

SECESSION.

25° GEO. V., No. I.

No. 2 of 1934.

AN ACT relating to the preparation, completion, and presentation of a dutiful Address to His Majesty, and humble Applications to the House of Lords and to the House of Commons in the Parliament of the United Kingdom in furtherance of the desire of the People of Western Australia to withdraw from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial) and for other purposes relative thereto.

[Assented to 15th June, 1934.]

WHEREAS by the Secession Referendum Act, 1932 (No. 47 of 1932), a referendum of the People of Western Australia was directed and authorised to be taken on the following questions, that is to say:— Preamble.

1. "Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial)?" ; and
2. "Are you in favour of a Convention of Representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary?"

And whereas such referendum being taken by means of a vote by ballot on the eighth day of April, 1933, the People of Western Australia, by a large majority, answered the first question aforesaid in the affirmative, and by a large majority answered the second question aforesaid in the negative: And whereas following upon the said referendum, and in pursuance of the result thereof, both the Legis-

lative Council and the Legislative Assembly in the Parliament of Western Australia passed a resolution in the following terms, namely:—"In view of the result of the referendum taken under the provisions of the Secession Referendum Act, 1932, this House is of the opinion that it is the indispensable duty of the Parliament on behalf of the people of Western Australia to endeavour by a dutiful Address to His Majesty and humble Applications to both Houses of the Imperial Parliament to procure such legislation by the said Imperial Parliament as may be necessary to effectuate the withdrawal of the People of the State of Western Australia from the Federal Commonwealth, established under and by virtue of the provisions of the Commonwealth of Australia Constitution Act (Imperial); and that a joint Committee of both Houses of Parliament be appointed to consider and recommend what action shall be taken in relation to the preparation, completion, and presentation of the said address and the said applications in order to give effect to this resolution": And whereas the said joint Committee of both Houses of Parliament was duly appointed, and thereafter made a recommendation that a Committee be appointed consisting of Messieurs C. Dudley, J. Lindsay, A. J. Reid, J. Scaddan, J. L. Walker, and H. K. Watson to prepare a dutiful address to His Majesty, the Statement of the Case for Secession, and humble applications to both Houses of the Imperial Parliament as may be necessary to effect the withdrawal of the People of the State from the Federal Commonwealth and to submit the Case for the subsequent approval of both Houses of Parliament: And whereas, following upon the said recommendation, the Legislative Council on the 20th day of September, 1933, passed a resolution as follows:—"That the Council approves of the appointment of the undermentioned gentlemen to prepare the Address and the Case for Secession, namely:—Mr. C. Dudley, Mr. J. Lindsay, Mr. A. J. Reid, Hon. J. Scaddan, Mr. J. L. Walker, and Mr. H. K. Watson"; and the Legislative Assembly on the 21st day of September, 1933, passed a resolution as follows:—"That the House approves of the appointment of the following gentlemen to prepare the Case for Secession, namely:—Mr. C. Dudley, Mr. J. Lindsay, Mr. A. J. Reid, B.A., Mr. J. L. Walker, K.C., Mr. H. K. Watson, and the Honourable J. Scaddan, C.M.G.: And whereas the said Committee, consisting of the said gentlemen, was thereafter duly appointed for the purposes aforesaid, and has prepared and submitted for

approval the form of Address to His Majesty, and the forms of Application to both Houses of the Imperial Parliament, and the Statement of the Case for Secession: And whereas it is now deemed expedient to make statutory provision for the printing, submission, and publication of the said Case for Secession, and for the preparation, completion, and presentation of the said dutiful Address to His Majesty and the said humble Applications to the said House of Lords and the said House of Commons in the Parliament of the United Kingdom: 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:—

1. This Act may be cited as the *Secession Act, 1934*, and shall be read in conjunction with the *Secession Referendum Act, 1932* (No. 47 of 1932). Short title.

2. (1.) The Case for Secession as prepared by the Committee appointed to prepare the same as hereinbefore recited, and as submitted by such Committee, and as laid on the Table of the Legislative Council, and the Table of the Legislative Assembly, respectively, is hereby authorised for submission to His Majesty the King and to both Houses of the Imperial Parliament. Case for Secession authorised to be printed and published.

(2.) The said Case for Secession shall forthwith be printed by, or with the authority of the Government Printer, under the supervision of the Clerk of the Parliament, and thereafter shall be published in Western Australia, and in places beyond Western Australia, as the Treasurer of the State shall think fit.

3. A dutiful Address to His Majesty the King in the form of the heading contained in Part I. of the First Schedule to this Act, and the subject-matter contained in the Second Schedule to this Act; and an humble Application to the Right Honourable the Lords spiritual and temporal in the Parliament of the United Kingdom of Great Britain and Northern Ireland assembled, in the form of the heading contained in Part II. of the said First Schedule and the subject-matter contained in the said Second Schedule, and an humble Application to the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled, in the form of the heading contained in Part III. of the An Address to His Majesty and Applications to both Houses of the Imperial Parliament in prescribed forms authorised.

said First Schedule and the subject-matter contained in the said Second Schedule are hereby authorised as the dutiful Address and the humble Applications aforesaid, respectively, of the People of Western Australia.

Address and Applications to be prepared.

4. The said Address to His Majesty and the said Applications to the House of Lords and the House of Commons in the forms aforesaid shall forthwith be written under the supervision of the Clerk of the Parliament by some person to be appointed for that purpose by the Treasurer.

Authority to sign.

5. The said Address to His Majesty and the said Applications may be and are hereby authorised to be signed, executed, and completed for and on behalf of the People of Western Australia by all of the following persons, that is to say:—

- (a) The President of the Legislative Council; and
- (b) The Clerk of the Legislative Council; and
- (c) The Speaker of the Legislative Assembly; and
- (d) The Clerk of the Legislative Assembly; and
- (e) The Premier of the State; and
- (f) The Leader of the Government in the Legislative Council; and
- (g) The Leader of the Country Party members of the Legislative Assembly in opposition to the Government; and
- (h) The Leader of the Nationalist Party members of the Legislative Assembly in opposition to the Government.

