

else a Commonwealth measure. But on no account let us have a measure under which we should be controlled by New South Wales with 14,981 coalminers as against our 723.

The CHIEF SECRETARY: I do not desire to contest the hon. member's opinions to-day.

Progress reported.

BILL—VERMIN ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly received and read requesting the Council to grant a conference on the amendments insisted on by the Council and notifying that at such conference the Assembly would be represented by three managers.

ADJOURNMENT—SPECIAL.

The CHIEF SECRETARY: I move—

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

Question put and passed.

House adjourned at 5.51 p.m.

Legislative Assembly.

Wednesday, 10th March, 1913.

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

QUESTIONS (3).

RAILWAYS.

As to Berths for Returned Military Personnel.

Mr. SEWARD asked the Minister for Railways: 1, Is he aware that military personnel returning home on leave from New Guinea were unable to procure sleeping berths on the Kalgoorlie-Perth express on the nights of the 4th and 5th March? 2, Were civilian passengers able to secure sleeping berths on that train? 3, Does the

Western Australian Government Railway Department control the booking of sleepers on the Kalgoorlie-Perth train, and if so, will he issue instructions that, when military personnel are returning home from a fighting front, sufficient provision of sleeping berths is made? 4, If not, why not?

The MINISTER replied: 1, Military personnel travelling by rail are under the control of the movement branch of the Army, who arrange all necessary details for their accommodation. 2, Yes. 3 and 4, Answered by No. 1.

TAXI CARS.

As to Control and Charges.

Mr. SEWARD asked the Minister for Works: 1, Is it intended to introduce a system of closer control over taxis operating in the metropolitan area? 2, If so, will he arrange, (a) That a central bureau be established through which only taxis must be engaged, thus placing all sections of the community desirous of obtaining a taxi on an equal footing and, if not, why not? (b), That printed lists of fares be prominently displayed inside all taxis, and that it be made an offence punishable with deprivation of license for any taxi owner whose vehicle is found without such notice prominently displayed?

The MINISTER replied: 1, Yes, pursuant to power under National Security (Land Transport) Regulations delegated by the Commonwealth Land Transport Board to Mr. R. L. Millen, Director of Emergency Road Transport. 2, (a) The plan to be implemented by the Department of Emergency Road Transport includes provision for the establishment of a control bureau through which taxis will be made available compulsorily for essential service. Essential service includes carriage of persons with luggage and children to and from transport terminals, persons who are ill, hospital cases, doctors to patients, and other like cases. (b) The State traffic regulations provide that every owner and driver of any passenger vehicle plying for hire shall fix or cause to be fixed inside such vehicle in such a conspicuous position as to be easily read by any passenger therein a copy of the table of fares for the time being chargeable under the traffic regulations, printed in clear and legible characters. Instructions have been issued to enforce compliance with this regulation.

AGRICULTURAL BANK.*As to Sustenance to Clients.*

Mr. BERRY asked the Minister for Agriculture: 1, Is it the intention of the Government to increase the sustenance allowance to clients of the Agricultural Bank? 2, If so, (a) When; and, (b) By how much?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: 1, This matter is now under consideration by the Government. 2, Answered by No. 1.

BILL—VERMIN ACT AMENDMENT.*Council's Message.*

Message from the Council notifying that it insisted on its amendments Nos. 1, 2 and 3, now considered.

In Committee.

Mr. Marshall in the Chair; Mr. Seward in charge of the Bill.

Mr. SEWARD: I move—

That the Assembly continues to disagree to the amendments made by the Council.

Question put and passed.

Recluse repeated and the report adopted.

Assembly's Request for Conference.

Mr. SEWARD: I move—

That the Council be requested to grant a conference on the amendments insisted on by the Council, and that the managers for the Assembly be the Minister for the North-West, Mr. Watts and the mover.

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

BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS).*Second Reading.*

THE MINISTER FOR MINES [2.21] in moving the second reading said: The purpose of this Bill is to clarify and define the position which has arisen by reason of the postponement of certain road board and municipal elections. The Bill is in two parts, namely, road board elections and municipal elections. I will deal first of all with the road boards. The elections of all of the 127 road boards were postponed under National Security Regulations for one year, from April, 1942, to April, 1943. The

Public Authorities (Postponement of Elections) Act was passed by the Western Australian Parliament during this session and gave the Minister authority to seek the Governor's approval to further postponements, but stipulated that 30 days' public notice of any such intention should be published, and, in the event of a majority of the members of any road board or 10 per cent. of the electors of any district petitioning for an election, such election must be held. Following the publication of the prescribed notice in November last, 12 road boards signified their desire to hold their elections in April, 1943. Under the Act the Minister had no option; he had to provide for the elections of those 12 boards in that year. Those 12 boards were, therefore, omitted from the order which postponed until April, 1944, the annual elections of the other 115 boards.

As I have said, all road board annual elections due to have been held in April, 1942, were postponed until April, 1943. Consequently the 12 boards which resolved to hold elections this year must, unless the law is altered, hold two elections on the same day, namely, the postponed annual election of 1942 and the annual election of 1943. This would mean that two groups of members would retire in the one year instead of one group. This provision for one group of members to retire each year has been found to be in the best interests of the local authorities in order to preserve the continuity of the system. Therefore, if this Bill becomes law, the members who should have retired in 1942 will retire next month and those who should retire in 1943 will retire in 1944. The effect of the measure is to put them all on for one year.

Mr. Watts: What about the boards whose elections were not postponed?

The MINISTER FOR MINES: We shall have to bring down further legislation in September or October next to deal with the year 1944, and I suggest that that matter can best be attended to then. It is recognised that even in 1944 it may be necessary to postpone some of the road board elections, particularly in the North-West. Therefore, instead of trying to cover every contingency likely to arise in the next four or five years, this Bill will deal merely with the difficulties that exist today. As I have said, the Bill will secure a continuity of the system and of the rotation in the retire-

ment of members year by year. The measure may sound involved, but members will find it easy of understanding if they bear in mind that the members who were due to retire in 1942 will retire in 1943, and those who are due to retire this year will retire in 1944. To cover subsequent years, further legislation will be introduced. Requests have been received from road boards to have the position clarified and this is the Government's proposal to overcome the difficulty. The Bill, if approved, will also preserve the system of rotation with regard to all municipal elections. As the road board elections are due to be held in the middle of next month, it is essential that the measure be given speedy passage. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—COMMONWEALTH POWERS.

In Committee.

Resumed from the previous day. Mr. Marshall in the Chair; the Premier in charge of the Bill.

Postponed Clause 2—Reference of matters to Parliament of Commonwealth (partly considered):

The CHAIRMAN: Progress was reported after paragraph (i) had been agreed to.

Paragraph (j)—Uniformity of railway gauges:

Mr. McDONALD: I move an amendment—

That before the word "uniformity" the words "The construction of railways and the reconstruction of existing railways and railway installations by the Commonwealth in order to secure" be inserted.

The paragraph will then read:—

The construction of railways and the reconstruction of existing railways and railway installations by the Commonwealth in order to secure uniformity of railway gauges.

All members will be agreed upon the necessity for uniform railway gauges in Australia, particularly on the main lines connecting capital cities and major centres. This uniformity is necessary for the future defence of Australia. In Western Australia, the main concern for the time being is the line from Kalgoorlie to Fremantle. If there is to be a uniformity of gauges covering that section of our railways, it can be brought about in one of two ways—either

the existing track can be converted to the uniform gauge or a new line can be built over the whole or part of the distance between Kalgoorlie and Fremantle. The effect of the paragraph as printed was the subject of interesting and important comments by the Solicitor General to the Select Committee. According to page 352 of the transcript of evidence, the Solicitor General said—

This referred power will not authorise the Commonwealth, without the consent of a State, to undertake any construction work to bring about a uniformity of railway gauge, but will merely authorise the Commonwealth Parliament to make laws with respect to the uniformity of railway gauges, specifying a uniform railway gauge and imposing upon the States an obligation to undertake themselves such construction work as may be necessary to bring the railways of the States into the prescribed uniformity with regard to gauge.

According to page 354 of the transcript, the Solicitor General was questioned as follows:—

Under this new power the Commonwealth can legislate and say, can it?—"Western Australia shall at its own expense make the gauge between Kalgoorlie and Perth uniform with that between Port Pirie and Kalgoorlie?"

In reply, the Solicitor General said—

I do not think the Commonwealth would do it in that way. I contemplate that the Act the Commonwealth Parliament would pass would lay down that in respect to railways throughout the Commonwealth the gauge shall be uniform, and shall be of such dimension as may be prescribed in the Act or fixed from time to time, by proclamation, for instance. So far as any State railway did not conform to that gauge, the State would be under an obligation, subject to any exemptions contained in the Act, to bring its railways into conformity with the gauge as prescribed . . . That provision (that is, of the Commonwealth law), would operate no doubt to impose on the different States, according to circumstances, the obligation to alter their railways to bring the gauge into conformity with the requirements of the Commonwealth law. That would primarily mean an expense that would be a State expense.

Therefore, in view of the Solicitor General, who was advising the Select Committee, if we refer this power as printed in the Bill it will mean that the Commonwealth may pass a law prescribing a uniform gauge and imposing, so far as it can impose it, a kind of obligation on the State that the State itself, at the State's own expense, will do the necessary work of reconstructing the track or building a new track of uniform gauge between centres as may be prescribed.

At all events, whether the view of the Solicitor General is correct or not, the power as printed in the Bill is ambiguous. It does not indicate upon whom the responsibility for the expense of the work of securing uniformity of gauge is to fall. The amendment now before the Committee has endeavoured to make this perfectly clear. The matter is one of such tremendous importance to our State and its finances that we cannot be too careful to ensure that no possible misunderstanding can arise as to how this work is to be constructed or by whom it is to be constructed, and by whom the expense is to be met. After all, it is recognised now to be primarily a defence measure, and that is a national measure; consequently, we can well say the heavy expense involved shall be a national expense. Therefore, by this amendment it is provided that the power shall be in these terms:

The construction of railways and the reconstruction of existing railways and railway installations by the Commonwealth Government in order to secure uniformity of railway gauges.

That is to say, this shall apply, if it is necessary, that there shall be power to construct a new track, say, either for part of the distance or the whole of the distance between Kalgoorlie and Fremantle, or if for reasons of gradient or other factors it should be necessary to construct a new track. Alternatively, there is power to undertake the reconstruction of existing railways if our existing track is to be converted, including—which is important—the reconstruction of existing railway installations, that is to say, railway stations, signal-boxes and all other working parts of the railways which may require to be altered in order to conform to the new standard of gauge. Those are the powers which the amendment seeks to confer—the construction, if necessary, of a new standard gauge railway or, alternatively, the reconstruction of the existing track and installations to conform to a standard gauge. The amendment then goes on to say that this shall be done by the Commonwealth. That takes into account the advice tendered by the Solicitor General.

We say this power should be not only a Commonwealth power but a Commonwealth responsibility. The construction of the uniform gauge shall be done by the Commonwealth Government as a national expense.

Therefore we accept the principle asked for by the Commonwealth Parliament, that the Commonwealth should have power to secure uniformity of railway gauges; but, for the very urgent reasons I have mentioned, we grant this power in such terms as to leave no doubt at all that the work is to be done by the Commonwealth Government at the national expense, and that the work shall include the reconstruction not merely of tracks where the existing track is converted, but also any necessary reconstruction of railway stations and other installations which require to be altered in order to conform to the new gauge. I commend the amendment to the Committee. I do not see any possible objection which the Commonwealth Government can raise to it, unless it said, "Oh, we intend that the expense is going to be borne by the State and not by us." If that were the Commonwealth Government's attitude, then we would have to think a long time before we undertook such a responsibility. With regard to the power, we agree that it is, as the Commonwealth Government has suggested, a national matter, and that being so we grant it in such terms that the obligation is the obligation of the national Parliament and the expense is a matter for the national purse.

