In the result, the States "referred" nothing to the Commonwealth. For the whole story see "The Australian Convention," by Sir George Knowles, page 149.

In spite of its conviction that this method was impracticable, the Commonwealth was prepared to accept the assurance of the other representatives at the Convention, and adopt this method. It is now up to us to demonstrate our sincerity and to do our best to see that we do not wreck the whole plan. I submit it must be accepted that additional powers have to be granted to the Commonwealth Government to enable it to carry out the work of post-war reconstruction. The problem of converting our peace economy to a war economy has been made possible only by the fact that under the National Security Act the exercise of control has been vested in one authority, the Commonwealth Government. Uniformity in this connection would not have been possible by each State acting within its own constitutional powers.

The task of post-war reconstruction will tax the resources of the nation equally as much as the war effort and, if we are to secure the maximum result, it is necessary that the direction of the work be entrusted to one authority. This does not mean that the services of the States will not be used. The full co-operation of the States will be sought in the post-war work, but the Commonwealth will be the directing and financing force while the States will be the agencies through which the work will be carried out. At present there are over one and a half million men and women in the Fighting Forces and engaged on war work, and these numbers will increase as time goes on. The transfer of such a large number of people from their peacetime occupations to war purposes has not been effected without considerable dislocation of our economic structure. The re-absorption into civil life of these

people might cause grave economic disorders if it were not carefully planned and directed.

In addition, Australia is committed as a member of the United Nations to provide for its people certain economic and social standards, which will necessitate a very careful control of our economic system if the promises made are to be fulfilled. The recognition of this need for unified control should lead us to accept, as it led the Convention to accept, the Commonwealth's plea that additional powers be granted to the Central Government. The problem will be so vast as to tax the fullest resources of the nation. It is a national matter which must be undertaken by the National Government. The States will have their full part to play, but the primary responsibility for planning and for the provision of the necessary financial resources must rest with the Commonwealth. The conduct of the war has produced a great measure of co-operation between the Commonwealth and the States and has shown clearly that this co-operation is capable of great results. What we have done in wartime, surely we can do in peacetime!

I am confident that this co-operation can be continued successfully after the war, as contemplated in the preamble to the Bill, and that the measure which I now place before members is a vital and necessary one towards accomplishing that objective. Let us tackle the Bill with that degree of mutual understanding which will enable the creation of a nation-wide plan for the future well-being of our people. I commend the Bill to the House, with the deep sense of responsibility that is mine in having the honour and privilege of introducing such a vitally important measure which, if passed, will materially assist a great and resolute Nation in formulating plans to deal with difficult problems that are inevitable in the post-war period. I move—

That the Bill be now read a second time.

HON. C. F. BAXTER (East): This measure has been before the public for several months. I would therefore like to see it dealt with in as short a time as possible so that members may not have to attend the Legislature too frequently, and so that the expense of Parliament sitting over a long period may be avoided. The Bill seeks to extend certain powers which I claim are already held by the Commonwealth Government under the National Security Act. Ac-

cording to an amendment that has been made in another place the proposed powers are to extend over a certain period of years. Do any of the older members of this Parliament imagine that, notwithstanding any embargo that may be contained in an Act passed by the Legislature of this State, such embargo will be honoured by the Commonwealth Government? I maintain that whatever we give away by this Bill will be retained by the Central Administration for all time.

Hon. L. Craig: What is your authority for that statement?

Hon. C. F. BAXTER: My authority is my Ministerial experience following upon the last war when certain powers were taken over by the Commonwealth Government. It was never intended by the framers of the Commonwealth Constitution that any more than certain limited powers should be given to the Commonwealth, but the proposals embodied in this Bill go far beyond those contained in the Constitution. Not one of those powers has ever been given back to the State Governments from which they were taken. Neither will that be done in this instance. The Chief Secretary said that the Bill would allow of sympathetic co-operation between the Commonwealth and the State Governments. Have we had sympathetic working between the Governments in the past, irrespective of the possession by the Commonwealth Government of the extraordinary powers referred to in this Bill? Of course we have not! You, Mr. President, know as well as I that when Federation was first brought about those who urged it—I was one of the objectors and was blacklisted for it in my business—did so on the plea that only certain conditions were going to be applied by the Commonwealth Government.

