On motions by the Minister for Industrial Development, the foregoing amendments were agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Council's Message.

Message from the Council notifying that it insisted on its amendment to which the Assembly had disagreed, now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Lands (for the Minister for Works) in charge of the Bill.

The CHAIRMAN: The amendment disagreed to by the Assembly and insisted on by the Council is as follows:—

Clause 3—Delete paragraph (b).

The MINISTER FOR LANDS: I move—

That the Assembly continue to disagree to the amendment made by the Council.

The paragraph which the Council desires to remove provides that no town clerk and no other officer appointed as engineer or building surveyor shall be removed without the sanction of the Minister. This provision has not its origin in departmental circles, but is something asked for by the majority of Western Australian municipalities. Of the 21 municipalities represented at a conference, 13 made out a strong case to the Minister for Works for inclusion of this provision in the Bill. Country municipalities in a recent conference supported the making of this provision, so that no such officer could have his services dispensed with without the sanction of the Minister for Works.

Mr. Boyle: Road boards already have this provision.

The MINISTER FOR LANDS: Quite so! It is also pertinent to observe that in Victoria and other States the Minister's sanction is required.

Question put and passed.

Resolution reported and the report adopted.

Assembly's Request for Conference.

THE MINISTER FOR LANDS: I move—

That the Council be requested to grant a conference on the amendment insisted on by the Council, and that the managers for the Assembly be the Minister for Works, Mr. Doney, and Mr. Withers.

Question put and passed, and a message accordingly returned to the Council.

House adjourned at 4.17 p.m.

Legislative Assembly.

Wednesday, 20th January, 1943.

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

BILL—COAL MINE WORKERS (PENSIONS).

Second Reading.

Debate resumed from the 8th December.

MR. McDONALD (West Perth) [11.4]: I am re-assured to know that the Government realises there is no haste over the Commonwealth Powers Bill, as is indicated by giving this Bill precedence over it.

The Premier: We are carrying this Bill a stage further.

Mr. McDONALD: I congratulate my friend, the member for Collie, on having obtained precedence on the notice paper and on having so signally ousted the Federal Attorney General, Dr. Evatt. The member for Collie has, in accordance with his duty to his constituents, no doubt played an important part in securing the introduction by the Government of this Bill; and he is well justified in bringing the matter before Parliament on behalf of his district, which is the State's only active coalmining district, in view of the passage of similar legislation in other States granting miners' pensions. The member for Collie has been good enough to inform me that the Victorian Parliament has just passed a Bill conferring pensions on coalminers. We know that such a Bill has been in operation in New South Wales for some three or four years, and that a Bill with the same object is in operation in the State of Queensland. I am also indebted to the member for Collie for the opportunity to read the measures which have been passed

on this matter in the two States I have mentioned, and further for the opportunity to examine the report of the Royal Commission which was issued in February, 1941, in the State of New South Wales and which preceded the passing of the New South Wales legislation. I fear there has been some disappointment in New South Wales, because the report of the Royal Commission was that the granting of pensions to miners would promote industrial peace and continuity of production, and that is rather sad reading in view of the very stern comments which have been made on coal production in New South Wales by Mr. Curtin and other members of the Commonwealth Government during the last few weeks.

The Premier: We have had none of that trouble here.

Mr. McDONALD: I think that may be correct, but I am not in a position to speak of my own personal knowledge. I would like to say of the Collie fields that they have been signally free from stoppages and industrial disputes.

The Premier: There have been plenty of disputes, but no stoppages.

Mr. McDONALD: The fact that there has been continuity of production is something for which I cannot give the miners on the Collie fields too high commendation.

Mr. Fox: The Collie coalminers are not as rapacious as are the New South Wales miners.

Mr. McDONALD: We will come to that in a moment. Since this matter has been raised, it is well known to the members of this Chamber that there is considerable public uneasiness as to the output from the Collie fields. There is a sub-leader in the Press on the subject only this morning, and I observe from it that the question of production of coal from our coalfields should be the subject of the attention of Parliament during this session. Quite apart from what appears in the Press, I know from what I have been told in the course of conversations with members of the public that there is no small uneasiness as to whether the output is sufficient and, above all, as much as could be produced. It seems to be generally agreed that the output is far from being as much as could be produced. Whether the blame lies with the owners or with the miners is something upon which I am not qualified to express an opinion. I would add that all members of this House representing the metropolitan area have very bitter recollections of the fuel shortage in households last winter, and have a very strong desire to see that the very real hardships which were suffered last winter are not repeated during the coming winter.

If, as appears to be apprehended by the public, there is to be a greater shortage of coal to meet the needs of industry and the public generally this winter as compared with last winter, then that problem, not only to industry but to the private householder, may become very acute; and it will be a reflection on Parliament if, knowing these things beforehand, we fail to take any measures we can to safeguard the people of the State against any such possibility. I do not want to spend too much time on this subject, which is not strictly relevant to the Bill, but I would add that it is well known that power costs in this State are high compared with those in other States. I have been told that those costs are 25 to 30 per cent. higher in this State than in a State like Victoria, and much as we desire to see an expansion of our industrial resources, these additional costs are, according to my information, militating and will militate seriously against any chance of our getting more in parity with secondary industries in a State like Victoria.

Mr. Cross: Can you produce figures to prove that statement?

Mr. McDONALD: No, I cannot, because I have simply repeated to the House what I have been told——

Mr. Cross: It is wrong!

Mr. McDONALD: ——by a manufacturer who is operating in a very large way in this State; and that, according to the Press, is the kind of thing about which Parliament should inquire and endeavour to find out if those figures are correct or not. This Bill proposes to confer pensions on Collie miners who are to be retired at the age of 60. Normally the pensions granted by the Commonwealth Government commence in the case of men at the age of 65. The principle in this Bill is that there shall be compulsory retirement at the age of 60. The intention also is that during the war, when labour is so scarce and our resources in coal are being severely taxed, compulsory retirement at 60 shall not be enforced. For the purpose of considering this Bill, however, we shall need to assume that the Bill, if passed, will provide for compul-

sory retirement of coal miners at the age of 60. On their retirement they become entitled to a pension of £2 a week, and the wife of a coalminer is entitled to an additional £1 per week. The sum of 8s. 6d. is also allowed for each dependent child up to the age of 16 years. The maximum a retired miner can receive for himself, his wife and dependent children by way of pension under this scheme is £4 8s. 6d. per week. A provision is made that in certain instances—where, for example, they are incapacitated in the course of their work—miners may retire on a pension at an earlier age than 60 years.

Those provisions are almost exactly similar in amount and in terms to those in the Acts passed in New South Wales, Queensland, and Victoria, so we can take it that this measure aims at bringing the Collie miners in that respect on to the same basis in the way of pensions and retirement as that which obtains by legislation in New South Wales, Queensland and Victoria. I do not propose to go into the details of the Bill, but it may be pointed out that from a miner's pension there may be deducted benefits he may receive through the old age pension and, in certain instances, where he has been incapacitated, benefits he may have received through the Workers' Compensation Act. In this Bill—again following in principle, although not in exact proportions what is contained in the legislation of New South Wales, Queensland and Victoria—the amount required to meet these pensions is to be found in certain proportions by the State Government, the mine workers and the mine owners.

In the case of the Government, during the first year of the scheme payment is to be made at the rate of £2,000 a year. In the second year the State Government pays £2,500, in the third year £3,000, in the fourth year £3,500, and in the fifth year £4,000. In the sixth and all succeeding years the State Government is to pay £4,500 towards the cost. When the sixth year is reached the State Government's contribution becomes static and fixed thereafter at £4,500 a year. Of the balance required to meet the expenditure from the fund the mineworkers will find one-third and the mine-owners two-thirds. Then the Bill goes on to provide that no owner shall, in respect to his payment to the fund, increase the price of coal supplied to any consumer by more than 2d. per ton. That means that of the mine-owner's contribution 2d. may be passed on to the consumer and the balance must be paid by the owner himself, or rather by the companies—because they are companies, I believe—and if it is paid by the companies it is paid by the shareholders out of the money that would otherwise be available to them.

This means that as to the cost which falls upon the mine-owners to finance the scheme, or proportion of the cost of the scheme, 2d. per ton may be passed on and the balance must be met by the mine-owners themselves, or, in other words, from the pockets of the shareholders. That principle is new in this Bill. It is peculiar to this Bill. It does not obtain in any of the measures passed in any of the three States I have named. In those States the mine-owners have to bear a certain proportion of the cost of the scheme, but are not prohibited from passing that cost on to the consumers in the price charged for the coal. In the other States the cost is borne by the consumers, which means that a large part of it is borne by the railways and the balance by the general public. In the case of the railways the costs which are in the first place borne by them are in the second place passed on to the users of the railways in the form of fares and freights. Insofar as they are not passed on to the users of the railways by way of increased fares and freights, they would naturally be borne by the State, and therefore by the taxpayers of the State.

Before I come to the broad principles of this Bill I would like to devote some attention to its operation having regard to the provision which I have mentioned as being peculiar to this measure, which prohibits in part portion of the mine owners' contributions being passed on to the consumers. I have endeavoured to find out from the mine owners what the position is, and I will supply to the House, for its benefit, what I have learned. As far as I know this information is substantially correct. The first thing to observe about the prohibition of passing on the increased costs by the mine owners is that I do not know exactly how they would stand in relation to the Federal price fixing provisions. The normal or common attitude of price fixing authorities is that unavoidable costs can be passed on in the shape of increased prices, provided always that the profit of the vendor is not unduly large. If the Federal Price Fixing

Commissioner were appealed to and he decided that in accordance with what obtains in Victoria, New South Wales and Queensland, the price of coal should be fixed to allow the increase in costs involved by contributions to this pensions scheme to be included, then there would be a conflict between the Federal price fixing authorities on the one hand and the limiting provisions of this measure on the other. I do not express any opinion on that point. I have not had the time or the opportunity to do so, nor do I possess sufficient knowledge of the system adopted by the Federal price fixing authorities to enable me to say whether there would be a conflict, and if so where it might lead us.

In New South Wales the scheme works out, substantially that the rate of contribution of the mine owners amounts to 5d. per ton. That amount, as I say, can be passed on to the consumers and to the State Railways of New South Wales. In the case of Western Australia the position, in some ways, is possibly peculiar. I understand that some 90 per cent. of the coal produced in Collie is used by the Commissioner of Railways for the purpose of the State railways. The basis on which the coal used by our railways shall be paid for has been the subject of a long series of arbitrations, and has from time to time been fixed by tribunals created for that purpose. It was last fixed, comparatively recently, by Mr. Justice Davidson of New South Wales, acting as arbitrator. That is the basis upon which the Amalgamated Collieries is allowed to operate on this field. There are two mine owners operating on the Collie field, I believe, namely, the Amalgamated Collieries, which produces almost all the coal and the Griffin Company.

The Premier: That company has the 10 per cent. output.

Mr. McDONALD: Yes. If I am wrong the member for Collie can correct me. By the award recently made by Mr. Justice Davidson the Amalgamated Collieries, which supplies practically all the coal used by the Commissioner of Railways, is entitled to include in its charge a fixed annual profit of £18,625 for its shareholders. The price it charges the Commissioner of Railways is such a figure as will allow for this profit plus the costs of production, taxation and depreciation. Actually this amount of £18,625 has not been received by the Amalgamated Collieries for the last two years because it has not been able to maintain the British thermal unit of its coal in accordance with the standard laid down by the Commissioner, and therefore its profit has been subject to reductions. For the last two years, I am told, it has been about £16,000. But the point to note is this, that this company, namely the Amalgamated Collieries—we might discard the Griffin and regard it as being only a minor factor in this particular matter—is operating at a fixed exact annual profit for its shareholders, which has been assessed and declared at an arbitration by the authority appointed as arbitrator between the railways and the mine owning companies.

The Premier: It is not an eternal contract.

Mr. McDONALD: I do not know how long it is required to operate.

The Premier: Only 12 months, I think.

Mr. McDONALD: I think that this method of paying the companies for the coal consumed by the Commissioner of Railways has been in operation for 10 or 15 years.

The Premier: About 11 years.

Mr. McDONALD: As far as I know there is no suggestion to terminate it.

The Premier: It is a three years' contract

Mr. McDONALD: It is a peculiar arrangement; a price fixing scheme. It may be said, perhaps, to be the first price fixing arrangement in this State, and consists of a special tribunal which holds the scales of justice or fairness equally between the Government, represented by the State Railways, on the one hand and the operating mining companies on the other hand.

Mr. Wilson: And no heed is taken of the men!

Mr. McDONALD: That may be so.

Mr. Wilson: It is so.

Mr. McDONALD: Current opinion is that the Collie miners have always been a very vigilant and active body. They have always had a good deal to say and exercised, as they are entitled to, a good deal of influence through their union in connection with these negotiations. I think they have always been vocal whenever such matters have been under consideration. I hold no brief for the coal companies and have no interest, financial or otherwise, in them. I had not met the representatives of those companies before this matter cropped up nor do I think I had previously seen the people involved. I want to tell the House how this peculiar provision operates, because I do not think it is a

proper provision. The amount of £16,000 per annum, which is the fixed profit that has been received under the direction of the arbitrator by Amalgamated Collieries, Ltd., during the last two years, has been sufficient to pay a dividend of eight per cent. to the preference shareholders who hold nearly all the shares, but has not been sufficient to make available any dividend to the ordinary shareholders who have had to go without any interest return on their outlay. It may be said that eight per cent. is a good dividend, but I am told that the preference shares have been bought on the market at as high as £2 per share. If that is so, the dividend of eight per cent. would represent only four per cent. in the pound on a share bought at £2.

I have not verified the statement which I have no reason to believe is untrue, but I have been informed that preference shares are rated at about 25s. per share on the market at present, in which case people who bought such shares at 25s. each, which is the market value as fixed under the National Security Regulations, would receive something over six per cent. on their shares based on the rate of remuneration secured by the company as fixed by arbitration in the circumstances I have mentioned. The dividends are paid on the paid-up capital of the company and Amalgamated Collieries, Ltd., like many other companies, has accumulated reserves. I am assured that that does not include any watering of shares, but accumulated profits. These total, so I have been informed, £260,000, which includes the paid-up capital, and the rate of profit that is allowed by the tribunal I have mentioned is equal approximately to three per cent. on the shareholders' funds. All these factors were before Mr. Justice Davidson of New South Wales and preceding arbitrators when they determined the fixed annual profit that the company should be allowed to make in respect of the coal it produced and sold. It can be reasonably assumed that in arriving at the figure I have mentioned, the arbitrators, after considering all the circumstances, gave the shareholders what was regarded as a fair return on their shares and no more, and, in all the circumstances, enabled the Western Australian Government Railways to acquire coal at a fair price—no less and no more.

The effect of the Bill now before the House will be, so I am told, that in the first year the fund will need to find about £20,000, including administrative expenses. That is a very rough estimate because it would be impossible to arrive at an exact figure without an examination of the personal position of each of the 847 miners on the Collie field to ascertain what dependants they have and whether or not they would be eligible for the old-age pension, which would be in reduction of the pension they would receive under this scheme. Of the amount of £20,000, in round figures, which may be taken as the cost of the scheme in its first year, the State will find, say, £2,500; the men will provide approximately £4,500, and the companies will have to make available £13,000. Respecting the contribution that the companies will have to make, they are allowed to pass on twopence per ton, which will represent about £5,000. That means there will still remain £8,000 which cannot be passed on to the consumers and will have to come out of the pockets of the shareholders of the two companies.

Mr. McLarty: That means half the profits will go in that direction.

Mr. McDONALD: It will mean that the shareholders of the Amalgamated Collieries will have to find annually a sum of about £4,600 and the shareholders of the Griffin Company about £1,600. The effect will be that the profit of £16,000 per annum, which has been fixed for the past two years and which has been lawfully assessed by the arbitrator, will be reduced, in the case of the Amalgamated Collieries Ltd., to approximately £9,500 per annum. To conclude this part of my remarks, I must add that I think the Bill seeks to attempt to do something from the wrong angle. It represents an indirect way of varying the award of the arbitrator, which was made between the coal companies and the Western Australian Government Railways. If the arbitrator was correct in allowing the profit mentioned, which, as I say, has worked out at £16,000 for the last two years, and it has been a fair and reasonable profit for the people who put their money into shares in the company, then this Parliament proposes to reduce the profits on those shares to some figure that is unreasonably low, having regard to earnings in other industries.

Without any inquiry, Parliament, by means of the Bill under discussion, is going to take £6,000 per annum from the £16,000 profit which has been allowed annually, which was the figure arrived at by the arbitrator after a careful inquiry as representing a fair profit to the owners of those shares. I believe there are between 250 and 300 people who own preference shares in Amalgamated Collieries Ltd. I do not know how many shareholders there are in the Griffin Company. If the owners of those shares, on the basis of the figure at present fixed by the arbitrator, are receiving an excessive profit, the proper way to deal with the matter is to go back to the arbitrator and say to him, "These people are getting too much. Their profit of £16,000 should be reduced to £9,500."

The Premier: That may not be the point. The companies may not follow modern working methods and may not have up-to-date mechanical appliances, so that they cannot make more profit under existing conditions.

Mr. McDONALD: On the point of mechanical plant, that again is essentially a matter for the arbitrator to decide. How can members of Parliament decide that the shareholders of Amalgamated Collieries Ltd. should be fined £6,500 a year because up-to-date plant has not been installed in the mine?

The Premier: By efficiency in working, the companies might be able to maintain or increase their profits.

Mr. McDONALD: If so, that would be an admirable argument for terminating the whole arrangement.

The Premier: It is to terminate in two months.

Mr. McDONALD: If that is a valid argument, the Commissioner of Railways should consider whether the whole arrangement should be terminated and replaced by something else.

Mr. Wilson: The miners should be consulted.

Mr. McDONALD: I am of opinion that all the people in the industry should be consulted.

Mr. Wilson: Hear, hear!

Mr. McDONALD: While this industry for many years has been and is now the subject of a special price-fixing tribunal to ensure that it charges no more than a fair thing and that the shareholders get no more than a fair return on their money, this House should not interfere with the award of the arbitrator made after due inquiry and after hearing all parties. If the arrangement is considered to be unsatisfactory, then it should be terminated or brought again before the arbitrator with a view to having it varied.

The Minister for Labour: I think Mr. Commissioner Davidson said the rate of profit was too high, but he felt that there was an obligation to the preference shareholders.

Mr. McDONALD: That may or may not be so; it is a matter for the Commissioner. If Mr. Commissioner Davidson felt that by reason of contractual obligations it would be improper on his part to reduce the profits of the company below the figure he assessed, then I take it the reasons which actuated and determined the decision of the arbitrator would also be very proper matters for the consideration of this House. The arbitrator had all the facts before him. I believe that representatives of the parties went to New South Wales towards the end of last year for the purposes of this arbitration.

The Premier: The year before last.

Mr. Fox: It would be a good idea for the Railway Department to buy the companies out.

Mr. Seward: Try it!

Mr. McDONALD: In concluding this aspect of the subject, I repeat that neither New South Wales nor Queensland nor Victoria has inserted any such provision in its legislation. In principle such a provision appears to be entirely wrong. It amounts to turning this House into an arbitration tribunal to fix profits and determine how much is to be passed on to the public without having the figures before us and without hearing the parties vitally interested, including the miners.

There is a further aspect that the House should bear in mind. There are now some 847 working miners on the Collie field. Whatever the output of coal, whether it increases or decreases, the present fixed rate of profit continues to the company until such time as the rate is varied by another arbitration determination. The greater the number of miners that go on to the field, the larger will be the cost of the fund. The greater the output of the field in the way of coal, the more miners will be required and, as I have said, the greater the number of miners the larger the

cost of the fund. If, therefore, the number of miners on the field could be doubled to give twice the present output to meet industrial and other requirements, then the obligation to the miners would also be doubled or more than doubled, because the Government's contribution remains static. In that way, the return to the shareholders could be entirely wiped out. If the number of men on the field were increased to give a larger output, a stage could be reached when there would be no profit under the present system of fixing the profit at something like the existing figure. In fact, there could actually be an annual loss to the companies.

The Premier: Unless overheads could be reduced.

Mr. McDONALD: All the overheads—cost of production, depreciation, taxation, etc.—are included in the price of the coal, plus the fixed rate of profit for the shareholders. Thus the companies are not affected. But it is possible for the arrangement to have this effect, though I have no reason to believe that the companies would do otherwise than the patriotic thing: The greater the output of coal, the larger would be the loss to the companies. Would that be a good thing?

The Premier: It would be a very bad thing. It is one of the bad features of the agreement.

Mr. McDONALD: It is one of the bad features of the Bill. If the companies could pass on the cost of their contributions, as is done in New South Wales, Queensland and Victoria, then, although the output increased, there would be no greater profit but the companies would suffer no loss. Here, the greater the output and the more men employed, the larger the contributions by the companies to the fund and the more the companies lose out of the annual profit fixed by the arbitrator. Under this system, the larger the output, the greater the liability for contributions to the pensions fund and the less money there would be for shareholders. Therefore, from the point of view of the shareholders, the greater the output, the greater their loss, and the smaller the output, the greater their profit. That is rather a bad choice to place before any body of people.

I pass now to consider the Bill in general. Even if the Bill is passed in its present form, it will cost the public, either through the contributions of the State Government or through the payment of increased freights and fares on railways, a good many thousand pounds a year. So the general public is to be ready to pay a good many thousand pounds a year to give special benefits of up to £1 5s. 6d. per week to Collie miners in order to enable them to retire from their admittedly difficult calling at the age of 60; and these benefits will be confined to one small section of our community. They will be one favoured section, standing out like an island among the people of Western Australia, as having what is called economic security.

Mr. Wilson: What about the Superannuation Act and the Public Service?

Mr. McDONALD: The Collie miners will stand out like an island in the middle of the people of Western Australia, or like one of such islands——

Mr. Fox: There is quite a number of them.

Mr. McDONALD: —who have what is called, and what I hope to see in general application, economic security and social justice above the great mass of their fellow citizens.

Mr. Wilson: This is at the expense of the miners.

Mr. McDONALD: The miners contribute part. There are two or three, or four or five, of these islands of economic security. Civil servants, for one! They are secured by Act of Parliament, as it is proposed here, in respect of their economic security. There are other pensions schemes in existence in Western Australia which are purely voluntary; that, where the shareholders of a company say, "When our servants retire, we will give them pensions at the cost of our profits." If employers and employees like to do that, it is admirable and we can only commend it.

The Premier: That is the same principle as the principle of this Bill, at the cost of the shareholders.

