

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 30 OCTOBER 1942

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“2. As an adequate supply of suitable milk is essential for children and nursing mothers, hospitals, clinics, &c., what steps have been taken to ensure that those supplies will be available?”

“3. Can he indicate the causes which have led to the milk shortage?”

“4. Has any action been taken to ensure that an adequate supply of full dried milk is available to the people of the North as a substitute for liquid milk?”

The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Barcoo) replied—

“1. I have been aware of the acute milk shortage in Townsville for some considerable period, and detailed investigation, with a view to remedying the matter, has been undertaken by my department.

“2. In order to relieve pressure on civilian supplies, and after consultation with the Malanda Butter Factory, and with the co-operation of my own department, quantities of milk are being transferred from Malanda, via Innisfail, to Townsville for military consumption. It has been ascertained by officers of my department that 6,000 gallons of milk per day are required to supply an adequate volume for Townsville. An endeavour is being made to build up this volume by drawing supplies from local sources, Ingham, Bambaroo, Silkwood, other sources adjacent to Townsville and Mackay, and Malanda. The difficulty is that there are no suitable storage facilities for milk for civilian consumption in Townsville, and at the moment the question of granting a milk franchise to Townsville is under consideration.

“3. The causes leading to the milk shortage in Townsville have their origin in the following factors—substantial increases in the military and civil population; dry seasons; encroachment of the military on dairy farms in the Townsville area; call-ups; difficulties of transport.

“4. Every possible action has been taken to ensure that an adequate supply of full dried milk is available in the North. Measures taken include the creation of reserve stocks in Townsville; the holding of stocks in secondary depots; and the storing of further stocks for emergency purposes in reserve depots. It must be appreciated that all dried and condensed milks have to come from the South. There has been tremendous difficulty in the transport of these supplies, but the position at the moment is that reasonable quantities are now in position throughout the North. It will interest the honourable gentleman to know that quite recently a special shipment of Nestle's essential milk preparations was obtained as a special cargo and consigned to the North.”

FRIDAY, 30 OCTOBER, 1942.

Mr. SPEAKER (Hon. E. J. Hanson, Buranda) took the chair at 11 a.m.

ASSENT TO BILLS.

Assent to the following Bills reported by Mr. Speaker:—

Buildings Societies Acts Amendment Bill.

Public Curator Acts Amendment Bill.

Justices Acts Amendment Bill.

Real Property Acts Amendment Bill.

QUESTION.

SHORTAGE OF MILK IN TOWNSVILLE.

Mr. WILLIAMS (Port Curtis), for Mr. KEYATTA (Townsville), asked the Secretary for Agriculture and Stock—

“1. Is he aware of the acute milk shortage for civil consumption in Townsville?”

FINANCIAL ARRANGEMENTS AND DEVELOPMENT AID BILL.

THIRD READING.

Bill, on motion of Mr. Cooper, read a third time.

CIVIL DEFENCE ACTS AMENDMENT
BILL.

THIRD READING.

Bill, on motion of Mr. Hanlon, read a third time.

UNITED GRAND LODGE OF ANTIQUENT
FREE AND ACCEPTED MASONS OF
QUEENSLAND TRUSTEES BILL.

THIRD READING.

Bill, on motion of Mr. Gledson, read a third time.

COMMONWEALTH CONSTITUTIONAL
CONVENTION.

The **PREMIER** (Hon. F. A. Cooper, Bremer) (11.12 a.m.): Mr. Speaker, I desire to lay on the table a copy of a letter I received from the Prime Minister of the Commonwealth of Australia inviting me to attend a special convention for the purpose of considering alterations to the Constitution of Australia empowering the Commonwealth Parliament to make laws for the purpose of carrying into effect the war aims and objects of Australia as one of the United Nations, the attainment of economic security and social justice in the post-war world, and post-war reconstruction.

I lay that letter on the table, Mr. Speaker, and move—

“That the paper be printed.”

An important document of that nature should not be laid on the table without some reference to it—to the invitation and the questions involved. You will notice, Mr. Speaker, that the invitation is to attend a special convention for the purpose of considering alterations to the Constitution of Australia. The repetition of that phrase, “the Constitution of Australia,” may not mean much to some people, but all those who have taken part in the government of Australia, whether it be in Federal or State matters, all those who have taken an interest in the things that have tended towards the development of Australia, must be deeply moved by any reference to the Constitution of Australia.

The history of Australia does not extend back very far. It is 150 years or so since the first white settlers came here. It was not then a settlement that intended this part of the world to grow into a great nation, but a settlement to relieve the difficulties of the British nation as to its convicts. However, the very nature of Australia and the fact that gold was discovered in Australia gave a new outlook to the whole position. People with the pioneering spirit—adventurous souls, who do and who dare—were the people who came to Australia and were the first real settlers. Naturally, people of that calibre, people who were keen on doing the very best they could for themselves and who had left the Old World with the idea of taking part in the formation of a new world, were people

of the very best type. As the settlement grew, it was necessary that something be done with reference to the government of the country, and consequently, after much difficulty and much representation, a government was given to what was known as the colony of New South Wales. That covered virtually the whole of the eastern part of the continent of Australia. Settlement extended, and as settlement extended, it was necessary that additional governments should be instituted. There was a deep desire in the people who settled this part of Australia, then known as Moreton Bay, for a government for this part of New South Wales. They were men who had the desire to develop this part of the world, men who desired to make the very best of their opportunities, men who found that they were being hampered by the fact that the centre of the government situated in Sydney was a very long way away, hampered by the fact that the people who lived in Sydney had little practical sympathy for those who desired and were determined to form a settlement in Moreton Bay. Consequently, for years and years, nine or ten years, they petitioned the British Government for the right of self-government for this part of New South Wales. One of the Premiers of the day—I think it was Wentworth—put an Act through Parliament in New South Wales which declared that the northern boundary of New South Wales should be as far north as a parallel of south latitude which would make the northern boundary of New South Wales somewhere between Maryborough and Gympie. While the agitation was going on—to give an idea of the Southern attitude towards Moreton Bay—the “Sydney Morning Herald” printed this—

“It is difficult to mete out the portion of laughter, pity, and contempt which must be awarded to our misguided fellow-colonists lying to the northward of the 30th degree of latitude.”

That was an astonishing attitude for people to take towards settlers who desired to do something for their own advancement and the development of the part of the colony in which they lived, but it is the spirit we need to keep in mind when we are considering the expansion of this Commonwealth of ours. Eventually, self-government was given to this part of the colony of New South Wales, and it was called Queensland. From that day onwards, from 1859 or 1860, the advancement of this part of Australia has been marked. No part of the Commonwealth has been developed more rapidly or better than Queensland when all things are taken into consideration.

It was early seen, however, that there was a possibility that the various colonies of Australia would grow into something more than colonies. The spirit I have outlined as the spirit of the Southern people towards the desire to establish a new colony in this part of Australia was a spirit that was engendering antagonisms, hatreds, and feelings that should not be engendered amongst a people who spoke one tongue and came from a common stock.

I have no doubt at all that the position in Central Europe at that time was a warning to certain high-minded men who lived within the various colonies of Australia. They saw the possibility that these colonies would develop into separate nations, having separate ideals and separate desires, something like the Balkan States of Central Europe, and they saw that the way out was to follow the example set by the United States of America and form a federation whereby the whole of the colonies would be welded into one whole, so that this possibility of their being divided by tariff walls, varying customs, and different desires might be obviated.

It took many years of agitation, debates, discussion, and conferences to arrive eventually at a basis for the federation of the six colonies, and there are men whose names will live forever in the history of Australia by reason of the unselfish attitude they took, the broad Australian outlook, rather than the narrow, selfish view. I do not intend to touch upon that aspect of the case, except to say that anybody who thinks of Australia as a Commonwealth and of the Constitution of Australia must think of these things that happened from the beginning of this Commonwealth of ours.

As the outcome of all these discussions and deliberations, the Commonwealth was proclaimed. It came into being on 1 January, 1901, and all those people who had visualised a greater Australia, all those people who had seen in that event the birth of a nation, had their dreams fulfilled. They saw, as Oliver Wendell Holmes had expressed it about the United States, a people with one heart, one hope, one flag, and one destiny. I think it was Lady Jersey, the wife of a Governor of New South Wales, who in a poem described the federation of Australia as the consummation of one people, one flag, one destiny. At any rate, we do know that the outcome of all that consultation was the welding of the people of Australia into one whole inspired with the ideals of justice, liberty, peace, prosperity, and, above all, freedom. They were welded into one whole for the common good rather than leave them in circumstances which would engender antagonisms.

Those who look at the history of the time will well realise the splendour of a line from a poem by Thomas Bracken, "Not Understood," wherein he speaks of how we might "grow asunder as the nations creep along the years," and when we contemplate how we might have grown asunder because of our antagonisms, bitternesses, and things that might eventually grow into hatreds, we must thank God that the Constitution of Australia came into being and that we have a great Commonwealth.

I have no hesitation in saying—I have said it before in this Chamber—that the colonies, the States themselves, are responsible for the great development that has taken place in Australia. I have no hesitation whatever in saying that it is we who have done that. It has been the energy, virility, and deter-

mination of the people who comprise the various States that have been responsible for Australia's being where she is to-day. None the less, in those major matters that are the concern of the Commonwealth, we still have and we must have, that Commonwealth co-ordination of all the States which makes us the one whole, the one nation with the one ideal and the one objective.

When the federation was formed, those people who formed it were not unmindful of the magnificent part the colonies had played in the development of Australia. They were the founders, the main movers in federation, they were not bitter State-righters, they were the outstanding Australians, who saw to it that the powers were properly allocated. Certain rights were to be retained by the States. Certain rights were given absolutely to the Commonwealth, and certain other rights were to be enjoyed by both the States and the Commonwealth. These founders of the federation knew that if they were to build a Commonwealth that was worth while it must be built on a proper foundation, and that proper foundation was to be equality between the States and the Commonwealth, and it was upon that foundation of equality that the States developed as they desired they should be developed, and as they had developed in the past. So this was the foundation laid.

I do not wish to quote at length from the Commonwealth Constitution. Hon. members will remember how careful the founders of the Constitution were to see that equality was preserved. For instance, there was to be no discrimination in the matter of Customs duty—they were to be uniform throughout the Commonwealth. Any taxation that was imposed by the Commonwealth was not to discriminate between the States or parts of States. Bounties could be imposed, but they had to be uniform throughout the States. Then there was the other very definite provision that in trade and commerce and other things there should be no discrimination between the States. Equality with freedom was the very basis upon which our Commonwealth was built. And it is a great structure. No structure can be great unless its foundations are good. The whole of the people of Australia believe that Australia laid her foundations well and truly. She has built an edifice, she has built something in the Constitution that is a triumph for unity over disunity, a triumph of a people who were doing everything for the common good rather than for diversified aims and ideas. Indeed, that is our triumphal arch.

But in an arch one thing is of great importance, and that is the keystone, the keystone that holds the arch in position. I believe that the keystone in this triumphal arch of federation in Australia is the High Court. It is for this reason that I think we should pay great attention to the important part the High Court plays in the Constitution of Australia. It is the interpreter of the Constitution. It is the duty of the High Court to say whether a law passed by the Commonwealth Parliament is within the province of the Commonwealth Parliament, and

it is the duty of the High Court, when asked, to say whether a law of the State is within the province of the State. It is the duty of the High Court to hold the balance fair and even between the States of the Commonwealth according to the Constitution of the Commonwealth and the Constitutions of the States. It is the duty of the High Court to keep each party within its own sphere, a sphere laid down for the proper working of this mighty Constitution of ours.

I am fortified in my belief that the Commonwealth basis was well and truly laid on the basis of equality so that the States should be equal participants in all matters of Commonwealth jurisdiction in the findings of a royal commission on the Constitution.

The findings of that royal commission are well worth reading. It did not give its decision in 1902 just after the Constitution was framed, nor in 1912 or even in 1922. It gave its decision nearly 30 years after the Constitution had been in force, and when there had been ample time to see just how it had worked and how Australia had developed. The Peden Commission said—

“The existence of self-governing States does provide the best means of supervising development, and the best safeguards against dangerous experiment.”

I lay much stress on that, because I want to emphasise the fact that after all the foundation of the Constitution is important, because in any structure the foundation is important.

However, the framers of the Constitution did not say that it was to remain unalterable, like the laws of the Medes and Persians. They made provision whereby the Constitution might be amended if the people in the Commonwealth so desired it, but they framed the method of amending it in such a way that the amendment could be made only after very careful consideration and very careful investigation, so that it should not be amended at the mere whim of this man or that man, or this party or that party, just on the spur of the moment. It was laid down that any amendment or alteration of the Constitution must be well and truly considered by all the people.

Australia is proud of her Constitution, and I have endeavoured to give just an outline of certain things that occurred to me, particularly after reading the proposals of Dr. Evatt in the Commonwealth Parliament. They affect the States, and they affect the very foundation of the Commonwealth in the matter of preserving certain things to the States. They affect the superstructure because they affect the High Court, the keystone of the structure, of which I have given a short description in outlining the Constitution.

I am sure that all hon. members have received from Dr. Evatt a copy of the Bill, together with a copy of the Federal “Hansard” report of his speech on his introduction of the measure, and that they have read them. They will have discovered that the Bill in certain respects is very

explicit; in other respects I consider it vague and indefinite.

I want to draw hon. members’ attention to this fact—that it is a Bill to alter the Constitution. It has been submitted right through-out as an alteration of the Constitution. Hon. members are aware of the fact that there is a definite difference between an alteration and an amendment. When I alter a thing I change it.

Honourable Members: Hear, hear!

The PREMIER: When I amend it I probably do what I believe will remove an anomaly, will remove an injustice, or will remove a wrong. Amendments are always designed to improve and to better. When we alter a thing we possibly change the whole face of it.

Honourable Members: Hear, hear!

The PREMIER: The framers of the Constitution were careful to see that in the matter of amendment we had plenty of time to give it due consideration. What would they have thought had they contemplated that some action might be taken by which there was to be a complete alteration of the whole basis of the Constitution?

Let me touch on the three things that are mentioned by Dr. Evatt in the preamble of the Bill—you will notice that he says that the preamble of the Bill expresses the whole intention of the measure, and in that he is correct, because that is one of the explicit parts of the measure. The preamble of the Bill sets out that it is to carry into effect the war aims and objects of Australia as one of the United Nations. The second object is to attain economic security and social justice in the post-war world. Not economic security and social justice in Australia only, but in the post-war world. Here we have the first two objects of the measure, the carrying into effect of the war aims of Australia and the United Nations, which refers not only to Australia, and the attaining of economic security and social justice in the post-war world. These spread far beyond the bounds of Australia. The third object is post-war reconstruction. That is definite, and that is the one part that refers wholly and solely to Australia.

Let me look at the war for a moment. We know how this war originated. We know it came into being because of vicious attacks made by Germany on smaller nations—that old international crime, a powerful nation overcoming its neighbours who were not as well prepared to resist as they might be. We know just how Germany carried on the war. She subjugated Czechoslovakia, Poland, Holland, Belgium, France, Denmark, and Norway one after the other in quick succession. We know that Britain, having gone to the aid of the smaller nations, was driven out of Dunkirk and immediately there began the long battle for Britain. That long battle put Britain in a terrible situation, in which she might have lost all the centuries had given her. The Dominions came to Britain’s aid

and sent forces to Libya, Egypt, Palestine, and Syria, that they might help her in the struggle she was undertaking. Then without a word of warning Germany turned upon Russia, notwithstanding that she had a non-aggression pact with Russia, and put Russia on the defensive and forced her to fight for self-preservation and all the things she held dear. We had hardly recovered from that shock when Japan, also without a word of warning, attacked Pearl Harbour and brought the United States of America into the war. We can see that in all this there has been no aggression by the United Nations, but that it has been a case of aggression by the Axis powers.