The PREMIER: I do not visualise the position that has been pointed out by the member for West Perth. In my opinion, the Commonwealth Government is not going to pass on to the States the expenditure involved in securing uniformity of gauge, nor do I consider an Act of this Parliament can make the Commonwealth pay all the money required to convert the gauges. Rather do I think that the policy of the past, namely, that the Commonwealth and the States will agree on some matters in regard to the uniformity of gauge, will be followed. That was done in the case of Queensland and New South Wales in respect to the railway between Newcastle and South Brisbane.

Mr. McDonald: That was done under old Commonwealth legislation, which will be superseded by this legislation.

The PREMIER: Then we will give the Commonwealth power to do something else. Surely it must be admitted that a new railway constructed in a State with a better gauge will be beneficial to that State, and therefore the State might recognise, in view of its receiving a

handsome advantage, that it should make some payment in return. It might say, "Yes, we are going to get a big return out of this and we can agree to pay something for the additional benefit that our State will reap."

Hon. N. Keenan: Suppose the State did not want this alteration of gauge?

The PREMIER: With regard to that point, the Commonwealth Government is in very serious transport difficulties so far as the east-west connection between Port Pirie and Kalgoorlie is concerned. The Commonwealth wished to transport large quantities of munitions and equipment and large numbers of men from one side of the continent to the other, but had not sufficient railway rollingstock to do the job as quickly as was desired. It had to be done at the expense of the people of this State, the travelling between here and the Eastern States having to be curtailed. That could be easily overcome if the Commonwealth could make use of New South Wales rollingstock. However, because there was no 4 ft. 8 in. connecting gauge between New South Wales and Port Pirie that stock could not be used. While the effect has not been serious except from the standpoint of inconvenience it may become essential for the line between Broken Hill and Port Pirie to be of a uniform gauge. Because a State, for parochial purposes, does not want such uniformity the defence of Australia has to be jeopardised! We feel, however, that the desire of a State to maintain its own position should not stand in the way of the adequate defence of Australia.

Mr. Patrick: Could not the Commonwealth build the line today under its defence powers?

The PREMIER: It could, but it cannot get the material and other things that are required; but when the war is over this will stand pre-eminently as a post-war reconstruction job, and as a method of absorbing labour. Big railway jobs absorb more labour than do other projects.

Hon. N. Keenan: Not much labour would be required in Victoria and South Australia. They would simply shift the rail in.

The PREMIER: They would have to shift the rail out. It is a narrow gauge.

Hon. N. Keenan: No, a 5 ft. 3 in. gauge.

The PREMIER: The hon. member does not know as much about it as I do. It is 3 ft. 6 ins.

Hon. N. Keenan: Where?

The PREMIER: Between Broken Hill and Port Pirie.

Hon. N. Keenan: The whole of Victoria?

The PREMIER: I am not talking about Victoria, but about connecting the New South Wales system with the Commonwealth Trans-Australian line.

Mr. North: To connect Sydney with Kalgoorlie.

The PREMIER: Yes, to connect Sydney with Western Australia. The line will have to be widened and that is not easy, because platforms and sidings will have to be shifted and all sorts of things will have to be done to cater for a wider gauge. Lord Kitchener and others years ago considered our railway systems and recommended that for the adequate defence of Australia the railways, particularly joining capitals, should be on a uniform basis but State parochialism and other factors have stood in the way. If this State had been in as dangerous a position about the end of last March as was feared we could not have obtained adequate defence requirements from New South Wales and Victoria, through the lack of a uniform railway gauge. The defence of Western Australia would have been practically paralysed on that account.

That position arose and has been maintained solely because of the parochialism of South Australia. That State made a very hard bargain with the Commonwealth, for which I do not blame it, in regard to the connection between Port Augusta and Port Pirie. South Australia made a very advantageous bargain with the Commonwealth in that matter but if it had persisted in standing out and had not made that bargain, saying, "We will not have it because it is going to affect our finances very severely," the defence of Australia could have been absolutely jeopardised. We here could have been successfully attacked because we had no means of getting munitions and men from the other States where there are lots of reserves. Had there been a uniform gauge at that time and had help been required in this State, railway transport in New South Wales could have been stopped altogether for a week or two until train after train had been rushed here with men and supplies to meet any attack that was launched. The lack of a uniform gauge would have prevented that being done. I do not think this job could be undertaken now because steel and other commodities that would be re-

quired are urgently needed for other purposes. It would be necessary to stop the manufacture of munitions and other items urgently wanted if the Commonwealth were to embark on this railway construction. Consequently it is necessary for the Commonwealth now to do the best it can. I am very glad things turned out the way they did, but we were very apprehensive 12 months ago in regard to the inadequate defence position of this part of the Commonwealth. It may well be that we shall be in the same position again.

I would like to be optimistic and think that this is a war to end war and that there will be no further conflicts, but we thought that the last time and yet have this catastrophe facing us. It may be that in a few years something else will arise to plunge this country into war. If it does, the people who are asked to arrange a satisfactory defence system for each side of Australia will undoubtedly recommend the construction of a uniform gauge. Unless the Commonwealth Government, which is charged with the defence of Australia, has power in regard to this matter, it may not be able to carry out such a project. I do not think the Commonwealth Government will be unduly hard in regard to this matter but I think that a State should, if it can with justice to itself, agree to bear some portion of the expenditure incurred in the provision of a better transport system, faster and more able to cater for the requirements of the people. Because South Australia considered that greater freights would have to be paid by the construction of a uniform gauge between Broken Hill and Port Pirie, all sorts of difficulties were raised. When this Bill went through the South Australian Parliament it agreed to the conversion of the railway system on terms approved by that Parliament.

Mr. Watts: We do not suggest that.

The PREMIER: The amendment of the member for West Perth says that all the expense in connection with this matter must be borne by the Commonwealth.

Mr. Watts: Do you not agree?

The PREMIER: No. Suppose we had a 4 ft. 8 in. gauge from Kalgoorlie to Fremantle! I suggest that from our point of view the State would derive a good deal of advantage from the conversion to the wider gauge.

Hon. N. Keenan: And a lot of disadvantages, too.

The PREMIER: I know; but there would be some advantages. If Parliament thought that as we were getting some advantages we should contribute something to the cost this amendment would not allow that.

Mr. McDonald: We could offer to contribute anything we liked. There is nothing whatever to stop us.

The PREMIER: I cannot see anybody offering to shoulder an obligation it is not compulsory to shoulder! If the whole obligation is placed on the Commonwealth we could say, "No," as did South Australia.

Mr. Patrick: That obligation now is entirely on the States.

The PREMIER: It has never been entirely on the States.

Mr. Patrick: According to the Solicitor General—

The PREMIER: The Solicitor General was asked what the Commonwealth could do in problematical circumstances and he stated what it could do and not that it would do it. As with all laws, this law can be interpreted in a foolish way. I have been asked whether we should accept the Solicitor General's dictum in its entirety without qualification. I say no! I pointed out the other day that with regard to the law governing assault, if anybody approaches another person with hand upraised that constitutes assault for which there is a penalty of 12 months' imprisonment.

Mr. McDonald: I do not think that is very good law.

The PREMIER: I do not know about its being good law. The fact remains that it is the law. If I approached my colleague, the Minister for Works, and said, "How are you, Mr. Millington? I am glad to see you back, looking so well," and at the same time raised my hand in greeting, and if I were observed by a policeman I could be taken up for assault. There would not perhaps be a conviction against me, but on the wording of the law I could be charged with assault. Similarly with regard to the Solicitor General's argument. It could be done if people were foolish or selfish enough to stretch the law as it stands to the uttermost limit. But it would not be done.

This amendment seeks to put on to the Commonwealth Government sole responsibility for all the cost in connection with the construction of railways. It has been sug-

gested that the States might be willing to pay but there is this attitude of mind to consider; that if the States feel they are not legally bound to pay they just will not. After the war the Commonwealth Government will not have authority under its defence powers to undertake such work as this, but if it thinks such work should be put in hand it ought to have the power to do it. This amendment would provide that this should be done at the Commonwealth's expense, yet some State might get a lot out of it. There is a water scheme between the Murray River and Port Pirie and it might be necessary to run water trains to Whyalla, which is a most important war manufacturing centre. Without this uniformity of gauge that could not be done. Uniformity of railway gauges is pre-eminently one of the important matters that will have to be tackled in the period of post-war reconstruction. I do not know of any other work that could approach this from the standpoint of absorptive capacity for employment of men.

Mr. Watts: You admit that if we agree to this paragraph it will not enable the Commonwealth to build a railway in any other State, such as South Australia?

The PREMIER: Obviously we could not deal with that, for it would be a matter for the South Australian Parliament. On the other hand, there might be some arrangement applying to the route between Kalgoorlie and Perth. Possibly it would be in the interests of Western Australia if such a railway were constructed by the Commonwealth at great expense. We would then have the advantage of faster and better railway transport facilities and the carriage of greater loads which would be possible over a 4 ft. 8½ in. line, and we might not be prepared to pay 2d. towards that undertaking. If the State adopted that attitude the Commonwealth would be perfectly justified in saying, "We shall construct this line as a defence job, but as it will be of great benefit to you, you should contribute towards the cost." It would be unfair to expect the Commonwealth in the circumstances to construct the line, accepting the full responsibility for the cost. I do not desire to be parochial regarding these matters. In common with the other States, Western Australia, since the inception of the war, has co-operated magnificently with the Commonwealth Government in connection with war work. The same

good spirit should persist when it comes to dealing with work associated with the post-war reconstruction period.

Mr. Kelly: With the Commonwealth collecting all taxation where will the State get its revenue?

The PREMIER: The hon. member knows that the State Government opposed the Commonwealth uniform taxation proposals.

Mr. McDonald: That was not a very friendly action on the part of the Commonwealth.

The PREMIER: I will not say it was a friendly action.

Hon. N. Keenan: I hope not.

The PREMIER: At the same time, from the standpoint of the financial position of Australia and the possibility of being able to raise sufficient finance for war purposes, particularly in respect of the higher incomes, it was necessary to have uniform taxation. That arose from the fact that the Victorian Government held it was not necessary to impose a higher tax on the higher incomes. That attitude circumscribed the possibilities for the Commonwealth Government. Queensland already had a tremendously high tax levied on the higher incomes, and the effect was that the Commonwealth could not superimpose further taxation, for it would have meant a tax of something like 30s. in the £1. In the circumstances the Commonwealth could not apply the tax in Queensland, whereas in Victoria the tax was at the rate of 4s. in the £1, and in Western Australia our limit was about 4s. 8d. in the £1.

Hon. N. Keenan: We came second after Queensland.

The PREMIER: No, we were about fourth on the list—the happy medium.

Mr. Watts: Regarding the higher incomes, not the average incomes.

The PREMIER: I was referring to the higher incomes.

The CHAIRMAN: Perhaps the Premier will justify his reference as applicable to the paragraph under discussion.

The PREMIER: No, I will return to the paragraph. When we consider post-war reconstruction from the national aspect and the necessity for securing large undertakings for the provision of employment, surely the question of uniform railway gauges constitutes one of the biggest phases. The Commonwealth should have power to deal with that matter and, if the States consider they should be entitled to enter into

an agreement because of the benefits to be derived from the scheme, they should be in a position to do so. It would not be fair to expect the Commonwealth Government to shoulder the whole of the expense. In relation to railway construction matters it has done the fair thing up to date. The present railway arrangements with the Commonwealth are eminently fair. If States do not agree to the Commonwealth proposals for parochial reasons, well—that very factor has prevented the Commonwealth from undertaking any such work in the past. The provision of a uniform railway gauge should be undertaken by the Commonwealth as a national defence work. I do not think any Commonwealth Government would secure support from representatives of the States if that step was undertaken without consultation with the States.