Mr. McDONALD: It is not quite the same.

The Premier: It is like an insurance company with policy-holders.

Mr. McDONALD: When people say voluntarily, "As shareholders out of our profits we will pay so much per year to the pension scheme," that is all well and good. People can do what they like with their own money. But it is another thing for the State to step in, through legislation, and say, "You shall make these payments, and these people shall be a special class of beneficiaries," and to say

further that there shall be contributed to the special class of beneficiaries moneys to be found by all the people of the State through their Government and through State instrumentalities to the extent of some thousands of pounds a year; so that farmers on the wheatbelt through railway freights, miners on the goldfields through their taxation, and clerks in the city through their taxation—all these being people who have no such security themselves—will be all compelled by law to contribute to the special economic conditions of one small section of the community.

Broadly I think the time of compulsory pension schemes for favoured sections of the community is long past. The time when this Parliament is going to divide up the community into privileged and unprivileged is also long past, and I am glad to say that has been recognised by the leaders of our nation. In Monday's newspaper there appeared this statement:—

Social Security. £25,000,000 Scheme. Non-contributory basis. Canberra, 17th January. Federal Cabinet yesterday approved its social security plan estimated to cost about £25,000,000 and at the forthcoming Parliamentary session appropriate Bills will be brought down. The plan, it is believed on good authority, will be non-contributory. Numerous recommendations have been made by the Parliamentary Social Security Committee and it is understood that many of these will be needed by the Government in framing the legislation, although it is unlikely that all will be adopted. Recommendations of the committee included increased pensions, unemployment insurance and a house planning authority.

Consideration of the report of the Parliamentary Committee on repatriation was also completed by Cabinet and new legislation is likely to include provision for increased pensions, removal of anomalies against militiamen and more liberal administration.

I would say that the Bill now before this Parliament is not opportune. It should stand over until the Commonwealth Government's proposals with regard to economic security are brought before that Parliament, as they will be in a few week's time, and are made known to our people and to this Parliament. Every sectional scheme that we establish by Act of Parliament for increased benefits gives rise to vested interests. At this time, when the great social security scheme of the Commonwealth is almost on the statute-book, we should not create an anomaly in this State by passing a Bill of this nature. I ask myself, and I think members might well ask themselves, how would this Bill be received on a referendum of the people of Western Australia? The Collie miners are receiving good wages at the present time, and I have no doubt they deserve good wages for their good work. They work longer now—six days a week—whereas previously they worked on only five; and I have no doubt they work overtime as well.

The Minister for Labour: The preference shareholders might not get 8 per cent. if the question were submitted to a referendum.

Mr. McDONALD: By all means put the two together if you like. However, according to the information I obtained, here are the wages earned by one shift of four men in a fortnight: one man earned £19 11s. 11d., another £19 11s. 10d., a third £19 17s. 10d., and the fourth £19 7s. 10d. Those are a fortnight's earnings, working seven shifts.

Mr. Wilson: Give the lowest earnings!

The Premier: That is piece work?

Mr. McDONALD: Yes; I understand so. Here are the earnings of five men in a fortnight preceding the holding of the inquiry. One man earned £19 13s. 4d., another £19 3s. 4d., a third £12 0s. 10d., the fourth £18 14s. 1d., and the fifth £22 10s. 10d. I was in error in saying that these five men worked seven shifts. They worked the usual number of shifts. However, the man who received £12 0s. 10d. worked less than the usual number of shifts, and that fact accounted for his comparatively small pay. I think the earnings on the average would be £7 or £8 per week. I mention these facts because I ask myself, and members might also ask themselves whether, if there was a referendum of the people of this State, the shop assistants in my constituency and in other constituencies, the farmers in the country, the farm hands, the typistes, the small shopkeepers, all those people who have no pensions to look forward to at present except the old-age pension, would be prepared to vote so that they should be taxed to find some thousands of pounds a year to confer special pension benefits upon one small class of the community at present numbering some 800 men upon their retirement at the age of 60 years. I think it would be rather hard to ask the people to agree to that. I have every sympathy with the Collie miners in their endeavour to get such economic security as they can.

The Minister for Labour: They are all taxed to pay the 8 per cent. to the preference shareholders of the company.

Mr. Fox: For very uncongenial employment.

Mr. McDONALD: That may be so. I have told the House that the usual consideration is a return to the shareholders based on the price paid for the shares. In this case the return appears to be something over six per cent. to preference shareholders. Let us assume that the return is reduced to five per cent. or four per cent. That would not make any difference here. It does not alter the fact that even if the return is reduced to five per cent., four per cent. or three per cent., the State by the passing of this Bill would bind itself, and the people would bind themselves to find several thousands of pounds per annum for a scheme which is confined to a small section of the community, and is to be supported by taxpayers who receive no similar benefits and are outside the scheme. The people would be called upon to pay into a scheme on behalf of a privileged few, much as I would like to see the miners get that benefit.

The Minister for Labour: On that argument we should never have passed the State Superannuation Act.

Mr. McDONALD: If my views are of any value at all, I think that sectional superannuation Acts are a mistake. There should be a basic superannuation provision for all citizens. If people want more than that, and by their own earnings can assure themselves of more, they can contribute to the scheme in order to get additional pensions when they retire. Basically it is wrong that the people should be divided into two classes, a small class with economic security provided by all the people, and the great mass of the people with very much inferior security although they contribute to the special security of a privileged few. At this stage when the legislation to which I have referred is almost on the Statute Book, legislation that we are assured will surpass the Beveridge plan produced in Great Britain, I do not want to see this new proposal carried into effect. I do not want to see this House perpetuate another sectional scheme of economic security, which is applicable only to a few and is denied to the great mass of the people, and by this Bill call upon the great mass of the people to contribute out of their earnings to something that is of especial advantage to only a few. I sympathise with the member for Collie, and would love to give him and his constituents concerned all that is sought to be given by this Bill.

Mr. Wilson: You are showing your love all right.

Mr. McDONALD: I would like to be able to give the coalminers pensions of £500 a year, but there are other people in the State to be considered. There are people who are also in need and in much greater need of social security than are the Collie coalminers, people who are not earning £7 or £8 a week.

Mr. Wilson: How many are earning £7 or £8 a week? You have named only about seven.

Mr. McDONALD: I am at a disadvantage in debating this matter with the member for Collie because he is a specialist and I am merely on the outskirts. I have been told by a member of the company that £7 or £8 a week is at present a fair average earning for a Collie miner, that is in the case of the active able-bodied man who works full time. If the hon. member can prove that I am wrong I hope he will tell the House so. For these reasons I suggest that the Government, having brought down this Bill, might agree to defer it until we have an opportunity to see the social security measure which the Commonwealth Government proposes to introduce in the next few weeks, and which is intended to apply not to one section but to the whole of the people.

On motion by Mr. W. Hegney, debate adjourned.

BILL—COMMONWEALTH POWERS.

Second Reading.

Debate resumed from the previous day.

MR. PATRICK (Greenough) [12.6]: This Bill is of vital importance to the State. For that reason I do not think that we should be stampeded or panicked into passing it in a great hurry. I notice that in South Australia, where Mr. Playford is introducing a similar Bill today, it is the intention of the Leader of the Opposition then to ask for a week's adjournment.

The Premier: We had a month's adjournment here.

Mr. PATRICK: The Government of South Australia has had the same time in which to introduce the Bill as we have, but has left its introduction until today. We should not be in a great hurry to pass this Bill for other reasons. One prominent member of the re-

cent Convention, Mr. W. M. Hughes, who knows something about the matter because he controlled the National Security Act in the last war, said that the defence powers of the Commonwealth would exist for 18 months after the war. I take it that the powers now being sought by the Commonwealth Government are not required whilst the defence powers are in operation, but are required to take effect immediately the defence powers expire. That is apparently the sole reason why the Commonwealth Government has requested that this Bill be passed. I do not think we should be hurried in this matter or that the Bill should be rushed through.

The Premier: The defence powers are not as wide as some people think they are.

Mr. PATRICK: My view is that they are wider, according to the regulations that have been introduced, than most people would like them to be. They are wider than I would like them to be. I agree with the Leader of the National Party that there is no obligation upon this House to carry this Bill as it has been introduced, or to carry it at all. I do agree that there are references in it which, as I stated in the House during last session, it will be necessary to make after the defence powers have expired. There is certainly no obligation on this House to pass the Bill. In the past various matters have been the subject of proposed agreements between the Commonwealth Government and State Governments, as a result of which certain legislation giving references to the Commonwealth has been introduced. It will be noted, however, that most of the Parliaments in the case of the reference of 1915 threw it out.

The Premier: The only obligation is that the Bill should be brought before this Parliament.

Mr. PATRICK: That was the obligation entered into at the Convention. Prior to 1915 there was an agreement between the Premiers and the Commonwealth Government that certain legislation would be submitted by referendum to the people, who in turn threw it out. On one occasion, therefore, the Parliaments threw out the proposal, and on another occasion the people threw it out.

The Premier: And only on rare occasions was the proposal passed.

Mr. PATRICK: That is so. What amazes me are the statements that have been appearing in the Press recently showing resentment by the Commonwealth Government of the criticisms of opponents of the measure and the demand for amendments. This matter was referred to by the member for West Perth and the member for Avon. The following statement, which appeared in yesterday's paper, is well worth reading:—

> The Government is becoming more concerned about the propaganda in S.A. and W.A. against the Powers Bill.

I would like to know who is responsible for these statements. For instance, there is a gentleman at Canberra who speaks over the air and calls himself the Government spokesman. On various occasions he puts over stuff that he says is put over on behalf of different Ministers. If it goes over, well and good.

The Minister for Lands: I think he is often a spoke in the Government's wheel!

Mr. PATRICK: If there is criticism of his statements, the thing fades out and no more is heard of it.

The Premier: The Premiers at the recent conference tried to find out who this mysterious person was, but did not get anywhere in the matter.

Mr. PATRICK: The Press statement continues—

> The propaganda seeks to bring about rejection of the Bill by the Parliaments of both States and the Government takes exception to it on the following grounds:—
> (1) If successful it would either force the Commonwealth to face the post-war period with inadequate powers or precipitate the war-time referendum which the Constitution Convention considered should be avoided.

I notice that the Prime Minister, in attacking the criticism, today denies that he threatened a referendum. Inferentially, this statement threatens a referendum if the Bill is rejected. It continues—

> (2) It is costing large sums of money which the Government considers should be used instead in the war effort.

And so on; I shall not read it all. The Commonwealth Government considers the matter should be the subject of a judicial inquiry. That is an extraordinary statement to make.

The Premier: Who made it?

Mr. PATRICK: I do not know. This is not the Government spokesman speaking, but the Commonwealth Government itself.

The Premier: It is mere speculation.

Mr. PATRICK: It has not been contradicted.

The Premier: It is very feeble.

Mr. PATRICK: I do not know whether the Government spokesman was responsible, but the statement was made over the air three or four days ago in the Canberra news. Anyway, right in the forefront of the document which Dr. Evatt first issued was a statement that effect should be given to the four freedoms; but he ran away from it right from the start as soon as he got criticism of his measure and talk about propaganda. As the member for Pilbara interjected a moment or two ago, look at the immense amount of propaganda we have had on the other side. For weeks before the Constitution Convention sat, Dr. Evatt was talking over the National station without any opposition. There were no speakers on the other side. Since the Convention sat, University professors have been talking every Sunday on the same subject, but dealing with one side of the question only. Even a few weeks ago, a State school teacher was raked up in this State to talk over the National station advocating that these powers should be granted to the Commonwealth Parliament. On previous occasions when referenda were put before the people, it was the custom to send two documents to the electors, one of which put the Government side of the case and the other the Opposition's. That was done at the Government's expense.

The Premier: It was not only the custom, but the law.

Mr. PATRICK: It is not in the Constitution; but was in the Bills.

The Premier: Yes: that must be done in the case of a referendum.

Mr. PATRICK: I do not think so; but in any case National broadcasting stations have been used to put up only one side of the question and presumably the speakers over the air were paid for their services. An enormous quantity of paper put out on behalf of Dr. Evatt presumably was also at the Government's expense, so I do not think we need take too much notice of this sort of criticism.

With regard to the Convention itself, as I was saying, there is no obligation on this Parliament to accept the work of the Convention as it has come to us and pass it into law. The Convention was, in fact, what might be termed well loaded. The States were beaten right from the jump. The Commonwealth Government representatives were, of course, pledged to a policy of unification and most of the Opposition representatives fell into the same category, if one may judge from views which they had previously expressed. Mr. Hughes says he is a federalist. But he always puts up arguments in favour of granting supreme power to the Commonwealth Government. The same might be said of Mr. Fadden and of other members. Therefore, from the very start the States were in a hopeless minority in discussing this matter.

The Minister for Lands: Those members were in one of the bags about which the member for Avon spoke!

Mr. PATRICK: In any case, the Convention really had no stand as a representative body. Members have in this Parliament advocated at various times that there should be a properly elected convention to review the whole Commonwealth Constitution. Such a convention could meet, but it would have no effect in law. It could only make recommendations. The original Federal Convention set up the political structure for the Commonwealth, and this can only be amended by a Bill passed by the Commonwealth Parliament and then referred to the electors. Therefore, a convention could do all the talking it liked, even if it were an elected convention. It could pass resolutions and make recommendations to alter the whole Commonwealth Constitution; but even then, there would be no obligation on the Government that set up the convention to bring Bills down carrying out the resolutions, any more than there is an obligation on State Parliaments to pass what was carried at this so-called convention recently held at Canberra.

Dealing with the original proposals, the Premier said in effect that these were open to objection and would have permitted the Commonwealth Government to take over any and every function exercisable by State Governments, and that the High Court—which had been the bulwark of the States—would have no jurisdiction to interpret the Constitution so far as regarded Commonwealth powers. The original Bill was certainly remarkable, if not unique.

The Premier: The original one?

Mr. PATRICK: Yes. It contained a clause at the beginning which practically gave the Commonwealth supreme power over every thing. That was followed by a tremendous amount of padding. I myself think the Federal Attorney General must have studied military tactics. We have lately read fre-

quently in the newspapers the expression "by-pass." When an army reaches a town that is exceedingly difficult to take, it by-passes it. The army leaves it and goes on. The Federal Attorney General evidently considered the Constitution was too solid a rock to smash up, so he determined to by-pass it. The original Bill was an attempt to by-pass the Constitution by the insertion of a clause which I think Dr. Evatt called "60A." This would have had the effect of a new Constitution altogether. A similar attempt was made, I think by Mr. Scullin, in 1930. He wanted to amend the Constitution to give the Commonwealth Government power to amend it without reference to the electors. The Premier said that the High Court was the interpreter of the Constitution. I shall now quote the following from Dr. Evatt's book of words, page 78:—

> As drafted, Section 60A is intended to confer on the Commonwealth in the post-war world, powers to regulate the economic and social life of Australia as wide as those which the defence power has conferred upon it during the war.

That is a remarkable statement. It was a try-on, and the second attempt was pretty well as good. Western Australia has already had some experience of the exercise of Federal powers. We have had countless boards and commissions, with the power of government slowly but surely drifting from the people. That is not my statement but the statement of Mr. McKell, the Labour Premier of New South Wales.

Mr. W. Hegney: That does not apply only to the Commonwealth Government, either.

Mr PATRICK: Probably not, but it applies to the Commonwealth Government particularly today, because it has supreme power over almost everything Hundreds of regulations have been issued, and they were recently attacked by another Labour Minister, Mr. Hanlon, of Queensland, who said—

> The original intention of this all-powerful National Security Act was to deal with dangers threatening the safety of the country, but the regulations have been made to apply to every-day humdrum matters. All the regulations should be immediately overhauled. I would not say, offhand, how many National Security Regulations there are, but this year alone we received 519, so I presume there are well over 1,000. How many orders, rules and by-laws have been made from these regulations the Lord only knows.

I think most people want to escape from this regimentation as soon as possible. They do not want it perpetuated, but evidently Dr. Evatt's idea is to perpetuate after the war powers which the Commonwealth Government has at present. As a matter of fact, many of these regulations are, in the opinion of lawyers, of very doubtful legality, and this Bill, unamended, will legalise and probably perpetuate them. As the Premier pointed out before going to Canberra, we in this State have felt the result of some of these regulations in the discrimination shown against Western Australia in the matter of the wheat industry, for instance. Our wheat areas have been reduced by one-third, while the wheat areas in other States have not been touched at all. So far as I can see, there is no reason for that. We were told that there were difficulties with regard to storage in this State. A Federal member was sent over to report on the condition of our wheat, and he condemned it. Various other men came over and condemned it as being infested with weevils; yet from reports in the paper only a week or so ago it appears that that wheat was shipped to England, and millers have received it and commented on its excellent condition and complimented people here on the manner in which they have handled it. That wheat, I believe, was kept for over three years.

The Premier: It was reconditioned before it went away.

Mr. PATRICK: It always has to be reconditioned. The loss was very small. It was not sufficient to justify the Commonwealth Government's saying that owing to the condition of wheat in this State our areas had to be reduced.

The Minister for Lands: It must have been substantial to warrant the wheat hospital.

Mr. PATRICK: I think it will be found that reconditioning must take place in other States of the Commonwealth. I venture to say that the Minister's own State of Queensland is the worst in respect of weevil infestation. It is a matter of climate. A certain amount of reconditioning has to be done in any State. During the last war, South Australia lost 50 per cent. of its stored wheat through the depredations of mice. This State on that occasion came out better than any other State of the Commonwealth. There is another point. We know that in this State we have not received the benefit from war expenditure that the other States have enjoyed, mainly because before the war this State was, to a greater extent than the other States, a primary producing country. One

would have thought that on that account the Commonwealth would have said to Western Australia, "Yours is largely a primary producing State. As you have not the facilities, we cannot allow you to manufacture to the extent that other States are manufacturing, but we will allow you to be the agricultural State of the Commonwealth during the war. You can produce the food supply." Instead of that, in addition to withholding from us the benefits the other States are receiving from war expenditure, the Commonwealth reduced the benefits this State was deriving from agriculture.

There are other matters in which we are at a disadvantage. Farmers and others were required by the Liquid Fuel Board to equip their trucks with producer-gas units and told that if that was not done their petrol allowance would be reduced by 75 per cent. We were told that that was a Federal regulation applying all over the Commonwealth. There is a bigger percentage of trucks in this State with producer-gas units than in any other State of the Commonwealth. The last figures I saw, which were given by the Federal member for Kalgoorlie, Mr. Johnson, showed that the total was one in ten in Western Australia, and in some of the other States it is as low as one in 27. It might be argued that we were better equipped in this State to instal gas-producers because we were the pioneers in this respect, and had the manufacturing plant but, at the time the regulations were being strongly enforced here, gas-producer units were being shipped from the other States to Western Australia. That, I understand, has been largely prevented now, but units were being imported from States which had not equipped their motor vehicles with gas-producer units to anything like the extent that Western Australia had.

Take also the outbreak of swine fever! A similar epidemic occurred in New South Wales. Immediately it happened there, the Minister for Commerce rushed to the paper with the news that the New South Wales Government would be afforded not only financial assistance but also the full assistance of the scientific department of the Commonwealth in the way of veterinary surgeons and so forth. That may have been done for Western Australia: I do not know. We may have been offered financial assistance. If so, it has never been stated. The statement regarding New South Wales was issued authoritatively to the newspapers and announced by the Government spokesman at Canberra. Since then a statement has been issued from Canberra to the effect that marvellous work has been done in New South Wales where the disease has been practically stamped out, and drawing attention to the consequent benefits to the Commonwealth. There was no mention of Western Australia. Evidently we do not bulk largely in the central administration. Our outbreak of swine fever was on a much larger scale than that in New South Wales in regard to the number of animals slaughtered. We are suffering much today from Federal regulations. We are getting too much of what some people call "Dedmanism." I believe Mr. Dedman is a Scotsman. He is of the same nationality as myself but, so far as I can see, he is a Scotsman without a sense of humour, and a Scotsman without a sense of humour is a very dangerous individual because he has a very strong belief in his own stupidity. It is not a usual thing in a Scotsman. Scotsmen generally have a keen sense of humour, but so far as I can see Mr. Dedman has no sense of humour, and he is a dangerous individual.

Dr. Evatt, in this original pamphlet of his, to my mind insults our greatest ally, the United States, when he refers to the horse-and-buggy Constitution. This great ally has just passed a budget of 25,000,000,000 sterling, equivalent to 1,800 millions on Australian population, or over three times Australia's present expenditure. Under this horse-and-buggy Constitution it has grown from under 4,000,000 people, 90 per cent. of whom were farmers, to 130,000,000. That has all taken place in 150 years, so that under its horse-and-buggy Constitution it has made a remarkable contribution to civilisation. The United States during that 150 years has only made 21 amendments to its Constitution. Ten of them are included in what is known as the Bill of Rights, which embraced freedom of speech, and were passed in the first few years at the request of the States, and are generally considered to be part of the original Constitution, so that actually there have only been 11 amendments. Three of those amendments abolished slavery and conferred rights on the negroes, one dealt with prohibition and another with its rescission. Another dealt with the system of election to the Senate and another, one of the latest, strange to say, created women's suffrage.

After the Bill of Rights was passed in 1791, and the 11th and 12th amendments, 63 years elapsed before the 13th amendment was ratified. We seem to consider it necessary to amend our Constitution after 40 years, but that country waited 63 years before ratifying a single amendment. Then, after the three amendments giving rights to negroes, no further amendment was carried for 43 years until the 16th amendment in 1913. Since then five further amendments have been passed, the lastest of which repealed prohibition in 1933. Prohibition in America is one of the arguments I use against holding a referendum in war-time. That country carried prohibition in war-time on a wave of hysteria, and it took it 19 years to get it out of the Constitution, and I do not know how many millions of pounds it cost to enforce.

The Minister for Lands: It would take longer than that to get it out of their personal constitution!

Mr. PATRICK: It might.

The Premier: The laws of the country broke down under it.

Mr. PATRICK: No country could administer it. One interesting thing in regard to the United States Constitution is this: We are told that the amendments to the Commonwealth Constitution are being opposed by big business. Strange to say, it has always been big business, represented by the Republican Party, which wanted to centralise the power in the United States. Right at the beginning Alexander Hamilton, one of the men who were drafting the Constitution and who represented big financial interests, was of the opinion that governmental power should be centralised in Washington. The following is a statement by Woodrow Wilson, who was a leading member of the Democratic Party:—

> It would be fatal to our political vitality to strip the States of their powers and transfer them to the Federal Government.

