Legislative Assembly

Wednesday, 20th August, 1952.

CONTENTS.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

HOUSING.

As to Austrian Pre-fab Homes, Accounts and Files.

Hon. J. T. TONKIN asked the Minister for Housing:

(1) What is the total amount debited to the suspense account in connection with the Austrian prefabricated houses and which represents unallocated expenditure in connection with this contract?

(2) Was any allowance made for this un-allocated expenditure when the average price of £3,809 per house was estimated recently? If so, how much per house was included in the estimate?

(3) What amount of Government funds is invested in the stockpile of materials purchased by Messrs. Sandwell and Wood for the use in the erection of the Austrian houses?

(4) How many files are there covering the matters concerning the Austrian prefabricated houses?

(5) How many such files are required by the Crown Law Department for the purpose stated by him?

(6) Will he make available the files not required by the Crown Law Department?

(7) When will the files which are required by the Crown Law Department be available for perusal?

The MINISTER replied:

(1) £381,070 11s. 3d. as at the 31st July, 1952.

(2) The reference to average price £3,809 is not understood. The estimated cost erected on site quoted previously was £2,593. An allowance of £1,250 was made for unallocated expenditure.

(3) £79,637 2s. 2d. as at the 31st July, 1952. This is equivalent to advances made to contractors for material on site.

(4) (5) (6) and (7) The Crown Law Department has been invited to investigate certain matters arising out of this contract and until this investigation has been completed it would not be in the public interest to make any of the files available at present.

Hon. J. T. Tonkin: You are stalling!

HARBOURS.

(a) As to Construction of New Berth, Fremantle.

Hon. J. B. SLEEMAN asked the Minister for Works:

Will he inform the House when it is anticipated that work will be started on the new berth in the present Fremantle harbour?

The MINISTER replied:

It has not been possible to provide any Loan funds from the 1952-53 allocation for the No. 10 berth at North Fremantle, as the whole allocation to Fremantle harbour will be absorbed in meeting commitments and completing works in hand on wharf sheds and facilities.

All concrete sheet piles (405) and 42 per cent. (143) of the reinforcements for the wharf piles for work on No. 10 berth were constructed last financial year.

If it is found later in the year that additional finance can be made available, further work on No. 10 berth can be put in hand at short notice.

(b) As to Site of Temporary Rail Bridge.

Hon. J. B. SLEEMAN asked the Minister for Works:

In view of the statement made by him that a temporary rail bridge was to be erected downstream from the traffic bridge, and also the possibility of developing a port to the north of Kwinana, will he endeavour to have the rail bridge erected far enough downstream from the traffic bridge to save valuable industries at North Fremantle?

The MINISTER replied:

The possible influence of Kwinana development on the upstream port development at Fremantle is under consideration by Sir Alexander Gibb and Partners and a special State committee.

Reports have not yet been made to the Government.

BASIC WAGE.

As to Price of Bread and Allowance for Rent.

Mr. JOHNSON asked the Attorney General:

As the Chief Secretary in reply to a question asked by me last week, stated, "The statistical information upon which the basic wage is fixed is collated and determined by the Commonwealth Statistician and is not supplied to any department other than the Arbitration Court"—

(1) Will the Attorney General ascertain from the officials of the Arbitration Court whether they can state how much the recent rise in the price of bread will increase the next variation of the State basic wage if all other influences are disregarded?

(2) What amount is allowed in the current basic wage for rent of a house?

The ATTORNEY GENERAL replied:

(1) and (2) I interviewed Mr. Bogue, the Registrar of the Court, and he informed me that he was unable to supply me with the information desired, as it was not available to him.

FACTORIES AND SHOPS ACT.

As to After-Hours Sale of Petrol.

Mr. BRADY asked the Minister for Labour:

In view of the flagrant breaches of the Factories and Shops Act by petrol retailers in selling petrol after hours, is it intended by the Government to amend the Act to bring the petrol retailers' hours into line with those of other business establishments?

The MINISTER replied:

It is not intended to amend the Act at the present time. The Supreme Court in a decision given recently on an appeal, ruled that petrol could be sold when required. There are, therefore, no flagrant breaches of the Factories and Shops Act.

GOVERNMENT EMPLOYEES.

(a) As to Departmental Numbers.

Mr. HUTCHINSON asked the Premier:

How many men are still employed by the Government in each of the following departments—

(1) Public Works;

(2) Forests;

(3) Metropolitan Water Supply;

(4) State Electricity Commission;

(5) Electricity and Gas?

The PREMIER replied:

The number of men still employed by the Government in each of the following departments, excluding those employed under the Public Service Act, is as follows:—

(1) Public Works (excluding 1,554 Main Roads employees)—3,500.

(2) Forestry—530.

(3) Metropolitan Water Supply—870.

(4) State Electricity Commission—907.

(5) Electricity and Gas—718.

Total—6,525.

(b) As to Retrenchments.

Hon. J. B. SLEEMAN (without notice) asked the Premier:

In view of his answer to the member for Cottesloe regarding the number of men employed by the Public Works, Forests, Metropolitan Water Supply and Electricity and Gas Departments and the State Electricity Commission, will he give the House an assurance that there will be no further retrenchments in those branches of the Public Service and that the employment of the men concerned will be maintained?

The PREMIER replied:

I regret that I am unable to give any such assurance until I know what the loan position will be.

YAMPI SOUND IRON-ORE.

As to Lease and Operations.

Mr. MAY asked the Minister representing the Minister for Mines:

(1) What is the area held by lease by the B.H.P. Coy. at Yampi Sound?

(2) What is the estimated quantity of ore contained within the lease?

(3) What is the total quantity of ore won by this company since the lease was granted?

(4) What is the annual quantity of ore removed from the lease?

The MINISTER FOR HOUSING replied:

(1) Australian Iron & Steel Limited holds 170 acres leasehold at Cockatoo Island, Yampi Sound.

(2) Estimated tonnage in the main orebody to high water mark is 18,782,000. There are two other patches of brown iron ore near this body, but of lower grade, and quantities unestimated.

(3) 51,622 tons to the 30th June, 1952.

(4) Regular production only commenced this year, and is expected to average 21,000 tons per month. A mechanical breakdown in loading gear occurred in July and will hold up shipping until September.

BILL—OATS MARKETING.

Second Reading—Defeated.

Debate resumed from the previous day.

MR. OLDFIELD (Maylands) [4.39]: I am opposing the second reading of the Bill, because I feel it would be merely

a waste of time to take it into Committee. By the time all the necessary amendments are made to transform the measure not only into a workable piece of legislation but to make it acceptable and indeed tolerable, it would mean reaching the situation that exists today where we have a voluntary pool.

Another reason for my opposing the measure is that by agreeing to establish a compulsory pool we would do away with the traditional free market, in which the producer displays his goods to the best possible advantage, and the prospective buyer inspects the goods displayed and makes what he considers a suitable offer for what he requires. I am thinking of all primary produce and manufactured articles and anything offered for sale. The free market system is an incentive to all primary producers and manufacturers to produce to the best of their ability. We have had experience of compulsory pools and boards and all they have succeeded in doing has been to detract from the quality of the article produced.

Furthermore, this Bill places in the hands of a certain section of the community a complete monopoly. I doubt whether even the growers will benefit; but suppose they did, would it be fair that the rest of the community should be held to ransom by that one section?

Mr. Hoar: What about the merchants? Do they not do that?

Mr. OLDFIELD: The voluntary oats pool is welcomed by the merchants as another means of promoting keen, healthy competition which would tend to develop trade and improve the quality of the product. One of the reasons advanced for bringing in the Bill, as mentioned by the Deputy Leader of the Opposition last night, is to enable surplus oats to be marketed in the normal manner. I do not know whether there have been surplus oats in recent years, or whether there will be any in the future; but I do know that what could be regarded as surplus oats would be those which in the first instance the farmer stores after harvest against the time when he may need them. When the winter rains come and feed is through, the farmer, having green feed to give his stock, no longer requires the oats.

One of the reasons why the Bill has been said to be necessary is to provide for the shifting of the oat crop before the wheat harvest starts to pour into the bins. What will happen to those oats which, in the past, have been marketed in June, July and August through the normal distribution channels, namely, the merchants? The suggested pool would be a doubtful benefit. Farmers have proved that in the two or three years in which the voluntary pool has been operating. For reasons of their own, the farmers have not favoured that pool and have not used it, preferring to do business through the normal distribution channels.

If a pool has all the advantages to offer to the grower which the sponsors of this Bill claim, surely the farmers would have used the voluntary pool; and in that case there would have been no need for this measure. The purpose of this Bill, however, is to compel farmers who do not wish to use a pool to bow to the dictates of one or two power-hungry people who wish to force them to market their produce in the way these people think best for them.

Mr. Nalder: What amount of oats did the farmers put through the pool last year?

Mr. OLDFIELD: I think it is something like 33 per cent. I believe the member for Merredin-Yilgarn quoted the figures the other night. The main argument put forward by supporters of the Bill has consisted of abuse of the merchants. But only in the last month a certain firm of produce merchants received, and are still receiving, oats for which they contracted to pay 10s. 6d. per bushel on rails at Perth, and they are selling them for between 8s. 6d. and 9s. 6d. If members like to make inquiries from the Government Tender Board they will find that this firm offered to supply oats at 8s. 6d. per bushel.

Mr. Nalder: Mention the price in December.

Mr. OLDFIELD: Oat merchants sell progressively. They might start selling at the beginning of the year at 8s. 6d. per bushel and eventually quote 14s. or 15s. a bushel; but the oats for which they charge the latter figure would not be those which they purchased at a price as low as 8s. 6d. Merchants purchase as they make their sales and set their price accordingly. The price offered to a farmer for his oats is determined by the state of the oversea market. The merchant has to make a profit. If there were a compulsory pool, Co-operative Bulk Handling Ltd. would have to make a profit. If a merchant contracts to buy oats he pays the contract price regardless of the sum for which he sells the oats; and if there is a loss, it is borne by the merchant and the farmer has the benefit.

Mr. Nalder: The benefit of the loss?

Mr. OLDFIELD: Of the loss sustained by the merchant—and the merchant does not squeal. Supporters of the Bill have mentioned that it will be an incentive to growers of oats to increase their acreage of oats. That may be so. They went further and said that it would be an incentive to farmers to increase their acreage of wheat. I cannot reconcile the two statements. A farmer has only a certain amount of land to bring into productivity. There is only a certain amount of machinery and labour available and there are only a certain number of working hours. How a compulsory oats pool will encourage the producer to increase his wheat acreage, I fail to see.

No member who has yet spoken to the debate has convinced any of us that the Bill will increase the acreage sown in wheat.

Mr. May: Do you think you could be convinced?

Mr. OLDFIELD: If some member who knew all about the Bill told a good story and sold his ideas to the House, I would be ready to accept them. Further figures quoted indicated that 68 per cent. of the branches of the Farmers' Union were in favour of the Bill, while 20—I do not know whether that means 20 per cent.—were only partially against the measure. As is well known, at some meetings of branches of the Farmers' Union only about four people attend, and it might just as well be said that the 68 per cent. of branches in favour were only partially in favour.

Last Thursday evening, Mr. Rooke, secretary of the wheatgrowing section of the Farmers' Union, went to Kellerberrin, when it was realised that this Bill was likely to meet the fate that it deserves, to hold a meeting in an endeavour to get more support for the measure from the farmers. The meeting, however, was overwhelmingly against a compulsory oat pool. I am sorry that the member for Moore made what was, in my opinion, an unfair attack on Mr. W. D. Burges who has done a great deal to promote the agricultural interests of this State. He has put a lifetime of work, interest and finance into the improvement of the bloodstock of Western Australia, and has been successful in raising the standard of our bloodstock until it is now equal to that in any part of the world. The member for Moore made that attack whilst being heckled, and I think he did it in the heat of the moment, without realising what he was saying. I believe he is now aware of his mistake and I think he is big enough to make the necessary apology to the gentleman concerned. It is a pity that this incident ever occurred.

Another question raised was that of blackmarketing, and it was suggested that farmers do not favour the Bill because they prefer to sell their oats on the blackmarket which, it is suggested, is a market through which the producers sell oats in order to evade taxation. Such a suggestion is unfair to the farmers and to the merchants who are supposed to tell the producers to take blank cheques in order to avoid taxation. When one realises how the Taxation Department works and how the auditors of public companies operate, one must admit that no merchant or company handling oats could pay out large sums of money in cash or blank cheque for goods received. The auditors would want to know to whom such a cheque was made out and for what purpose the money was paid, while the Taxation Department would want to know what farmers had received cheques from such a merchant. It might be said that a farmer could bring a truck of oats down for sale to a merchant in Perth, but he would have to give his name and the cheque would be made out in that name. If the oats were consigned by rail, they would be paid for by cheque and there would be freight tickets and cart notes that could be investigated.

Any black market which may exist must be limited, consisting of farmer-to-farmer transactions. One avenue that might exist would be where a farmer came to Perth with his truck—perhaps to pick up a tractor—and brought down a load of oats to sell to some racehorse trainer that he knew. That, in turn, would be a very limited market, if it existed at all. It would be nowhere near sufficient to account for the hostility shown to the idea of a compulsory pool by genuine oatgrowers throughout the State.

The attitude of Co-operative Bulk Handling Ltd. apparently is that unless there can be a compulsory pool there will be no pool at all, and that must come as a shock to the growers who think they should retain the option of selling or pooling their oats. After all, Co-operative Bulk Handling Ltd. is supposed to be a farmers' company which exists to provide service to the farmer. It is hard to reconcile the statements made from time to time by the company about the service it gives to farmers with its present attitude of trying to drag the farmers against their will into this monopoly.

The Bill provides that if the compulsory pool is instituted there shall be a ballot of the producers at a future date. What is to be the attitude of Co-operative Bulk Handling Ltd., if, at the ballot, the farmers reject the compulsory pool? The company will probably say, "The farmers have voted the pool out so we will now not handle bulk oats." The ballot cannot be held for some time and the sponsors of the Bill are obviously frightened to hold a referendum before the measure, if passed, is put into operation, because they know that the farmers would throw it out. The member for Merredin-Yilgarn pointed out how a referendum could be held. If at any time it was held and a small minority of the farmers were against a compulsory pool, why should they not be permitted to continue marketing their produce in the way they wish, letting the majority, who desire to do so, use the pool?

For some reason, which is not obvious at the moment, the sponsors of the compulsory oat pool insist it is necessary that the handling arrangements be left entirely to the pool. There is no reason why a farmer should be compelled to keep his oats on his property after he has decided to market them, and to force him to submit to the dictates of a compulsory marketing organisation would be a most retrograde step. It will no doubt be said that

the pool authorities will ensure that adequate reserves of oats are kept in the State, but whether they will in fact do that will depend on the ability of the marketing board to ascertain how much oats should be exported and how much held for local consumption. I do not think that any body or pool is capable of assessing what quantity of oats should be held in reserve for future requirements.

The stage might be reached when the pool finds itself selling too much and decides to impose rationing of feed oats. Already the trustees of the wheat pool have shown their dictatorial and "stand and deliver" attitude on reserves of oats when there has been a shortage towards the end of the season. I will read a paragraph from a letter sent by Mr. Braine, dated the 7th April, 1952. This letter is in answer to a merchant who approached him for the release of a certain quantity of feed oats. The attitude adopted by Mr. Braine on behalf of the trustees of the Wheat Pool was to this effect: "Yes, we have oats, but they are a bit short, so we are going to ration them. We will not give you any but you tell us who your customers are and we will supply them." The paragraph in his letter reads—

> We are now committed oversea for all the remaining oats on hand with the exception of a small quantity reserved for local needs. The total available may not be sufficient for all requirements and it may be necessary for the pool to introduce a form of rationing to ensure that everyone gets a fair share. We shall therefore be obliged if you will let us know the names of your clients in the North, and the quantity each one requires.

What an impertinence for any person to write a letter such as that to a reputable firm! The attitude is, "We know that you cannot get supplies but we have them, so you give the business to us." That will be the attitude of all people who are seeking to get control of oats.

Mr. Ackland: Will you tell us what the merchants did with the oats they bought themselves?

Mr. OLDFIELD: The merchants sold them oversea as they purchased them.

Mr. Ackland: Did merchants keep back sufficient feed oats last year?

Mr. OLDFIELD: Certain merchants did and some did not. Those who did not failed to meet their commitments last year because the oats normally received from farmers to supply stock feed needs had been put into the pool. It has been said that the purpose of the Bill is to place all oats completely under grower-control in the hands of a monopoly. There is nothing said about the distributor.

Mr. Lawrence: We are not worried about the distributor.

Mr. OLDFIELD: The member for Melville last night produced a copy of "The Farmer's Weekly" which outlined the whole setup as to how this proposed marketing of oats scheme was to be financed. I want to point out the danger of the agreement between the trustees of the Wheat Pool and the Farmer's Union; the danger of that method of financing the scheme. The chairman of this proposed marketing board is to be nominated by the trustees of the Western Australian Wheat Pool. He is to have the power of veto on any financial matter.

Mr. Ackland: You know that is not a fact.

Mr. OLDFIELD: I read it in "The Farmer's Weekly." In the opinion of the hon. member "The Farmer's Weekly" might be regarded as "The West Australian" and be altogether incorrect. Subclause (2) of Clause 27 provides—

> The Corporation shall be and is hereby appointed as the sole agent of the Board for the sale of the oats and the Corporation shall have power in the name and on behalf of the Board or in the name of the Corporation—
>
> (a) To enter into all necessary Contracts and engagements for the sale of oats;
>
> (b) To make all necessary arrangements for the financing of the operations of the Board.

"All necessary arrangements for the financing." The member for Melville last night referred to a similar clause which would give to the chairman the power of veto. I now propose to show how, under this legislation, in its present form, all oats that are grown and not required by the grower for use on his own farm, come under the virtual dictatorship of one man. Subclause (1) of Clause 21 reads—

> All oats delivered to the Board by growers and accepted by the Board shall thereupon be vested in and become the absolute property of the Board . . . . .

That provision and the one mentioned by the member for Melville last night give power to the trustees of the Wheat Pool to nominate the chairman who has the power to veto. The names of those trustees are Sir John Teasdale, the chairman, Mr. W. J. Russell, Mr. T. H. Bath and Mr. C. W. Harper. Under the 1932 Act the original trustees were named, but that legislation did not make it mandatory for the Supreme Court or the Registrar of Companies to be notified of any change of trusteeship. Subsection (2) of Section 4 of the 1932 Wheat Pool Act reads:—

> Any two Trustees (present personally or by proxy) shall constitute a quorum at any meeting of the trustees.

One of those four trustees can sit with a proxy vote from each or any one of the other members and a quorum will be constituted. At the moment we have the spectacle of Sir John Teasdale being absent in the Eastern States, Mr. Russell in England on a visit, Mr. T. H. Bath ill in a sanatorium, and I am led to believe that when a meeting is held it constitutes Mr. Harper being present holding proxy votes from the other three men. Therefore, Mr. Harper is the trustee of the Wheat Pool and he is the one that is to nominate the chairman of this proposed oats pool. There is definitely a danger there. I agree with the member for Melville that the 1932 Wheat Pool Act, especially those provisions dealing with the constitution of the Wheat Pool, certainly needs amending. It is now proposed to place the marketing of oats under the same setup.

Mr. Ackland: Talk about something you know! You are talking utter rot!

Mr. OLDFIELD: Is Mr. Russell in England? Is Sir John Teasdale out of the State at present? Is Mr. Harper the only sitting member at present? And he constitutes a quorum! That is what is happening at the moment!

Mr. Ackland: That is a deliberate untruth!

Mr. OLDFIELD: I found it rather difficult to ascertain who the trustees of the Wheat Pool were. I rang the Chamber of Commerce but it was unable to tell me; I rang the Australian Wheat Board and it was unable to give me the information. I finally rang the offices of the Wheat Pool and was given the information which I have just stated in the House, but when I asked if Mr. Harper held proxy votes for the other three members I was told, "I am not able to tell you that. You will have to ask Mr. Harper himself." However, there was no denial whatsoever.