Mr. Patrick: This amendment means there can be negotiations as regards paying.

The PREMIER: Yes.

Mr. Patrick: Dr. Evatt said he would not do anything without negotiations.

The PREMIER: He indicated that the intention was to do the fair thing, and that the Commonwealth would not impose obligations upon the States in the manner that has been suggested.

Mr. Thorn: But you are doing that; you are sticking to the Bill and will not accept amendments.

The PREMIER: Had the member for Toodyay been present with me during the negotiations that led to the framing of the present Bill, he would know the attitude that I took up. This is one of the powers that in my opinion should be in the hands of the Commonwealth Government in the interests of the defence of Australia. It will mean a big thing to trade and commerce. I do not know that it would be possible to find the necessary money at the present juncture to enable the work to be carried out, but experts have said that it does not matter so much at the ends of a line but to have a weak spot in the middle of a railway system is a tremendous factor making for potential disorganisation.

Mr. WATTS: I had not intended to contribute to the debate on the paragraph under discussion, and would not do so now were it not for the fact that the Premier made reference to parochialism. I, and those associated with me, are as enthusiastic as we possibly can be with regard to the provision

of a uniform railway gauge between Perth and the Eastern States.

The Premier: I did not accuse you of parochialism.

Mr. WATTS: There is no doubt about our attitude.

The Premier: I used the word "parochialism" as applying to South Australia, not to this State.

Mr. WATTS: I accept the Premier's assurance, and reiterate that I and those with me are as enthusiastic as we can be to see a uniform railway gauge established between Perth and the most eastern city of Australia. There has been no reason whatever, other than a lack of desire, why there should not have been uniformity of railway gauge as far as Western Australia is concerned under the present Commonwealth Constitution. That is to say, it has been practicable for the Commonwealth, if it desired to do so, to establish a 4 ft. 8½ in. gauge line between Perth and Kalgoorlie at any time since the transcontinental railway was built—unless the Government of this State objected. I gather that the Premier is enthusiastic about the provision of a uniform railway gauge between Perth and Kalgoorlie, and I take it that had an offer been made to him in any reasonable terms the Government, of which he has been the head for the last seven years or so, would undoubtedly have agreed to it.

The Premier: No, there are other practical disadvantages that apply here but which do not exist on the other side. For instance, we have 14 branch lines converging upon the main line, and all those railways would have to be converted as well. That position does not apply elsewhere.

Mr. WATTS: For the purposes of defence the Premier agrees that there should be a uniform railway gauge system throughout Australia, but for some other purpose we may not desire it; and the objection might be that the State would be put to the expense of converting 14 branch lines.

The Premier: No.

Mr. WATTS: We say that if it is a matter involving defence considerations—the Premier has strongly stressed the fact that this is a defence matter—the construction of a uniform gauge railway should be an obligation of the Commonwealth. There is no reason why, with the consent of the State Government, which I assume would have been readily given if any reasonable proposal had

been advanced, the work should not have been entered upon either before the war or after the war commenced, when it became even more necessary. For 43 years the Commonwealth Constitution, in paragraph (xxxiv) of Section 51, has contained the following power vested in the Commonwealth—

Railway construction and extension in any State with the consent of that State.

One is inclined to ask what is the reason for the wording of the paragraph in the Bill regarding uniformity of railway gauges. Any legislation passed in Western Australia can have no effect on what the Commonwealth can do in any other State. This Parliament cannot refer, in relation to the provisions of paragraph (xxxiv) of Section 51, power to the Commonwealth to legislate for South Australia. Whatever we do must be effective only so far as Western Australia itself is concerned and, as applied in this instance, to the railways of Western Australia only. So it does not matter to us in the slightest degree what South Australia, Victoria or any other State may do in this regard. All we ask in the amendment is that the Commonwealth shall seek the consent of the State. We say that if the Commonwealth thinks this work ought to be done and is prepared to pay for it, the Commonwealth should go ahead and do it.

We know perfectly well that the State Government cannot raise one shilling today without the assent of the Australian Loan Council. For the time being at least, its revenue from taxation is controlled not by the Australian Loan Council but by the Commonwealth Government. On that count also, in addition to the defence aspect, we are entitled to ask the Commonwealth Government to pay for the railway that it wishes to construct. But, as the member for Greenough interjected, there is still no reason, if the amendment is agreed to, why the Commonwealth should not come to the State and say, "We are prepared to do this work but, because it will cost so many millions, you may be prepared to contribute some proportion of the expenditure." There is still no reason why, if the Commonwealth submitted to the State a proposal that was considered essential, the State should not participate in the expenditure if it could manage to do so with the assistance of the Loan Council. There being already the necessary power in the existing Commonwealth Constitution and

there having been no approach to the State Government of which this Committee has been informed with regard to any concrete proposal concerning the railway between Perth and Kalgoorlie, and this proposal having come down as a direct result of the initial introduction of a Bill that meant unification plain and simple. I attach a fair degree of importance to the view expressed by the Solicitor General, although I agree that he gave his opinion purely on the legal aspect and was not asked to do otherwise, seeing that it would at least be not fair to ask him to enter into a political controversy.

But why is it necessary, following on this planned unification, to have the paragraph for uniformity of railway gauges unless the intention is to overcome paragraph (xxxiv) of Section 51? Therefore I attach far more importance to the Solicitor General's evidence than the Premier does. It is no more improbable that the Commonwealth will ask the State to do the things we have been discussing on these amendments than in 1938 it was improbable that the Commonwealth Government would put us in the position we today occupy as regards taxation. I will not work on either probabilities or improbabilities. I want the Commonwealth Government to have full power to make Australian gauges uniform. I am satisfied that the amendment of the member for West Perth will give that power to the Commonwealth on proper lines, and without further embarrassing the finances of the State because of some extraordinary mentality of the person who may have control of the matter 2,500 miles away. I confine myself to the argument of the member for Nedlands that, if the Commonwealth can do this thing, probably it will do it. But let no one run away with the idea that I do not desire uniformity of gauge in this country.

Hon. N. KEENAN: The Premier was concerned to establish beyond any question that uniformity of railway gauge is desirable for the whole of Australia. Nobody questions that. The illustration given was that one might travel from Brisbane to Perth in the same railway carriage. Unquestionably, uniformity of gauge is a matter that should be accomplished at the earliest possible date in Australia; but immediately the question of uniformity arises for prompt consideration

the question of gauge should be determined. In my opinion, the matter must be left to some authority; and we are prepared to leave it to the technical advisers of the Commonwealth. Undoubtedly all of us favour uniformity of gauge in our railways in this State and in the rest of Australia; but there is not much advantage to be gained from the State point of view except in point of defence, because we might have a railway from Ka'goorlie to Perth wider than the present gauge, with the result that we would have two sets of rollingstock—which would not be at all economical. No State should be called upon to have workshops to deal with two entirely different sets of rollingstock.

Although there would be no advantage to be gained for Western Australia outside the question of defence, I, like all others, favour uniformity of gauge. The question raised by the member for West Perth is not whether uniformity of gauge is desirable, but how it should be provided for—upon what conditions and terms it is to be accomplished. The first question to be asked is—what does the term “uniformity of gauge” used in the Bill mean? It means, unquestionably, handing over to the Commonwealth the right to make a law—the word “law” appears at the beginning of Section 51—in respect of uniformity of railway gauges. Since the Commonwealth law is supreme, it would mean that the State Governments would have cast upon them the absolute duty of complying with that law.

Mr. J. Hegney: That is about the only way to carry uniformity of gauges into effect.

Hon. N. KEENAN: The Bill means that the Commonwealth Parliament would pass a law, and that we would have to obey that law.

Mr. J. Hegney: Not necessarily the States.

Hon. N. KEENAN: Unless the Commonwealth volunteers! But here is a difference that I do not understand. The Premier resents our taking a precaution that will enable us to say, “We are prepared to pay, but we cannot pay the whole lot.”

The Premier: The Commonwealth would not ask that.

Hon. N. KEENAN: The wishful thoughts of which the Premier is so full will never come to fruition—never! The Premier is a most indulgent man so far as those are concerned. What the member for West Perth

asks for is a simple and proper precaution that the State still remains in the position to give to the full extent of its capacity—which unfortunately will be very limited—and that the Commonwealth will bear the balance of the cost. Without this amendment, the State can be called upon, in certain circumstances, to bear the whole of the cost—far beyond its capacity. Now, is there any objection to saying, “We are prepared to carry a load which we know we can carry, or hope we can carry,” as against the position of laying ourselves liable to, and open to, having a load put on us that we know we cannot carry? Is there any logical reason, or even a generous-thought reason why we should not provide by the amendment that the load will be such as we can carry? That is all the amendment does. Without the amendment we shall be simply trading on a ridiculous and ill-founded belief in the generosity of the Commonwealth.

Mr. J. HEGNEY: I have listened with much interest to the Leader of the Opposition and the member for Nedlands. Hearing them, anyone would think that we were speaking of the Commonwealth Government, no matter who was in charge of it, as of a foreign Government. It is well known that the Commonwealth Government and the Defence authorities have met with extreme difficulty in respect of transportation, which remains a hard problem in Australia today. There are breaks of gauge between various States; and, if we had to transport troops between various portions of this continent, great difficulty would be experienced. There are several breaks of gauge between this State and eastern Australia, and thus there would be great difficulty in transporting troops from eastern Australia to Western Australia. The Prime Minister himself has said that there have been great difficulties in regard to transport. Bearing that fact in mind, we must also remember that the subject has been under consideration for the last 30 years in Commonwealth politics. I recall a number of conferences on the subject. At one of those conferences, before the Commonwealth railway was built, the question of the gauge to be adopted was exhaustively investigated by the Commonwealth engineers, having regard to then-existing practice in other parts of the world; and only after that inquiry was it decided that the uniform gauge to be adopted by

the Commonwealth, having regard to future unifying of Australian railway gauges, was the 4 ft. 8½ in. gauge.

At that time the Commonwealth would have been wrong if it had gone on with the building of a 4 ft. 8½ in. gauge from east to west of Australia. I followed all the publicity that took place then. I remember it was on the advice of eminent railway engineers that the decision was made. Eventually, according to that decision, if a uniform gauge is established throughout Australia it will be one of 4 ft. 8½ in. It is suggested that certain other engineers have expressed different views. I point out that lawyers also differ in respect to points of law. To have a uniform gauge connecting New South Wales with Western Australia, as a trunk line, would cost not less than £8,000,000. A uniform gauge throughout Australia is a crying need, for defence purposes. I am surprised at the opposition put forward in this Chamber, and I do not think members really believe what they have stated. It has been a matter of lip service with them; they do not want to see brought about that which they have advocated. They want to preserve State boundaries, and in this State keep to the 3 ft. 6 in. gauge. Members have asked why the Commonwealth Government has not undertaken this work. That Government has had its hands full with the war and in trying to get this country into a proper state for defence. It has not the labour to enable it to deal with such a proposition as this just now. Had a uniform gauge already been in existence, there would have been a different tale to tell.