Presentation of Address and Applications.

6. (1.) The Address to His Majesty, together with a copy of the Case for Secession as printed and published under the authority of this Act, shall be presented to His Majesty by the Treasurer of the State sending, or causing the same to be sent, to His Majesty through the usual official channels.

(2.) The said applications to the House of Lords and to the House of Commons shall be presented to the said Houses respectively in such manner and by such means as the Rules and Standing Orders of the said Houses, respectively, shall require, or as the said Houses, or either of them, shall by a resolution of the House or otherwise permit.

(3.) In connection with and for the purposes of the presentation of the said applications as aforesaid, the Treasurer shall be and is hereby authorised to appoint four persons as

a delegation on behalf of the People of Western Australia to present, or cause to be presented, the said applications to the House of Lords and to the House of Commons as aforesaid; and to pay to such persons such remuneration and allowances as in the opinion of the Treasurer shall be reasonable, having regard to the nature and importance of the services to be rendered.

7. The person or persons authorised to present the said applications in the manner provided for in section six of this Act shall be and are hereby empowered to transact all business, conduct all negotiations, and do all such acts, matters, and things as may be lawfully transacted, conducted or done in relation to the presentation of the said applications as may be or be deemed to be necessary, relevant, or incidental thereto, and to transact all such business, conduct all such negotiations, and do all such acts, matters, and things with the Ministers and Advisers of His Majesty in England, with the officers and members of the House of Lords, with the officers and members of the House of Commons, and with all other officials, officers, and persons in England with whom they may lawfully and properly transact such business, conduct such negotiations, or do such acts, matters, and things with intent that the said application to the House of Lords may be duly presented, brought before, considered, and properly dealt with by the said House of Lords, and the said application to the House of Commons may be duly presented, brought before, considered and properly dealt with by the said House of Commons: Provided that no business shall be transacted, no negotiations shall be conducted, and no act, matter, or thing shall be done under the authority of this section which involves the expenditure of public money in excess of one hundred pounds in the aggregate without the prior consent of the Treasurer of the State being obtained thereto.

Persons authorised to present applications empowered to transact all matters and things necessary or incidental.

8. The Consolidated Revenue Fund is hereby appropriated for the purposes of this Act, and any expenses incurred in connection with the preparation, completion, and presentation of the said Address to His Majesty and the said applications to the House of Lords and to the House of Commons aforesaid, and in connection with the preparation, completion, printing and publication of the said Case for Secession, including allowances, expenses, and remuneration to any person for services rendered as approved by the Treasurer, shall be paid out of the Consolidated Revenue Fund.

Appropriation.

THE FIRST SCHEDULE.**PART I.**

TO HIS MOST GRACIOUS MAJESTY GEORGE THE FIFTH BY THE GRACE OF GOD OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, KING, DEFENDER OF THE FAITH, EMPEROR OF INDIA:

May it please Your Majesty:

WE, the people of the State of Western Australia in the Commonwealth of Australia and your dutiful and loyal subjects, Do Hereby through the Legislative Council and the Legislative Assembly of the Parliament of Western Australia, and through the persons whose signatures appear at the foot hereof as the persons signing the same for and on our behalf, approach Your Majesty with assurances of our loyalty and sincere attachment to your Throne and Person AND THIS, our dutiful address to Your Majesty sheweth as follows:—

PART II.

A Humble Petition to the Right Honourable the Lords spiritual and temporal in Parliament assembled.

To the Right Honourable the Lords spiritual and temporal in Parliament assembled:

WE, the people of the State of Western Australia in the Commonwealth of Australia and the dutiful and loyal subjects of His Majesty whom we have approached with assurances of our loyalty and sincere attachment to His Throne and Person, Do Hereby through the Legislative Council and the Legislative Assembly of the Parliament of Western Australia, and through the persons whose signatures appear at the foot hereof as the persons signing the same for and on our behalf approach you with assurances of our dutiful respect to you and to the Parliament of the United Kingdom of Great Britain and Northern Ireland AND THIS our humble Petition to you the said Right Honourable Lords spiritual and temporal sheweth as follows:—

PART III.

A Humble Petition to the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled:

WE, the people of the State of Western Australia in the Commonwealth of Australia and the dutiful and loyal subjects of His Majesty, whom we have approached with assurances of our loyalty and sincere attachment to His Throne and Person, Do Hereby through the Legislative Council and the Legislative Assembly of the Parliament of Western Australia, and through the persons whose signatures appear at the foot hereof as the persons signing the same for and on our behalf, approach you the Honourable the Commons aforesaid with assurances of our dutiful respect to you and the Parliament of the United Kingdom of Great Britain and Northern Ireland AND THIS, our humble Petition to you the said Honourable the Commons sheweth as follows:—

THE SECOND SCHEDULE.

The subject matter referred to in Section three of this Act is as follows:—

1. By virtue of the Western Australia Constitution Act, 1890 (Imperial 53 and 54 Victoriae Ch. 26), Western Australia in the year 1890 became a

self-governing colony enjoying responsible government with its own Constitution as contained in the Constitution Act, 1889 (Western Australia).

2. By virtue of the Commonwealth of Australia Constitution Act (Imperial 63 and 64 Victoriae Ch. 12), and by virtue of a Royal Proclamation issued pursuant to the said Act and dated the 17th day of September, 1900, the people of Western Australia, together with the people of New South Wales, Victoria, South Australia, Queensland and Tasmania became united, as from the 1st day of January, 1901, in a Federal Commonwealth, under the name of the Commonwealth of Australia, with a Federal Constitution as contained and set forth in the said Act.

3. Western Australia then became the State of Western Australia and the people of Western Australia then became subject to and bound by the said Commonwealth of Australia Constitution Act and the said Federal Constitution; but, subject thereto, Western Australia still retained, and in law still retains, its sovereign rights and independence as a self-governing colony with responsible government under and in accordance with its own Constitution.