There is grave danger in allowing the control of oats to be diverted into the hands of a small section and especially under the control of any private organisation. The danger in the compulsory control of oats is that it is actually giving dictatorial powers to the trustees of the Wheat Pool. Under such a system substantial losses are likely to be incurred by those growers who have produced oats of better than average quality. The existing system of selling by merchants provides oats of a milling quality; that is, better than feed oats which are sold at higher prices than feed oats. This applies to both the local milling trade and the oversea milling trade. What incentive is there for a grower, who in the past has been paid a higher margin for good quality milling oats, or good quality seed oats, when he is to be paid only the average price together with his next-door neighbour who does not grow a good quality oat?

Mr. Ackland: Is not there any provision in the Bill for that?

Mr. OLDFIELD: How would the hon. member know? It was obvious he did not know what was in it.

Mr. Ackland: You do not know much about it yourself.

Mr. OLDFIELD: I have read the Bill. In conclusion I would say that the oat miller has not been considered in this matter at all. I will only touch briefly on this point, as last night the member for Melville stressed it very completely and I think there can be no doubt in the mind of anybody as to how this compulsory pool will affect the oat milling trade in this State. Flour millers have had a bitter experience of the unsatisfactory manner in which wheat has been delivered to their mills. That is nothing compared with the confusion that will arise if a compulsory pool is the only avenue through which oat millers can buy the necessary grain. Regardless of the variety, and of the purpose to which they would be best suited, all oats will be pooled together.

The miller will be like the merchant; when he wants to take delivery of any oats he will be compelled to go to the bins and take whatever oats are nearest the hatch; he will take them as they come. The very fact that the miller is not going to be able to purchase the quality and quantity of oats he requires will reflect on the manufactured product that comes out of the mill. I might add that oat milling in this State is quite a large industry and there is a remarkable quantity of milling oats exported from this State. So what chance has the local oat miller when in competition with those from the Eastern States? The latter will be in a position to buy oats more favourably than will our local millers. I strongly oppose the Bill and trust the House will see fit to throw it out on the second reading.

MR. PERKINS (Roe) [5.19]: I quite agree with those members who criticised this Bill that there are a number of faults in it as it was introduced. I hope, however, that the House will pass the second reading so that the amendments on the notice paper may be incorporated in the Bill and thus go a long way towards meeting the objections raised by the various speakers who oppose the measure at this stage.

Mr. Needham: You are hoping against hope.

Mr. PERKINS: The Bill deals with a very important question for the farming community in this State. Until the last year or two not a great interest has been taken in the growing of coarse grain for export from Western Australia, because of the uncertainty of, and the rather poor price offered in the international market. That position has changed very greatly in

recent times. With the rapidly expanding world population and the difficulty in so many countries of getting the necessary foodstuffs to feed their people, there are many countries at present looking for grain for their consumers in one way or another.

Last year Co-operative Bulk Handling experimented with the handling of a portion of the oat crop in bulk. Admittedly that was only an experiment, but the manner in which the farming community supported it indicates that if we can establish a system for the bulkhandling of coarse grains as well as of wheat, it is going to facilitate the growing and marketing of a much greater tonnage of oats and barley, so far as Western Australia is concerned.

Mr. May: What tonnage was handled last season?

Mr. PERKINS: The figures have already been quoted in the House; I have not them with me at the moment. Offhand, however, I believe it was four cargoes. But I do not think the figures are of material importance because, as members representing rural constituencies know, the acreage of oats has been stepped up considerably this season by people who intend to market the grain for export. If prices are satisfactory and perhaps if there is an uncertainty about the season within Western Australia they could be a very useful stand-by here.

But Co-operative Bulk Handling has said that it is unable to carry on again with the handling of oats in bulk on the same basis as it did last year. Personally I do not agree that Co-operative Bulk Handling has gone quite as far as it might have done towards meeting this demand for the bulkhandling of oats this year without this legislation being introduced. We have to concede, however, that Co-operative Bulk Handling is in a rather difficult position because its responsibility is firstly to the wheatgrowers. The wheatgrowers are the owners of the company and the directors and management are primarily responsible to the wheatgrowers.

Mr. Kelly: Are not a number of wheatgrowers also oatgrowers?

Mr. PERKINS: Probably so, but as I have said, the first responsibility of the company is the handling of the wheat crop. The acreage of wheat in Western Australia, however, has been falling side by side with the expansion of coarse grains and, I believe, it would be possible for Co-operative Bulk Handling to do rather more than it has done in handling coarse grains without endangering the handling of the wheat harvest. It may not be possible to handle all those oats before the harvest, but if it decided to proceed with the bulkhandling of oats, then Co-operative Bulk Handling would be entitled to lay down the conditions under which it would do so.

Be that as it may, the directors of Co-operative Bulk Handling are the ones concerned and in their judgment they feel they have made the right decision; hence we have this Bill to provide for a setup until Co-operative Bulk Handling state that it will be possible to do considerably more in the bulkhandling of oats. This principle of compulsion is one that is entirely repugnant to me. It is not one that fits in at all with the general principles of the co-operative movement. Those who supported the co-operative movement very strongly have always contended that they can show there are advantages to be gained by making use of the co-operative principle in full competition with whoever else may care to operate in that particular sphere.

Hon. E. Nulsen: And that is how it should be.

Mr. PERKINS: In this instance I think members should realise that there are some peculiar circumstances. The Bill which the member for Moore has introduced has recognised that there may be considerable opposition among the farming community as well as among other people to this principle of compulsion. It is therefore provided in this Bill that that is only an expedient to get over the next year or two when provision is made for the growers themselves to have their opinion taken by means of a ballot as to whether they wish to continue further on that basis. I wish to make this clear because I would not like there to be any misapprehension among the rest of the community as to what the rural population thinks of this principle of compulsion. We have suffered from its being applied to certain sections of our industry, particularly wheat, in recent times, and members should know that in the constitution of the Farmers' Union it is provided as a basic principle that the produce of the land belongs to the grower, subject only to his just debts.

Obviously we cannot tinker with the produce belonging to the farmer without offending that particular principle. As I say, the circumstances surrounding this problem of the bulkhandling of oats are very difficult indeed and hence the compromise provided in the Bill.

Hon. E. Nulsen: That has never been explained.

Mr. PERKINS: The provision in the Bill?

Hon. E. Nulsen: The provision of the difficulty. Why should it be more difficult to have a voluntary pool than a compulsory pool?

Mr. PERKINS: When he introduced the Bill the member for Moore explained that.

Hon. J. T. Tonkin: He said he would but he neglected to do so.

Mr. PERKINS: The difficulty there is that if there is a multiplicity of consignors as there must be, consigning oats, plus a multiplicity of consignees—that is the people to whom the oats are going—then obviously we cannot make such effective use of the limited amount of railway transport available in the short period between the harvesting of the oat crop and the wheat harvest, as we could if all the oats were going to one particular company.

Hon. J. T. Tonkin: Has the opinion of the Railway Department been asked?

Mr. PERKINS: I think that is something which the member for Moore can explain for himself. I assume that Co-operative Bulk Handling has not fallen down on such an elementary question as that. During the discussion on the Bill, a good many red herrings have been drawn across the trail, and I am afraid the member for Moore himself provoked some of them. I was very sorry to hear him attack a certain farmer who is apparently well known in the community and who could probably be identified. If the hon. member was referring to the man I believe he was, he was particularly unfortunate, because the gentleman I have in mind has done a great deal for the farming industry and for farmers' organisations in this State. What the member for Moore said of him was probably uttered in the heat of the moment. At any rate, I hope it was.

One aspect of the matter to which I wish to refer is that the farmer or anyone else that takes advantage of weaknesses in a setup deliberately approved by Parliament should not be blamed. If certain farmers took out more wheat than they delivered or wheat for the feeding of stock, I do not consider that they should be condemned for their action. Had not they taken the grain to feed stock, some of the stock feeding people would have done so, and I would prefer that someone in the industry should benefit from the wheat in the country rather than that outside persons should make a profit. The basic point is that certain provisions that have crept into the marketing of our grains have brought anomalies of this sort in their train, and the attack should rather be levelled against the faults in the setup that allowed such anomalies to occur.

Another matter on which I wish to speak is the reference by the member for Moore to the farmers who sold grain on the so-called black market in order to evade the payment of taxation. I should hate to think any member had formed the impression that a large percentage of the farming community would take advantage of this method of tax evasion. If the member for Moore paused to think, he would probably agree that only a very minute percentage of the farming community would be guilty of such evasion. In any event, we realise that, ever since taxation has been levied, a few people have tried to side-step their responsibilities to the Government. Some of the evasions are serious and some probably not of much moment, but I am certain that the percentage of farmers taking advantage of and the percentage of produce passing through the channel would be very small indeed.

A question that members should face up to is: What would be the position in the event of this measure being lost? Under the Standing Orders, it would not be possible to introduce another Bill dealing with the same question this session and thus, so far as the present season is concerned, we would be unable to provide for the orderly bulkhandling of oats.

Let me give an idea of what could happen if matters are allowed to drift. Members should consider the position that prevailed regarding wheat before C.B.H. was established. Those who have a knowledge of the wheat industry will recall that, at practically all country sidings, each wheat merchant had his own staff and organisation for receiving and handling the wheat, and the ridiculous position prevailed that at a small siding handling 25,000 or 30,000 bushels, there were perhaps four organisations and four lumpers receiving the wheat. The cost of this, of course, had eventually to be paid by the farmers.

One of the big improvements following the establishment of C. B. H. was that all the wheat was channelled through that system. It was received at the siding and a document was handed to the producer who could sell it to anyone desirous of buying, and he, in turn, on delivering the document to C.B.H., could receive wheat of equivalent quantity and quality. We substituted a really orderly system of handling the wheat for a system that was wasteful and disorderly, and members must concede that any saving we make in labour and other costs is to the ultimate advantage of the State.

Suppose we do nothing about the bulkhandling of oats, what will happen? Various merchants have been accustomed to handling different sorts of produce for a long time. I do not condemn them: I consider they are no better and no worse than any other members of the commercial community in this State, but it is only natural that they, in order to obtain oats to trade in, will go to the farmers in the hope of buying them. Certain Perth merchants have already stated that they intend to install bulkhandling facilities at some of the sidings. If they know their job, the sidings they select will be the easiest ones to deal with—probably some of the largest and those nearest to the metropolitan area. Assuming that each of the merchants selected a different siding, the result would be the development of a partial monopoly for each of those merchants.

Admittedly, if the farmer did not approve of the price offered at his siding, he could cart his grain to another siding or put the oats into bags. There would be some alternative, but we should be permitting the creation of a partial monopoly which, I consider, would be undesirable. Worse than that, those in close touch with the farming community know that this development is not just a flash in the pan.

I believe that if we could spread our production between wheat and other grains, it would give a better balance to our farming activities and ultimately a better balance to the whole of the State's economy. It could be that with a satisfactory oversea market for oats, the production of this grain for sale and for export might reach proportions to compare with the production of wheat, and if that should prove to be the case, it is highly desirable that we should provide the same orderly handling facilities for oats as we have for wheat.

Members will realise the difficulties in future of providing a bulkhandling system for oats, comparable with that for wheat, if certain merchants have installations sprinkled amongst the best country sidings. That would complicate the position greatly. If merchants did incur the expense of installing facilities at country sidings, Parliament would probably refuse to go to the extreme of expropriating their plant in order to install an orderly bulkhandling system. That is the danger as I see it.

I strongly urge members to allow the Bill to pass the second reading and in Committee make some necessary amendments. I agree that the Bill needs to be amended. If this course were adopted, we could gain sufficient experience in the next year or two as to what is required exactly for the bulkhandling of the oat crop and it would be possible to plan an efficient system.

Last night the member for Melville spoke of its being somebody's responsibility to ensure that sufficient oats were retained in the State for the local market. If the hon. member paused to think, he must agree that that responsibility should rest upon somebody other than the grower.

Hon. J. T. Tonkin: I agree.

Mr. PERKINS: The responsibility should rest on somebody other than the authority—under this Bill, the pool is envisaged as the authority—which, in effect, would be the trustees of the oats for the growers. Surely if oats are freely available in the State at a price comparable with that ruling oversea, whoever requires them should have sufficient foresight to buy enough to meet his requirements! This is a principle which has been accepted in the case of all other forms of primary produce except wheat.

Hon. J. T. Tonkin: So you would place the full responsibility on the consumer?

Mr. PERKINS: I would.

Hon. J. T. Tonkin: Well, it would not work.

Mr. PERKINS: I would, at some time, be interested to hear the member for Melville discuss the full implications of his theory in this particular matter.

Hon. J. T. Tonkin: Your proposition would mean that when the oats became available for sale, each consumer would have to purchase considerably more than he required for his known needs. That would have the effect, probably, of sending up the price of the commodity; and also of leaving insufficient supplies to meet that increased demand, which would not be a real demand.

Mr. SPEAKER: That is a very long interjection.

Mr. PERKINS: I have not heard the member for Melville criticise the particular requirements he envisages in his interjection in regard to any other commodity.

Hon. J. T. Tonkin: There is Government control and some responsibility.

Mr. PERKINS: There is no control in regard to plenty of other things.

Hon. J. T. Tonkin: What are they?

Mr. PERKINS: Plenty of commodities for export—one is meat. What is the position in regard to meat?

Hon. J. T. Tonkin: The Government took some action in regard to meat. It stockpiled meat.

Mr. PERKINS: It bought some meat itself, and so did some merchants, against an anticipated shortage in the future, but the producers did not have to hold it. Those who produce lamb and mutton are not asked to retain these supplies in the cool stores at their own expense against a possible future shortage.

Hon. J. T. Tonkin: I never said it was the responsibility of the grower.

Mr. PERKINS: I do not know how else it would work out. If the pool, which will be the trustee of the growers' oats, finances with the growers' money and is asked to retain these supplies in Western Australia because we may have a poor season next year, I fail to see whose money will be used other than the producers' money. If we set up a position comparable with what obtains in regard to meat, then it will be the responsibility of the merchants, the Government, or someone else to buy the oats, hold them in store on their own account and later, if they are needed, sell them back to the trade or whoever else requires them and, if they are not needed, sell them on their own account. But the member for Melville,

if he stops to think, is in effect asking the growers to stand out of their money, and also to take the risk of market fluctuations in the value of their product.

If the price is satisfactory when the grower delivers his produce, surely either he or his trustee should be entitled to receive the value of the product at that particular moment. If he cares to store it, it is his responsibility. But the point was so important in my estimation, and it raised such a vital principle, that I felt I could not let the remarks of the hon. member pass. One important amendment of principle—other than machinery amendments—which is required is that providing for the deletion of bagged oats from the scope of the measure. I did not realise, until the Bill was mooted, just how many special arrangements and contacts the growers have for the marketing of small and large quantities of oats.

I believe it is necessary, not only to preserve these particular trade channels which are probably useful to the growers and the others who make use of them, but also to preserve to the producer as much freedom of choice as possible. I do not think it will endanger the working of the oats pool—or affect the handling of oats—to any great extent because the railway trucks which would be suitable for transport of bagged oats could be of different types from those which are necessary to transport bulk oats. It would not be very difficult, I think, for Co-operative Bulk Handling Ltd. to arrange with the Railways Commission to reserve all those trucks in which it is accustomed to transport bulk wheat, for the transport of bulk oats, and to allow whatever other trucks are available to be used for the transport of bagged oats.

This vital amendment should, I think, considerably improve the Bill. The member for Moore has already listed an amendment on these lines, and I am hoping that it, together with others which he has put on the notice paper, will make the Bill much more acceptable to members. I trust the House will agree to the second reading, and then these amendments, plus any others that members think should be considered, can be dealt with, and then if the Bill, as amended, is still unpalatable to members, it will be time enough to reject it. The importance of the orderly handling of our coarse grains is so great that I think members would be taking a big risk if they rejected the Bill on the second reading.

MR. HOAR (Warren) [5.52]: We have just listened to a very interesting speech by a practical man in connection with the effects the Bill, if it becomes an Act, will have, on the community as a whole; although I think he spoke with special reference to the growers. We have heard all sorts of reasons why the Bill should be defeated. While some have not had much sense, others have contained a certain amount of commonsense. One in particular, which was mentioned by the member for Melville last night, interested me, and that was the doubt he expressed as to whether a private member could effectively introduce legislation of this description. He thought it should be a Government responsibility; and with that I entirely agree. Even so, if we have a Government which refuses to take positive action on such an important matter as this, it behoves some member—and he must of necessity be a private member —to do the work which the Government should be doing.

I remember when this Government first came into office in 1947, and again in 1950, that it promised its actions would be in the interests of the farmers. It pledged itself to do all sorts of things in the way of marketing, and it agreed, in principle at any rate, with organised marketing for farmers and the need for farmer-control in the marketing of their products. But when it gets an opportunity to show its sincerity in the matter, it fails lamentably. I think the failure on this occasion is due more than anything else to the fact that it is a composite Government which therefore cannot be of any great value to the community from the point of view of getting unanimous opinions.

Whilst the Government on the one hand is composed of representatives of the farming areas, we have on the other hand members of the Liberal Party who support interests contrary to those of the farmers. That has been evident for a great many years. I notice the member for Canning shaking his head. If he has any interest in the farming community, and any thought at all for those people who are endeavouring to get their living from the land; and if he believes in the policy of his party to give them marketing legislation, I hope he will give at least serious consideration to supporting the Bill so that it will reach the Committee stage; because no Bill is ever complete on its entry into Parliament.

I well remember that the member for Melville, as Minister for Agriculture, in 1946 introduced several marketing Bills, and on almost every occasion he had to suffer some sort of criticism and accept some amendments in Committee which, in the opinion of the majority of members, made the Bills so much more palatable.

Mr. Griffith: I was only shaking my head at your inaccurate statement that I represent interests contrary to those of the farming community.

Mr. HOAR: Unless some Minister gets up and explains the Government's views on the Bill, I will be bound to believe that the Government has no interest in the man on the land. Does the member for Canning know that on our statute book

we have marketing legislation for almost every known form of agriculture with the exception of oats? Surely we should give the same degree of protection, in regard to marketing legislation, to the growers of oats as we have given to those concerned in the other branches of agriculture!

But we have not yet seen the Minister rise to explain his personal views, let alone the views of his Government. This is particularly noticeable so far as the Liberal Party members are concerned in the Government. They have carefully refrained from taking part in the debate. I am of opinion, whether right or wrong, that because they represent city more than country interests, approaches have been made to them to keep out of this matter; or at any rate to vote the Bill out if they have an opportunity to do so.

I have plenty of evidence in my possession—and I will refer to it later—that leads me to believe that some people in this State are concerned about the defeat of the legislation and because they realise the importance of the marketing of oats —not so much today but in the future —they will take almost any steps to bring about that defeat. I am not on the side of those who do that sort of thing. I never have been, and I do not intend to start now. As one who takes some interest in the Bills that come before Parliament, I would very much like to know why the Government has not shown more active concern in the needs of the growers of oats, so far as their marketing requirements are concerned. I venture to say it is because there is a split in the opinions of the two Government parties.

On the one hand we have a section which favours this sort of legislation, because it happens to live amongst the people affected by it, and on the other we have the city-bred members who know nothing at all about it. When we get these two classes of people in the same Government, we get a Government which cannot possibly represent the State effectively. I have not heard any Government supporter, other than the member for Blackwood, in the Liberal Party who has had anything to say in the debate.

Mr. Hearman: Did not the member for Avon Valley have something to say?

Mr. HOAR: That is right. He did, I would like to hear the Minister for Lands because he was supposed, a while ago, to be interested in the marketing of oats.

Mr. Griffith: In that case, you have not yet any right to assume which way we will go, have you?

