

11 o'clock in the morning with the idea of finishing the Committee stage of the Bill by lunch time. I hope we shall be able to do so. There is not very much of the Bill left to be dealt with.

Hon Sir Hal Colebatch: There is not much of the Bill left at all!

The CHIEF SECRETARY: I think that with proper application we shall be able to conclude our deliberations by lunch time. If any member desires to re-commit the Bill I shall be glad if he will place his proposal on the notice paper and ask for leave tomorrow so that we may complete the measure in every particular at the next sitting. I move—

That the Committee report progress and ask leave to sit again.

The CHAIRMAN: Before I put the motion, I point out that the Chief Secretary's object is to have the third reading of the Bill agreed to next Tuesday. If it can be re-printed that will be done. If any member wants to re-commit the Bill the idea is that he shall ask leave at the report stage tomorrow to do so.

Motion put and passed.

Progress reported.

House adjourned at 6.20 p.m.

Legislative Council.

Friday, 9th April, 1943.

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The PRESIDENT took the Chair at 11 a.m., and read prayers.

BILL—COMMONWEALTH POWERS.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 2, as amended, had been agreed to.

Clause 3—Act not to be repealed or amended without approval of electors:

Hon. C. F. BAXTER: I will deal with the amendments I have on the notice paper as a whole. If the clause is read carefully it will

be seen that it needs something more binding than what is in it. This Parliament stands on very flimsy ground at the present time. It has taken on itself the right to extend its life for two years. We are assuming responsibility for this Bill, but when it is completed we must take a referendum of the people on any alteration. Why should that be done in view of the fact that we have taken such a strong stand already without reference to the electors? One good argument in favour of that is that this is not the time to hold referenda, and I agree with that. Previously it was not the time to hold State elections. I will move the amendment standing in my name.

The CHAIRMAN: Order! The hon. member will have to move his amendment in stages.

Hon. C. F. BAXTER: I move an amendment—

That in line 2 of Subclause (1) after the word "manner" the words "as hereinafter" be inserted.

The CHAIRMAN: Clause 3 speaks for itself. Mr. Baxter wishes to delete the provision for a referendum if it is desired to repeal or amend this Bill later, and substitute for it the absolute majority of the members of both Houses of Parliament. I will allow general discussion on the whole amendment.

The CHIEF SECRETARY: I have no objection to the particular amendment now before the Chair, but I must oppose the subsequent amendments if we agree to this. The clause was placed in the Bill in this form for purely legal reasons. Mr. Baxter's desire is that we should substitute for a referendum an absolute majority of both Houses of Parliament. On the other hand, there is an amendment on the notice paper in the name of Sir Hal Colebatch.

Hon. Sir Hal Colebatch: I am satisfied that this is a reasonable compromise. I will not move my amendment.

The CHIEF SECRETARY: I see! Had the Committee agreed to Sir Hal's amendment all that would have been required would have been a simple majority of either House. That leaves only Mr. Baxter's amendment to be dealt with. If his argument was sound when he suggested that we are attempting something we are not strictly entitled to do on account of the prolongation of the life of Parliament, I should have thought he would have been more prepared

for matters of this kind to be referred to the people and certainly not to be left to members of both Houses of Parliament to determine. The idea underlying the clause is that once we refer these powers to the Commonwealth for a period of five years after the cessation of hostilities, those references shall not be amended or withdrawn in any capricious mood at the whim of a section not at the time in a position calmly to discuss the issue. If the clause remains in the Bill and provision is made that a statutory majority of both Houses of Parliament must be agreed upon any alteration in the powers conferred, that will ensure an essential check or restrictive provision. I am advised that Mr. Baxter's original proposed amendment was out of order, but that the one now under consideration is quite all right. I prefer the clause as it stands. It has been agreed to by two or three States, and I do not see why we should not follow suit.

Hon. Sir HAL COLEBATCH: I do not propose to move the amendment appearing on the notice paper in my name because I regard that submitted by Mr. Baxter as a reasonable compromise. The Chief Secretary referred to the suggestion that the powers should be amended not by securing an expression of public opinion but by Parliament which has twice extended its own life, and indicated that it might be regarded as unreasonable. On the other hand, the Government itself is quite prepared to give up a great proportion of the self-governing powers of the State without consulting the people at all. The latter is a much more drastic action to take than would be the decision of an absolute majority of both Houses of Parliament that certain of these powers should be withdrawn. It is beyond question that the requisite majority of both Houses could not be secured unless it could be shown that the power being dealt with was operating greatly to the disadvantage of the people. I sought the opinion of the President and was perfectly satisfied with his ruling that the Bill did not constitute an amendment to the Constitution such as would require an absolute majority of members of both Houses of Parliament. At the same time, it might be argued that, in that it takes away the right from Parliament to amend its own laws, it is in a different category from the usual run of legislation. It is beyond question that the Bill has been

properly dealt with, but it would be an extreme suggestion that no amendment could be made to it except by way of referendum. I had proposed to move to strike out the clause altogether but it is right to provide, as we shall do if we agree to the amendment now before the Committee, that there can be no repeal of the legislation without an absolute majority in both Houses of Parliament. If we do that, we shall have done what is reasonable, right and proper.