4. In the year 1932 the Legislative Council and the Legislative Assembly of Western Australia in Parliament assembled passed an Act, which was assented to on the 30th day of December, 1932, intituled the Secession Referendum Act, 1932 (No. 47 of 1932), the long title of which is as follows:—
“An Act to submit to a referendum questions in relation to the State of Western Australia and the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial). This Act authorised and directed that there should be submitted to a referendum of the people of Western Australia two questions, namely:—

- (a) Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial)?
- (b) Are you in favour of a Convention of representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary?”

5. By the said Secession Referendum Act, 1932, it was provided that the persons who would be entitled to vote on the said questions at the said referendum were those persons, both male and female, who would be entitled, according to the electoral laws of the State, to vote at an election of members of the Legislative Assembly of Western Australia if such an election were held on the same day as the referendum; and that the taking of the vote at the referendum should be as nearly as possible in conformity with the provisions of the electoral laws of the State relating to elections of members of the Legislative Assembly of the State.

6. The taking of the said referendum and the date for a general election of members of the said Legislative Assembly were thereafter fixed for the same day, namely, the 8th day of April, 1933, and voting on the said questions at the said referendum, and voting at the said general election were conducted at the same times and at the same places on the same day.

7. The votes of the people of Western Australia on the said questions at the said referendum were taken on the 8th day of April, 1933, upon which day the total number of persons entitled to vote at such referendum was 237,198.

On the first question submitted, namely:—

“Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial)?”

a total number of 217,280 persons voted, and the voting resulted as follows:—

(a) in the affirmative	..	..	..	138,653 votes
(b) in the negative	..	..	..	70,706 votes
(c) informal	..	..	..	7,921 votes

On the second question submitted, namely:—

“Are you in favour of a Convention of representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary?”

a total number of 217,280 persons voted, and the voting resulted as follows:—

(a) in the negative	..	..	..	119,031 votes
(b) in the affirmative	..	..	..	88,275 votes
(c) informal	..	..	..	9,974 votes

On the first question, therefore, over 91 per centum of the total number of persons entitled to vote, voted on such question, and of the effective votes cast 66.23 per centum were in the affirmative; and on the second question over 91 per centum of the total number of persons entitled to vote, voted on such question, and of the effective votes cast 57 per centum were in the negative.

8. Following upon the said referendum and in pursuance of the result of the voting on the said questions at the said referendum, the Premier of the Government of Western Australia moved in the Legislative Assembly, and the Leader of the Government aforesaid in the Legislative Council moved in the Legislative Council a resolution in the following terms, namely:—“In view of the result of the referendum taken under the provisions of the Secession Referendum Act, 1932, this House is of the opinion that it is the indispensable duty of the Parliament on behalf of the people of Western Australia to endeavour, by a dutiful address to His Majesty and humble applications to both Houses of the Imperial Parliament, to procure such legislation by the said Imperial Parliament as may be necessary to effectuate the withdrawal of the people of the State of Western Australia from the Federal Commonwealth established under and by virtue of the provisions of the Commonwealth of Australia Constitution Act (Imperial); and that a joint Committee of both Houses of Parliament be appointed to consider and recommend what action shall be taken in relation to the preparation, completion, and presentation of the said address and the said applications in order to give effect to this resolution.”

The said resolution was duly passed by the Legislative Assembly on the 29th day of August, 1933, and by the Legislative Council on the 30th day of August, 1933.

9. A Joint Committee of both Houses of Parliament was appointed accordingly, and on the 19th day of September, 1933, presented a report as follows:—

“The Joint Committee recommends the appointment of a Committee consisting of Messieurs C. Dudley, J. Lindsay, A. J. Reid, J. Scaddan, J. L. Walker and H. K. Watson to prepare a dutiful address to His Majesty, the statement of the Case for Secession, and humble

applications to both Houses of the Imperial Parliament as may be necessary to effect the withdrawal of the people of the State from the Federal Commonwealth, and to submit the case for the subsequent approval of both Houses of Parliament."

10. On the 20th day of September, 1933, the Legislative Council passed a resolution as follows:—

"That the Council approves of the appointment of the undermentioned gentlemen to prepare the Address and the Case for Secession, namely:—Mr. C. Dudley, Mr. J. Lindsay, Mr. A. J. Reid, Hon. J. Scaddan, Mr. J. L. Walker, and Mr. H. K. Watson",

and on the 21st day of September, 1933, the Legislative Assembly passed a resolution as follows:—

"That the House approves of the appointment of the following gentlemen to prepare the Case for Secession, namely:—Mr. C. Dudley, Mr. J. Lindsay, Mr. A. J. Reid, B.A., Mr. J. L. Walker, K.C., Mr. H. K. Watson, and the Hon. J. Scaddan, C.M.G."

11. On the 13th day of October, 1933, His Excellency the Lieutenant-Governor in Executive Council formally appointed the said gentlemen as members of the said Committee for the aforesaid purposes.

12. The said Committee duly prepared for submission to the Parliament of Western Australia in the form of a separate memorandum the Case of the People of Western Australia in support of their desire to withdraw from the Commonwealth of Australia established under the Commonwealth of Australia Constitution Act (Imperial) and that Western Australia be restored to its former status as a separate self-governing colony in the British Empire, and also forms of a dutiful Address to His Majesty and of humble Applications to the House of Lords and to the House of Commons in the Imperial Parliament assembled to procure on behalf of the People of Western Australia such legislation by the said Imperial Parliament as may be necessary to effectuate the withdrawal of the People of the State of Western Australia from the said Commonwealth of Australia.