Mr. HOAR: I have a jolly good idea how members on the Government side will vote. In the opinion of a good many members on this side, the Bill was defeated before they ever knew its contents, because they had already made up their minds about it. Some had done so because they did not like the activities of Co-operative Bulk Handling, and others because they have not liked the past efforts of the member for Moore, and others for trivial reasons which have nothing to do with the merits of the case. We should look at things differently in this House, and when a member introduces a Bill we should all give it the fullest consideration and judge it on its merits, without any outside opinion whatever.

Mr. Rodoreda: Do you not think the Government should have brought down this Bill?

Mr. HOAR: I think the Government has failed in its duty in this matter in having nothing whatever to do with the legislation. By its attitude on this Bill, the Government has shown the House and farmers throughout the State just what it thinks of this legislation.

Mr. J. Hegney: Have you thought of the reasons?

Mr. HOAR: Yes, very carefully. I think a good many of the supporters of the Government are in the pockets of the merchants and those members have been told what they should do about the Bill.

The Minister for Lands: You do not think anything of the sort.

Mr. HOAR: If the Government, through any reason at all, refuses to bring in a Bill dealing with the marketing of oats, there should be no objection from anybody to a private member doing it. It is obvious to me that although we favour marketing legislation for all other forms of primary produce, whether it be under a voluntary pool system or a compulsory one, many of us do not favour it in this instance.

Most of us favour organised marketing, and the Government knows that a great many farmers have already proved their interest and intention to participate because of their acceptance of the voluntary pool system. If, even in those circumstances, the Government refuses to have anything to do with it, then a private member is fully justified in taking whatever action he feels necessary to protect the people that he and many other members in this House represent. So I do not argue that any restraint should be placed on a private member for doing a Government job if the Government of the day refuses to do it.

However, I think there is one slight weakness in the Bill and this is brought about because a private member has had to introduce it. The Bill, in effect, creates some sort of amendment to the wheat Act in regard to the powers or sponsorship for financing the pool to be established under the Bill. That is most unfortunate because all other Acts of Parliament that have been sponsored by the Government have ensured Ministerial control over the ap-

pointment of members of boards for the marketing of produce, over advances to growers, and so on.

Governments in the past have given power to chairmen of boards simply to protect their own investments. But where a private member, through circumstances such as this, is forced to take the place of the Government and introduce his own legislation, it is obvious that he cannot use Government money and consequently must go outside to obtain it. However, the relationship that will exist between the proposed marketing board for oats and the trustees of the Wheat Pool will be very remote. It will be merely a matter of using their name as sponsors of the scheme and I have no doubt there will be plenty of opportunity for the board, if it is established under this Bill, to get all the money it requires from outside sources for the financing of this pool—and it will probably get it at a very cheap rate. So if we look at those two points—the point on the financing of the pool and the rights of a private member—nobody in this House should have any objection to the Bill.

It is a great pity that a poll of growers could not have been obtained before the Bill was introduced. It would have been much better if a referendum of growers had been arranged, but in the circumstances I can understand that that is not possible. If we look at this matter in a fair way I think we will agree that the very fact that we have to delay the holding of a referendum, or a vote on this issue, for approximately two years, until May, 1954, will be to the advantage of those people who oppose the idea.

If a referendum were held today, we would have to look around for some kind of register of oatgrowers. Where would we look for it? Advertisements could be inserted in the Press, but I venture to say that if a ballot of oatgrowers were conducted today, it would almost certainly be confined, in the majority of cases, to those growers who are now participating in the voluntary pooling system. In other words, it would mean that the names would be taken from the register held by Co-operative Bulk Handling Ltd. Thus it can be seen that the farmers who would participate in the ballot would be those who at present favour a pooling system and are participating in the voluntary scheme. If that were done, all those who do not believe in such a pool would be debarred from voting because there is no possibility of arranging a suitable register of names.

If we allow this Bill to become law, in two years' time all oatgrowers in the State will have an opportunity to vote because they will all be obliged by law to submit their names and their oats to the marketing authority. Consequently, the suggestion contained in the Bill to defer the ballot until May, 1954 is most democratic, because it brings the voting strength of all oatgrowers in Western Australia into the picture. That would not be so if an earlier ballot were taken.

I admit that I do not represent oatgrowers in the true sense of the term—some of them may grow a few oats—but when I knew that this legislation was being introduced, I made it my business to discuss the question with the executive of the Farmers' Union. I have had a good deal to do with those men during the years I have been in Parliament, and have found them most reliable in every case. They assured me that although it might have been better to hold a referendum, if it had been possible, nevertheless in their opinion the proposal contained in the Bill was in the best interests of the growers of oats and would be the proposition most favourable to the majority of growers if they were given an opportunity to vote on the question. Because of that, I have taken with a grain of salt a number of the objections to the Bill. Some of them are inspired objections, but I have no doubt that some of them are quite legitimate. However, there are far too many members in this House who made up their minds on the subject before the Bill was introduced. I heard a number of them speak about it in the lobbies long before the measure was brought down and that was most unfair.

My opinion is that the best incentive to production is a guaranteed market. I think most members will agree with that. During the years of the previous Government, five marketing Bills were introduced into this House and, while some members objected to a few minor details, the main principle of organised marketing was accepted by everybody. We might have disagreed on the methods proposed to achieve that end, but on no occasion can I remember any member ever objecting to the principle of organised marketing to ensure a guaranteed price for growers, stability in the industry and the further advancement of the particular industry affected.

If we believe in that principle, and I think most of us do, that state of affairs is not possible if some growers are selling privately. We cannot have a guaranteed market for any commodity unless we have control over it. If there is only partial control, as very often happens where a voluntary pool exists, it is not possible to know at any time the total of the State's production. It is impossible to forecast whether there will be a glut or whether there will not be a sufficiency to meet the demand. No organised move can be made to regulate the price of the commodity because it is not possible to know how much of it will be available. Throughout the history of this State experience has shown that a voluntary pooling system has always failed.

The idea of a compulsory pool is not new; it was first conceived in 1915-16 in respect to marketing of wheat. The price of wheat in Western Australia in that season was 4s. 8d., per bushel. The compulsory pool remained in existence for six years, until 1921, and the price rose to as high as 9s. 6d., and afterwards dropped to a level of 5s. 1.9d. in 1921-22. So, although there were some inevitable variations in price in those six years, the general level was high. But at the end of that time, and in spite of the fact that numerous growers wanted to continue the compulsory pooling system, the Government of the day objected to it, and it ceased to function. From then onwards we had fluctuations in price. At the end of the 1921-22 season, the price for wheat began to drop until it reached the low level of about 1s. 9d. in 1930-31.

From 1930-31 until 1938-39—a fair span of years—the price fluctuated from as high as 5s. 4.78d. in 1936-37 to as low as 2s. 3d. in 1938-39. Throughout all those years the industry was most unstable, mainly because many growers would not participate in the voluntary pooling system. That always occurs, irrespective of the commodity, if there is a voluntary pool. If growers, as a body, refuse to take an organised part in the marketing of their products, and no compulsion is brought to bear on them, the price fluctuates tremendously. This happens not only in respect to wheat but also in regard to potatoes. Everybody knows what happened to potatoes in past years when there was no organised marketing.

Hon. J. B. Sleeman: I trust this will not be the same as potato marketing.

Mr. HOAR: I am not concerned about that at the moment. The main thing is that we should continue to recognise the principle of organised marketing in regard to oats, as we have done in respect to every other form of agriculture. If we do that, I am certain that the board appointed will have due regard to the requirements of the oatgrowers and the consumers as well.

Hon. J. B. Sleeman: In the Potato Board there are the country agents, the potato distributors, and many others.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HOAR: Before the tea suspension I was speaking about the great instability of prices that prevails regarding primary products when we have not an efficient system of pooling, and gave figures over a period of years indicating as regards the marketing of wheat, that where there was a system of compulsory pooling fairly regular prices obtained. On the other hand, the moment the wheatgrowers through the Government of the day did not secure approval for a further extension of the compulsory pool and they broke away from it in favour of a system of voluntary pooling, prices fluctuated to such an extent that no grower knew where he was. We have seen that operate in connection with the marketing of potatoes which, perhaps more than any other commodity, has been subject to great fluctuations in prices, due to the fact that the marketing of that commodity has not been properly controlled.

In my opinion, the main purpose of the Bill under discussion is to give to the growers of oats the same right of organised marketing for their product as other primary producers enjoy in respect of their commodities. I do not see any reason at all why we should not, as a general principle, adopt that attitude in view of the other Acts of Parliament that have been passed covering all phases of marketing of various products and or why we should deny a similar right to the growers of oats. While I have been a member of Parliament I have always supported that principle and see no reason to alter my attitude in this instance. If they peruse the Bill submitted by the member for Moore I think members will find that it is not substantially different from other Acts already passed governing the orderly marketing of paticular commodities.

During the course of the debate, some members have complained about the monopoly the Bill is alleged to create and have objected to the element of compulsion. They do not like any thought of regimentation at all, yet the history of marketing of Western Australian products brings the point clearly to light that, regarded either from the point of view of the producers or the consumer, the most successful form of marketing has proved to be that which the growers themselves have agreed to over the years and which compels all growers to market their produce through the one channel. No more compulsion is contained in the provisions of the Bill than is embodied in the other Acts of Parliament that we have controlling the marketing of various commodities.

The Attorney General: Do you think the consumers should have some representation on the board?

Mr. HOAR: Yes, I have always supported that principle.

The Attorney General: And you think there should be an independent chairman?

Mr. HOAR: In the case of Government Bills which we have had up to the present, the Government itself has been empowered to make the appointment of the chairman and that has been done in order to protect its own investments. In this instance, where the Government has refused to introduce the legislation, the member for Moore has been forced to do so and the board that

will be created under the legislation must go to some private people in order to obtain the funds that will be necessary to enable it to function. I refer to the people who sponsor the provision of finance, and they should have a say in the management of the board.

The Attorney General: You would balance the board and have fair prepresentation of the general public on it?

Mr. HOAR: I would. I do not agree with the Bill, as it is framed, as regards the constitution of the board. I shall vote for the second reading in order to have an opportunity to support amendments in Committee, should the measure reach that stage. The member for Moore has anticipated what I had in mind regarding the board and, by way of amendments that appear on the notice paper, has provided for adequate representation, apart from a consumers' representative.

I was referring to the question of compulsion. During the course of the debate, one member said he did not like the thought of compelling farmers to market their produce through the one channel, and he said that farmers generally would not submit to regimentation such as that suggested in the Bill. Farmers, irrespective of who they may be and whether they grow wheat, potatoes, oats or barley, have of their own freewill in the past approached Governments requesting the introduction of legislation similar to that under discussion. Therefore there can be no regimentation from that point of view.

If farmers desire marketing legislation to protect their own interests, they have always access to the Government with that object in view, and up to the present the Government of the day has always agreed to introduce the necessary legislation. The present is the only occasion I have known a Government to sidestep the issue. As I mentioned previously, I think that attitude has a definite political colouring, particularly as regards the Liberal members of the Government. Compulsion is embodied in all our marketing Acts.

The Minister for Health: So it was under Stalin, Mussolini and Hitler.

Mr. Styants: What do you know about it?

The Minister for Health: As much as you do.

Mr. Styants: Then you know very little.

Mr. SPEAKER: Order! The member for Warren will proceed.

Mr. HOAR: I would refer the Minister for Health to the Wheat Marketing Act which provides for complete compulsion, because it lays down that the person who owns wheat shall deliver it to no one but the board functioning under the Act. In the Marketing of Barley Act there is a provision that no person other than a producer licensed under the Act shall produce barley for sale. The Marketing of Potatoes Act provides that a grower shall not deliver or sell potatoes to anyone other than the board.

Hon. J. B. Sleeman: I would not mention too much about the Potato Board.

Mr. HOAR: No, but I am pointing out that marketing legislation that finds a place in the statute book embodies the principle of compulsion in one form or another, just as it is provided for in the Bill under discussion.

Hon. J. T. Tonkin: With this difference, that the legislation you mention is under the control of the Minister whereas in this Bill it is different.

Mr. HOAR: That is so.

Hon. J. T. Tonkin: That represents a vital difference.

Mr. HOAR: I am glad the member for Melville mentioned that point. Up to the present it has not made any difference for the reason that while the marketing of potatoes, for instance, was under the control of the Minister, nevertheless we know that 12 months ago potatoes were being exported from Western Australia although there was a definite shortage here. Therefore, the fact that the Minister controls the situation did not make any difference in that instance.

Hon. J. T. Tonkin: That is so, but still the power to deal with the situation is there in the Act.

Mr. HOAR: I am not raising that question. I agree with ministerial control. I wish the Government had introduced the Bill so that we would have had government control of the marketing of oats. That that is not the position is not the fault of the member for Moore. I do not see any objection that can be raised to a private member's taking the necessary action if the Government is not prepared to introduce the desired legislation. That applies particularly in this instance and I think it could be multiplied with regard to other primary products. The Bill proposes that the board to be appointed will be of a temporary character and will hold office until the wishes of the growers can be made known. A roll of growers is to be prepared and an election is to be held in about 12 months time. That is a democratic way of setting about the matter, particularly if we are to have the element of compulsion introduced.

As I indicated previously, history proves that, in respect of marketing, the only successful form of handling products is by means of a compulsory pool. We should certainly give those who are participants in the scheme an early oppor-

tunity to say by way of an election within 12 months time what they desire as regards the board.

Mr. Kelly: Why not give them the opportunity first to say whether or not they want the legislation?

Mr. HOAR: I do not know whether the hon. member was in the House before the tea adjournment when I dealt with the question and showed how extremely difficult, if not impossible, it would be to compile a proper roll of growers at this stage. By far the most democratic way of handling the situation after the election of officers is to hold a referendum to ascertain whether the growers require this legislation or not and the proper way to do that is to wait for a period, as suggested in the Bill, of approximately two years. If we endeavoured to prepare a roll of growers today, we would eliminate almost entirely all those who are not participating in the voluntary pool and believe in pools. A great many farmers who do not believe in the pooling system would not have an opportunity to vote on the issue.

Mr. Kelly: I agree with you there.

Mr. HOAR: It is far better for those who will not agree with the principles set out in the Bill to have their names placed on the roll and give them an opportunity to vote on the issue, rather than to deny it to them now.

Mr. Kelly: I do not see any difference.

Mr. HOAR: There is a very great difference. I do not know whether, if the Government had done its job and introduced legislation, its measure would have been materially different from that submitted by the member for Moore. True, the Bill contains a lot of gaps, but these have been corrected by the member for Moore in the amendments that appear in his name on the notice paper. At any rate, if the Government had done its job, I do not think it would have introduced a Bill very dissimilar from the one before us now. During the last few days I have perused the various Acts that deal with the marketing of other commodities and I am of the opinion that had the Government introduced the legislation, it would not have been very different from this private member's Bill. Under legislation that has been passed so far, the Government generally appoints the chairman of the board of management and certain acts and functions of the board are, quite rightly, subject to ministerial control. That is done for the purpose of enabling the Minister to protect the investments of the Government. However, hardly any marketing Bill has been placed by Governments before Parliament without members expressing much dissatisfaction and seeking amendments at the Committee stage.

At no time have suggestions been made by the Minister for Lands that the Bill should be withdrawn or that it should be defeated at the second reading stage because members do not agree with some of its provisions. Already notice has been given of some amendments to meet objections that have been raised.

Mr. Kelly: There is more in the amendments than there is in the Bill itself.

Mr. HOAR: That is very good.

Mr. Kelly: It is poor drafting.

Mr. HOAR: The member for Melville was right and just in his criticism of the Bill. There is no question about it. The member for Merredin-Yilgarn was right in his criticism and mine might have been just as severe had I not read the notice paper with the proposed amendments on it. If we permit this Bill to pass into the Committee stage and take advantage of the opportunity offered us there, we can create an Act out of this which will be similar in almost every way to other Acts of Parliament which we have in our statute book governing other forms of agricultural produce.

Mr. Kelly: It is not wanted by the growers.

Mr. HOAR: The hon. member does not know that.

Mr. Kelly: I know just as much as those who say they do.

Mr. HOAR: The hon. member cannot speak with authority on that point. Nor can I or anyone else. This we must accept: that the executive of the Farmers' Union, which represents the farmers of this State, and whose members are responsible to the farmers in every way and hold office subject to the wishes and desires of the members of the union, is of the opinion that the majority of farmers would vote for this Bill at a later date if given an opportunity.

Mr. Kelly: Then why the necessity of going around the country whipping up interest?

Mr. HOAR: I would say that that is much on a par with members going around this Chamber whipping up interest. This contains a principle I have never yet budged on, and I am not going to do so on this occasion.

Mr. Hearman: Do you think the oats board should be able to restrict acreages the same as the potato board?

Mr. HOAR: I do not see that there is any power in the Bill for that.

Mr. Hearman: Do you think they should be able to?

Mr. HOAR: I have not given that any thought at all. Why should they do so?

Mr. Hearman: The Potato Board does.

Mr. HOAR: That is one way in which it could be controlled.

Mr. Hearman: I was wondering whether you accepted the idea of control of acreages.

Mr. HOAR: I would be prepared to leave the management entirely in the hands of competent men appointed to the board. They would be the ones who would understand better than the average man in the street what the State requires so far as oats and export liabilities are concerned. I would have no doubt in my mind about the wisdom of leaving every part of the business to them.

The Attorney General: Who do you consider should fix the price? Do you think there should be an independent price-fixing authority for oats?

Mr. HOAR: I would say that is one of the functions that could be very well handled by the board.

The Attorney General: I see.

Mr. HOAR: I have to admit that price-fixing as now in operation for potatoes is very excellent, mainly from the growers' point of view, because it gives to them stability, something they have never had before, and takes into account rising costs. But I should imagine that the board of management that would be created under this measure would have full power to sell oats at any price it desired.

The Attorney General: You do not think there should be an independent authority?

Mr. HOAR: No.

Mr. Hearman: The Potato Board fixes prices.

Mr. HOAR: That is what I said, and it is satisfactory from the point of view of the sale of potatoes.

Hon. J. T. Tonkin: Is it sound to allow a monopoly the right to fix the price of a product?

Mr. HOAR: I should say yes—

Hon. J. T. Tonkin: I could not accept that.

Mr. HOAR: —if that so-called monopoly had proper representation of cross-sections of the people.

The Attorney General: But there is nothing, even in the amendments, about price fixing.

Mr. HOAR: Somebody has to fix the price.

The Attorney General: Do you not think it should be an independent tribunal?

Mr. HOAR: No.

The Attorney General: You have a majority of growers on this board.

Mr. HOAR: That is all right with me. What is wrong with it, so long as there is proper representation of every interest?

The Attorney General: How can you have proper representation if the majority are interested parties and have power to fix the price without investigation?

Mr. SPEAKER: Order!

Mr. HOAR: We have to remember that if we create a body to handle a certain commodity on behalf of the people, or a section of the people, we must have confidence in them to do the job. It is not much use drawing red herrings across the trail. Just as there was a public outcry on the question of the export of potatoes during the time I mentioned, so there would be a public outcry if the price of oats ever went too high in this State. The situation would govern itself in the course of time. In order to be successful and put themselves in the position of meeting their financial obligations under the Act, the members of the board would have to be extremely careful to make sure that a fair deal was given to everyone. I have no doubt that would occur. I see no reason to get hot and bothered about something that quite likely would never occur.

I have mentioned that I am not in favour of the composition of the board as outlined in the Bill, but I do favour the amendments on the notice paper, and with those amendments I think that we can make something worth while out of the measure. Some members have been troubled as to who will have the final say regarding the financial arrangements of the board in the marketing of oats. The Bill lays down quite clearly just what power is given and who shall have it, and there can be no reason for doubt in anybody's mind as to the intentions of the member for Moore in this regard.