That has been the attitude of the Democratic Party, which has been the more liberal party in the United States all through the years. The big business men wanted to centralise everything in Washington because they considered it much easier to influence one Government than those of 48 States. President Roosevelt does not propose to destroy the States to implement post-war reconstruction, nor does he propose to perpetuate the enormous defence powers he now possesses, and regiment the people after the war. In fact, he has said that he is going to hand back to the people all these tremendous powers immediately the war is over! President Roosevelt, who put up the Four Freedoms and was largely responsible for the Atlantic Charter, considers that he can carry out under that horse-and-buggy Constitution all that it is necessary to do.

The Premier: They have legislative enactment.

Mr. PATRICK: They have freedom of speech and of religion, which go without saying in any Australian Constitution. They do not require to be included. They were put in at the request of the States two years after the American Constitution was drawn up. In a federation much depends upon the method by which the Federal Government works in with the States. During the depression years in Australia the State Governments put forward propositions regarding the relief of unemployment to the Commonwealth Government, but it said, "That is a State function. We have nothing to do with it. We have no power." In the United States of America, under a somewhat similar Constitution, the Federal administration financed the whole of the relief, which ran into some thousands of millions of pounds. It was all carried by State administration. The Central Government provided the money and laid down the manner in which it was to be applied, but the administration of the expenditure was entirely carried out by the State Governments. It was not done by setting up boards or other administrative instrumentalities from the Federal Government. That, I think, is the real way of running a federation. Alfred Deakin developed the same line of thought when he said—

> I venture to repeat that those who suppose that all our affairs can be governed at Canberra—all the affairs of this vast continent—are committing themselves to a line of constitutional concentration which must break down, and be followed by re-action.

We are told that this Constitution must be amended because it has been running for 40 years. As I have said, no such amendment has ever been required by the United States and, according to the men who have studied constitutions, ours is much more flexible than that of America. For instance, the late Viscount Bryce who wrote the standard work on the American Constitution, and who visited Australia just after our Common-

wealth Constitution came into being, said that the Australian Constitution was not only much more flexible and capable of amendment than the American Constitution, but was the finest federal constitution then in existence, and he had studied closely both constitutions. Apart altogether from that, we are told that this Constitution must be amended after 40 years, but the same people who today want to amend it wanted to destroy it after 10 years.

Because of that I propose to make some survey of the previous referenda held in Australia. There have not been many. The first one was a minor affair, and was held in 1906. Its object was to alter the date at which the service of a senator was to begin. The idea was to bring it into line with the House of Representatives, because there had been a dissolution of that House. Under the present system a senator does not take office at the time of his election. There was no difficulty about that. The public could easily understand what was involved, and carried the referendum by 774,000 votes to 162,000. Referenda Nos. 2 and 3 were held at the same time as the general elections of the 13th April, 1910. No. 2 dealt with the following matter:—

An alteration of the financial arrangements between the Commonwealth and the States—this proposed to substitute for Section 87 (generally known as the Braddon clause) a per capita payment to the States.

That was an arrangement made by all the State Governments with the Commonwealth for a per capita payment of 25s. per head. Despite the fact that the State and the Commonwealth Governments had agreed to it, the people rejected it by 670,000 votes to 645,000. That is not a very big number, but still the people rejected it. No. 3 referendum at that time was to—

Give the Commonwealth power to take over the State debts.

That was approved by 715,000 votes to 586,000. Subsequently by the Surplus Revenue Act of 1910, Section 87 of the Constitution ceased to have effect, and instead the Commonwealth agreed to pay to the States an annual sum amounting to 25s. per head of the population for a period of 10 years beginning on the 1st July, 1910. In effect, therefore, the electors refused to make part of the Constitution, the provision for a payment of 25s. per head of population to the States on the expiry of the Braddon clause; but by legislation the Commonwealth Parliament made that contribution payable for a period of 10 years. Now we come to some of the more important questions that were submitted to the people. Referenda Nos. 4 and 5 were submitted on the 26th April, 1911. The proposals dealt with two phases and were submitted as "A." and "B." "A." dealt with legislative powers and "B." with monopolies. With regard to the proposed alteration of the Commonwealth Constitution dealing with legislative powers, the object was to extend powers under Section 51 in four directions, and concerned—

(a) Trade and commerce;
(b) Corporations;
(c) Industrial matters; and
(d) Trusts and monopolies.

Some of those headings crop up at the present juncture and were placed before the Federal Convention that was held in Canberra recently. The particular alterations sought in 1911 were—

(a) In Section 51, paragraph (i), omit the words "with other countries and among the States."

This amendment, if agreed to, would have given the Commonwealth power to legislate regarding trade and commerce without any limitation at all.

(b) Corporations: Omit from paragraph (xx) the words "foreign corporations and trading or financial corporations formed within the limits of the Commonwealth" and insert in lieu thereof the following words:—

"Corporations including (a) the creation, dissolution, regulation, and control of corporations; (b) corporations formed under the law of a State (except formed solely for religious, charitable or scientific or artistic purposes, and not for the acquisition of gain by its members) including their dissolution, regulation and control; and (c) foreign corporations including their regulation and control."

(c) Industrial matters: In paragraph (xxxv) omit the words "Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State," and insert in lieu thereof—

"Labour and employment including (a) the wages and conditions of labour and employment in any trade, industry or calling; and (b) the prevention and settlement of industrial disputes including disputes in relation to employment on or about railways the property of any State."

(d) Trusts and Monopolies: Add at end of Section 51—"Combinations and monopolies in relation to the production, manufacture, or supply of goods or services."

The second important question submitted to the people that year dealt with monopolies, and the proposal was as follows:—

Insert after Section 51 the following Section 51A—

> "When each House of Parliament in the same session has by resolution declared that the industry or business of producing, manufacturing or supplying goods or of supplying any specified services is the subject of any monopoly, the Parliament shall have power to make laws for carrying on the industry or business by or under the control of the Commonwealth, and acquiring for that purpose on just terms, any property used in connection with the industry or business."

Both these proposals were rejected by the people. They were almost as sweeping as the proposals submitted by Dr. Evatt in his first suggestions. At the poll in 1911 the people rejected the proposed alterations to the Commonwealth Constitution by large majorities, the proposal regarding the extension of legislative powers by 742,704 votes to 483,356 and the proposal regarding monopolies by 736392 votes to 488,668. On that occasion New South Wales, Victoria, Queensland, South Australia and Tasmania voted against both proposals while Western Australia favoured them by small majorities. At that time Western Australia was young and innocent, and apparently thought that anything submitted by the Commonwealth Government must be all right. Possibly that explains why of all the States Western Australia alone voted in favour of the Commonwealth proposals. That vote was taken not 40 years after the Commonwealth Constitution had come into being but only 10 years subsequently.

To give members some idea of what some great Federalists who had been partly responsible for drawing up the Commonwealth Constitution, thought of the proposals I shall quote, firstly, from a speech by Sir John Quick who, with Sir Robert Garran, was an author of the Australian Constitution and was looked upon as a great constitutional authority and Federalist. Speaking on the Constitution Alteration Bill in 1910, Sir John Quick said—

> Speaking as a Federalist I think I can say that if these amendments are carried they will mark the beginning of the end of the Commonwealth of Australia as a union of States. They will mark the beginning of the destruction and degradation of the Australian States as political units and partners in a scheme for the government of the Australian people. We should never forget the preamble and recital standing in the forefront of our Constitution. It recites that it is first a Federal Constitution and an indissoluble union under the Crown. Although it provides for amendments as found necessary, those amendments ought at any rate to be consistent with the Federal principle.

That serves to indicate the opinion of a great Federalist on the then Government's proposals. In the Bill now before this House there are amendments that in their effect are just as sweeping as were those proposed in 1910.

The Premier: There is the limit of time.

Mr. PATRICK: I will deal with that point later. Speaking on the same question when similar proposals were introduced two years later, Mr. Alfred Deakin, another great Federalist and builder of the Commonwealth Constitution, said:—

> In a Federal Constitution in my judgment will be found the future form of civilised government. Larger and larger areas are being brought together, more and more millions of citizens are being brought under a single sway. The ideal of such a system, under which the several States would be active, vigilant, independent and yet loyal to the central Government, is the highest political ideal that can be held up to the constituents of any country. That is the ideal which won the Australian people in the first instance which they seek to realise. But the proposals outlined by the Attorney General (Mr. Hughes) constitute a movement absolutely the reverse. I submit that if we once throw away our priceless possession of a truly Federal system, it may be long before our posterity can recover it.

So there again members can see what another great Federalist thought of such proposals when they were introduced. At that period those who proposed to effect alterations to the Commonwealth Constitution were not satisfied with the result of the vote of the people in 1911. In fact, I think Mr. Andrew Fisher was very annoyed at the time and said that the result of the referenda was entirely against the will of the people of Australia. The next referenda were held two years later and, on the 31st May, 1931, the people of the Commonwealth were asked to indicate their desires regarding proposed alterations of the Constitution which were submitted to them in the form of six questions. These were as follows:—

(1) Trade and Commerce: As in 1911 proposal, except that it excluded the words "trade and commerce upon railways and property of a State, except so far as it is trade and commerce with other countries or among the States."

(2) Corporations: As in 1911 proposal, except that it excluded the words "municipal or governmental corporations."

(3) Industrial matters: As in 1911, with following alterations—Word "unemployment" added; to read—"labour and employment and unemployment."

Omission of power to deal with disputes concerning employees of State railways.

And addition of the following:—

"The rights and obligations of employers and employees."

"Strikes and lockouts."

"The maintenance of industrial peace" inserted instead of "prevention and" which words are omitted.

(4) Railway Disputes: Inserting in Section 51, after paragraph (xxxv), the following as (xxxva):—"Conciliation and arbitration for prevention and settlement of industrial disputes in relation to employment in the railway service of a State."

That is rather interesting because since that period although the electors twice turned down the proposals of the Commonwealth Government, the matter of arbitration affecting railway employees of the States has been brought in as a result of a High Court judgment. Speaking subject to correction I suggest that the only railway employees in Australia who are not under the Commonwealth Arbitration Court are those of Western Australia, who prefer State arbitration.

The Premier: And the Queensland railway employees.

Mr. PATRICK: After the electors had twice turned down that proposal they were over-ruled on a judgment of the High Court.

(5) Trusts: Paragraph same as (d) in 1911 proposal except word "trusts" added to beginning, so reading—"trusts, combinations, etc."

These five questions are, in effect, a subdivision of the Constitution Alteration (Legislative Powers, 1910) into five separate referenda.

These proposals were put as five different questions. Evidently the idea was that all five could not be got through in a lump and that one or two might be accepted by the electors.

(6) Nationalisation of Monopolies: Similar to "B" Constitution Alteration (Monopolies) 1910, except insertion of words "passed by an absolute majority of its members" after the words "has by resolution."

Any industry or business conducted by a State or public authority constituted under a State is also excluded.

Under the first proposal, before the Commonwealth could nationalise any monopoly, a resolution had to be passed by both Houses of Parliament. On this occasion the stipulation was that it must be carried by an absolute majority of the members. The referendum was turned down, Queensland, South Australia and Western Australia having favoured the proposals, while New South Wales, Victoria and Tasmania voted against them. An extraordinary change has occurred amongst the Australian people. At the beginning, the people of Western Australia were enthusiastic in granting all the powers desired by the Commonwealth Government, while New South Wales was consistently against it. Today, it may be safely said, the people of Western Australia are against giving the Commonwealth too much additional power, while New South Wales is in favour of handing over control of the State to the Commonwealth. The present Government in New South Wales and the Leader of the Opposition there have stated that they are prepared to hand over to the Commonwealth not only all social services, but the State itself.

The Premier: Mr. McKell is not enthusiastic about some of the Federal proposals.

Mr. PATRICK: If it came to the point, I think Mr. McKell would find himself in the same position as the Premier of this State. He would be bound by the resolution of the inter-State conference dealing with unification.

The Premier: There are certain conditions with regard to that.

Mr. PATRICK: Mr. W. M. Hughes claims that he has always been a Federalist. Yet he introduced these proposals which, in the opinion of prominent Federalists, would have smashed the Federal system. Before ever Federation came into existence, Mr. Hughes opposed the entry of New South Wales into the Federation. He opposed the Commonwealth Bill in the New South Wales Parliament for one reason—because all the States would have equal representation in the Senate.

The Minister for Lands: Dr. Earle Page has moved for the constitution of smaller States.

Mr. PATRICK: Quite a good move, too. Small States have been formed under the Constitution of the United States of America. This is one of the mistakes we have made in Australia: we have failed to split the continent into more States, which would have given better representation in the House of Representatives. I am of opinion that a new State should be formed of the Northern Territory and the northern portion of Western Australia, and there is no reason why new States should not be created in New

South Wales and Queensland. If, under the United States Constitution, the number of States could be increased from 13 to 48, there is no reason why we should not increase ours from six to considerably more than that number. However, Mr. Hughes opposed Federation because the smaller States would have equal representation in the Senate. Referenda Nos. 12 and 13 were taken on the question of compulsory military service in 1916 and 1917 and both were rejected. These proposals did not involve any alteration of the Constitution.

Further proposals, being referenda Nos. 14 and 15, were submitted on the 19th December, 1919, again by Mr. Hughes. They were known as Constitution Alteration (Legislative Powers) and Constitution Alteration (Nationalisation of Monopolies). These were similar in effect to the 1911 and portion of the 1913 referenda. They were rejected by a narrow majority. In this instance Victoria, Queensland and Western Australia favoured the proposals, while New South Wales, South Australia and Tasmania rejected them. An interesting point is that these powers were to be provided for in the Constitution for a limited period. Evidently Mr. Hughes was not too sure of his ground. I think an arrangement was made with the State Governments on that occasion. A conference was held with the Commonwealth authorities, and it was decided that these powers should be granted for a limited period. This proposed piece of legislation was rather extraordinary. It provided—

(1) Alterations made by this Act shall remain in force (a) till the expiration of three years from the assent of the Governor-General thereto or (b) until a Convention constituted by the Commonwealth makes recommendations for the alteration of the Constitution and the people endorse those recommendations, whichever first happens, and then shall cease to have effect, provided that if no Convention is constituted by the Commonwealth before the 31st day of December, 1920, the alterations made by this Act shall cease to have effect on the 31st day of December, 1920.

In that instance the Commonwealth did not carry out the bargain by calling a Convention.

(2) No law passed by the Parliament by virtue of the powers conferred by this Act shall continue to have any force or effect by virtue of this Act after the alterations made by this Act have ceased to have effect.

These powers were to be granted for a limited period only and in this respect the proposals bear a certain resemblance to those now before the House, except that action was taken on that occasion by the Commonwealth, which had full power to make direct reference, whereas in this instance the powers are being referred to the Commonwealth by the States.

The Premier: Did those proposals go to a referendum?

Mr. PATRICK: Yes, and were rejected by a small majority. Victoria, Queensland and Western Australia favoured the proposals and New South Wales, South Australia and Tasmania voted against them. Thus, up to that stage, Western Australia had always favoured giving increased and, one might say, almost unlimited powers to the Commonwealth. That is my reason for making a survey of the various referenda. The results show that the electors of Western Australia have changed their opinion and the electors of New South Wales have changed their opinion. I pass now to the proposals submitted on the 4th September, 1926, being Nos. 16 and 17. Two questions were submitted in regard to (a) industry and commerce, and (b) essential services.

Sitting suspended from 1.0 to 2.15 p.m.

Mr. PATRICK: Before the adjournment I was referring to the referendum proposals on the 4th September, 1926, being Nos. 16 and 17. Two questions were submitted, in regard to industry and commerce, and as to essential services. It was proposed to amend Section 51 by omitting from paragraph (xx) the words "foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth," and inserting in their stead—

Corporations including—

(a) the creation, regulation, control and dissolution of corporations;

(b) the regulation, control and dissolution of corporations formed under the law of a State; and

(c) the regulation and control of foreign corporations; but not including municipal or governmental corporations or any corporations formed solely for religious, charitable, scientific or artistic purposes, or any corporation not formed for the acquisition of gain by the corporation of its members.

It was also proposed to omit from paragraph (xxxv) the words "extending beyond the

limits of any one State" and by inserting after paragraph (xxxix) the following paragraphs—

(xi) Establishing authorities with such powers as the Parliament confers on them with respect to the regulation and determination of terms and conditions of industrial employment, and of rights and duties of employers and employees with respect to industrial matters and things;

(xii) Investing State authorities with any powers which the Parliament by virtue of paragraph (xxxv) or paragraph (xi) of this section has vested or has power to vest in any authority established by the Commonwealth.

As to "Essential Services," it was proposed to alter Section 51 by inserting after paragraph (v) the following—

(Va) Protecting the interests of the public in case of actual or probable interruption of any essential service.

The effect of this in regard to industrial matters would have been to give the Commonwealth Government entire control over conciliation and arbitration. It had power to refer the matters to the State which today has some control over them. It is interesting to note the attitude of trade unions in Australia to this proposal. Most of them opposed it because they said they wanted to have the choice of going either to the State or the Federal court. If they could not get what they wanted in one tribunal, they wanted to be in a position to go to the other. They did not want supreme control vested in the Commonwealth Government, whereas previous proposals that had been put up by Labour Governments went in that direction. The result of this was that the referendum as regards industry and commerce was defeated by 1,619,655 votes to 1,247,088, and the proposal in regard to essential services was defeated by 1,597,793 votes to 1,195,502. It was in connection with these proposals that New South Wales began to swing over. That State and Queensland favoured the proposals, the only two States to do so, whereas Western Australia, Victoria, South Australia and Tasmania were not in favour of them.

Members will thus see how the trend of opinion had changed in Australia. New South Wales, which had previously been a State which had opposed all the different proposals that had been put up, on this occasion swung round and voted strongly in favour of them. Western Australia which, on one occasion, on its own, had been the State to support giving powers to the Commonwealth, voted on this occasion on "A" 112,185 to 46,469 against and on "B" 113,222 to 39,566 against. Members will see what a tremendous swing there was in the different States as to public opinion on these questions. Western Australia, which had been in favour of giving increased powers to the Commonwealth, swung around in favour of giving no further powers at all. The next proposal put up was in 1928 with regard to State debts, and was entitled "State Debts, 1928." That referendum was taken to validate the proposals included in the Financial Agreement made between the Commonwealth and the State Governments. That was carried by an enormous majority, all the States voting in favour of it. As has been pointed out on several occasions, the States had very little option but to agree to that proposal. The per capita agreement had expired, and if the States had not entered into that agreement with the Commonwealth Government they would have been helpless as regards financial matters, because the Commonwealth Government did not need to give them any financial assistance at all. Then there were two rather interesting proposals put in 1937, being Nos. 19 and 20. These were in relation to aviation and marketing. It was proposed to insert in Section 51 the words "air navigation and aircraft." With regard to marketing, it was proposed to insert after Section 92 the following section:—

(92A) The provisions of the last preceding section shall not apply to laws with respect to marketing made by or under the authority of the Parliament in the exercise of any powers vested in the Parliament by this Constitution.

Both of those proposals were rejected. All the States rejected the marketing proposal, and Victoria and Queensland were the only States to favour the aviation proposals. As I will point out later, the Government of this State strongly opposed the giving of aviation powers.

The Premier: I point out that Parliament passed an Act referring that matter.

Mr. PATRICK: That question had nothing to do with the one I am discussing.

The Premier: Yes, it had.

Mr. PATRICK: Of the 20 referenda that were taken, 18 would have effected alterations to the Constitution. Three of them were carried, one being a minor amendment, an alteration to the date of the Senate elections, and two having reference to State debts, the second of which validated the Financial Agreement. Of the 15 rejected, the 10 taken in 1911, 1913, and 1919

referred to trade and commerce and monopolies and were alike in principle. One was to replace the Braddon clause by per capita payments to States; two had reference to industry and commerce and essential services. A further two dealt with aviation control and marketing. The main proposals in this connection were brought forward by William Morris Hughes, who was a member of the Drafting Committee at the recent Convention, and who has helped to draft this Bill. It is interesting and remarkable that when Mr. Hughes originally introduced these proposals, he made a review of all the Federal systems then in existence, and eulogised and recommended that which then existed in Germany, because it enabled the National Parliament to pass any law. There was no appeal to a High Court. Although on paper the German system looked very good, it failed in practice. If the German States had possessed anything like the measure of control that the States of the American Union exercised, probably the German system would not have collapsed. Mr. Scullin at that time took exception to certain remarks which implied that he and his party favoured unification. He said they were highly offensive to himself and to members of his party. I do not know that Mr. Scullin today would consider such remarks "highly offensive."

The Premier: When was that?

Mr. PATRICK: In 1910. The Premier strongly condemned the original proposals put up by Dr. Evatt; but there is not a great deal of difference between the present Bill and Dr. Evatt's original proposals, except as regards the time limitation, which may prove illusory. As regards the present Commonwealth Constitution, the powers contained in it are defined subject to High Court interpretation. Many of the powers contained in the Bill are unlimited, with the result that there is nothing to interpret. Dr. Evatt says they have certain meanings. That being so, we should attempt to limit them to mean what Dr. Evatt says they mean. The Premier said that he thought this State could give more power for a limited period than the electors would be inclined to give if the period were indefinite. That is rather a dangerous principle to advocate. Undoubtedly many of these powers could be so used during the period of their existence that they would become a permanency. The Commonwealth Parliament could set up something that would be almost impossible to wipe out when the term had expired, something that would have to be carried on. There is also a doubt whether the State could take back the powers proposed to be granted. In granting these powers we should act on the assumption that the powers are given permanently. Dr. Evatt, on page 35 of "Post-War Reconstruction," is reported as saying—

> What is to prevent a State from recalling its "reference" by the simple device of repealing its legislation? Yet such "recall" by a single State Legislature may completely destroy a Commonwealth plan which has been operating throughout Australia by the expressed will of all State Legislatures.

I differ from Dr. Evatt's opinion. Having read other constitutional authorities, I believe that my guess, as I remarked to the member for Avon, is just as good as that of the other fellow. I consider that neither the intention nor the effect of the Constitution enables a State to refer powers to the Commonwealth and then withdraw them. The Commonwealth Constitution contains no provision for the withdrawal of powers once given by States to the Commonwealth. If the States refer these powers to the Commonwealth and if the Commonwealth passes Bills dealing with the powers, the States, in effect, would have no power to repeal a Commonwealth Act by withdrawing the powers.

The Premier: The powers would be given for only a limited time. That is all the Commonwealth Parliament could do about it.