13. The said Case of the People of Western Australia and the said forms of the said Address and the said Applications were duly submitted to both Houses of the Parliament of Western Australia: and on the day of 1934 the said Parliament passed an Act intituled The Secession Act, 1934, of which the long title is "An Act relating to the preparation, completion and presentation of a dutiful Address to His Majesty and humble Applications to the House of Lords and to the House of Commons in the Parliament of the United Kingdom in furtherance of the desire of the People of Western Australia to withdraw from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial) and for other purposes relative thereto." By this Act the said Parliament authorised to be printed and published the said Case of the People of Western Australia, and also approved of the forms as submitted of the said Address to His Majesty and of the said Applications to the House of Lords and to the House of Commons aforesaid, and authorised the same to be prepared and to be signed for and on behalf of the People of Western Australia by the several persons mentioned in the said Act and thereby authorised to sign the same: and also authorised the presentation of the said Address to His Majesty and the presentation of the said Applications to the said House of Lords and to the said House of Commons respectively in the manner specified in the said Act.

14. The said Case of the People of Western Australia has been printed by the Government Printer of the State of Western Australia under the supervision of the Clerk of the Parliament of the said State, and has been published as authorised by the said Act. The said Case in the form of a separate memorandum of more than 480 pages contains and sets forth, *inter alia*, in a detailed and compendious form all the circumstances and grounds, and all the reasons by which the People of the State of Western Australia are constrained to seek to procure their withdrawal from the said Commonwealth of Australia, and the restoration of the State of Western Australia to its former status as a separate self-governing colony in the British Empire.

15. The said Secession Referendum Act, 1932, was passed as aforesaid, the voting upon the said questions at the referendum taken under that Act resulted as aforesaid, the Secession Act, 1934, was passed as aforesaid and these presents have been prepared and are presented because the people of Western Australia have become and are now convinced upon the following matters, namely:—

- (a) That from the date of the establishment of the Commonwealth of Australia and continuously during its existence the people of Western Australia and the State of Western Australia as a self-governing community have suffered, are still suffering, and, unless they are permitted to withdraw from the Commonwealth of Australia, will continue inevitably to suffer many great, grave, serious and intolerable disabilities as a result both directly and indirectly of their inclusion as a State in the said Commonwealth.
- (b) That whilst some of the said disabilities have been suffered and are being suffered by the people and the State of Western Australia in common with all or many of the other States in the said Commonwealth of Australia, the main disabilities which the people and the State of Western Australia have suffered and are suffering are, in comparison with all or many of the other States in the said Commonwealth, disabilities which are peculiar to and have been and are being suffered only by the people and the State of Western Australia.
- (c) That those disabilities which the people and the State of Western Australia are suffering in common with the other States in the Commonwealth have arisen for the most part out of judicial interpretations of the provisions of the Federal Constitution, and out of the unrestrained exercise by the Parliament of the Commonwealth and the Commonwealth Government of the unlimited and unrestricted taxing powers and spending powers conferred on the said Commonwealth by the said Constitution.
- (d) That the disabilities referred to in the next preceding paragraph (c) do not go to the root of the Federal Constitution, and in theory can be removed by an alteration of the said Constitution; but the said disabilities cannot, in fact, be so removed for the reason that an alteration of the said Constitution can be initiated only by the introduction of a Bill for that purpose in the Parliament of the Commonwealth and the Commonwealth Government has always opposed in the past and still opposes, and most certainly will continue to oppose in the future, any proposal for an alteration of the Federal Constitution, which has for its object the restricting or limiting of the said taxing powers and spend-

ing powers conferred upon the Commonwealth by the Federal Constitution as aforesaid.

- (e) That those main disabilities, which are peculiar to and are suffered only by the people and the State of Western Australia, have arisen from or have been created by certain ascertained causes, which include *inter alia*:—
- (i) The geographical isolation of Western Australia from Eastern Australia, Western Australia being more definitely separated from Eastern Australia by a vast "sea of sand" than New Zealand is separated from Australia by a sea of water;
 - (ii) judicial interpretations of the provisions of the Federal Constitution and of the laws of the Commonwealth as a result whereof these provisions and these laws have effect and are operating prejudicially to the State of Western Australia in a manner and to an extent not originally comprehended, expected or foreseen;
 - (iii) the deliberate and established policy, financial, economic and administrative of the Commonwealth Government;
 - (iv) the inadequate and insufficient representation of the people of Western Australia in the House of Representatives in the Parliament of the Commonwealth;
 - (v) the fundamental and extreme differences between the financial and economic interests of Western Australia as the distinct western economic unit of Australia, and Eastern Australia as the distinct eastern economic unit of Australia;
 - (vi) the non-existence of a Federal spirit in the people of Eastern Australia towards the people of Western Australia;
 - (vii) the two fundamentals of the Federal Constitution, namely:—
 - (a) that there shall be a single uniform customs and excise tariff for the whole of Australia without discrimination between the States, and (b) that trade and commerce between the States shall be absolutely free—two fundamentals which suit and benefit Eastern Australia as the eastern economic unit of Australia, but which have injured, are injuring and will continue to injure Western Australia as the western economic unit of Australia and also as a State in the Commonwealth of Australia;
 - (viii) the growth of the Federal Constitution towards centralised government of the whole of Australia from the Federal capital at Canberra which is distant more than two thousand miles from Perth the capital of Western Australia.
- (f) That the main disabilities referred to in the next preceding paragraph (e), go to the root of the Federal Constitution, and cannot either in theory or in fact be removed by any alteration thereof which aims to keep the people and the State of Western Australia still a constituent part of the said Commonwealth, but freed from the said disabilities, and at the same time to preserve for the benefit of Eastern Australia the said two fundamentals of the Federal Constitution, without which the Federal Commonwealth would never have been established and without which it could not continue to exist.