We have been fortunate in that Australia has not been invaded but, had Japanese troops landed on our shores, our situation would have been a very bad one under existing conditions. That peril still exists, and that is one reason why the transport system should be placed in the hands of the central authority. The construction of a truly trans-Australian railway would give employment to many hundreds of workers and would provide a useful measure for social reconstruction. At the end of the war the Commonwealth Government will be at its wit's end to find sufficient work for all who need it. Such a work as this would serve an excellent purpose. The sooner the uniform gauge is brought about the better it will be for the future of Australia. Russia today is engaged in a terrific struggle. What would

have happened to that country if it had not been equipped with a uniform railway system? The time has arrived when the Commonwealth Government should face the position. I have every confidence that that Government, when the position does arise, will tackle it. It will not be so harsh in its treatment of the States in respect to financial measures as has been indicated by the Leader of the Opposition and the member for Nedlands. I know the difficulties which confront the Commonwealth Government and have heard the Prime Minister speak about them. There are the difficulties in regard to transport that exist between Queensland and South Australia. There is the difficulty of getting rollingstock from one State to another. Queensland obtained rollingstock from this State in order to cope with its transport problems in the north.

The longer this matter is delayed, the more costly will it be when the time comes to do the work. We have had to find the money for the carrying on of the war, and the cost is going up every day. Had the problem been tackled in peacetime and the money found, the job would have been done today. It is suggested that insuperable difficulties would arise in respect to repairs in workshops. I see no difficulty in that regard. The men who have been trained at Midland Junction could just as readily work at Port Augusta, where there is the 4 ft. 8½ in. gauge and engines and rollingstock to fit that gauge. The workers at Midland Junction could build the larger engines there, and they could be transported on trucks to the places where they were needed. This is only a bogey that has been put up in order that it may be knocked over. The questions of social reform, of providing employment for men who return from the fighting fronts, and of social rehabilitation represent a problem that is confronting the Commonwealth Government, which is the only one that can tackle it. That work of reconstruction cannot be carried out by the States. The Commonwealth Government is anxious to tackle it, and should be given every power it needs to enable it to do so. That is one proposition which can mean great benefit to the Commonwealth. I support the paragraph as printed. There is little merit in the argument advanced by the Leader of the Opposition. Members opposite look upon the Commonwealth Government as a foreign Government. I point out

that no Japanese Government is in charge of the affairs of Australia but, to hear members talk in this Chamber, it would seem that we have a foreign Government in power in Australia. The men who make up that Commonwealth Government are our kith and kin.

Mr. Mann: It is a foreign Government, from our point of view.

Mr. J. HEGNEY: We are a part of the Commonwealth, and I am tired of hearing all those remarks that have been made to the contrary. We are involved in a terrific struggle, but for which there would be no necessity for us to consider this proposal. If the Commonwealth Government were overthrown, there would indeed be a foreign Government in charge of the affairs of the Commonwealth.

Mr. NORTH: I wish to make one point, though I have no desire to waste the time of the Committee.

The Minister for Mines: Your time is never wasted.

Mr. NORTH: When we ask that the Commonwealth Government should finance this scheme, we are not asking for something that would involve getting money from the whole of the people of Australia. To-day half the population of Australia is enjoying the use of the standard gauge—I refer to New South Wales, which has half the population of the Commonwealth. When we ask the people of the Commonwealth to finance this scheme, we are only asking those people who today have got their job done to put up their money so that all the other States of Australia may have a fair deal all round. The moment the gauge was settled for New South Wales at 4 ft. 8½ in., the other States were left with an unstandard gauge; they were left to carry the baby. The only way to make the position clear is to ensure that the unification of the gauge shall be made a charge upon Australia. That will bring the balance back to an equitable position. The money spent in New South Wales would then become part of the benefit which New South Wales received on the decision of two engineers. That was in 1920 when it was decided that that should be the gauge for Australia. From that moment every other State was on an unstandard gauge and was carrying the baby. It is futile to urge that this State should bear some of the cost. Why should we be bur-

dened when half of Australia, as represented by New South Wales, has already had the job done, as it were, for nothing, except for existing overhead charges and railway loans similar to those of the unstandard States? I urge the Committee to support the amendment.

Mr. BERRY: I was disappointed in the remarks of the member for Middle Swan, who referred to remarks made by members on this side of the Chamber as lip service. There is no question about the need for a unified gauge, and there has been no question about it since Australia first became a Commonwealth. We are all agreed that a uniform gauge has to be constructed. Had it been started years ago, we should have had it today. The member for West Perth wants to know where the money is to come from. That is a proper question to ask, as it would be in connection with any ordinary business concern. We must know how much financial responsibility this State will have to carry in connection with defence improvements, and how much the Commonwealth will carry. As I see the position to-day, Western Australia has no money except what it gets from the Commonwealth Government. What other source of finance has it?

Mr. Kelly: Its public utilities!

Mr. BERRY: Its trams and trains, which are running at a loss! This State is insolvent, and has been in that position ever since I have known it. It is more insolvent than ever before, because we have lost our powers of taxation.

Mr. W. Hegney: Do you regard Australia as insolvent?

Mr. BERRY: There are degrees of insolvency, and we are in the lowest degree. There is no lip service about the amendment. It definitely endeavours to fix the financial responsibility in connection with the work that should have been carried out ages ago. Because it was not carried out, Australia has been left in a position of danger today. All defence matters are the concern of the Commonwealth Government. If for the purpose of defence it decides that the gauges of the various States should be widened or reduced so that people may be moved rapidly from one end of the continent to the other, then the entire cost should fall upon that Government. I suggest that it will not be long in the ordinary process of evolution when everything we

possess will be in the hands of the Commonwealth authorities.

Mr. WITHERS: There has been a great deal of discussion in connection with matters Federal and otherwise. We have had lectures on history, on history repeating itself, on history revealing this and that. We go by history, and therefore cannot see the position as it ought to be seen today. The history of the unification of gauges in Australia should cause members to realise the position as it has been pointed out by the Premier. We know what took place between Port Pirie and Port Augusta, and we also know what was in the minds of the authorities at the time. What was in their minds was the parochialism of South Australia. I do not know the amount involved, but it was an enormous sum. The Commonwealth Government had to go to South Australia for permission to put in a railway. Today it has to pay an annual rental for the railway operating in South Australian territory.

We have not got the railway from Port Pirie to Broken Hill, because South Australia stood in the light of the Commonwealth Government which wanted to spend the money of the people of Australia—not those of South Australia or Western Australia but of Australia—for that purpose. Because South Australia would have lost the trade between Western Australia and New South Wales it put obstructions in the way of the Commonwealth when it wanted to construct that railway through South Australian territory. The Commonwealth now seeks power so that it can do that. The Port Pirie-Port Augusta section was opened before the war. It linked, in a uniform way, the railway gauges of the States. I do not think the States would be asked to contribute 1s. for any line from Port Pirie to Broken Hill. I cannot understand the logic of members opposite who want to tie the Commonwealth down to this.

Mr. Patrick: We are not tying it down.

Mr. WITHERS: That is not correct. If history repeats itself we will not, on this occasion, be asked to contribute. The Commonwealth Government will have the power to construct the railway from Kalgoorlie to Perth without getting the consent of Western Australia, or having to pay compensation to this State for operating over our land. As the Premier pointed out, we

may be asked to contribute something if it is of benefit to us. If, however, we follow history we will not be asked to pay 1s.

Mr. SEWARD: It seems a great pity that the member for Bunbury was not at the Convention held in Canberra. He could have cleared up things quite nicely for them. In the report of the Convention Mr. Baker asked the following question:—

Will it enable the Commonwealth actually to standardise the gauges, or to make general laws with which the States must comply?

He got no reply to his question. The member for Bunbury could have cleared it up quite easily. The Bill is quite clear to the hon. member, but obscure to everyone else.

Mr. Withers: There was nothing to reply to.

Mr. SEWARD: Uniformity of railway gauges is a delightfully vague phrase. What does it mean?

The Premier: The power to make laws.

Mr. SEWARD: Why does the Commonwealth want an alteration of its powers? At present it has the necessary power provided it takes into consideration the States and pays some regard to their financial position. During this debate it seems to have been made clear that the Government is keen on throwing away its present powers and responsibilities.

Mr. W. Hegney: Your leader agreed to it.

Mr. Watts: That is a definite untruth and the hon. member knows it.

Mr. SEWARD: Whenever, during the past years, a debate has taken place on the railway Estimates, the Premier, who was Minister for Railways, and his predecessors and successor, have told us that the deficit of the State and that of the Railway Department are due to the impossibility of the railways earning sufficient revenue to service their capital debt, which is about £25,000,000. It has been stated that it is necessary to raise fares and charges on the State railways in order to service that debt. Yet the Government is glibly prepared to hand over the right to increase that debt by about £8,000,000. The Premier admitted that if we give the Commonwealth this power the first railway gauge to be made uniform will probably be that between Kalgoorlie and Perth. If the State had the right to make any suggestion or stipulation as to where that particular railway should go it would probably indicate that it might follow a

route other than the existing one from Kalgoorlie through Merredin to Perth. If the existing line is followed, obviously the cost will be trebled. All the station buildings would have to be moved, bridges widened and new sleepers put down, etc. The fact that it would go through all these junctions mentioned by the Premier should indicate to the Commonwealth Government that that is the particular route required for defence purposes because it was linked up with the fourteen lines to which he referred.

Therefore, by putting the subject-matter of this paragraph in the hands of the Commonwealth Government, this Government is willing to incur an expenditure—assuming it is correct—of £8,000,000, whereas if another route were taken the line might be constructed for £2,000,000, or £2,500,000. That is a responsibility which we on this side of the Chamber are not prepared to give away. The member for Middle Swan delivered a fiery oration and seemed indignant with those on this side, but immediately he finished he broke out in a broad grin and walked out of the Chamber. He accused opposition members of being opposed to uniform railway gauge, but not one member on this side has made such a suggestion. Indeed, the member for Claremont, who took part in the debate, has for years been emphasising the necessity for this work. We all recognise that necessity, but we do not believe that it should be purchased at any price. We believe in retaining some responsibility in the matter. The Premier in the course of his remarks indicated that it did not much matter whether the ends of a system were out of gear with the whole system so long as the middle was in operation.

I want to point out the position of Victoria which has not got a 4ft. 8½in. gauge, but a 5ft. 3in. gauge. If we are to have a uniform railway gauge we should deal with the middle of the system first so that we can travel, at least, from the border of Queensland to Kalgoorlie in Western Australia. With a break of gauge in the middle of the system it is time that we got Victoria to take some action. We should ensure that, before we surrender to the Commonwealth the right to alter our gauge and make the State bear the cost. But Victoria is not going to do that! The Victorian Act stipulates that it will not take effect unless all the States pass the same Bill. South Australia has made radical alterations in its

Commonwealth Powers Bill; therefore, the Victorian Act will not take effect. So here we have a Government supposed to be in control of the finances of the State, continually pointing out that it cannot give this concession or deal with education, etc., because of the lack of money. Yet it is perfectly willing to throw this tremendous power into the hands of the Commonwealth and say, "Go ahead, and we will pay the debt."

Mr. Thorn: I would like to hear the Minister for Railways on it. I bet he does not agree with it!

Mr. SEWARD: He must, because he has voted for it. Unfortunately we do not know the view of all the members of the Government; we have only heard one or two. They only come in when a division is held.

Mr. Withers: We do not hear from a great number on your side.

Mr. SEWARD: When we do make a contribution we are told that we are stone-walling. This is almost sabotaging the State.

The Premier: Who told you that you were stone-walling?

Mr. SEWARD: It was interjected the other night, but I am pleased to say that this debate has been conducted on a very high level. I only regret that we have not had more contributions from the other side. The Premier was just about at the end of his tether last night after his long lone fight during the afternoon.