Mr. PATRICK: Yes, but Dr. Evatt, in his book of words, says that the States could repeal the legislation at any time. This point was referred to in a debate in this Parliament in 1937, when a Bill was introduced dealing with aviation. This is the Bill to which the Premier referred some time ago. In introducing the Bill, the Minister for Works quoted the Rt. Hon. Mr. Menzies as having said at a conference held in Melbourne——

The Premier: Adelaide.

Mr. PATRICK: —

> Where power is referred by the State Parliament to the Commonwealth, it may well be that the power once referred cannot be taken away. I know there are differences of opinion among lawyers on that, but one view fairly widely held is that once the power is referred, it is referred permanently.

The Premier: Unless it is limited.

Mr. PATRICK: As I said, that was quoted by the Minister for Works when introducing the Air Navigation Bill. I shall also quote from page 958 of "Hansard" 1937. The member for West Perth was speaking when the then Leader of the Opposition interjected. The member for West Perth said, with respect to the surrender of powers to the Commonwealth—

> Once they had surrendered powers, the surrender could not be withdrawn without the consent of the Federal Parliament.

Members will bear in mind that I have just quoted Dr. Evatt as saying the opposite thing and that before any question of limitation was raised at all. That was when he drew up his pamphlet to boost the proposals he was then putting forward. It was one of the points he considered. He said the difficulty of that proposal was that any State could repeal the Act at any time and render these powers null and void. As I say, that is not correct. It is for that reason I draw the Premier's attention to the Air Navigation Bill of 1937, which was not actually a reference of power. It was a Bill to adopt certain regulations made by the Commonwealth. The point then is, can the States make a limited reference of powers and, if subsequently dissatisfied, withdraw it? There seems to me to be much legal doubt on that head. In 1919, as I pointed out, the Commonwealth did the limiting. In this Bill the States do the limiting and thus the effect would be that the States could repeal any Commonwealth legislation that might be brought down. Perhaps the reserve could be limited for a period, provided the Commonwealth introduces a limited period in all its measures relating to these powers. However, it is just as well, as I said, to act on the assumption that the powers will be permanent. We should agree to limit the powers to what we are actually prepared to give. In his speech the Premier pointed out that the High Court would not take into consideration what the Prime Minister or any other member of the Convention might have said: it would only interpret the law as set out in the measure; it does not matter what obligations are undertaken or what assurances are given by a Government. Those are the Premier's own remarks when introducing the Bill.

The Premier: But there is a preamble to this Bill.

Mr. PATRICK: That is why the drafting of this measure should be clear and unmistakable. In this respect, I desire to quote what Lord Forrest (then Sir John Forrest) said in regard to a Bill known as the Surplus Revenue Bill. The wording with respect to surplus revenue in the Constitution appeared to be very clear; it was to the effect that any revenue not spent by the Commonwealth was to be returned to the States. In 1908 the Surplus Revenue Bill was brought down and Sir John Forrest, as he then was, said—

> This is a subterfuge to keep the money from the States, and by putting it into reserve funds deprive them of their just due. That was not the intention or meaning of the framers of the Constitution. It is a departure from a clear and honourable understanding made with the States prior to Federation at the Federal Convention of 1898, an understanding on which the States of Australia federated.

Lord Forrest was one of the framers of the Commonwealth Constitution, and he was present at the Convention of 1898. As Lord Forrest said, by a subterfuge or a legal technicality, the Commonwealth Parliament got over the difficulty it was in. As a matter of fact, the Commonwealth put that money into reserve funds, although it did not consider it necessary to specify what the reserve funds were created for. The Commonwealth simply took the money and put it into reserve funds. That was done on the advice of an able lawyer, Sir William Irvine, who said that that was one way of getting round the Constitution. As I say, past experience only enhances the desirability of drafting these measures in clear and unmistakable language. Dr. Evatt says that the words used in this Bill should be given their plain, natural and ordinary meaning. Asked to explain the implications of "employment and unemployment" he said—

> It is very difficult to say here and now what the limits might be. They had better leave it to the High Court to interpret.

Mr. Hughes said the same thing, but in different language, when he was introducing his amendments. In effect he said, "Trade and commerce, whatever that may mean." He left it to some one else to interpret; he was not prepared to do so. In the expression "employment and unemployment" what is there to interpret? What limit would be set to an expression of that sort? I therefore suggest that in dealing with this clause of the Bill, we should limit it to what we are prepared to give. The Premier

seems to me to show pathetic readiness to accept guarantees, in the face of past experience and the above statements. In reply to the member for Guildford-Midland, the Premier said that with respect to uniform railway gauges the Commonwealth would not act without the consent of the States. That is a rather definite statement, but it is not the fact. The power is not qualified at all; the Bill simply says "uniformity of railway gauges." Under the present Constitution the Commonwealth has power to build a railway in any State, with the consent of the State. Here there is no qualification at all! The Premier referred to the preamble, but that is merely a pious expression of co-operation and is not in any way legally binding. In fact, it is not part of the Bill at all.

The Premier: Yes, it helps the High Court to interpret the Bill.

Mr. PATRICK: It may assist the High Court to interpret something where there is a doubt; but this is a clear statement. It refers to uniformity of railway gauge; there is no limitation. As I say, that power is not required by the Commonwealth with the consent of a State, as it is already in the Commonwealth Constitution, if the Premier cares to look it up. If we want limitations, we should put them in. The Premier has been slipping badly during the last few years. He and his Government at the time strongly opposed the referendum proposed to be held in 1937 on air transport. He then said the State could not co-ordinate all forms of transport if the Commonwealth controlled air transport within a State, as the Commonwealth could compete with the railways and other forms of transport. Dr. Evatt originally wanted all transport included in this Bill and, if necessary, to have control. If the Commonwealth Government is to have control of air transport within a State, and this measure will give it, there is no argument against its controlling motor transport and probably other forms of transport. Air transport was omitted from the original Constitution merely because it was then unknown. If the Premier supported his previous contention, the Commonwealth should have control of air transport today to the same extent as it has control over shipping, that is, inter-State and oversea.

There is no doubt that having control of air transport the Commonwealth, if it ran it for all it was worth, could do immense damage to the passenger traffic on our railways. In fact, the grants to air companies were opposed in the Commonwealth Parliament some years ago on that ground. If the Commonwealth had an open go in that connection it would have a very damaging effect on our railways. It is interesting to note that speaking in 1937 the member for Murchison opposed the Commonwealth being given powers regarding civil and commercial aviation, except in time of war. He opposed the granting of such powers altogether in a time of peace. Another matter to which the Premier referred was the question of the Commonwealth taking over the control of aborigines. I do not think his statement in that regard was very convincing. That suggestion can hardly be reconciled with the original Cosgrove motion that the Convention should deal with rehabilitation and reconstruction. If the Commonwealth Government desires to help finance the State in regard to the care of aborigines, as is done in the United States in many different directions, I do not think the Minister concerned would have any great objection.

The Premier: The taxpayers might.

Mr. PATRICK: I do not think there would be any difficulty at all. I am considering what has been done under a similar Constitution to ours. The only difference is that ours is more flexible. Under that Constitution the Central Government has granted immense sums of money to the States for the relief of unemployment, the Central Government retaining the right to say how the money should be spent. The Commonwealth has ample power to make grants to the State Government for the care of aborigines provided it gives the State the administration of the money.

The Premier: That is not quite certain either.

Mr. PATRICK: It has been done and I do not think that if it were done in connection with the aborigines, the same as it has been done in connection with other matters, there would be any serious objection. The Premier said that the whole trend of the discussions by the Commonwealth representatives at the Convention was that the intention of the Commonwealth was to make the fullest use of the existing organisations of the States, and again he quoted and emphasised the Preamble. To quote the Premier's own words, I do not think there is very much

value in such assurances merely as assurances. As the Premier said, it does not matter what obligations are undertaken, or what assurances are given by Governments. We must depend on the wording of the Bill. Moreover, ultimately, whatever powers are given, the Commonwealth must prevail. He also said that if a referendum were taken, the powers would be transferred permanently. My opinion is that in any event that is probably what will happen to a very large extent in connection with the powers given by this Bill. But past experience in taking a vote of the people shows that the Commonwealth would be facing a very big risk of losing the lot. It will be quite possible for the Commonwealth to do what was done on a previous occasion and take a referendum to provide for these powers to be given for a limited period.

The Leader of the Opposition, speaking on the Bill, said that Dr. Evatt compared the position with that in Britain and New Zealand and said there was no federated system there because it was not necessary; nor was it necessary in Australia. He also showed that he is a straight-out unificationist by quoting with great approval a statement by the Leader of the Opposition in New South Wales, Mr. Mair, that the States should be handed over to the Commonwealth. That was a ridiculous comparison. In fact, New Zealand did consider joining the Federation originally. That was put up to New Zealand and that Dominion actually had its representative in London when the Bill was going through the Commons. New Zealand wisely kept out of the Federation and it is a pity that Western Australia at that time did not do the same. There are a great number of Scotsmen in New Zealand. I suppose they showed Scotch canniness in waiting to see the results of Federation. Evidently after seeing those results they were not prepared to join. The Leader of the Opposition also referred to the aborigines and he used the same argument as I, namely, that the Commonwealth could provide finance. The member for Guildford-Midland interjected that it was unlikely the Commonwealth would allow the States to administer Commonwealth funds. That only shows that he does not understand the true Federal spirit.

In the United States where the Federation acts fairly and properly, the custom is for the central Government to use the States to finance such projects as old-age pensions, unemployment, etc. While intending to vote for the second reading of the Bill I cannot support it as it is drafted, regarding it as a complete stepping-stone to unification. It goes even further than the Hughes Bills introduced in 1911, 1913, and 1919, which both Sir Robert Quick and Alfred Deakin considered amounted to unification. I am agreeable to transferring the power lettered (a) referring to rehabilitation of members of the Forces. If the Commonwealth has not that power, it has always taken it. It is clear from past experience that the Commonwealth has the power and that matter is only included here as padding. For the same reason I intend to support paragraph (m), because a scheme is already in operation. There is considerable doubt whether the Commonwealth Government has the power to make such allowances. The Constitution refers only to old-age pensions. This power has been taken, whether legally or not, and nobody wants the Commonwealth to retreat from that position.

Of the other powers some are too wide and require limiting, and some should not be handed over. I believe that some powers are required in regard to marketing certain export commodities. Dr. Evatt expressed the opinion that "commodities" should be legally interpreted as "export primary products," but that is putting a wide construction on it. At present there are a number of schemes that have only come into existence as a result of the extraordinary powers the Commonwealth has in a time of war. We have wheat stabilisation and the acquisition of wool. If certain powers were not granted to the Commonwealth in this direction there would merely be chaos if the schemes went by the board. The wool producers have asked for the scheme to be carried on for three years after the war. Under the present Constitution the Commonwealth Government has no power to do that. A curious position has arisen in connection with that, and I will quote now from the remarks of Dr. Evatt on pages 81 and 108. He deals with Section 92, and says—

> Several of the limitations mentioned have operated in the past to fetter, in undesirable ways, the powers of the Commonwealth Parliament. A good example of this is Section 92 which, as already pointed out, effectively limits the marketing and price-fixing powers of the Commonwealth in time of peace. If, therefore, the Commonwealth is to possess

power in respect of these matters for the post-war period, it is desirable to give to its laws their full legal effect, notwithstanding anything contained in Section 92.

The referendum put to the people was that marketing was to be carried out by the Commonwealth notwithstanding anything contained in Section 92. Further on he makes an even stronger statement on this point, when replying to one of his own questions. On page 108 we find this answer—

Some provision is obviously necessary to free the Parliament from the restrictions imposed on the Parliament by Section 92 of the Commonwealth Constitution, the full effect of which cannot yet be regarded as finally settled, but which stands as a perpetual menace to any scheme of compulsory marketing of primary products.

We have not got over Section 92 in this Bill. All its provisions are subject to that section of the Constitution.

The Premier: They are subject to the whole of the Constitution and not only to Section 92.

Mr. PATRICK: This deals especially with marketing, which Dr. Evatt says stands as a perpetual menace, but in spite of Dr. Evatt having said that, when there was an opportunity to remove it from the Constitution, as the Premier knows, he himself and his Government opposed it. He said that it was giving too great powers to the Commonwealth. Dr. Evatt today says that it stands as a perpetual menace to any scheme of compulsory marketing of primary products, and should be removed. How he is going to get over that in this Bill I do not know. One rather interesting statement was made by the member for Perth. He said that the only way to carry a referendum was to get all parties to agree. But as I pointed out previously, in two States, Victoria and Queensland, both the Premiers and Leaders of the Opposition and all the members supported the marketing questions put to the people in the referendum of 1926, and I think there was a bigger majority in Victoria and Queensland against it than in any other State. So it is possible to have complete agreement between all the Parliamentarians and yet for the people to say, "No, we will not agree." I am prepared to give the Commonwealth power to deal with the items mentioned in (a), and also power to deal with the reinstatement of workers now engaged in war industries. That is absolutely necessary. There will be chaos unless some provision is made to transfer these workers in munition factories back into civil employment. I also concede the necessity for marketing control of certain export commodities, but I am not prepared to grant the wide and limitless powers asked for, which will lead straight to unification.

The Commonwealth Government could, itself, largely have contributed to this question of rehabilitation by granting deferred pay to civilians in the same way as it has to soldiers. I also think that with the supreme powers it has today it has failed to deal adequately with rising prices. In this connection I would like to quote a rather interesting statement concerning New Zealand, which appeared in "The West Australian" recently. The report is as follows:—

The Prime Minister (Mr. Fraser) announced last night that the Government was extending its policy of stabilising the prices of a large group of essentials of living and was also going to stabilise individual rates of pay. The purpose of the stabilisation plan was to ensure that £1 would buy the same this month as next month.

Since 1939 the national income had increased by £50,000,000, but the supply of goods that people could buy had decreased by more than £40,000,000. This excess purchasing power of almost £100,000,000 would begin to swamp the Government's price controls, said Mr. Fraser. Inescapable alternatives were either to turn off the steam at its source or to let events take their course, which would be inflation and the destruction of all that had been attained in the way of social security.

At present the Government fixed and kept fixed the prices of 38 commodities and services. Now the list of established commodities was to be increased to 110 items. The list included a wide range of groceries, dairy products, meat, some fresh fruits, vegetables, fuel, lighting, clothing, footwear, drapery, furniture and a large number of miscellaneous articles. No luxuries were included.

Concurrently the Government was taking care to ensure that the purpose of the plan would not be frustrated by profiteering or black marketing, for both of which severe penalties would be provided.

Further on Mr. Fraser is reported to have said—

Following stabilisation of prices there must be stabilisation of wages. Everybody was in the plan. Stabilisation applied to all rates of remuneration, including time and piece wages, overtime, allowances, fees, commissions, travelling expenses and directors' fees. Not only wages and salaries but all incomes had been or were being stabilised by one means or another. The price the farmer received for all his main farm products would not be increased. This meant that internal prices would be divorced from export parity and any excess would be paid into pool accounts.

A lot more has been done in New Zealand with the same powers than has been achieved in Australia.

The Premier: New Zealand has unlimited powers. It is a sovereign State.

Mr. PATRICK: Mr. Fraser has not taken these powers by legislation. He has taken them under the defence powers.

The Premier: No.

Mr. PATRICK: Yes, just the same as the defence powers are in existence in Australia.

The Premier: But his powers are not limited by a Constitution.

Mr. PATRICK: There has been very little limitation in the defence powers of Australia.

The Premier: But New Zealand has a different Constitution altogether. It is a sovereign State and can do what it likes in any matter.

Mr. SPEAKER: Order!

Mr. PATRICK: I am not disputing that, but New Zealand is dealing with a war position, and so is Australia. In Australia the Commonwealth Government has been given extraordinary powers because of defence requirements, which allow it to do anything for the peace, order and good government of the Commonwealth, which is pretty wide and sweeping. True, a certain amount of price control has been exercised, but not to the same extent as in New Zealand. It is not a question of possessing powers. It has supreme powers today and with them it has failed to deal adequately with rising prices. I also agree with Dr. Evatt when he states, on page 41, that factors outside Australia will determine our prosperity. He said—

> Australia cannot establish any "new order" while the rest of the world remains in disorder. It cannot be safe from aggression if conditions in the rest of the world are such as to bring about war or to favour the rise of aggressive regimes in other countries. In many respects our own security, our prosperity and our democratic way of life in Australia are dependent upon the attainment of security, prosperity and freedom in other lands.

That is what some of us on this side of the House have always maintained. We have argued that economic nationalism is largely responsible for the conditions in the world today. There is no doubt that Australia is one of the countries contributing to that form of government. All over the world after the last war the countries went in for a policy of extreme nationalism, closing the channels of international trade. Today one of the declarations in the Atlantic Charter, supposed to have been assented to by President Roosevelt and Mr. Churchill, is that there should be freer trade after the war.

The Premier: It is all right for countries that have had 200 or 300 years' start in industrial matters. We have to catch up somehow.

Mr. PATRICK: Possibly. In the same way I contend that Western Australia entered too soon into this federal partnership. In fact, the comparison made by the Premier was apt. Western Australia entering the Federation was like a child with his estate undeveloped entering into a partnership with grown men whose estates were well developed. I believe that, fairly worked, the federal is the best system of government for Australia, but it is a piece of sheer irony that while people in Australia are seeking to tear down federalism, those of other countries look to it as the hope of the future. A present-day historian has written—

> The federal political system may yet unite Europe. The peculiar achievement of the American people is that they have perceived how to obtain all the advantages of common action amongst almost half a hundred States without denying to them any of those rights and powers fully necessary to their political and social well-being. It may well be that the American Federal Union is the model by which the world of States is destined at long last to find the way of enduring amity.

Speaking recently at the American University in Washington, Josef Hane, a Czechoslovakian, said—

> Federalism is emerging from this war as one of the constructive ideas concerning the post-war world order.

The federal idea has been declared the official war aim of some Governments, and today Polish and other Ministers are sitting in Washington discussing a plan for a federation of central European States.

Hon. W. D. Johnson: That is not like here, as within States.

Mr. PATRICK: It would be a much more difficult system to operate than in Australia, because in Europe the people of the countries concerned speak different languages and for many years have been antagonistic towards each other. Under those circumstances, it would be a much more difficult proposition to hand over certain powers to a central Government and to make the federal system work under those conditions than has been our experience in Australia.

Hon. W. D. Johnson: Of course, it is quite impracticable.

Mr. Watts: How do you know it is impracticable?

Hon. W. D. Johnson: I have as much commonsense as others; it is merely a matter of commonsense.

Mr. PATRICK: I believe that while in Australia there are those who, like the member for Guildford-Midland, seek to destroy the federal system, statesmen elsewhere are planning to build up such a system. One of the failures of the federal system in Australia has undoubtedly been the Senate. The hopes of the founders of our Australian Constitution was that the Senate would be a strong house, the membership of which would comprise strong men. It was argued that that would be the position because only those who had established for themselves big reputations in State politics or were outstanding men would be able to secure election to the Federal Senate on the votes of the people of a whole State. I believe that today the Senate is merely a weak, futile echo of the House of Representatives, and therefore the system is working wrongly.

The Premier: Would you say that about the two Houses of Parliament in Western Australia?

Mr. PATRICK: I say that the federal system is working wrongly.

Mr. Watts: The second Chamber in this State is no futile echo of this House.

Mr. PATRICK: No, nor is that the position in the United States of America, where the Senate seems to be the dominant House and can even lay down the law to the President..

The Premier: It can declare war.

Mr. PATRICK: Western Australia is emphatically against unification, and various votes of the people have demonstrated that fact.

Mr. W. Hegney: That remains to be seen at the next election.

Mr. PATRICK: The Premier stated admirably his views before he left to attend the Convention at Canberra. His utterance was quite the strongest speech against unification that I have ever heard in this House, and I think his words reflected the views of the people.

The Premier: That speech related to the proposals as they then existed.

Mr. PATRICK: Yes.

The Premier: The proposals now before the House are entirely different.

Mr. PATRICK: We know that Federal Labour does not support the Federal system and, generally speaking, while Western Australian opinion is emphatically against unification, by camouflaging issues men are sent from this State to hold seats in the Senate in support of a unitary government. The Premier has said on many occasions that the inclusion of unification in Labour's political platform is merely an academic matter. The fact remains that unification is included in Labour's political platform and, even if the Premier himself is not in favour of unification, he supports men who are sent to the Senate who will support it. If ever the question becomes an issue in the Federal arena, the Labour representatives of this State will support unification. Thus we have the peculiar position that in the Federal Senate, which was to be the branch of the Federal Legislature that was to uphold State rights, we have representatives of a State that is opposed to unification who, notwithstanding that fact, will support that principle.

The need today is for a Western Australian party, the members of which will represent Western Australian views in the Federal Houses of Parliament. I do not care what other political views they may hold so long as they truly represent the opinion of Western Australians on questions such as unification. If ever this State were to be tricked into unification which, as Mr. Deakin said, "must break down and end in re-action," Western Australia, in view of the contract laid down in the Preamble of the Commonwealth Constitution, would be quite justified in breaking away from union with the other States. We entered into a federal, not a unitary, system of government, and, to quote what has been written on the subject, "True federalism presupposes freedom of association and not subordination to force." Decidedly it would be a case of subordination to force if we entered into one system of government and were then forced, by a combination of the majority of the bigger States, to enter into an entirely different system of government. In view of all these circumstances, I claim that the Bill is too important to rush through this Parliament. Let us examine it without haste and not give away powers that in after years citizens of this State may well regret had not been retained.

HON. N. KEENAN (Nedlands): I make no excuse for intervening in this debate be-

cause the Bill, if it becomes law, may well prove to be the epitaph on the headstone of the grave of the Government of the people of Western Australia by the people of Western Australia. I am glad to hear, and to believe sincerely, that the Bill is a non-party measure. It would be a subject for infinite regret if a measure meaning so much to Western Australia and its future were to be dealt with on party lines. It is only to be expected that many members of this House will look on the Bill with considerable fear, and I gathered from words that were used by the Premier when he moved the second reading of the Bill that he recognised that fact and that he put forward as a palliative to those fears the point that the Bill, if passed and became the law of the land, would confer the powers outlined on the Commonwealth Parliament for a limited period of time only. The member for West Perth agreed with the Premier in the belief that if the Bill becomes law it will confer these powers on the Commonwealth Parliament for a limited period only. For myself I do not hold that opinion and have never held it. I shall at the appropriate time, in the course of the remarks I have to make to members, deal with that question, and I hope I shall deal with it in a manner so entirely removed from any possible legal technicalities that every member will be able clearly and accurately to judge for himself the merits of my remarks. Even if it were correct to say that the Bill is a measure that, if it becomes law, will only confer for a limited period of time on the Commonwealth Parliament, powers that we now possess, nevertheless I am not prepared to agree to the Bill in the form presented to us. However, I wish to make it perfectly clear that when I say this, I have no possible objection to the power of the Commonwealth Parliament being supplemented by any enactment necessary to enable it to deal with the matters that are set out in paragraphs (a) and (d) of Clause 2. Paragraph (a) relates to ——

Mr. SPEAKER: Order! The hon. member is not in order in quoting clauses on the second reading of a Bill.