- (g) that the said disabilities have during the life of the Commonwealth of Australia steadily increased in number and in magnitude, and in their adverse and prejudicial effect upon the people and the State of Western Australia, and, that unless the people of Western Australia are permitted to withdraw from the said Commonwealth the said disabilities will continue so to increase;
- (h) that the Commonwealth Government from time to time has acknowledged and admitted the existence of the main disabilities, which have been and are being suffered by Western Australia as hereinbefore mentioned, and, as a measure of relief, has made special grants of money to the State of Western Australia; but actual experience has proved conclusively that the relief so provided has in its effect been temporary only, has been hopelessly inadequate and insufficient, that in the passage of time more frequent and greater relief of the kind already given as aforesaid has been necessary; and that, notwithstanding the relief which has been given, the said disabilities continue to increase and multiply, and that no measure of relief by money grant from the Commonwealth can overcome or remove permanently the said disabilities;
- (i) that directly as the result of the said disabilities and the incurable nature thereof, the people and the State of Western Australia have already approached near to a condition of financial helplessness notwithstanding their vast natural resources and primary wealth; to a large extent they are losing their independence as a self-governing community and an independent State; they are already definitely and seriously injured and impeded in the development, progress and administration of the State and its resources; and the economic structure of the State is seriously endangered;
- (j) that if the people and the State of Western Australia are to remain as a self-governing community and an independent State, and to retain any reasonable hope and prospect of being able to develop and progress in a way beneficial to the people, the State, and the Empire generally, and if the social and economic structure of Western Australia as a self-governing community is to be safeguarded and preserved, it is essential and inevitable that the people and the State of Western Australia shall be permitted to withdraw from the Commonwealth of Australia; and that Western Australia shall be restored to its former status as a separate and distinct self-governing colony in the British Empire;
- (k) that unless the people and the State of Western Australia are permitted to withdraw from the said Commonwealth their financial and economic condition will steadily and increasingly become worse until, ultimately, they will be unable any longer to exist as a separate and self-governing community and independent colony of the Crown.

16. The disabilities hereinbefore mentioned are more particularly enumerated and stated, and the causes, and the effects and consequences thereof are more particularly stated and explained, and the desire of the people of Western Australia to withdraw from the Commonwealth of Australia is more particularly justified and supported in the Case of the people

of Western Australia in support of their said desire which has been prepared, printed and published in the form of a separate memorandum as authorised by the Secession Act, 1934, passed by the Parliament of Western Australia, and to which the people of Western Australia, as your petitioners, crave leave to refer and draw your attention.

17. The people of Western Australia, as your petitioners,—quitting all narrow grounds as becomes a British Community, looking only to the large and lasting interests of the people and Western Australia as a self-governing colony destined to become one of the greatest colonies adding wealth, strength and lustre to the British Empire, and having no other aim in view than their own self-preservation and the preservation and protection to the fullest extent of those rights of self-government which should be enjoyed by and be available to every British community to which responsible government has been granted under the British Constitution, and desiring to maintain the integrity both of Australia and of the British Empire as a whole, and believing that no higher political ideal can be fostered and cherished by the people of Western Australia than the attainment of the best means of using for the benefit of mankind generally the land which they hold in trust, and believing that their inalienable rights as a self-governing community and such great ideals as aforesaid must prevail over any ideal which may involve or lead to the centralised government of all the people of Australia to which the growth of the Commonwealth of Australia since the establishment thereof has tended, and is still tending, under the Constitution and the laws of the Commonwealth—hereby submit that of all the disabilities from which the people and the State of Western Australia are suffering as aforesaid, the main disabilities are incurable and consist of those disabilities which arise out of the fiscal policy of the Commonwealth, including the Federal Tariff, and the fundamental principles of the Constitution of the Commonwealth providing for Free Trade and intercourse between the States of the Commonwealth, and in support thereof, and in support of this, their petition, submit the following facts and propositions:—

- (i) The diverse geographical conditions of Australia as a continent, the absence of geographical connection between Western Australia in the western and the other Australian States in the eastern part of the Continent, the aptitude of Western Australia for export primary industries, and the aptitude of the other Australian States, or the larger of them, for protected secondary industries are in their several incidences of such a nature that it is humanly impossible to frame and set up a single Tariff which will meet the varying needs of the whole of Australia.
- (ii) Protection for secondary industries always has been and always must be the settled fiscal policy of the Government of the Commonwealth of Australia.
- (iii) The Constitution of the Commonwealth enacts and the Federal system of government involves the maintenance of the principle that the Federal Tariff shall be uniform and shall apply and operate throughout the Commonwealth without any discrimination between the States.
- (iv) The said Constitution also enacts that trade and commerce between the States shall be absolutely free, and this provision and the Federal system of government involves the maintenance of the

principle that no Tariff shall be framed or set up as between State and State.

- (v) Whilst the said uniform general Federal Tariff may serve beneficially the other States in the eastern part of Australia, it cannot do otherwise than affect adversely and prejudicially the State of Western Australia in the western part of Australia.
- (vi) Assistance to protected secondary industries has been, and still is, and forever will be, provided by the Commonwealth by means of the said Federal Tariff chiefly at the expense of the export primary industries, of which the agricultural and pastoral industries are the principal industries; and the agricultural and pastoral industries are the staple industries of Western Australia inasmuch as approximately two-thirds of the wealth production of Western Australia is being derived from those industries in that State.
- (vii) There are practically no protected secondary industries in Western Australia, or the number of such industries is negligible and, therefore, Western Australia does not receive from the application and operation of the Federal Tariff any of the usual compensating benefits, which the State might be expected to receive if it were situated similarly to the other States in the eastern part of Australia and possessed the same protected secondary industries which the said other States possess.
- (viii) The Federal Tariff is a burden upon the staple industries of Western Australia so onerous as to render the carrying on of such industries generally unprofitable; and is a burden upon the State of Western Australia which is becoming more and more intolerable in view of the fact that the State does not and cannot derive any compensating benefits therefrom as aforesaid.
- (ix) In consequence of the burden of the Federal Tariff the economic structure of Western Australia has already become seriously jeopardised and with the continuance of such burden the State of Western Australia, the primary producers, and the people of that State are faced inevitably with national bankruptcy and ruin.
- (x) Assuming that the growth and development of secondary industries in the State of Western Australia would bring to that State some of the compensating benefits which are derived from the Federal Tariff by the other States in the eastern part of Australia, there is no prospect either in the near or distant future, that any such secondary industries will grow or be developed successfully in Western Australia whilst the State remains a part of the Commonwealth of Australia for the reason that the fundamental principle established by the Federal Constitution and adopted as the settled policy of the said Commonwealth, and which requires that trade and commerce between the States of the Commonwealth shall be absolutely free, has operated, is still operating, and must continue to operate in such a manner and so comprehensively as definitely to retard seriously, if not actually prevent, the growth and development of the protected secondary industries in Western Australia.