It was said that that Government was not going to extend into the realms of State control, and that the cost of Federation would be about 2s. 6d. per head of the population. We cannot take into consideration the war figures, but prior to the war the cost had reached £17 per head. Members know that over a long period each State Government has been robbed by the Commonwealth Government of its officials. Where an official of a State Government received £400 a year, he would be taken over by the central government at £600 or £800 a year. That is common knowledge. We can expect that whatever is taken over will be taken over entirely and no sympathetic consideration will

be extended to the States. The Chief Secretary mentioned employment and unemployment. I am staggered that a champion of Labour, such as the Chief Secretary, and a Government representing Labour, are prepared to foster the transfer to the Commonwealth Government of matters relating to employment. I would have said that was the one thing they would strongly object to transferring, that if they objected to nothing else they would certainly object to that on behalf of those they represent in this State.

If this transfer is agreed to, the whole power will be taken over and, instead of working under the better conditions provided by our industrial laws in this State, the workers will be operating under the industrial laws of the Commonwealth. I issue that warning to the leaders of the unions and to the unions generally who are behind the Government, and have practically influenced it and its supporters to turn a somersault and favour this Bill when a few months before they were strongly in opposition to it. I do not intend to go into details at any great length. There will be plenty of time in Committee to debate the various clauses and paragraphs of the measure. The Chief Secretary, speaking as the representative of the Government, said that we should transfer organised marketing to the Commonwealth Government. On what grounds should we transfer the control of organised marketing in our State to that Government? Export marketing is the prerogative of the Commonwealth Government, but that does not apply to our own business within the State. What will be left for us to do? I do not think this House is likely to pass the Bill as it stands. I would be deeply surprised if that occurred. I know that some members favour its rejection at the second reading, but the measure contains provisions that are necessary for transferring certain powers that are required by the Commonwealth Government and should be handed over. The second reading should be carried, but the Bill should be drastically amended in Committee.

Take the question of the control of aborigines! The Government desires to transfer that power to the Commonwealth. Western Australia is the State mainly concerned with the care and use of aborigines. Is there anything in the past administration of the Commonwealth Government to warrant our say-

ing we are prepared to transfer the control of the aboriginal race to that authority? Has any consideration been given in the Federal sphere to the usefulness of the natives of this State to our great pastoral industry and, to a degree, to our industries in the South-West? It is very difficult now for pastoralists to carry on with the native labour that is available to them, and I say to the people of this State, and not to pastoralists alone, that if authority is given to the Commonwealth Government to control the aborigines it will render useless a race which has been, and can be, of considerable use to Western Australia. It will render the position of the pastoral industry impossible inasmuch as those engaged in that industry will not have labour available from the native race. The Bill should receive the utmost attention of each and every member, and it should not pass the second reading without every member expressing an opinion on it. The Chief Secretary has mentioned the Convention that was held in the Eastern States in connection with this measure. He said it was unique because it was the only one of its kind held under Federation. That is so. It was unique. It was a loaded conference. The great majority of those attending it—not representing one political party alone, but several political parties—attended purely and simply as straight-out unificationists.

Unification was the one thing at the back of the minds of those who framed the Bill with which the Convention dealt. This measure will mean exactly the same thing. All the States, however, will not agree to it. Some of the Premiers meekly submitted but Leaders of the Opposition did not submit and some of the Premiers did not, either. I say deliberately that the Convention was called for one purpose only, and that was to tie the States down to what the Central Government proposed to submit to the Commonwealth Parliament. It was intended that the Premiers of the States and the Leaders of the Opposition should be tied down to the result of that Convention, but they were not, or, if some of them were, the rest of the public men of the different States have not been. If the Bill is passed as it stands, the power of the different States will be so reduced that there will be no further use for State Governments. There will be no necessity for them. Of that there is no doubt.

