

everything he has said, and he has said a good deal in its favour, is absolutely true.

The Premier: Hear, hear!

Mr. WILLMOTT: This land will return much to the State in the near future by the number of settlers which we shall be able to place upon it and by the dairy produce which will be produced down there. As a result of this development we shall be able to derive interest and sinking fund on the money expended and much profit from the returns from the timber.

The Premier: Do you not think that it is essential for the purpose of developing the South-West we should amend the Land Act to limit the area that can be selected by any one person?

Mr. WILLMOTT: I think that 300 acres as a maximum in that country is sufficient, otherwise a man would become land poor. I have seen men land poor. I have been in the country for a quarter of a century.

The Premier: That is one of the difficulties we have to face in Western Australia.

Mr. WILLMOTT: This land hunger is worse than the drink habit. When a man obtains a few hundred acres he is not content until he obtains more and still more, until in the end his own land breaks him. The rents that he has to pay and the small amount of money that he has to spread over a large area, and the ringbarking which he does as a rule with the result that in a few years the suckers come up and beat him, create such a position that his last state is worse than the first. I would like in conclusion to recommend to the Minister for Lands that he should have a close classification made of the country between Jalbarragup on the Blackwood River and the Indian Ocean, as has been done on the Gardner and Warren Rivers. Then, when the people come along and select country in this portion of the State we can give them a decided answer within a few weeks at most. Too much delay often occurs as the result of

the Minister for Lands not knowing whether the land is timbered or not, or whether it is suitable for selection, but with a close classification a decision can be arrived at almost immediately. I trust that the Minister will give instructions to have this classification made at the earliest possible date. I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

CHAIRMAN OF COMMITTEES, TEMPORARY.

Mr. SPEAKER: I desire to announce to the House that I have appointed the hon. member for Coolgardie (Mr. McDowall), the hon. member for Kimberley (Mr. Male), and the hon. member for Albany (Mr. Price) to act as Temporary Chairmen of Committees.

House adjourned at 10.10 p.m.

Legislative Council,

Thursday 17th December, 1914.

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

QUESTION—RAILWAY WONGAN HILLS-MULLEWA.

Hon. W. PATRICK asked the Colonial Secretary: On what date will the Wongan Hills to Mullewa railway be handed over to the Railway Department?

The COLONIAL SECRETARY replied: It is expected that this railway can be transferred to the Railway Department about the middle of next month.

BILL—LUNACY ACT AMENDMENT.

Read a third time, and transmitted to the Legislative Assembly.

BILL—LOCAL OPTION VOTE CONTINUANCE.*Second Reading.*

Hon. J. E. DODD (Honorary Minister—South) [4.35] in moving the second reading said: In 1911 a poll was taken under the provisions of the Licensing Act to decide whether or not any increases should be granted in the number of the licenses existing in the various licensing districts. That is the only poll which can be taken—a poll on the question whether or not there shall be any increases. The other polls cannot be taken until 1921. Last year a Bill was carried by both Houses putting off the taking of the poll until this year, and the Government have now decided to introduce the present measure postponing the taking of the poll until 1918. The cost of taking the poll will be £8,000, and no possible good can result. The Bill simply provides that the licensing districts constituted in 1911 shall continue in force, and that the local option resolutions carried in 1911 shall also continue to operate until 1918. I move—

That the Bill be now read a second time.

On motion by Hon. J. F. Cullen, debate adjourned.

BILL—GRAIN AND FOODSTUFF.*Second Reading.*

Debate resumed from the previous day.