The Bill lays it down that the board itself will be completely in charge of the marketing of oats and the arrangement of advances to growers. There is no suggestion anywhere that the chairman of the board should have the power of veto. I have read the "Farmers' Weekly" of the 26th June in which it was stated that suggestions were made at one of the meetings held in connection with the matter that the chairman of the board, who would be appointed by the wheat trustees, should have power of veto. In my opinion, unless the power is specifically stated in the Bill, that cannot occur, and there is nothing in it to lead anyone to believe that any person other than the board as a whole has the right to make advances to growers. Therefore, it is not much use trying to read into this Bill something we have read in the newspaper. We have to take the measure as it stands.

I think I have said enough to indicate that the question of voting for the second reading is a matter of principle so far as I am concerned. I have been vocal on almost every marketing Bill that has been

through this Parliament over the last eight or nine years, and on every occasion I have supported the principle of organised marketing and giving the grower the opportunity of creating a board and taking charge of his own affairs. I think the greatest opposition that has come to this Bill up till now has come from outside this Chamber altogether, and has been inspired by merchants who stand to lose as a result of the passing of this measure.

I have something here that is simply startling. It indicates to me that when the member for Moore said that the farmers stand to gain a million pounds as a result of the passing of this Bill he under-estimated the position. While the growing of oats at the moment does not greatly affect the economy of this State, nevertheless it will do so in years to come; and the people outside this Chamber who have banded themselves together to defeat this legislation, if possible, have done so only because they will be the financial losers if it is passed.

We have talked about monopolies and compulsion, but I do not think there is anything worse than to have farmers who till the soil and grow crops, selling their product to some middleman at the price which he offers, only to have him double the price to the public and sometimes treble it. That is what we have in this State and I do not want to see that monopoly continued. Look at this document I have here—40 pages of it!

The Premier: You are not going to read it now, are you?

Mr. HOAR: No, but I have read it. It is headed "Confidential Memorandum." Nobody has signed his name to it, but it is a synopsis of notes concerning the Bill and copies of proposed amendments and so on. It is divided into sections. There is Section A which runs from A1 to A16. That is for L.C.P. members. Then there is Section B which runs from B1 to B14. That is for L.C.P. members with country constituencies. Then there is Section C. running from C1 to C6, which is for Labour members.

The Premier: Were copies of that sent to all members?

Mr. HOAR: I do not know. I have had it lent to me. It is a confidential memorandum.

The Premier: Confidential!

Mr. HOAR: The point is that interests that will go to the trouble of doing this sort of thing to influence members of Parliament are people who stand to lose money as a result of the passing of this legislation. They are not on the side of the farmers. Do not make any mistake about that! We talk about opposing monopolies. This is a sort of monopoly we need to oppose—the middlemen who are taking all they can possibly get out of the men on the land and selling to the consumers at their own price.

Mr. Kelly: You are taking it from one monopoly and giving it to another.

Mr. HOAR: It is better for the monopoly to be a body of men concerned in the actual production of the commodity than that it should consist of people who do not do anything except give service as between producer and consumer. I am on the side of the people who produce oats, and everybody should be. If members had an opportunity of reading what I have here they would see what trouble has been taken to try to persuade members of this Chamber to vote this Bill out. There is a reference to barley in respect to proposed amendments to the barley Act, but beyond that this material deals with oats and the defeat of this legislation. I think that is highly suspicious. It is something we should all think seriously about before we deny the right to a private member of introducing a Bill of this kind into this Chamber.

There would not have been this argument against the Bill to the extent we see it if the Government itself had had the courage to introduce legislation. There would have been nothing of the kind. But because a private member attempts to do something that the Government should have done, he is to be pilloried one way or another—either by debate or some other method with a view to having the Bill thrown out. Whatever is wrong with the Bill, there is one thing right, and that is the principle behind it—namely, to give to the oatgrowers the same advantages as all other primary producers are getting in this State under their separate marketing legislation. If members do not like the Bill, they have an excellent opportunity to amend it in Committee. In my opinion, those who vote against it are not on the side of the producers of this State. They place themselves, rightly or wrongly, whether knowingly or not, on the side of—

The Minister for Health: Liberty and justice!

Mr. HOAR: —those people who do nothing but get profit out of the pockets of the farmers.

MR. GRAYDEN (Nedlands) [8.0]: Last week we heard the member for Moore introduce this Bill to the Chamber and I thought he made one of the most interesting second reading speeches I had ever heard. It was interesting because throughout his entire speech at almost no stage did he give the House any of the provisions of the Bill. From start to finish he indulged in generalisations not substantiated by any proof, promises of what the Bill would do, which were not covered by its provisions and abuse of all

who dared to oppose the measure. It seemed to me that the member for Moore put forward, as his main line of argument as to why members should support the Bill, nothing but abuse of those who were opposed to it.

Dealing with them in order of appearance, the member for Moore severely criticised—in no uncertain terms—a wheatgrower, a civil servant, the financial editor of "The West Australian," "The West Australian" itself, the farmers, the merchants and Liberal members of this House. He displayed a readiness to accuse those people of all sorts of things and the only person or body praised by him was Co-operative Bulk Handling Limited. I quite believe that the company is a good one and that it has given considerable service to the wheatgrowers, but we have heard a lot about the obligations of the farmer to Co-operative Bulk Handling Ltd. and precious little of the obligations of the company to the farmer.

If we pass this Bill we will be placing in private hands a monopoly of the marketing of oats. We will be giving it to the firm that already has a monopoly of the handling of wheat. I believe that there are in the air amendments to the barley Act, the purpose of which is to bring that cereal under the control of this firm. After we have done that, what comes next? Why not put super on the same basis, because the same arguments apply there? Why not include also wool and every other part of our primary production? If the arguments put forward in support of this measure are sound why not give the handling of all these commodities to Co-operative Bulk Handling Ltd. We would then be in a position where we would be placing the greater part of the economic life of the State under the control of a few private individuals and entrusting our economic affairs, almost in their entirety, to a single small group. That group could—and I believe would—have the best intentions, but we have no guarantee of that.

If any member examines the provisions of the Bill with regard to the election of members to the board it will be seen that they could lead to the grossest abuses. After this we can expect barley and most other primary products of the State to be dealt with in the same way, and if that is done Co-operative Bulk Handling Ltd. will become the dominant feature of our economic life, controlling by far the greatest proportion of our economic destiny. It would be bad enough if that power were placed in the hands of any single State organisation, but to give it to a private firm would be unwarranted and absolutely against the interests of the people of this State.

The member for Merredin-Yilgarn put forward a very sound suggestion as to how a referendum could be held immediately. If that course were followed I believe the company could conduct a referendum of those who grow oats or who wish to grow oats. Even if that poll were carried by a majority of the farmers concerned I do not believe that would establish a right for a private firm to be given a monopoly. A man has a right to dispose of the products of his labour in the way he thinks best.

Mr. J. Hegney: And even the right to sell his labour to the best advantage.

Mr. GRAYDEN: In a democratic country one cannot have government purely by majority rule. Some respect must be shown for the rights of the minority and some attention paid to them.

Mr. Graham: In the Legislative Council we have government by the minority.

Mr. GRAYDEN: I will stick to the Bill.

Mr. Lawrence: You had better do so.

Mr. GRAYDEN: The farmers who oppose the Bill should still, if it became law, have a perfect right to sell their products to whoever they wished. If one party is in power in this State with 51 per cent. of the representation in this House it has no right to try to hamper to any great extent the interests of the other 49 per cent. If 51 per cent. of the farmers desire a compulsory pool I do not think they should be able to force the other 49 per cent. into a compulsory pool against their wishes.

The member for Warren had a lot to say about the oat merchants. He said, "This is the reason why you should oppose the Bill—because they are only looking after their own financial interests." I think it very understandable that one should look after his own financial interests and I cannot see any great harm in the oat merchants putting forward to private members information substantiating their case. They were not forcing any member to vote against his will, but were merely providing an explanation of their side of the question. There is no need for criticism of the oat merchants on that score. Have they not the right of freedom of speech and the right to approach members of Parliament, just as can anyone else?

On the question of the profit made by oat merchants, we come back to one of the simple economic rules; that in almost every transaction both sides gain. A person does not sell anything if he is making a loss by doing so. There may be odd cases where he does but as a general rule any transaction is of benefit to both parties, otherwise the transaction would not take place.

Mr. Brady: I do not think the average housewife would agree with that statement.

Mr. GRAYDEN: It takes two to make a bargain, and as a rule all transactions are of benefit to both sides. That means

that when oat merchants buy from farmers the farmers think they are making the best deal; that they are undertaking transactions of value to themselves. If they did not think so they would not enter into these transactions. They have the alternative. It would be different if there was only one buyer, but there are quite a number of buyers of oats in the field and the farmers have the alternative of Co-operative Bulk Handling. Why do they choose the merchants if Co-operative Bulk Handling will give them an extra million pounds a year? It may be that they like cash payments instead of waiting for some considerable time, and in that case they prefer the cash immediately to the extra that they would receive by waiting. If that were not so they would be prepared to wait.

Mr. Graham: It is a problematical extra, too.

Mr. GRAYDEN: Yes, there is no guarantee that the pool could give them more than the merchant was prepared to offer.

Mr. Hoar: At least they would not have to pay the merchants.

Mr. GRAYDEN: That is the whole point. The member for Warren says that at least they would not have to pay the merchants. But they must pay Co-operative Bulk Handling, and those costs are extracted. If Co-operative Bulk Handling makes a mistake on its oversea trading and misses the market and prices tumble, or it misses out in some other way, does the firm take the loss? Of course it does not.

Mr. Hoar: At least you would not get exploitation.

Mr. GRAYDEN: So the hon. member would cut his own throat to stop being exploited!

Mr. Ackland: Do you not realise that Co-operative Bulk Handling does not come into this except as a servant? It does not sell any oats itself.

Mr. GRAYDEN: But it handles them.

Mr. Ackland: It handles them just like any other carter or person handling the oats. It is paid merely for the job it does.

Mr. GRAYDEN: But the Bill makes them—

Mr. Ackland: You have been talking about Co-operative Bulk Handling ever since you started to speak. You do not know what you are talking about.

Mr. GRAYDEN: The member for Moore did not give us a very lucid explanation of his Bill. I do not think he knew anything about it when he introduced it. If the hon. member knew his Bill, why has he placed all these amendments on the notice paper? It is all very well for the member for Moore to criticise other people in this Chamber but he did not mind criticising members when he spoke.

Mr. Lawrence: I think you had better refer it to the Arbitration Court.

Hon. J. B. Sleeman: Or a mediator.

Mr. GRAYDEN: In his speech the member for Moore said nothing about the Bill; we had to work it out for ourselves.

Mr. Ackland: You have not worked it out very well from the way you are talking.

Mr. May: The member for Moore did not work it out very well.

Mr. Kelly: He started to work after he introduced it.

Mr. GRAYDEN: Yes, I think he picked up most of his ideas from other members' remarks. The pool, under the terms of this Bill, would be very much a working partner of Co-operative Bulk Handling, and I might be excused for getting them slightly mixed. We have heard a lot of different statements on the Bill, about what it contains, the reasons for introducing it and so on. Consequently it is inclined to be a little confusing. I think I remember hearing somewhere that Co-operative Bulk Handling would have only about three weeks in which to handle the harvest of oats, in between the wheat season. If it has only three weeks in which to handle the oats, are any more railway trucks going to be made available to carry those oats if we have them all channelled through Co-operative Bulk Handling? Are trucks to appear overnight to carry away the oats simply because we pass this legislation? That would not be the case. Co-operative Bulk Handling did not make its attiutde very clear. I have with me a statement by Mr. Braine which appeared in "The West Australian" of the 31st May, 1952.

Mr. Oldfield: You are not allowed to touch him, are you?

Mr. GRAYDEN: Apparently there is a "Hands Off" attitude about him.

Mr. Cornell: This Bill is a brain child.

Mr. GRAYDEN: Mr. Braine said—

> The request for legislation to provide for the compulsory marketing of oats was made by the Farmers' Union. The attitude of Co-op. Bulk Handling, as stated previously, is that if oats are to be received mainly in bulk in the short time before wheat deliveries commence, two things are essential to prevent disorganisation or congestion in transport and to meet the needs of shipping. Firstly, all liners, extensions and bulk rail wagons must be available to C.B.H. just as they are for wheat. Secondly, the company must be able to hand over all oats to one organisation just as is done for wheat. If this cannot be brought about by growers, then as the receival of oats must not jeopardise wheat receivals, it will be necessary to defer the bulk handling of oats until

a number of sidings and all ports can be equipped with permanent oats facilities. This might be done for the 1954-55 or 1955-56 season.

On several occasions Mr. Braine was asked to elaborate upon that statement but the only elaboration was a resolution adopted by the board of C.B.H. which reads:—

It is resolved that if the oats growers decide they want a compulsory pool for all oats both in bulk and in bags, the board considers it can effectively arrange for the handling of all oats both in bulk and in bags. Furthermore, in the light of experience gained in experiments in handling oats in bulk during the past season, the board of Co-operative Bulk Handling Ltd. considers that if growers do not want a compulsory pool for all oats, then Co-operative Bulk Handling Ltd. could not effectively handle oats in bulk or otherwise.

That is an ultimatum to the farmers. The way I see it, C.B.H. have said to the farmer, "Pass this Bill or else; if the Bill does not become law and there is no compulsory pool, then there is no bulkhandling." But I believe that the facilities for bulkhandling established at Fremantle belong to the State Government and the company is given the use of them. If C.B.H. decides to force the growers into this pool, the State Government should step in and see that these State-owned facilities are properly used, because if the company adopts the attitude indicated by the tone of that resolution we can expect it to take its organisation a little easy in the coming season, and perhaps not carry the oats as well as it might with the object of being able to point to the chaos that may result and say, "See, we told you so; now give us the pool." I believe that members of this House will take a keen interest in the attitude of Co-operative Bulk Handling Ltd. when the next harvest comes along and the time for carrying oats arises. We will then be able to judge for ourselves whether it is doing the job as effectively as it can or not.

I do not like the police provisions in the Bill. I consider that neither Co-operative Bulk Handling Ltd. nor any other private company should have the power to direct and police. The Bill is disjointed, harsh and clumsy. It is designed to bludgeon the farmer into accepting the pool and to giving a monopoly to Co-operative Bulk Handling Ltd. To the member for Moore I would say that if he desires support for his Bill it is always wise to explain fully the provisions that are contained in it.

THE PREMIER (Hon. D. R. McLarty—Murray) [8.22]: The member for Melville, before proceeding to deal with the Bill yesterday evening, was critical of the Government's attitude on it and stated that the Minister for Lands, who secured the adjournment, should have spoken on the Bill and expressed the views of the Government. When I answered a question put to me a few days ago by the hon. gentleman I said that the Bill was a private one and that members, even members of the Government, were free to vote as they wished. Had the Minister for Lands continued the debate, what could he have said? He could have expressed his own personal view or he could have dealt with the Bill in a general fashion.

Mr. May: Well, why did he not?

The PREMIER: I do not know, but I take it he felt that as he could express only his own view, there was no necessity for him to proceed with the Bill.

Hon. J. T. Tonkin: Has not the Government an opinion as to the desirability or not of this measure?

The PREMIER: I told the hon. member in answer to his question that the views of the Government were divided on this matter and that has happened on several occasions when private Bills have been introduced. I think, as an instance, a Bill on S. P. betting could be quoted. Like the farmers of this State, the Government has divergent views and so have the members of this House—divergent views in every section of it. Therefore, it is not to be wondered at that there is some confusion on the Bill and members must be hesitant as to whether they shall support it or not.

At this stage I appreciate the difficulties that face the member for Moore. As he has explained, he has been selected by the Parliamentary Association to go to Canada and he should be on his way now. However, owing to his interest in this legislation he has waited longer than he should and instead of travelling in the ordinary way, he will be forced to travel by air. When I look at the Bill now and at the notice paper I think the whole matter becomes more involved. The hon. member who introduced the Bill has an addendum to the notice paper full of amendments. I do not think that is a very desirable state of affairs.

I believe the member for Nedlands was right when he said that as a result of the debate which has so far taken place he thought that these amendments were necessary. It may be that as the debate has further proceeded the member for Moore is of the opinion that he might like to add even more amendments than he has on the notice paper.

Mr. Ackland: Has not the Government ever amended its own legislation?

The PREMIER: I know the Government has amended its own legislation, but the amendments which the hon. member proposes to his Bill make it a very different one from that which he originally introduced.

Mr. Needham: So was your arbitration Bill.

The PREMIER: Let us stick to one Bill at a time. I have taken note of some of the members who have already spoken, and I think every one of them has indicated in some way that they will further amend this Bill should it pass the second reading. The member for Melville made an onslaught on the measure last night. He indicated that he would attempt to amend it in a rather drastic manner when it went into Committee. From what I can gather I think there is a good chance of a number of his amendments being accepted when the Bill reaches the Committee stage, but I do not think they will be acceptable to the member for Moore.

There is an indication also from the member for Collie that he, too, objected strongly to some of the important provisions in the Bill and he is going to attempt to amend it in the way that he desires. A supporter of the Bill, the member for Roe, whilst he said that he would vote for the second reading, also stated that many amendments were required to it. How many he intends to move, I do not know, but from his point of view many amendments are necessary in order to make the Bill work.

The member for Eyre and the member for Merredin-Yilgarn have indicated that they desire amendments and the member for Warren, who also supports the Bill, said he desired to amend it in Committee. It seems to me, with all these amendments that are to be made in so many directions with this legislation that if it becomes an Act it will be a thing of shreds and patches and the member for Moore will not recognise it. I have said that there was divergence of opinion amongst farmers in this State on a compulsory pool, and I have good reason for doing so. I accept, and have always accepted the Farmers' Union in this State as being the mouthpiece of organised farmers. I consider it is a good thing that we have a Farmers' Union.

Hon. J. B. Sleeman: Any union is a good one, much less the Farmers' Union.

The PREMIER: Yes, I would like to see the Farmers' Union grow in strength. Nevertheless, there is a divergence of opinion among farmers throughout the State and there is no doubt about that. A number of members have already referred to that fact. At the Premier's Department I have received many letters from various parts of the State—widely spread parts—protesting against the Bill. I have forwarded them as I have received them to the Minister for Agriculture as he is the Minister directly interested in this proposal.

Mr. Brady: Have you received any in favour of the Bill?

The PREMIER: Yes, but not nearly so many.

Mr. Brady: I was wondering, because you did not mention them.

The PREMIER: I have had a number of requests that the Bill should be supported, but, as I say, many more from individual farmers that it should not be supported. I have tried to get some idea myself as to just what unanimity there is among the farmers on this proposal. When speaking last night, the member for Eyre made a statement which I have not been able to check, but I presume he made it with full knowledge of what he said. The hon. member said then that more than 50 per cent. of the oats in this country is being handled by the merchants. There is a voluntary pool and if oatgrowers are dissatisfied one would not imagine that they would trade with the merchants, but that they would turn their business over to the voluntary pool. I have listened to the debate pretty intently and have read the speeches of members as well. I am unable to see why there is an insistence upon a compulsory pool, and why a voluntary pool will not work satisfactorily. If pooling is the success it is claimed to be, one would think it would be rushed by oatgrowers and that the merchants would be completely wiped out of existence. But that is not the case.

We have also been told in this House that many farmers desire freedom of action to sell their oats where they wish. They have built up connections over the years and are satisfied to go on trading as they have done. In fact, they have arranged their finance to a considerable extent because of the freedom of action they are allowed in regard to the selling of their oats. The member for Moore has put certain amendments on the notice paper, and when he introduced this Bill I think he was of the opinion that it was not desirable to include oats sold in bag lots. All along I know there has been a strong feeling among certain members that the selling of bagged oats should be completely outside any pooling system. The hon. member has agreed to that.

Without having any intimate knowledge of oatgrowing, I would think that a large number of farmers throughout this State would take advantage of that provision and would sell their oats in bags. As we know, sacks are becoming cheaper. Due to the economic conditions at present existing in India, jute is cheaper, which means that sacks are also cheaper and becoming more plentiful. There is also a slight amendment proposed by the hon. member in regard to Section 92 of the Constitution Act. There again oats can be sold outside of the pool. So he has now agreed in several directions that oats should be sold outside this pool.