What are our war aims? Our war aims are the driving of the Axis powers back whence they came, and then to make sure that this frightful thing that has happened to the world cannot happen again. If those are not the war aims of Australia and the United Nations, then their war aims are not worthy. But we all know they are our war aims—to drive back the aggressors into their own homes and hold them there, and see that this thing does not happen again.

What need is there, Mr. Speaker, to alter the Constitution of the Commonwealth of Australia to do that? I say there is no need for the Constitution to be altered in any way to do that. The desire to push the Axis forces back whence they came and to see that this treachery cannot happen again is but a desire to give to the nations, particularly to the small nations that have been overrun, the freedom we enjoy ourselves and the equality we enjoy ourselves—that equality of opportunity to develop as the States of Australia developed. That is the basis of our way of life—we desire to give to the small nations the same opportunity of obtaining freedom and equality as we enjoy. It is to bring about that equality that we fight. Those are our war aims. So far as it can possibly have them, the Constitution of Australia gives to the Commonwealth Parliament all the powers it desires in that regard.

A very learned judge of the High Court said—

“A war imperilling our very existence, involving not the internal development of progress, but the array of the whole community in mortal combat with the common enemy, is a fact of such transcendent and dominating character as to take precedence of every other fact of life.”

What more definite statement could have been made than that statement made by Mr. Justice Isaacs as to the power of the Commonwealth in matters of war? That is a statement of the law to-day. The whole of the resources of the Commonwealth, everything it needs and everything it desires, are at its disposal for the defence of Australia and the attainment of our war aims. Therefore, I say that there is no need to alter the Constitution to give greater power to carry into effect the war aims and objects

of Australia, as one of the United Nations. The Commonwealth is all-powerful now under the Constitution to pursue honourable and just war aims.

Let me have a look at the second point—the matter of economic security and social justice. As I mentioned to you, they are to be not only for Australia, but for the post-war world. Surely, if we are to get economic security and social justice after this war, we can get it only from the realisation of our war aims—that is, the binding of those people who are likely to disrupt the freedom and equality we believe should be the right of every nation. That phrase, “economic security and social justice in the post-war world,” is vague and indefinite. It gets us nowhere. We have nothing to go upon except a phrase. We desire to get something for the post-war period, and we can get it through a realisation of our war aims. If we can there is no need to alter the Constitution in that particular regard.

So far as the third object is concerned—the matter of certain powers for post-war reconstruction in Australia—surely nobody can object to giving all the power necessary to somebody to do all that we can in post-war development and the settling of matters after the war? Nobody will believe they can be settled by waving a hand. Nobody thinks that somebody will put up a hand, ring a bell, and say, “The war is over: you are as you were.” That cannot happen. For years after the war we shall not be as we were before the war. There will need to be co-ordination between the Commonwealth and the States that will give us the opportunity of developing the Commonwealth as it should be developed. I believe the States have done it more than the Commonwealth. I know the State of Queensland has done more for getting ready for the post-war position than the Commonwealth. We have spent all along the line so that we might be ready to do our part in the battle ahead. That has been evidenced in many things done that I need not go into now.

I still say it is necessary for certain things to be done. Dr. Evatt sets out the things to be done, and he enumerates them in 14 points—every one desirable, every one necessary. It is not always the thing to be done that matters; sometimes it is the way it is to be done that is the most important thing. If you look at Dr. Evatt's Bill you will see that he desires to do these things in a particular way; he desires to give all power to the Commonwealth Government in the direction of legislation so long as the Parliament of the Commonwealth declares that this or that particular piece of legislation tends towards economic security and social justice. It would be a matter of indifference what the law might be, what it purported to amend; so long as the Parliament declared that it tended towards economic security and social justice it would be within the exclusive power of the Commonwealth and without appeal to the High Court.

That may interfere with the very foundations upon which the Commonwealth is built. It may interfere with that freedom of development, and that equality between the States and among the States, that are the very foundation of our Parliament. It goes further than that. It goes so far as to say that these things shall not be challenged, so that the very keystone of this triumphal arch of federation is to be torn from its position and hurled into the dust that the Commonwealth Parliament might say that anything that tends towards economic security and social justice shall be the law of the land. Despite anything that is in the Constitution of the Commonwealth of Australia or despite anything in the Constitution of any of the States, that law shall prevail.

Mr. Speaker, I see in this provision of Dr. Evatt's Bill the very danger of the whole thing. Its war aims are really outside the scope of such a measure, its post-war aims for the whole world are outside its scope, too, and this desire to do post-war work in Australia with such wholesale authority is unnecessary and uncalled for. As a matter of fact, the Commonwealth Constitution as it stands makes all provision whereby the States might get together and so arrange matters that anything can be done. The Constitution makes full provision for that particular phase of affairs. To ask the people of Australia to surrender to one Parliament such power that it may at any time alter the Constitution of Australia, that it may alter the Constitution of the States and do anything that in its wisdom it thinks right for the moment, is altogether beyond the scope of reasonableness, beyond the conception of anybody who has any faith or any belief in the federation of this Commonwealth, federated for the common good, and that right to freedom, security, and equality which is the very foundation of the Commonwealth.

At the commencement of my speech I endeavoured to emphasise that the States are the foundation of the Commonwealth. There can be no Commonwealth without the States, and it is absurd for anybody to think that in a continent such as Australia, with its immense areas and sparse population, one administration could do all the things that are necessary and just to govern places as far apart as the north of Queensland and the south-western corner of Western Australia. We know the difficulty of reaching far distances from centres. Queensland has been a shining example in the value of delegated powers. Time and time again this Parliament has delegated powers to the far distant parts of the State. There are all sorts of organisations with governmental authority in all parts of this State. Our law courts are not centred in Brisbane. They are throughout the State. Our labour organisations and bureaux are not centred in Brisbane. They are throughout the State. Our Railway Department is not centred in Brisbane. We have various controls in various parts of the State capable of doing the things necessary for that particular part of the State. All these powers have been delegated. To take,

now, into the hands of one central body power that must necessarily be delegated is an entirely wrong way to approach the task confronting the people of Australia of getting together and doing things that are for post-war reconstruction.

The main objection I have to Dr. Evatt's Bill is not that it is an attempt to alter the Constitution to enable the Commonwealth to do specific work after the war, but that it takes from the people of Australia the right, which they have now, of saying whether the Constitution might be altered. If it is carried there will be no such thing as consultation with the States, a referendum of the whole of the people of the States. The Australian Constitution saw to it that the outposts were guarded. A referendum, to be successful, must gain a majority of the people voting and a majority of the States. That means that the three big States of Queensland, New South Wales, and Victoria cannot dominate Western Australia and Tasmania. Even if Tasmania became an adjunct of Victoria, Tasmania, Victoria, and New South Wales could not dominate Queensland, Western Australia, and South Australia. The very basis was to see that the people were consulted and the people's will prevail. All that was to be done was to be done with the approval and in the interests of the whole of the people of Australia. This proposal to have powers conferred upon the Federal Parliament to be exercised notwithstanding anything contained elsewhere in the Commonwealth Constitution or in the Constitution of any State, destroys the very foundation of security, which was our strength. How could we proceed from day to day as we have done? I can say for this Parliament of Queensland: how could we go on planning from year to year and for years ahead, as this Parliament has done? How could we do that if to-morrow the Commonwealth Parliament had the power to wrest from us the very Constitutional rights that give us the opportunity to plan year by year and for years ahead? To take from the people of Australia and to take from the States the right to settle their own affairs, to be the guardians of their own liberties, to see to it that they hold all those things that make for progress, prosperity, and peace, is the wrong method of approaching this question. For the life of me, I cannot see that the people of Australia can agree to any such proposals. They are dangerous by reason of the fact that they centralise matters; they are wrong by reason of the fact that they destroy the foundations of the Commonwealth, that they destroy the superstructure also, and they are unnecessary because the Constitution to-day has all the safeguards that we need and all the powers that are necessary to enable us to prosecute the war to the full, to carry out our war aims as far as it is possible for us to do so. It contains all that will enable us to see that the United Nations, after the war ends, and all those people who have been beaten into the dust have the freedom they desire, have the security they desire, and equality of opportunity to lift themselves up in the scale of things. All these things are now in the

Constitution. There is also in that Constitution the provision that enables the Commonwealth Parliament to consult the States and to work with the States in the very necessary actions that will have to be taken to prepare for the post-war period.

The approach to the matter has been wrong, entirely wrong. We are not the type of people who can be rushed into a thing willy nilly. We cannot be browbeaten into doing certain things. I believe that the people of Australia will refuse to be swept aside by anybody who desires to sweep them aside simply because they do not bend to his will. We are a people who believe in consultation and in conference. On all these mighty matters of the Commonwealth of Australia and its Constitution rests the whole basis of our existence as a nation and as a people. Surely we are entitled to a little bit more consultation than has been given to the people of Australia on this vital question.

Honourable Members: Hear, hear!

Mr. NICKLIN (Murrumba) (11.51 a.m.): I am pleased that the Premier has given this House the opportunity to discuss this extremely important matter. Like the Premier, I have received an invitation from the Prime Minister of the Commonwealth to attend the conference to be held next month for the purpose of considering constitutional matters. As a representative of this Parliament, I welcome the opportunity of hearing the views of hon. members of this Chamber so that, as one of their representatives, I shall have the guidance of those views and be able to express their opinions at that conference.

The proposal the Commonwealth Government are placing before the people of Australia is of particular importance, and it will tend to have far-reaching effects. It is a matter upon which the people of Australia should be as fully informed as possible, because, when we consider the vital issues that are contained in it, we realise the necessity for an intelligent vote by the people when they get the opportunity to express their opinions.

In view of the vital nature of these proposals and the far-reaching effect they will have upon the people of Australia and Australia generally, I question very gravely whether this is a time to hold a constitutional referendum upon them. At the moment we are engaged in a life and death struggle. Can anybody say that is an atmosphere in which the people of this Commonwealth can pronounce a calm and dispassionate judgment? Will the division of opinion of the people of the Commonwealth, which these proposals tend to bring about, help or hinder our war effort? I express the opinion that it will gravely hinder our war effort, and anything that tends to hinder our war effort at the present time should not be considered for one moment.

Take the conscription referendum that was held during the last war. It split the

country from one end to the other and did not help Australia's war effort. The present constitutional proposals may tend to have the same effect and with that possibility in view I doubt very much whether this is the right and proper time to submit such far-reaching proposals to the people of Australia. Then what is to be the position of the members of the fighting forces? They are entitled to express an opinion on the proposals; perhaps they have a better right to do so than we who remain at home. Our naval, air, and military forces are scattered over the face of the globe, but should they not have an opportunity of expressing an intelligent opinion on matters that affect them vitally?

When we consider the question of constitutional changes we have to bear in mind that the present Constitution has stood for a long time, that it has given good service to Australia, and that it is a credit to its founders. Times have changed very considerably since it was framed, and naturally with the passage of years and the progress of the world weaknesses have been disclosed and so suggestions have been made for its improvement. Personally I am of the opinion that some constitutional changes are desirable, especially changes to give uniformity in industrial matters and changes that may help to improve conditions relating to trade, commerce, and agriculture, as well as changes to eliminate unnecessary duplication in matters of health and transport, for example. I want to say plainly, however, that I will on no account agree to the complete and overriding powers the Commonwealth now seeks in the proposals that the Government have put forward. After studying those proposals and reading the first-reading speech by Dr. Evatt, I can come to only one conclusion, and it is that the exercise of war-time powers has gone to the heads of our present rulers. They appear to have become drunk with power and want to continue to exercise the extra war-time powers they have.

One of the methods of trying to gain the powers the Commonwealth seeks is a threat that without them it will be impossible to provide for the needs of returned soldiers and others who have to be reabsorbed into civil life when the war is over. As the Premier has pointed out, such a threat is without any basis in fact. After the last war the Australian Soldiers' Repatriation Act was declared valid because of its association with defence, which gave the Commonwealth complete power. So far as international agreements go, I believe that there also the Commonwealth has ample power now to carry them into effect.

The Secretary for Public Lands: Did you say the uniform-tax legislation was declared valid because of the defence powers?

Mr. NICKLIN: I did not say anything about uniform tax. I was about to say that the people of the Commonwealth may be induced, as a result of the specious arguments that have been put forward in support of the present proposals, to accept the new order, which may turn out to be nothing less than

unadulterated Fascism or Nazi-ism. Then we should have a condition in which the State is supreme and in which the individual has no rights whatsoever. Under those circumstances I for one cannot agree to the complete and overriding powers that the Commonwealth Government are seeking under the proposals they have advanced.

The Premier: Hear, hear!

Mr. NICKLIN: Let us look at the reasons Dr. Evatt gave in the course of his first-reading speech in support of these proposals. He mentioned at the outset—

“When the war is over, Australia will be confronted with the greatest task of economic rehabilitation in its history. Problems of employment, of housing, of health and child welfare, of vocational training, and of markets and price stability. . .”

Then he proceeded to say—

“The whole history of the Commonwealth Constitution shows that these problems cannot be solved without wider powers in the hands of the central Government.”

That is very questionable indeed. I adopt this attitude: if the Commonwealth Government think they are in any way handicapped in the handling of these vital problems of post-war reconstruction, why not place before the States and the people of the Commonwealth some definite proposals along the lines in which they think there is a weakness in the Constitution?

The Premier: Hear, hear!

Mr. NICKLIN: That is the course for them to adopt instead of putting up this all-embracing proposal, which would take away not only the rights of the States, but the rights of the people of the Commonwealth also. Instead of assistance and co-operation in dealing with these all-important subjects, the Commonwealth Government are asking for absolute power, which would make that Parliament supreme in all matters, without the present constitutional safeguards of a referendum of the people and the right of appeal to the High Court of Australia by the States or by the people.

Further on we find that Dr. Evatt says that without constitutional amendments we shall have post-war anarchy. Mr. Speaker, after the last war we faced problems of repatriation and post-war reconstruction, although, perhaps, not as great as they will be after this war, and we tackled them without any anarchy in the community. In my opinion, we tackled those problems along rather good lines. In fact, Australia made a good job of the whole of her repatriation problems after the last war. We certainly made mistakes. Naturally one would make mistakes in dealing with big problems of that nature, but to say that there will be post-war anarchy without constitutional amendment only goes to emphasise the point I made that the Commonwealth Government are endeavouring to stampede the people of the Commonwealth into support of their proposals.

Further on in Dr. Evatt's speech we get more evidence of that when he mentions “achieving the broad objectives embodied in the Atlantic Charter and in the historic declaration of the four essential human freedoms—freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear.” The inclusion of that passage of the Atlantic Charter in his Bill is nothing more than political humbug. It is political humbug, Sir, in an endeavour to mislead the people of this Commonwealth. When you examine those four expressions and analyse them in conjunction with this measure, we wonder what is their connection with it.

Later on in his speech we find, as the Premier has pointed out, that he says the preamble of the Bill contains these words—

“including the attainment of economic security and social justice in the post-war world, and for the purpose of post-war reconstruction generally.”

When we further examine that expression, together with the clauses of the Bill, we discover that on the tag of economic security and social justice of the post-war world anything can be hung. It can be used as an excuse by any political party that has control of the Federal Parliament to take unlimited powers and to do virtually anything it desires. I do not think for one moment that was the design of the original framers of our Constitution—that such over-riding powers should be given to the central Parliament of the Commonwealth.

Let us examine for a moment how the Federal Constitution was brought about. It was very ably dealt with by the Premier this morning. Summed up, we can say that the Federal Constitution was brought about as a result of bargaining between the States. It was evident that the States were not willing to give the Federal Parliament complete power. It may be said that the power of the Federal Parliament can be divided under three headings: the exclusive powers, such as defence, banking, customs and excise, postal and telegraph; the concurrent powers—where the States may legislate and the Commonwealth law prevails should there be a clash; the non-existent powers—where the States only make the laws.