Hon. N. KEENAN: But I may do so from memory, as other speakers have done. Paragraph (a) relates to the reinstatement in civil occupation of those who have joined the Armed Forces of the Commonwealth. It does not make provision for those who are engaged in war work but not in the Armed Forces. That omission can be readily rectified. Paragraph (d) relates to uniform company legislation. I am relieved indeed to find that the Commonwealth is about to take over the task of framing a company law.

In common with other members, although there may be some danger attached to it, I believe we should hand over to the Commonwealth the control of air transport. It has always appeared to me to be an insuperable difficulty for the States to deal with air transport. It is not like transport on the ground where we have a boundary line and can say that up to a certain point the laws of a certain State apply, and once that line is crossed, the laws of another State operate. In the air we can have nothing but imaginary lines or no lines at all. If an aeroplane flies at sufficiently high altitude, it would be practically unknown to those in the plane exactly when they crossed the boundary line. Nor have I any objection to the Commonwealth having power to deal with uniformity of railway gauges, subject only to the proviso that all the cost involved, either direct or indirect, should be borne by the Commonwealth.

The Premier: Or by agreement between the State and the Commonwealth.

Hon. N. KEENAN: There would be no virtue in an agreement of that kind if we gave the power uncontrolled. If we say that the Commonwealth may do certain work, provided it is carried out at the expense of the Commonwealth, that is clear. If we say that the Commonwealth may carry out certain work subject to agreement with the State, who is to pay for it? There is a very grave danger of indirect loss resulting to the States through the unifying of gauges. Take Western Australia: We would have to scrap a lot of rollingstock, which would be a complete loss to the State.

Mr. North: A lot of it is worn out.

Hon. N. KEENAN: Then our platforms have been constructed for narrow guage railways. The cost of altering platforms would be included in the indirect loss that would arise. I suggest that we grant this power, subject to a proviso that any loss arising or any cost of alteration arising must be borne by the Commonwealth. Again, I have no objection to allowing legislation to be passed that will enable the Commonwealth

to carry on national works provided they are used for the purpose of relieving unemployment. In making that remark I wish it to be clear that I do not for one moment anticipate—nor do I think anyone who has given serious consideration to the question anticipates—that there will be unemployment during the first five years after the war ends. It is not the history of the past. After other wars there has always been a boom, and there will be a boom this time. In our own State there will be a big boom in the building of houses immediately after the war. There is nothing that is more urgently needed than the provision of houses. The building trade, as the Premier well knows, is a key industry. When it is active, all industries are active. So there is no reasonable expectation or danger of unemployment for a term of five years after the war. Unfortunately, however, there is the greatest possibility of unemployment occurring after the lapse of that period.

I do not object at all to the handing over to the Commonwealth of national health, although there are certain sentimental reasons why we should retain the administration of a department which, in this State, has been fairly successful. Nevertheless, so far as the provision of funds is concerned, it could certainly be more adequately managed if it became a Commonwealth matter. As to family allowances it is, of course, quite correct to say that they are of very doubtful legal validity today. If one was asked to argue that under the Constitution the payments made for widows' pensions are lawful, one would be hard put to it to find justification in the Constitution.

The Premier: Except under the Commonwealth Parliament's powers to appropriate money.

Hon. N. KEENAN: That covers everything. However, I have no objection to giving the Commonwealth that power. Lastly, there is the question of the aborigines. I should say that the Commonwealth is the proper authority to handle the aborigines of Australia. But we have to remember that we in Western Australia were given the right of self-government on a distinct bargain which involves a trust that we entered into with the Imperial authority to look after the aborigines in this State.

The Premier: And provide a specified amount for the purpose.

Hon. N. KEENAN: Yes. A direct trust was entered into, and I have never heard and no one in this House has ever heard of a trustee being able to shed his trust without the consent or without even asking for the consent of the party with whom he entered into the trust. We entered into that trust with the Imperial authority, whose proud boast it is, in spite of many insinuations to the contrary, that, in respect of every country it has occupied in the course of its expansion, it has undertaken the special duty of caring for the aboriginal population. It did so in Western Australia and, when we were given the right to govern ourselves, we entered into a trust to do likewise. Now we propose to relieve ourselves of that trust without having the consent of the Imperial authorities to do so.

The Premier: We are getting assistance owing to the magnitude of the task.

Hon. N. KEENAN: It is a delightful practice to give one's own meaning to phrases and words that often mean something entirely different. The expression in the Bill is merely "the people of the aboriginal race" which means nothing more than that we shall shed any duty whatever in respect of the aboriginal population and hand it over to the Commonwealth authorities. This is a matter which, I gladly recognise, will be treated as a non-party matter in this Chamber; and that will mean that every member of the House will have to ask himself what is it that is the right course for him to take in respect of the proposal of the Commonwealth to obtain the powers this Bill sets out, from the States. He will have to ask himself that question, and decide it according to his own lights and according to his own conscience, and not allow himself to be swayed by some party loyalty into voting in a direction which he knows nothing of or which even, if he knows anything about it, may be contrary to his real wishes, and, most of all, not allow himself to vote with those he usually does vote with merely because a majority of the party has decided in a certain direction. I do not for one moment quarrel with unificationists. They believe in the government of Australia not by separate State Parliaments, but by one single Parliament sitting in Canberra.

Mr. Marshall: That is not the Labour Party's platform.

Hon. N. KEENAN: I am speaking of unificationists. That Parliament sitting in Canberra would be an all-powerful parlia-

ment. It might delegate authority to some extent or another to various councils, or whatever other name it chose to give them, sitting in separate localities in various parts of Australia. But the essence of unification would be the government of Australia by one Parliament, electing of course one set of Ministers, and sitting in a central spot, in all probability Canberra, in the middle of the Federal Territory of Australia.

Whilst I do not for one moment take any exception to those who are honestly unificationists, I do not include in that term men of the type of Mr. Hughes or Mr. Mair or Colonel Cohen or Mr. Everard, all of whom are unificationists purely and simply because unification will give an enormous boost to the States to which they belong and in which they carry on their business, and will constitute those two States, Victoria and New South Wales, the supreme power in Australia in all its political life, in all its social life, and in all its industrial life. I am absolutely and unqualifiedly opposed to unification, and that, too, not merely because it would be a breach of the condition on which the people of Western Australia entered into the Federation, but also for the best of all reasons—experience. For I know, and am satisfied I know, what would be the position of the people of Western Australia, and what conditions they would have to live under, if unification became the ruling policy of Australia. We have had, since the war began, and most certainly since Japan came into the war, a spirit of affairs existing in Western Australia appertaining to that which would prevail under unification, and appertaining very closely to what would prevail under unification—all authority centred in Canberra, and no final decision capable of being arrived at on any matter of any import without reference to the authority in Canberra.

Mr. Marshall: Boards everywhere!

Hon. N. KEENAN: Decisions from some bureaucrat in Canberra, or his deputy, or coadjutor, or his assistant, or some other name of the colossal tribe who fasten themselves like barnacles on to the political body of Australia!

Members: Hear, hear!

Hon. N. KEENAN: All those are the men who rule Australia from the simplest matter to the greatest matter. Only the other day a poor old man here who is an old-age pensioner and an inmate of "Sunset" got very ill. He went into hospital, and in consequence of being a long time in the hospital he did not claim and receive payment of his old-age pension; and under some rule, no doubt a proper rule under certain circumstances, his pension was cancelled on the ground that the matter had been dormant for a certain period of time. I saw the local head and explained everything to him—that this man was alive, and had been alive all the time, but unfortunately was unable to go and collect his pension. The matter could not be dealt with here, but had to be referred to Canberra. So it took from last September to now to get that matter determined; and then, of course, it was determined as it only could be determined, by reinstating the man and allowing him to collect the amount of pension that he had not collected. There is an instance——

Mr. Fox: A small matter!

Hon. N. KEENAN: A small matter, but outside the written rule that is the test; and so, in order to make any variation, the local head had to go to Canberra.

Mr. Fox: That has not been my experience.

Hon. N. KEENAN: Almost everything that goes to make up the conditions under which we live will be found to be governed by some regulation or another. If for any reason whatever one wants to depart from the written rule of the regulation, the matter has to be sent to Canberra for decision. And there it goes from department to department, and from sub-department to sub-department, backwards and forwards, and forwards and backwards, until at last, at long last, a ukase is issued and sent to Western Australia.

Mr. Cross: And even then one gets nowhere!

Mr. J. Hegney: Then one gets advice from the Federal member, who knows nothing about the matter.

Hon. N. KEENAN: That is a fact. In this particular case of "Sunset," after I had been worrying over it for six months trying to explain that although the legal decision was right, the moral decision was utterly wrong, the answer came through the Federal member, who sent it along for my consideration. That is only part and parcel of the machinery.

Now to get away from details. What is the experience widely and generally of the people of Western Australia since Canberra

became the sole source of government in Western Australia, since, in fact, conditions entirely similar to what would prevail under unification came into existence in Australia owing to the war? The two main employing industries of Western Australia are, or were, the goldmining industry and the wheatgrowing and farming industry. The goldmining industry has been reduced to a position when only those mines that had a very large reserve of ore and ample reserves of supplies, and had made provision to stand up to the most adverse conditions, are surviving. All the rest have gone! And, again I am afraid, gone for ever! At the same time as this has been the case in Western Australia as the result of action from Canberra, there has been no such interference with mining in the Eastern States. It can be said that the goldmining industry in the Eastern States is of very small volume and that consequently the interference—although perhaps it has been on the same scale—is very limited in amount. There is an enormous amount of mining being carried on in the Eastern States which produces gold, but because it is of a character that also produces other metals—copper——

Mr. Marshall: And silver.

Hon. N. KEENAN: ——there is no interference with it. I have no desire for one moment to over-state things. That non-interference may be in part excused by the fact that I have just admitted, that the goldmining industry in the Eastern States is very limited, extremely limited when compared with the industry in Western Australia. It may also be excused by the fact that the production of gold is said to be no longer of any economic value. If that is so, if the product cannot be sold, why is it that that has not had any effect whatever on the goldmining industry of South Africa, Canada and India? Those countries have not found any difficulty arising from the fact of this supposed impossibility of selling gold.

I recently read an interesting little paragraph about the future of gold. It was said there was no necessity now, nor will there be any necessity in the future, to maintain goldmining, because of the fact that we in Australia are going to aim at entire self-sufficiency; we will want no foreign credit. We will be able to produce everything we want in Australia and will want no credit, which perhaps is the only—or at any rate the principal—use to which our gold production can be put. If that is so, do we not want even now in this war petrol and rubber, for which undoubtedly we require credit in foreign countries, a credit which can only be obtained by our gold? Somehow or other, everyone seems to forget, although one would imagine it would be impossible to forget it, the domestic cup of tea. We must have credit to get the drink that, after all, in spite of our somewhat nasty reputation, is the drink of Australia.

The Minister for Lands: We must sell our wool and wheat.

Hon. N. KEENAN: Yes, our surplus wool and wheat.

Mr. Sampson: And fruit.

Hon. N. KEENAN: The main fact is this: It would cause and did cause no grouse in the Eastern States to shut down goldmining and grab the very few men engaged in that industry there. It did not matter a tinker's damn about Western Australia; it did not matter an atom about Western Australia, although it may mean—and in fact does mean—the very life of this State, and although it may mean—and in fact does mean—that when peace comes an industry which, above all other industries, would be able to absorb our returning soldiers and absorb them rapidly, will be closed down, and no other industry will be substituted for it. But what does all this matter? It is a long, long cry from Perth to Canberra, and it does not matter how loud or how often we shout, we will not disturb their sleep.

The Premier: We did disturb it, anyhow.

Mr. Thorn: Only momentarily.

The Premier: During the last eight or nine months.

Hon. N. KEENAN: May I resume?

The Premier: Yes.

Mr. SPEAKER: Order!

Hon. N. KEENAN: I was going on to remark that so far as the Parliament of the Commonwealth is concerned, looking at this whole question of treatment from an Eastern States point of view, why worry? Our representation in the Commonwealth Parliament can be literally and truthfully counted on the fingers of one hand, and that in a House consisting of 75 members. Let me turn to the wheatgrowing industry. It is unnecessary for me to remind the House of what the Premier recalled in November last, that in bringing about a reduction of the output of the wheat industry in Aus-

tralia, a much more harsh rule was applied to Western Australia than was applied to the Eastern States. Of course, it should have been just the opposite. In the Eastern States many new industries have come into existence since the war, and it is almost certain that a considerable proportion of those industries will continue to be pursued after the war; whereas in Western Australia, apart from the goldmining industry, there is no industry capable of employing large numbers except the wheatgrowing industry, in which of course I include the agricultural industry. We have that as the position here. The Commonwealth has made the road soft and easy for the Eastern States and hard and rough for Western Australia.

Mr. Marshall: We are tough guys! We can take it!

Hon. N. KEENAN: Unfortunately, it is not a matter of choice. We have to take it. If we do not—I do not know what the old expression is—we go without. I think I have made it clear what the Premier drew the attention of the House to last November in relation to these two great industries, and we have no secondary industries of any moment. True, the Minister for Industrial Development has used his best endeavours, but it is a fact that today fewer men are employed in secondary industry in Western Australia than were employed before the war broke out. Every day that condition will get worse, for reasons which I shall advance in a moment.

Aside from these great wide issues of our two vital industries, I turn to smaller matters which were brought to the attention of Western Australians through the medium of this House last November by the Premier. He referred to the shortage of shipping space available to bring material and goods from the Eastern States to Western Australia; but that short shipping space was used to bring over manufactured articles from the Eastern States to compete with articles manufactured in Western Australia. At the time that was done, shipping space was urgently required to transport raw materials required to be converted into military requisites at works erected in this State. But no, that did not suit the views of those who determined such matters and who always have determined them as far back as our experience goes. So the raw materials were shut out from this State for want of shipping space while manufactured articles such, for instance, as gas-producer plants, were put on board and brought here, plants manufactured under conditions that we would not tolerate, much easier conditions, leading to cheapness. It took all the efforts—I give him credit for it—of the Minister for Industrial Development to shut out the importation of that particular class of goods, the manufacturers of which were able, by their cheapness, to compete unfairly with our local manufacturers.

While all this was happening the lathes in the annexe at the Midland Junction Workshops were standing idle—lathes that were erected for the purpose of making war requirements and the men engaged were standing idle at those lathes because they could not get raw material. The reason they could not get the raw material was that space that should have been used for its importation was used for bringing over manufactured goods that were not wanted in Western Australia because similar goods were manufactured here. These locally-manufactured goods were not open to any criticism and were not of an inferior type, but compared wholly favourably with anything produced in any part of the Eastern States. One could wander through a number of instances similar to the ones I have mentioned, but of course would only weary and delay the House. But beyond doubt there seems to be one clear, outstanding rule of conduct, and only one rule, and that is that the interests of Western Australia count for nothing when they are in contradiction of or opposed to the interests of the Eastern States. This state of affairs is the state of affairs that unification would inevitably produce and establish.

Hon. W. D. Johnson: It might cure it.

Hon. N. KEENAN: If the hon. member will bear with me I will convince him.

Mr. Marshall: I will give you a gold medal if you do!

Hon. N. KEENAN: I will convince him in this way: it is there for us to see today, because the conditions of unification largely exist. If the hon. member wants to know what is going to happen under unification let him look around. There was a very great architect, one responsible for the erection of St. Paul's Cathedral, and it was a matter for consideration how they would refer to him for the purpose of doing honour to his name, and the way they did was to use the

one word "Circumspice," which means, "Look around." One can see his work by looking around, and one can see unification by looking around, because unification is being enforced under the pressure of war conditions and the enormous powers conferred on the central Government, and one can see what we shall experience if unification is established. It may be argued that this Bill if passed would not create unification, or that if it did it would remain in force only for a specified period of time. I propose to deal first with the question: Would this Bill if passed create a state of unification as we understand that word—that is to say, the centralisation of government in the hands of a certain number of politicians, as we call them in a flattering mood, who are in Canberra, and the virtual if not actual extinction of State Governments and State Parliaments? The best and most convincing way of answering that question is to indulge in a short historical survey.

On the 1st October last year Dr. Evatt, the Attorney General of the Commonwealth, brought down a Bill before the House of Representatives of the Commonwealth Parliament. That Bill, if it had been passed by both Houses, would have had to be submitted to the votes of the electors of all Australia, and only if it had been confirmed by a majority of those electors and a majority of the States would it have become law. Objection was at once very properly raised to the taking of a referendum under war conditions. Objection was also taken to the measure on the ground that it was purely and simply, as Dr. Evatt himself in his brochure confessed, a complete wiping out of the Federal system and the substitution therefor of a unitary system of government. An intense campaign of propaganda was indulged in in order to obtain a verdict in favour of the measure. Money was spent without any consideration because it came out of the public purse. No inquiry was necessary in that instance as to where the money came from. I do not know whether all members have had my experience, but I was swamped with literature.

Mr. Marshall: They knew your weakness.

Hon. N. KEENAN: Perhaps they did, but the literature was on paper of a most valuable kind. It was not ordinary, common paper such as is used for newspapers and circulars, but paper such as is used for very important documents. All that came day after day with all kinds of reasons suggesting support of the purport of that Bill when it was referred to the people. The reasons that were advanced were in the main entirely fallacious.

The Premier: I think that is a slight exaggeration.

Hon. N. KEENAN: What does the Premier suggest is a slight exaggeration?

The Premier: That all that literature went out day after day.

Mr. Doney: I think that is pretty well true.

Hon. N. KEENAN: I wish I could show the Premier the bundle it would make. I do not think it has yet been removed.

The Premier: I wish you could; I would like to see it!

Hon. N. KEENAN: I had it kept specially, because I understand that boy scouts come round to collect it and obtain money from it which they use for war purposes.

Mr. Withers: I gave them some of Mr. Menzies' speeches to take away from my place. That was on good paper, too.

Hon. N. KEENAN: Assuming, if I may digress a moment to answer the member for Bunbury, that Mr. Menzies sent his speeches over, does the hon. member suggest that Mr. Menzies put his hand into the public purse? Suppose he did! What were the conditions that then existed?

Mr. Withers: He used a considerable amount of paper.

Hon. N. KEENAN: The conditions were very different from those ruling now when paper is scarce, and newsprint is valuable in the highest degree and no private individual could possibly indulge in a campaign such as that in which Dr. Evatt engaged. I was pointing out that the reasons put forward in this literature were highly fallacious. One reason was that some of the promises made to soldiers during the last war were broken. I have never heard a single returned soldier allege such a fact, and from my own knowledge, limited as it may be, I assert that if he did so it would not be true.

The next allegation—and perhaps the principal one—was that it was necessary to give these powers in order to redeem the pledges Australia gave in respect of the Atlantic Charter. That Charter might become a document of great historical import-

ance. It was composed and agreed to by President Roosevelt and Mr. Churchill. Among the matters it dealt with was the post-war world. It envisaged a post-war world in which all the nations would have access to the minerals and other precious possessions—raw materials—in all parts of the world. Its only virtue is that it proposes that the nations should have that right not as they have had when any nation in peacetime could come to Western Australia and buy our minerals.

Mr. Triat: If we could sell cheaper than the Chinese they would buy.

Hon. N. KEENAN: There was this limitation that they would have to pay for whatever they bought in our currency. If a merchant went to a country which produced a particular mineral he had to buy that commodity with the currency of that country. The Atlantic Charter did not say that a country could buy by an interchange of goods, because the grievance of the have-nots is that when they want to buy what is only in the possession of the haves—and we are one of the haves—they have to get our currency and therefore they, of course, unfortunately suffer a loss. But all that is to be cured by the Atlantic Charter if it ever comes into effect. It is also to be cured by breaking down in a large degree, if not entirely, the tariff barriers of the world.

Hon. W. D. Johnson: Would it help humanity in the process?

Hon. N. KEENAN: I am afraid I cannot answer that. I do not think the hon. member has the slightest idea what his question means.

Mr. Thorn: Ask Dr. Evatt.

Hon. N. KEENAN: Dr. Evatt in his circular asks, "Are we prepared to honour these pledges?" and he answers it himself—a theatrical answer, "We must!" He then proceeds with his propaganda. Unfortunately it is all poppycock to imagine that Australia ever entered into a pledge of that character or ever will allow such a pledge, if it has been made without its authority, to be given effect to. It would be impossible for Australia to carry on with the enormous industrial edifice it has built up purely and simply on the basis of tariff protection without that protection. I have no doubt that Dr. Evatt found that out, and that that was the reason or one of the reasons why that scheme came to a sudden flop. Dr. Evatt then apparently conceived the idea, and a very astute one it was as I will point out in a moment, of holding a conference. A conference was called and his Bill at once went by the board and another, I believe, though I have never seen it, was produced out of his hat as a conjuror would produce a rabbit, and it again went by the board. Then the very clever idea came into Dr. Evatt's mind of getting all the Premiers, and himself, into a committee room.

Hon. W. D. Johnson: And the Leaders of the Oppositions.

Hon. N. KEENAN: No.

The Premier: The Premiers of different political complexions.

Hon. N. KEENAN: I am correct in saying that he got the Premiers and himself together for the purpose of framing a Bill. Let me at once say that I have the greatest respect not only for our own Premier but for all the other Premiers of Australia. I know that they are men of affairs and of standing, but I also know this that no one could accuse them of being too quick on the uptake where legal technicalities are involved, and they had not the advantage or guidance of their legal servants, whom they had brought with them, when they were framing this Bill. They were shut out. The only three legal men who had anything to do with the framing of it were the "tame three"—three of Dr. Evatt's tame team. I noticed in last Saturday's "West Australian" that Dr. Evatt announced in Canberra that that statement was incorrect and that the legal officers of the States were consulted on the framing of this measure.

Mr. Needham: Mr. Hannan of South Australia admitted that he was consulted.

Hon. N. KEENAN: He said the very opposite!

The Premier: He was not consulted.