- (xi) The costs of production of the manufacturer in Western Australia are greatly increased by the operation of the Federal Tariff, and also such manufacturer is deprived of most of the benefits of protection sought to be given by the said Tariff in consequence of the free and unrestrained competition of powerful and old established rival manufacturers in all or some of the other States in the eastern part of Australia who are competing unfairly in Western Australia with the Western Australian manufacturer.
- (xii) As a result, the State of Western Australia for all practical purposes has not, and cannot, develop any manufacturing industries, other than those which are of a local and domestic nature and which would, and could, exist in any State where they are located, irrespective of whether Protection or Free Trade were, or had been, the settled policy of the Commonwealth.
- (xiii) By reason of these circumstances, the people of Western Australia are seriously deprived of opportunities and avenues of employment for themselves and their children.
- (xiv) On the one hand, therefore, the people and the State of Western Australia are required to bear the burden of a protection, which in their case does not protect, while on the other hand, they are exposed and subjected, as between them and the other States in the eastern part of Australia, to a free trade, which, in relation to Western Australia, is neither free nor fair; and these two conditions have created and are perpetuating a wrong against the people and the State of Western Australia which cannot be satisfactorily or adequately removed or remedied while the State of Western Australia continues to be a constituent part of the Commonwealth of Australia.
- (xv) The only effective means whereby the people and the State of Western Australia can be relieved from the said burden, and the said wrong can be removed is the withdrawal of the people of the State of Western Australia from the Commonwealth of Australia and the restoration of Western Australia to its former status as a separate and distinct self-governing colony in the British Empire.
- (xvi) From the point of view of the State Treasury, the consequences of the unequal effect of the Commonwealth Tariff in its incidence upon the people and the State of Western Australia, and the adverse and prejudicial application and operation of interstate free trade in relation to the State of Western Australia has prevented, or at least seriously impeded, and curtailed the production of wealth throughout the State of Western Australia, and State revenue which would have been derived by Government services, such as the Government railways and State Shipping Service, and other public services from the production of wealth in the State of Western Australia, which has been prevented or impeded and curtailed as aforesaid, has been lost by the State Treasury, and has been a serious loss to the State of Western Australia.
- (xvii) Moreover, through the same cause, the revenue from State land tax, State income tax, and other classes of direct taxation imposed by the State has been seriously diminished owing to the diminution of the incomes of established producers in the State of Western Australia.

- (xviii) The Federal Tariff has also prevented, and is still preventing, and will continue to prevent, the full and beneficial use of the developmental utilities belonging to or existing in the State of Western Australia, and the full response to the efforts of the Government of that State from time to time to stimulate the production of national wealth in the State of Western Australia.
- (xix) The objective imposed upon a people by the laws of nature is the attainment of its own welfare and safety, which must also be an everlasting duty, which a people owes to itself. The only reason for the existence of a set or sets of institutional machinery is to provide the people with the ostensible means of prosecuting the pursuit of that objective and the performance of that duty; and if the institutional machinery so erected becomes destructive of that objective, then the duty which a people owes to itself is to alter or abolish it and institute a new set of institutional machinery in such form and upon such principles as will be more likely in the opinion of that people, to effect the attainment of its welfare and safety. Any system of government in Western Australia, therefore, should exist for the welfare and safety of the people of Western Australia.
- (xx) If self-government is to be a reality, it must be applied to political units of a suitable size, after taking into account all relevant considerations. Representative democracy, as it is understood in Great Britain and in British communities, depends for its success on the possibility of a close contact between elector and elected person. Unless this is secured, it is not real representation at all.
- (xxi) The self-governing colony of Western Australia prospered and developed in the days before Federation, and her people displayed conspicuous ability for responsible government. The people still possess that ability for responsible government, but Federation has to all intents and purposes destroyed the scope within which it may be enjoyed.
- (xxii) Western Australia's entry into Federation was a great historical accident due to two forces of external origin.
- (xxiii) The creation of a uniform tariff wall around the whole of Australia, with its concomitant of free trade between the States in the Commonwealth, is the real economic fundamental of the Australian Federation; without that fundamental the Commonwealth would not have been established, and without it, it could not continue to exist.
- (xxiv) Protection is the established fiscal policy of the Commonwealth; it has been more than a policy; it has been a faith and a dogma. That policy has always been, now is, and always will be maintained by the dominant representation of the great manufacturing centres of Melbourne and Sydney in the House of Representatives in the Parliament of the Commonwealth.
- (xxv) The almost total dependence of Western Australia upon the overseas markets (chiefly Great Britain) for the disposal of the production of Western Australia renders it economically and financially imperative that the profitable conduct of the primary

industries—the export industries—of Western Australia should not be retarded by a fiscal policy of protection, but should be facilitated by a low tariff. Since Western Australia is required to sell her production at world parity prices, such production, if it is to be profitable, must be effected at world parity costs.