During the course of the years since the original Federal Constitution came into power there have been a number of referendums to change the Constitution, and the people of the Commonwealth have been given opportunities to express their opinion as to these proposed changes, and they have done it. Although most proposals have been rejected—and I think the reason for that is that in many instances the people were not properly educated on the question before it was put to them—we have examples of referendums on which the people heartily agreed to give the Commonwealth additional powers. I think the circumstances that exist at the present time and will exist at the end of this war, may be such, as I said earlier, as to make it necessary for the Commonwealth to be given

greater powers, and I feel that if the Commonwealth Government approached this matter in the right and proper way, by seeking the co-operation of the States and the people, they would have been able to get the additional powers they say they need to deal with these all-important problems of post-war reconstruction.

The Commonwealth Constitution gives protection to the States and Commonwealth Government, which are component parts of our inter-State governmental system, and it also gives protection to the people of the Commonwealth. It was designed so that the large centres of population would not be able to use their greater voting powers to the detriment of the more sparsely settled parts of the Commonwealth. I think that provision was a particularly wise one, and has allowed a more or less equal development of the Commonwealth, particularly the development of those States with wide spaces to develop, such as Queensland and Western Australia. The necessity for that provision was emphasised and endorsed by the Royal Commission on the Constitution that sat in 1929, part of whose findings the Premier quoted this morning. To amplify my argument I wish to quote another of those findings, as follows:—

“Where there are adequate powers of self-government, there is scope for public spirit, local patriotism, and local knowledge, which would be lost if all legislative and administrative functions in Australia were absorbed in the central government. Again, the existence of the self-governing States does, we believe, provide the best means of supervising development and the best safeguard against a disastrous experiment.”

I think those words will sum up the situation, and are very applicable to-day when we are considering this proposed alteration of the Constitution. It would do the very thing the Royal Commission of 1929 found was most undesirable.

I come now to another aspect of the Commonwealth Constitution, to the section that provides that a law altering the Constitution must be approved by a majority of the States and a majority of the electors who vote. That was inserted, of course, to safeguard the people and the States. If this proposed alteration to the Constitution is agreed to, that safeguard of the people and the States will be nullified: the people of the Commonwealth will not have the right, which they have exercised quite freely in the past, of expressing their opinion on any proposed alteration of the Commonwealth Constitution. We must preserve the sovereign right of the people of this Commonwealth to control the Constitutions of their Governments, and that right is safeguarded by section 128 of the Commonwealth Constitution. If this proposed measure before the Commonwealth Parliament becomes law that right disappears. The Federal Parliament—that is, the political party that may happen to be in control of the Federal Parliament for the time being—will have the power to pass any laws, including laws altering the Federal and State Constitutions if, in the opinion of the Parliament, such laws would

tend to achieve economic security and social justice. That power is too wide. It is one that no Government should ask the people of the Commonwealth to agree to, particularly at the present time, when we as a nation are fighting for the right to retain our nationhood.

I asked at the outset, “Is the present the right time to hold a referendum?” Personally, I do not think it is. The only thing that would justify the Commonwealth Government in holding a referendum at all is the fact that it may be held in conjunction with the Federal elections, which are due to take place next year. But, Mr. Speaker, I doubt whether an important question like this should be linked with any Federal election. It would lead to confusion of the election issues. So that, in addition to the fact that this, a time of war, is not the right time to hold a referendum on an important matter, we have the fact that it should not be held when it would confuse the issues at the Parliamentary election.

The next question, and probably the most important, is, “Should the referendum be on the question of complete power to the Commonwealth, for which this Bill provides, or for such additional specified powers as are believed to be necessary?” It might be possible, as I mentioned previously, to get a large measure of agreement by the States upon additional specified powers. However, Mr. Speaker, with the all-embracing powers that the Commonwealth Government are asking for at present, I doubt very much, indeed, whether it would be possible to gain anything like unanimity from the States or the people of Australia. If the Federal Government think their powers under the present Constitution are insufficient, they have their right to ask the States to suggest to the people of the States that they give them power to alter the Constitution or give the additional power they say they require.

At the present time I do not propose to debate the additional powers it would be advisable for the Commonwealth Government to seek and receive. Although I should support any move for constitutional alteration to eliminate unnecessary duplication, I prefer to hear the opinion of hon. members on this important subject and to be guided by them in my decisions as a delegate of this Parliament at the Constitutional Conference to be held next month.

In summing up the powers suggested by the constitutional alterations, I think we, hon. members of this Assembly, and the people of the Commonwealth, have to ask themselves the following four questions:—

(1) Could these constitutional proposals endanger our present Federal system of Government?

(2) Could they enable all the safeguards of the people in the present Commonwealth and State Constitutions to be removed?

(3) Could they enable our democratic system of Government to be destroyed?

(4) Could they bring about excessive centralisation and thus make for inefficiency

in the implementing of post-war reconstruction plans, particularly in sparsely populated areas where development and expansion are most needed?

If we ask ourselves those questions—and I think we should when considering this most important problem—I think we shall find that the answers to the four of them would be in the affirmative. We certainly should endanger the Federal system of government we enjoy at the present time, because the far-reaching proposals of the Federal Government would give that central Parliament power to do anything it wished to do to alter the present system of Federal government so long as it said it was for economic security and social justice or post-war development.

Secondly, we could endanger the safeguards the people now have in the present Commonwealth and State Constitutions, their power to give a decision by means of referendum, and the safeguards they have in being able to appeal to the High Court of Australia.

Thirdly, we are proud of our democratic system of government, and if we give the central Government the powers for which they are asking in these proposed constitutional alterations we should very greatly endanger, if not destroy, that democratic system of government.

Fourthly, there is no doubt that if we centralised powers with the Federal Government of the Commonwealth we should not tend to increase the efficiency of the machinery to deal with post-war reconstruction and plans for the rehabilitation in civilian life of the men and women who are now serving in the fighting forces and the munition industries. As the royal commission on the Constitution in 1929 pointed out, the centralising of powers would be detrimental to the sparsely populated areas, where development and expansion are most needed. In Queensland especially we are in need of development and expansion, and I feel quite confident that our own Parliament is quite capable of developing this State, in co-operation with any Federal Government that may be in power.

In conclusion I say that the States have the necessary machinery to carry out all schemes for post-war reorganisation, and this power is backed by a thorough knowledge of local conditions in particular areas. The States would undoubtedly co-operate with the Commonwealth in post-war planning and such co-operation would be more likely to produce efficiency than a plan operated from one centre. There are directions in which a reallocation of specific powers is desirable, but none of them is mentioned specifically in the Bill before the Federal Parliament. This is particularly significant, and it is a point that we must not forget. I say again that I am in favour of certain specific alterations in the Commonwealth Constitution, but I most oppose what amounts to the handing over of a blank cheque to a political party that controls the Federal Parliament to fill in as it wishes without any reference to the people.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (12.26 p.m.): I want to say at the outset that I have always been a Federalist, and that I believed that sooner or later wider powers would have to be given to the Commonwealth to deal with certain phases of the development of this country than it has under the limited Constitution as it exists to-day. I also want to say at the outset that in opposing or criticising the proposals submitted by the Federal Government, I do so purely in the spirit of searching for what is best for our country, and not with any desire to create an anti-Federal or anti-State complex anywhere. The duty of every public man to-day is to concentrate his efforts on the task that faces us, and that is the task of securing for us the freedom to argue about our Constitution. It seems to me that it is because of lack of realism on the part of many people that we have this argument going on in the Commonwealth at the present time, when we have very little guarantee that we shall ever be able to hold a referendum, and when we do not know what condition this country will be in in the next month, let alone the next 12 months. The fate of our coast cities is being decided in blood now in the Solomon Islands, and there is no guarantee that we are going to come out of it successfully. According to reports, it is admitted that there have been losses on both sides and we know, or we should know, that there is a limit to the losses that our side can stand in the Pacific and maintain control of the coast of Australia. This should not be the time to discuss problems of constitutional change at all.

It appears to me that members of the Commonwealth Government seem to be afraid that the war is going to end to-morrow, or next week, or next year. There will be plenty of time to make arrangements for post-war problems after the enemy has been pushed away from the doors of Australia and when the people of Australia will be able to go about their ordinary work with their minds free of fear of an attack from a ruthless enemy. The only problem to be faced to-day is the war problem, not the post-war problem at all. Anybody who thinks that the war will end very quickly is evidently following the thoughts of those who brought the war upon our shoulders. In our struggle with the Axis powers we are faced with a long, weary, trying task. That is the task that is ahead of the democracies.

As I said before, I have always believed that there must of necessity be an amendment of the Federal Constitution to enable the Federal Government to deal more effectively with certain matters that have always led to disputations between the States. My complaint is that the Commonwealth Government have never attempted to make use of the utmost co-operation with the States. That is not merely a charge against the present Commonwealth Government, but it is a charge that we have been making against the Commonwealth authorities since the war began. Some hon. members will remember that when Mr. Lyons was Prime Minister

and before his lamented death he was preparing a plan of co-operation for the war period, and his proposal would have made a tremendous difference to the war organisation in Australia. His proposal was that the six State Premiers should be harnessed to the Federal Government as members of the War Advisory Cabinet or Council. The Premiers in each State were to be administrative officers to give effect to the decisions of the Federal Cabinet in their respective States, so as to avoid creating a new Federal Department of Public Works, a new Federal Department of Labour, a new Federal price-fixing authority, the appointment of a Federal Crown Solicitor in each of the capital cities, and so on, and thus avoid the endless duplication that has taken place in organising the war set-up in Australia. Mr. Lyons had a right outlook—that there was ample power to do what was necessary for the defence of this country by co-operation between the Governments without having any fight about it at all. However, that phase has passed and it is too late to do what he had in mind.

Even if we were in agreement on the necessity for the immediate alteration of the Constitution we still cannot agree, to my mind, with the proposals made by the Federal Government at the present time. There is a limit to the powers any people should be willing to give to any Government, State or Federal. Consequently, the people should think very hard before they agree to what is in effect the abolition of the Constitution altogether.

We have to understand, too, that we have in Queensland a problem that does not appear plainly to all the eyes in the thickly-populated areas in the South. They seem down there to be totally unconscious of the problems that face the larger and more sparsely-populated States. We see in recent years, with the gradual industrialisation of the Commonwealth, the gradual drift to and the aggregation of population in the capital cities. In both New South Wales and Victoria at least 50 per cent. of the population is centred in the capital city. We have had the same tendency in Queensland, but we have fought to overcome it. The proportion of population in the capital city of Queensland has not greatly increased in recent years. We have in Brisbane round about one-third of the total population of Queensland. That is only because the various Parliaments and Governments of Queensland have strenuously endeavoured to keep the population in the furthermost parts of the State and prevent it from drifting to the capital city.

We have to realise, also, that more than half of the voting power of the Commonwealth is concentrated in the little south-east corner of the Commonwealth known as the economic half of Australia—in other words, the corner inhabited by the greater part of the population. We can look back over our years of experience of federation and realise why it is that we have always had to fight and scramble for any development of the northern part of the Commonwealth. We know that Queensland has always had to be asking all Federal Governments for greater

consideration for this State, and that Western Australia has had to do the same. Realising then that the overwhelming voting preponderance is in the south-east corner of the continent, we have to ask ourselves: if we agree to any change in the Constitution, is it to have safeguards to see that justice is done to that part of the Commonwealth where the voting power is very small indeed?

Let us look at what happened to the Northern Territory. When the Commonwealth Government took over the Northern Territory from South Australia they announced the wonderful things that were going to be done. A north-south railway was planned to be built from Adelaide to Darwin as part of the agreement in handing over that territory to the Commonwealth. After many years of control by the Commonwealth, and immediately before the war, the white population of the Northern Territory was less than when it was under South Australian control. The north-south railway had not been built, the reason being there was no concentrated voting power at the other end of the proposed railway. It was certainly built out from Adelaide for some distance and from Darwin to a point, and the rest died out simply because there was no voting strength in that area to compel the carrying out of that undertaking given by the Commonwealth to South Australia. What a Godsend that railway would have been to Australia to-day had the Commonwealth Government carried out their obligations!

The excuse made for this urgent alteration of the Constitution is the necessity of solving post-war problems. Well, granting that the war may end very quickly and an alteration of the Constitution is necessary to enable the Commonwealth Government to carry out what they call post-war aims, let us look at what those post-war aims are. If those post-war aims are not the peopling and developing of the northern part of Australia, then they will not be worthwhile. Developing the wide open spaces around Circular Quay and the Yarra will not be the means of solving this country's economic problems, nor will they have the effect of allaying fears of another attack on Australia. No matter how this war may end, let us defeat the Axis Powers as completely as is possible, then, as surely as the sun rises each day, the children of the men fighting to-day will be fighting another war in 20 years to hold Northern Australia from some other attack, if it is not developed properly meanwhile.

Dr. Evatt quotes the four points quoted by President Roosevelt, chief of which is the freedom from fear. All international trouble is caused by fear. It is working on the fears of one people against another that creates an atmosphere favourable to war. Nobody wants war; nobody wants to die in war; no people want to be involved in war. By exciting fear in other people you can create an atmosphere favourable to war. We shall never be free of the fear of war while the northern half of this country is absolutely undeveloped, and standing as an open invitation to overcrowded people to come and take it. Do not forget that we have no right

to hold it if we do not use it and do not develop it. We have an accepted principle that nobody has the right to hold land and not use it, while other people are looking for land to use. At one time it was the Labour Party only that held that view and thought that taxation should be levied on unimproved land with a view to making the holding of undeveloped land unprofitable, but all political parties subscribe to that doctrine to-day. No matter what party is in power in the States or the Commonwealth, taxation is levied on unimproved land values with that very idea—to make it unprofitable for land monopolists to hold large areas of wholly unused and undeveloped land, while other people who wish to make a living from the land are unable to use it. If we accept that as a moral right among ourselves, is it not a moral right amongst nations? We have no argument on that score. It is a moral right between nations that we should not hold undeveloped and unused land while nations are land-hungry. We know that we cannot get a backer for our policy anywhere outside Australia—the policy of holding North Australia undeveloped. The post-war problem, therefore, will be the development and the peopling of North Australia. We hear Southerners refer to the deserts of North Australia. There are no such things as deserts in North Australia. The northern half of the Continent is provided by nature with ample supplies of water. In some areas in the northern part of the continent the rainfall is confined to a very short period in the year, but ample rain year by year falls to support a large population in those areas if labour is available to make provision for conserving the water. It is not an engineering impossibility to conserve water in Australia. The great bulk of Northern Australia is adequately supplied with underground water. Take a map of Australia and have a glance at the rainfall figures and the areas provided with ample underground water supplies and you will find it is the southern part of Central Australia that is the recognised dry area. The whole of the northern part of the continent has everything it needs except human labour and human ingenuity. Apply these to it and it will be possible to keep a large population of white people leading a happy and prosperous life in that area.

After all, the requirements of those territories are simple. To provide for development, to provide the amenities of life as well as access to the land, you provide an adequate water supply so that the land can be developed. Besides the rainfall there is an underground water supply for the whole northern half of this continent. Rail and road communications are necessary in the interior of this continent, and air ports are necessary. In Queensland we are getting very fine air ports constructed as a military effort, and they are also a commercial necessity in the post-war development of aerial transport. The whole transport problem will alter rapidly in the next quarter of a century. Instead of great seaports inland air ports will be indispensable to allow the rapid

transport of goods from the place of production to the place of consumption. A cheap and sufficient supply of electricity for power is necessary inland, and that can be supplied also. Very little attempt has been made in this country to deal with the electrical supply problem. We have in Central Queensland a coal deposit—one of the greatest in the world—which, if developed, could be turned into cheap electric power that would supply the whole of central inland Queensland. That cheap electric current is lying virtually untouched—at present only a few thousand tons is taken out annually for railway purposes. These great reserves provided by nature in the inland are lying idle awaiting the ingenuity and labour of man. If we do not supply the ingenuity and labour some other race will.