Hon. C. F. BAXTER: I am surprised at the Chief Secretary's reference to something being done in a capricious mood. If his arguments apply, they would apply equally to all work done by Parliament; but surely members, by an absolute majority in each House, could be relied upon to work in the interests of the State and not in any capricious fashion. In my opinion the decision of a statutory majority in both Houses of Parliament could be expected to be more reasonable and effective than the result of a referendum of the people, a large proportion of whom would not know what they were voting on, and never have known. The amendment will safeguard the position. Parliament has taken upon itself the task of passing this legislation which gives away some of the rights of the State—fortunately this House has reduced some of the powers proposed to be transferred to the Commonwealth—and has done so on the basis of a simple majority. When an amendment is deemed necessary and it is to be accomplished only by a statutory majority in both Houses, Parliament apparently cannot be trusted with that obligation. Such a suggestion is ridiculous. Surely a Parliament that can frame a Bill with a simple majority can be entrusted to amend it with a statutory majority.

The CHIEF SECRETARY: I am not finding fault with Mr. Baxter's suggestion except to point out that the Bill is temporary in character, having a life of five years only after the cessation of hostilities.

Hon. C. F. Baxter: I wish I could believe that.

The CHIEF SECRETARY: That is provided for in the Bill.

Hon. C. F. Baxter: I know that, but what is behind it?

The CHIEF SECRETARY: Surely we should be prepared to give the Common-

wealth Government a fair period in which to try out whatever legislation is introduced as a result of the transference of these powers.

Hon. C. F. Baxter: Do not you think Parliament could be trusted to do that?

The CHIEF SECRETARY: I think this Parliament can be trusted to do its work in a right and proper way. But when we transfer temporary powers such as those mentioned in the Bill at a time like the present, we should allow a fair period and not make it possible for that period to be shortened or the reference of powers altered after a few months only had elapsed. If we agree to the amendment it will be possible for Parliament during the next session to withdraw or alter any one of the powers simply by obtaining a statutory majority of both Houses of Parliament. That does not seem to me quite right. A Convention was held at which certain recommendations were arrived at for submission to the State Parliaments throughout the Commonwealth.

If we are to agree to the transference of any one of the powers recommended, surely it should be for a period of five years. Constitutionally Mr. Baxter is on sound ground, and I do not suggest we have not the right to do what he has outlined. The only point that arises is as to the manner in which we shall do it. The Constitution lays down the methods whereby legislation passed by this Parliament shall be altered or repealed by some future Parliament, and that is what Mr. Baxter seeks to do by his amendment. It is just a question of whether it is reasonable to leave it in the hands of both Houses of Parliament or in the hands of the people themselves during that period of five years.

Hon. H. L. ROCHE: If the State Parliament can be relied upon to transfer certain powers to the Commonwealth temporarily, it should be within the province of the same Parliament to decide whether any or all of them should be revoked or amended. To suggest that Parliament would withdraw or amend any power without having good reasons for so doing is absurd. As we are charged with the responsibility of handing these powers to the Commonwealth, we should accept the responsibility of determining whether they are being administered in the best interests of the State.

Amendment put and passed.

On motions by Hon. C. F. Baxter, clause further amended by striking out of line 2 of Subclause (1) the words "in this section"; by striking out all the words after the word "assent" in line 3 of Subclause (2) and substituting the words "unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively"; and by striking out Subclauses (3), (4) and (5).

Clause, as amended, put and passed.

Clause 4—Saving provisions; limitations and conditions:

Hon. Sir HAL COLEBATCH: I move an amendment—

That after the word "Commonwealth" in lines 2 and 3 of paragraph (a) the words "excepting the matters referred to in paragraphs (a), (d), (i), and (m) of section two" be inserted.

I had intended to include paragraph (n), but I think it might be in the best interests of the aborigines that, for the present, this power should be referred temporarily. At the end of five years we can form an opinion as to whether it will be better for them to remain under the Commonwealth or revert to State control. Repatriation, control of air navigation and family allowances are powers that should be permanently transferred to the Commonwealth, and it would be well to express the permanent transfers in this Bill in order to make a clear distinction between them and the temporary powers.