The Premier: I have many reserves.

Mr. SEWARD: I wish he had abandoned them about an hour before he did. There is no desire on the part of members on this side of the Chamber to imperil the safety of the nation by not having this uniform gauge. We want it, but we do take some notice of the evidence of the Select Committee. On page 355 of its recordings in addition to what the member for West Perth read, the hon. member asked this question—

Would we not be well-advised to amend this proposed power to bring it more into line with the existing railway provisions contained in Section 51 by referring the power of uniformity of railway gauges to be carried out by the Commonwealth?

The Solicitor General made this reply—

I think it is desirable to make it clear by the language used in this paragraph who is going to be saddled with the expense.

Obviously it is most desirable. I cannot imagine any undertaking being agreed to where the State hands over full responsibility to do the work regardless of the

amount involved and who has to meet the expense. I hope the Government will realise that its duty is to safeguard the taxpayers. I support the amendment in the hope that by passing a subsequent amendment the finances of this State will be safeguarded and we will not incur expense that an outside power might dictate, and saddle us, not only with the railways, but with a bigger debt for the State to service.

Mr. HILL: I support the amendment. The paragraph is altogether too vague. If the Commonwealth is the reasonable authority that the Premier and his supporters would have us believe, they should not object to this safeguard. At the same time the Commonwealth should have power to over-ride anything in the shape of narrow-minded parochialism. I was born at Hamley Bridge, South Australia, and within a stone's throw of a 5 ft. 3 in. and a 3 ft. 6 in. line. There was a 5 ft. 3 in. gauge to Terowie, and Hamley Bridge was the terminus of the 3 ft. 6 in. gauge serving Yorkes Peninsula. Sir Henry Barwell was responsible for having the 3 ft. 6 in. gauge from Hamley Bridge northward converted to the 5 ft. 3 in. gauge. I visited Hamley Bridge a little over two years ago and could not help noticing the parochialism exhibited by some of the people. The conversion caused a setback to Hamley Bridge as the freight had no longer to be transferred there from one gauge to the other, and some people there still harbour a grievance against Sir Henry Barwell. A few days afterwards I travelled to Terowie on the 5 ft. 3 in. gauge. At midnight we transferred to the 3 ft. 6 in. gauge, and next morning, on leaving the train, I took a motorcar, travelled into Broken Hill and boarded a train of the 4 ft. 8½ in. gauge for Sydney. The fact that there is not a 4 ft. 8½ in. gauge between Port Pirie and Broken Hill can only be described as a calamity. To unify the gauges would be very costly.

Let me refer to Russia's experience. Russia built lines on a very broad gauge, 5 ft. 3 in. or 5 ft. 6 in. In 1904-5, during the Russo-Japanese war, the Japanese used a 3 ft. 6 in. gauge. When they invaded Manchuria from Korea and captured the Russian railways, they converted them to the 3 ft. 6 in. gauge by cutting off the ends of the sleepers so that if the Russians recaptured the line, they could not reconvert it

to the broad gauge. In 1914, when the Germans advanced into Russia and captured railways of 5 ft. 3 in. gauge, they narrowed the gauge. Similar action could be taken in South Australia and Victoria. To convert their broad gauge to the 4 ft. 8½ in. gauge would be easy. I agree with the member for Claremont that the cost of converting the gauges should be a Commonwealth responsibility. In South Africa, where the railways made a profit of £22,000,000 in five years, the gauge is 3 ft. 6 in. This also applies to Japan. What we need in this State is not a broader gauge but better administration.

The Minister for Mines: You were making a good speech until you said that.

Mr. HILL: A uniform gauge throughout Australia, especially for military purposes, is an urgent necessity, but the cost will be enormous. While I am in favour of empowering the Commonwealth to bring about a uniformity of gauges, the central authority should not be placed in a position to compel a State like Western Australia to bear the cost of the conversion.

Mr. McDONALD: In spite of the statement of the member for Middle Swan, if there is one subject upon which members of this Chamber have shown uniformity of thought, it is that of uniformity of gauge. Consequently there is no point in discussing whether uniformity of gauge is desirable. By every member of this Chamber it is accepted as an axiom. The Premier said that we could rely upon the Commonwealth's doing the right thing. On that point I have a certain amount of sympathy with the statement made by Sir James Mitchell when he was Premier of the State. It is recorded in that interesting documentation, "The Case for Secession." He said, in respect of Federation generally—

Everything they said would happen has not happened and everything they said would not happen has happened.

This being a national matter, the expense should be the obligation of the Commonwealth and we could contribute voluntarily if we so wished. The Premier wants the paragraph to stand, and under it the expense will fall on this State—

The Premier: Oh, no!

Mr. McDONALD: That is the legal advice—and the Commonwealth will contribute if it wishes. I do not claim Mr. Ward

as my brother, though I claim to be in comradely relationship even with members of the Commonwealth Parliament, but they represent to us the Federal lion. Six months ago the Federal lion invited us to put our right hand into its mouth, muttering something about uniform income tax, and when we put it in the lion bit it off. The Premier was upset and went to the High Court in the hope of getting his hand returned to him, but was unsuccessful. Now he is trying to represent the Federal lion as of a very indulgent and kindly nature, and he wants us to put our left hand into its mouth, saying, "It will not bite your hand off." I am not so sure. I do not propose to put my hand or my head into the Federal lion's mouth, and that is why I propose, in view of experience, that we insert a clear statement in the paragraph stipulating that, as this is a national work, it shall also be a national expenditure, reserving to ourselves the right we have at any time to offer to pay the whole or any part of the expense. We would not deserve well of this State if we failed to make the position clear and safeguard our rights in this respect.

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

Ayes	..	..	..	17
Noes	..	..	..	18
				—
Majority against	..			1
				—

AYES.

Mr. Berry
Mr. Boyle
Mrs. Cardell-Oliver
Mr. Hill
Mr. Kelly
Mr. Mann
Mr. McDonald
Mr. North
Mr. Perkins

Mr. Sampson
Mr. Seward
Mr. Shearo
Mr. Thorn
Mr. Warner
Mr. Watts
Mr. Willmott
Mr. Doney

(Teller.)

NOES.

Mr. Collier
Mr. Coverley
Mr. Fox
Mr. Hawke
Mr. J. Hegney
Mr. W. Hegney
Mr. Johnson
Mr. Leahy
Mr. Needham

Mr. Nulsen
Mr. Panton
Mr. Sleeman
Mr. Tonkin
Mr. Triat
Mr. Willcock
Mr. Wilson
Mr. Withers
Mr. Cross

(Teller.)

PAIRS.

AYES.
Mr. Abbott
Mr. Keenan
Mr. J. H. Smith
Mr. Hughes
Mr. McLarty
Mr. Stubbs
Mr. Patrick

NOES.
Mr. Holman
Mr. Millington
Mr. Raphael
Mr. Rodoreda
Mr. F. C. L. Smith
Mr. Styants
Mr. Wise

Amendment thus negatived.

Mr. SEWARD: I move an amendment—

That the following words be added—"but subject to an agreement having been first made between the Governor-in-Council and the Commonwealth as to the payment of the cost of conversion of rollingstock that may be necessary."

During the discussion on the amendment just disposed of it was pointed out that, if the State is to be saddled with the expense of the change of gauge, its share of the construction would be considerable. If this power is granted to the Commonwealth and the gauge between Kalgoorlie and Perth is unified, the Commonwealth might say, "In the interests of defence we now want you to unify the gauges between Perth and Albany and Perth and Geraldton." If that were done, much of our rollingstock would not be usable and new rollingstock would be required.

The Premier: Do you suggest that the Commonwealth would make the Midland Railway Co. pay for the conversion of its line?

Mr. SEWARD: The Commonwealth might decide to convert the Wongan Hills line. As was pointed out in the evidence before the Select Committee, it follows that any new line which might be built after this power is granted would have to be on the new gauge. New lines will be required if the State is to be developed, and we would be placed in a hopeless position as regards rollingstock. An enormous number of new vehicles would be required. I want to give some idea of the value represented by our rollingstock. The capital cost of the railways we know amounts to £25,000,000 or £26,000,000. I have estimated that the cost of the rollingstock at present on the lines is £5,500,000. The amount is made up as follows:—

413 engines (the cost to put on the track; deterioration to be allowed for)	..	..	1,743,968
Passenger vehicles	..	..	845,000
Motor stock	..	..	93,607
Brake vans	..	..	207,000
Wagons, four-wheeled	..	..	1,939,000
2,300 bogey wagons	..	..	641,000

£5,469,575

That represents a huge proportion of the railway constructional costs, and if we are to sacrifice that rollingstock, or allow a big proportion of it to remain idle, because of the unification of the gauge, it will be an

immense loss to the State. Further, we shall not receive any compensation. In addition, we shall have to undertake the supply of new rollingstock for the broader gauge, and this might easily amount to £2,000,000. That would be a huge liability for us to undertake, and consequently we should have some safeguard.

Mr. McDONALD: New South Wales members are not likely to vote any money to compensate this State for its loss.

Mr. SEWARD: Nor would the Victorian members! The prosperous State of Victoria is not affected by this power at all. It has a 5 ft. 6 in. gauge throughout its system and as the Bill passed in that State contains a clause to the effect that the Bill is to be inoperative unless all the States agree, and already South Australia differs, there will be no necessity to alter the Victorian gauge. Yet this State, undeveloped, admittedly hard pressed for revenue, is asked to saddle itself with further financial responsibility, as to the extent of which we are unable to form an estimate. Both New South Wales and Victoria have a big voting power in the Commonwealth Parliament, and consequently we should not allow them to force Western Australia to accept financial responsibility for the unifying of railway gauges. That is too big a responsibility for us to accept, hence my amendment.

Mr. NORTH: I move—

That the amendment be amended by inserting before the word "cost" the word "total."

In my opinion, the total cost of conversion to a uniform gauge should be an Australia-wide expense. As the member for Pingelly has pointed out, it will be necessary for this State to provide for the conversion of its rollingstock as well as for the conversion of its permanent way. The paragraph does not include any provision for the payment of that work. The Premier himself has said that we may be called upon to pay a considerable proportion of the cost. This State should not be called upon to bear the cost, because South Australia is not being called upon to bear the cost of the conversion of the railway line near Port Pirie. The Commonwealth Government is carrying out that work. My amendment will make it beyond doubt that the cost of the conversion will have to be paid by the people of Australia as a whole and not by the State of Western Australia alone. I rather expect, after the

experience of the other amendments, that my amendment will not be carried, but I put it forward with the idea that members will realise that this work should be carried out at the expense of the Commonwealth Government.

Amendment on amendment put and passed.

Mr. NORTH: I move—

That the amendment be amended by inserting after the word "conversion" the words "including that."

The PREMIER: I desire to know where the Committee stands. If the amendments moved by the member for Claremont are carried, can the Committee subsequently vote against the amendment, as amended, moved by the member for Pingelly?

The CHAIRMAN: Yes.

The PREMIER: That is what I propose to do.

Amendment on amendment put and passed.

Mr. NORTH: I move—

That the amendment be amended by inserting after the word "rollingstock" the words "permanent way and also of any losses which may be incurred by the State railways as a direct result of such conversion."

Amendment on amendment put and passed.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	19

Majority against 1

AYES.	
Mr. Berry	Mr. Perkins
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Keenan	Mr. Thorn
Mr. Kelly	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. North	Mr. Doney

(Teller.)

NOES.	
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Pantin
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Willcock
Mr. Johnson	Mr. Wilson
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Cross
Mr. Needham	

(Teller.)