Mr. May: With the approval of the board.

The PREMIER: Not at all. If the hon. member will look at the notice paper he will see the amendment which reads as follows:—

> Oats sold by the grower to another grower for use by him as seed.

I do not know how he is going to check that it will all be used for seed; a considerable amount may be used for feed. It is a pretty wide provision. There is a further amendment to the following effect—

> Oats sold by the grower for delivery to the purchaser in bags and not in bulk.

Those provisions will be outside the powers of the board and, as I say, there will be considerable quantities of oats. If provision can be made for this quantity of oats to be sold right outside the pool, is it likely that a compulsory pool will get any larger quantity of oats than it is already getting today? Personally I do not think it will. Something has been said by the member for Collie and the member for Merredin-Yilgarn about oats used for manufacturing purposes. This particular matter was also stressed by the Deputy Leader of the Opposition.

Mr. Ackland: There is provision for that.

The PREMIER: The hon. member, by interjection, told the member for Collie that provision had been made for that. I had a look at the Bill during the tea adjournment and I am wondering how that provision can be made. From the manufacturer's point of view it is necessary that he should get a first quality oat.

Mr. May: There is going to be no first quality.

The PREMIER: But I can foresee some difficulty in regard to quality if oats are going to be bulked because I understand that certain manufacturers of breakfast foods and others seek to obtain their oats from certain districts and, indeed, from certain growers.

Mr. Ackland: Millers have been doing that for 30 years.

The PREMIER: But again I understand there would be more difficulty concerning oats than in regard to wheat. Certain members have attacked those businessmen who are dealing with oats. I do not know whether there was any justification for those attacks. The fact that growers have dealt with them over many years and now still want to continue to deal with them, is an indication that they must consider they are being fairly treated. These particular people have, no doubt, spent a considerable sum of money in establishing their business. We have agents in the country still and, of course, if this Bill is accepted, I suppose those people will be immediately put out of business. I do not know whether the hon. member has made any provision for them to receive compensation or be given some term in which to straighten out their affairs and enter some other line of business, but some consideration should be shown to them.

Mr. Ackland: Provision is made in the Bill for them to trade as before.

Mr. Lawrence: Let them get out and produce.

The PREMIER: It is all very well to say, "Let them get out and produce." While I desire to see people producing, I know perfectly well, as does the hon. member, that every man cannot be a primary producer.

Mr. Lawrence: He can, if he wants to.

The PREMIER: No, he cannot.

Mr. Graham: If that happened, who would mill the grain?

The PREMIER: When the member for Moore replies to the debate, I should like to have an explanation regarding the limited time that will be available for the bulkhandling of oats. It appears to me that the time available would be very limited inded, and he might explain just what financial effect this would have upon the producers who had to hold their oats because they could not be handled in bulk.

I have not had an opportunity to discover what legislation has been passed in other States dealing with the sale and distribution of oats, but yesterday the member for Eyre said that no such provision had been made in any other State. It seems to be an extraordinary condition of affairs if we in Western Australia have to provide for a compulsory pool when other States which produce more oats make no such provision. There is no doubt that if the Bill becomes law it will be a very different measure from what the member for Moore visualised when he introduced it.

Mr. Kelly: The amendments will represent more than 50 per cent. of the Bill.

The PREMIER: I give the member for Moore full marks for his sincerity of purpose and his desire to help the growers of oats. He has had much farming experience and has brought forward this Bill in the belief that it will help a section of the primary producers. In view of all the amendments that have been placed on the notice paper—and I repeat that some, if not all, of them would improve the Bill—and the many other amendments that would be made, I do not consider that the Bill is desirable. In the best interests of all sections of the community, the measure should be defeated on the second reading. I know that the Government has an obligation to every section of the primary producers.

Hon. E. Nulsen: We all have an obligation.

The PREMIER: Yes. If a section is not receiving justice, but is suffering exploitation at the hands of certain people, it is the duty of the Government to step in and take action. I assure the House that, if it can be proved that such a state of affairs exists, Government action will be taken. I regret that I cannot support the second reading.

MR. STYANTS (Kalgoorlie) [8.45]: I shall not take very long to express my views on this measure, because they will follow largely the lines of the remarks of the member for Warren, for one. I believe it would have been much better had the Government decided, by majority rule, to introduce the Bill rather than leave it to a private member. I am not altogether surprised that the L.C.L. section of the Government is not giving its wholehearted support to the measure. I have often stated in this House that when a Coalition Government is in office, it always calls for compromise, and compromise frequently means weakness. In this connection, there is the L.C.L. and its annexe, the Country Party, and frequently, with such a setup, we find that the interests of the annexe are sadly neglected in deference to the views of the major part of the institution.

The Premier: Do you think the primary producers would agree with you in that?

Mr. STYANTS: I do, particularly in relation to this Bill. I support the second reading, but, with other members who have promised limited support, I do so on the understanding that amendments—some of them drastic—must be made in Committee before the Bill would be acceptable to me.

The Premier: In many instances, it is very limited support indeed.

Mr. STYANTS: I am supporting the Bill at this stage because its fundamental principle coincides with the policy of the Labour Party. Rule 16 of the Labour Party's agricultural policy provides for maintenance and encouragement of all agriculture so that the primary producer will be able to market his products without the interference of middlemen. I believe that the objective of the Bill is to enable the primary producer to receive the whole of the wealth he has produced.

With the member for Warren, I dislike the suggestion of compulsion being included in the measure, but I realise, as he does, that a similar principle is contained in numerous measures passed by this Parliament. Practically every board functioning for the marketing of primary produce contains a compulsory provision to a greater or lesser degree, and therefore I cannot understand why the compulsory clauses should be so strongly objected to on this occasion. In previous Bills dealing with the marketing of eggs, onions, potatoes, dried fruits, butter, etc., compulsory provisions have been included. While, as a general principle, I have a decided objection to compulsion, I realise that in many instances, the minority must be placed under compulsion, sometimes in their own interests and sometimes in the interests of the majority.

As the compulsory provisions of this Bill will apply for a period of only something like 12 months, when the people will have an opportunity of saying whether the pool shall continue or not, I feel that much of my repugnance to the compulsory clauses disappears. I would have much preferred to see a referendum or to have known that a referendum of the oatgrowers of the State had been taken prior to the introduction of the measure, but I realise the difficulties that have been and still are in the way of bringing that about. I can see the point raised by the member for Moore that once it is possible to establish a reliable register of those who grow oats in commercial quantities, a referendum of the producers of oats can be taken. I think that it would not be any great hardship to wait for a period of 12 months after the first year's harvesting has been achieved and a reliable register of oatgrowers is in existence.

I had quite an open mind on this matter until the discussions on the second reading started, and for a considerable period afterwards. I have a soft spot for the primary producers, in that I realise that until the last five or six years they have had a particularly hard time. By a fortuitous turn in the economics of other portions of the world the primary producers have been able to get a better price for the product of their labour and for two or three years have been on the crest of the wave of prosperity.

But I saw primary producers under other circumstances. I saw them during the slump from 1929 to 1934 or 1935, when it was not a question of getting 3s. a bushel for their wheat but of getting somebody to buy it at all. The privations and poverty that were endured by the primary producers are still very vivid in my mind, because I went through the agricultural areas and saw the deplorable conditions they lived under and the poverty that existed; and if it is possible for them to have a pool of their oats without inflicting any great injustice upon other portions of the community, and by that means obtain the best possible return for their product, I have no objection to such a pool being created.

I have listened to some of the predictions of what could take place under this legislation if the board were bereft of its sanity. But if this legislation goes in the statute book it is not irrevocable. If we find it is being abused, it is within the province of Parliament to alter its provisions.

In passing, I would mention that I have a distinct objection to the proposed personnel of the board. I have always maintained that any body of persons, whether

primary producers or otherwise, who require statutory powers, should agree to the legislation coming within the jurisdiction and control of the Minister, and unless that provision is made in this measure I do not propose to support it in any shape or form. If a body of primary producers requires statutory powers with the force of government behind them, the legislation should be placed within the jurisdiction of the Minister concerned. If they are not satisfied with that provision, they have a perfect right to form as many pools or associations as they like, but they should not have statutory powers with the force of government behind them.

I do not fear that there will be any great abuses in connection with the provision of oats for processing. I believe that boards are composed of essentially sound people and there is little to fear concerning their taking drastic and foolish action such as it has been said could be taken under this legislation. Under almost any type of legislation, Governments and boards can take very drastic and detrimental action, but I do not think that has been done up to date except in very rare and trivial circumstances.

I was not surprised to hear the Attorney General butt in on the question of prices. He asked who would control the price of oats. I had not given a great deal of thought to that, but I hope that the control of the price will not be brought under the Minister's department; because if the performance which that department has put up over the last four or five years is any indication of what it would do in connection with the control of the price of oats, I should say it would be merciful on our part not to inflict anything of that kind upon the people of Western Australia.

I think that most people who have given any thought to the question of prices know that there is no such thing in commerce as competition in prices. There is competition for trade, but I think we all realise that manufacturers have their meetings and decide what prices shall be, and that the matter is put before professional men as well as manufacturers. Meetings are held to decide prices, which are almost identical everywhere. Wherever one goes in Perth one will find that prices are almost identical. The price of controlled articles is up to the limit permitted and in other cases there is little variation.

I support the Bill because I believe it is closely in conformity with the platform of my party, and because I think that with some amendments it could be made a workable proposition. I believe it will be of great benefit to the primary producers of this State and will not be of any disadvantage to other sections.

MR. CORNELL (Mt. Marshall) [8.58]: This debate has lingered on for a considerable time. Originally I intended to say very little, and that is still my intention. But I would like to pass a few comments before the axe falls in half an hour or so. I seldom read Mary Ferber's column in the "Daily News," but underneath her provocative articles in tonight's issue there is a caption, "Exit the Bikini." I know that you, Sir, are going to ask me what connection Bikini has with this Bill, but if you are patient I think I will be able to explain. This article reads—

> The Bikini girl is disappearing from the beaches oversea. This briefest of brief swimsuits was named originally by a French journalist soon after the first atomic bomb experiments at Bikini, "because of its explosive effect on the male."

I draw a couple of analogies from that. The explosive effect of the Bikini swimsuit on the male is nothing to the explosive effect this oat Bill has had on certain sections of our community. Secondly, I think the Bikini swimsuit can be likened to the Bill. It has been said that what the Bikini swimsuit reveals is interesting, but what it conceals is vital. Possibly the same can be said of the Bill. It does reveal certain things in connection with the oatgrowers—and I speak of the Bill in its original form. Since its introduction, a plethora of amendments of which we have had due notice, has come from the sponsor of the Bill; and from both sides of the House there are promises of many more. As the Premier has said, by the time it is finished the member for Moore probably will not recognise his original infant. I presume that at least the Title will remain untouched.

The Bill reveals that the proposal is to handle all oats grown in Western Australia in bulk to the complete exclusion of the merchants and others who in the past had a share in the oat trade of the State. I do not think C.B.H. tried an inch to make the present system work for seasons yet to come. And the member for Moore in his original speech, and consistently by interjection, has said that Bulk Handling has no interests in the Bill except from the handling point of view; that it is purely a service organisation to handle growers' produce, for which it receives a small fee. He waxed rather wrathful at the member for Nedlands who, he said, did not know what he was talking about.

If that is the only interest C.B.H. has in the proposition, why cannot the present system, as we understand it, continue? Why cannot the voluntary pool operate in competition with other merchants; and why cannot Bulk Handling handle oats as it always has done? The member for Moore has not yet convinced me that Bulk Handling has tried particularly hard to do anything else; and the attitude adopted by the organisation is not calculated to win the respect of the growers generally.

The member for Warren and the member for Kalgoorlie are supporting the Bill. No doubt the member for Moore is glad to have their support, but I think their reasons for giving it must be rather repugnant to him.

The member for Warren is supporting the Bill because he believes in socialisation —and full marks go to him for doing so if that is his view. But I am sure that the belief that the Bill would mean the socialisation of the oat industry was very wide of the thoughts of the member for Moore when he introduced the measure. The member for Warren, said in effect—this is my interpretation of his remarks—that he would even go so far as to restrict acreages if he thought that was desirable. I do not think the member for Moore would ever contemplate or suggest that such a terrific thing as that should be done. But when we get to the control stage, anything may occur. Before the present system of selling wheat by way of the compulsory pool was in vogue, C.B.H. handled the entire wheat crop of the State, and the growers, after delivering the wheat, were given a title to their deliveries and were able to dispose of the wheat to their pet company or to whoever else they desired. At that stage of the game, in addition to the compulsory pool, five or six merchants were operating here, and they bought wheat from the growers.

Although the wheat went into the bins —the installations of Bulk Handling—and thereby lost its identity, the growers nevertheless were able to sell their wheat to the various merchants. I fail to see why such an arrangement cannot still be carried out in respect of the oat crop. The member for Moore in his speech referred to "inspired and organised hostility," and he delivered a small hymn of hate against "The West Australian." But I suppose "The West Australian," like any other body or person, is entitled to express its opinion. I do not like "The West Australian" very much either; it never publishes anything I write to it. There is possibly a good reason for that. I understand there is still a law of libel.

There are many gentlemen in my electorate who wrote letters to the paper opposing the Bill, and I can give the hon. member this assurance here and now that their hostility to the Bill was in no way inspired or organised—they were expressing their true convictions. They did that because they wanted to market their oats in the way they thought desirable. In fact, Mr. Dean Hammond, of Kellerberrin, to whom the hon. member referred, but not by name, said that in his opinion the farmer's business was built up by service and not compulsion. Just why the member for Moore should see fit to attack Mr. W. G. Burges—and that is the gentleman to whom he referred, because when the member for Avon Valley mentioned the name there was no denial that the person to whom the member for Moore made reference was not identical with him—is not quite clear to me, unless it is because Mr. Burges had the temerity to oppose the Bill for a compulsory pool.

The remarks passed by the hon. member pose this question: What right had he to be supplied with that information? He was able to say—and I know he had more detailed figures than he gave the House—that Mr. W. G. Burges took out more wheat than he put in. I would say that transactions between a farmer and C.B.H. should be confidential. To me it is a poor show that the information should be made public, and the gentleman's name used in criticism. Whether it was because the member for Moore was a director of C.B.H. that he obtained the information, or whether it can be obtained by any person who inquires of C.B.H., I do not know, but I think that C.B.H. was guilty of a betrayal of confidence in disclosing the dealings a man had with it. After all, C.B.H. is only a handling organisation, as the member for Moore has so often told us.

The fact that it, under instructions and authority from the Wheat Board, made available certain wheat to Mr. Burges, is hardly any of its concern. I do not think the member for Moore was just and fair in making that statement. After all, the man concerned was buying back wheat at a price of less than export parity and was breaking no law. It is provided in the relevant legislation that he may do so, and he is not the only one. In fact I believe that the member for Avon Valley has been known to do it, also. I have yet to be convinced that a majority of the oatgrowers want this legislation or desire a compulsory pool. The control of oats—if and when it comes about—will just about close the story as far as our primary products are concerned. It would leave only wool uncontrolled by a board or some other body.

We, as a Country Party, at times bristle at the inequalities of treatment meted out to the growers at the hands of various boards. At a recent conference of the party a motion was moved that an inquiry be held into the activities of the Egg Board, because it was realised that growers were not getting a fair return from the board for their products.

Hon. J. T. Tonkin: That board, also, is heading for disaster.

Mr. CORNELL: We, as a Country Party, are on the one hand condemning control by boards and on the other hand condoning the control of a further primary product. The member for Wagin, for example, is a great advocate of the decontrol of meat but, on the other hand, sees nothing wrong with the control of oats. It does not add up to me, because we cannot have it both ways. There have been several

meetings in my electorate on the question of the compulsory pool. At one well attended meeting the other evening there were present about 40 or 50 per cent. of the financial members of the Farmers' Union at Kellerberrin. They passed a resolution—without a single dissentient—condemning the proposal for a compulsory pool. The growers, at least in that area, are opposed to this legislation.

In fairness to the member for Moore I should mention that there are no bulkhandling facilities at Kellerberrin. The wheat is delivered to the mill there as C.B.H. has no facilities at that centre. Last year the Farmers' Union at Kellerberrin wrote to C.B.H. and asked whether bulkhandling facilities to handle oats could be made available at Kellerberrin. The reply was that there was nothing doing and that if they wanted to deliver their oats in bulk they could deliver them to either Woolundra or Bungulla. On that occasion C.B.H. was not as co-operative as it might have been.

As I said earlier by interjection, I think the Bill could be classified as a "Braine" child. I think it was first dished up by the manager of Co-operative Bulk Handling Ltd., Mr. Braine, who said "All the oats or no oats," and the directors concurred in that view with the result that we have this Bill before us with the exhortation that unless all the oats go into the pool, C.B.H. will touch none of them. That is rather a dictatorial attitude and I regret to say that Mr. Braine has at times been noted for that stand. I can remember vividly when the bulkhandling installations were approved by the Government for construction along the Yarramony-Eastward railway. The member for Melville will remember it, also, as he had plenty to say about it at the time. That was done by Government direction but all the spanners in the world were thrown into the works by Mr. Braine who, on that occasion, was the essence of non-co-operation.

The bins went up in the face of continued opposition by him and if the member for Moore would like to check up on that he can easily do so by interviewing any of the farmers who were active in the installation of those particular facilities. Mr. Braine has some very peculiar ideas about the marketing of grain and I have no hesitation in saying that this Bill was originally his particular baby. Now the member for Moore has become its adopted parliamentary parent, with the result that we have it now before us. I do not like it and I am not convinced that the growers want it. The measure contains plenty of flaws. The member for Moore has on the notice paper so many amendments that—if he wishes to persist with it—I think it would be better for the Bill to be dropped and an attempt made to re-draft it. For that reason I cannot give the measure my support.

MR. ACKLAND (Moore—in reply) [9.17]: I have no apologies to make for having introduced this Bill. From the tone of the debate and the interest that has been taken in the proposed legislation I think I can say it has proved conclusively that a great number of people are interested in whether or not we have oat marketing legislation in Western Australia. It has been suggested to me that I have been the tool of either the Farmers' Union, Co-operative Bulk Handling Ltd. or the trustees of the Wheat Pool, but that is not a fact. I realise—as do other members—that the Bill has many imperfections, but they are mine. The measure was drafted along the lines that I desired and which I thought at that time would constitute desirable legislation to place before this House.

I received all the support possible from the Parliamentary Draftsman, who looks after private members' legislation, and I have come to the conclusion that this or some such measure should have been introduced by the Government. When I took on this task I had no idea how difficult it would be for a private member—and particularly one with no experience of preparing a measure or fathering it in the House—to win support for a Bill, but I still think that legislation should be passed in accordance with the amendments that are on the notice paper. Although there appear to be a lot of those amendments there are in fact only three, the others being consequential.

Hon. J. T. Tonkin: If the Bill were passed in the amended form suggested would the trustees of the Wheat Pool still provide the money?

Mr. ACKLAND: The trustees will be the sponsors for the money which will be borrowed by the board which will be appointed and later elected. The trustees are not in any shape or form violating the legislation passed by this Chamber under which they have control over certain trust moneys.

Hon. J. T. Tonkin: Will the board borrow it from the trustees?

Mr. ACKLAND: The board will not borrow from the trustees; it will borrow under the sponsorship of the trustees, from the people who lend money to the trustees, if they want it. The trustees will be sponsors for that money.

Hon. J. T. Tonkin: Guarantors!

Mr. ACKLAND: The board will be responsible for the repayment of that money and there is very little risk when this sort of loan is made. No money is made available until the oats are in the possession of the board which can borrow about 80 per cent. of the value of the oats at that period and later, when the oats have actually been sold but not delivered, to the extent of 96 per cent. of the value of

the oats in its possession. I might mention that the interest is reasonable—far more reasonable than if the money were borrowed by Governments. I agreed to the first amendment which appears on the notice paper with a good deal of reluctance, but I am convinced that legislation to handle oats is necessary. Consequently I was of the opinion that it would be better to exclude bagged oats from the provisions of the Bill rather than that the measure should be lost.