Point of Order.

The Chief Secretary: I question whether the amendment is in order. This is purely a temporary Bill. The Commonwealth has not asked for permanent powers regarding the matters enumerated; it has asked for temporary powers for a period of five years. To provide that certain powers be referred to the Commonwealth permanently would be inconsistent with the Title and preamble. On those grounds I suggest that the amendment is out of order.

Hon. Sir Hal Colebatch: It is not a matter of whether the Commonwealth has asked for a permanent transfer; it must be obvious that a transfer of powers to deal with repatriation and air navigation should be permanent. What would be the use of

transferring powers regarding family allowances for a period of five years only? It is important to draw a clear distinction between the powers we wish to refer permanently and those we wish to retain.

Hon. W. J. Mann: This is a Bill for—

An Act to refer certain matters to the Parliament of the Commonwealth until the expiration of five years after Australia ceases to be engaged in hostilities in the present war. The amendment would not conform with the Title and therefore, I think, is out of order.

The Chief Secretary: I am not raising any objection to Sir Hal's idea because I agree that the powers mentioned are such as the Commonwealth might have permanently. I am raising the point of order that it cannot be done in this Bill, which is purely a temporary measure, and that the amendment is not consistent with the Title of the Bill.

Hon. H. S. W. Parker: Although I agree with Sir Hal Colebatch, I fear that Standing Order 174 does not permit of this amendment. It reads—

The Title of a Bill when presented shall coincide with the order of leave. No clause shall appear in such Bill foreign to its Title.

The Chairman: First of all we have to consider what the subject-matter of the Bill is. It is the reference of certain sovereign powers of the Parliament of this State to the Parliament of the Commonwealth for a period of five years.

Hon. Sir Hal Colebatch: Whilst I am quite prepared to accept your decision, Mr. Chairman, whatever it is, I would point out that this particular clause provides that the measure shall not be considered as conferring any power permanently upon the Commonwealth. Does not that imply the power to except certain matters?

The Chief Secretary: Those words were inserted in order to make it perfectly certain, if necessary, that the powers referred should not be referred for a longer period than five years; and in Clause 5 other words were inserted in order to ensure that the period should be five years only.

The Chairman: My decision is that whilst we can refer certain of these proposed powers for a longer period than five years, and amend the Title of the Bill accordingly, specifying the powers referred for a period of only five years, we cannot refer any powers which are permanent. We could refer powers for a longer period than five years—say for ten or 15 years—

Hon. Sir Hal Colebatch: That is on the ground that it would be foreign to the Title?

The Chairman: We can refer powers for longer periods than five years, say ten years, by specifying such longer periods.

Hon. H. L. Roche: Might we delete the word "permanently" and make the provision read "referring any powers for a period longer than five years"?

The Chairman: If we want to make the term more than five years, we must specify the longer period and amend the Title accordingly.

The Chief Secretary: In that case I think it would be necessary also to amend Clause 5 of the Bill.

The Chairman: Yes, when we come to it.

Committee Resumed.

Amendment not proceeded with.
Clause put and passed.

Clause 5—Duration of Act:

Hon. Sir HAL COLEBATCH: I have given notice of an amendment to this clause, deleting the words "on the date upon which this Act is assented to," in lines 3 and 4 of Subclause (1), and substituting the words "not earlier than the first day of January, one thousand nine hundred and forty-four." It is very unlikely that the Commonwealth Parliament would legislate before that date on the matters referred, and it is only fair to allow the people to have a voice at a Commonwealth general election regarding the transfer of these powers. I think it fair that an election should take place before the measure comes into force.

The CHIEF SECRETARY: I fail to see what bearing an election would have on this measure. If we are prepared to give the Commonwealth these powers for a limited period and by some chance the need should arise for the exercise of the powers before the end of the current year, surely the Commonwealth should have an opportunity to be prepared for it. I agree with Sir Hal that it may be quite a long while before hostilities cease. At the same time, the whole object of transferring these powers to the Commonwealth Government by this means is to ensure expedition. Suppose we say to the Commonwealth Government, "We are prepared to give you the power to use these referred powers from the 1st January next, but not before that date." Why do we want to restrict the use of the powers by saying

to the Commonwealth, "For the rest of this year you shall not be allowed to use these powers, but from the 1st January next you may do so"?

Hon. Sir HAL COLEBATCH: It should be understood that these powers are not transferred to be used merely after the war. So far as they are transferred, they can be used directly the Bill comes into operation. It might be that before the powers are used the people should be consulted through the medium of a Commonwealth general election, which apparently must be held before the end of the year.