PAIRS.	
AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. J. H. Smith	Mr. Raphael
Mr. Hughes	Mr. Rodoreda
Mr. McLarty	Mr. F. C. L. Smith
Mr. Stubbs	Mr. Ryan
Mr. Patrick	Mr. Wise

Amendment, as amended, thus negatived.
Paragraph put and passed.

Paragraph (k)—National works, but so that the consent of the Governor-in-Council shall be obtained in each case before the work is undertaken and that the work shall be carried out in co-operation with the State:

Mr. McDONALD: This paragraph proposes to give to the Commonwealth Parliament power to make laws as to national works, which would involve power to construct national works. There are qualifications to this power, namely that the consent of the Governor-in-Council must be obtained before work is undertaken and that the work shall be carried out in co-operation with the State. I move an amendment—

That before the word "national" the words "Construction of" be inserted.

The reason for the amendment is to make it clear that we mean that the power of the Commonwealth Government and Parliament will be to construct national works. This power would be one exercised in conjunction with the power in connection with unemployment. The words I propose to have inserted are clarifying, and at the same time possibly limiting as regards this power. I am prepared to see authority given to the Commonwealth Parliament to authorise and carry out the construction of national works, but I do not like the reference of power as it is now printed in this paragraph, merely the term "national works." I do not know what that means. I am not too sure what interpretation would be given to the term "works." It has a very extensive definition in the State Public Works Act, but there is no definition in this Bill or in any Commonwealth legislation on the statute-book today. I do not want to see the Commonwealth under this power claiming to set up national works of a kind which it is going to operate possibly in competition with the State.

The Premier: It says "with the co-operation of the State."

Mr. McDONALD: It might well be that the works would be of such nature that they would involve an overlapping of the two authorities.

Mr. W. Hegney: That would not be anything new.

Mr. McDONALD: No. I do not want to see any activity started by the Commonwealth of a kind we cannot conjecture now.

Mr. J. Hegney: Commonwealth works are going on alongside State works now.

Mr. McDONALD: We have had a Select Committee inquiring into the activities of the Commonwealth Government in constructing works that appear to us to be absolutely unnecessary in the Fremantle area. I think I know reasonably well what is meant by "the construction of national works;" but I do not know, and the Commonwealth has made no attempt to tell us, the full meaning of what may be involved in the term "national works." It has been suggested that this may mean irrigation works, port instalations, housing schemes, etc. All of these might be desirable and the power to construct them might be something that I would give the Commonwealth for the period mentioned in the Bill, as would everyone else. But I want its power limited to construction. If it wants to operate works, as it would now be empowered to do under this paragraph as printed, I would say, "Come to the State and tell us what you want to do in the way of operation and we will consider it." I suggest it be given power to construct works, and then we say, "If you want to do more than that, if you want to operate works in this State, that can be a matter for further representations by you to the State in which you will tell us exactly what you want to do, and why." And in that case, as in all other cases, the Commonwealth need not fear that this State and this Parliament will fail to co-operate in any matter in which it should co-operate.

The whole trend of this legislation is this: Trust the Commonwealth Parliament! But when it comes to trusting the State Parliament and the people of the State, the Commonwealth says, "No, we do not propose to put any trust in you: all the power must be in our hands. We are not prepared to trust you to give us power when the time comes. We want it all now, even though we are not able to tell you how we are going to use it or the extent of the power we are asking for." I say, "We will give you all the power that appears now to be necessary, and it is up to you to trust us to give you any additional power if later you demonstrate that additional power is required." This amendment will give the Commonwealth Parliament all the power it wants at present and all the power it has justified itself in asking for in the information it has given up to date. This amendment represents the pre-

cise length and limit to which this Parliament should go at the present time.

The PREMIER: I think the member for West Perth is carrying his ideas a little too far in regard to this. All that is required is stated in the paragraph. The hon. member says we should give power only to construct national works and afterwards give power to do something in connection with them. But we would not give the Commonwealth power to construct in the first instance unless we knew all about the scheme. That is when we should consider the matter rather than give it power to construct and afterwards say, "It looks different from what we thought on the plan and we will not let you operate." The proper interpretation of a national work is a big work which should be undertaken by the nation. The words have their ordinary meaning. I have seen a lot of references in scientific journals in regard to alterations of river-courses in Australia. For instance, there is in the north of South Australia country in which there is a heavy rainfall and rivers run from there to the Gulf of Carpentaria. By the expenditure of a large amount of money—say £40,000,000 or £50,000,000—those rivers could be diverted to run south through a lot of good country in South Australian territory which suffers from insufficient rainfall. So the whole aspect of that country and the back portion of New South Wales could be changed.

Hon. N. Keenan: Has a river ever been altered to cause it to run in the reverse direction from which Nature intended it to run?

The PREMIER: It could easily be done. In my travels I have seen where the River Rhine and the River Rhone start in Switzerland. They are only 40 or 50 miles apart. One runs to the North Sea and one runs south to the Mediterranean. Of course, the mountains there are very high. Anybody who has travelled through Victoria from Melbourne to Seymour—a distance of about 60 miles—will have seen the Goulburn River, which comes from Seymour. That is in a very high watershed, and a tunnel could be driven through that to divert the water so that, instead of its going to the Murray, it could be used to irrigate all that area inside the mountain. That is a work of a national character, a work which would require to be done on a national scale. Can

we say that the Commonwealth Government should have no power to operate such a work, which is of tremendous benefit to the owners of the land? Should it not have the right to levy a rate on the land in return for the benefits which would be conferred on that portion of the country because of the diversion of the river? Should the Commonwealth not be able to operate such a scheme and get whatever the people can afford to pay? I do not mean that it should place a tremendous impost on the people, but it should be able to levy a rate that would help in the administration, as we do in regard to our agricultural areas. We do not charge a rate on the cost of the construction but we charge a rate for reticulation.

There are works of a national character that the Commonwealth will carry out in connection with its post-war reconstruction activities, and an expenditure of millions of pounds will be involved. The Minister for Industrial Development mentioned some of the projects in connection with Western Australia. One is to construct a large reservoir on the Fitzroy River. That will not be a payable scheme, but if we succeed in interesting the Commonwealth Government in it we shall probably be able to settle from 5,000 to 10,000 people in one of the most vulnerable portions of the Commonwealth. While that scheme would not be regarded as a commercial proposition, it would be justified on a national basis. If the Commonwealth undertook the work, surely it would be entitled to operate the scheme and recover some portion of the expense involved in the interest payments on the huge outlay. Surely it should be entitled to some medium of contribution from those affected by the scheme! We should not limit the construction of such schemes as proposed, otherwise the Commonwealth would not for a moment consider embarking upon them. The Commonwealth would possibly consult the State and would tell the State Government it could carry out the scheme, but surely if the Commonwealth is prepared to spend millions on works such as those I have indicated, it should receive some benefit. The member for Nedlands mentioned water schemes.

I am reminded that in New South Wales a big water diversion scheme is in hand. A channel is being put through the mountains so that the water instead of flowing inland

may be diverted into the catchment area for the Sydney water supply. By that means provision will be made for a long time hence, just as we have made provision here by the erection of the Canning Dam. The Government was not justified in undertaking that work apart from the fact that we had to provide for large numbers of men who were unemployed and for whom something had to be done. As it is, we now have made provision for the metropolitan water supply for upwards of 30 years to come. The Commonwealth Government will be confronted with a tremendous problem in finding employment for those who will be diverted from war work when peace returns, and it will be justified in undertaking big national works because of the exigencies of the time. If it has an opportunity to recover a small proportion of the cost as a contribution towards interest payments, I for one would not object to the Commonwealth exercising that right.

I would be quite prepared to agree to the Commonwealth Government undertaking the construction of the dam across the Fitzroy River under those conditions. We are anxious to establish population in the Kimberleys and that in itself should be a justification for the work on a national scale. It must always be borne in mind that the consent of the Governor-in-Council must be obtained before any such work is undertaken, and that the work must be carried out in co-operation with the State concerned. The paragraph is tied up with that safeguard. As it stands, the position is safeguarded in every reasonable way. That in itself should meet with the approval of members, but they apparently desire not only a double knot but a reef knot in order to tie the position up even more securely. I have no hesitation in recommending the adoption of the paragraph. I have no doubt but that big undertakings will be carried out, although I do not know that they will be in Western Australia.

Projects under review here affect the Kimberleys and the Gascoyne and also include the raising of Mundaring Weir by 20 feet. If the latter work were undertaken it would enable the State Government to reticulate the countryside as far as Dalwallinu, where serious water shortages have existed from time to time. While we could not expect to get any adequate return on the capital outlay involved, the provision of that work

alone would have a tremendous effect in opening up the country for stock and other purposes. I do not imagine that we should confine ourselves to wheatgrowing in those areas with the object of securing an 80,000,000 bushel harvest, for I think that we should go in for stock as well and that involves the provision of water.

Mr. North: It would pay indirectly.

The PREMIER: The Commonwealth will have to pay interest on such schemes for national development and accept responsibility for its fair proportion of the cost. It would not be right for the State to expect to be left with a tremendous asset, to the cost of which it had contributed nothing at all.

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

Ayes	16
Noes	19
Majority against ..	3

AVES.	
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Kelly	Mr. Thora
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. North	Mr. Willmott
Mr. Perkins	Mr. Doney
(Teller.)	
NOES.	
Mr. Berry	Mr. Nulsen
Mr. Collier	Mr. Pantou
Mr. Coverley	Mr. Slesman
Mr. Fox	Mr. Tonkin
Mr. Hawke	Mr. Triat
Mr. J. Hegney	Mr. Willcock
Mr. W. Hegney	Mr. Wilson
Mr. Johnson	Mr. Withers
Mr. Leahy	Mr. Cross
Mr. Needham	(Teller.)
PAIRS.	
AVES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Keenan	Mr. Millington
Mr. J. H. Smith	Mr. Raphael
Mr. Hughes	Mr. Rodoreda
Mr. McLarty	Mr. P. C. L. Smith
Mr. Stubbs	Mr. Styanis
Mr. Patrick	Mr. Wise

Amendment thus negatived.

Paragraph put and passed.

Paragraph (1)—National health in co-operation with the State; agreed to.

Paragraph (m)—Family allowances; agreed to.

Paragraph (n)—The people of the aboriginal race:

Mr. WATTS: I move an amendment—

That before the words "The people" the words "Financial assistance to the State to enable such plans as are agreed upon by the

Commonwealth and the State to be carried out by the State for the protection and betterment of" be inserted.

I wish to make sure that there is no possibility of any wrong action being taken. On further consideration of the paragraph, I feel sure I shall have the support of the Minister for Native Affairs.

The Minister for the North-West: Who assured you on that point?

Mr. WATTS: If the Minister is not prepared to support the amendment, then he is prepared strongly to differ from the gentleman who holds the important post of Commissioner of Native Affairs, as I hope in a very few minutes to prove to the Minister's satisfaction. The amendment, it will be noted, recognises that as regards financial assistance provided by the Commonwealth for this matter it is entitled to have its share in arranging the policy to be followed. From time to time it has been argued that the Commonwealth will not provide funds for such a purpose to be spent by the State irrespective of any control over the expenditure. I see no objection whatever to such expenditure being under control, by way of a concession to those who hold that view. Accordingly the amendment provides that concession. I had previously expressed my own views on the question in this Chamber, being definitely against handing over to the Commonwealth Government the whole control of the people of the aboriginal race in this State. I do not propose to repeat my own views, but merely to say that I subscribe entirely to observations made by Mr. F. I. Bray, Commissioner of Native Affairs, before the Select Committee. I propose to read part of that gentleman's evidence—

I urge the Committee to favourably consider the passage of the Bill for the transfer of the native question to the control of the Commonwealth Parliament. I do so for financial reasons alone.