Hon. W. KINGSMILL (Metropolitan) [4.37]: I have to thank the leader of the House for his courtesy in giving me the right to speak on this Bill after he had secured the adjournment of the debate. In gratitude to the hon. gentleman for his forbearance, I promise not

to occupy the time of the House for very long. There are, however, some points connected with the Bill with which I should like the leader of the House to deal more particularly when he is replying to the queries which have been raised during the second reading debate. I confess that the more I consider this Bill, the more am I terrified by its possibilities. We have learned that those gentlemen who represent the farming community of the State are satisfied with the Bill. I am glad to hear it. But the measure is one, of which the effects, if it becomes law, may pertain not only to the farming community, but extend to every citizen of Western Australia. I do not know whether the Government themselves have realised the ramifications of business which the Bill may affect, and I want from the leader of the House, when he speaks, such an assurance that the Government have made this their special study, as will justify the House in passing the measure. If the Government will bring down these emergency Bills and give both Houses of Parliament but a very short time indeed to consider matters of the utmost importance, then Ministers must be prepared to assume a greater liability than is normally their share in the responsibility which attaches to the administration of the affairs of the State. The primary question raised in the Bill is, of course, a fairly simple one. That primary question is the giving of power to the Government in a time of stress in this State to acquire, compulsorily if necessary, the foodstuffs in the State. This is a fairly good principle, and a principle with which, considering the circumstances, very few members will see any occasion to quarrel. It is the consequences which are involved in the carrying-out of this process which we have to fear. Now, departing from that train of thought for a moment, I wish to say that, under the circumstances of the war, and in view of the fact that practically throughout Australia a poor harvest is probable, or is indeed almost an established fact, it would be better for the Commonwealth Legislature to have introduced legislation

of this description. That course, too, would have been very much simpler. The Commonwealth Parliament, if it wished to do so, could simply have stopped the export of foodstuffs unless specially approved by a Royal Commission appointed for the purpose. We, on entering Federation, gave up the control of import and export to the Commonwealth authorities. It would have been simpler for us, had we still the control of export and import, to say that no foodstuffs shall be exported from Western Australia. That power is gone, however, gone to the Commonwealth; and therefore I say it would have been far better, under the circumstances which obtain all over Australia, and more especially in the two States of South Australia and Western Australia, had the Commonwealth exercised this power and not left the matter to the State authorities. However, that course has not been adopted. It is a course which would have been preferable, too, in this respect. The vital principle underlying the Bill is the dealing with existing contracts. We have been informed by the leader of the House that a Bill specially dealing with that question is to be brought down. I understand no notice has yet been given of such a measure in another place; which means that it will be three or four weeks before the Bill sees the light. Therefore I say most emphatically—though I do not wish to stress this point unduly, because I understand there is urgency about this Bill—that until we know the provisions of the measure which will deal with contracts, our knowledge in relation to the Bill now before us is absolutely incomplete. Next, with regard to the contracts. The cancellation of one contract made between a buyer and a farmer may lead to the disarrangement of 20 other contracts consequent on the first one entered into. I want to know whether the Government have fully considered that point, and what relief they are prepared to afford to those people who are not directly concerned in the first contract, but who are implicated in the contracts consequent thereon.

That question is a most difficult one. I hope the Government have looked into it; and for my part, if this Bill is passed, I most certainly would wish to throw the onus of the responsibility for the consequences of the cancellation of contracts upon the shoulders of the Government, who do not seem prepared to give either House of the Legislature the time necessary for dealing with so important a measure as this.

Hon. Sir E. H. Wittenoom: It would be almost an Imperial question.

Hon. W. KINGSMILL: Absolutely. Take an instance. A farmer contracts to sell a certain quantity of wheat to a wheat buyer. The wheat buyer contracts to deliver a certain quantity of wheat, not to one miller perhaps, but to two or three millers, and possibly to half a dozen millers. These millers have already sold forward flour to half a dozen persons each. Those persons are buying flour from the millers, perhaps to sell, perhaps to fulfil other contracts. As I say, the ramifications of these contracts are practically untraceable. That shows what a very serious step it is to cancel contracts. Nobody can say that the cancellation of contracts is not the vital point of this Bill, because every time the Government compulsorily purchase wheat under the measure—assuming this Bill becomes law—they render the person from whom they purchase it unable to carry out any contract into which he may have entered. That is one question, and a most vital question, which I hope the Colonial Secretary will deal with, and for which he should be prepared to take the responsibility, when he makes his reply speech on the second reading.