Hon. N. KEENAN: His version of the fact is a very simple one. The Bill was produced and he asked for it. It was completed and signed. He asked where it had come from and was told that it had come from the New South Wales 1915 Act. He was not consulted, and I accept his version. The legal advisers of the Premiers had no hand in the drafting of this Bill. The Premiers were innocent victims.

The Premier: The Premiers had nothing to do with the drafting; they agreed on certain principles.

Hon. N. KEENAN: Principles and drafting are intermingled. Dr. Evatt and his official team of three——

The Premier: They were not there either.

Hon. N. KEENAN: I have no doubt that the Premiers, and particularly our own Premier, believed that the Bill submitted to them was fundamentally different from that of the 1st October of last year which had been brought down in the Commonwealth Parliament by Dr. Evatt on that date, and also fundamentally different from some other Bill introduced at the Convention. I am certain that our Premier did not for a moment imagine that the Bill to which he was a party was in any sense a surrender of State rights, or the inauguration, if it became law, of unification in Australia as the only method of governing Australia. I am certain of that, because I am sure he would never have allowed himself to be a party to it unless that conception was clear in his mind. But it is correct to say that the Bill now before us, to which I am referring, is fundamentally different from the Bill of the 1st October last year. But first let me make it clear what the Bill of the 1st October was, and in what degree this one differs from it. The Bill of the 1st October, as indeed was announced by Dr. Evatt himself, was simply a measure to wreck the Commonwealth Constitution; to wipe it out of existence and to substitute a unitary Government. There is not a member of this House who had any doubt about that, because last November when we were debating the matter we were unanimous on the point that the Bill then before us—that of the 1st October—was designed, if carried, to establish unification in Australia.

Hon. W. D. Johnson: It was a convention we debated.

Hon. N. KEENAN: That Bill was the only one in existence.

The Premier: The only thing before the Convention was that Bill.

Hon. N. KEENAN: No one seriously challenges statements made by the member for Guildford-Midland, because he changes his ground immediately and then changes it again. I make this exception that he has a strong point in regard to local forests.

Mr. SPEAKER: We will now get back to the Bill.

Hon. N. KEENAN: I said it was correct to say that the Bill before us is not fundamentally different from the Bill of the 1st October. The effect of the latter Bill was to bring about unification, if it had been agreed to, and the present Bill does not differ from that in the slightest iota.

The Premier: No, that is not so.

Hon. N. KEENAN: I think the Premier is fair-minded enough to admit that. The chief difference between the Bill of the 1st October and the present measure lies in the fact that under the provisions of the former measure the intention was to wrest from the States by a forcibly-imposed referendum, powers that the present Bill seeks to hand over.

The Premier: No, the people would have been asked to decide the question and the powers would not have been wrested by armed force, so to speak.

Hon. N. KEENAN: The Bill of the 1st October said in effect, "We do not care what the States think; we are going to the people and we are going to get the authority we seek." That amounts to wresting those powers from the State Governments.

The Premier: Only if the people agreed.

Hon. N. KEENAN: The State Parliaments may have voted unanimously in opposition to the Bill. They may have been active in their opposition to it and in their advocacy of its rejection by the people. Nevertheless if a referendum were held and the people agreed to the proposition, the powers would be taken from the States.

The Premier: But they would not be wrested from the States!

Hon. N. KEENAN: For the sake of argument, I will refrain from using the word "wrested"; but the effect amounts to the same thing. That is all that would happen. Had the Bill been passed by the Commonwealth Parliament in October and the question had been submitted to the people, that would have been the position. All that is happening now is that the States are handing over the identical powers that were sought, and are doing so of their own free will. There is not even the virtue of novelty associated with that plan because it was suggested in Dr. Evatt's pamphlet that the States might hand over these powers of their own free will. So it makes no difference whatever in the final analysis. I do not know whether members in other days, when they were more youthful, ever read "Aesop's Fables." I would like to add another tale. Let us imagine a daylight highway-man stopping a coach and holding

up a young lady to whom he says, "Young lady, will you please hand me your sparklers and I will not wrest them from your neck." The young lady does so and there is a song of joy in Hounslow and all say: "What a polite man this highway-man was." The fact remains that the young lady lost her sparklers. So it is with us.

Mr. Needham: Surely that is a Keenan fable!

Hon. N. KEENAN: In this instance the Commonwealth Government has been nice and polite and has asked the State to hand over the powers with its lily-white hand.

The Premier: You do not suggest that there is force behind the proposal, such as the highway-man possessed.

Hon. N. KEENAN: He was a polite highway-man.

The Premier: But he had a gun.

Hon. N. KEENAN: In drawing the comparison I have done, I have permitted Dr. Evatt a somewhat better reputation than he deserves. However, that indicates one difference. We are to hand over willingly, as a victim, what otherwise might possibly have been taken from us if the people of Australia had confirmed at a referendum the Bill of the 1st October. The second difference is one that on other occasions might be of very great importance, but which is of no importance whatever at this juncture. It is that in the present Bill no effort is made to take away from the people of Australia the right to refuse, or to approve should they think it wise to do so, any proposed alteration of the Commonwealth Constitution. But that factor is no longer of any importance because if the Commonwealth Parliament is going to take away the powers sought, nothing will be left to the States—nothing whatever that they need bother about. Certainly they need not bother about the power to alter the Constitution because, as I shall point out, everything of any importance will be in the Commonwealth's power and we will be left with the remainder, such as it may be.

Mr. Marshall: They will have the power to impose taxation and to control loan-raising, and what will there be for us?

Mrs. Cardell-Oliver: What does money matter now?

Hon. N. KEENAN: There will be nothing left to us but a mere form—a hollow mockery of government by those who will have no power to govern. What will be left to the people? What does it consist of? What is the important element in the life of the people? Surely it is the industrial factor! Only by its industrial life is it possible for the State to regulate the production of its wealth. Only industrial life produces wealth and without wealth we cannot add to the amenities of life or carry out projected improvements, social, political or industrial. All the factors depend on the possession of wealth, and industry alone creates and governs wealth. In the pursuit of industry we find many chapters. Each chapter deals with a different phase of industry.

If we peruse the proposed powers that are sought to be transferred to the Commonwealth, we find that every such chapter is covered. In the first place there is the power to determine what industry shall be, or shall not be, followed and if followed, to what extent, and where and under what conditions it shall be followed. All that is clearly imported in the word "employment." The effect of the term "employment" generally, Dr. Evatt says, must be determined by the High Court. Thus it is to be taken in its widest possible application, and from what I have already said it will be clearly seen what that scope may be. Let us now turn to what is further provided for in the Bill! It is set out that the products of industry are to be disposed of through regulated channels at regulated prices under regulated conditions. What is the meaning of that? What would be left in our industrial life that would have any semblance of freedom? Nothing whatever! It will be just as the position is today. There is no need to shut our eyes to the fact. It will mean perpetuating the conditions that exist today, when we tolerate these things because we have to do so in order to win the war.

Australia is the only part of the British Empire where conditions of such severity exist and where the censorship is so severe. In no other part of the British Empire has the limitation of the freedom of the individual been assumed and controlled as it is in Australia. Let members peruse the Home papers and note the candid criticism of the Government in Great Britain. Then let them peruse our poor papers, which dare not publish anything by way of criticism. One means by which this end has been accomplished is the tyranny exercised in the industrial world through the power to order men,

as though they were serfs, to work in Queensland or anywhere else where the authorities require work to be done under the conditions they prescribe. That power will remain not during war-time only, which has been made the excuse to grab everything and to impose conditions that the people would not assent to in peace-time; but those powers will remain in peace-time when there will be no justification for their continuance by virtue of this Bill.

Mr. Marshall: I hope that the men will not put down their guns and ammunition until something better than that is provided for.

Hon. N. KEENAN: I have not commented on the fact, because it is a minor fact, that this Bill would completely wipe out the State Arbitration Court, the right of the tribunal appointed by this State for the determining of industrial conditions to function.

The Premier: It could not.

Hon. N. KEENAN: Fortunately we are discussing something we can see. We know what is happening and what is being done, and we know what could happen. But this wiping out of the Arbitration Court is something almost unbelievable. Down all the years until recently the party on the Government side and the parties on this side of the House have regarded the Arbitration Court as inviolate; yet here it is to be wiped out by handing over this power to the Commonwealth. It was said by the Premier by way of interjection that this could not happen. To say so is perfectly legitimate. But it might be put in another way. The State Parliament possesses the power today. If we did not, we could not hand it over. But there is all the difference in the world between the two sets of conditions.

The State Parliament is our Parliament, elected by us, answerable to us, capable of being brought to book by us if it does not do what we consider to be right and proper and just. What chance have we of calling to account another Parliament, one sitting thousands of miles away and not caring the smallest atom what our thoughts or wishes are? The State Parliament has this power, but we know it will never exercise the power improperly or unjustly. This is a power we must keep for our people. Because it is the right of the people to put Parliament out if it attempts to do wrong things, it has never attempted to do them. Suppose we give away this power and leave it to a Parliament over which we have no control, where is the comparison?

Hon. W. D. Johnson: Do not the people control the national Parliament?

Hon. N. KEENAN: We do not control the national Parliament in the slightest degree. Our representation is so infinitesimal that I do not suppose the opinion of the hon. member or my own carries any weight. I do not think any member of the House is desirous of producing a state of affairs such as I have outlined, but that is the only possible outcome of the establishment of unification. It is the only possible outcome of what we see happening today and of what will go on happening if we pass this Bill. Further, that state of affairs will never end, as I shall show. Once we establish those conditions, they will never end except by revolution, and we want no revolution in Australia.

Mr. Marshall: We shall have it; do not worry about that.

Hon. N. KEENAN: Altogether apart from the fact that we are sitting on the wrong side of the House from every point of view of advantage, we are as strongly in favour of the retention of the State Parliament as is any member on the Government side. And this, only for the reason I have stated—if the people of Western Australia have reason to disagree with our decisions, they can wipe us out. That power we must retain. It is a sacred trust given to us, and we should not allow it to pass away by agreeing to a measure of this description.

Suppose these powers are referred to the Commonwealth! They are to be referred for a period of five years after the cessation of hostilities. By the way, the provision should read "for a period of five years next after the cessation of hostilities." If anyone can imagine a Bill that has been drafted hurriedly and carelessly, it is this Bill. These powers are to operate for a period of five years after the cessation of hostilities. Of course, it should read "next after." There will be any number of periods of five years and decades, but the one of importance is the one next after the ceasing of hostilities. Let me assume that that is the meaning of these words! The powers will exist for those five

years, but does any member imagine that they will be returned at the end of five years?

The member for Avon pointed out that the very powers we are asked to hand over could not possibly reach the limit of fruition in the five years. Take the first power dealing with the replacement of members of the Armed Forces in civil occupation, compensating those who have suffered wounds and the dependants of those who unfortunately have died in protecting Australia. Could that be done in five years? It will take at least a generation. So, too, will other powers, of which I might mention the company law. It is utterly impossible for anyone to suppose that it will be exhausted in five years. So it will be a matter not of five years, ten years or twenty years, but of ever before these powers would be returned to the States. This is on the assumption I am making that the reference for a limited period is a lawful constitutional reference.

I regret very much if I am exhausting the patience of members, but I want to offer the Leader of the House reasons entirely free from legal ambiguities or technicalities to show that these powers, once referred to the Commonwealth, can never be obtained again except in the manner prescribed by the Constitution, which can be altered only by the vote of a majority of the electors of Australia voting in a majority of the States. Under Section 51 of the Commonwealth Constitution Act, a number of powers were, by agreement with the States in 1900, conferred upon the Federal authority. Then certain provision was made under what are now called placitums, which I persist in calling subparagraphs, especially when the plural is used, because, as the Minister for Lands knows that in his school days the plural was placita. Anyhow, I call them subparagraphs. Under subparagraph (xxxvii) authority is given to the States to refer to the Commonwealth any powers they choose at any time so to refer. What is the effect? It gives the State power to amend the Constitution in the direction of giving the Commonwealth powers which the Constitution at present does not contain. And, once given, they become written in the Commonwealth Constitution. It is only another means for avoiding the necessity of going to the electors of Australia and getting authority from all the electors in the way described in the Constitution Act. This power, once exercised, means to write in Section 51 the power which has been referred.

As I understand Dr. Evatt's argument and that of the "Tame Three," it is this: They say that if the State has power to restrict the subject matter referred, it also has power to restrict the time during which that subject matter can be used by the Commonwealth Parliament for the purpose of founding legislation upon it. But the two are entirely dissimilar. They are two entirely separate fields. The reason why the specific power must be referred to the Commonwealth is that the States are possessed of all powers except those expressed in Section 51. Every power in the nature of government which is not to be found in Section 51 belongs to the States. If a State is going to refer one or other of such powers to the Commonwealth, it must define it, or else transfer all powers held by it. That does not for one moment mean that the State can define it by saying, "We give you a certain power and we only allow you to enjoy it as long as we choose." As a means of determining the question, I ask for what length of time, under the Constitution Act and under subparagraph (xxxvii) of Section 51, a State can delegate or transfer or refer a defined power. Is it one year, or two years, or five years, or a month, or a week, or, as in this case, no time at all?

Under this Bill the power purports to be transferred for no time at all, for by Clause 3 we could repeal the power the day after we gave it. This is an attempt by this State to refer power for no time at all. I say it is impossible to imagine that subparagraph (xxxvii) of Section 51 of the Commonwealth Constitution meant any such thing as that; but what it did mean, as I say, was a very quick and ready way of evading reference to the people of Australia by referendum. Instead of having to consult the whole of the people of Australia and obtain the necessary majorities, the States themselves have the power to amend the Constitution by giving up to the Commonwealth powers under the Constitution. There such powers will remain until removed from the Constitution in the same way as the powers contained in the other subparagraph of Section 51 can be removed on referendum to the electors of the whole of Australia.

The Premier: You think one cannot make a contract for a time?

Hon. N. KEENAN: I am perfectly certain in my own mind that we have no power to make such a contract as this, especially a contract for no time whatever.

The Premier: Clause 4 says the contract is for five years.

Hon. N. KEENAN: Suppose that to be so, does Clause 3 say——

Mr. SPEAKER: I think we will leave the clauses to the Committee stage.

Hon. N. KEENAN: I do not want to load this argument, if it is an argument, with any legal technicalities; but if the law applying to individuals is to apply in this instance, if you concede a power to any other individual and the other private individual exercises it and thus alters the position between you and him, the reference of the power cannot be cancelled. Suppose the Commonwealth exercises the referred power and passes a company law! Or, to begin at the beginning, suppose the Commonwealth exercises the referred power to create some scheme for soldier settlement! Is that scheme going to be completed in five years? Of course, it is not. And, of course, if the matter were determined on the law of private individuals, no court would allow the cancellation to stand. But it must be admitted at once that the rule as applying between individuals is not a real guide. In constitutional matters it is only a very poor guide. We are asked to refer a matter entirely within our prerogative; otherwise we could not refer it to the Commonwealth. We are asked to do so under conditions in which no time whatever is stipulated. True, if we do not exercise our right to determine it, it is to go on for five years; but that is all. And that is proposed, for some reason or another, by the verdict of what I call the "Tame Three," as being sufficient to warrant that the States should rely on this Bill being in fact, as the Premier believes it to be, only the handing-over for a certain number of years of authority which is specified in the Bill.

The Premier: The constitutional lawyers agree that that is so.

Hon. N. KEENAN: No; they do not. If the Commonwealth Parliament, in every law it passed under the power to be given by us, recited that such law was for a limited period of time, that would be effective. But that is very different. I am not desirous, however, of thrusting my own opinion down the throats of members, but only the commonsense fact which they will see stands in the road of this Parliament to pass this Bill and have any power to recall it. Supposing there was such power, then at the end of the term of five years after the last shot had been fired against our last enemy, who imagines that this power would be returned? And if it were returned, what would be the position of Western Australia by then? Let the Premier turn his mind to that. Assuming that for five years the Commonwealth exercised these powers, and that it exercised them as our experience has shown, to the detriment of Western Australia—observe the position in which Western Australia would be placed. Observe the position in which Western Australia finds itself today.

Mr. Marshall: We are asked to place confidence in those unworthy of it.

Hon. N. KEENAN: For a long time we have been indulging in wishful thought. And here I am ended. I consider that the whole of the experience of Western Australia in relation to the Eastern States, the all-powerful Eastern States, has been the same. We know what the result has been. I am not prepared to imagine for one moment that there will be any change of heart or of mind or of treatment while the conditions that produced the present treatment remain the same. There has been a desire to use Western Australia as a mere dumping-ground for what the Eastern States do not want or cannot find a market for at home.

The Premier: But you do not mean to say that Western Australia has derived no benefits from Federation?

Hon. N. KEENAN: It is a little foreign to this matter, but if the Premier wants to arrive at an answer to that question, he has to imagine what Western Australia could have done had she not joined in the Federation. The world is improving all the time. What one has to imagine is, where would Western Australia have stood if she had not been caught in the Federal web? Look at our history before Federation! Consider the progress that was made here! In only 10 years the population multiplied by five! A large part of the State opened up by railways, mining established and public works carried out from excess revenue! That is our history before Federation. One has to imagine what would have happened had we not federated in order to make a

true comparison. That, unfortunately, would be a matter of controversy and it is no use entering upon it.

I have very few words to add. I am afraid, as I have already remarked, that I have to a large extent exhausted the patience of the House. I would, however, ask every member of the House to address himself to this matter independently, not as a member of any Party, not as a man who has any binding force arising from political associations, but as an individual; because today we are fashioning and determining the whole future of Western Australia and it is for us to convince ourselves, in our own minds, that that which we do is worthy of the past history of Western Australia and is calculated to save the future.

Point of Order.

Mr. Watts: On a point of order, Mr. Speaker. I desire your ruling as to whether an absolute majority of the members is not required on the second and third readings of this Bill. I submitted to you yesterday a short memorandum in order that you might have some opportunity to examine the question. I will submit that the second and third readings do require an absolute majority for the reason that Clause 3 of the Bill amounts to an amendment of the Constitution of the Legislative Assembly and Legislative Council. Section 2 of the Constitution Act provides that it shall be lawful for Her Majesty (or His Majesty) by and with the advice and consent of the said Council and Assembly to make laws for the peace, order and good government of the colony of Western Australia. This Bill seeks to limit the right of the Western Australian Legislature to amend or repeal the Act which will follow if this Bill is passed; and in consequence it is depriving the Legislature of Western Australia of a fundamental privilege. That privilege is, as I have said, the right to repeal or amend legislation at will.

It may be argued that the amendments to the Constitution of the Legislative Council or of the Legislative Assembly, which by the Constitution Act are required to be passed by an absolute majority, mean only amendments of the Constitution affecting the personnel of those Houses and the obligations of the personnel. But I would submit that the use of the word "Constitution" in the Act has no such limited meaning, but extends to the powers of the Legislative Council and the Legislative Assembly conferred upon those Houses by the Constitution Act and exercisable under the Constitution Act by those Houses. We must recollect that in every constitution there are usually to be found two parts; first, the way in which the organisation is made up, of what persons or associations, as the case may be; and, second, when so made up, what are the powers of the organisation that has been created. I believe that that is the right view.

The Constitution Act of Western Australia does require an absolute majority in cases where an amendment is limited to the rights of individual members or their obligations as members; but it applies as well to the rights and privileges of the Legislative Council and the Legislative Assembly. In consequence, anything which seeks to limit the fundamental right of the Legislative Council and the Legislative Assembly, as conferred on those Houses by the Constitution Act, must I submit be an amendment of the Constitution. If there be any doubt upon the matter, I will further submit that it is extremely wise to be sure that an absolute majority is available on both those readings in order that there may be no future doubt as to the validity or invalidity of the legislation which will be carried as the result of our deliberations. Our power to pass legislation is contained in the Constitution Act, which provides—

> It shall be lawful for Her Majesty (or His Majesty) by and with the advice and consent of the said Council and Assembly to make laws for the peace, order and good government of the colony of Western Australia and its dependencies.

Clause 3 of the Bill under discussion provides that we shall do nothing of the kind. We shall not, it says, present a Bill for His Majesty's assent unless we have submitted it to a referendum of the people of Western Australia. So we find that we have not only to obtain the concurrence of the Legislative Council and the Legislative Assembly of Western Australia in a repeal or amendment of the legislation, but we have also to go to a fourth House of Parliament, as it were, to wit, the people, by referendum. So I say that we, if we pass this Bill, are depriving ourselves as a Legislative Assembly of our Constitutional right to amend or repeal legislation in the way provided by the Constitution Act, and are substituting in lieu thereof some other means. Therefore,

we must regard this measure as an amendment of our Constitution. I seek your ruling accordingly.

Mr. Speaker: The Leader of the Opposition did inform me yesterday that he purposed raising this point of order today or tomorrow, for which I thanked him. I have given it every consideration and can find nothing to support the contention of the Leader of the Opposition that an absolute majority is necessary for the passing of the second and third readings of the Bill. I therefore rule that the point fails.

[*Debate Resumed.*]

MR. DONEY (Williams-Narrogin): The Premier submitted to the member for Nedlands the question as to whether there were some benefits accruing to us from federation. Of course, it must be admitted that there have been a great many. One that first enters my mind is the grant under the Federal Aid Roads Agreement Act. There can be no doubt that had not that grant come to us in the form it has, we would be vastly worse off than we are today. At the same time, the point that the member for Nedlands was no doubt anxious to make was that had we not entered federation, we would probably have had twice the population we have today and probably—almost certainly—we would be vastly better off than we are today in respect of secondary industries, and very certainly indeed our agricultural industry would not have been in the absolutely parlous condition—and in using that word I am not exaggerating—in which we find it today.

The member for Nedlands referred to the drafting committee. He alleged unfairness in regard to its personnel and in other directions. There is ample evidence in this book—a history of the Convention from start to finish—evidence supported by common knowledge that it was an inequitably constructed body. I believe that while all the Premiers were represented on the committee, not one of the leaders of the Oppositions was asked to appear or allowed to appear. There is also the fact that while Dr. Evatt was permitted the assistance of three legal advisers throughout the Convention, the Premiers unfortunately had to sit through the two and a half days occupied by drafting business without the assistance of their legal advisers. I understand that if they wanted to confer with their legal men they had to leave the room. I feel no objection to the principle of referring certain enlarged powers of a temporary nature to the Central Government in regard to problems created by the war but I will not, under any consideration, vote for the Bill before the House because its ultimate effects are extremely obscure—some people say designedly obscure, but whether that is so, I am not prepared to swear. But I like to know what I am voting for and I do not know what I am voting for in connection with this Bill. I believe that no member present can be sure as to its purport. What I want is another Convention and I wish that Convention to construct a new Bill, one entirely free from conscious ambiguity, and one in which the printed word has one meaning and no more. We are entitled to that.