Once you have water supply and transport everything else is simple—you have the means of health and sanitation. Housing is another neglected thing in the inland and northern parts of this country. The people developing the inland parts of the country are living in houses that should not be tolerated in a civilised community. The day of the galvanised-iron house should have gone long ago. This Government, I hope, as part of their post-war work, will set about providing people in the inland with houses that will make for contented housewives and healthy children. For a woman to live with her babies in a galvanised-iron shack during the summer heat in the inland parts of Queensland, without an adequate water supply, makes for discontent and an unhappy home. As a matter of fact, it is only recently that the Licensing Commission, under the new licensing law, has compelled hotels in the coast area to pull down the galvanised-iron buildings they use for the accommodation of guests and erect modern buildings. The idea of erecting a galvanised-iron building because white ants might eat a timber building must stop. We must provide accommodation for the people of the inland of this country, such accommodation that will make it possible for them to lead happy and healthy lives, and the only way to do that is to bring the amenities of life in the cities to the homes of the people in the country.

Unless the development of the northern part of the continent is tackled, just as we who were involved in the last war have the humiliation of seeing the children of our generation facing up to a fight in this war, inevitably the men who are fighting in this war will see their children slaughtered in another. No mere alteration of the Constitution is going to prevent that. No mere handing over of power to the sweet will of the people of the south-eastern corner of the continent is going to provide for the development and security of Northern and Western Australia. Any alteration to the Constitution agreed to must, in the first place, lay down distinctly the powers the States will have, and guarantee that these powers will be maintained. If powers are given to the Commonwealth to carry out that development the obligation should be placed on them to see that they carry it out, because we know from past experience that

there is no urge in Sydney or Melbourne to do things in the North. One has only to remember what happened in the immediate pre-war period: so unconscious were the Commonwealth Government and their permanent officers of the problems of Australia that they did not know where North Australia was. I think I have already told the House the story of an argument I had with the late Brigadier Street, who afterwards met his death in an unfortunate aeroplane accident. At a conference in Canberra, when I made charges that there was to be no defence of North Queensland, that it was not intended to defend North Queensland and that there was not a gun in North Queensland capable of putting up a fight, Brigadier Street handed to the Press a reply prepared by a permanent officer of his department, the Department of Defence, in which he said that Mr. Hanlon was wrong in saying there were no guns or artillery in North Queensland, as there was a battery of artillery at Gympie. That was the considered opinion of the permanent head of the Department of Defence of Australia. Can we depend on those people to know of and understand Queensland's problems and those of North Australia generally? Not Queensland alone, but the Northern Territory and the north of Western Australia are just as much involved and just as important for the safety of the people of Brisbane as is the development of North Queensland.

Mr. Moorhouse: Did they sack the man that made that report?

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: No. Probably promoted him.

At 12.45 p.m.,

Mr. MANN (Brisbane) relieved Mr. Speaker in the chair.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: I call the attention of hon. members of this House and the people of Queensland and those of the other States also, to the seriousness of this idea that the economic heart of Australia, as some people are so fond of calling it, is all that matters to Australia. As recently as last year the argument was put forward that for the defence of Australia it was necessary to preserve the economic heart of Australia, that being, of course, the little corner south of a line drawn from Newcastle across to Adelaide. A military official told us that it was necessary to preserve that part of Australia so that Australia could fight back and throw an invader from this continent. What a picture to try to convey to me or any other intelligent man! By preserving that little south-eastern corner of the continent they would be able to develop a fighting force to throw an invader out of this continent! Mr. Speaker, do not think that this has all been remedied. It has not. As late as this year I got the shock of my life to be asked in my office where we had decided to move our seat of government to in the event of a Japanese attack. And that was this year, not last year. I mention that to give hon. members an idea

of how totally unconscious these people were of the necessity for protecting and developing the north of this great country. Why, when the American Expeditionary Forces came here, heaven and earth were moved to try to convince the American Air Force when they arrived here that they were too near to the danger in Brisbane and they ought to shift to Geelong. Every effort was made to shift those people who came here and started to land and assemble aeroplanes here for the defence of this country down to Geelong! One American officer, when speaking to me about it, said that if they thought they were too near the danger here they would have been plenty far enough away in the United States. That was true. It was not at the will of the Federal public service or of the Federal Government that these forces stayed here. They stayed here because they thought they were far enough from the enemy if they were going to engage him, and after a while they began to push north in Queensland.

I mention these things to show how necessary is a proper awakening and understanding by the people of Australia of the problems that are facing this country, and what a complete waste of effort this war is going to be unless there is a complete and proper understanding of these questions.

As I say, very few thinking people in public life, no matter what their political views may be, will deny that there can be advantages in administration and government by an alteration or amendment of the Constitution. We have seen over the years how hampered both State and Federal Governments are in certain directions, but, as the Leader of the Opposition said, why do not the Federal Government say, "We want to do so and so, we want to develop North Queensland, we want to take over your railways, we want to take over anything at all," and let them show us in what way they propose to improve the service to or the safety of the people? If they did that, I venture to say no public man in this country will deny any power that is necessary to solve those problems. What do we care whether State Parliaments survive or whether there are more or fewer States if we can see that the people of this country are going to be protected, that the development of this country is going to go on, and that the men who are now fighting for this country will have an opportunity, when the war is over, of establishing homes, creating industries, and rearing families free of fear of any further slaughter?

Under the present proposal there would be no room for State Governments. The present proposal really is one for the abolition of the Constitution altogether. No form of State government or State management could exist if its powers were subject to alteration at the whim of the majority of the members of the Federal Parliament. During the 10 years in which I have been a member of this Ministry our greatest difficulty has been the planning of our work ahead, owing to the fact that it has been difficult to make financial arrangements ahead. When we have had to live from year to year in our financial planning, we have had the utmost difficulty

in planning developmental work ahead, and if we experience that difficulty with our present Constitution, what possibility shall we have of planning ahead if our Constitution is merely at the whim of the Federal Parliament?

Take the local government law of Queensland as an example. Hon. members will remember that until recent years local governing bodies in Queensland had only the powers that were given to them under the Local Authorities Act. We realised, after years of experience, that it was impossible for local government bodies to plan their work with the limited powers they had, and in order to give them security and the power to plan development in their areas, in order to give them power to plan ahead for water supply, for sewerage, for health work, in fact for all the important work that local government bodies do, we gave them a different charter. We gave them a charter as wide as the ocean to do anything they liked in the interests of their own domestic work, provided it did not conflict with State or Federal law. Not one hon. member of this Parliament voted against the giving of that charter and that security to local government bodies. Why? Simply because we realised that local government bodies could not operate without the same security in their constitution as we might call it, or their charter of government, as the State or Commonwealth enjoyed. In actual fact, there would be no such thing as a Constitution if the present proposals were carried.

We have to remember also that the proposal put up by the present Federal Government goes further than any democracy could, with equanimity, consider giving. I do not say for a moment that the Federal Government or the Federal Opposition consciously propose to do anything that would aid the setting up of Fascist control in this country, but we must not forget that if we do what is proposed there will be no constitutional control whatever, because there will be no appeal from a decision of a simple majority of the Parliament of the Commonwealth. All that would be necessary to abolish democracy altogether would be for the Federal Parliament to pass an Act to abolish the holding of elections and to create a Government in perpetuity and to declare that such a law was necessary in the interests of security and social justice. That is the kernel of the whole objection to the Federal proposal—a simple majority in the Federal Parliament could completely abolish constitutional government altogether.

The need and the value of the Constitution is, I am afraid, not clearly understood by all. In the same way the public do not generally realise the value in the State Constitution of the Governor.

There are very important functions to be carried out by the Governor. Let me recall to mind the recent argument as to whether there should be a Governor of a State, a Governor-General for the Commonwealth, or any Governor at all. The old controversy between political parties has been

that we should or should not have local Governors instead of Governors from overseas. In actual fact, under the Constitution and with proper safeguards to the people, it would not matter very much whether the Governor was a local man or one imported from overseas so long as he carried out his duties properly. The Governor is the safeguard for the people against the Parliament. Without the approval of the Governor no legislation could become law. If there were no Governor Parliament could do as it liked and it need not go to the people. Take the case of Queensland. The Queensland Parliament has a single Chamber. Let us suppose that the Attorney-General brought down a Bill to extend the life of Parliament for 20 years and to give the Governor in Council authority to fill vacancies as they occurred. If there was no Governor, such a Bill would become law without the need for a Governor's signature. If there was a Governor, would he sign such a Bill? No, of course not. He would say, "You must consult the people; this is an interference with the rights of the people." Just as Parliament was created to protect the people against the despotic rule of Kings, so there is a person independent of Parliament to assent to Bills before they become law as a protection of the people against Parliament.

Mr. Taylor: The Governor did not say that in the case of the Public Safety Act. He did not say to the Government, "You must consult the people first."

The SECRETARY FOR HEALTH AND HOME AFFAIRS: No, the Governor was gifted with a bit of intelligence, and he realised that in this war what was wanted was more fight than skite.

An Opposition Member: The hon. member voted for the Bill at his party meeting.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Of course, he voted for it in the party, and it was not until he got with his mob that he took exception to it, and he does not take too much exception to it today either. If there was more fight and less skite in this war things would be much better.

Unconsciously the proposals by the Federal Government would clear the way for Fascist control in this country. And there is a Fascist organisation in this country. Let no one be misled into thinking that the cranks who were arrested recently and prosecuted for being members of the Australia First Organisation are the real people behind that organisation. Hon. members will remember that not many years ago a good feeler was put over the Returned Soldiers and Sailors' Imperial League in Brisbane to see if they would back such an organisation.

Mr. Decker: There is no doubt about that.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The hon. member remembers it.

Mr. Decker: Too true.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The hon. member for Sandgate remembers it. A feeler was put over the League in Queensland to see if they would back armed resistance should Mr. Scullin be returned to power in 1934.

An Opposition Member: Where did that come from?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The hon. member may have heard the wisecrack at the time, "Democracy is dead, the body stinks, we are only looking for a place to bury it." It was a fashionable wisecrack, not amongst the working people, but amongst those people who believed that they could do better under a Fascist organisation than under democratic government. There are people who would take advantage of an opportunity to destroy democracy in this country, and it would have happened if the people had been receptive enough at the time. Thank goodness, those who sponsored the idea were only a small minority, but even though they are only a small minority, the Parliaments in Australia should see that nothing is done to the Constitution to make the path of the Fascist any easier than it is to-day.

By all means let us keep our safeguards. Freedom is a very precious child, and we should keep it as close to home as possible, and see that it does not wander away too far. While I should be glad, and the Premier would be glad, and the Leader of the Opposition, too, to attend a Convention to consider the proposals to give the Commonwealth Parliament all the power that it requires to cope with the problems relating to the security of this country, at the same time I think we should be very careful not to grant such powers as will create a greater evil than that which they are designed to eliminate.

At 2.15 p.m.,

Mr. SPEAKER resumed the chair.

Mr. NIMMO (Oxley) (2.15 p.m.): I want personally to thank the Premier for giving this House an opportunity of discussing this all-important question. It was indeed a very fine gesture on his part. It will go a long way in directing public opinion into the proper channels. It is absolutely wrong even to discuss the taking of a referendum at present, particularly in view of the news that is coming through from day to day and the seriousness of the international position. One would think that the efforts of the Commonwealth Government would have been wholly devoted to winning the war instead of fiddling about with talk of a referendum of this nature and printing copies of the Bill and Dr. Evatt's speech which in itself must be using a great quantity of paper and will achieve no object whatsoever. Everyone is willing to give the Commonwealth Government the fullest possible powers for the defence of Australia, but instead of seeking those powers they are fiddling away and looking to see what extra power they can take for themselves. For that reason this debate

will go a long way to clearing the atmosphere on the subject in this State.

Queensland has had a long and varied career. She was only granted separation and self-government after a long fight and even then an attempt was made to deprive this State of an area that it was recognised should have been included in her boundaries. Notwithstanding all the initial difficulties associated with the founding of a new State, and with very little money in the Treasury at the date of proclamation, the progress made in Queensland has been truly remarkable. Our early statesmen showed pluck and courage and we all admire them for it. Even the House we occupy to-day was built over 70 years ago, just after this State was founded. The public works policy of those early statesmen and the success that followed it shows that they had a broad outlook. Practically every Government who have followed have been imbued with a similar idea, of developing this State and making it one of the most important in the Commonwealth.

I should like hon. members to contemplate what might have happened had there been only one Government from the inception of Australia, and that Government had sat continuously in Sydney, and no other States than New South Wales had been formed. It would not be unreasonable to say that the development we see in the various States would not have taken place; in fact, in many of them it would have been negligible. We in Queensland to-day should have found ourselves in a similar position to the people of the Northern Territory. The Commonwealth came into being to supply a Federal need. It was to co-ordinate the services that must be carried on in a Federal spirit if we were to develop a young nation. The Commonwealth was established in order that there should be one policy on such matters as defence, customs, and posts and telegraphs which it was generally recognised should be controlled by a Federal Government. Those statesmen of all shades of political opinion who drafted the original Constitution went very carefully into those matters. They had as their objective the development of the various States of Australia and the Constitution they drafted was so liberal that it gave not only the greatest liberty but the greatest safeguard to each State.

When one contemplates the fact that Queensland is more than six times the size of Great Britain, one realises what a great deal of development has yet to be carried out. I venture to prophesy that if the Commonwealth Government are granted the powers they ask the development of this State will be retarded, because there will be a great deal of sliding back and the same attention will not be devoted to the different parts of the country as is possible under the present system. Queensland has greater prospects of development than any other State in Australia. Nobody can gainsay the fact that our climate is about the best in Australia, taking it all the year round. We have large areas of good land. Various schemes for irrigating our western lands have been put forward, but because of lack of money we have not been

able to put them into effect, but those schemes will certainly be carried out if the citizens of this State are allowed to shape their own destiny.

The early statesmen in Queensland saw the danger of the congregation of a large population in one area; therefore, instead of building our railway lines to converge towards the capital, they built them westward from the ports, and that will be a great advantage to the development of this State. Had Federation been delayed for a period I believe we should have progressed a great deal faster than we have done in recent years. When one realises that in the days before Federation the Government of Queensland had a steamship line—I think it was the British India—that carried our goods and passengers direct to England without calling at Sydney or Melbourne or Perth or any other capital city, one realises the great interest they took in developing this State. I have always argued that the day must come again when we shall have steamships leaving Brisbane for England, going round the northern part of Australia, calling at India and so travelling direct to Great Britain. The loss of those shipping facilities was a grievous one and it was a retrograde step to discontinue them. There is no question that boats calling at each capital city bring tourist traffic, which tends towards the development of the State.

The proposal of Dr. Evatt is not really an amendment, as the Premier rightly pointed out, but an alteration of the Constitution. As a matter of fact, it is virtually creating another Constitution that would deprive the people of Queensland of the right that is inherently theirs.

Mr. Pie: The people of Australia.

Mr. NIMMO: I am localising the issue. The people of Australia are being deprived of a right they always had—the right to govern themselves. I remember reading in British history that, on one occasion when a Prime Minister of England visited the Queen she told him she wanted a certain thing and he replied that he could not do it, and added “You are the Queen of England, but I represent the people of England.” The people of Australia are the people who should be consulted in this matter; they have certain rights, which they have enjoyed for a long period. Under the feudal system the King had power over the lives and actions of the whole of the people. As time passed the people got rights and to-day in the British Empire every man has a vote and every man has the right to some say in the government of his country. If that right is taken away, as it has in Germany, Italy, and Russia, and a dictatorship is set up, we go back to the feudal system—the old system in which one man was in control. This war is being fought to preserve the rights the people have won over a long period of years.