Hon. Sir E. H. Wittenoom: But wheat is purchased here one day to be sold in London the next day.

Hon. W. KINGSMILL: Exactly. How can we, as a State, deal with extra-Australian commerce? How can we as a State deal with interstate commerce, inter-Australian commerce? As I have already said, the subject seems to me to require dealing with by a Government of far wider scope than that possessed by a State Government. It seems to me,

as Sir Edward Wittenoom has already pointed out, that the subject demands even a measure of Imperial legislation rather than Commonwealth legislation. That being so, I regret sincerely that the time which has been afforded this House for the consideration of the Bill is so short. The time which is given to this House, I venture to say, is absolutely insufficient for the bulk of hon. members, with the facilities at their command, to grasp even the beginnings of the effects of a measure such as this. And I doubt very much whether the Government have given that thought to it which it should have had. It has been said that the Bill is on the same lines as the South Australian Act. I have heard that before. I remember an instance in this House in relation to workers' homes. The Workers' Homes Bill, before it was amended, was recommended to the House as being on the lines of the South Australian measure. Even the marginal references were given. I do not know why, but I went to the trouble to verify some of those references and one clause which it was proposed to pass through the House I found was a direct contradiction of the corresponding section of the South Australian Act. I do not blame the leader of the House, for he merely brings up the legislation which is prepared for him, and I suppose he did not on that occasion pay particular attention to the marginal notes. Hon. members will be able to verify what I say, if they look up *Hansard*. As one representing the Metropolitan Province, and representing some of the business people who would, I think, be most seriously affected, not by the first, but by the second and ensuing contracts, I venture to say the Colonial Secretary, if he can manage it, would be wise in his own interests, and in the interests of the Government and of the State, to allow the House to refer the Bill to a select committee in order that we may become better acquainted, not with the provisions of the Bill itself, which are simple enough, but with the effect the Bill is likely to have on the commercial community and the State. At times like the present it takes very little to precipitate a financial

crisis, and I hope the Government will not, by acting in a manner insufficiently considered, take any step whatever which may be likely to result in such a calamity. I earnestly entreat the leader of the House, if he can do it, to allow the Bill to go to a select committee in order that we may have some inquiry as to how the provisions of the Bill are likely to affect the community. With these reservations I support the second reading.

Hon. D. G. GAWLER (Metropolitan-Suburban) [4.48]: The Bill more especially concerns commercial men than a man like myself, but even I, without commercial training, am bewildered at its possibilities, more especially on the point as to where it is going to lead us in regard to contracts. I understand the main object of the measure is really to prevent exportation. But I am told also there is not the slightest chance of exporting wheat from this State. Surely, then, it requires some grave reason why the whole of the basis of the commercial community should be upset by legislation like this. Mr. Kingsmill has alluded to the immense ramification of contracts. It has been alleged that where contracts extend from the farmer through millers and people of that sort, there is no objection to interfering with the contracts after they have left the farmer, because those who enter into such contracts are contracting for something which they have not got to sell. Still, to transact business in that way is a well-known phase of commerce, and we should hesitate before undermining commercial usages. After the contract leaves the farmer the subsequent contracts are by men who have not the wheat to sell. As a matter of fact, they are selling on speculation. Still it is done, and the Bill is going to interfere with this. Can the Colonial Secretary tell us what the position would be in the case of a contract made with a person in the Eastern States? I do not know how we are going to interfere with contracts made in the other States. If a contract is made with a person in, say, Victoria, my knowledge of the law leads me to be-

lieve that the contract would be construed according to the law of the country in which it is made. If there be no legislation of this class in force in the Eastern States I cannot see what is to prevent the Victorian who buys from a Western Australian insisting upon his contract being carried out, notwithstanding what the Government can do here. The Government can pass only legislation restricted to their own citizens. Suppose the Victorian purchaser, on a contract made in Victoria, sought to enforce that contract in Victoria. He issues a writ in Victoria, serves it here, and gets judgment in Victoria, and puts that judgment into force. It is a judgment of the Victorian court, and I do not see what jurisdiction we have to prevent its execution. That, surely, is an instance showing the impossibility of interfering with certain contracts. Another aspect suggested to me is the question of imported wheat. The Bill is going to deal with imported wheat, as well as with local. The price of imported wheat will, I understand, differ from the price of local wheat. How are the Commission going to deal with those two prices?