We have every right to a Bill of a clear and certain meaning, and a fixed constitutional right to vote for or against any Bill without threat or fear of punishment from the Commonwealth Government. Nevertheless though the Bill as a whole is so distasteful to me there are provisions in Clause 2 which I very much desire to see enacted. I refer to proposals to repatriate and advance our returned soldiers and also to care for the dependants of those soldiers who have died. I desire also to see power given to the Commonwealth Government to organise the marketing of certain of our products, and I desire power for the Commonwealth Government to finance and control certain national works. There have been a number of very able speeches delivered in this House during the last couple of days, all of them of a legal and technical nature, but could anyone here say that as a consequence the complexities inherent in the Bill have in any way been clarified? I do not think we can say that. For my own part I cannot do so. My doubts have not been dispelled at all. So far as I can determine at the moment they have been intensified. Consequently instead of contributing to the confusion that already exists I have decided to deal with the equally important personal and topical features on the score that these shed a deal of light on the intentions of the Commonwealth Government in regard to unification and to certain other allied problems. It seems to be taken for granted in the Eastern States—and here also to a large degree—that this House should accept the Bill lest worse things, including a referen-

dum, befall us. That consideration does not disturb me one bit.

The Premier: Nor me either.

Mr. DONEY: I believe the Premier. I am sure it does not.

The Premier: It would be wrong to have a referendum.

Mr. DONEY: It certainly would. As a matter of fact, I am not looking upon the question before the House as a Government measure, we being in opposition to it. I am looking upon the Government and the Opposition as pretty well sharing in equal measure their views upon the Bill. What the Premier and I and all members wish to secure is what is best in the long run for the State in which we live. As far as I am concerned, the more the threats that have been so very freely referred to here, and the lectures and the blusterings that come to us from the Eastern States, the more pig-headed I am likely to become and I daresay that applies to the majority of members.

Mr. Thorn: It applies to the member for Pilbara.

Mr. DONEY: Does it? In all Australian States, with the possible exception of New South Wales, there has been a growing uneasiness with respect to the actual purport and scope of this Bill. I share that uneasiness in full measure. The House will reflect that the Commonwealth Government's initial attempt at a so-called settlement of the constitutional problem was a straight-out bid for unification; so also—stripped of its disguises—was the second attempt. Since then there has been what I regard as a cunning and calculated silence upon unification, intended, I have no doubt, to foster the idea that there has been in regard to that question a change of heart.

The Premier: Silence by whom?

Mr. DONEY: Silence by those who share the views and hopes of Dr. Evatt and those associated with him, particularly in regard to the construction and fate of the Bill now before the House. The more I consider the circumstances that have led to this projected legislation, the more I am convinced it is not what it seems to be. The contents of the Bill are certainly not the actual thing aimed at. They are merely means to an end and that end a very uncomfortable one for this State. I therefore find myself probing, not so much into the actual Bill, but into what I regard as the basic intentions of the author or authors of it. There surely cannot be even one member here who is without misgivings as to just exactly what Commonwealth Governments of the future may read into this innocent-looking measure.

The Premier: You have grave misgivings about the post-war problems.

Mr. DONEY: We certainly have, but they, for the moment, have no bearing on this particular aspect. There are altogether too many possible interpretations not immediately apparent but which, upon examination of the Bill, are found to be present. Certainly, and this is admitted, we have all the assurances we want, and a great many more that the Bill gives justice and nothing more. The unfortunate part is that those assertions carry no weight for the reason that they find no place in the Bill. As an instance of the futility and shallowness of some of these assurances, I will read three separate statements by Dr. Evatt, contained in this book entitled "Convention of Representatives of the Commonwealth and State Parliaments on Proposed Alteration of the Commonwealth Constitution." At page 9 he said—

> It is desirable to emphasise that, although we propose to ask the people to confer important additional powers upon the Commonwealth Parliament, these powers will not become the exclusive concern of the Commonwealth Parliament. The States will retain all their existing powers of legislation in relation to all the topics I have mentioned. In other words, the powers of the Commonwealth Parliament and the State Parliaments over these topics will become concurrent, which means that if, and only if, there is a conflict between Commonwealth legislation and State legislation on the topic, the Commonwealth law prevails by virtue of Section 109 of the Constitution.

My mind, for the moment, is centred on the word "concurrent."

The Premier: You do not like that one!

Mr. DONEY: I would like it all right if it happened to be a true representation of the position, but it is not. As used by the Attorney General it implies a joint and equal action in pursuit of a common purpose; in other words, true co-operation.

The Premier: Running together.

Mr. DONEY: Now I want to show just exactly how Dr. Evatt construes this true co-operative effort between the Commonwealth and State Governments. A little later he says this—

> Therefore, in order to facilitate and ensure such co-operation from State and local governing bodies, a special clause has been inserted in the Bill which empowers the Commonwealth

Parliament to make laws authorising any State or any State Minister, officer or instrumentality, or any local government authority to assist in the execution of any power conferred on the Commonwealth Parliament by Section 60A.

He then naively finishes off this way—

This I regard as a key provision.

I have no doubt he does. The amazing thing here is that a moment before he made use of the words I have just read he was stressing the purely co-operative nature of the effort to be put forward under the new order by the Commonwealth and States. We then find that his idea of this true co-operation is a law of the Commonwealth forcing upon us this same co-operation. It does not seem to me to point to Dr. Evatt as being a man of very wide or true discernment. A little later he runs counter to the common conception of what the Act stands for when he makes this remark, to which I draw the attention of the Premier and members—

It is a fallacy to suggest that the Commonwealth is asking the States to surrender powers that belong to them.

Although the Premier heard that remark made at the time, I now repeat it. Dr. Evatt continues—

What is being proposed is further to enlarge the self-governing powers of the people of all six States, acting in their capacity as people of the Commonwealth.

That certainly surprises me.

This principle is made clear in the preamble to the Constitution Act itself, which declares that it is the people who, "humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown."

I do not know what we can say about that expression of opinion of the Commonwealth Attorney General. To me it amounts to just mere words, and vain and useless ones at that. I cannot see the connection between the stupid statements made by the Attorney General and the so-called explanation whereby he seeks to substantiate them. If we read this and the other book referred to by the member for Greenough in his speech today, we can find ample assurances of this kind, but none of them any more valuable than the one I have just quoted. We are proud, I suppose, of the Constitution, even though many of us feel we should never have been brought under it. It is the best that the legal profession of that day could produce and was fondly thought to be fool-proof, and proof against the machinations of any political body desiring for some base purpose to set it aside. Yet today we find our Constitution, to all intents and purposes, the prey of a Parliamentary majority, more's the pity, and thus will it be, too, in respect of the Bill now before the House within say the last two years of the five-year period during which the Commonwealth Government will have this State completely under its control. Then will it be found that this little measure will be most searchingly probed for such new interpretations and expedients as will appear to justify a prolongation of the five-year period. So, instead of getting the justice implied in this Bill, it seems to me we will be swallowed before breakfast, as it were, by a Parliamentary majority of Eastern Staters.

There are two disabilities from which we can never escape. One is that we will always be the same over-long distance from Canberra; the other that as long as the Federation lasts we will suffer a hostile majority at that centre. It seems to me that not many men born and bred in the Eastern States are free from that bias. I suppose it comes naturally to them. I might be permitted to refer back to the time of the last secession campaign, some seven or eight years ago. The Rt. Hon. Mr. Lyons, the then Prime Minister, visited this State and came to Narrogin. He made a very able speech, of course, and at its close said to me, on the platform, "Do you think I have impressed the people at all?" I said, "You very certainly have, but whether in the way you imagine I am not too sure. One portion of your speech did not impress me at all favourably." He said, "I thought I had done rather well." I said, "About half-way through you told this audience, and for all I know you have told other audiences you have addressed in this State the same thing, that if by any chance we voted for secession you wanted to make it very plain that in the future Western Australia could not expect the same treatment as the other States would get." He repeated that and made it very clear. I replied that I considered he had been guilty of a very sad error of judgment. I told Mr. Lyons that we had no objection to his holding that opinion if he really did hold it, but that I was rather surprised that his sense of tactics should have allowed him to bring that opinion to light at that moment.

I mention that episode to indicate how a man born on the other side of the continent

holds views regarding Western Australia, its future, and what it is entitled to, vastly different from those entertained by the people of this State. I quite admit that at its first reading it appeared as though the Bill now before the House might be handled with some degree of safety, but after Mr. Ligertwood, Mr. Ham and a host of others had voiced their opinions regarding it, the thought occurred to me, and probably to a majority of the members of this Chamber, that the Bill was something of a booby trap that had best be left alone altogether. Rather than accept the Bill I would prefer a totally new measure in which each clause would have its one and obvious meaning, and throughout which its several aims and significances would be suitably authenticated. I do not think we ask too much if we suggest that that be done. So much is at stake that essentially we must be on the safe side. Certainly some time would be taken up in constructing a new measure, but I hold that the ultimate result would be all the better for a careful probing into the involved problems affected, particularly having regard to the diversity of views held regarding them.

I do not know whether there are any members still prepared to be deceived by this dubious little document placed before them. If there are, may I remind them of the truly grave and frightening language indulged in by the Commonwealth Government to indicate the lengths to which it was prepared to go in order to achieve its ends, irrespective of our point of view respecting what it desired to accomplish. They will recollect that despite the war position the Commonwealth Government indicated its determination to bring the States to their bearings by means of a referendum, well knowing—Commonwealth Ministers must have known it—that around the holding of that referendum would have revolved a fight that would have divided thousands of homes, broken thousands of friendships, would certainly have wasted a huge sum of money and would have divided, disrupted and intensely angered the people of Australia. Not only would it have so affected the people of the Commonwealth, but the people of all the British Dominions, certainly the people of the United Kingdom, and as certainly the people of the United States of America.

Was there any indication of a sense of responsibility on the part of the Commonwealth Government at that period? It must surely have occurred to it that there would have been a succession of riots or disturbances connected with that objective. As I view it, in the hour of our gravest national emergency, the Commonwealth Government was prepared to break the unity of the Australian people as never before, and to do so on issues of such deep and dangerous import as freedom of liberty, freedom of speech and the vital question of the loss to the States of their sovereign rights. I can conceive of no questions more difficult and awkward to handle than those three, or of any so likely to lead to riots, disturbances and misunderstandings, particularly as the third issue would have placed Western Australia under the commercial and social domination of New South Wales and Victoria for all time. What halted the Commonwealth Government along the course it seemed to have chosen? Probably it was the realisation that the judgment of the Australian people would have been that Federal Ministers had completely lost control of themselves and had run amok. These are the people who at that time, arrogant, bewildered, and incapable of controlling themselves—I say, "at that time" and I think all members will agree with that statement—were going to take control of the six Governments of Australia.

I claim that the effrontery of the Commonwealth Government at that stage was almost beyond belief. The Federal Attorney General, Dr. Evatt, is commonly regarded as the author of the Bill before the House as well as of the threats and troubles that preceded its introduction. Whether he originated the ideas or merely gave them form and authority, I do not know; but plain it is that, for good or ill, Dr. Evatt is fated to affect the destinies of the Australian people for many years to come. I do not know Dr. Evatt personally, and I do not wish to do him an injustice, but it does seem desirable to make use of his public utterances and any other available data for the purpose of deciding whether he is fitted for the serious task of blazing the trail of life's new post-war order in this country.

The Minister for Lands: I think he may be capable of serious things, but I do not think he has a sense of humour.

Mr. DONEY: If he had that latter sense, many of us might be much happier than we are at present. I hesitate to say so, but I think Dr. Evatt has no great sense of fair

play. In saying that, I repeat that I do not wish to do the man an injustice. The Minister for this great job must essentially be a leader of men, a man of vision and wisdom, a man of tact, of ingenuity and strength of purpose, one who is trusted and liked.

The Minister for Labour: And a man with some sugar in his blood-stream.

Mr. DONEY: I will leave to the Minister the explanation of the beneficial effect of that upon the people of Western Australia. Personally, I do not care how much sugar he has in his blood-stream.

The Minister for Lands: He has not too much.

Mr. DONEY: That is what I think, too. Essentially the man in charge of such a great job should not be obsessed by strong political desires. I notice that no one of the doctor's colleagues opposite has anything at all to say against it, so I conclude that we are in agreement on that point. For all I know the Federal Attorney General may meet the requisites I have mentioned in regard to wisdom and trustworthiness. He certainly has ingenuity. Of the other essentials, the only one that in my opinion he possesses is that of vision, but again in my opinion it is the blurred and broken vision of a dreamer. I regard the Federal Attorney General not so much as a man for parliamentary debate as a student probably more at home in a study library. I should like to ask whether Dr. Evatt is a man who knows his own mind. There may be a few friendly political figures who are prepared to concede that he does. I only know that before the Convention, and also during the Convention, he was constantly changing his mind, his demands and his Bills.

The Minister for Lands: And in the end the Convention changed the lot.

Mr. DONEY: More important still is the question whether the doctor knows the mind of the Australian people. The outburst of disgust and amazement that followed his first attack on the Constitution certainly provided ample answer to that. Members will recall that the Attorney General flung his proposals at the Australian people, as I find it stated in the book from which I have quoted, and hinted that if the people rejected them they would do so at their peril. For about five minutes it looked as if the doctor might develop into a dictator, but only for five minutes. It was bruited aboard that he was to launch a smothering attack on the Convention. Members of that body were led to believe that they would be blinded by the great man's brilliance. We over here were told that the Convention would be entirely futile, so terrible was the strength of the great Attorney General reported to be.

From those who attended the Convention, we learn that in due course there arrived at the meeting a man timid and hesitant, one whose courage and tenacity seemed to have evaporated and who mildly and apologetically made it known to the assembled Premiers and Leaders of Oppositions that he had withdrawn his nasty little Bill and was replacing it with a very much nicer one and, in effect, that if the delegates did not like the second Bill, he was quite prepared to accept any Bill they cared to submit in lieu thereof.

Mr. Triat: Showing himself a fair-minded man.

Mr. DONEY: Perhaps that aspect was somewhat misleading. We can imagine the surprise of the delegates when they realised that it was the great Attorney General who was speaking to them. I do not think they realised it at first; they were expecting something vastly different. As to the Attorney General's timidity and hesitancy, members can interpret that for themselves, but what of his withdrawal of the Bill whose provisions had been so intensively publicised, and the substitution of another Bill? Some very generously say that it represented a change of heart. I, less generous, say it represented merely a change of plan or, in other words, tactics. This meant that the Government's unification plots must not be mentioned again by the doctor or his associates until the atmosphere to them is less hostile than it is today. I do not wish to imply that Doctor Evatt, admittedly a pronounced unificationist, and his associates are the only ones to give adherence to this idea of his. Members of my own party and members of the party on my left, as well as members on the Government side, have toyed with the question on occasion.

I have tried to indicate that I dislike this Bill because it is a party political product and because of its ambiguity. But there are other reasons. I think my opinion will be shared by most members when I say that all parties should have been united at this Convention. They should have been joined by an equal number of soldiers who had

seen active service. Does it not strike members that there is something plainly and inherently wrong in thus denying to soldiers their obvious right to a voice in the planning of their own future? Does it not appear that the Commonwealth Government has forestalled the soldiers—jumped their claim, as it were? It certainly appears to me in that way, and I regret very much that when the opportunity was available, the Federal Attorney General or the Prime Minister did not see fit to invite returned soldiers to sit at the Convention table.

In respect of this, I desire to offer two contrasts for consideration. The first is a statement by the truly great and likeable statesman, President Roosevelt, wherein he promised to hand back to the post-war America all the liberties he has found it necessary to take on the national account during the course of the war. To that fine democratic gesture we oppose our own miserable reflection that if the Commonwealth Government has its way, our own men returning to, say, South Australia, Tasmania, and Western Australia will find that during their absence much that they value in regard to pre-war rights and privileges has been denied to them. The second contrast is one which I shall read to members, but upon which I do not desire to comment. It is portion of a speech made recently by Sir Stafford Cripps. The report is headed, "No Post-War Dictatorships." Evidently it is the concluding portion of the speech. Sir Stafford Cripps says—

> That is why I am convinced we must do our utmost to assure the peoples of the world of a better, happier state after the war. The more sure and certain we can make that reward for their effort, the more heroically and determinedly will they fight to win. One thing at least we shall assure them of, and it is that they themselves shall have the liberty and right to determine their own conditions. We pledge ourselves that there shall be no dictatorship over them unless they allow it to arise by their own apathy when the war is over. They must realise that if they are to be free to choose their own way of life, they must be active and forceful in their choice, or else others may try to impose upon them ways they do not like. We have fought and are fighting to preserve this vital and essential right to the peoples of the world.

And so I shall vote against this Bill—if the House happens to divide upon it—not because, as I have tried to explain, I object to all the provisions in it; but because of reasons that I gave earlier in my remarks, and having regard to the history of Federal promises, and to the Federal ability to break any statutory lock or bar that we may impose upon it by way of amendments, I am not prepared to trust the Commonwealth in future. We have so far had only one contribution from the other side of the Chamber to this debate. We wish we had had more. But as far as my colleagues on this side are concerned, they have given very strong reasons to justify us in withholding the Bill altogether; yet for some cause which I cannot fathom they are prepared to vote for the second reading, in the anticipation that they will be able to secure sufficient safeguards by way of amendment.

Mr. North: To secure a Select Committee it will be necessary to vote for the second reading, will it not?

Mr. DONEY: If the Bill happens to pass the second reading, as probably it will, it may go to a Select Committee eventually. But, short of that, the expectation of any improvement must be by way of amendment to the Bill. So shrewd has the Commonwealth Government become that I reckon Federal Ministers will manage to escape from anything that we can impose upon them by way of bar. I wish to say that I allow our Prime Minister sincerity and endeavour, and of course also, though to say it is unnecessary, a very proper patriotism; but I want to emphasise that he has a hard-mouthed team to handle. I declare that certain of his Ministers do not play the game with him. Many of them are nothing better than public liabilities whose continuance in office, in my opinion, is a crime, having regard to the gravity of the days that we are passing through. In particular does my reference to being a public liability apply to——

Mr. W. Hegney: You are starting a second-rate election speech.

Mr. DONEY: The hon. member interjecting can hold that opinion if he likes; I do not mind. I wish to emphasise that my reference to being a public liability—

Hon. W. D. Johnson: Every Minister is a public liability.

Mr. DONEY: My reference applies, more than to any other Minister, to Mr. Ward. He ostentatiously flouts the will of his leader, Mr. Curtin.

Mr. Wilson: Who is a good leader!

Mr. DONEY: I grant that, and I am recalling the fact that his colleagues in the

Cabinet do not give him what we generally refer to as a fair spin. Any persuasion by the Prime Minister of his colleague Mr. Ward to mend his ways is merely laughed at. I would like to say also that in pursuance of the austerity campaign we were required, and properly so, to sacrifice this and that. Had the Prime Minister decided to sacrifice Mr. Ward, he would have had some claim to being a leader. When I contemplate the lawlessness of New South Wales, I shudder for the future of Australia. Again, when I think of the Commonwealth Government's implied promises with regard to uniform taxation, and of the ingenious manner in which it wriggled out of those promises, again I shudder for the future of our country. Here I would like to make a remark on the Commonwealth Uniform Tax Bill. I make mention of this as evidence of the fact that the word of certain members of the Commonwealth Government cannot always be trusted. The Federal Ministers certainly are not, by reason of their intolerance of discipline, the people to control the destinies of our State, anyhow.

Mr. Marshall: Evidently you are in harmony with Ward!

Mr. DONEY: There may be a similarity, but it will take some searching for. In connection with the Uniform Tax Bill there was a promise made specifically, and in various other directions made impliedly, that there would be no increase in the rate of taxation. We all remember that. We also remember that on practically the very next day after the acceptance of the measure by the States and the Commonwealth, Commonwealth Ministers went around boasting that they would find some way of wriggling out of the bar that we had placed upon them. There was no doubt whatever that in their minds, even at that time, while they were swearing that the measure was but a temporary one, there existed a determination to make it permanent. I may draw attention also to the disparity in the Commonwealth treatment of States. Statements published by Mr. Marwick, M.H.R., in "The West Australian" a few days ago indicated a far harsher treatment of Western Australia in regard to Federal allowances than was applied to the Eastern States. Whether that is so, I do not know.

There is also this point that is worthy of mention in discussing the Bill, and that is in regard to the drain upon our manpower. In that regard we might allege, and quite truthfully, disparity of treatment between this State and those on the other side. In 1938 and 1939 we had some 34,000 men engaged in the rural industries of this State; but so sadly have our resources been depleted by the war—and excusably so in one way—that today I believe there are no more than 13,500, very substantially less than half. The point I wish to draw attention to is that, whereas our loss is represented by a drop from 34,000 to 13,500, nothing like the same percentage of reduction is shown in any of the other States. Personally, I would like to see a return, if the Government is able to get it, setting out the figures applying to rural manpower here and in the other States, as well as figures affecting the petrol consumption per capita here and in the other States.

MR. HUGHES (East Perth): I do not propose to delve deeply into this Bill nor to ruin my intellect by trying to understand the various opinions that have been given upon it by legal luminaries throughout Australia. I am not a worshipper at the shrine of their opinions, nor do I put the same blind faith in them as some members appear to have done. A legal luminary who has given an opinion is, I believe, one of the most brilliant men in Australia. Some time ago I formed an opinion for myself and, to make sure I was right, I sent him all the papers and documents and took his opinion. He was so sure that he concurred in my opinion that he telegraphed me to proceed. I did so, and three judges—the whole bench of them—agreed with him and with me. Then three other judges came to Western Australia and they disagreed with the finding. That cost me £842, and since then I have never been a worshipper at the shrine of legal opinions.

Hon. W. D. Johnson: There is nothing like the experience you have paid for.

Mr. HUGHES: Having paid for that experience, I am entitled to avail myself of it. I still think that that legal luminary was right, but that may be just egotism, because his opinion agreed with mine.

Hon. W. D. Johnson: That is influenced by the £842.