What is necessary is a conference on sound lines to investigate the whole of the Commonwealth Constitution, to decide whether the powers already grabbed from the States in the past should be held. At such a conference every State and the Commonwealth Government should be represented on equal terms and not with a majority representation of the Commonwealth Government. Then there should be a review of the whole situation. It should be decided what powers should be taken under the Constitution, with a view to recommending the allocation of certain rights to be handed over to the Commonwealth Government and the transference back to the States of rights that were taken from them in the past. It is regrettable that all sections of political thought are not free and untrammelled to express their opinions. They should not be bound by outside people who have not the necessary knowledge to judge the value of the various powers sought by this Bill to be transferred. We, in this State had, only a few months ago, the spectacle of our Premier, Hon. J. C. Willcock, in his position as head of the Government and head of the political Labour Party, speaking in no uncertain terms about the encroachment of the Commonwealth Government on State activities. He pointed out just what the future held. I have copies of his public statements here, and it would be as well to read them. I do not do this in the way of carping criticism but to guide members, so that they will not be led astray by any extraneous powers exerting influence to assist the passing of this Bill because it suits a section of the Commonwealth Government. About four or five months ago the Premier quoted these remarks—

Under no circumstances do we want to consider handing over further powers. We have had such bitter experience that we will not consider granting such additional powers, however desirable they may appear to be. We will hang on to what we have got.

What a contrast with what we have heard today, from the Leader of this House, representing the Government! The Premier went on to say—

That seems to be the opinion of the people of Western Australia. I have quoted the figures as a matter of historical interest. It is apparent that unless the feelings of the people have undergone a radical change, far from being prepared to grant increased powers to the Commonwealth, they would like to see a reduction of the powers already possessed by it.

What a remarkable change! Members should remember these statements when we deal with this Bill in Committee. He stated further—

What is the reason for the hostility to the proposal for additional powers? I think we can answer by saying that there is a deep-rooted conviction that Federal policy has developed in such a way that the more populated States have exploited the smaller States, and particularly Western Australia. I think that is the general feeling in this State.

The opinion he voiced then has been the opinion of this State for many years.

Hon. H. Seddon: When did he say that?

Hon. C. F. BAXTER: About four or five weeks before Christmas. I have not the exact date. The decision given on the Secession Bill was absolutely in opposition to what is put up today. That is an expression of opinion not only of the Parliament of this State but of the people of Western Australia. Hon. P. Collier, in his capacity as Treasurer and Leader of the Government, and the other important Parliamentary officials, expressed their views. But the Secession Act is a document forgotten and laid aside by the present Government. What I will read now is an expression of opinion given a few weeks ago by the Premier. He said—

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

Parliament went beyond the opinion expressed by the people of this State, and gave that power. That shows that this Parliament is ever ready to give any power within reason. I maintain that it was only

reasonable to hand the control of aviation over to the Commonwealth Government, notwithstanding the fact that the majority of the people of this State voted against it at the referendum. Here is another statement of the Premier's—

There is a feeling that the people of this State do not desire further to place themselves in the hands of the Commonwealth Government by granting to that Government additional powers. That hostility has been accentuated since the outbreak of the war. With regard to the effect of the Commonwealth proposals on the social and industrial life of the State, I think it would be disastrous.

Why the change of front by the Government in a matter of 12 or 13 weeks? What a different expression of opinion was that from what the Chief Secretary gave today! We know that it would be disastrous, so why the change of front? The Premier continued—

However, when there is a cold and clear statement of what the Commonwealth proposals really mean, when members have at the back of their minds what can and what cannot be done if those proposals are agreed to, they know the exact position. It appears to me that the scheme is unification in disguise, without any safeguards or protection whatever for the rights of the States, and in particular for the interests of the smaller States, whose representation in the Commonwealth Parliament is totally inadequate.

That was the expression of opinion at that time by the Premier. Why the change now? That is what I am referring to, and why I am asking members not to be influenced by outside bodies that cannot be well enough acquainted with the position to give advice or instructions. The A.L.P., which consists of a large number of men who could not have all the facts before them and are without any obligations in the matter, cannot surely guide those in responsible positions, more especially when it comes to the life or death of this State—the protection of a State isolated by 2,000 miles from the Central Government! Anything we have got from the Commonwealth we have obtained by representatives of the Ministry of this State travelling backwards and forwards to Canberra. Did I not know it during the last war? Never was a man so tired of having to go to the Eastern States! Not only that, but I would go there and be successful in getting only a half of what was desired. I hope the Government of this State will not leave to the Commonwealth Government the right to say what is going to happen. If that is done, Western Australia will be a dead letter. Heaven help the State and its industries!