Hon. J. F. Cullen: Imported wheat should be exempt.

Hon. D. G. GAWLER: I was going to suggest that. It may be said that there is not much imported wheat coming in, but I am told that there probably will be. Another point, suggested to me by Mr. Hamersley, was the case of two farmers, one with wheat to sell, and the other having no wheat, yet both entering into contracts to sell wheat. The Commission seizes the wheat belonging to the man who had it, and his own contracts to sell are cancelled; but what about the other man? They cannot seize his wheat, because he has not got it, and so his contracts to sell are left to be subsequently carried out. The question of payment has been mentioned. I see that an amendment has been accepted by the Premier, providing that payment must be made within three months. It has been strongly urged to me by men who ought to know that the owners want cash. It is very reasonable for them to

ask for cash. They are only to get 6 per cent. interest from the Government, but they have to pay, possibly, 7 or 8 per cent. for the money they are out of all the time. This seems a hardship on the owner of the wheat. Of course we must remember that the Bill deals largely with farmers' interests, but we cannot get away from the fact that it affects the consumers and the millers also. That is another reason why, before passing legislation like this we should inquire into its ramifications. It is easy to say, "Leave it in the hands of the Commission; they will see that everything fair is done," but I am positive that the Government have not the least idea where the Bill is going to lead us. I am not going to stand in the way of the second reading passing, but if the proposal is made to refer the Bill to a select committee I must support it. We have already had instances of blank cheques being given to the Government in recent legislation, and I think we ought to be careful about what we are doing now.

Hon. V. HAMERSLEY (East) [4.56]: I would like to make my position clear, especially in view of the remarks made by Mr. Kingsmill. He suggests that the farmers' representatives in this Chamber are going to give the Bill the hall mark of their approval. But there are very great dangers underlying the provisions of the Bill, and I certainly view it with grave alarm. Our farmers are of two classes. There are those in many areas who have lost their crops. They are faced with the position that they are to be purchasers of wheat. There is another class of farmers who have a small proportion of grain over and above their requirements, and they will be sellers of wheat. Those who have wheat to sell want to get the greatest price for it, while those who have no wheat desire to see the price kept down as low as possible. The farmers who have wheat to sell are very much concerned at the action of the Commission appointed under the Bill passed last session, and a number of them have already remarked that they do not want to see this Bill go through until they have a good idea

as to who are to be on the board. They do not want to take any more chances of the worries they have been subjected to. A great deal was truly said yesterday in regard to the attitude of the Commission and the action of one of its members, which was probably engineered by firms concerned in acquiring wheat. There is a very great danger that in the appointment of any new commission the same kind of irritation and worry will be continued. Mr. Marwick's case was mentioned in this Chamber. Not only were the Government satisfied that there was no case for the Commission to take into court against Mr. Marwick, but an apology was made to him for the action that had been already taken against him. Yet, within a fortnight a search warrant was issued against Mr. Marwick.

Hon. J. F. Cullen: Shame.

Hon. V. HAMERSLEY: That warrant was signed "J. Scaddan," and on the warrant the police went through all Mr. Marwick's sheds in search of wheat.

Hon. W. Kingsmill: Martial law.

The PRESIDENT: Order!