Mr. HUGHES: Furthermore, distant fields look greenest. I notice there is a tendency, because somebody who is 2,000 miles away gives an opinion, to treat that opinion as specially reliable; but when one meets the gentleman, one finds he is an ordinary, plain, what might be termed second or third-rate barrister. That is the impression I gained of another legal luminary whose opinion was bandied about this House as something to be worshipped. When I met him, I found he was just a very nice plain gentleman who did not seem to have any outstanding qualifications. I do not propose to subordinate my own limited intellect and my own limited legal knowledge to that of other persons merely because they are 2,000 miles away. I therefore propose to offer one or two of my own legal opinions. I know they will not be accepted by the House, because I am too close. Were I 2,000 miles away and had a foreign name, members would probably say, "That must be right because it came from a long distance."

The Minister for Labour: How would you explain Beeby's popularity?

Mr. HUGHES: They did not see Beeby. So that my position on this matter may be clear in years to come, I would say that my own opinion is that we are most likely engaged in much ado about nothing so far as this Bill is concerned. I think I have good grounds for believing that this Parliament probably expired on the 31st January, 1942, and that anything we have done or passed since is a mere nullity. In other words, I think it very likely that the first Bill extending the life of this Parliament was invalid, and consequently we are not really a Parliament but merely a nice amiable debating club, exchanging academic opinions among ourselves at the rate of £50 a month each. Of course, that makes members laugh and they may be justified in doing so, because there may be nothing at all in that contention. Again, although I think it may be doubtful, I feel reasonably sure that this Parliament will definitely come to an end on the 31st January, 1943. I think there is not much doubt about that, and consequently, unless this Bill passes through both Houses before the 31st January, 1943, it will not be a valid enactment and will never have the force of law.

Hon. W. D. Johnson: The Bill will be defeated one way or another.

Mr. HUGHES: I do not ask anybody to take notice of my opinion; I merely state it because I think that that is the position and I do not care whether members take notice of it or not. It will not cause me any sleeplessness. I say that by way of making my own position clear. I therefore advise the Government, if it really wants the Bill, to get it through before the 31st January, 1943, as it might then be all right, but even so it might be too late. That is the position as I see it.

Assuming for my argument that there is no question as to whether this is a Parliament or a debating club, the position as I see it is that the Bill endeavours to meet a post-war reconstruction scheme in which there has been promised a greatly improved standard of living for everybody. Lavish promises have been made to those engaged actively in the Fighting Forces. Everyone is saying, "We are going to have a new order and it is going to be a very good order for the people." Personally I think many people who say that do not really believe it. They are not serious. They are merely saying it because at present they are menaced and want other people to protect them from the menaces. Consequently, they will promise anything for the time being. My own opinion is that if the war ceased tomorrow, they would forget about the promises.

Mr. Marshall: The promises were forgotten last time!

Mr. HUGHES: They did not do what was promised. As I see it, if we are going to have a new order and somebody is going to bring it about we must look at the position as at present existing between the States and the Commonwealth. In trying to arrive at a decision on this Bill I suggest that those who are opposing it have failed to take notice of the reality of the position, that is, the present alignment of powers between the States and the Commonwealth. Altogether I think there are four major factors. First of all, in arriving at a decision we have to consider the present alignment of powers between the States and the Commonwealth. Secondly, we have to look at the Constitution of the State Parliament, that is the Constitution of the Legislative Assembly and the Legislative Council. Thirdly, we have to look at the past history of all the political parties in this State, and fourthly we have to look at

the personnel that at present constitute those political parties.

When those four factors are examined I think it must be admitted that as a citizen of Western Australia one's outlook is hopeless. It is hopeless for this reason: In the first place, as a State Parliament we have already been denuded of the powers most essential to enable us to reconstruct the life of the people in this community. We have no control over finance or currency or over banking and things allied to it. So under our present Constitution we cannot do anything to alter the financial system in operation throughout the State. We cannot borrow money because we have parted with our borrowing powers. We parted with them under the agreement of 1928. We have now lost our taxing power. In my opinion, it is not a temporary loss. I believe I said so at the time. I said that once we went over to the uniform taxation we could say goodbye to it for ever. Without the power to deal with currency, without the power to deal with banking, without the power to tax and without the power to borrow, what can the Parliament of Western Australia do to reorganise the life of the community to give effect to the promises made to the men overseas? I believe the avenue of giving effect to those promises by the local Parliament is closed.

The second feature is that under the Constitution of the two Houses that comprise this Parliament, only one-third of the people have an effective say in the government of the country, because every enactment has to be passed by both Houses. I believe that the other Chamber that helps to make up this Parliament would not agree under any consideration to any alteration of the financial system that would injure certain privileged interests, even for the benefit of the men who come back from the war. So I believe that in that direction there is definitely a block, and no hope. In regard to the third factor, on the records of the various political parties, all I want to say is that I think that in the main what those parties have said about each other from time to time is quite true. I would like to cast a vote to defeat this Bill. I would like to be able to say that the Bill is not in the interests of Western Australia, and I want it defeated. But what is the alternative? I wish Mr. Goyne Miller and Sir Hal Colebatch and other people who are giving forth their views on this matter would tell me, in order to enable me to make a decision, what is the alternative to defeating this Bill.

Can we in Western Australia give effect to the promises made if we defeat this Bill? I want something more than just their opinion. I want some data. As I said, the Parliament of Western Australia cannot in the future give effect to the promises that have been made. What is one to do in those circumstances? If possible we want to have those promises fulfilled. The Commonwealth Government says it has not the power at present to give effect to those promises, and wants more power. It seems to me that if we leave matters as they are we cannot do it and the Commonwealth cannot do it, so nobody can do it.

Mr. Thorn: Do you consider the Commonwealth needs more power?

Mr. HUGHES: No, I am coming to that directly. Assuming that my opinion is wrong on that point and the Commonwealth Parliament has not the power to do it, if we leave the position as it is we cannot do it and the Commonwealth cannot do it; and when these people come back from the war and say, "What about the fulfilment of the promises made?" all we are going to say to them lamely is, "The State Parliament cannot do it," and the Federal members will say, "We cannot do it," and nothing will be done. That is what happened during the last war. So I feel inclined to say that if we cannot do it because we have not got the power do not let us be a dog in the manger and refuse the power to somebody else who can do it.

On that basis I feel I must vote for the second reading of the Bill. In answer to the member for Toodyay, I do not think the Commonwealth Government needs any more power to do all the things promised. Under paragraph (xii) of Section 51 of the Commonwealth Constitution the Commonwealth Government has exclusive power to deal with currency, coinage and legal tender, and under paragraph (xiii) it has power to deal with banking and other allied subjects. In my opinion, any reconstruction and a new social order can come only by a re-orientation of our views on currency, banking, and financial questions. If we gave the Commonwealth authorities all the power in the world it would not add to their power to reconstruct the social system. But of course other

people say that the power is not sufficient. They say that, in order to give effect to the promises made, the Commonwealth Parliament must have additional power. Under these circumstances, although I believe it has all the power it needs I am prepared to give it these additional ones. What I am struck with, however, is the extraordinary vagueness of some of the powers it is seeking and the extraordinary meaninglessness of some of the clauses. I would like to quote from Clause 2, which states—

> The following matters are hereby referred to the Parliament of the Commonwealth, that is to say—(a) 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 dependents of those members who have died or been disabled as a consequence of the war.

What does that mean? I have read it carefully on a number of occasions and I cannot understand it. What additional power does that confer on the Commonwealth? Can members imagine the passage of any legislation which could be said to be an exercise of that power? Could the Commonwealth Parliament under it say this, "In order to re-establish men who have been at the war and in order to advance them we have decided to take land from its owners without compensation?" If that clause means anything it means that.

Mr. McDonald: It must pay a just price, under the Constitution.

Mr. HUGHES: Where is that in the Constitution?

Mr. McDonald: It is Sections 31 and 55.

Mr. HUGHES: I understand that by legal interpretation where an amendment of an Act conflicts with the Act as passed the latest decision predominates.

Mr. Patrick: This is subject to the Constitution.

Mr. HUGHES: However, that is drawing a very wide example of what could be done under the clause. I do not know whether the member for West Perth explained the meaning of it, but I would be glad if he would tell me in plain English just what it means, and what power it confers on the Commonwealth. There seems to me to be a strange vagueness about these powers. I wonder if there is much additional power being given to the Commonwealth.

The Minister for Lands: A lot of power might be assumed under it.

Mr. HUGHES: I might quote again from the Bill—

> Uniformity of railway gauges.

What does that mean? We are conferring on the Commonwealth Government the power to deal with uniform gauges. Does that mean that the Commonwealth will tomorrow serve notice on the State to say, "We are going to take over all the railways and are going to widen the gauge?" Or does it mean that the Commonwealth Government can tear up one of the rails of our track and replace it a few inches further apart and leave us with rollingstock which we cannot use? That phrase is so delightfully vague that if it ever came to be interpreted by the High Court it would probably rule that it is too vague to be given a meaning.

Mr. McDonald: It was drawn by an ex-High Court judge.

Mr. HUGHES: With the assistance of six Premiers. One can understand the High Court judge going astray, but not the others! We ought to know something more about it. The question as to the meaning of all these powers will probably be thrashed out in the High Court in the years to come, and that may help to reinstate and advance some of the returned soldiers. There is one other clause on which I wish to offer my humble opinion. You, Mr. Speaker, have ruled that this is not an amendment of the Constitution. If that is so I submit that Clause 3 which places an impediment on the Parliament of this State in regard to repealing this Bill, is not worth the paper it is written on. I think there is any amount of high legal authority for that submission.

According to the Bill, we, the Parliament of Western Australia in 1943 are purporting to lay down and restrict the powers of future Parliaments. We are purporting to say that this Bill, which we are now passing, shall not be altered without a referendum of the people. I suggest that is not worth the paper it is written on because this Parliament cannot bind a future Parliament. It cannot bind itself from session to session. If that clause is passed the next session of this Parliament could pass an Act repealing it. There is only one way that we can ensure that what is desired can be done. We have the right, under our Constitution, to make laws for the peace, order and good government of the country. Any future Parliament, acting within the Con-

stitution, can repeal, alter or amend any Act of any previous Parliament. The Constitution lays down a certain method to amend the Constitution, namely, that the Act amending the Constitution must be passed by a statutory majority at the second and third readings in both Houses. It is my opinion that if we want to fetter the right of a future Parliament to amend this Bill we must alter the Constitution, which we can do of course—there is nothing to stop us. If we want to say that in the future certain legislation can only be amended in a certain way, and we amended the Constitution to provide that the Act referring powers to the Commonwealth shall not be repealed or amended except in a certain way, and we pass the Act in a statutory way, we have then amended our Constitution which, of course, is binding on future Parliaments.

The Premier: That has all been settled in the New South Wales case, when it was decided that the Legislative Council could not be dissolved without a referendum.

Mr. HUGHES: No, it has not. If the Premier reads that case again he will find that the decision is based on different facts altogether. The New South Wales Legislative Council was constituted differently from ours.

The Premier: I know, but it cannot be put out of existence, like it was previously, without a referendum.

Mr. HUGHES: Because they altered the Constitution.

The Premier: They just passed a Bill.

Mr. HUGHES: That Constitution is different from ours. As the law stands, the only way we can lay down what a future Parliament can do is to pass a Bill to amend the Constitution accordingly and indicate that its future repeal or amendment may be effected only by a certain process. We can also provide that unless a referendum were held and the alteration was agreed to by 100 per cent. of those eligible to vote, the enactment could not be altered. I am sure the Premier is wrong in his contention.

The Premier: I am sure I am right. I have read the judgment, the rulings and all about it.

Mr. HUGHES: I have read them and also the Constitution of New South Wales.

The Premier: It is not a question of the Constitution at all. It is a matter of Parliament doing things in a certain way.

Mr. HUGHES: Then we can bind future Parliaments?

The Premier: Yes, to do things in a certain way.

Mr. HUGHES: But we can only do that by altering the Constitution. We can pass an amendment saying that the Constitution shall not be altered except by way of a referendum of the people.

The Premier: And next session Parliament could repeal that enactment by a constitutional majority.

Mr. HUGHES: That is so, if we leave the Constitution in its present form.

The Premier: The Constitution provides that we can amend it by a Bill agreed to by a constitutional majority in both Houses.

Mr. HUGHES: That is in conformity with the Constitution as it stands at present, but there is nothing in the Constitution to say that it can be amended by a simple majority.

Mr. SPEAKER: Order! I think we had better get back to the Bill. These hypothetical questions have nothing to do with it.

Mr. HUGHES: There is nothing to prevent this Parliament binding a future Parliament.

Hon. W. D. Johnson: Are you raising the point that this is not worth discussing?

Mr. HUGHES: No, I am dealing with Clause 3 which reads, inter alia—

(1) This Act shall not be repealed or amended except in the manner provided in this section.

(2) A Bill for repealing or amending this Act shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section.

Mr. SPEAKER: Order! I must ask the hon. member not to deal with clauses.

Mr. HUGHES: Then I shall not read the clause, but merely remark that Clause 3 provides——

Mr. SPEAKER: Order! The hon. member must not mention clauses at the second reading stage.

Mr. HUGHES: One of the principles of the Bill provides that the measure shall not be repealed or amended other than by means of a certain process involving a referendum of the people. I submit that that provision is not worth the paper it is printed on because so long as the Constitution stands as at present, this or any subsequent Parliament can by a Bill, approved by a simple

majority, repeal Clause 3. I do not know if we really desire to achieve the object of making repeals of such legislation subject to a referendum of the people. If that is the object I approve of it as a distinct advance. It would be a splendid thing to break the ice in Western Australia by giving recognition of the fact that the people are in power and providing that important Bills shall not be passed unless approved by the electors at a referendum. I hope this is the beginning of a move to provide that the Constitution can be amended only if the proposals are confirmed by the people at a referendum. If we desire that objective we shall first have to amend the Constitution to provide that certain Bills shall be altered only in a certain way, and if we wish to prevent a future Parliament from amending or repealing it, we shall have to amend the Constitution accordingly. That is the position as I see it regarding Clause 3. It can be included in the Bill although it will have no binding effect, and can be altered at leisure. I do not agree that once the Bill is passed its contents will automatically become part and parcel of the Commonwealth Constitution. In point of fact, the requisite power to deal with matters referred to the Commonwealth by the States is already provided in the Commonwealth Constitution, paragraph (xxxvii) of Section 51 which reads—

> Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law.

So the power to deal with these delegated or granted powers is already in the Commonwealth Constitution, and I do not agree that once we pass the Bill it will become an addition to that Constitution and can be repealed in future only in accordance with the provisions of the Commonwealth Constitution. If the Commonwealth desires to import these powers into its Constitution, it must amend it in the prescribed way by means of a referendum. As it is, we can give these powers with the right hand today and take them away with the left hand tomorrow. If we want to prevent that, we shall have to go to considerable lengths. If we throw out the Bill there are two courses open to us. We can endeavour to achieve secession. We can set up the means by which that can be done and make a determined effort to accomplish our end.

The Minister for Lands: Suppose the Commonwealth authorities do not give us back what they now have.

Mr. HUGHES: If the Commonwealth Constitution were amended to exclude the State of Western Australia——

Hon. W. D. Johnson: How could we obtain that from the Eastern States?

Mr. HUGHES: Frankly, we can get it in one way only. If the hon. member is prepared to go to those lengths, I will help him. It can be achieved only by means of the sword.

Hon. W. D. Johnson: And the rifle.

Mr. HUGHES: I am inclined to think that we will never secure secession unless we are prepared to resort to the sword.

Mr. SPEAKER: Order! There is nothing about the sword in the Bill, and there is nothing about secession in it.

Mr. HUGHES: I hope to connect my remarks by showing the alternative to passing the Bill. I should like to see a determined effort made to get secession. Minorities in other countries have faced greater odds than those which confront us in Western Australia and have freed themselves from the major power. Often they have made themselves such a nuisance that the major power has been glad to get rid of them. If there was any prospect of getting secession, I should advise members to throw the Bill out and make a fight for freedom.

Hon. W. D. Johnson: Would you be a major or a colonel?

Mr. HUGHES: When I came to look for a position, I would find that I had been forestalled by the hon. member and others, and that there would be vacancies for corporals and privates only. We could do much without resorting to violence. We could refuse to buy anything at all made in eastern Australia, even to the extent of going without some of the things we want. The Chinese, who are not as intelligent as we are, so we think, very successfully set up a boycott against Japanese goods. I believe we could do much for Western Australia if we went so far as to use an inferior article made in Western Australia in preference to a better article made in the Eastern States.

Mr. McDonald: Now you are putting ideas into the head of the Minister for Industrial Development.

The Minister for Labour: I wish he would put them into the heads of the people.

Mr. HUGHES: I recall that when the Minister and other prominent members appeared on the public platform advocating the use of Western Australian goods, they were using goods not manufactured in Western Australia.

The Minister for Labour: They were not.

Mr. SPEAKER: Order! What has that to do with the Bill?

Mr. HUGHES: If we reject the Bill, we might do much towards gaining our freedom. As we are not likely to get freedom easily, the other course would be to send to the Commonwealth Parliament only such members as were pledged to the State of Western Australia—one-eyed Western Australians. Let the Eastern States call us little Western Australians, so long as we send to the Commonwealth Parliament members owing no allegiance to any political party. One of the main causes of suffering to the small States is that the men we sent to the Commonwealth Parliament owe an allegiance to various political parties, and naturally they are subordinated to the majority of the party. All political parties are dominated by the States of New South Wales and Victoria because their representation comes from those two States. Naturally our representatives have to subordinate their loyalty to the State and show loyalty to the party, and this means loyalty to the larger States. It is time we made a determined effort to get some representatives in the Commonwealth Parliament who bear no allegiance other than to the State of Western Australia. I do not mind admitting that I myself am toying with the idea of giving up my seat here and contesting one of the Federal seats on that issue.

The Minister for Labour: Are you following Anderson?

Mr. Marshall: He might be following Carlyle Ferguson.

Mr. HUGHES: I would like to see nine members on this side of the House give up their seats and contest seats in the Senate and in the House of Representatives purely as Western Australians, and go to Canberra saying, "We are here to further the interests of Western Australia, even if it means doing something detrimental to New South Wales and Victoria." I think we could balance the scale in Western Australia's favour for a long time before it swung evenly.

When these powers are granted, I am not very hopeful that there will be a change of heart in the Eastern States, or that they will decide that Western Australia has to be developed and populated. What is going to cause them to do that? As the member for Nedlands pointed out, on their past performances, they are not likely to do it. I believe that any advantages Western Australia's representatives gain from New South Wales and Victoria in future will be obtained only as a result of a balance of political parties. In other words, I believe they will give us only what we are able to take. They might do to us what we are doing to them. Under this Bill we propose to give them powers when we have no choice in the matter. There is nothing free about these proposals. This is not a free grant of powers to the Commonwealth. It is a grant of powers under the shadow of a big stick. The Commonwealth says, "We are going to take certain powers," and we are being forced under duress to give those powers. It is not a free and voluntary gift, and I am sorry to say it is a gift being made under the shadow of a big stick wielded by the first Western Australian who has had the honour to become Prime Minister of Australia. We were all very proud when one of our representatives was elected Prime Minister. We all thought it was something to be proud of. We were glad to see our representative reaching the highest position in the land. But we are not glad today. No other Prime Minister has ever tried to destroy our self-governing powers. Perhaps this fall was due to our pride. Now we find that instead of his standing up for us—

Mr. Withers: What an awful thing it would be if he proved to be our salvation after all!

Mr. HUGHES: In arriving at a decision whether the future is likely to be good or bad, we have to look to past performances and assume that people will act in future as they acted in the past. That is the only purpose for which history is studied and scientific data are collected. It is the whole basis of science. Data are collected showing that when a certain set of facts or of conditions came into existence in the past, they operated in a certain way and produced certain results. From that knowledge it was deduced that if the same facts or conditions arise in the present, the same effects will recur. Indeed, that is the only means of making a

guess at what the future will be. However, we have to observe how this State of Western Australia has been treated relatively to the Eastern States. When we examine that aspect, our future does not look very bright. In the past conduct of our brethren in the Eastern States there is nothing to inspire us with a hope that they will mete out better treatment to Western Australia when they secure additional power. I do not think we shall suddenly encounter a change of heart in eastern Australia. If this forecast should prove to be completely wrong when the Commonwealth gets the additional power it seeks, if the Commonwealth then sets about a comprehensive, intelligent reconstruction policy for Western Australia, sets about developing Western Australia's resources and abolishing the disabilities of Western Australian citizens as compared with Eastern States Australians, sets about placing eight or ten million people in Western Australia as a protection in the war that will come after this one, we shall all acknowledge that we are proved wrong and that there has been a change of heart on the other side of the continent. I do not say that the change of heart may not come about. I would be happy to feel that such a possibility existed.

Recently I have had occasion to do public business and private business under a system of intense control by the Eastern States. One cannot do anything here; nobody here has authority; everything has to be referred to the Eastern States. That is a very bad system indeed to live under. I suggest that the bureaucratic system under which we live, controlled by the Eastern States—where nonentities become celebrities over night and wield unlimited power, often wielding it unsympathetically towards Western Australia—leaves Western Australian citizens at a great disadvantage as compared with the inhabitants of the Eastern States, alike in major problems and in minor matters. Let me quote one trifling incident to show the disabilities existing here. Frequently regulations are promulgated in Canberra. We already have a book of regulations that runs to a thousand pages.

When one sees an advertisement in the Press that there has been an amendment of a regulation, and when one goes to the Commonwealth Treasury to obtain a copy of the amendment, one is told, "There are only two copies of the amendment here. We can get you a copy from Canberra." If one asks how long that will take, the reply is "A week or ten days." One has to wait for that length of time to ascertain the nature of a law one has to obey. I hold that the present Canberra system is the worst part of the Nazi system. It is the bad bureaucratic part, without the intense efficiency. So I shall be indeed sorry to see any prolongation of the present system in Australia. Nevertheless I hope that if the Bill goes to a Select Committee we shall arrive at something more definite than the present wording of the measure. My main objection to the Bill is its vagueness. I feel that in supporting the Bill I am giving away rights of the Western Australian people without being clear in my own mind as to the powers I am helping to transfer to the Commonwealth. The risk is a terrible one to take. For the reasons I have given, I shall support the second reading of the Bill.

On motion by Mrs. Cardell-Oliver, debate adjourned.

House adjourned at 6.25 p.m.

Legislative Assembly.

Thursday, 21st January, 1943.

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

QUESTIONS (6).

GRASS FIRES.

As to Outbreaks Caused by Locomotives.

Mr. SEWARD asked the Minister for Railways: 1, Is he aware that on Christmas Day some twelve fires were caused by a railway engine at various points between Narrogin and Pingelly? 2, Was any inquiry held to ascertain the cause of such happening? 3, If so, what was the result of the inquiry?