The proposal requires the most careful consideration of this Parliament, and I call as witness the circular sent to me by the Commonwealth Government and the Bill. The statement is by the Attorney-General,

the Right Hon. H. E. Evatt. I use these documents as strong evidence that the people of this State and the Commonwealth should turn down the proposals. On page 3 of the circular he states—

“In the forty-two years in the history of the Commonwealth eighteen constitutional alterations have been submitted to the people at referendums. Only three have been accepted.”

Why have only three been accepted? Dr. Evatt, in his own statement, answers that question—

“Both in the United States and in Australia the few amendments that have been passed have been specific.”

If amendments to the Constitution are desired and they are specifically for the prosecution of the war or post-war reconstruction, we perhaps could consider them and do what we could to help the Commonwealth Government get them through, but in the proposed Bill they are asking the people to give them a blank cheque. There is nothing specific about the alterations proposed to be made in the Constitution.

Dr. Evatt also states—

“The proposal leaves room for fear that the power will be exercised in some way that is objectionable.”

What is the power asked for by Dr. Evatt?

Mr. Pie: Unlimited power.

Mr. NIMMO: Yes. I now turn to the Bill, which states—

“This Act may be cited as Constitution Alteration (War Aims and Reconstruction), 1942.

“The Parliament shall have full power to make laws for the peace, order, and good government of the Commonwealth, its territories, and all places under its jurisdiction or control, for the purpose of carrying into effect the war aims and objects of Australia as one of the United Nations, including the attainment of economic security and social justice in the post-war world and for the purpose of post-war reconstruction generally.”

It appears to me that the meaning of those terms depended merely on what party was in power. If this alteration was carried Fascism could be brought into Australia overnight. An absolute Fascist Government could get control of the Commonwealth Government benches. The proposed alteration leaves the door wide open.

Hon. W. Forgan Smith: A Communist dictatorship is also a possibility.

Mr. NIMMO: Yes.

The Secretary for Health and Home Affairs: The trouble is that once they get in you never get them out.

Mr. NIMMO: Suppose Mr. Ward got control of government in the Commonwealth Parliament! We should be on the way to

Communism. There is no question about that. We must not do anything that will hamstring our people. There are a number of people talking Communism in Australia; people who say that the Communists are right. Why, only the other day I read a publication by a celebrated English writer in which he speaks of Communism in progress. Many Australians who are talking Communism do not know what Russian Communism really is. There a man is made to work or he starves. There are no half-way measures. The bosses have control of the people, but a man talking Communism in Australia usually looks at it from the point of view of what a good fight they are going to have. As a matter of fact, the most precious thing we have is our liberty. The people can be given all the benefits possible, but if their right of liberty is taken from them these benefits are merely a worthless husk.

Mr. Pie: They have finished with Communism in Russia. They are on to something else now.

Mr. NIMMO: Of course, they are gradually evolving and when the evolution is complete they will be back to our system of government, with certain alterations that we have yet to make. It is only a matter of building up. They started with a crude system and they are gradually building up until eventually they will come back to the system that has operated in the British community. Rewards have been given for tasks performed, rewards have been given for extra services rendered to the community, so that really they are building up two classes there, and have gone through all that they have suffered to achieve that end.

Why are these additional powers sought? I think our former Premier summed the position up accurately the other day when he said the men who sought them were actuated by the lust for power. I think it was Mr. Hughes who said that Dr. Evatt has been blowing soap bubbles and seeing visions in them of what he might achieve. He left the High Court of Australia to take a position in the Commonwealth Parliament. There is no gainsaying the fact that he is a wealthy man, but the possibility is that he has realised, as many other people have done, that money is not everything, that there are other things than money that count in this world. Possibly in the soap bubbles he has seen visions that suggest that if he could have these alterations made to the Commonwealth Constitution he could become the first president of the first Australian republic, and, as the Secretary for Health and Home Affairs interjected a few minutes ago, the life of Parliament could be extended indefinitely. I am not going to say that these men are going to do this. What I am saying is that they are asking for powers that would enable them to do it and we, as representatives of the people, must point out to the people that it would be dangerous to give such powers to any Parliament. If power is left in the hands of the people the country is always safe, because in the final analysis public opinion must rule the country.

Mr. Taylor: What rules public opinion?

Mr. NIMMO: Common sense and reasoning power.

The Secretary for Public Lands: Good leadership.

Mr. NIMMO: The hon. gentleman would never be in that good leadership, anyway. I know that the hon. member for Enoggera is going to put forward the old cry of the Communist Party that it is the newspapers and wealthy classes who rule public opinion, but I say that the greatest students of public thought to-day are the working men. A man working at the bench is a greater student than the captain of industry to-day. The working men are studying problems for themselves and I venture the opinion that any Parliament that puts anything over him may get away with it for a little while, but eventually the worker wakes up to what is being done and he remedies the trouble when he next visits the polling-booth.

The Secretary for Public Lands: It is through no fault of yours that the working man has been educated.

Mr. NIMMO: I cannot understand why the Minister is so unkind. As a matter of fact, I have done my best to liberalise our education laws ever since I have been an hon. member of this Assembly. The hon. gentleman will have his opportunity to speak on this matter, and I am going to make my speech in my own way.

I say emphatically that the Commonwealth Parliament is after an alteration in the Constitution merely to satisfy its lust for power. Have the States fallen down on their jobs? Has any State in the Commonwealth fallen down on its job? Successive Governments have endeavoured to govern their States along proper lines, and if this open cheque is given to the Commonwealth Government I predict that we shall see the beginning of a gradual slackening in the present rate of development of the outlying areas of the State especially.

Both New South Wales and Victoria had magnificent starts. Tariff laws encouraged the establishment of secondary industries, and ever since the majority of the big factories that have been established in Australia have been started in the Southern cities, and the outlying districts, whilst Queenslanders, although they have had to pay their share of the cost of these tariffs, have had no benefit from expenditure by the Commonwealth Government. As soon as the Constitution was altered in the manner proposed there would be a greater drift than ever from the country to the cities. If the people were foolish enough to grant the Commonwealth the wide powers it seeks, they would lose their sovereign rights. The Bill has been very cleverly drafted and we shall have a very big job to counteract this clever propaganda amongst the electors.

Mr. Taylor: Too right you will. There is no doubt about that. Go down amongst the workers and see how you get on.

Mr. NIMMO: The Communist Party has always been a past master at propaganda. I remember reading that Lenin said on one occasion that big business would commit suicide for a quick profit. I am inclined to think he was right. So long as plenty of money is being spent and business is getting its whack, it will keep that Government in power. I think John Lang, another left-winger, said that the Government who promised most to the people would get the most votes. Apparently the hon. member for Enoggera is trying to work along those lines, but eventually the people will find them out.

The Bill says that one of its objects is the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth. There is nothing wrong with that idea, but are not the State Governments going to do all they possibly can for the reinstatement and advancement of members of the fighting services? The Bill goes further than that, and includes the dependants of such men as have died or been disabled as a consequence of war—it is proposed to rope in all their relatives or to try to do so.

A further object of the Bill is employment, including the transfer of workers from war-time industries. Surely to goodness State Governments are going to do all they possibly can to provide work by transferring men from war-time to peace-time industries? Do not forget, too, that the Commonwealth would recognise that it would need the co-operation of the States if it had any understanding of the problem at all. That is just a "bit of lolly" to get more votes in favour of the proposal at the referendum.

Another object of the Bill is the development of the country and the expansion and production of markets. I want to say emphatically that if it had been left entirely to the Commonwealth there would have been very little expansion in markets. If this referendum had been carried prior to the outbreak of war, we should have been in a hopeless mess to-day, because the States alone have been responsible for the encouragement of production. The Commonwealth Government, by their price-fixing regulations and other regulations, have shown a tendency to retard primary production. We know the reason for that.

Mr. Power: There is nothing wrong with price-fixation.

Mr. NIMMO: There may not be, so long as it is done by people who understand the job, but in governing a continent the size of Australia from Canberra, regulations may be drafted that may be appropriate for Victoria but absolutely wrong in the northern parts of Queensland.

Mr. Pie: That has been proved over and over again.

Mr. NIMMO: Absolutely. The expansion of production and markets can well be left to the State Governments. Then there is the further objective of production and manu-

facture of goods, the supply of goods and services, and the establishment and development of industry. I can see all the manufacturers and their employees falling over themselves to vote in favour of this idea, but it is the usual propaganda that is put forth with the object of winning votes in favour of the referendum.

Mr. Taylor: Like the propaganda, "Give the boy a job?"

Mr. NIMMO: I would not give the hon. member a job, anyway. Then there is the further proposal to deal with the prices of goods and services, including their regulation and control. How can a Commonwealth Government regulate and control the prices of goods and services any better than the State Governments have done in the past?

Then Dr. Evatt appeals for greater powers for the Federal Government to deal with profiteering. That is only another appeal to the worker, who will say that if the referendum is carried there will be no profiteering. The Commonwealth Government have all the required powers to prevent profiteering under the present Constitution. We all know that the Commonwealth Government can take any measures against profiteering without resorting to a referendum.

Mr. Pie: How can you profiteer under the present system of taxation?

Mr. NIMMO: You cannot, but apart altogether from that we have given the Commonwealth Government all such powers by agreement. I have not heard of any protest by the Commonwealth Government against the refusal of any State to give them the fullest powers to prevent profiteering. We can only conclude that an appeal on that ground is a sop to the unthinking.

Dr. Evatt also contends that greater Federal powers are needed for the encouragement of population. What do the Federal Government propose to do to encourage population? They possess all those powers at the present time and to implement them it is only necessary to make conditions in Australia attractive, and the conditions of the people here as happy as possible. The State Governments are attending in no small way to the job of improving the social amenities of the people.

The classic clause of the Bill speaks of the carrying into effect and guaranteeing the four points of the Atlantic Charter, first of which is freedom of speech and expression. Have we not that in Australia to-day, except in regard to such statements as would conflict with the Government's war policy, or be dangerous to the people's security. This is the freest country on God's earth. Everybody has freedom of speech and can exercise it as freely as possible. He has always been able to do so.

The next point in the charter is religious freedom. Religious freedom in this country is absolute. As a matter of fact, I believe one could launch a movement for a new religion to-morrow and get adherents in any part of Australia. We must be proud of the religious freedom that exists in

Australia, and any attempt to interfere with it would be wrong. One would think that we were living under some system of slavery and had some restrictions placed upon us, and that this war was a war to free the people from the shackles. Such a pronouncement is only propaganda and pandering to the unthinking to get votes.

The next point of the charter is freedom from want. I ask any hon. member, would the passing of this referendum give freedom from want? The whole thing is absurd. Then we are told that the passing of the referendum is necessary to obtain freedom from fear. We already enjoy freedom from fear so far as public life on this continent is concerned. If the people were foolish enough to vote for an alteration of the Commonwealth Constitution on such appeals as I have mentioned then they might have some cause to fear, because they would be giving away the rights they possess to-day into the control of men elected to the Federal Parliament who would then be at liberty to pass any legislation they desire for their own benefit and aggrandisement.

For these reasons these proposals are dangerous. I therefore hope that when the Premier and the Leader of the Opposition attend the forthcoming convention they will point out in no uncertain manner that so far as Queensland is concerned the people will have none of it.

Hon. W. FORGAN SMITH (Mackay) (2.49 p.m.): This is one of the most important debates that have taken place in this House during the period I have been a member, because the whole form and fabric of government is being brought under review. In the first place I want to protest against any proposal to take a constitutional referendum at the present time, because there is far more important work for the people and Parliaments of Australia to do.

Honourable Members: Hear, hear!

Hon. W. FORGAN SMITH: The war effort is the only effort that matters, for unless this war is won and unless we emerge from this conflict owning and controlling Australia the words of a Constitution will be as a mere nothing—as grains of sands in the desert.

Any form of government that is proposed to us must be looked at in the light of the public interest. The art of government is a tremendously interesting subject, but it is remarkable that no great statesman has ever written a book about the art of government. Eminent men have written books on many political subjects, but no Prime Minister of any note has written a book on the art of government, because it is a progressive art that changes from day to day and it is not possible to lay down definite principles that, if sound to-day will be sound next year.

The whole problem of government is bound up in the answer to the question: given a country and a people, how can that country be best used in the interests of the people and in the direction of promoting the greatest

happiness and prosperity of the people who inhabit that country? Any proposal that cannot be squared with the principle I have just enunciated must be regarded with suspicion, must be definitely opposed; and there is nothing in the proposal now being discussed that is going to increase the health, the well-being, and the happiness of the people. Many fine phrases are used in the Commonwealth Government's Bill, but no definitions are given of the terms used. Take for example the term "economic security and social justice." If anyone was asked on the public platform whether he favoured that objective, he would answer it in the affirmative, but every man who answered it would have a different definition in his mind as to what it meant. I have met people who spoke with great fervour about the need for social justice, but I know that if giving effect to the principle prejudicially affected their own interests, it would be found that their idea of social justice and that of the other persons concerned were as wide apart as the poles. There is no definition of those terms, yet by the mere use of them in any Bill all the common-law rights and statutory rights of the people of Australia can disappear.

Two thousand years ago or more it was laid down in Rome that a citizen of Rome had a right of appeal to Caesar. That right was exercised by my friend St. Paul, amongst others; yet that basic rule of justice, which stands athwart the path of history disappears in these proposals—no-one is going to have the right to contest in the High Court the legality of any action of the Parliament; and here you come to the very crux of everything.

Under these proposals sovereignty is being taken from the people and vested in members of Parliament. Members of Parliament are only trustees of sovereignty. Sovereignty begins with the people and rests with them at all times, and if anything deprives the people of their sovereignty it should be regarded as a breach of faith and a breach of trust. Power can be exercised effectively only if responsibility is as widespread as possible. That is why within the State you have not only the State Government but you have local government spread throughout the length and breadth of the land. Each semi-governmental body having direct power to do certain things is responsible to the people it represents, and must account for its trusteeship. So anything that takes away the sovereignty of the people must be resisted. Irrespective of the source of any proposal, I stand for the people and the people's sovereignty, and will resist to the utmost of my capacity any attempt to flitch from the people the sovereignty that belongs to them.

Furthermore, we must agree that the intuition of the great masses of the people frequently lead to better decisions than those of the so-called intellectual minority. Yet there has always been a group who despise and regard with contempt the peasant, the worker, and the man who earns his bread by useful toil, believing that they alone have the intellectual ability to control the country and that the job of the great mass of the people is to work to produce

wealth. The masses, such people say, were not given the power to reason, and so they have not been consulted in matters affecting their welfare, and the result is that in almost every generation there have been terrible wars. Thomas Carlyle, in "Sartor Resartus," speaks of the quarrier working in Britain and the vigneron working in France. These people, he says, desire only security, to live in peace with their neighbours, but at the instigation of the so-called intellectuals of the day who controlled the Government, these men were thrown at each other's throat and asked to kill each other. That has been so ever since, in fact before and since, and it is so to-day. What member of the general population in France, Great Britain, and the United States of America was consulted about the exchange pool that profited the financial institutions of each of these countries and placed an impediment on Germany and made war inevitable? These things always happen where there is unlimited power, where things can be done and agreements entered upon and the full effect of documents and agreements is not disclosed to the Parliaments of the people. I say again that the problem is: given a country and a people, how can we best use that country in the interests of the people and for the promotion of the greatest happiness?

Under those proposals, any kind of political set-up can take place. If the first referendum is carried, there is no further need—

Mr. Nimmo: Never again will they be wanted.

