

COMMONWEALTH POWERS.

6^o AND 7^o GEO. VI., No. XLVII.

No. 4 of 1943.

AN ACT to refer certain matters to the Parliament of the Commonwealth until the expiration of five years after Australia ceases to be engaged in hostilities in the present war.

[Assented to 22nd April, 1943.]

WHEREAS it is enacted by the Constitution of the Commonwealth of Australia that the Parliament of the Commonwealth shall subject to the Constitution have power to make laws for the peace, order and good government of the Commonwealth with respect to matters referred to the Parliament of the Common- Preamble.

wealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law: And whereas at a Convention of representatives of the Commonwealth Government and of His Majesty's Opposition in the Parliament of the Commonwealth, and the Premiers and Leaders of the Opposition in the several States, which was convened to meet at Canberra on the twenty-fourth day of November, one thousand nine hundred and forty-two, it was unanimously resolved that adequate powers to make laws in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States: And whereas it was further resolved that the reference, unless prior thereto revoked under the power contained herein, should be for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities in the present war: And whereas it was also resolved that it was desirable that the reference should not be revoked during that period: And whereas the Premiers of the several States have agreed to do their utmost to secure the passage through their respective Parliaments, as early as possible, of a Bill in the form in which the Bill for this Act was approved at the said Convention, and in any event to introduce the Bill before the thirty-first day of January, one thousand nine hundred and forty-three: And whereas it was also agreed that in the execution of laws made by the Parliament of the Commonwealth with respect to matters referred to it by section two of this Act the Commonwealth should, so far as might be reasonably practicable, avail itself of the assistance of the States and their officers, authorities and instrumentalities, and, with the consent of the Governor in Council, of any authority constituted under a law of a State: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement.

1. This Act may be cited as the *Commonwealth Powers Act, 1943*, and shall come into operation on the first day of January, one thousand nine hundred and forty-four.

2. Subject to the limitations and conditions in this Act contained the following matters are hereby referred to the Parliament of the Commonwealth, that is to say:—

Reference of
matters to
Parliament of
Common-
wealth.

- (a) the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during any war and the advancement of the dependants of those members who have died or been disabled as a consequence of any war;
- (b) employment of unemployed persons on the construction of national works, public works, and local government works, and the relief of unemployed persons by grants and loans of money and goods and by occupational training and insurance against unemployment;
- (c) organised marketing of wheat, wool, meat, and butter, and, with the consent of the Parliament of Western Australia expressed by a resolution of both Houses and as long as such consent is not revoked by a like resolution, any other commodity or commodities but so that no law made under this paragraph shall discriminate between States or parts of States in relation to the marketing of any such commodity or commodities;
- (d) the regulation and control of trusts, combines and monopolies, other than by the compulsory acquisition of property: Provided that this paragraph shall not apply—
 - (a) to trusts, combines, and monopolies—
 - (i) whose operations do not restrain trade and commerce to the detriment of the public; or
 - (ii) which are conducted or carried on by the Government of the State or any public authority constituted under the State; or
 - (b) to monopolies lawfully granted by the State or the Government thereof or any semi-governmental or local governing body in the State;
- (e) profiteering;

- (f) the rationing of goods of which the Parliament of the Commonwealth declares there is a shortage of supplies and the encouragement of production and of the establishment of new industries, but so that no law made under this paragraph shall discriminate between States or parts of States;
- (g) the control through the Commonwealth Bank of the rate of overseas exchange;
- (h) regulation of air transport;
- (i) the conversion of any railways of the State to a uniform Australian gauge on terms approved by the Parliament of the State;
- (j) national works, but so that the consent of the Governor in Council shall be obtained in each case before the work is undertaken and that the work shall be carried out in co-operation with the State;
- (k) national health in co-operation with the State;
- (l) family allowances; and
- (m) the people of the aboriginal race in co-operation with the State.

Provisions relating to repeal or amendment.

3. (1) This Act shall not be repealed or amended except in the manner as hereinafter provided.

(2) A Bill for repealing or amending this Act shall not be presented to the Governor for His Majesty's assent unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

Saving provisions. Limitations and conditions.

4. (a) This Act shall not be construed as referring any matters permanently to the Parliament of the Commonwealth.

(b) The matters referred by section two of this Act shall be construed as matters limited in time to the period mentioned in section five of this Act to the intent that section two of this Act shall be construed as referring the matter so limited and not otherwise.

(c) Section five of this Act shall not be construed as severable from section two of this Act.

(d) If section five of this Act or any provision of that section is beyond the power of the Parliament of the State or is inoperative or ineffective, then section two of this Act shall be void; and

(e) In so far as the provisions of section five of this Act are inconsistent with any provision of section sixteen of the Interpretation Act, 1918, section five of this Act shall prevail and take effect, and section sixteen of the Interpretation Act, 1918, shall not apply.

5. (1) Subject in all respects to the earlier repeal of this Act and to any amendments thereof, this Act, and the reference made by this Act shall continue in force for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities in the present war, and no longer, and the reference made by this Act is subject to the limitation that no law made by the Parliament of the Commonwealth with respect to matters referred to it by this Act shall continue to have any force or effect, by virtue of this Act or the reference made by this Act, after the expiration of that period.

Duration
of Act.

(2) For the purposes of this section Australia shall be deemed to cease to be engaged in hostilities on the day on which by reason of a general armistice or other arrangement all warlike operations against Germany, Italy and Japan in the present war shall have ceased.