The Chief Secretary mentioned that a Select Committee dealt with this Bill. The Select Committee made some recommendations, but we are placed in the position that on the most important subjects the members of that committee were equally divided in their opinions. We are, therefore, as we were in the first place, from that point of view, but with this advantage: We have the report of Messrs. Watts and McDonald and that is a report of statesmen. Those two gentlemen have shown their ability. One has only to compare their report with that of the Leader of the Government and his lieutenant, which was read to us as well. This serves to show the palpable weakness of the Premier and his lieutenant, the Minister for Labour, contrasted with the wonderful strength and ability displayed by Mr. Watts and Mr. McDonald. If members of this House will study carefully the report of the Select Committee it will help them considerably in their deliberations concerning this most important Bill, a measure that will affect the future of Western Australia and our own welfare so materially. It is passing strange that with this disaster sought to be foisted on the State—I regard it as a disaster of major importance—we find that the political representatives of this State who have been elected to the Commonwealth Legislature, have become easternised. They seem to be subject to the influence wielded by the powers-that-be in the Eastern States and the most gross transgressor in that regard, and particularly in the present instance, is the Prime Minister, Mr. John Curtin.

Western Australia gave Mr. Curtin his political birth. This State was responsible for his being placed in the position that enabled him to be elevated to the high office he now holds. What has he done in return for all that? He has shown he is prepared to bring unification into being at any time, that he is prepared to encompass, to a large extent, the destruction of the State that gave him his political birth. It is indeed a regrettable spectacle. Apparently Mr. Curtin has forgotten that Western Australia exists; or, if he acknowledges its existence, he regards the State merely as something that can be tacked on to the territories under the control of the Commonwealth Government. I ask members to consider what this State, with one of its representatives as the Prime Minister of the Commonwealth, has secured in

the establishment of industries that are so much required in wartime. What advancement have we made in that direction? Surely we could expect far greater development industrially.

Hon. Sir Hal Colebatch: We are building ships!

Hon. C. F. BAXTER: We are building boats; surely the hon. member means boats, not ships! We find that Mr. Curtin is prepared to force Western Australia along a route that can lead only to unification. As regards the recent Convention and the Bill now before this House, the Commonwealth had at its disposal an eminent legal authority in Dr. Evatt, one of the leading political minds of Australia. The report of the Convention shows what Dr. Evatt had to say from time to time. If members will peruse that report they will see that Dr. Evatt was asked questions with reference to matters dealt with in the Bill with the object of elucidating the position, and indicating the extent to which the different powers mentioned would be exercised by the Commonwealth. I have yet to be informed of one direct reply that was made by Dr. Evatt. Each answer he gave to specific questions put to him was evasive. Mr. Parker will not mind my saying that he is not so highly qualified a legal luminary as is Dr. Evatt; but I guarantee that, if I were to put similar questions to Mr. Parker, he would give a direct, straightout answer to each query submitted to him.

Hon. W. G. Miles: What about Mr. Heenan?

Hon. C. F. BAXTER: I am not so sure about Mr. Heenan; his mind is too much made up already. Why hide the true position? What lies behind Dr. Evatt's attitude in refraining from answering questions straight out? Each time he was asked a question he suggested it should be passed on to someone else, or that the matter should be referred to the High Court. I like this reference to the Federal High Court! I know of only one instance of the High Court giving a verdict against the Commonwealth Government. Why should Dr. Evatt have been evasive? Surely he could play the game and say straight out what the position really was when he was asked specific questions. I do not propose to flog this matter too much. Much will have to be said during the Committee stage when amendments are dealt with. I assure the House that certain of the powers

sought to be transferred to the Commonwealth Government under the Bill are quite unnecessary.