Hon. W. FORGAN SMITH: Never again—the need will have gone. We shall have dissipated every right we had, and the Parliament as then constituted will be able to amend the Constitution whenever it pleases, and not only the Constitution of the Commonwealth, but the Constitutions of the States. It could vary the law for any part of the Commonwealth. Uniformity of law, with all its advantages, would disappear. The High Court is emasculated, deprived of its power and authority. Whatever anyone says about law courts, the British system of jurisprudence, which is used in this country to a large extent, has given very good results. It has stood between the tyrant and the oppressed. Speaking generally, any man who has a prima-facie case can get justice in the law courts of Australia. What kind of a proposal, therefore, is it that prevents the court from giving justice to a citizen of Australia in order that parliamentarians might do what they liked? Parliamentarians have a sacred task. They have a solemn obligation to the people of this country, and nothing but disorder will ensue from the idea that is growing up in the minds of so-called intellectuals that they can think and decide better than the people can. Mussolini and Hitler claimed that for themselves, and to establish such a claim in Australia is to put those who make the claim on the same plane as Hitler and Mussolini.

Honourable Members: Hear, hear!

Hon. W. FORGAN SMITH: I warn hon. members that not only is it possible to set up a Fascist dictatorship under this scheme, but there is also the possibility that a Communist dictatorship will be set up under it. In actual fact, and judging from what I have seen, I have never been able to distinguish between these various kinds of dictatorship. They all mean the seizure of power by a few. They all mean the dictatorship of the proletariat and the rest of the community by those few, they rest their claims on the power of the State, and impose their wills upon the people ruthlessly and without conscience.

Since I spoke last on this question I notice that our friend Dr. Evatt said that my previous statements on the subject were incorrect. He did not show, of course, where they were incorrect. Any message boy could tell Gladstone that he was wrong, but that did not prove that Gladstone was wrong, and the same may be said on this occasion. I want to take this opportunity in Parliament of replying to Dr. Evatt. I read with interest in the Press on 27 October his remarks on my statement to Parliament on 15 October, on the construction of the Federal referendum proposals, taken with the Federal Statute of Westminster Adoption Bill, which has already been passed by the Commonwealth Parliament. Hon. members must not allow themselves to forget the significance of it.

I regret that my statement on that occasion, which was, of necessity, abbreviated, was not clear to the learned Attorney-General. I entirely agree with Dr. Evatt that the Statute of Westminster of 1931 only permits of the adoption by a statute of a Dominion of sections 2 to 6. All the other clauses of the Imperial Statute of Westminster are expected to be of general application throughout the British Empire, and it was not within the power of any Dominion Parliament to defeat them. It is the Commonwealth Parliament's failure to accept the whole statute and its action in adopting other lines of activity which deprive the States of the benefits of the remainder of that statute to which I have taken exception. I was, however, speaking mainly—and what is more important—of the general principles of the Imperial statute, which purported to safeguard the constitutional and legislative powers of the States, but which, I reiterate, the Commonwealth's Statute of Westminster Adoption Bill, coupled with the referendum proposals, does not preserve. You must take the two together. The Statute of Westminster, adopted in its entirety, is all right; no fault can be found with it. But not all the sections are adopted. The sections of the statute that are not adopted safeguard the rights of this and other Parliaments. To put it briefly, they provide that no alteration in an existing constitution can take place because of the increased powers in the Statute of Westminster except in accordance with the law that existed at the time the Statute of Westminster was passed. The point is that if we take the Referendum Bill and the

Statute of Westminster together all the constitutional safeguards that were provided by the Imperial Parliament are swept aside, and they include not only the provisions set out in the Statute of Westminster, but all the provisions in our own Constitution which were granted long before federation took place. So that at one fell blow we lose the advantages of two forms of constitution. We lose the advantages of the Imperial law, and we lost the advantages of the Australian law also.

The Australian law provides for the amendment of the Constitution subject to the will of the people; they and they alone can ultimately decide the matter. Mr. Curtin interjected to me in Melbourne that an amendment of the Constitution could be brought about by an agreement amongst the States, but the reply to that, of course, is that if Parliament can pass a law the same Parliament can repeal it. In other words, any amendment agreed to in that way does not operate permanently, but is a temporary expedient. The Hon. S. M. Bruce, when Prime Minister of Australia, took very good care to submit amendments of the Constitution enabling the ratification of the Financial Agreement to the people by referendum so as to have the authority to make that Agreement embodied in the Constitution in order that no serious challenge could be made to it.

The Imperial statute provides by section 8 that nothing therein shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth otherwise than in accordance with the law existing before 11 December, 1931. Remember that, because it is a most important phase of the discussion. It also provides that nothing therein shall be deemed to authorise the Parliament of the Commonwealth to make laws on any matter within the authority of the States of Australia not being a matter within the authority of the Parliament or Government of the Commonwealth. If the referendum proposal is carried, those safeguards in the statute would be taken away, and we shall lose their advantages entirely. It does not matter to me what Dr. Evatt may say at the Constitutional Club; I can go there myself and tell my story. I am giving the facts.

Mr. Taylor: What will be the advantage of the Privy Council until the lease-lend proposition is satisfied?

Hon. W. FORGAN SMITH: There is no relevancy in the interjection, and so it does not call for a reply. There is nothing about lease-lend in the subject under discussion. I am pointing out that if the referendum proposals are carried the safeguards of two constitutional measures will entirely disappear.

Mr. Macdonald: Everything goes by the board.

Hon. W. FORGAN SMITH: Of course. It would be much more honest to go straightforwardly for the abolition of State Parliaments and submit that proposal to the people.

Mr. Macdonald: That would show honesty of purpose at least.

Hon. W. FORGAN SMITH: It would be an honest proposal anyway, but to do it in the insidious fashion that is proposed is an indication of the tortuous legal mind, and, what is more, the proposals are covered up in order to delude the people into giving their support to the scheme. It would appear that if the present referendum proposals are carried the Commonwealth Parliament will, being fully authorised according to the Imperial statute, have power to make laws previously within the jurisdiction of the States. Laws made under the proposed new power, whose validity could not be challenged by the State concerned or by any other person, would therefore be supreme, notwithstanding anything else contained in the Constitution, including, of course, sections previously preserving the Constitutions of the States. Moreover, any objection on the ground that the referendum proposals, if carried and passed into law, were repugnant to an Imperial statute, namely, the Commonwealth of Australia Constitution Act itself, would not avail, as by the adoption of the sections of the Statute of Westminster, this ground of repugnancy is no further valid.

I repeat, therefore, that the protection afforded to the States by the Statute of Westminster, if these referendum proposals are carried, would be abrogated, as the new section 60A intended to be introduced into the Constitution is dominant not only over the original Constitution but over the Constitutions of the States.

For this reason I am unable to retract from my assertion that the Commonwealth, taking the Federal referendum proposals and the Statute of Westminster Adoption Bill together, has not adopted the principles of the Imperial statute in their entirety—namely, in the direction of preserving the legislative rights of the States. The powers of a State Parliament, legislating for the peace, order, and good government of the State, will therefore be at the mercy of whatever party is in control of the Commonwealth, without any appeal as to the constitutionality of a measure passed under section 60A, with complete disregard of the High Court and without any of the other safeguards so zealously provided, not only in the original pact as set forth in the Constitution, but, as was originally supposed, by the Imperial Statute of Westminster itself. That is a cold analysis of the legal position. If it is desired to give the Commonwealth those powers, then the people ought to know all about it.

I maintain, too, that the people should not be distracted at the present time with problems of this kind. The Commonwealth has ample powers to do everything that is necessary in waging the war. They and the States together have ample power to do anything with regard to repatriation after the war. Everyone in this House knows that the Commonwealth's handling of repatriation after the last war was a complete failure, and after it made a complete failure of it it "passed the buck" to the various States,

with all the financial liability that was involved. Who is to say that men sitting in Canberra are more capable of dealing with problems affecting the development of Queensland than this Parliament or public servants of this State?

Mr. Nimmo: Eddie Ward says so. (Laughter.)

Hon. W. FORGAN SMITH: I do not think, Mr. Speaker, that the hon. member's friend is a competent witness. (Renewed laughter.)

That, briefly stated, is the situation. Who can argue that Queensland can be developed from Canberra? We know the state of the Northern Territory. Under those conditions Queensland would become another Northern Territory. Queensland in any case could always be defeated by the vote of Sydney or Melbourne, and they have not failed to use that vote where it has been to their advantage; I know that to my sorrow. There is the situation. There is no need for these proposals; they are vicious in their incidence and, if carried, would be disadvantageous to Queensland.

The SECRETARY FOR LABOUR AND EMPLOYMENT (Hon. T. A. Foley, Normanby) (3.22 p.m.): I think we owe a compliment to the Premier for his splendid presentation of the case this morning, when he outlined the march of events in Australia from the very early days of the convict settlement to the time of the finding of gold in Australia and the rushes that ensued for the promised riches, the demands of the people for State rights, and the battle of the early pioneers in Queensland and other parts of Australia to bring about unity through the Federal Constitution.

It is interesting to read accounts of the verbal battles that took place in the days prior to the first convention held to discuss the Commonwealth Constitution. It is interesting to read the views expressed at that convention, and to note how jealously each representative at that and succeeding conventions took care to safeguard as far as possible the rights and interests of the colony he represented. The Commonwealth Constitution was brought into being, and although it has been said that it did not cover all the powers necessary to do what is necessary in the Commonwealth, the people have refused on many occasions to amend it in the directions asked.

In dealing with the big question before the House—the proposed amendment or alteration of the Constitution to bring into being certain principles that it is claimed are desirable—I wish to say plainly that I am in accord with the sentiments expressed in regard to the problems that it is said will have to be faced at the termination of hostilities. It is almost impossible to visualise the problems that will confront the statesmen of this country with the demobilisation of our army and the task of providing these men and great numbers of munition workers with employment. There will be grave disorganisation for a period, and it will need the ability of

every statesman in Australia to solve the problems confronting this country and bring about the measure of easy running that will be essential to prevent chaos and confusion.

When presenting the Bill to the Federal Parliament asking for permission to submit certain proposals to the people by way of referendum, Dr. Evatt said—

“The things that will have to be faced at the termination of hostilities will require a national plan and national action. Appropriate powers are necessary to handle the problems that we will be confronted with.”

As I pointed out earlier, no-one can object to the principles outlined as being the objective of the Federal Government. It is the carrying into effect of the war aims and objects of Australia as one of the United Nations, and the attainment of economic security and social justice.

There can be different interpretations of the term “economic security and social justice,” but one has one's own idea of its meaning and it will be somewhere near the mark. Dr. Evatt then states that it is necessary to bring about security of employment and also to have power to make laws with respect of all those things contained in the Bill—

“The reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during the war and of the dependants of such members who have died or been disabled as a consequence of the war;

“Employment, including the transfer of workers from war-time industry;

“The development of the country and the expansion of production and markets;

“The production and manufacture of goods and the supply of goods and services, and the establishment and development of industry;

“Prices of goods and services, including their regulation and control;

“Profiteering;

“The encouragement of population;

“Carrying into effect the guarantee of the four freedoms, that is to say—

Freedom of speech and expression,
Religious freedom,
Freedom from want, and
Freedom from fear;

“National works and services, including water conservation and irrigation, afforestation and the protection of the soil;

“The improvement of living standard in both rural and urban areas;

“Transport, including air transport;

“National health and fitness;

“The housing of the people;

“Child welfare.”

That is a long list of things requiring attention and as I have pointed out nobody can object to giving the powers asked for if they

are required to bring about the things enumerated. If there is anything wanting in our Constitution that prevents the Federal Government from giving effect to the principles claimed as their objective, there can be very few in the community who can object to giving the necessary powers, but there is a difference of opinion as to whether the powers are wanting.

In one part of his speech in the Federal House Dr. Evatt pointed out that it is difficult for the layman and even for legal men to determine certain questions with regard to amendments of the Constitution. I will not pose as an authority on constitutional law or the powers possessed by the Federal Government, but I have made one or two extracts from the report of the royal commission on the Constitution in 1929. The opinion expressed on page 71 is informative. There the commission refers to the Commonwealth Parliament's authority as being restricted by the Constitution itself, but within the limits of area and subject matter its powers of legislation are ample and of a similar nature to those of the British Parliament. There is no doubt that the limits were imposed by the framers of the Constitution of Australia. They realised that State interests had to be protected and that it is dangerous to give to any central power complete and supreme control, because of the risk of endangering these interests.

On page 27 of the report the commission makes a comparison between the position of the Commonwealth and other countries throughout the world—

“The Commonwealth can legislate on many matters which are outside the powers of the Congress of the United States of America and on some matters which are outside the powers of the Parliament of Canada.”

That shows that the framers of the Constitution knew of the Canadian and United States Constitutions and to a certain extent endeavoured to avoid many of the difficulties found therein. Apparently, they made a very good job of it, because the commissioners recognised that the Commonwealth had powers in many respects greater than those of the Congress of the United States of America and the Parliament of Canada. After studying the question I have come to the conclusion that it is possible for the Commonwealth, with the co-operation of the States, to do anything that is desired in the interests of Australia by way of agreement.

I propose to quote from section 105A of the Constitution, which provides all the facilities for making agreements with the States in connection with taking over debts, interest to be paid, the management of State debts, and for borrowing of money for the States, for the Commonwealth, or for the States and the Commonwealth. Subsection 6 sets out—

“The powers conferred by this section shall not be construed as being limited in any way by the provisions of section 105 of the Constitution dealing with the making of agreements.”

It would appear that there we have it set out in plain English that there is almost unlimited power in the Constitution now for the Federal statesmen to confer with representatives of the State Governments and enter into agreements, and this has been done from time to time. It also gives State representatives an opportunity to take steps to safeguard what in their opinion should be safeguarded in the interests of the States. Under Dr. Evatt's proposal, however, supreme power is to be given to a central body to do whatever it may think proper at any time, to bring in any regulation irrespective of whether the States agree with it or not. Hon. members should realise that if these proposals are agreed to we are running a grave risk of endangering those things that are vital not only to Queensland but the other parts of the Commonwealth as well.

I have another interesting extract from the report of the royal commission to which I have referred. It is taken from section 22 of the commission's general recommendations, and it seems to be appropriate to the matters that have been raised here to-day. It says—

“We are aware that the division of powers must lead to some inconvenience and has often been found irksome by Ministers both in the Commonwealth and State Parliaments. But this difficulty may be diminished by a readjustment of powers in the light of the experience of the past 28 years and it has been diminished to a very large extent by co-operation.

“If there had been further co-operation between the States and the Commonwealth it is probable that the impression of the Constitution as an almost inflexible instrument would not have been formed.

“This conclusion appears to be supported by the history of the last constitutional amendment, but apart from the power of amendment, the inconvenience attributable to a division of powers has been greatly diminished by co-operation and administration—e.g., in health, in fisheries, in navigation, and in the control of railways, as well as by the operation of certain Commonwealth instrumentalities which work in conjunction with the States and are supported by the revenue or the credit of the whole of the Commonwealth.”

It goes on to say—

“Again, the division of powers may be said to lead to subdivision of political interest, but if this is an objection, we do not think that it outweighs the advantages of local self-government.

“On the contrary, it seems to us that the concentration of all legislative and executive functions in one authority would be likely to produce that paralysis at the centre and anaemia at the circumference which has been referred to by some writers on political science.”

A note of warning has been sounded over and over to-day concerning the grave risk of centralising all powers in one authority, especially those relating to legislative and

executive functions, because it was likely to lead to paralysis at the centre and anaemia at the circumference. One might say that the proponents of a referendum are basing their request for greater powers on exaggeration, and the deliberate creating of problems of administration that collaboration and experience would overcome. If all they say is true, what hope is there of economic salvation for the 48 States of the United States of America after the war? That nation proposes to carry out the Atlantic Charter without in any way interfering with or disrupting its political system, yet, as I have already pointed out, the royal commission on the Constitution in its general recommendations says that it is less effective and less flexible than the Constitution under which we are operating at the present time.