Hon. V. HAMERSLEY: That kind of treatment meted out to a man holding the position Mr. Marwick holds creates a panic amongst the farming community, and it will be readily understood how even level-headed men have been scared, and how some of them, in fear of any action being taken against them and their names published, have been forced into the position of selling wheat at the price fixed. Already the farmer who has wheat to sell feels that sufficient harm has been done to him. When he has an opportunity of getting a price for his wheat, the duties have been taken off the product. The duties are taken off the wheat at a time when he has a chance of getting a big price, but he does not complain about that seriously, because he recognises that the times are of a serious nature and that drastic action has to be taken. But he does complain, of course, that the price was not fixed when he had to take 2s. 11d. for his wheat. The people, too, were quite satisfied to take advantage of the position and get his wheat as cheaply as possible

in those days. But he is not too anxious to see a Bill of this nature go through the House giving the Commission an opportunity of fixing prices in the manner which was done by the late Commission. I understand that the late Commission claimed that the price they fixed was the market value at the time. I can assure hon. members of this House that the mere fact of fixing the price that was fixed by the Commission was the means of losing thousands and thousands of bushels of wheat to the State. A number of farmers to my knowledge, having a short crop only promising a few bushels, when they saw the price fixed and knew that they would have no longer any say in regard to the price, simply turned their stock in and fed their crops off. Had the price not been fixed at all, these farmers would have retained their crops and they would not have fed them off, because there was a speculative chance of their getting 6s. or 7s. a bushel. But when they knew the price was absolutely fixed by the Commission they were not inclined to go to the expense of taking off their crop only to receive perhaps 3s. 9d. or 4s. a bushel, because that represents the amount they would have received after the expense of railage and so on, and the price which would have been left to them on the value fixed at Perth. I deplore the action of the Commission in fixing the price when they did. I hardly believe it was necessary, and I do not think that the fixing of any price is necessary to-day. When the measure went through the House we all understood that it was only an emergency measure, and that no action of the kind would be put into operation unless it was discovered that there was likely to be a wholesale cornering of wheat by some large producers for speculative purposes. We understood that, and that is why we passed the measure. We have the assurance of millers to-day, however, and I think of the business firms in the community, that there is only sufficient wheat within the State for our own requirements, and I think that in passing any measure of this kind we will want to have a controlling influence, so

that it is only put into operation in the event of some speculative purchasing in order to corner whatever wheat is within the State. I understand that that was given as the reason for the introduction of the measure, but we have the assurance of millers that they are not exporting, and they have also given the Government an assurance to this effect.

Hon. J. Cornell: They have already exported 1,000 tons.

Hon. V. HAMERSLEY: That was probably under contracts over which we would have no control. These contracts have been entered into. We cannot stop them, but by carefully inquiring into any new contracts we can stop them, and the export can be controlled. There are contracts entered into, and I take it whether we pass this measure or not, that wheat or its equivalent has to be found, and accounted for by those who have entered into the contracts. Mr. Gawler has made that plain. I believe what he says is perfectly correct. I do hope that in passing the measure the question also raised by Mr. Gawler which has been lost sight of in the measure, namely, that there should be exemptions to anyone introducing wheat into the State, will be considered. We know there must be wheat brought into the State, if only for seed purposes. There are every year very large quantities of wheat brought in for seed purposes, and there are supplies of wheat brought into the State to some of our outside ports. It would be ridiculous if a man did import wheat costing 6s. 6d. or 7s. a bushel, if the Commission were then to commandeer it in the manner that some of the wheat has been commandeered. I think it is unfair to leave the importer of wheat in that unhappy position. It should be made definite and clear that imported wheat must not be interfered with by any commission without a right of appeal. This question of appeal is a matter which does not appear in the Bill, the right of appeal in the case of a person being dissatisfied with the price fixed. I do not wish to detain the House. I shall support the second reading of the measure. I do hope, however, that the

Colonial Secretary will not unduly race the measure through the House. If it is possible it would be well for us to have the new measure which the Colonial Secretary has mentioned, with regard to the fixing or arranging of contracts already entered into, beside us before we finally deal with this, because there are some people who undoubtedly will be ruined if they have to carry out contracts entered into. I cannot say I have very much sympathy for them, because these contracts are of a speculative nature every time. Personally, I can say that I have entered into no contracts whatever, so that it is not a question which affects me in any way.

Hon. W. Kingsmill: It is part of the existing system.