I would like the members of this Committee to bear that last remark in mind.

Alternatively I would suggest that we might have some working arrangement with the Commonwealth authorities respecting the native question, mainly in respect to welfare aspects. The State Government is not able to afford the expense necessary to place the native question on a proper footing.

Later in his evidence Mr. Bray gives a list of necessary expenditure, which apparently he considers to be at the present time be-

yond the capacity of the State. On page 127 he proceeds—

A much better arrangement would be for the State to co-operate legislatively and financially with the Commonwealth Government on the basis of my evidence to the Social Security Committee, in February, 1942, when I advocated a Commonwealth subsidy of £3 for every £2 of the net State expenditure, and allow the native question to go on under the State law as at present.

So Mr. Bray considers that to be a much better arrangement.

Moreover, I am anxious that we should retain the interest of all parties. Much depends on this, and if the native question is transferred to the Commonwealth Government I fear that many people might believe that it is a national question and take little interest in the welfare of the natives. Therefore I personally favour a compromise as between the Commonwealth and the States . . .

Later Mr. Bray raises the question as to the meaning of the phrase "aboriginal race." He says—

An aboriginal is an aboriginal, and it seems to me that some further information is desirable as to what the Commonwealth Government has in mind by its reference to the "people of the aboriginal race." Different interpretations exist throughout Australia regarding the definition of a native, and the word "aboriginal" is mainly read in its restricted sense. In view of this, and since persons of deeper native blood than quadroons are legally natives in Western Australia, and as the colour question as distinct from the full-blood aboriginal question is of deeper and more extensive interest to the people, I feel that more light is required as to what the Commonwealth Government has in mind.

A clarification on those lines would be quite unnecessary if the amendment were accepted, because the State Government would be possessed of the ability to deal with that small part of the native community which is not of the full blood, when we are receiving adequate assistance on a co-ordinated policy basis from the Commonwealth. Then Mr. Bray proceeds to quote the report of the Royal Commission on the Constitution which sat in 1927, and did not recommend that Section 51 should be amended so as to empower the Commonwealth Parliament in regard to the making of laws in respect of aborigines. The Royal Commissioners said—

We recognise that the effect of the treatment of aborigines on the reputation of Australia furnishes a powerful argument for a transference of control to the Commonwealth. But we think that on the whole the States are better equipped for controlling aborigines than the Commonwealth.

Not wishing to take up the time of the Committee unnecessarily, I shall not quote the remainder of the report. It is quite clear, however, that the Commission did not recommend a transfer to the Commonwealth, although it had examined the matter most carefully. Then Mr. Bray goes on to say—

Even though I advocate Commonwealth control or a compromise arrangement with the Commonwealth authorities for the native question, I am not prepared to say that the Commonwealth Government has shown any great aptitude in the control of natives, judging by its efforts in the Northern Territory.

I have previously expressed my opinion that native control in the Northern Territory has not been a credit to the Commonwealth since it took over that control a good many years ago. On page 128 Mr. Bray is reported as follows:—

Quite possibly it (Commonwealth control) has done well in the Pacific and in New Guinea, but in these regions it has had to do with native races of a different calibre. Lack of finance has been the chief cause of any shortcomings in the administration by the State of Western Australia. Legislatively we appear to have a fine Act of Parliament, and had we some tens of thousands of pounds to spend I feel sure we could embellish our activities and do more for the natives in the way of up-to-date settlements, etc., for their education and training and better living conditions.

On page 130 Mr. Bray deals with the sexual question as it affects the natives, and observes that in the eastern States of the Commonwealth, in most of which the native population is comparatively small, these matters are not viewed in the same light as they are in Western Australia. We have approximately 27,000 natives in all. He goes on to remark:—

Sentiment and theory are good things in themselves, but in my opinion it would have been better for all parties were some information available to us as to the legislation contemplated. Sentimentalists and theorists mean well, but they have a tendency to look at the matter superficially, and are prepared to advocate something which legally they have not looked into.

That is extremely sound advice to members on the opposite side of the Chamber. The subject has been the most serious source of complaint in this debate. I am indebted to Mr. Bray for the excellent phraseology with which he has provided me.

No doubt the Commonwealth Government has had pressure from time to time by these types of well-meaning people, and possibly the result is that we have this Commonwealth proposal before us in its vague form so far as the

natives are concerned. In some States the native question is a diminishing one; in others it is an increasing one in that it has not been properly tackled, owing to lack of finance. In Tasmania there is no native question, and in Victoria the natives have declined considerably; so the question may not be of widespread interest; and in my opinion the State members of Parliament are better able to legislate for the native question in Western Australia as against the inexperienced Federal members of Parliament from the States of Victoria and Tasmania. Personally, as previously stated, I favour a co-operative policy between the Commonwealth and State Governments resting on the State laws, with power to the Commonwealth Government to legislate unto itself extra powers for the provision of extra settlements, the mental and social development of natives, and scientific aspects. Since in these days almost anything is possible constitutionally and legislatively, I should not imagine any difficulty in drafting a co-operative law along these lines. If this were possible we would retain unto ourselves the interest of all parties, including the State Parliament, in the welfare of the natives, and yet be able to manage them domestically according to our own legislation which is appropriate to the considerations involved in the native question in Western Australia, aided by a grant of £3 for every £2 of State expenditure.

In any event it is necessary that the power of decision and action should remain in the State. Promptness of decision, apart from my doubt of the ability of the Commonwealth Parliament to produce an acceptable uniform law, is a very necessary requisite in native administration. Daily prompt decisions are necessary, and decisions are reached which involve the expenditure of presentable sums of money. If these questions have to be referred to a central authority, then I am certain there would be a great deal of chaos...

So, without being unfair to the Committee by reading any more of the voluminous evidence, which emphasises and amplifies the views I have expressed, it is quite clear to me that there is no sound reason why our people of the aboriginal race should be handed over to the Commonwealth. There is no public demand that they should be handed over. The Commonwealth Royal Commission, after carefully inquiring into the matter a few years ago, decided that the Commonwealth should not have them. Our own Commissioner of Native Affairs sees much more satisfaction in a proposal such as I submit. He was, in fact, asked whether he thought the amendment would meet the case, and expressed the opinion that it would. Therefore I have much pleasure in moving this amendment.

The PREMIER: Rather a peculiar position exists in relation to our aborigines. It

is a strange thing, and one not known to the majority of our people, that the Commonwealth in its own powers can legislate for people of any race, type or kind and that the only matter specifically excluded from any Commonwealth legislation under Section 51 is legislation reterring to the Australian aboriginal race. Paragraph (xxvi) of Section 51 provides that the Commonwealth may legislate in respect of the people of any race, other than the aboriginal race, of any State for whom it is deemed necessary to make special laws. Thus the Commonwealth Constitution debars the Commonwealth Parliament from dealing with any people of the Australian aboriginal race—except, naturally, the natives of the Northern Territory. The original Western Australian Constitution Act of 1889 by Section 70 made it a condition of the Constitution itself that a fund must be provided for the welfare of the aboriginal natives of Western Australia and expended on food and clothing, without which they would otherwise be destitute, and for the education of native and half-caste children, and generally toward promoting the welfare and preservation of the aboriginals.

I believe that our original Constitution Act included a stipulation that an amount of £13,000 must be expended annually for the welfare of the aboriginals. It is not desirable that we should repudiate an obligation that we accepted under our Constitution. If there is one thing that is a national matter, it is the welfare of the aboriginal. It is not the duty of any one or two States. The Commonwealth Government, or the original States, expropriated all the property, rights and land of the aborigines, except for the native settlements which were established for their care. Some States have no obligations in this matter. We meet our obligations to the extent of £50,000 or £60,000 a year. No natives have been born in Tasmania for the last 50 years, although I believe one native went there from some other State. I do not think Victoria has any full-bloods although it has a fair number of half-castes. There are many half-castes in New South Wales, and Queensland has a large number of natives. The problem, per head of population, is largest for Western Australia. We have more aborigines, in fact, than has any other State, and are faced with a big financial problem. This is something that the National Government could under-

take on behalf of the people of Australia. International people are interested in the way native races are treated by countries which colonise and take possession of them.

When oversea people travel across Australia and see the natives along the Trans line, it does not appear to them that our treatment of the aborigines is very good. Some severe criticism has been made about the treatment meted out by the people of Australia. I understand that the Commonwealth Government is anxious to shoulder some of the responsibilities involved in this matter, but it is specifically excluded from doing so by the Constitution. The whole purpose of this paragraph is to give the Commonwealth Government power to legislate for the people of the aboriginal races. That power was previously reserved to the States. While I am in favour of power to assist being granted, I am sure we will not repudiate our obligations as set out in our Constitution. We could immediately improve the conditions of the natives if sufficient financial assistance were granted by the Commonwealth Government, but it cannot do that by virtue of the prohibition expressed in the Commonwealth Constitution. We should, therefore, give power to the Commonwealth Government so that it can legislate and assist this State financially. Whether the amendment is necessary or not, I am not at this stage prepared to say. The Minister for the North-West has decided views on this matter.

Hon. N. KEENAN: This particular paragraph of the Bill proposes to refer to the Commonwealth the subject-matter of the people of the aboriginal race. It is not beyond the understanding of any layman that the Commonwealth Constitution, as it exists today, cannot be altered except in the one single manner provided in the Constitution, by Section 128, which makes it perfectly clear in these words—

This Constitution shall not be altered except in the following manner—

The Commonwealth Parliament has no power as the Constitution stands to deal with aborigines. Among the matters which the Commonwealth can make laws in respect of, by Section 51, paragraph (xxxvi), are the people of any race, other than the aboriginal race. If the paragraph in this Bill means anything, it means an amendment of

that paragraph. It removes the words I have just read—

Other than the people of the aboriginal race. It is extraordinary how Bills of this character are brought forward.

The Premier: It is a matter for the Commonwealth Government to deal with any legislative power that we might give it.

Hon. N. KEENAN: We cannot give it.

The Premier: We can give it, but whether the Commonwealth Government can accept it, in view of its Constitution, is, as you say, a moot point.

Hon. N. KEENAN: It is not a moot point at all. It is quite clear. If it is open to only one construction, it is not a moot point. The Premier agrees that we cannot amend the Constitution. The only people who can do that are the people of Australia, and when they do amend it they must do it in a particular way. We are now attempting to do this in a ridiculous surreptitious manner, which has no effect. If we had the power to do this I would strongly urge the acceptance of the amendment moved by the Leader of the Opposition. But it is obvious that we have no power to amend the Commonwealth Constitution, and I further submit that the effect of this paragraph giving the legislative custody of our aboriginal race to the Commonwealth Parliament, amounts to an amendment of the Commonwealth Constitution. Under these circumstances I cannot support the amendment of the Leader of the Opposition. We have no right to legislate in regard to the granting of power—

Mr. Watts: The amendment is for financial assistance to the State.

Hon. N. KEENAN: Yes. If we assume the amendment to be in front of paragraph (n), it means that we are giving to the Commonwealth Parliament power to make laws in respect of financial assistance to the States to enable such plans as are agreed upon by the Commonwealth and the States to be carried out by the States, for the protection and betterment of the aboriginal race. That does not repeal or amend the Commonwealth Constitution. Under those circumstances it is open to anyone to support the amendment, and I intend to give it my support, when dealt with in this manner. I now wish to refer to some other remarks of the Premier. There is no question that the British Empire, despite its critics, has always endeavoured to do its duty by the

people of conquered countries, or countries it has occupied. One very clear case arises in the Fijian and Samoan Islands, where the natives are cared for in reasonable comfort by the British Government from the revenue it derives from the islands. The same position arises in the case of the natives in this State. When the deputation went to London requesting the Imperial Parliament to grant self-government to Western Australia, one of the first questions asked was, "Would it undertake the trust which the British Government until then had carried out in respect of the native population of Western Australia?"