- (xxvi) Western Australia's vital needs, therefore, demand that a low well-balanced customs tariff must constitute the chief element of any fiscal policy for Western Australia.
- (xxvii) So long as she continues within the Federation, Western Australia will always be a community obliged to earn in the unprotected world markets the credits with which to pay for the goods purchased in the highly protected Australian market. Irrespective, therefore, of whether she adopted a fiscal policy of protection or free trade, a free and independent Western Australia in control of her own customs tariff would be in a more satisfactory position than if she were to remain within the Federation.
- (xxviii) In Western Australia, Federalism has become destructive of the very objective for which all institutional machinery exists—the welfare and safety of the people. It is for the better securing of their own welfare and safety, for the purpose of being free to adopt such fiscal policies as may be dictated by the economic requirements of the country and thereby to avert the ruination which otherwise will befall the State and the people of the State by the collapse of its staple industries that the people desire to withdraw from the Federal Commonwealth of Australia.
- (xxix) The withdrawal of Western Australia from the said Commonwealth will enable her to engage in the rehabilitation of her staple primary industries and to promote the establishment of manufacturing industries specially suited to her needs; it will also result in a great improvement of, and will restore stability and solvency in the finances of Western Australia; and it will also remove many other grave disabilities—constitutional, political, and economic—which are now suffered by Western Australia through her inclusion as a State in the Commonwealth. Such withdrawal will also enable the Government of Western Australia to proceed with the orderly development and population of the State, which means prosperity and employment for the citizens of Western Australia, and, later, opportunities for the advantageous settlement of some of Great Britain's surplus population. The economic circumstances of Western Australia are such that all the elements will then exist for the conclusion with Great Britain of an arrangement for an unexampled demonstration of the mutual benefits which must flow from real reciprocal trade within the Empire.
- (xxx) A prosperous, thriving and well-governed Western Australia out of the Federation will be of much more advantage to Australia as a whole and to the Empire than Western Australia within the Federation and, as a result thereof, financially embarrassed and placed in economic subordination to other States in the Commonwealth.

(xxxi) The people of Western Australia by a majority of almost two to one ascertained by means of a referendum—and the referendum as a principle is always regarded as a conservative instrument—have definitely declared themselves desirous of withdrawing from the Federal Commonwealth of Australia. In Western Australia the question of such withdrawal overshadows all other public questions. The strength and permanence of the movement for such withdrawal may be said to exist from the inevitability of gradualness in its growth and because it concentrates the forces which are roused in any British community by an appeal to national pride and national dignity, and by a demand for British freedom and British justice.

18. The people of Western Australia therefore desire to withdraw from the said Federal Commonwealth of Australia and that Western Australia may be restored to its former status as a separate and distinct self-governing colony in the British Empire. They also desire that such withdrawal and the restoration of Western Australia to its former status as aforesaid shall be effected and achieved in such manner and by such lawful means as will leave unimpaired and unaffected the peace, order and good government of the Commonwealth of Australia and of the other States in the said Commonwealth, and as will not in any manner interfere with or disturb the amity and friendliness and the other cordial relations now existing between the people of Western Australia and the people of the said other States. They also desire and are willing that such withdrawal from the Federal Commonwealth of Australia may be effected and achieved upon and subject to such terms and conditions and such mutual obligations as between the people and the government of Western Australia and the remaining people and the government of the Commonwealth of Australia as will be fair, just and equitable to and for all the parties concerned.

19. Wherefore the people of Western Australia, as your petitioners, humbly pray that (a)

will forthwith, or as soon as reasonably may be, cause to be introduced into, and duly passed by the said Parliament of the United Kingdom of Great Britain and Northern Ireland, a Bill for an Act either by an amendment of the Commonwealth of Australia Constitution Act or otherwise howsoever to effectuate the withdrawal of the people of Western Australia from the Federal Commonwealth of Australia established under and by virtue of the provisions of the said Act and to effectuate the restoration of Western Australia to its former status as a separate and distinct self-governing colony in the British Empire under its present constitution, and the people of Western Australia, as your petitioners, do also humbly pray that any Bill for an Act as aforesaid may have included therein, *inter alia*, provisions in the terms of, or in effect similar to the terms of the following clauses, namely:—

(1.) On and after a day to be fixed by Proclamation—

(a) Western Australia shall cease to be a State of the Commonwealth of Australia, and the Commonwealth of Australia Constitution Act, 1900, and the laws of the Commonwealth made thereunder, shall, subject to the Act,

(a) "Your Majesty," or "You the Right Honourable the Lords Spiritual and temporal in Parliament assembled," or "You, the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled," as the case may require.

cease to apply or have any effect in any part of Western Australia; and the Western Australian Constitution Act, 1889, and its amendments shall thereafter continue in full force and effect and free from any limitations hitherto imposed in any manner whatsoever by the Commonwealth of Australia Constitution Act, 1900.

(b) The Members serving in the Commonwealth House of Representatives for any constituency in Western Australia, and the Senators of Western Australia in the Commonwealth Senate shall cease to be Members of the House of Representatives or Senators (as the case may be); and no writ shall be issued thereafter for the election of a member to serve in the House of Representatives for a constituency in Western Australia or for the election of a Senator for Western Australia in the Senate.

(c) Western Australia shall have the same constitutional status in the British Commonwealth of Nations as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and shall be styled and known as the Dominion of Western Australia.

(2.) Subject to the provisions of the Act, the relationship between the Dominion of Western Australia and the Imperial Parliament and Government and otherwise shall be similar to that of the Commonwealth of Australia; and the law, practice and constitutional usage governing the relationship of the Crown or the representatives of the Crown and of the Imperial Parliament to the Commonwealth of Australia shall govern the like relationship to the Dominion of Western Australia.

(3.) The representative of the Crown in Western Australia shall be appointed in like manner as the Governor-General of the Commonwealth of Australia, and in accordance with the practice observed in the making of such appointments.

(4.) (i.) The Dominion of Western Australia shall assume liability for the service of the Public Debt of the Commonwealth of Australia as existing at the date of the commencement of the Act and for the payment of War and other Pensions as existing on that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Western Australia by way of a set-off or counter-claim.

(ii.) The Interest and Sinking Fund, if any, upon the portion of the Public Debt to be so taken over from the Commonwealth of Australia by the Dominion of Western Australia shall be a reserved charge payable to the Government of the Commonwealth of Australia by the Government of the Dominion of Western Australia; provided always that this provision shall not in any way prejudice or affect the security of any stock or bonds which may have been issued by the Government of the Commonwealth of Australia before the withdrawal of Western Australia from the Commonwealth.