Hon. C. F. BAXTER: I support the amendment. Some of the other States are already sorry for what they have done in regard to this measure. Queensland accepted the Bill in its entirety, but now the Premier of that State has been asking the Commonwealth not to continue to hamstring its commercial community. Consider the obligations imposed on the business community at present! Merchants must now obtain permission to order goods, permission to ship them—in fact, permission to do everything relating to their businesses. Traders in the highly populated Eastern States are enjoying far better conditions than are the traders in the less populated States. We have had instances of business people transferring their business to the Eastern States in order to escape the disabilities they now suffer. An election is to take place shortly in the Federal arena, and it would not be wise for us to permit this Bill to come into operation until after that election.

The CHAIRMAN: I would ask members to give me some guidance on this clause. Standing Order 175 provides—

The precise duration of any Bill, the provisions of which are intended to be temporary, shall be inserted in a distinct clause at the end thereof.

In my opinion, this clause has a "Kathleen Mavourneen" effect.

Hon. Sir Hal Colebatch: The clause does not refer to the duration of the Bill.

The CHAIRMAN: If the period when it is to cease to operate is stated, that defines the duration. However, this Standing Order for a long time has been honoured more in the breach than in the observance.

Hon. G. W. MILES: I hope the Committee will not agree to the amendment, although there may be some truth in what Mr. Baxter has said with regard to the happenings in Queensland. To me it seems paltry not to trust the Commonwealth Government. That Government already has, under the National Security Act, far more extensive powers than are set out in the Bill. I feel I cannot express myself on the attitude of many members towards the Commonwealth. Why create further friction with the Commonwealth by passing the amendment?

The CHAIRMAN: The amendment opens up another ticklish point. Sir Hal Colebatch is endeavouring to amend Clause 5, the purport of his amendment being that the Act shall not be assented to until on or after the 1st January, 1944. The Clerk of Parliaments—not the Clerk of the Council—advises me that when a Bill passes both Houses and is in proper manuscript form, he must present it to His Excellency the Lieut.-Governor for assent. Now, he would present this Bill for assent, but His Excellency could not assent to it until the date mentioned expired! The place for this amendment is in Clause 1. We shall have to recommit the Bill to achieve that purpose.

Hon. Sir HAL COLEBATCH: The only thing to do now, in order to test the question, is to move to strike out the words "shall commence on the date on which this Act is assented to and."

The CHAIRMAN: The Clerk of Parliaments advises me that, whether the Bill contains a provision for proclamation or not, it would come into force from the moment it was assented to.

Hon. Sir HAL COLEBATCH: Parliament not long ago passed a Bill providing for pensions for members. Was not a provision contained in that measure to the effect that it was not to come into force until after an election, or was that merely a ministerial assurance? I am not quite sure which it was.

The CHAIRMAN: That Bill was not to come into force until it was proclaimed. I am now fortified by the Solicitor General's opinion, which is that the place for this amendment is in Clause 1.

Hon. Sir HAL COLEBATCH: Would I be in order, simply to test the point, in

moving for the deletion of the words I have already quoted?

The CHAIRMAN: The hon. member will then have Clause 1 recommitted.

Hon. Sir HAL COLEBATCH: Yes.

The CHAIRMAN: That will be all right.

Hon. Sir HAL COLEBATCH: I move an amendment—

That in lines 3 and 4 of Subclause (1) the words "shall commence on the date upon which this Act is assented to, and" be struck out.

The CHAIRMAN: The amendment is moved on the understanding that later on Clause 1 will be recommitted with the object of providing that the Act shall not come into force until the 1st January, 1944.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. It is going to make us appear quite ridiculous if this Parliament says it is quite prepared for the Commonwealth Government to have different constitutional powers from those it has at present but not until the 1st January, 1944. Why fix that date? According to the hon. member there may be an election before that time. Suppose there is and suppose there is a change of Government! What difference does that make? I cannot see any valid reason for wanting to postpone the operation of these powers by the Commonwealth Government for the rest of this year. If we are going to let the Commonwealth have the powers let us give them to it for the period mentioned in the Act, so that immediately it knows where it stands it can make the necessary arrangements for legislation covering any one or all of these powers.

Hon. A. THOMSON: I understand that the Act passed in Victoria contains a proviso that it shall not come into force unless agreed to by all the other States. That seems to me to postpone the operation of the measure. Is that not similar to what Sir Hal has suggested?

Hon. H. S. W. Parker: In Victoria the Bill is assented to but does not come into operation.

Hon. A. THOMSON: That is so. If they can do that in Victoria we should be in a position to do the same.