I readily agree that we must give the Commonwealth Government further authority in certain directions, but I am very sceptical about the term of five years set out in the measure. If it should be regarded as essential by the Commonwealth Government—I am convinced that the Commonwealth will regard it as necessary—to continue the exercise of certain powers, a case will be submitted to each State Parliament in support of a request for the extension of the period during which the Commonwealth will be authorised to exercise them—and the extension of time will be granted. Once we grant these powers to the Commonwealth Government, can any member imagine for one moment that a State Parliament or a State Government would be strong enough to stand up and say, "No, the time will not be extended"? Now members realise what was behind my statement that, once we grant the powers sought, they will be lost to us for all time. No State Parliament would deny the request for an extension of the time limit. Members should get it into their heads that whatever power is granted under the provisions of the Bill will be gone from this State for ever.

The Chief Secretary: I should have thought you would have known the Legislative Council better than that.

Hon. C. F. BAXTER: I know the Legislative Council well enough to realise that, if the Commonwealth Government were to put up a case for the extension of the period beyond five years after the war, the majority of the members of this House would agree to that extension. I do not doubt that for one moment.

Hon. E. M. Heenan: What is wrong with that?

Hon. C. F. BAXTER: I do not know that it is worth while noticing Mr. Heenan's interjection.

Hon. E. M. Heenan: It is a matter of opinion.

Hon. V. Hamersley: What about a referendum?

Hon. C. F. BAXTER: We could not consider the holding of a referendum during wartime. The people have enough on their minds at present. Most decidedly a referendum could be taken after the war is over. We have the Bill before us now and we must

be careful in our consideration of its provisions. We should see to it that we agree to the reference of only those powers that are absolutely necessary for the Commonwealth Government, bearing in mind that powers once surrendered will be relinquished for all time. Many of the powers sought are quite unnecessary. In wartime we cannot avoid the Commonwealth assuming various powers, but there will be no necessity for it to exercise some of them after the five-year period. I instance employment and marketing! In my opinion it is not necessary for the Commonwealth Government to have control of those two matters at any time. I refer, of course, to internal marketing.

Under present-day conditions the Commonwealth Government, under its War Precautions Regulations, has assumed control of various activities that could be much better dealt with by the States. At present, by virtue of those regulations, the Commonwealth has great powers, and we should be mighty careful that we do not surrender control of those powers for exercise by the Commonwealth when the war is over. Whatever is referred to the Commonwealth for five years will be lost to us altogether. I have already made it clear that I am prepared to grant certain powers to the Commonwealth, but we should be careful in agreeing to that course to see that the powers are transferred in a way that will be reasonable from the State's point of view. We should take every precaution to see that authority is vested in the Commonwealth Parliament respecting those matters that the Commonwealth should control and leave to the State the powers that should be exercised by it.

I propose to support the second reading, but I urge every member to scrutinise the measure carefully and not be guided by the interjections or attitude of Mr. Heenan. The hon. member is bound by his Party, which has instructed its members to vote for the Bill irrespective of their own thoughts or experiences. I urge members to exercise their own judgment in this matter. They should be guided by their own experience and should not be influenced by outside bodies. Every member should express his opinions on the measure, consider deeply every amendment that may be proposed, and exercise the greatest possible care in casting his votes. Otherwise, in years to come, he will realise the injury that has been done to

the State by referring these powers to the Commonwealth.

On motion by Hon. H. Seddon, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

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

Question put and passed.

House adjourned at 3.52 p.m.

Legislative Council.

Wednesday, 24th March, 1943.

	PAGE
Bills: Coal Mine Workers (Pensions), further recon- reports	2929
Commonwealth Powers, 2A.	2938
Motion: Youthful delinquents, detention conditions, to inquire by Select Committee	2952
Adjournment, Special	2957

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

BILL—COAL MINE WORKERS (PENSIONS).

Further Recommittal.

On motion by the Chief Secretary, Bill again recommitted for the further consideration of Clause 19.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 19—Contributions:

THE CHIEF SECRETARY: My desire is to submit to members the position in which we now find ourselves as regards the financial provisions of the Bill. As we have deleted the whole of Subclause (6), the situation at the moment is that contributions to the pensions fund will be provided to the extent of one-quarter by the mine workers, whilst the whole of the balance will be the responsibility of the Government, by virtue of its direct contribution and in consequence of the increased cost of coal, which of course will be passed on by the company to the Government. I believe it was not the intention of the Committee that, if the pensions scheme were agreed to, the mine owners should be