(5.) In default of agreement between the Dominion of Western Australia and the Commonwealth of Australia as to the amount of the sums mentioned in the last preceding provision, or upon any other matter whatsoever arising out of or in connection with the withdrawal of Western Australia from the Commonwealth of Australia, the question or questions shall be determined by the arbitration of one or more independent persons, being citizens of the British Empire, and in the case of any such arbitration, justice and equity shall be the sole principle which shall dominate the determination of such arbitration.

(6.) Subject to the Act and to the extent to which they are not inconsistent therewith, the Commonwealth laws in force in Western Australia as at the date of the commencement of the Act shall continue to be of full force and effect for the benefit of the Dominion of Western Australia until the same or any of them shall have been repealed or amended by enactment of the Legislature of the Dominion of Western Australia.

(7.) As respects departmental property, assets, rights, and liabilities, and to the extent to which functions of any Department of the Commonwealth of Australia become functions of the Government of the Dominion of Western Australia, the Government of that Dominion shall be regarded as the successors of the Commonwealth Government.

(8.) The transfer of the administration of any Public Service shall be made as from the date of the commencement of the Act or may be deferred to such later date as may be agreed upon between the Government of the Dominion of Western Australia and the Government of the Commonwealth of Australia, and ratified by their respective Parliaments; and such of the permanent officers ordinarily engaged in the administration of those services on the date of transfer shall be transferred to, and become officers of, the Dominion of Western Australia.

(9.) Subject to the Act, every permanent officer of the Commonwealth Government ordinarily employed in Western Australia at the date of the commencement of the Act shall, on that date, be transferred to, and become an officer of, the Dominion of Western Australia, and shall hold office by a tenure corresponding to his previous tenure.

(10.) The Government of the Dominion of Western Australia shall pay fair compensation to officials and other public servants referred to in the next preceding provision who are discharged by it or who retire in consequence of the change of Government.

(11.) It shall be lawful for any Department of the Western Australian Government to make arrangements with any Minister of the Commonwealth Government whereunder any of the powers and duties of the Minister may be exercised and performed on his behalf by officers of that Department, or whereunder any of the powers and duties of that Department may be exercised and performed on behalf of that Department by officers of the Minister on such terms and conditions as may be agreed; Provided that no such arrangements shall diminish in any respect the responsibility of the Department by which the arrangement is made; Provided further that any such agreement shall be subject to ratification by the respective Parliaments.

(12.) In the event of a bank or savings bank being established in the Dominion of Western Australia by the Government of that Dominion and arrangements being made for the transfer to the bank or savings bank of the Dominion of Western Australia of the deposits in the Commonwealth Bank of Australia or the Commonwealth Savings Bank of depositors resident in the Dominion of Western Australia, it shall be lawful for the Board of Directors of the Commonwealth Bank of Australia or of the Commonwealth Savings Bank and the National Debt Commissioners to transfer to such authority as may be provided by legislation of the Dominion of Western Australia such apportioned part of the assets held by or on behalf of the Commonwealth Bank of Australia as may be determined by agreement between the Government of the Dominion of Western Australia and the Government of the Commonwealth of Australia to be properly attributable to the deposits so transferred; provided that such agreement is ratified by their respective Parliaments; provided further that nothing in or done under this provision

shall affect the rights under the Commonwealth Bank Acts of any depositor in the Commonwealth Bank or in the Commonwealth Savings Bank, without the consent of the depositor.

(13.) The Government of the Dominion of Western Australia may make agreements with the Commonwealth Government and the British Government or either of them, with respect to any matter arising out of or touching upon the withdrawal of Western Australia from the Commonwealth, or in respect of any matter concerning which it may be expedient that an agreement should be made; and every such agreement, if ratified by the respective Parliaments, shall, subject to revocation or alteration by a subsequent agreement, have effect as if it were included amongst the provisions of the Act.

(14.) Until an arrangement has been made between the British and Western Australian Governments whereby the Dominion of Western Australia undertakes her own coastal defence, the defence by sea of the Dominion of Western Australia shall be undertaken by His Majesty's Imperial Forces, and towards the expenditure in respect of such service, the Dominion of Western Australia shall make a just and equitable contribution; Provided that nothing in this provision contained shall preclude an agreement between the Commonwealth and Western Australian Governments concerning the defence by sea of the Dominion of Western Australia.

(15.) (i.) The withdrawal of Western Australia from the Commonwealth of Australia shall not affect any liability to pay any taxes or duty payable under any laws of the Commonwealth in respect of the current financial year, or any preceding financial year, or in respect of any period ending on or before the last day of the current financial year, or payable on any occasion happening within the current or any preceding financial year, or the amount of such liability, and all such taxes and duties as aforesaid and arrears thereof shall continue to be assessed, levied and collected, and all payments and allowances of such taxes and duties shall continue to be made in like manner in all respects as immediately before the withdrawal of Western Australia from the Commonwealth of Australia, subject to the like adjustments of the proceeds collected as were theretofore applicable; and for that purpose the Government of the Dominion of Western Australia shall have the like power and be subject to the like liabilities as the Commonwealth Government.

(ii.) For the purpose of this provision the expression "financial year" means, in respect of income tax (including super tax), the year of assessment, and as respects other taxes and duties the year ending on the 30th day of June.

(16.) It shall be lawful for the Parliament of the Commonwealth of Australia to make laws containing provision with respect to the management of the National Debt and the Government Securities as may be necessary to secure that the management thereof shall not, except to such extent as may be authorised by such legislation, be transacted within the Dominion of Western Australia; or to enable an agreement with the Government of the Dominion of Western Australia for the business of the Commonwealth Bank in relation thereto to be partly transacted at an office of any Bank now or hereafter carrying on or formed to carry on the business of banking in the Dominion of Western Australia, and in the latter case to apply in respect of any securities inscribed or registered in the books and registers