The Premier: And it set down the sum of money necessary.

Hon. N. KEENAN: Yes, the minimum sum. We did accept that trust and received self-government. That trust was one among other conditions. I know of no instance where a trustee can liberate himself from the responsibility of his trust by passing it on. I am adverse to anything of that character. It is repudiation. That is a trust that we willingly accepted in 1890 and now, little more than 50 years later, we want to discharge it.

The PREMIER: We do not desire to repudiate our responsibility in connection with aborigines under the Constitution Act. We have no power to alter the Commonwealth Constitution, and all that we are doing here is to give the Commonwealth Government the power to do something, and if as a result, it does something which is unconstitutional and somebody challenges it in the High Court, it will soon be found to be ultra vires and the power will not be able to be exercised. We do not say that it is constitutional for the Commonwealth to exercise this power; all we can say is that it can have the power.

Hon. N. Keenan: Why not take the amendment moved by the Leader of the Opposition?

The PREMIER: That does not set out clearly that we are not transferring a good deal of our liability, and it does not say to what extent we shall accept this assistance. This matter was dealt with rather hurriedly by the Convention. We shall not be altering the Constitution. All we say is that the power shall be conferred on the Commonwealth, and until the Commonwealth exercises the power there can be no altera-

tion of the Constitution. I suggest that the Minister for the North-West might have something to say on the matter.

THE MINISTER FOR THE NORTH-WEST: I agree with the remarks of the Premier. If the power is granted to the Commonwealth, it will not remove the obligation from the State to expend £13,000 a year on the aborigines, and continue to spend it. There is no question of what the State Government will save. The Leader of the Opposition claimed my support for his amendment, because the evidence of the Commissioner of Native Affairs to some extent agreed with his views in that he thought the department could handle this problem much better than it could be handled by the Commonwealth.

Mr. Doney: Do you think that is right?

The Premier: We could if we had the money.

THE MINISTER FOR THE NORTH-WEST: The member for Williams-Narrogin knows that the great handicap we suffer in the administration of native affairs is that of *£ s. d.* Members opposite, when discussing native affairs, have never brought forward any proposal that the department has not tried out in a small way, and the only reason why we have not done all we should have liked to do is that we have not had the means. The Leader of the Opposition is aware that no reasonable-minded person would expect the Commissioner of Native Affairs to suggest that some other Government might do the job better than he could. To expect him to make such an admission would be unreasonable.

Mr. Watts: Then he took a long time over it.

The Premier: He was putting up a plea for more money.

THE MINISTER FOR THE NORTH-WEST: The Commissioner has done an excellent job and improved the administration considerably. We have had differences of opinion, and evidently we differ on this matter, but I hope to get my way on this, as on other questions.

Mr. Doney: His views are worth listening to.

THE MINISTER FOR THE NORTH-WEST: I always listen to them, but do not always accept them.

The Premier: Perhaps they tend to modify the Minister's views.

THE MINISTER FOR THE NORTH-WEST: We have been told that the Commissioner, in his evidence, referred to a proposal which had already been put up to the Commonwealth with a view to getting a subsidy of £3 for each £2 spent by the State. I want members to understand that this proposal was put forward by the Commissioner a considerable time ago, long before this Bill was thought of. Consequently it was only natural for him to reiterate it. I am not prepared to agree to the amendment, as I consider it will be of no value. In the Preamble on page 2, the following appears:—

And whereas it was also agreed that in the execution of laws made by the Parliament of the Commonwealth with respect to matters referred to it by section two of this Act, the Commonwealth should, so far as might be reasonably practicable, avail itself of the assistance of the States and their officers—

Mr. Doney: That means nothing if the Commonwealth so desires.

THE MINISTER FOR THE NORTH-WEST: In my opinion it means that, if the Bill is passed, the Commonwealth will call a conference of State Commissioners of Native Affairs and formulate some policy and plan and arrange for expenditure. Surely that is the only interpretation we can place upon it! If that happens, I have enough confidence in our Commissioner to know that he will be able to convince any reasonable-minded body—

Mr. Watts: There are too many "ifs" in your statement.

Mr. Doney: It is pure assumption.

THE MINISTER FOR THE NORTH-WEST: It is my opinion.

Mr. Watts: As your opinion, we will respect it but, as an assumption, it is not too good.

THE MINISTER FOR THE NORTH-WEST: It is my opinion that the Commissioner will be able, by the production of facts, to convince any reasonable-minded body that the Western Australian Act and system of administration are the best in Australia. If he can do that, I am satisfied that the conference would not reduce our activities. If this is so, what would be the difference between that and the proposal contained in the amendment? The hon. member has moved for the insertion of words to the effect that financial assistance be given by the Commonwealth conditionally upon a

plan being agreed to between the Commonwealth and the States.

Mr. Doney: Is not that what you want?

The MINISTER FOR THE NORTH-WEST: That is why I think the amendment useless.

Mr. Doney: I should think it would suit you down to the ground.

The MINISTER FOR THE NORTH-WEST: It would be hard to get mutual agreement on this matter because an arrangement that would suit one State would not suit other States.

Mr. Seward: That is the point.

The MINISTER FOR THE NORTH-WEST: There must be discrimination. Bearing that in mind, I cannot accept the amendment. The Commonwealth would probably use the argument that he that pays the piper should call the tune, and thus our administration might be restricted or amended to suit that of another State. Otherwise, the Commonwealth would not agree and would not provide the money. If the Commonwealth does not provide money, we shall have to stand up to our obligation and bear the responsibility of what we do for the natives.

Mr. Watts: I hope you will do that.

The MINISTER FOR THE NORTH-WEST: Whatever members opposite have suggested in connection with native affairs has always been something where no improvement could be made, or where finance was the bar. This amendment will not improve matters and therefore I must oppose it.

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

Ayes	..	..	..	16
Noes	..	..	..	19

Majority against 3

AYES.

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Kelly	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. North	Mr. Willmott
Mr. Perkins	Mr. Doney

(Teller.)

NOES.

Mr. Berry	Mr. Nulsen
Mr. Collier	Mr. Panten
Mr. Coverley	Mr. Sleeman
Mr. Fox	Mr. Tonkin
Mr. Hawke	Mr. Trlat
Mr. J. Hegney	Mr. Willcock
Mr. W. Hegney	Mr. Wilson
Mr. Johnson	Mr. Withers
Mr. Leahy	Mr. Cross
Mr. Needham	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Keenan	Mr. Millington
Mr. J. H. Smith	Mr. Raphael
Mr. Hughes	Mr. Rodoreda
Mr. McLarty	Mr. F. C. L. Smith
Mr. Stubbs	Mr. Styans
Mr. Patrick	Mr. Wise

Amendment thus negatived.

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

New clause:

Mr. WATTS: I move—

That a new clause be inserted as follows:—
 “4. (a) This Act shall not be construed as referring any matters permanently to the Parliament of the Commonwealth. (b) The matters referred by section two of this Act shall be construed as matters limited in time to the period mentioned in section five of this Act to the intent that section two of this Act shall be construed as referring the matter so limited and not otherwise. (c) Section five of this Act shall not be construed as severable from section two of this Act. (d) If Section five of this Act or any provision of that section is beyond the power of the Parliament of the State or is inoperative or ineffective, then Section two of this Act shall be void; and (e) in so far as the provisions of Section five of this Act are inconsistent with any provision of Section sixteen of the Interpretation Act, 1918, Section five of this Act shall prevail and take effect, and Section sixteen of the Interpretation Act, 1918, shall not apply.”

We are now turning to the easier part of the proceedings, if I may be permitted so to express myself. In other words, we are returning to the amendments recommended by the Select Committee. In accordance with your earlier request, Mr. Chairman, I make the statement so that the Committee will know what we are dealing with. The amendment is intended to clear up, as far as possible, the question of a temporary reference only of these powers to the Commonwealth. It specifies that the Act shall not be construed as referring any powers permanently; that the matters referred to in Clause 2 are to be limited in time to the period mentioned in Clause 5, to the intent that Clause 2 shall be construed as referring the matter so limited and not otherwise, and that Clauses 5 and 2 shall not be severable. If the limitation to a period of five years after the cessation of hostilities is found to be invalid then, in the opinion of the Select Committee, after giving such consideration as it could to the problems raised, the powers conferred by Clause 2 would be inoperative. The latter part of the amendment is to provide that Section 16 of the State Interpreta-

tion Act shall not apply to this Bill. That section provides that what is done under a repealed statute before its repeal shall continue to have effect after its repeal and, in the opinion of the Solicitor General and others, unless the effect of that section were taken from this Bill, there is the possibility that the limitation of the period of reference would be ineffective from that cause.

New clause put and passed.

Progress reported.

House adjourned at 5.50 p.m.

Legislative Council.

Thursday, 11th March, 1913.

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

LEAVE OF ABSENCE.

On motion by Hon. W. J. Mann (for Hon. C. B. Williams), leave of absence for six consecutive sittings granted to Hon. J. Cornell (South) on the ground of private business.

BILL—COAL MINE WORKERS (PENSIONS).

In Committee.

Resumed from the previous day. Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Reciprocating States (partly considered):

Hon. H. S. W. PARKER: Just before the adjournment yesterday, I stated that I opposed the clause on the ground that I did not think reciprocity with the Eastern States was necessary. Possibly so far as Queensland, New South Wales and Victoria are concerned, there might be some reason for reciprocity, but I cannot see any reason for it here, especially in view of the number of coalminers employed in the various States, the figures being: Western Australia, 723; New South Wales, 14,900, Queensland 2,240 and Victoria, 1,700. It does not seem to me that there should be reciprocity.

Hon. G. W. Miles: Especially with all the strikes going on in New South Wales.

Hon. H. S. W. PARKER: We do not want reciprocity of that kind. This particular clause has the effect of making the pensions scheme Federal in character. It means that all States in which coal is produced on a commercial scale combine to give pensions to miners. That is purely a Commonwealth matter, but it has never been brought forward at any Premiers' Conference nor, so far as I know, is it suggested in the Commonwealth Powers Bill. If it is desired that there shall be reciprocity as regards pensions, I suggest that this is not the Bill for it. This is a Western Australian Bill, which should deal with Western Australian miners only and with the conditions that pertain here, which are admittedly entirely different from those prevailing in the Eastern States.

The CHIEF SECRETARY: I cannot subscribe to the views expressed by Mr. Parker. As I have already told the Committee on numerous occasions, the one object behind this Bill is to provide that the whole coalmining industry of the Commonwealth shall be provided with a pensions scheme for those who are employed in the industry. It is recognised in every part of the world that once a man becomes a coalminer he is always a coalminer. Very seldom indeed do coalminers leave the industry for some other occupation if they are still able to carry on as coalminers.

Hon. L. Craig: Many leave Collie.

The CHIEF SECRETARY: There is a movement from time to time from one coalfield to another and reciprocal arrangements as between the States are necessary in order that a coalminer who may have been employed in New South Wales for 20 years and be qualified in every respect for a pension when he comes to Western Australia and is employed in a coal mine here for a few years, shall not lose the benefit of the pension rights he has already earned in the industry. This clause does not provide that every coalminer in New South Wales shall be entitled to a pension if he comes to Western Australia. All it does is to provide ways and means whereby an agreement can be entered into between the respective States to make provision for the reciprocal operation of the several pension Acts. When that has been accomplished along the