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

Ayes	11
Noes	9
Majority for	2

AYES.	
Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. A. Thomson
Hon. Sir Hal Colebatch	Hon. H. Tuckey
Hon. J. A. Dimmitt	Hon. G. B. Wood
Hon. E. H. Hall	Hon. F. R. Welsh
Hon. V. Hamersley	(Teller.)
NOES.	
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. F. E. Gibson	Hon. H. L. Roche
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. C. K. Cornish
Hon. G. W. Miles	(Teller.)
PAIRS.	
AYER.	NOES.
Hon. H. Seddon	Hon. E. M. Heenan
Hon. J. G. Hislop	Hon. W. R. Hall
Hon. H. V. Plesse	Hon. G. Fraser
Hon. L. Craig	Hon. T. Moore

Amendment thus passed.

Hon. C. F. BAXTER: I move an amendment—

That after the word "period" in line 13 of Subclause (1) the following words be inserted:—"and to the further limitation that every Act of the Commonwealth passed by virtue of a reference made by this Act shall purport to be so enacted, and shall in itself contain a limitation of its operation, force, and effect in the State to the period of duration of the powers referred by the State."

Unless there is something in the Bill to bind the Commonwealth Government it will be quite free to pass its Acts without any period attached. That is the reason for the amendment. It is necessary for the Commonwealth to put into its measures something on the following lines:—"This Commonwealth Act shall cease at the expiration of the five-year period." That will be in keeping with the Bill we are now passing. As Clause 5 stands it is not definite or binding enough.

The CHAIRMAN: Does Mr. Baxter think those words are necessary as well as the words in the Bill?

Hon. C. F. BAXTER: I do.

The CHAIRMAN: Is not this the position? It is expected that the six sovereign States will agree to surrender powers for a period, and that necessitates six State Acts. The Commonwealth will only have to pass one Act. Assuming the other States do not put in this further provision, what will be position?

Hon. C. F. BAXTER: The Commonwealth will have to decide.

The CHIEF SECRETARY: I think that is the position. We would have to leave it to the Commonwealth Parliament, which would not be affected by words of this kind. I cannot imagine its being dictated to in this way. We should not ask the Commonwealth to treat one State in one way and another in a different way.

The CHAIRMAN: The Constitution would not allow that.

Amendment put and negatived.

Clause (as previously amended) put and passed.

Preamble, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 1 and 2.

In Committee.

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

Clause 1—Short title:

Hon. Sir HAL COLEBATCH: The amendment to this clause is consequential on the decision of the Committee to strike out certain words in Clause 5. I move an amendment—

That at the end of the clause the following words be added:—"and shall come into operation on a day to be fixed by proclamation, but so that such day shall not be earlier than the first day of January, 1944."

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

Clause 2—Reference of matters to Parliament of Commonwealth:

Paragraph (b):

Hon. Sir HAL COLEBATCH: I move an amendment—

That at the end of paragraph (b) the following words be added:—"but so that no law made under this section shall affect or in any way prejudice the sovereign right of the Parliament of the State through a State Arbitration Court or other State industrial tribunal to regulate and determine wages and other conditions of employment in the State."

The paragraph is not one to empower the Commonwealth to employ unemployed people but to make laws to provide employment for them. The amendment, which was withdrawn at an earlier stage, should be inserted. I shall not labour the point.

The CHIEF SECRETARY: I am glad Sir Hal does not intend to labour the point, because I must take exception to this procedure. Mr. Seddon desired to move this amendment, but when certain matters were pointed out to him he agreed that the amendment was not necessary and withdrew it. Consequent upon that withdrawal, I moved to strike out some words that appeared in the paragraph, and that was agreed to. There is nothing to fear regarding the Commonwealth overriding the State Industrial Arbitration Act, more particularly in view of the powers as set out at present. Those powers have been materially altered and now only deal with the authority vested in the Commonwealth to employ persons who are unemployed. When one comes to analyse the paragraph as it stands at present, the amendment appears to be one of the most ridiculous ever submitted for the consideration of members of this Chamber. In effect, we are asked to say to the Commonwealth that it can make laws with regard to the employment of unemployed persons on certain works, but do not give it power to employ people who are not unemployed. It is most ridiculous. The proposal to insert this provision seems to me a most unfair procedure in view of what took place when Mr. Seddon attempted to move the amendment in a previous Committee.

Hon. Sir HAL COLEBATCH: I have certainly no desire to take any action that the Chief Secretary considers unfair. I shall not proceed with my amendment.

The CHAIRMAN: The Chief Secretary was quite right in his references to what took place.

Hon. Sir HAL COLEBATCH: I shall not move the amendment.

The CHAIRMAN: I will regard the amendment as not having been moved.

Paragraph (f):

Hon. Sir HAL COLEBATCH: I move an amendment—

That paragraph (f), as amended, be struck out.