Several members have mentioned that there was no assurance that the board would keep in Western Australia sufficient oats to meet the requirements of the State should the season be late or if we had a drought. There is no provision whatever for that today. The produce merchants, or for that matter the voluntary pool as it exists, are under no obligation to keep any oats in this State. But I know that the people who have handled the pool have studied that position very closely. Even this year, when it was known that merchants had sold oats that had come into their possession, the pool retained oats and its controllers were in constant consultation with the Minister for Agriculture to ensure that sufficient oats would be retained in the State.

In his speech the member for Merredin-Yilgarn quoted some figures and he stated that the voluntary pool handled about 33 per cent. of the oats received that year. I believe that members were of the opinion that the figures he quoted were for last season, but that is not correct. Actually we are interested only in last season when an attempt was made to handle oats in bulk. I admit that the figures quoted by the hon. member were substantially correct—not quite—but they were sufficiently correct for me not to dispute their accuracy. But last year was the first year in which oats were handled in bulk in Western Australia and if his figures are correct, we will see just how the farmers of this State took advantage of the opportunity to handle their oats in bulk.

Mr. Kelly: Voluntarily.

Mr. ACKLAND: I cannot tell members what quantity of oats were sold in Western Australia, but I think it reasonable to assume that approximately 2,000,000 bushels were sold in this State and it is anticipated that there will be 4,000,000 bushels this year. The voluntary pool received 1,635,200 bushels of oats for that season and 1,554,000 bushels were shipped. The member for Maylands said that there were no surplus oats in Western Australia and I believe that the merchants must have received somewhere about 350,000 bushels—that figure is an approximate one. So members can see that in the only season in which we are interested the farmers of Western Australia wanted to use bulkhandling facilities whereas, if the member for Merredin-Yilgarn is correct, in a previous season the pool received only 33 per cent. My figures prove that last year 80 per cent or a little more was received by the pool.

The Attorney General: Then what is the necessity for this legislation?

Mr. ACKLAND: I am glad the Attorney General asked that question. I intended to mention it later on, but I will answer the question now. There is no objection to Co-operative Bulk Handling Ltd. handling oats in bulk but there are two things that prevent it from doing so. Up to date I, and other speakers, have mentioned only one in this House. Firstly, it is necessary to be able to guarantee to handle all the oats in a short period and for the Premier's information I will describe how that was done last year.

Secondly, and this is by far the most vital point, Co-operative Bulk Handling Ltd. have no right, and they had no right last year, to handle the oats. They did it as an experiment and they did not realise that they were doing something which was, if not contrary to the law, certainly beyond the scope within which they were working. It is doubtful whether it was actually contrary to the law, but this organisation came into existence with a charter from the Government of the day to handle all wheat in Western Australia and it was given certain responsibilities in that direction. Those responsibilities have been carried out to the letter. The organisation has not abused that monopoly in any shape or form. The company started off without any money and borrowed capital from three different organisations at different periods. Under the legislation which this House passed, the farmers were given the responsibility of repayment and for every bushel of wheat received in that installation, the growers paid either ⅝d. or ¾d. per bushel, according to the year in which the wheat was received.

There is no provision at all for the handling of oats and, had they so desired, the wheatgrowers had every justification for objecting strongly to the action taken by the directors last year. Consequently, they are not going to run the risk of doing it again. This has not been made public; it was done in good faith by the directors. But we cannot handle one bushel of oats and this talk of "we will not" and "we threatened" is a lot of tommy-rot. Possibly some of the directors may not have expressed themselves in the most diplomatic language, but we know that we cannot handle the oats unless we have some legislation to cover the position or unless we handle all the oats grown by all the people who want to use the bulk installation.

Mr. Kelly: Where does C.B.H. get all the finance with which it intends to operate this pool?

Mr. ACKLAND: Does not the hon. member realise that it gets it from the farmers themselves by their contributing ½d. on every bushel of wheat that comes into its installation? When one considers that the wheat crop is approximately 30,000,000 to 45,000,000 bushels per year—and that has been going on for 20 years—one can readily realise the amount of money that will accumulate. In answer to a suggestion that has been made, I would point out that today the company is working on Commonwealth costs and not on State costs. So, because of the cost of handling and the capital expenditure involved in Eastern Australia, there must be some equity in payment to the various bulkhandling organisations through the Commonwealth regarding the money received from the Australian Wheat Board for services rendered. This arrangement was made because of the way in which C.B.H. has been able to handle its affairs and because of the wonderful harmony between the employees and the management of the company.

The company has shown a surplus and I will let members know where that surplus has gone. Last year, £60,000 was available for distribution. That was surplus money over and above the expenditure of the organisation. There are 10,600 shareholders in the company and, in round figures, there are 260 permanent employees. So, at a shareholders' meeting, a resolution was carried that, in appreciation of the work done by the employees, one-third of the surplus would go to them and two-thirds to the shareholders. As that represented between 14 per cent. and 15 per cent. of their wages, it amounted to approximately an average of £80 paid to each employee of that organisation, and nearly £3 went to each shareholder.

Those are approximate figures. That is one reason why that organisation is working satisfactorily. No Arbitration Court is required there. It would be a good thing if members on the Liberal back bench were to give a little more incentive to the people employed by their friends. It has been found just as profitable for their shareholders as it is for the shareholders of this organisation. Before I was interrupted, I had reached only the first amendment, the one proposed to Clause 2. Most of the provisions in that clause are the same as they were originally, except that bagged oats have now been excluded from the control of the organisation. I am of opinion that it would be far better for these oats to be excluded rather than that the Bill be lost. The board would be responsible for keeping them in Western Australia to meet requirements, should we have a bad season.

I was mentioning that the pool had received approximately 1,635,200 bushels; that it had shipped oversea 1,554,000 bushels; that at the end of March the voluntary pool had over 224,000 bushels in hand and that, after consulting the Minister for Agriculture, it advertised in the local Press that if anybody required oats for seed or feed, they were available; otherwise, they would be exported. At the end of June, there was still a surplus in hand and, although the price was quite remunerative oversea, the company did exactly the same as it had done earlier in the year. The fears of those who are of opinion that the board would export all the oats are not borne out in practice because it was not until last week that the balance of these oats, which represented only 200 tons, were sold, and that was nearly into the middle of August, when the new season's harvest was assured.

It would have been much better if that amendment had not been necessary, but it has been proposed in order to give confidence to members and so make the Bill more acceptable. The second amendment, relating to the constitution of the board, is a different matter altogether. I frankly admit that the composition of that board as suggested by me was not good. I knew how it would operate. I knew that the interests of all concerned in oats would be safeguarded, but I think, if the amendment were agreed to whereby the corporation would have one member on the board who should be chairman, that the Farmers' Union, in the first instance, should nominate two and later there was to be an election by ballot, and that the Minister for Agriculture should be asked to nominate two more. One of those would be the processor of oats for human consumption and the other would be an oatsgrower.

In referring to the oatsgrower, I purposely left out the words "oats for sale". I thought that, by having that freedom of choice, the Minister would nominate to the board an oatsgrower who grew oats for feed and not for harvest. Our friends in the lower Great Southern and the South-West should not have any fear that their interests will not be looked after. I would like to refer to the processors of oats. I do not know whether members have deliberately ignored this provision in the Bill. Those people who had been in the habit of buying premium oats would be able to buy them in the same way as they have always done. Provision is made in the Bill for the grower and the buyer, whether he be a processor of oats or a seed merchant, and they would enjoy all the value of that premium. It would be a matter of coming to a mutual understanding regarding the premium value. Having arrived at a mutual understanding, the purchaser would pay the overall price over and above the premium for the special oats to meet his requirements.

It has been said that oats cannot be separated, but wheat has been kept separate every season. Millers in Western Australia have a right to nominate the sidings from which they will obtain special wheat in order to grist the flour which they desire to produce. There have

been biscuit manufacturing people and others who have wanted premium wheat —wheat which is worth up to 2s., 3s. and possibly more per bushel. These wheats are kept apart and put into special trucks and delivered entirely separate from f.a.q. quality grain; and exactly the same arrangement is provided for in this legislation regarding oats. So far as wheat is concerned, this method has been operating for years and it is every bit as easy —possibly easier—to operate it with oats as it is with wheat. I do not know whether members realise that oats sold oversea have brought a better price than any from other States.

Members have said that if oats were bulked the quality would depreciate in value and that there would be a tendency to be careless about the quality. Over the last 10 years the standard of wheat in Western Australia has been steadily rising; this is proved by analyses at the mills and by the Department of Agriculture, which conducts these tests annually. So, there is little fear of that happening.

It has been said that the farmers are not behind this legislation. I am quite willing to admit that they are not behind it at Kellerberrin. But there is a reason for that and the member for Mt. Marshall gave only part of the explanation. I think it stands to reason that an organisation which is geared to handle 50,000,000 bushels of wheat and this year will only handle 2,000,000 bushels of oats will not operate every siding in Western Australia. Originally Western Australia had 53 sidings. As the demand grew the number of these sidings increased until now we have 268. We have two sidings for every one in the Eastern States handling the same quantity of wheat. So it would only be necessary to handle oats at some of these sidings.

Kellerberrin has never had bulkhandling facilities because the wheat has been delivered straight to the mill door to the benefit of the farmers themselves. That has not been detrimental to them. It has been advantageous. So people who had oats at Kellerberrin for this year at least would be asked to go to the siding at the north or the south, and they are accordingly not in favour of the bulkhandling of oats. I do not know how much credence can be placed upon the statement, but I am told that one of the merchants has promised that if this Bill is defeated installations will be placed there by them. That statement has been made but it may possibly be with a view to getting the Bill defeated.

I have received a letter from Mr. Rooke dated the 6th August. Some members have doubted the desire of farmers to have these bulkhandling installations. We find that 68 per cent. of the branches voted in favour of a compulsory pool; though if it is worked out it will be found that actually the percentage is 71 per cent. From among the 70 names of the branches throughout the State, 50 of them voted in favour of a compulsory pool and 20 against it.

Mr. Kelly: Have you any idea as to the attendance?

Mr. ACKLAND: The attendance would be the same. Mr. Rooke went on to say that out of those 20 who voted against four have changed their minds and were now in favour of this legislation. So instead of the percentage being 68 per cent. or 71 per cent. in favour, it is nearer 80 per cent. in favour.

Mr. Griffith: You still want to conscript the others.

Mr. ACKLAND: There are 10 district councils of the Farmers' Union in the grain-growing areas of Western Australia, and nine of them have carried resolutions in favour of this legislation. The whole of the executive, by a unanimous vote, supported the suggestion that this legislation should be introduced into the House. That is sufficient to convince me at any rate that there is a substantial section of the people in Western Australia interested in this Bill who are in favour of doing as is provided for.

There is a short amendment which provides for a point raised in the speech of the member for Melville. I should like to say here that I compliment the hon. member on the speech he made.

Mr. May: I would like your ruling, Mr. Speaker, as to whether the hon. member is in order.

Mr. SPEAKER: Yes, the member for Moore is in order as he is only referring to matters raised during the course of the debate.

Mr. ACKLAND: The member for Melville made the finest speech I have heard him from in this House. I only wish I had the eloquence he possesses, or something approaching it, because I am quite sure that there would then not have been the opposition there was when I was introducing the Bill. All the hon. member's objections are provided for in the amendments I propose to move, and they are almost entirely along the lines he has suggested.

The Bill refers to "any number of those members" and the hon. member said that might mean one member. I am quite willing to admit that "any number" could mean one, but does he think that those four members are going to jeopardise the rights of the growers they represent by giving power to that one man to override anything they did? The Wheat Pool is entirely different in its composition; it is not composed of the same type of man who would be on this board; firstly appointed from the executive of the Farmers' Union and, in the last instance, by a referendum among the members of the Farmers' Union.

In order to get over the difficulties mentioned by members and to overcome their suspicion of this I have included among the amendments to be submitted, one setting out that there should be three or more on that committee. If the member for Melville had read on, however, he would have noticed that any such delegation may be revoked at any time and from time to time. So there was very little danger of that happening which was predicted by the hon. member.

Then again, the Premier asked me to give him some information and fortunately I have it with me. The Premier wanted to know how in such a short space of time Co-operative Bulk Handling Ltd., acting for the board, could handle oats as they became available. This is some information which I had on my file and which answers the question raised by the Premier. The statement is as follows—

> During the restricted receival period, the oats were handled expeditiously. The difficulties experienced were such as would normally occur with a new venture, which had necessarily to be carried out under rush conditions. The main difficulty was lack of adequate storage facilities.
>
> One mixed cargo of oats and barley had originally been envisaged as an experiment, but the handling went so well, on the whole, that during November the equivalent of three full cargoes of oats were received in bulk.

Several members asked when bulk-handling was likely to start.

> On 26th October, 1951, growers were asked to let C.B.H. know the quantity of oats they wished to deliver, and were informed that the allocation of quotas might be necessary.
>
> Five days later, on Thursday, 1st November, 1951, 31 receival points were opened in the Geraldton and Fremantle zones. During the day 642 tons were received, followed by 1,227 tons the next day and 407 tons on the Saturday. Receivals for the five full working days in the following week ranged from 1,024 tons to 1,502 tons, the total for the week being 6,914 tons. The back of the job had then been broken in the northern areas.
>
> On Tuesday, 13th November, 1951, 19 additional sidings were opened in the southern Fremantle, Bunbury and Albany zones. Receivals during the week (during which a statutory holiday occurred) were 6,144 tons, daily receivals varying from 1,107 tons to 1,545 ton. At that stage, in 12½ working days, 15,224 tons had been handled in bulk.
>
> In the ensuing four weeks, during which the receival of wheat was working up to full pitch, the successive weekly receivals of bulk oats were 4,625, 2,708, 498 and 155 tons. Receivals of oats in bulk then ceased.

C.B.H. received 66 per cent. of the oats that were sold in the State.

The Attorney General: All done under a voluntary pool.

Mr. ACKLAND: But we cannot handle it again under those conditions. Am I not speaking English? I have tried to be explicit on the point. The Attorney General, as a lawyer—if he knows anything of the law—must be aware that the organisation did not have the authority to act as it did. It should not have done so.

So it is possible for the company to do the job, and my object in introducing the Bill is to enable it to continue to do so. I have worked on every job on a farm from the pioneering of the land until it became a stud farm, and I say there is nothing so obnoxious in farm work as sewing bags. I believe that every farmer will agree with me. In my early days I sank a dam with a pick and shovel and horse and dray, and I say I would rather sink another dam in that way than stand in the field sewing bags. I want to see an increase in the production of oats, but we shall not get it unless the growers are provided with handling facilities.

I believe I have adopted the only method of providing for those facilities. I know that the Government could have introduced legislation along other lines. The statement has been made over and over again that my hands were tied. They were tied. No money would be borrowed for which the Government would be responsible. The Bill will meet that contingency. I admit that the measure as introduced is imperfect. I have learned a lot since I tried to draft this Bill, but I did not have a team of parliamentary draftsmen to assist me.

Mr. Kelly: You had one competent man.

Mr. ACKLAND: I went to him afterwards. In spite of all the imperfections of the measure, it could still be made workable. The Premier and others have referred to the number of amendments on the notice paper and otherwise indicated, but there are only four that are of any consequence. If those four are approved, the others will be automatically accepted.

As I have already stated, I have no regrets about having introduced this Bill, though I do regret that I did not make a better job both of the drafting of the measure and of its introduction. I wish to impress upon members that it will be a very poor lookout for oat-growing in this State if we have to revert to the bag system and members should hesitate before they decide to throw the Bill out. I do not mind if other amendments are moved that would make the Bill more acceptable

and more workable, but I wish to give these growers the opportunity to get bulk-handling facilities.

I know that the Minister for Agriculture will be asked to bring down legislation to alter the Bulk Handling Act and I am hopeful that, if this measure becomes law, he will propose alterations to that Act to make it possible for the organisation to handle oats in bulk and thus place growers of oats on the same footing as growers of wheat. It was by no means fair to the wheatgrowers that not one bushel of the 1,635,000 bushels of oats contributed a penny towards the toll charges, and the organisation, by not being in a position to charge, really did a great disservice to wheatgrowers that it is not prepared to do again. Oat-growers should not be given an advantage over the people who have built up the organisation over the last 20 years.

I think it would be wise to have a division on the vote for the second reading of the Bill. If the measure is thrown out, those who oppose it will not be held in favour even by the people in the country who assert that they do not want the Bill to be passed, because they think that if it is defeated oats will still be handled in bulk. As I have pointed out, to do this would be, in the first place, a physical impossibility and in the second place, C.B.H. has not the authority. It is because of the second reason that I have introduced the Bill.

Point of Order.

Hon. J. T. Tonkin: Before the vote for the second reading is taken, I wish to raise a point of order and seek your ruling, Mr. Speaker. The Bill proposes to appoint the corporation, which is referred to as the trustees of the Wheat Pool, the sole agent of the board and, being the sole agent, it is proposed in the Bill that it be given power to enter into all necessary contracts and engagements for the sale of oats under a compulsory pool. The corporation is set up and derives its being from the Wheat Pool Act No. 54 of 1932, which was an Act to constitute and incorporate the trustees of the Wheat Pool of Western Australia, to regulate the appointment of the trustees, to define their powers and authorities, and for other purposes incidental thereto. That Act specifically states—

Mr. Speaker: To what Act is the hon. member referring?

Hon. J. T. Tonkin: To the Wheat Pool Act, which establishes the trustees and brings them into being. It says that the corporation shall have certain powers and duties, provided that the powers of the corporation shall extend only to voluntary schemes and systems. In 1948, this Act was amended to make it apply to oats as well as to wheat, and by No. 61 of 1948 we provided that where the word "wheat" appeared we could also read the word "oats", but that still provided that the trustees could deal only in the voluntary pooling of oats as well as wheat. We also specifically provided for the purpose of the voluntary oat pool, by an amendment of the Wheat Pool Act, that the trustees of the wheat pool should have the power to establish a voluntary pool.

This is my point: The Bill is repugnant to the provisions of the Wheat Pool Act concerning the duties and authorities and powers of the trustees under the Act which sets them up, and I want to know whether it is within the competence of this Parliament to pass a measure which, in its terms, is repugnant to an existing Act establishing the authority; and whether or not this measure, if it becomes an Act, will be ultra vires the powers contained in the Wheat Pool Act which, as I have already stated, brings the trustees into being and very definitely defines the extent and the limits of their powers. I will read again from the Act—

> An Act to constitute and incorporate the trustees of the Wheat Pool of Western Australia; to regulate the appointment of the trustees; to define their powers and authorities; and for other purposes incidental thereto.

As their powers and authorities are limited to voluntary pools and the word "voluntary" is mentioned, as being restrictive, are not the terms of this Bill repugnant to that Act and therefore beyond our competence to pass? In other words, even if we did agree to the passage of this legislation, could it operate against the provisions of the Wheat Pool Act which defines the powers and authorities of the trustees?

I am not a lawyer and have not the necessary training to be able to give a definite determination on that point myself. I have searched the Interpretation Act to see whether there is any reference to it and have not been able to find one, but it seems to me an extraordinary situation, if we have an Act which establishes trustees and defines the powers of those trustees, and specifically limits those powers to voluntary pools, that a private member can introduce a Bill which can confer upon those trustees powers outside their own Act and permit them to engage as agents in all sorts of things which are beyond the powers originally contemplated. I seek your ruling.

Mr. Ackland: I do not pretend to be able to argue legal matters; but it so happens that this matter has been taken up with two lawyers.

Hon. J. B. Sleeman: They make mistakes.