Hon. V. HAMERSLEY: It is part of the existing system, which has been very necessary. In fact, the only way that many men were able to put in their crops last season was by the system. It is a system under which many men will have to put in their crops in the coming year. We shall have to watch that very carefully. There will be a number of men who will not be able to put in crops unless they undertake on their part to sell them before they actually come in. There is the case of the contract entered into between the client and the backer before the crops are reaped. I know that in several instances the men backing others to put in corn on the understanding that the corn will be forthcoming, have made sales, giving the agents for those farmers who are selling a fixed price for so much wheat, on the assumption that there would be a crop. Now there is no crop at all. No relief whatever would be given to the selling agent, and whoever he has sold to, say, one of the firms—although the millers themselves have never yet enforced one of the contracts—may be inclined to enforce the carrying out of the contracts made by him.

Hon. D. G. Gawler: These contracts would not be affected by the Bill.

Hon. V. HAMERSLEY: No, because these men would never produce a bushel of wheat. If a man had 500 bushels of wheat, and the Government took that

wheat it would absolve him from the contract. I would put the position plainly in this way: "A," meaning a financial individual, has advanced money to "B" to put in corn. "A" makes a business arrangement in the City for the farmer "B." He is financing him and helping him to put in the crop this last season, but the season has been a failure, and he has no crop at all. But before they knew that, "A" continued advancing through the bank, and sold to a firm so many bushels, anticipating the crop, at a price of 3s. 6d., and took a promissory note at six months, so that, when the bill fell due the wheat would be available to meet the bill. This is an every-day occurrence. "B," the man who has no wheat, "A" who is simply acting as his agent, in all good faith has entered into a contract, and yet the farmer cannot produce the wheat which "A" entered into a contract to meet the bill with. There is nothing whatever to relieve the contract entered into, and the agent can be ruined by having to make up the difference by the loss of the wheat.

Member: If the man has no wheat he cannot produce anything.

Hon. V. HAMERSLEY: The agent is probably a financial man, and has to make up the difference. Exactly the same position would occur with regard to "C." If "C" has 100 bushels of wheat and sells to the Seed Wheat Board or the Commission, he is absolved from his contract, and gets out entirely. This carries out the old saying, "Unto every one that hath shall be given . . . but from him that hath not shall be taken away." This is a very serious position. I hope the Government will face it, and produce a measure with regard to contracts, so that, before we finally deal with this one, we can go into the question.

Hon. J. CORNELL (South) [5.14]: I do not intend to detain the House long. The Bill is essentially one for Committee. I have read the Bill, and I hope I have read it intelligently. It does not appear to me to bear the interpretation some hon. members are placing on it. I think not only the Government but every other member of this House, and the other

House, have come to the conclusion that the outlook so far as grain and flour and other requirements are considered in this State, indicates that there is not sufficient to carry us on to the next harvest. As a consequence, and not having sufficient within the borders of our State, the Government have brought down the Bill to ensure that what we have shall remain in the State if they so desire.

Hon. V. Hamersley: The mills have eight months' supply.

Hon. J. CORNELL: They may have if their mills are kept going. I am speaking of the State as a whole. Is there enough wheat within the borders of the State to feed the population of the State, and distribute seed wheat to the farmers between now and next harvest? That is the question. The records given show that there is not. This Bill proposes now that if the Government so desire or decide that that which is within the State shall remain here, they are to have the power to seize it and fix a price for it. The arguments we have heard in regard to this Bill have been on the side of the men who have bought. It is worthy of this House, and it is in keeping with its traditions, that members should look after that class of individual. That is what hon. members have been returned here to do. There is, however, a broader aspect, and that broader aspect is the whole of the community in the State, and if we did not adopt ways and means to prevent the foodstuffs going out of the State we would be committing a criminal act. The duty of the legislature is to provide for the requirements of all the people first. In this case we must take into consideration the extraordinary circumstances which have brought about the necessity for this extraordinary legislation, and we must remember that somebody is bound to suffer. The Bill has run the gauntlet of another place by a fairly large margin, and members there are satisfied that the community concerned have been safeguarded. I agree that the question of a contract, whether it be fulfilled or not, should be provided for in subsequent legislation, but what I want to know is whether the men who cannot deliver wheat

are not to be taken into consideration. Hon. members here who have had a good deal to do with mining scrip know how many millions of pounds worth has been sold and never delivered. My experience is that when a man makes a contract at the beginning of the season the risk he takes is about one per cent., if it is even that.