The Bill contains no definition of "profiteering." Without any such definition, this power may be implied to cover everything. Unquestionably, it would mean price-fixing. How could a prosecution be launched respecting profiteering if the price of the article concerned had not been fixed so as to establish what amounted to profiteering?

Queensland, after agreeing to the Bill practically without discussion, is now appealing to the Commonwealth Government to restore price-fixing powers to the State during the war period. Queensland has already realised the great inconvenience and trouble experienced in having to deal with such matters through Canberra. The States are perfectly capable of dealing with price-fixing and profiteering, and we would make a mistake if we were to grant this particular power without any definition embodied in the Bill, for it would then undoubtedly imply the right to fix prices. The Committee has already struck out the reference to prices. To pass the paragraph with the one word "profiteering" in it, would have the same effect as if we had left the reference to prices in it.

The CHIEF SECRETARY: I oppose the amendment. It is perfectly true that no Government could deal with any aspect of profiteering unless it also determined prices. With the paragraph as it stands now, it means that a definition of "profiteering" will have to be included in any legislation that the Commonwealth Government may introduce dealing with this matter. That is as it should be. Surely we will not say that the Commonwealth should have no power whatever to deal with profiteers! Originally the power sought was a combination to cover profiteering and price-fixing. While it was not possible to arrive at a definition of "profiteering" that was satisfactory to everyone, nevertheless the Commonwealth Government, in dealing with the matter in future, will have to define what it meant by "profiteering." It seems to me that the Committee made a mistake when it eliminated the reference to prices, but I comforted myself with the thought that any legislation dealing with this matter would have to include the necessary definition.

The CHAIRMAN: The Minister means prices arising from profiteering, but not price-fixing generally.

The CHIEF SECRETARY: That is so. To suggest that the Commonwealth Government should not have the right to deal with profiteering would be to take a most extreme view. On the other hand, I should think we could not have too much power to deal with profiteering, whether that power be exercised through the Common-

wealth or through the States, or through both. I certainly want the paragraph retained in the Bill.

The CHAIRMAN: What actually occurred yesterday was that Mr. Parker moved to delete the paragraph, but Mr. Bolton moved an amendment on that to strike out all the words after "profiteering." The Committee divided and, by 16 votes to nine, agreed to leave the word "profiteering" in. In accordance with the Standing Orders, I had to put the paragraph as amended, and the Committee agreed to it.

Hon. Sir HAL COLEBATCH: All the members who were opposed to the paragraph as a whole voted for the striking out of the other words and had no opportunity to vote for the striking out of the word "profiteering." We were advised that such an opportunity would arise only on recom-mittal.

The CHAIRMAN: No, what happened was this: In view of the passing of the amendment on the amendment, it appeared to be ridiculous to put what was left of Mr. Parker's amendment because, if a division had been taken, the result would have been the same. However, I was obliged under the Standing Orders to put the remainder and the Committee, on the voices, agreed to retain the word "profiteering."

Hon. H. S. W. PARKER: If we retain the word, what power shall we be transferring to the Commonwealth? We shall be giving power to pass legislation to deal with profiteering, and the question arises, what is profiteering? There is no precise definition for the term. In a broad sense it means the making of undue profits. Unless we want to give the Commonwealth this power and part with all the power we have, explanatory words should be included. I do not like the idea of giving away our right to deal with profiteers in this State. We should not have to apply to Canberra to get some anomaly rectified. We already have trouble in many ways through Canberra officials being unacquainted with local conditions. If there was a good season for bananas at Carnarvon and Canberra fixed a price with an eye to the Queensland product only, where would our growers be? Are not we in a better position to fix the price of such a commodity?

Hon. L. B. Bolton: The reference to prices was struck out.

Hon. H. S. W. PARKER: Quite so, but we cannot legislate for profiteering without involving prices. By agreeing to the retention of the word "profiteering," we shall be giving the Commonwealth power over prices. A man becomes a profiteer when he charges a price that the law does not allow.

Hon. C. B. Williams: How would share market transactions fit in with your argument?

Hon. H. S. W. PARKER: In the same way; but if the hon. member tried to buy industrial shares at present, he would find that none was available because holders will not sell at the prices fixed. Profiteering is undoubtedly synonymous with price-fixing. If members wish to give away all our powers over price-fixing, they will vote for the retention of the word "profiteering." If we wish to exercise this power, as we did after the 1914-18 war, we should vote to strike out the paragraph. Should this power be given to the Commonwealth, regulations will be pouring out of the printing machines at Canberra until we shall not know where we are. A copy of a local regulation can be obtained immediately, but it takes a fortnight to get a copy of a Commonwealth regulation from Canberra.