Mr. Speaker: Order! I think I had better give my ruling, and then the hon. member can move to disagree if he is not satisfied. I have listened carefully to the

member for Melville, and I think the point he raised is a practical one rather than a point in Standing Orders. The practical point he raised was that the existing legislation provides for finance for a voluntary oats pool and that the corporation which acts under the Wheat Pool Act is, under this legislation, to provide finance for a compulsory pool.

This Assembly is not bound by the Wheat Pool Act. It is bound only by Standing Orders, and there is nothing in our Standing Orders which is outraged by this legislation. That is a matter for the court. I fully agree with the member for Melville that unless the Wheat Pool Act is amended subsequently to meet the situation he referred to, the proposed legislation technically could not work. But that is an opinion of mine which has no bearing on my ruling. My ruling is that under the Standing Orders there is nothing to prevent the second reading being taken.

Debate Resumed.

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

Ayes	18
Noes	26
Majority against	8

Ayes.

Mr. Ackland	Mr. Moir
Mr. Brady	Mr. Nalder
Mr. Brand	Mr. Owen
Mr. Butcher	Mr. Perkins
Mr. Doney	Mr. Sewell
Mr. J. Hegney	Mr. Styants
Mr. Hill	Mr. Thorn
Mr. Lawrence	Mr. Watts
Mr. McCulloch	Mr. Hoar

(Teller.)

Noes.

Mr. Abbott	Mr. May
Mr. Bovell	Mr. McLarty
Dame F. Cardell-Oliver	Mr. Needham
Mr. Cornell	Mr. Nimmo
Mr. Graham	Mr. Nulsen
Mr. Grayden	Mr. Oldfield
Mr. Griffith	Mr. Read
Mr. Guthrie	Mr. Rodoreda
Mr. Hearman	Mr. Sleeman
Mr. Hutchinson	Mr. Tonkin
Mr. Johnson	Mr. Totterdell
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Kelly

(Teller.)

Question thus negatived.

Bill defeated.

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.

Returned from the Council without amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the 14th August, Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 11—Divisions III and IV added to Part II (partly considered).

Proposed new Section 36P—Court may order secret ballot:

The CHAIRMAN: An amendment has been moved by Hon. A. R. G. Hawke as follows:—

> That the following proviso be added:—
>
> Provided that the result of such secret ballot shall be conclusive and shall invalidate any right to impose penalties which might have been imposed before the secret ballot was taken.

The ATTORNEY GENERAL: The Leader of the Opposition suggested that the view I had expressed was that the ballot would not be conclusive. It was not my intention to express myself in this manner, because there is not the slightest doubt that in so far as it expresses the views of the union, it would be absolutely conclusive until another ballot took place. I could not agree to the amendment in so far as it provides—"and shall invalidate any right to impose penalties".

Hon. J. B. Sleeman: What is the good of having a ballot if it will not?

The ATTORNEY GENERAL: I could not possibly agree to that. The whole object of this proposal—and I think it is a wise one—is to enable the court to inform itself as to the members' opinion.

Mr. Lawrence: Having regard to what?

The ATTORNEY GENERAL: To the penalties that might be imposed by the court on any individual member of the union. If the whole union—or 90 per cent. of it—is in favour of a certain point of view, it would, in my opinion, be unreasonable for the court or the employers to pick out one man, or a few men, and penalise them alone. That is one example. What harm is there in the court being fully informed by secret ballot of the views of the union?

Mr. Lawrence: Views on what?

The ATTORNEY GENERAL: On any matter.

Mr. Lawrence: Why do you not come into the open and say you mean a strike?

The ATTORNEY GENERAL: That might be one; or it might be anything else. I cannot see any harm here. There is no necessity for the first part of the amendment because the language of the Bill is quite clear that the vote by the union would be conclusive respecting the views of the union until another ballot was taken. I could not possibly agree to the suggestion that any penalties the court had imposed should be invalidated if the vote were in favour of some action that could be made illegal. It would be an impossible situation. I cannot, therefore, agree to the amendment.

Mr. STYANTS: The Minister wants to introduce something in the nature of a double-headed penny. The proposed new section provides that the court shall be given power to order a ballot to be taken, not only on the question of a strike, but any other matter. A union might have a citation before the court, and its members could be divided, and the court might order a ballot to be taken on the claims of the citation. What is the object of holding a ballot if no cognisance is to be taken of the result? If a strike occurred and the court ordered a ballot to be taken, the members would endorse the strike in ninety-nine cases out of a hundred.

The metal trades workers, realising the injustice which has been done to them in regard to margins, would have voted in favour of the continuance of the strike. It is most illogical to make provision for the court to order a ballot if no notice is to be taken of the opinions expressed in the ballot. The only conclusion that can be arrived at is that the Attorney General is hoping, by this provision, that the men will decide that to strike is quite unjustified. In spite of opinions held by certain members on the other side of the Chamber, union members themselves decide upon going on strike; not the union officials.

The membership instructs the officials that certain action shall be taken, and in many cases secret ballots are held and the men agree to the cessation of work. I think it might have been wise to have substituted something not so all-embracing as the word "matter." There is no logic in providing for a secret ballot to ascertain the desire of men to go on strike or to continue a strike unless some cognisance is to be given to their decision. The Minister would be well advised to accept the amendment.

Mr. BRADY: It is a common practice of some unions to take secret ballots on vital matters, the members being bound by the result. Let us take the case where certain people inform the Registrar that they are not satisfied that a claim should be continued before the court and the Registrar says it is only reasonable to take a ballot of all the members. If the majority decide that the claim should be pressed, that decision should be binding, but apparently the Attorney General thinks the case should continue only if the ballot is favourable to the court. I question whether a negative approach such as this is legal as I believe that the House of Lords, or some other authority, has probably laid it down that one cannot have a ballot of that kind. I hope the Attorney General will not persist in his attitude. I agree it is a pity that the word "matter" was included instead of "strike."

Mr. HUTCHINSON: The full implications of the amendment are apparent only on close scrutiny. I point out to members opposite that, if agreed to, the amendment would be a powerful weapon for use by unscrupulous unions.

Mr. Lawrence: Do you mean the Bill?

Mr. HUTCHINSON: The amendment, and I believe that the passing of the amendment would be tantamount to defiance of the Arbitration Court.

Hon. J. B. Sleeman: Why make them take a ballot?

Mr. HUTCHINSON: The amendment is a weapon that could be used unfairly and that could make decisions of the court farcical. In the case of a strike on a political issue, after the question had become confused by the introduction of red herrings, the union concerned could press the court—through one of a number of channels—to hold a secret ballot, and the union leaders could say to their members, "Here we have an instrument whereby we can win our argument and ensure that any penalties imposed on us will be abolished and our actions validated."

Hon. J. B. Sleeman: It is a reflection on the court to say it would be so easily deceived.

Mr. HUTCHINSON: In that way, the men could be led into thinking, "If we vote strongly against the Arbitration Court, our actions will be validated."

Mr. Lawrence: Do you mean led or misled?

Mr. HUTCHINSON: Do not be objectionable.

Mr. Lawrence: I am not being objectionable.

Mr. HUTCHINSON: The hon. member's interjections are not relevant.

Mr. Lawrence: You are not a Rhodes scholar!

The CHAIRMAN: Order!

Mr. Lawrence: Neither is the Minister for Lands.

Hon. J. B. Sleeman: The Minister is trying to look intelligent.

The CHAIRMAN: Order!

Mr. HUTCHINSON: I believe the passing of this amendment would lessen the prestige of the Arbitration Court and give unscrupulous unions a weapon they could use with impunity. I ask the Committee not to take the amendment at its face value, and I hope it will be defeated.

Mr. McCULLOCH: I support the amendment. There is no doubt that the Bill, as a whole, has been introduced for the purpose of stopping strikes or, if the men have gone on strike, of getting them back to work.

The Minister for Lands: Is not that a good objective?

Hon. J. B. Sleeman: If it goes your way, it is all right. If it goes in favour of the workers, it does not suit.

Mr. McCULLOCH: If a majority of the men decide by secret ballot that they will strike they have to accept the penalties set out in the Bill. Is there anything fair in that? Why does the court order a ballot? There is no need for it if the court is going to impose a fine of £500. That is what we want to avoid.

Mr. GRAHAM: The proposed new section to which the Leader of the Opposition has moved this proviso is a most curious and absurd one. It solemnly lays down that the court may order a ballot to be taken on a question and that the court may have direction or control of the ballot so taken. Yet it is suggested that notice need not necessarily be taken of the result of such a ballot.

Mr. Styants: Heads I win and tails you lose!

Mr. GRAHAM: Why is not the Attorney General honest about this matter? Why does he not say that irrespective of what the majority of the men feel about any proposition, the will of the Arbitration Court shall prevail? It is so much bunkum to suggest that a ballot should be taken. Surely the basis of democracy or of any officially controlled ballot should be that the majority decision shall prevail.

The Attorney General: In the union.

Mr. GRAHAM: Yes.

The Attorney General: But not necessarily in the court.

Mr. GRAHAM: The ballot would be a fair and accurate reflection of the decision of the men concerned. If the majority decides either to embark upon a strike or, if they have already ceased work, to continue such a strike, does the Attorney General imagine that the leaders of that industrial organisation will, or can, do anything else other than act in accordance with the democratically decided opinion of its members.

The Attorney General: I only know that this provision has been in the Federal Act for many years. It was supported by Dr. Evatt and has never been questioned. Apparently you do not agree with either Dr. Evatt or the Federal Labour Party.

Mr. GRAHAM: That is an argument that the Attorney General has trotted out on many occasions, apparently feeling that it is sufficient justification for inserting a provision in a Western Australian Act.

The Attorney General: It is a good argument.

Mr. GRAHAM: By and large, what I might call the more savage provisions of the Federal Industrial Arbitration Act were inserted specifically for the purpose of dealing with an industrial dispute which took place in 1949.

The Attorney General: This was inserted in 1928.

Mr. GRAHAM: There is a totally different relationship between employer and employee in Western Australia and those cordial relations should be maintained. On some occasions it may be necessary to go to excesses in other parts of Australia, but it is certainly not necessary here. I suggest that if the Attorney General really feels this principle worth adhering to—which, of course, he cannot—he should do a somersault and delete altogether the proposed new section now before us.

The Attorney General: The day I can do a somersault, I will take this provision out of the Bill.

Mr. Lawrence: We will help you.

Mr. GRAHAM: Why take a ballot if the only decision which is to be given any recognition is one which the Arbitration Court wants? Why endeavour to give this procedure some semblance of respectability? Why endeavour to make it appear that we are putting a democratic provision into our Industrial Arbitration Act?

The Attorney General: Do not you think that the court is entitled to know the views of a union?

Mr. GRAHAM: Yes.

The Attorney General: Well, that is what this is for.

Mr. GRAHAM: If there happened to be 500 men involved, taking an extreme case, and all of them decided in favour of continuing the strike, what is the position then?

The Attorney General: The court would know the views of the union.

Mr. GRAHAM: And where does it go from there?

The Attorney General: That would be in the discretion of the court.

Mr. GRAHAM: The court would then come to its finding.

Hon. J. B. Sleeman called attention to the state of the Committee.

The Minister for Lands: The hon. member was itching to do that. I saw him send a couple of members out of the Chamber just now.

Mr. Styants: Well, the Premier is losing his support; the oats Bill has settled everything.

Bells rung and a quorum formed.

Mr. GRAHAM: The Attorney General has admitted that this provision is completely meaningless because whatever the Arbitration Court desires, irrespective of the decision of the workers, the court's decision will prevail.

The Premier: This amendment, I presume, would make a strike illegal?

Mr. GRAHAM: Presumably, it would.

The Premier: Yes, so we would have strikes made legal by arbitration.

Mr. GRAHAM: What is the sense of compelling men to vote in a ballot conducted by the Arbitration Court unless some regard is to be had for the decision of that ballot?

The Premier: The court may have some regard for it. It would not order a ballot unless it had some reason for so doing.

Mr. GRAHAM: The court would recognise only the decision of those who took the ballot if it went in the direction desired by it.

The Attorney General: How do you know?

Mr. GRAHAM: It is perfectly obvious, and if the Attorney General has any doubt on the matter at this stage, it would appear that he is likely to support the proviso suggested by the Leader of the Opposition. He cannot have it both ways and it would be wiser to dispense with the provision for conducting a ballot if only the attitude of the court, irrespective of the men's attitude, is to be taken into account. Apparently the only argument that can be put forward by the Attorney General is that there is a provision in the Bill and for that reason it must remain without any qualification. That is absurd.

Point of Order.

Mr. Johnson: Mr. Chairman, I rise to a point of order upon which I would like your ruling. The part of the Bill we are discussing provides for ballots on situations which have nothing to do with strikes. I draw attention to Part IX of the principal Act, headed "Offences," which reads—

> No person shall—
>
> (a) take part in, or do or be concerned in doing any matter or thing in the nature of a lockout or strike.

It would appear that this provision is intended to place the court in the position of having to order a ballot to be taken on a strike which is illegal under the Act. I think, therefore, we are on ground upon which we should not be treading.

The Chairman: I rule that the proposed new Section 36P is in order. In it there is no reference to a strike.

Committee Resumed.

Mr. JOHNSON: I bow to your ruling, Mr. Chairman. Although I could be wrong, it would now appear that under the parent Act it would be illegal for the matter or thing on which a ballot is ordered to be called a strike. That leaves us in the position that if a ballot can be held on questions other than strikes, the court can order ballots in relation to union affairs of a more general nature. In that event the proviso as proposed by the Leader of the Opposition is very sound because penalties imposed on questions other than strikes cover mainly minor breaches of union rules. I think the Attorney General can safely accept the amendment.

However, if the Minister considers, despite the Chairman's ruling, that a ballot can be taken on something which is akin to a strike, I would direct him to the conditions relating to the Queensland port where they have held ballots for many years and where it has been proved that they are not of much value. As far as I can find in my brief research, the ballot provision set out in the legislation of that State has not proved very conclusive, particularly in relation to the troubles they had over the meat industry strike. If we must have the proposed new section, then the amendment is sound. I think the whole new section could be left out.

There is also a reference to the expense of the ballot. It is provided that the court may order a ballot for its own information on any subject it likes and make the union pay for it. That is not cricket. If the court wants a ballot, the court should pay. Similarly if the union wants a ballot, then it is only right for the union to pay. This provision says "when the court thinks", it can make the union pay. Sometimes the court "thinks" of things which the unions do not like, and ballots could be an expense. I know the Government has the numbers but the amendment should be accepted.

Hon. A. R. G. HAWKE: I do not know whether the Attorney General has yet spoken on this amendment.

The Attorney General: I did speak and dealt with the matter raised by you on the last occasion. I do not mind speaking again.

Hon. A. R. G. HAWKE: Unfortunately I had to attend a meeting during the evening at which we discussed action necessary for the Government's defeat. It was unanimously decided that the Government was bringing about its own defeat and that no action on our part would be necessary! I am sorry I was not here to listen to the Attorney General, because I would be very interested to know the real purpose of this particular part of the clause in view of the fact that the Government is opposing my amendment to make conclusive any decision registered in any secret ballot ordered by the court and taken subsequent to that order being issued.

The Attorney General: I said it was quite clear from that section that it would be conclusive without any additional words until a further ballot was taken. I think you will agree with that.

Hon. A. R. G. HAWKE: What about penalties?

The Attorney General: I said I could not agree with you there.

Hon. A. R. G. HAWKE: It is a most peculiar situation when we lay it down that the Arbitration Court shall have the legal power to direct a union to take a secret ballot of its members or any portion of its members on any particular occasion. The Attorney General tells us now that the decision registered in the ballot shall be conclusive and continue to have effect until another ballot is taken —that is, if the Arbitration Court bothers to order another ballot. Evidently what the Attorney General told the Committee is not altogether correct, even if it be partly correct. To what extent would a decision reached in a secret ballot be conclusive? To what extent would the members of the union who had participated in that ballot obtain protection by virtue of having made a certain decision? What value would their action in making a decision have so far as they were concerned?

The Attorney General: None at all.

Hon. A. R. G. HAWKE: Is it not remarkable? The Attorney General tells us that the result of the ballot would be conclusive, but that the result, if conclusive in a direction which might be favourable to the members who voted in the ballot, would have no value of any kind to the members, and would give them no legal protection in regard to the decision made by them.

The Attorney General: I also pointed out that this provision had been adopted and approved by Dr. Evatt. It is a difficult one for you to answer.

Hon. A. R. G. HAWKE: Is it? I hasten to answer it. There is no merit whatsoever in the fact that Dr. Evatt at some stage of his career supported a proposition similar to the one put forward in favour of the new section with which we are now concerned.

The Attorney General: The Federal Labour movement did, too.

Hon. A. R. G. HAWKE: That only proves that, supported by the Labour members in the Commonwealth Parliament, Dr. Evatt upheld this proposition. It does not prove anything else.

The Attorney General: Quite right.

Hon. A. R. G. HAWKE: It does not prove their action was right.

Hon. J. B. Sleeman: The Attorney General seems to have suddenly developed a great love for Dr. Evatt.

The Minister for Education: He is a learned man and it is not likely he would make a stupid enactment.

Hon. A. R. G. HAWKE: The Minister for Education is saying something with which he does not wholly agree.

The Minister for Education: I think I do. I might disagree with the principles of his legislation; but I would not suggest it is stupid legislation.

Mr. Styants: Would you agree it is illogical?

The Minister for Education: No.

Hon. A. R. G. HAWKE: The Minister for Education has told us that Dr. Evatt is a learned man; that he would not put forward anything which could be condemned as illogical, nonsensical or unacceptable. I cannot say that I have heard the Minister condemn things said and done by Dr. Evatt on the ground that they were illogical or nonsensical, but I feel sure he would have made statements of that sort.

The Minister for Education: I may disagree with the principle, but I cannot see his putting an anomaly into the law as you and some of your colleagues are suggesting this proposition would do.

Hon. A. R. G. HAWKE: Unless the result of the secret ballot is to be conclusive and binding, it will be a one-sided arrangement, loaded in one direction.

The Attorney General: It is to find out the views of the union.

Hon. A. R. G. HAWKE: But it would not legally decide the issue on which a decision was recorded.

The Attorney General: It is not intended for that purpose. It is merely intended that the court should know the views of the union. What objection is there to that?

Hon. A. R. G. HAWKE: Of what value would it be?

The Attorney General: I think it would be of great value.

Hon. A. R. G. HAWKE: But of what value?

The Attorney General: Should not the court know accurately the views of the union?

Mr. Lawrence: The court could ask the leaders.

The Attorney General: Often they would not know.

Hon. A. R. G. HAWKE: This is a weird proposition.

The Attorney General: I think it is a very natural one.

Hon. A. R. G. HAWKE: We have not offered objection to the principle of secret ballots.

The Attorney General: What is the objection to a ballot for the purpose of obtaining the views of the union?

Hon. A. R. G. HAWKE: None at all; we have supported that principle; but we say that when a secret ballot is held the decision should be binding.

The Attorney General: Why should the views of the union be binding on the court?

Hon. A. R. G. HAWKE: If the decision of the union members is not to be binding on anybody, what will be the practical value of the secret ballot?

The Attorney General: The court might be in extreme doubt as to whether the arguments put forward by an organiser were correct or not.

Hon. A. R. G. HAWKE: The Minister is being gloriously general. Let him suggest a specific subject that could come within the ambit of this part of the Bill.

The Attorney General: There might be a claim before the court, and the court might consider that the views put forward by the advocate were not the real views of the union.

Hon. A. R. G. HAWKE: The Attorney General is putting up the impossible proposition that a union might go before the court with a log of claims and that the court, after hearing the union's advocate in favour of the claims, might approach the members of the union by way of secret ballot to ascertain whether a majority favoured the claims as presented to the court. Can anybody imagine a member of the court being silly enough to say, "We have some doubts as to whether members of the union favour these claims and so we shall hold a secret ballot?"