I think it is only fair to Dr. Evatt, who introduced the measure into the Federal Parliament, to quote some of his remarks so that there will be no misunderstanding and no misinterpretation of what he said. He said—

“When the war is over Australia will be confronted with the greatest task of economic rehabilitation in its history. The problems of employment, housing, health, and child welfare, vocational training, and markets and price stability will call for enterprise and statecraft of the highest order. The whole history of the Commonwealth Constitution shows that these problems cannot be solved without wider powers in the hands of the central Government.”

Yet throughout his speech there is not one word to indicate the anomalies, the hurdles, or the difficulties that prevent the solution of the problems under the existing Constitution.

He goes on to say—

“Positive, quick, and courageous action must be taken after the war to ensure employment, social security for all, and improved child welfare standards, housing of the people, and promotion of economic stability.”

We all agree that quick and courageous action will be necessary to cope with the problems with which we shall be confronted. Indeed, it was necessary for quick and courageous action to be taken in 1932 when the people of Queensland returned the Labour Government to power. At that time there was an economic depression unprecedented in the history of the State. The business index and the share-price index indicated a complete economic collapse, and the unemployment problem was greater than ever before in the history of Queensland. Yet the State Government, with their limited powers under their Constitution, were able to cope with the position and to infuse greater spending power into the community, which eventually had the effect of bringing about rehabilitation and gradual progress towards recovery, not only in Queensland but in the other States of the Commonwealth, too. Had the solution of the problem been left to the central powers and

had the Commonwealth been called upon to right the position that prevailed in 1932 at the very nadir of the depression I think the State would have drifted into complete bankruptcy.

Mr. Decker: The State got the assistance of the Commonwealth.

The SECRETARY FOR LABOUR AND EMPLOYMENT: We did not get its assistance. As a matter of fact, the development and works programme for the last year prior to Labour's taking control of affairs in Queensland in 1932 amounted to £2,500,000 and the State could not get any money through the Loan Council. The general outlook of the Federal Government and their influence upon the Loan Council at that time was such that the Loan Council was against any proposal for spending or for increasing loan expenditure.

It will be remembered that the hon. member for Mackay, the then Premier, at the first meeting of the Loan Council that he attended was responsible for bringing about a change of attitude. As a result in the first year's operations, 1932-33, instead of spending £2,500,000 we were enabled to spend £4,600,000. In other words, £2,100,000 of new spending was put into circulation. It had almost a miraculous effect. The improvement was observed year after year. It was limited, of course, by the amount of loan money that the Loan Council allocated, but we reached a point where just on £7,500,000 of new money was infused into the economy of the State and circulated by means of loan works, State development works, and other methods. I just mention this fact in passing to demonstrate that on that occasion the State was able by quick and courageous action to prevent a greater depression notwithstanding that we had to use our utmost energy to induce the Federal authorities to swing our way.

The subject of employment has arisen in these deliberations. As I have pointed out, we have already made preparations to meet the position that will certainly arise at the conclusion of hostilities. Last session of Parliament I introduced the Co-ordination of Employment Facilities Act, the object of which was to co-ordinate all the employment-placing and employment-giving facilities in this State and so to organise them as to meet any position that might arise. We naturally did not expect the central Government in Canberra to decide or even advise as to what should be done in Queensland. We introduced machinery that enabled all those concerned in the various districts throughout Queensland, knowing their local problems and local conditions, to form their own district boards and make a survey of their own local requirements and potentialities. That embraced all that was possible in the way of employment-producing facilities, such as roads, irrigation, land settlement, local-authority employment, and national schemes. That information was passed on to what is known, and will be established in December, as the State Employment Council. When that body is established it will be supplied by the district boards, 38 in number throughout the

State, who know their own districts and requirements. It will analyse, sift, investigate, and get into proper order of priority all works for presentation, either to the local authorities or the State Government, but where national problems are concerned they will be forwarded with recommendations to the National Government. What more complete organisation could be wished for under the power conferred upon us as a State? The Commonwealth Government, even if given the supreme powers asked for, could not possibly confer greater power and facilities than were embodied in that measure. All that we need to implement the principles laid down in that measure will be the necessary financial assistance from the Loan Council, or grants for works to be carried out in conjunction with the Commonwealth Government. I can assure you, Mr. Speaker, that this will obviate any unemployment problem, as it will give every man and boy on leaving school employment at a fair remuneration and will realise the economic security that has been spoken of in the referendum proposals. Therefore, in this respect there is no need to give the Federal Government supreme power as requested.

I now wish to deal with the other aspects of the referendum—namely, health standards and standards of living. It can be claimed that without any help from the Commonwealth Government we have by our own efforts enacted social legislation and reforms and that the people of this State are enjoying to-day the highest standard of living of any Australian State and a higher standard than is enjoyed in many parts of the world.

When we took over the government of Queensland from Digby Denham, the standard-of-living index was 67, the figure used by our statisticians, and it has risen gradually as a result of Labour administration a step at a time, until at the outbreak of hostilities it stood at 106, showing a continuous climb from a low standard to the higher standard—higher than was thought possible by the reformers of this country. The same applies to health standards. Our hospital buildings and facilities in Queensland are second to none in Australia, notwithstanding the powers the Commonwealth has to assist with regard to health throughout the Commonwealth. In child welfare, too, we have been to the fore. Our grants to hospitals, to establish maternity homes, and child welfare clinics are well known.

Housing is also mentioned as necessary after the war. We practically lead the Commonwealth in that regard. Seventy per cent. of the people of this State, as a result of the facilities afforded to them by Labour administration under the State Constitution, own their own homes. That is a fine accomplishment and in contrast to the abominable system of housing that exists in some of the other parts of the Commonwealth. Housing can be carried out by the States if the will to do it exists. In order to give some idea of the position in the South compared with Queensland, I shall quote figures regarding housing conditions in Melbourne. In 1936 the Slum Abolition and Rehousing Board of Mel-

bourne made an external survey of every house within 5 miles of the General Post Office. In all 83,000 houses were investigated, but because of the shortness of time allowed it was compelled to confine its close attention to the worst 7,000 houses. This is its report in miniature: in these 7,000 houses lived 25,000 people, of whom 11,000 were children; 2,000 houses were without a bathroom; 3,000 houses were without a washhouse; 5,500 were without a sink in the kitchen; and 6,000 houses were considered unfit for human habitation. Much of that has been rectified since then. The outcry that took place in the Southern States has brought about a definite change of policy in regard to housing. Queensland leads the way in housing and has led the way since 1915. Seventy per cent. of the people of this State own their own homes.

We come now to the statement by Dr. Evatt that control of trade and commerce is so divided between the Commonwealth and State authorities that neither can deal effectively with it. Notwithstanding all that, we find very little hitch or hindrance with regard to transport, shipping, and commerce between the States. The American Constitution prevents the American Congress from interfering in any way in trade and commerce for export or interstate trade; but that notwithstanding it was able as a result of collaboration and co-operation to overcome the anomalies and difficulties that existed, and enabled it to become one of the richest countries in the world.

Dr. Evatt goes on to say—

“Such topics as production, employment, investment, and industrial conditions are either not committed to the national Government at all, or are granted in jealous, limited, qualified, and indirect terms. The Constitution of 1900 is outmoded.”

I think it is well known to every hon. member of this House that apart from secondary production, we in this State and in the Commonwealth of Australia produce more than can be consumed by our people. With meat, butter, and other products we have had to fall back on to a system of organisation to enable the price to be so regulated that the home market will pay a reasonable price to the producer. Every effort is made to get rid of the balance on the overseas markets at a price, but the prices obtained do not pay.

There is much more that could be said, but I shall do no more than refer to the fact that Dr. Evatt mentioned the four methods of submitting the amendments to the people. The first, and the usual method, of stating definitely what is intended and exactly defining the power required was, he said, turned down because the Government did not think it desirable at this stage to adopt that method. They adopted the last method, which in my opinion is the most dishonest of the four. Dr. Frank Louat, claimed to be one of our foremost constitutional lawyers, has said with regard to the proposal—

“With modifications the proposed amendment can become the greatest forward movement in the history of Australia.”

It is understood that the Federal Attorney-General does not in any way regard the present shape of the proposed amendment as final and he says this leaves the door open to obtaining substantial agreement to something more suitable. That may be so, but there is nothing in Dr. Evatt's speech to show that he is willing to compromise. As a matter of fact, his published statement is to the opposite effect.

Section 60A, as Dr. Louat points out, means a grant of unlimited legislative power. He states—

“It is hereby declared that the power of Parliament shall extend to all measures which ‘in the declared opinion of the Parliament’ will tend to achieve economic security and social justice.”

The grant of power asked for is unlike any other power the Commonwealth now has, because it is undefined and, naturally, supersedes even the Constitution. The words “in the declared opinion of Parliament” leave Parliament the sole and final judge as to whether the laws it will pass have anything to do with the objective of economic security and social justice. All the section requires is that Parliament should think that any Act it passes will tend towards achieving economic security and social justice and say so in the Act; when the Parliament does that, it cannot be challenged by any court in the land. In other words, if Parliament was willing to commit itself to a “declared opinion” it can make any law it thinks fit for any purpose whatsoever.

The final part of the proposal is—

“All powers conferred upon Parliament by this section may be exercised notwithstanding anything contained elsewhere in the Constitution.”

Although it is proposed that section 60A shall be embodied in the Constitution, in effect the powers contained in it are such that it is almost a Constitution in itself and Parliament could from time to time do what it likes. In other words, if Parliament should declare from time to time that in its opinion a certain thing was the best for Australia the rights of the States and the interests of the various States could be set aside.

I do not think the people of this State, if the proposal is submitted to them in its present form, will tolerate it for one minute, nor will the people of any other State of the Commonwealth. As a matter of fact, the proposal is a violation of the platform and objective of the Australian Labour Party, to which I belong. At the last convention definite proposals were submitted and accepted and are now part and parcel of the platform of the Labour Party. This proposal is something that supersedes anything ever intended or adopted by that convention, and for that reason I object to it and I feel confident the people of Australia will reject it.

Mr. PIE (Hamilton) (4.1 p.m.): I know that every hon. member appreciates the action of the Premier in giving him the opportunity of discussing the proposed Bill dealing with

the Commonwealth Constitution. Like the former Premier, the hon. member for Mackay, I feel that the whole of this Bill is wrapped up in the Statute of Westminster, and, therefore, it is right that we should, in the initial stages, analyse the Statute of Westminster. Professor Bailey, who perhaps has given the best indication of the effect of the Statute of Westminster, as reported in the Australian Law Journal, Volume V., 1932, has said that the rules of law it adopts are three—

“That the legislation of the Commonwealth Parliament unlike that of the Imperial Parliament is subject to a territorial limit.

“That the Imperial Parliament reserves the power to make laws which shall operate in a Dominion as part of the law thereof.

“That such laws when made by the Imperial Parliament have paramount force in a Dominion and the Dominion legislation is void in so far as it is repugnant thereto.”

These are the clauses that are now being adopted by the Parliament. He also states that Section 8 of the Statute of Westminster clearly prevents the Commonwealth Parliament from amending the covering sections of the Constitution Act and further amending the Constitution itself other than under the conditions prescribed in Section 128 of the Constitution. I think that this makes it quite clear that under the present Constitution the Commonwealth is restricted as far as the States are concerned. The complete adoption of the statute now, however, means that the Imperial Parliament has no longer any power to restrict any Commonwealth legislation or proposals unless they conflict with the Constitution.

In my opinion Dr. Evatt has been very clever in adopting the statute first, for when the complete statute is analysed and studied in conjunction with the Constitution proposal it is seen that a complete break could be made with our Mother Country. A break could be made with England under this Act without any trouble whatsoever, and surely no Australian, at least during war, desires such a break to be made even possible.

The debate in both Houses of the Commonwealth Parliament on the Statute of Westminster reveal a diversity of opinion as to the necessity and advisability of completely adopting such a measure during a time of war. Mr. Menzies and Mr. Spender, both capable lawyers, supported the measure, Mr. Menzies recalling the fact that he himself introduced a similar Bill in 1937, of course under entirely different circumstances. It is interesting to record, however, that at that time he made the following observation:—

“In result, therefore, I think we should adopt the statute—”

Mr. MOORHOUSE: I move—

“That the hon. member table the documents he is now quoting from.”

Mr. SPEAKER: Order! The hon. member for Hamilton is, to use a parliamentary term, referring to copious notes, and no documents are entailed.

Mr. PIE: The hon. member can have a look at them afterwards. Before I was rudely interrupted, I was quoting Mr. Menzies's remarks, and, if the hon. member for Windsor has the intelligence to look them up he can find them in the Australian Law Journal, Volume 11, of 18 February, 1938. Mr. Menzies said—

"In result, therefore, I think we should adopt the statute. I hope I will not be misunderstood if I say that it is far better to adopt the statute now when it seems to be of no tremendous significance, and when no great constitutional controversy is engaging our minds, than to defer it. For instance, deferring it may mean that some day, in the heat of some intra-imperial dispute, the Commonwealth Parliament might be invited to adopt the statute as a gesture either of independence or of defiance.

"In all these questions, heat and light do really appear to be almost mutually exclusive. We are able to-day to examine this question in a detached way, and to see it in its true perspective. Under other and less happy circumstances, a proper discussion of this statute and a clear understanding both here and abroad of our reasons for its adoption might become impossible."

Surely this statement, made four years ago, in a time of peace, makes it clear that when we are at war existing Empire relations should not be disturbed, seeing that we have full powers under the National Security Act to wage war to the nation's utmost capacity!

I think it has been proved that the adoption of Sections 2 to 6 makes very little difference to Australia's present position unless the Constitution is altered. Indeed, the opinion has been expressed that even without the passing of the adoption measure, English legislators would not interfere with Australian domestic affairs because it is laid down in Section 4 of the Statute of Westminster that "no Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend to a dominion as part of the law of that dominion unless it is expressly declared in that Act that that dominion has requested and consented to the enactment thereof." The Imperial Parliament would not interfere without the request of the dominion, and the dominion mentioned in the statute, of course, means the dominion as represented by the Commonwealth. Thus, the passing of this statute, combined with the Constitutional proposals—

Mr. TAYLOR: Mr. Speaker, I rise to a point of order. I should like to know whether the hon. member for Hamilton is giving his opinion of the Bill or whether he is giving the opinion of the people who wrote his notes for him.

Mr. SPEAKER: Order! The point raised by the hon. member for Enoggera is facetious.

Mr. PIE: I think so, too. There is a section amongst them—I can see them—who are trying to put men off doing good jobs for their country.

Mr. Taylor: Do not read your speech.

Mr. PIE: I will do what I like in my own time. The passing of this statute, combined with the constitutional proposals, suggested by Dr. Evatt, leaves any Commonwealth Government in power the unfettered right to pass any law that they so desire, even if it conflicts with the interests of the British Empire, for surely this section makes it clear that the Imperial Parliament will not interfere without the request of the Commonwealth.

Let us at this stage analyse some of the opinions expressed by Dr. Evatt in his book, "The King And His Dominion Governors," These opinions were expressed in 1936 when Dr. Evatt was the Hon. Mr. Justice Evatt, M.A., LL.D. On page 270 of this book he says—

"In certain quarters the same distrust of definitions was expressed in reference to the Statute of Westminster passed in December, 1931. Mr. Winston Churchill, for instance, took much the same view as Lord Buckmaster, who thought that it was a grave mistake to express the relationship between the self-governing dominions and the Parliament at Westminster in the unyielding form of an Act of Parliament."