Hon. G. B. WOOD: I cannot separate prices from profiteering. Nobody in this Chamber would look with other than disfavour on profiteering.

Hon. C. B. Williams: Not even when sheep were withheld from the market?

Hon. G. B. WOOD: We have had some very sorry experiences of prices relating to barley, eggs, honey and meat, having been fixed from Canberra, and it has taken two or three weeks to convince the Commissioner in Canberra of the disabilities created here. I do hope the Committee will retain the power to Western Australia by deleting the clause.

Hon. L. B. BOLTON: I hope Sir Hal's amendment will be defeated. I definitely prefer the retention of the word "profiteering," so that there may be some Commonwealth control over the evil. I am closely associated with a manufacturing business, and I know what profiteering is going on. So do all members of the Chamber.

Hon. Sir Hal Colebatch: The Commonwealth has the power now to deal with profiteering.

Hon. L. B. BOLTON: Let it continue to have the power.

Hon. Sir Hal Colebatch: But you say it is not exercising the power.

Hon. L. B. BOLTON: The law in that respect is being broken every day, but the Commonwealth cannot always police it successfully.

Hon. Sir Hal Colebatch: The State could.

Hon. L. B. BOLTON: I am not so sure of that. I would not entirely dissociate prices from profiteering. Up to a certain point, the one must be associated with the other. Profiteering is handled only upon report. There is not an industry in the metropolitan area of which I have knowledge which is not subjected to inquiries almost every day as to whether profiteering is going on. The Commonwealth makes inquiries, which are addressed to private individuals. I know of dozens of persons and firms in this State who have been forced to make refunds ranging from 5d. up to £100 because, in the opinion of the Commonwealth auditor inquiring, the prices charged amounted to profiteering. Today manufacturers are allowed 7½ per cent. profit on all wages in connection with any job they do, and 2½ per cent. on the bare cost of material. The 2½ per cent. allowed has to cover waste and everything else. The 7½ per cent. is on actual wages and overhead.

Hon. H. S. W. Parker: That is fixing the price.

Hon. L. B. BOLTON: Anything charged over the total of 10 per cent. is called profiteering.

Hon. H. S. W. Parker: The price is fixed.

Hon. L. B. BOLTON: I do not want it to go forth that I endeavoured to interfere in any way with control of profiteering by either the Commonwealth or the State.

Hon. Sir HAL COLEBATCH: Mr. Bolton's speech is about the strongest that could be made in favour of the amendment. This is not an instance of distrust of the Commonwealth or anything of the kind. It is simply a matter of whether an evil of this sort can be dealt with best by authorities on the spot or by Canberra. Queensland, which has a strong Labour Government, passed this clause without hesitation, but found it inconvenient, troublesome and difficult, and has asked Canberra to surrender the price-fixing power even in time of war.

Hon. L. B. BOLTON: Queensland has its own price-fixing Act.

THE CHIEF SECRETARY: The position here, as I understand it, is that we cannot by any legislation in this State deal with the question of, say, a Victorian firm profiteering in Western Australia. We can deal only with Western Australian products from that aspect. We have no control over South Australian, Victorian or New South Wales traders or companies. However, by giving the Commonwealth this power—though it might not be specifically defined what the word “profiteering” implies—we shall enable the Commonwealth Government to deal with profiteers located in Eastern States and operating in Western Australia. I agree with Mr. Bolton that it matters not who deals with the profiteer—whether the Commonwealth or a State. I also know a little bit of what is happening today. True, we are in a somewhat better position than we were in previously. By including this power in the Bill we shall enable the Commonwealth to deal with forms of profiteering that State legislation cannot possibly cope with.

Hon. C. F. BAXTER: No one can say that nothing has been done to put down profiteering. A great deal has been done, and penalties have been inflicted on certain people. This State has no control over profiteering in the large trade we do with Eastern States. This portion of the Bill is the one on which I stand four-square with the Government. The Commonwealth Government is the only power that can deal with profiteering in Western Australia that has originated in the Eastern States.

Hon. H. S. W. PARKER: I was interested by the Chief Secretary's remark that the Commonwealth should be given power because there might be profiteering in Victoria at the expense of Western Australia. But Victoria must first give us power to deal with that profiteering. If there were peace tomorrow, Victoria could still profiteer in Western Australia, simply because Victoria has not given the Commonwealth power to deal with such profiteering. What we want to do is to force the other States to give the Commonwealth that power. That would be the ideal position from my point of view. Force the other State Governments to give the Commonwealth that power, and let us carry on anti-profiteering

operations in our own way here! From speeches which have been made it is perfectly obvious that Canberra does not control profiteering in a proper and efficient manner. I do not agree. I think it is controlled very well. If there were an abuse of anti-profiteering laws in Western Australia, it could be quickly exposed in our Parliament; but if the Commonwealth had control we would not have that opportunity. As Mr. Bolton has pointed out, the present anti-profiteering law is simply price-fixing. I think we can deal with profiteering in Western Australia in this State; that would be better than handing this power over to the Commonwealth Parliament, in which we have such a small representation.