I want something more specific, something more sensible from the Attorney General, and unless he can offer something much more convincing than he has done so far, the provisions for secret ballots will be of little or no value. I thought the main if not the only purpose of the secret ballot proposals was to ascertain the views of members in regard to a threatened or actual strike. I believe that most members and 99 per cent. of the general public had the same idea. If that is not the purpose, the secret ballot proposals are of no value. The responsibility is on the Attorney General to justify his opposition to my amendment and also to justify this part of the Bill.

Unless the Attorney General is able to satisfy us in regard to the general principle of these secret ballots and as to what they are to be applied to, I think we shall have to recast our ideas and vote against all this part of the Bill which, up to a few moments ago, we intended unitedly to support. But if this is to stand, it seems to me that our amendment is quite reasonable in the circumstances, because it proposes to lay down that the decision in a ballot shall be binding on all parties concerned.

The Attorney General: Legalised strikes!

Hon. A. R. G. HAWKE: What is going to be the position if a secret ballot is held by a union while a strike is in progress, and 80 per cent. of the unionists, per medium of the ballot, vote in favour of a continuance of the strike? What would the Attorney General do after a result of that kind had been recorded?

The Attorney General: It would be a matter for the court.

Mr. Styants: He starts to put them in gaol then.

Hon. A. R. G. HAWKE: This Bill is far worse than I ever thought it was. I think the Government had better give serious consideration to the question of abandoning it altogether. If this part of the Bill will operate legally, as the Attorney General now tells us, it seems to me that trade unions in this State will not stand for this sort of proposition—this one-way traffic proposal; this proposal under which the unions and unionists can never win. The Government, or the court if the Attorney General prefers it that way, will be playing with a double-headed penny all the time.

Mr. Lawrence: Five bob each way!

Hon. A. R. G. HAWKE: No; the result will be loaded all the time, and it will be all the money the court has straight-out against the workers. They would never be able to win: never be able to run into a place. They are disqualified all the time because, when they make a decision in line with what the court wants, their decision will be acceptable but when they disagree, their decision will be a waste of time for all practical purposes; and the court will still punish them, still inflict fines upon them and imprison them.

What sort of industrial situation does the Attorney General think would arise if the court ordered a union to hold a secret ballot on some proposition; 80 per cent. of the membership voted to continue the prevailing policy of the union in connection with that proposition; and the court, in face of that overwhelming decision, prosecuted the officials of the union and even the rank and file, fined them and then, when they refused to pay the fine, sent them to prison? What sort of industrial situation does the Attorney General and his colleagues think that would bring into being? Obviously, there would be the greatest possible resentment if trade union officials and members had the whip put on them after, in a secret ballot ordered by the court, 80 per cent. of the total membership voted to uphold what previously had been the policy of the union, against which policy the court had hoped to obtain a decision.

It seems to me that this part of the Bill is not only hopeless but extremely dangerous. It is not a proposition likely to encourage industrial peace, as I had thought until a few moments ago, but one which is most likely to bring about the very thing we thought we were legis-

lating against. I trust the Attorney General will give a lot more thought to this part of the Bill.

Hon. J. B. SLEEMAN: Why does not the Attorney General up-end himself and tell us what is the reason for this proposed ballot? I think I know what it is. He is going to say, as the employers say, "These men are not striking of their own free will, These red rag leaders are leading them and if they had a secret ballot they would go back to work." Is that the reason why the Attorney General has included this provision? He will not tell us. He will not tell us anything. I would like to know why he will not explain the reason for this provision, and why he will not agree to the amendment of the Leader of the Opposition.

What is the use of taking a secret ballot if nothing comes of it? If the ballot shows that the men are in favour of going back to work they will go back; if not, what will happen? This provides for one-way traffic. If it suits the Minister and the President of the court, it is all right; if it does not, it is all wrong. If the Attorney General will not answer these questions, will he tell us what he means when he uses the words "provided that the result of the ballot shall be conclusive?" I have looked up the meaning of the word "conclusive." It means putting an end to a debate or an argument; leading to a conclusion or determination; decisive; bringing out or leading to a regular, logical conclusion.

I should say that the logical conclusion, if the matter went to a secret ballot and the men carried the day, would be that that would be the end of everything. It would demonstrate that the men were right. But the Attorney General will not agree to that. Will he tell us the meaning of the word "conclusive" as he has used it, and where we will get to if we agree to what he is proposing? We cannot agree to this proposition unless we know what he thinks about it. I consider the whole thing is rotten.

Mr. GRAHAM: I think the Attorney General owes apologies to quite a number of people since he made the statement that Dr. Evatt was responsible for the fantastic proposal before us.

The Attorney General: I did not say that at all; I said he approved of it.

Mr. GRAHAM: If the Attorney General will allow me to continue, I would point out that this matter was resolved in the House of Representatives on the 5th July last year, and every Labour man voted against it. Dr. Evatt was paired with Mr. Menzies. On the 11th July, every single Labour Senator voted against the provision. Therefore, the Attorney General has grossly misled this Committee in informing us that Dr. Evatt was responsible for this in 1948. That is what he stated, and then, when he was checked, he told us that Dr. Evatt merely approved of it. In fact he did nothing of the sort.

The Attorney General: You look at the 1928 Act. It has been in the Act since then.

Hon. A. R. G. Hawke: Dr. Evatt was not in the Federal Parliament then.

The Attorney General: I know, but he confirmed these provisions in 1947.

Mr. GRAHAM: From my reading of the proceedings in the Commonwealth Parliament, this is a new provision which was argued by Labour members in both Houses. It appears that the Attorney General is talking tripe in the hope that we have not the evidence to show that he is wrong, or the time to check his statements. Therefore we are doubly suspicious of any proposition he submits. He owes the Committee and Dr. Evatt an apology for the false statement he made. He is endeavouring to secure the pacific acceptance of this pernicious provision, and the rejection of the amendment, by making us believe that by so doing we will be following the lead of our colleagues in the Commonwealth Parliament, when the opposite is the truth.

Mr. McCULLOCH: Was the Attorney General serious when he made the statement that this particular section referred to applications for awards or amendments of awards and industrial agreements? Provision is already made for that in Section 64 of the principal Act. In my opinion, the proposal has no connection with disputes, in so far as making application for an award or an agreement is concerned. The whole purpose of the section is to have a ballot to say whether or not there shall be a strike; or if a strike is in operation, to say whether it shall continue or terminate.

If the result of the ballot is that the men return to work, that suits the court, and if it is against a return to work, then the union would be subject to the penalties in the Bill. There is no reference here to the cost of the ballot. We agree that a secret ballot shall take place to determine whether the majority of the men are in favour of a strike. We have heard that strikes are caused by a minority referred to as communists. The section is to give all the men an opportunity to decide whether or not they really think their demands are justified.

Mr. LAWRENCE: I support the proviso. In doing so I impress on the Government that I do not agree with secret ballots under the provisions of this pernicious clause. Very few members of the Country Party are here tonight after their defeat on the oats Bill, yet when this amendment is put to the vote they will, without having heard the debate, support the Government.

The Premier: They know all about it.

Mr. LAWRENCE: I suggest they do not. The Premier, the Attorney General and the other Ministers do not know all about it.

The Minister for Lands: Do not be silly!

Hon. A. R. G. Hawke: The Minister for Lands is much more talkative on this Bill than on the oats Bill.

Mr. LAWRENCE: Did the Premier and the Attorney General require to have a secret ballot taken by the court to get the A.E.U. and the boilermakers back to work? There is no answer, but I know there was none. Is it democratic for the Government to bring down legislation to provide that a union shall be affiliated with the A.L.P.? Is that not a "matter"?

What right has the Government to introduce legislation to deny a union the right to levy on its members to support candidates against the Liberal Party at the forthcoming Assembly elections? That is another "matter". A secret ballot could be taken on a log of claims before the court, but for what purpose no one knows. The Government does not know the constitution and setup of trade unions today, or the pride men take in their unions. They will band together and discuss questions quite sanely. All unionists are not fools, as the member for Cottesloe tried to insinuate tonight.

The Premier: I do not think he did.

Mr. LAWRENCE: They are not frightened to sit out in the open and put up their right hand if they agree to a question, even though their mates on either side are voting against them. That is what happened at the A.E.U. meeting on Saturday and again this afternoon when the waterside workers, together with other workers on the waterfront, discussed the holding of a 24-hour stoppage in protest against this vicious legislation. By a democratic shows of hands the men eventually decided against the stoppage. With regard to the Premier's interjection, the member for Cottesloe said this evening that the unionists were led, and he had strikes in mind. Those who do not understand the inner workings of industrial organisations cannot know what goes on at union meetings, or how the leaders advise their men and inform them of the facts of any situation.

Mr. Griffith: Is not a good trade union leader a man who gets what he can for his men and keeps them at work?

Mr. LAWRENCE: Naturally, but he would not be a good leader if he allowed his men to be robbed by the employer without taking action.

Mr. Griffith: How do you line that up with Mr. Buckley, of the Boilermakers' Union, saying that the court cannot be impartial?

Mr. LAWRENCE: That is his view.

Mr. Griffith: He is an important official of that union.

Mr. LAWRENCE: I agree. I know that before the case is heard the Federal Court will give the wharfies 8s. extra in attendance money.

Mr. Griffith: That is a red herring.

Mr. LAWRENCE: No, it is much to the point on the question of Mr. Buckley's views on the court's impartiality, and the Federal Court will be told by the Commonwealth Government what to do.

Mr. Griffith: Mr. Buckley said the Arbitration Court was prejudiced.

Mr. LAWRENCE: I guess it could be. I maintain that the worker has the right to strike if he is forced to withdraw his labour on account of circumstances that he cannot endure. The Attorney General came to this side of the House to vote against the oats Bill because he knew that the farmer who owns the oats has the right to do what he likes with his product. It is time the Government realised that the worker has the right to do what he likes with his labour, because that is all he has to sell. The word "matter" in line 35 is aimed solely at a strike, elections of officials being covered in another provision. The Government is entirely wrong if it thinks this provision will do anything but strengthen the purpose of trade unionists.

The member for Cottesloe referred to unscrupulous unions, but I know of none such in this State, I do know, however, that that term could be applied to some members of the Employers' Federation and to certain types of Government that have operated in this country. The Attorney General once again tried to cloud the issue by bringing in Dr. Evatt, but that is so much boloney, as the member for East Perth has shown. I believe it was a genuine mistake on the part of the Attorney General and I trust he will withdraw the assertion later. The Leader of the Opposition has pointed out that the feelings of individual members of a union are easily ascertained. The court certainly has power to call before it the union executive.

Does not the Attorney General think the court could judge the merits or demerits of arguments put forward by union advocates? Surely the court would then know the true feelings of members of the union concerned, without engaging in a senseless ballot. If the result of a ballot were in favour of continuing a strike, that would only make the union members more determined. It would necessarily strengthen the morale of the men on strike and lead to a continuance of the stoppage. Have we not, in this State, for many years enjoyed the fruits of industrial peace?

We rarely see an unfortunate incident such as we had in the metal trades strike. The Government did not do very much to

settle that dispute; the members of the A.E.U. settled it by a show of hands in a democratic way. We take votes in a similar manner in this Chamber, and I am afraid that if secret ballots were held, the Government would not be very happy about some of the results. So I appeal to the Attorney General to withdraw the entire clause because I can see only one end to it. It will do nothing towards maintaining industrial peace. If the Attorney General is not prepared to vote against the provision, in fairness to the trade unions, to the employers and the people of the State, he should agree to the amendment that has been moved.

While I do not agree with secret ballots on a matter such as this, because I think it is far too embracing, I ask the Attorney General to give thought to that part of the Bill which states that the court can order a secret ballot of a section of a union. What would be the position with the Waterside Workers' Federation, the A.W.U. and many other unions? We could have one section of a union out on strike while all the other sections were still at work. That cannot possibly lead to industrial peace, because different factions in the unions will be warring against each other. Maybe that is the Attorney General's idea, but I suggest to him that he should vote against the clause.

Hon. E. NULSEN: I feel that this is a George Reid "yes-no" clause. It will be of *no material* benefit to the unionists because, even if they voted in favour of going back to work, they would still be liable to the penalties contained in this Bill. So I hope the amendment moved by the Leader of the Opposition will be accepted by the Attorney General, or it would be better for him to vote against the clause as it stands. For the Attorney General to stand solid on it, without any give or take, is unjust and unfair.

Members of this side of the Chamber have put up some concrete facts and they should be considered by the Attorney General. All that the Minister does is to state that it is a provision taken from the Commonwealth legislaion. That is no argument and this provision will only cause more strife and trouble and more distrust. So I appeal to the Attorney General to use some discretion and thinking power as to the effect this will have on the workers of this State. Workers today are not what they were 30 or 40 years ago. We have some very learned and intelligent workers and they will not let anybody ride rough-shod over them.

The Premier: No one doubts their intelligence.

Hon. E. NULSEN: The court really consists of one man even though it is called a tribunal and in a provision such as this some incentive should be given to the workers. If they vote "Yes" they can be penalised under this section, and if they vote "No," the same thing can happen.

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

Ayes	20
Noes	22
Majority against	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly
	(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Bovell
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Coverley	Mr. Ackland
Mr. W. Hegney	Mr. Yates

Amendment thus negatived.

Hon. J. B. SLEEMAN: I move—

> That progress be reported and leave asked to sit again on the 11th December, 1952.

I think a confidence trick has been put over us with this Bill and it is time the whole thing was finished. If we can delay it until the 11th December, it would be the best thing that could happen to it. I am sure the Government would be glad to put it off until that time. The measure is only trying to squeeze everything out of the worker. It has been said that it was brought down partly for the reason that it would settle the metal trades strike, but there is no strike now and the Bill will only cause more strikes instead of settling them. I think the Government should agree with me and ensure that we will not see this legislation again until the 11th December, which is a Thursday, and if we have time to discuss it then we will finish it off. I hope the Committee will carry the motion.

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

Ayes	20
Noes	22
Majority against	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly
	(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Bovell
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Yates
Mr. Coverley	Mr. Ackland

Motion thus negatived.

Proposed new Section 36Q—Enforcement of orders:

Hon. A. R. G. HAWKE: I move an amendment—

> That in line 5 of Subsection (2) after the word "Penalty" the words "One hundred" be struck out and the word "Fifty" inserted in lieu.

This deals with penalties, and the principle of reducing them by half has been accepted on previous clauses.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

> That in line 6 of Subsection (2) the word "twelve" be struck out and the word "six" inserted in lieu.

Amendment put and passed.

Proposed new Section 36S—Persons having the conduct of ballots:

Mr. BRADY: I will move an amendment to the effect that in lines 1 and 2 of Subsection (2) the words "Notwithstanding anything contained in the rules of the industrial union" be struck out. It seems farcical to have union rules and then to propose a provision such as this.

Mr. GRAHAM: I agree with the purpose of the amendment suggested by the member for Guildford-Midland, but I would suggest that he move only to strike out the first line of Subsection (2), with a view to inserting other words.

Mr. BRADY: I had intended to put those words in elsewhere to make them refer to the whole section, but if the member for East Perth thinks they would be better here, I do not mind. I move an amendment—

> That in line 1 of Subsection (2) the words "notwithstanding anything contained in" be struck out with a view to inserting the words "subject to."

Hon. A. R. G. HAWKE: I would like to ask the member for Guildford-Midland to withdraw his amendment to enable me to move one which I had forgotten to move before.

Amendment, by leave, withdrawn.

Hon. A. R. G. HAWKE: I move an amendment—

> That in line 6 of Subsection (2) the words "or both" be struck out.

Amendment put and passed.

Mr. BRADY: I move an amendment—

> That in line 1 of Subsection (2) the words "notwithstanding anything contained in" be struck out with a view to inserting the words "subject to."

The ATTORNEY GENERAL: I cannot agree to this amendment. This provision is to enable the court to take a secret ballot in such form as it thinks fit. If it were to be limited by union rules, it would be impossible to carry out the intention of the Bill, which is that an untrammelled court should ascertain the views of the union.

Mr. Styants: It rides roughshod over everybody.

Mr. GRAHAM: The further we go, the worse mess we get into.

The Attorney General: We have a long way to go yet.

Mr. GRAHAM: Surely industrial organisations have some dignity and some domestic rights; surely their rules, which have been submitted to the Industrial Registrar and approved by him, mean something; surely, if a ballot is taken, recognition should be given to certain elementary principles! If we allow the proposed new section to pass as it stands now, whoever conducted the ballot could allow persons who are six or 12 months in arrears to have a vote.

The Attorney General: The amendment has not been put on the notice paper as usual.

Mr. GRAHAM: I do not know whether that has been necessary. On different occasions we on this side have protested that all sorts of things can be done under the direction of the court, which would mean riding roughshod over the rules of industrial organisations. If a ballot is to be taken under the direction of the court, we say that such a ballot should be taken in accordance with the rules of the union. It will be by an independent authority and, unless the ballot is conducted in that way, it cannot be said to be a ballot of an industrial organisation.

The Attorney General: It is a ballot of the court to ascertain the views of the union for the purpose of the court.

Mr. GRAHAM: To suggest that a ballot be taken without reference to the rules of the industrial organisation is preposterous.

The Attorney General: I do not think so. The court will conduct it in the way it considers proper, not in the way the union considers proper.

Mr. GRAHAM: The union has no say in it whatever! The ballot should be conducted in conformity with union rules. Has the Attorney General no confidence in the ability of the Registrar to decide what are the proper rules for the conduct of ballots? What is the position?

Hon. J. B. Sleeman: No answer!

Mr. Styants: Silence means consent!

The Minister for Lands: One minute's silence!

Mr. GRAHAM: For some unknown reason, certain words appear in the Bill and, no matter what is said about them, they must remain.

Mr. McCulloch: The Attorney General has not a notion what is in the Bill.

Mr. GRAHAM: I think he has a notion of what it is about, but he is seeking in every way to insult not only the industrial organisations in this matter but also a responsible officer of the court.

Mr. STYANTS: When the measure was last before the Committee, the Attorney General conceded this principle. Evidently he was more amenable to reason then than he is tonight. The amendment should be accepted because the Attorney General previously agreed that, before a union could get its rules registered, they must be approved by the Registrar. Now the Minister proposes to empower the court to ride roughshod over what the Registrar has approved. If it were possible for a union to have a rule that would frustrate the action of the court in taking a ballot, the Minister's opposition might be justified, but that would be impossible because the Registrar would not pass such a rule. The court should abide by the rules as approved by the Registrar.

Amendment put and negatived.

The ATTORNEY GENERAL: I move an amendment—

> That in lines 1 to 3 of subparagraph (i) of paragraph (b) of Subsection (3) the words "an election under this section in the conduct of" be struck out.

This is a printer's error.

Amendment put and passed.

On motions by Hon. A. R. G. Hawke, penalty at the end of Subsection (3) amended by striking out the words "One hundred" and inserting the word "Fifty" in lieu; by striking out the word "Twelve" and inserting the word "Six" in lieu, and by striking out the words "or both."

Mr. BRADY: I move an amendment—

> That Subsection (4) be struck out.

This again is a proposal to conduct a ballot without reference to the rules of the union.

The ATTORNEY GENERAL: I cannot accept the amendment. A ballot by the court on a matter of possibly extreme importance should not be tramelled by union rules.

Mr. STYANTS: This is more obnoxious than the previous proposal. It provides that a ballot conducted under this division is not invalid by reason only of a breach of the rules of the union involved in anything done or omitted or in compliance with a direction under this division. It would give power not only to over-ride the union rules but also to absolve those responsible from any blame for omitting to do anything required in the taking of the ballot. All the irregularities in the world could be committed and the ballot could not be invalidated. There is no justice or logic in the proposal.

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

Ayes	20
Noes	22
Majority against	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly

(Teller.)

Noes.

Mr. Abbott	Mr. Manning
Mr. Brand	Mr. McLarty
Dame F. Cardell-Oliver	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Doney	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Coverley	Mr. Ackland
Mr. W. Hegney	Mr. Yates

Amendment thus negatived.

Progress reported.

House adjourned at 12.23 a.m. (Thursday).