That is some indication of what Dr. Evatt thought the dangers were when he was a judge of the High Court, but what will they be if his constitutional proposals are adopted? We should analyse, too, his ideas as expressed on page 295 about the trouble Newfoundland had regarding its Constitution. On that point Dr. Evatt said—

"This illustrates again the special, and perhaps a dangerous, feature of the Statute of Westminster, which I refer to elsewhere. In the main, the Statute commits powers to the Parliament of a dominion under sections 2 (2), 3 (5), 9 (3), and 10 (1) and (2). It thus identifies the dominions with their Parliaments for the time being, so that the destinies of the peoples of the dominions, being committed to, may also be prejudiced by, a legislature which, in relation to some great question, has no mandate and knows that it cannot obtain one."

This is the important part—

"The powers of a legislature may be used in such a way as to destroy in advance the effectiveness of subsequent electoral verdicts. Parliaments may bind its successors, and by creating unfair or even grotesque restrictions upon change, make the alteration of certain laws virtually impossible."

They are Dr. Evatt's own words. He goes on to say—

"One way of doing this is by passing a law which will be certain to escape future

repeal or amendment, because of the known political composition of, and the relative permanence of, an upper house of Parliament. Further, Parliament may manipulate electorates, employing the device of the gerrymander so that the will of a minority shall usually prevail. The question of giving each vote its fair representative value throughout the electorate involves consideration of such proposals as that of proportional representation."

Those observations by the Federal Attorney-General himself when he was not a member of Parliament, but a member of the High Court must clearly prove to this Parliament and to the people of Australia that once we gave power under the Constitution to Dr. Evatt the future freedom of the whole Commonwealth might be in jeopardy. His book, "The King And His Dominion Governors", is worth reading for in my opinion utterances such as the ones just quoted must eventually lead to the destruction, not only of Australia, but of the whole of the British Empire to which we so desire to belong.

I think I have quoted sufficient on the Statute of Westminster. Now let us consider the constitutional Bill recently submitted to the House of Representatives by the Commonwealth Attorney-General. It is apparent to me that this Bill has been drawn in haste. It is not much more than a skeleton that once enacted would leave Australia without a fragment of the scheme of Federal government that was so laboriously built towards the end of last century. The Australian Constitution is a noble, sincere document that has served the nation well for 40 years. Listen to what Dr. Evatt said in speaking on the introductory stage of the Bill on the 12th instant—

"In the 42 years of the history of the Commonwealth 18 alterations have been submitted to the people at referendums. . . . The 15 proposals for the amendment of the Commonwealth Constitution were rejected because the people could not be reasonably sure how the powers would be exercised."

Those are Dr. Evatt's own words. Why should we think any differently now? It must be obvious that any alteration to the Constitution, particularly at the present time, cannot be either lightly made or disregarded. In my opinion these words express the decisions of our forefathers, the aspirations of other generations, our parents and our grandparents, who, free from all party politics, with the true spirit of sacrifice put aside State jealousies and State ambitions to unite in one indissoluble Federal Commonwealth under one Crown. The Constitution has been truly described as Australia's charter of nationhood, and therefore, as I previously stated, any alteration cannot be taken lightly and should be of the utmost importance to all loyal Australians. The measures to come before us are the most momentous and far-reaching ever submitted to the people of Australia. Proposals for an alteration in the Constitution have, as you know, Mr. Speaker, to be passed by an absolute majority of both

House of Parliament before being submitted to the electors. Then, before any alteration of the Constitution can be made, there must not be only a majority of the electors but also a majority of electors in the majority of States. We can surely say, "Thank God for the makers of the Constitution for putting in such a safeguard."

The suggested Bill is most effective. It hits at a power that was formerly regarded as the fundamental safeguard between Commonwealth and States. It must be realised that the system of government of Australia consists of a divided sovereignty, part of the powers of sovereignty being reposed in the States and part in the Commonwealth. The framers of the Constitution 40 years ago foresaw that the question which has now arisen between the States and Commonwealth would arise, that is, where the line of authority between them is to be drawn. It may or may not be a good thing to divide sovereignty, but when a sovereignty is divided, it is clear that there must be an arbitrator between the powers between which the sovereignty is divided to prevent trespass by one on the province of the other. It was the proud boast of the framers of the Constitution and constitutional lawyers that there had been set up in Australia a High Court that could decide such matters. It is therefore contrary to all reason that in disputes between two parties one of the parties should have the power to determine the rights of both. Yet this is the very principle that has been introduced into this Bill! Section 2 of which reads—

"Without limiting the generality of the foregoing subsection, it is hereby declared that the power of the Parliament (which means the Parliament of the Commonwealth) shall extend to all measures, which, in the declared opinion of Parliament, will tend to achieve economic security and social justice, &c."

It must be clearly noted that power is not limited to measures that will tend to achieve economic security, social justice, &c., but measures that in the declared opinion of Parliament will tend to achieve these objects. If, therefore, the Parliament of the Commonwealth of Australia passes an Act of Parliament encroaching on State rights or encroaching on the freedom of the individual, so long as there is a preamble to the Act saying that "Parliament hereby declares that in its opinion the enactment hereinafter contained will tend to achieve economic security and social justice, &c." no court in the world can question that measure.

As an example, Parliament could abolish the Supreme Court of Queensland by merely declaring that, in the opinion of the Federal Parliament, so doing would tend to achieve economic security and social justice. It could dissolve the Legislative Assembly of a State, dismiss the State public service, or take over any department of State Government, or any firm—in fact, it could do anything, and there would be no right of appeal against any such enactment so long as it contained

a declaration as to the opinion of the Federal Parliament. Let this be quite clear: there could be no redress to any court or any power in the world against Dr. Evatt's suggestions. He, as Attorney-General, is to reign supreme. It has been said by a responsible authority that the present Federal Government are trying to deprive the people of the sovereignty that belongs to them, taking unto themselves all the power that normally they would not be able to get in peace-time, and their action could, therefore, be regarded as a Fascist set-up.

In the light of the words, "in the declared opinion of the Parliament," it becomes utterly unnecessary and futile to consider any of the other provisions of the measure; and surely, if it is desired to take all the sovereign power to the Commonwealth, it is only fair to introduce a Bill for the purpose and allow the people to vote on that Bill alone and not take the power by subterfuge, as at present suggested!

It may be argued that the Federal Parliament would not be likely to do the things mentioned, but here we have an instance of the Federal Parliament's doing something that every thinking person in Australia must agree after study is in itself iniquitous. If the objectionable words were removed, the measure perhaps would be worthy of consideration, but in the presence of these words, which are so wide and comprehensive, it becomes useless to go into further details.

Let us analyse the statement made by, I presume, the Commonwealth Attorney-General to our Hon. the Minister without Portfolio: "War is a great time for getting through legislation that could not be submitted during normal times." Let us analyse, too, the reply of the Minister without Portfolio. He said that that statement was a bloody dishonest attitude towards the question, and no Parliament had the right to take advantage of the public in that way. I feel sure, Sir, this reply meets with the approval of all hon. members of this House. In my opinion it is the reply of a statesman—one who in our present peril is prepared to put the nation before self.

Now let us analyse the reported statement of Mr. Fadden—that a member had said that Labour made no apology for using war-time conditions as an excuse to introduce its policy. But, surely, the total destruction of the States, the destruction of the freedom of the individual, is not Labour's policy. These responsible statements should be publicised throughout Australia, for they are surely proof that the Attorney-General has convinced his Cabinet that the people of Australia will accept these fantastic constitutional proposals in war-time when the nation is fighting for its very existence. No, Dr. Evatt, the people of Australia will not fall for political juggling, will not fall for Constitution-alteration proposals, garnished mainly with post-war problems, the majority of which at this period thinking men realise are quite beyond human conception.

Listen to the words one would expect from one of the totalitarian powers—

"I desire to make it perfectly clear that the amendment I propose will give the decision to Parliament itself, and no person will be able to challenge the validity of Parliament's decisions."

Again—

"It is proposed that the Parliament should have power to make any law which in its own declared opinion will tend to achieve economic security and social justice, including security of employment and the provision of useful occupation for all the people."

And again—

"We mean business. Anyone who interferes with the carrying out of these promises and guarantees will be swept away."

These are not the words of a totalitarian power; they are Dr. Evatt's own words.

He went on to state that, although it is true that the Constitution the Australian people adopted in 1900 is flexible enough for the needs of war, it is equally true that it is not flexible enough to serve Australia in the great task of post-war reconstruction, and that "some of the Commonwealth war-time controls may last for a time after hostilities close, but only for a time." Let us analyse this statement. I do not agree with the honourable doctor. War is the dominating thought in our minds to-day. The Commonwealth has sufficient power to do everything it wants in the prosecution of war. It has been reliably stated that the Commonwealth's war-time controls will last for approximately 18 months after the war. Surely that is the time to put before the people any constitutional proposal by referendum!

The important problems we shall be faced with immediately after the war will not be State problems nor Commonwealth problems, but problems of world importance. We all hope and pray, I know, for better things after this war. A better world it will surely be. That hope can only be realised if to-day we work and fight, everyone of us, with all our power, all our energy, all our concentration, until final victory is achieved; then, and then only, can we face the immediate post-war domestic problems.

Courage, intelligence, unselfishness, will be required of all, but to face up to post-war problems that no-one can completely foresee on the party-political programme suggested now by Dr. Evatt seems to me to be a waste of time and futile. We must all realise that, first of all, the war must be won. Therefore, all our faculties and all our thoughts should be concentrated on the ever-pressing stupendous task of winning it. "After the war" is an indefinite phrase. The President of the United States thinks the war will last another three and a-half years. Dr. Earle Page does not expect

peace on earth for another seven years. Therefore, if it is impossible to forecast how long the war will last, surely it is rational to assume that it is impossible to forecast the situation that will exist in Australia, and the world at large, when hostilities cease. Therefore, we must ask the questions: Is it right and fair that this legislation should be introduced now? Is it right and fair to our fighting force to put before them to-day in the front line a referendum? Is it right and fair that prisoners of war should be neglected? I have just received a letter from Milne Bay, from the second in command of the Queensland Cameron Highlanders. Three young clean officers of that battalion were killed at Milne Bay—Sanderson, Klinger, and King, good men, young married men, every one of them fighting for the freedom these constitutional proposals will take away. Why should their parents and their young wives, in their sorrow, be asked to take away now, in war, the freedom for which they fought and died? Their parents, like the parents of hundreds of other such young men, should not be worried with the constitutional proposals that Dr. Evatt proposes to put before the people. But we must not forget Dr. Evatt's reported statement, "War is a great time for getting through legislation that could not be submitted during normal times." It has been my considered opinion for some time, and I have some proof to back my opinion, that many of our present Federal representatives on both sides of the House—of course, there are a few exceptions—are putting their own personal lust for power in front of service to the nation they have sworn to serve. If for any reason, we lose this war through such personal lust for power, may God have mercy on their souls, for never has the quality of service to be rendered to the nation been of such grave importance.

It is obvious from the proposed Bill that the Federal Government, in return for the power of omnipotence, are offering the people the glittering exaggerated bubble of an after-war paradise on earth under an ambiguous formula of economic security, social justice, social security, freedom from want, and freedom from fear; but how stupid to think that the people will accept these dreams or believe that any Government can guarantee the accomplishment of these post-war aims!

These proposals in their present undefined form may mean anything, may carry us anywhere, according to the will of the Government in power. The Bill itself gives no interpretation of their meaning.

What are we fighting for to-day? Liberty, freedom for the preservation of the democratic form of government which, without the introduction of party politics, is in my opinion the greatest on earth, because it affords the greatest degree of protection to the life, property, and freedom of the individual, even as against the State. It guarantees the maximum of civil and religious liberty. It provides equal opportunity to every man and woman, offering rewards according to the achieve-

ments and the ability of each in all the fields of human thought and action. It is primarily based on the concepts of the Christian religion as I see it—what it should be, the brotherhood of man, the doing of good to all people.

Let us analyse section 3, which provides—

"All the powers conferred upon the Parliament by this section may be exercised notwithstanding anything contained elsewhere in this Constitution or in the Constitution of any State, and shall operate as on and from a date to be proclaimed by the Governor-General."

If this section is adopted, together with sections 1 and 2, our hope for liberty and freedom, all that we have, all that our armed forces are fighting for, will be taken from the people and its definition left entirely to the Government in power.

Mr. Curtin has proposed to the States that an all-Australian political convention should meet on 24 November, and, sitting for about a fortnight, should revolutionise and rewrite the Commonwealth Constitution. This suggestion may be intended to throw a veneer of respectability over constitutional proposals that will surely be hotly resisted by a considerable section of the people in all States and throughout the Commonwealth.

For every purpose that should now engross its attention and absorb its energies, the Curtin Ministry possesses full authority and could virtually do anything except send the militia to fight in areas beyond the limits of Commonwealth authority. Therefore, there is obviously no lack of current power urging the Government to rush through before Christmas these fundamental changes in the Australian political Constitution. There is no legitimate reason for the rushing of such a conference, and any State Premier or State Leader of the Opposition will do other than betray his public trust if he permits himself to be rushed along the dangerous road that even members of the Commonwealth Government themselves have had neither the time nor the opportunity to survey completely.

Every loyal Australian, as you know, Mr. Speaker, is distracted and distressed by war, and Canberra should not be permitted at the present time to call such a conference. If we must amend the Constitution for post-war purposes, let us, at least, take time to consider this important problem. The future of generations of Australians is involved and we should ask ourselves how we should have fared if our forefathers had been rushed in building our present Constitution, which forms the basis of our nation.

The Premiers and the Leaders of the Oppositions in the various State Parliaments are not necessarily the best men to wrestle with the problems of constitutional law. They may not be competent to criticise the Commonwealth proposal, but whatever degree of competence they possess, they will only be permitted to make suggestions, for the Prime

Minister has already assured the Australian people that the form in which the Bill may become law, irrespective of the States' suggestions, is a matter for the Commonwealth Parliament. It must not be forgotten, however, that after that the acceptance or rejection of the proposed law, fortunately, will become a matter for decision by the electors of Australia.

I desire now to bring before your notice, Mr. Speaker, the fact that Dr. Evatt was interested in a sect known as Jehovah's Witnesses. I am reliably informed that before he became Attorney-General he acted for them.

Mr. Brand: Purely in a professional capacity?

Mr. PIE: Yes, purely in a professional capacity. This organisation was declared unlawful by the Commonwealth Government on 17 January, 1941.

Mr. TAYLOR: I rise to a point of order. The matter now discussed by the hon. member for Hamilton is irrelevant to the question before the House.

Mr. SPEAKER: How am I to determine the point until I hear what the hon. member has to say?

Mr. PIE: I am just trying to point out that under these constitutional proposals Dr. Evatt, or the Parliament that he represents, will have full power. I therefore want to give an idea of the man to whom we are giving this power, and I want to point out that before Dr. Evatt became Attorney-General for the Commonwealth of Australia he was interested in and acted for a sect known as Jehovah's Witnesses.

Mr. SPEAKER: Order! I do not think the hon. member should indulge in unnecessary personalities in this debate, especially when they are directed towards members of another Parliament. If they are directed towards hon. members of this Parliament we know how to deal with them, but members of another Parliament have no redress.

Mr. PIE: I have tried to convince this House that the prime object of the adoption of the Statute of Westminster, combined with the Constitution Alteration Bill, is not to solve post-war problems but to give the Commonwealth full power to alter the Constitution, to take away the right of appeal to the High Court and to the Privy Council, and to take away the liberty of the subject; and it is therefore the duty of every hon. member of this House to study and to acquaint himself with the full facts, and to form an honest independent opinion so that he can pass on that opinion to the people he represents.

Debate, on motion of Mr. Riordan, adjourned.

The House adjourned at 4.41 p.m.