Hon. J. A. DIMMITT: Mr. Parker is singularly uninformed in this matter. Prosecutions have been and are taking place in Australia against profiteers.

Hon. H. S. W. PARKER: Not price-fixing.

Hon. J. A. DIMMITT: I am speaking for the moment. There must be a clear definition of profiteering. Prices are fixed. Some firms in Perth who, because they made a greater percentage of profit on their capital than was permitted, are now obliged to sell goods at an exceedingly low price, quite regardless of their cost, in order to disburse some of the profit they made in the previous years in excess of an average rate of profit. Some firms are selling apples at 12 lbs. for sixpence; the apples cost them a great deal more. That is not price-fixing; it is a voluntary sacrifice by the firms in order to reduce profits which have been excessive under the profiteering laws.

Hon. H. S. W. PARKER: In other words, it is damning the legitimate trader. That is done under Commonwealth law.

THE CHAIRMAN: The hon. member should not swear.

Hon. J. A. DIMMITT: I am quite convinced that many rapacious persons will, in the post-war period, try to batten on the people, who will have a lot of money to spend at that time. I am on the Chief Secretary's side on this occasion and shall vote against the amendment.

Hon. W. J. MANN: I am guided in my outlook on this matter by statements made to me by business acquaintances. Some of these have been forced to go to the Eastern States in order to interview manufacturers in an effort to secure goods at reasonable

prices. They told me that profiteering was rampant. If there is no over-riding power to prevent profiteering, the citizens of this State are likely to be the victims. For the first time in this debate I am on the Chief Secretary's side. I would not like it to be said that the Legislative Council is in league with profiteers.

Hon. H. TUCKEY: This paragraph should not be left in its present form. As it stands, I am opposed to it. The Commonwealth Government at present controls the price of land. A block of land cannot be sold unless the approval of the Commonwealth authorities is obtained to the sale. I know of one instance in which the Commonwealth made a valuation and decided to reduce the price by £150. In another instance, the sale of a hotel property, the local Commonwealth authority approved of the transaction when satisfied that everything was in order; but, nevertheless, the matter had to be referred to the authorities in the Eastern States for their approval. For this State to be subjected to treatment of that kind for all time would be distinctly unfair. Personally, I am not concerned about legal interpretation. After all, if the meaning of the term "profiteering" were disputed, the point would be decided by the High Court. As the matter now stands, it is open to the Commonwealth Government to take any action it likes with regard to trading. Unless some better proposition is put forward, I shall support the amendment.

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

Ayes	6
Noes	14

Majority against .. 8

AYES.

Hon. Sir Hal Colebatch	Hon. H. Tuckey
Hon. V. Hamersley	Hon. G. B. Wood
Hon. H. L. Roche	Hon. H. S. W. Parker
	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. W. H. Kitchin
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. C. R. Cornish	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. J. M. Drew	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. F. E. Gibson
	(Teller.)

PAIRS.

AYES.	NOES.
Hon. H. Seddon	Hon. E. M. Heenan
Hon. J. G. Hislop	Hon. W. R. Hall
Hon. H. V. Plasse	Hon. G. Fraser
Hon. L. Craig	Hon. T. Moore

Amendment thus negatived.

Clause, as previously amended, put and passed.

Bill again reported with a further amendment.

As to Adoption of Reports.

THE CHIEF SECRETARY: I desire to ask leave of the House to move that the reports be adopted. I wish to do so in order that the third reading of the Bill may be dealt with on Tuesday next.

The **PRESIDENT:** Is it the wish of the House that the Chief Secretary be granted leave to move that the reports be adopted?

Question (that leave be granted) put.

The **PRESIDENT:** There being no dissentient voice, I declare the question passed in the affirmative.

The **CHIEF SECRETARY:** I move—

That the reports be adopted.

Question put and passed.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

That the House at its rising adjourn till 2.15 p.m. on Tuesday, the 13th April.

Question put and passed.

House adjourned at 12.53 p.m.

Legislative Council,

Tuesday, 13th April, 1943.

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

QUESTIONS (2).

MINE WORKERS' RELIEF FUND.

As to Contributions, etc.

Hon. J. CORNELL asked the Chief Secretary: 1, How many persons contributed