Hon. J. Duffell: There is a difference between wheat and wild cats.

Hon. J. CORNELL: There is very little difference in the tactics of those who pull the strings to operate both. I would like to deal with Mr. Cullen's disparaging remarks with reference to the existing Commission, and Mr. Rae, a member of it, particularly. Mr. Cullen was not the only offender who, in the course of the debate on the second reading of this Bill or on the Address-in-reply, put forward an indictment against Mr. Rae. I think the honourable and manly course would have been for Mr. Cullen to have availed himself of No. 58 of our Standing Orders, which provides for the adjournment of the House, when he could have got four members to support him to bring that about, and, judging by the disparaging remarks which we have heard in this Chamber about the Commission, Mr. Cullen would not have had much difficulty in getting those four supporters. The discussion would then have been confined to a specific matter and not as has happened, gone all around it. Such a discussion as we have heard in regard to a responsible Commission in whom we have reposed a trust is not conducive to good. I have nothing further to add except that the Bill is one essentially for Committee.

Hon. A. SANDERSON (Metropolitan-Suburban) [5.22]: I should be unwilling to see this Bill go through without protesting against it, lock, stock, and barrel. It is totally unnecessary, and likely to bring about serious trouble which might not otherwise exist. I do not know that it is necessary to go at any length into the matter because I am well aware that the other House has passed the measure. I merely wish to put on record my protest, and I claim

that I represent a section of the community who are totally opposed to the Bill, and they warn the Government that the Bill is likely to increase the trouble which the Government are seeking to avert, and which we all seek to avert.

Hon. C. F. Baxter: What section of the community is that?

Hon. A. SANDERSON: The section of the community which I represent, the largest section represented in this House, and they are in the Metropolitan-Suburban area. Mr. Kingsmill has touched on the Federal aspect of the question, and I do not wish to see it in better hands. It is quite impossible for this Government to prevent wheat going from here to Victoria.

Hon. Sir E. H. Wittenoom: We must do it.

Hon. A. SANDERSON: There is nothing to prevent wheat going from here to Victoria.

Hon. Sir E. H. Wittenoom: We must prevent it.

Hon. A. SANDERSON: We need not prevent it. Are we to think only of ourselves, and is Western Australia to stand against the Commonwealth and the Empire in the position we find ourselves? I am surprised that the Country party are supporting this measure, some of them it is true with limitations, and some without. I should have thought that the proper and wiser course which would have commended itself to all sections of the community would have been to let the market in Australia take its course. We in Western Australia are dealing with the drought, and the responsibility of dealing with the war is thrown on to the Federal Government and Imperial shoulders. Why not let affairs take their course and let the Government come in as honest men and pay the market price whether it is here, Adelaide, Melbourne or Sydney? I should have thought that that would have been the proper course, and the most honest and the wisest course for the Government to pursue. This attempting to regulate the price of wheat is ridiculous, and is on a par with the attempt to regulate the price of labour. I wish the Government joy over both.

We have a difficult period to go through but we are not here to discuss Federal or Imperial matters, we are here primarily to look after the interests of Western Australia with due regard to our Federal and Imperial responsibilities, and if the Government tell me that this is the proper way to do it I can only say that I regret to hear it. I enter a protest against this proposal, and the suggestion that it should be referred to a Select Committee which was made by an hon. member is a sound one. Mr. Kingsmill and Mr. Gawler and other members would wish to have the evidence of experts as to what effect the Bill would have. They can get all the experts in Perth and I would defy them to tell the committee what the effect would be. It is quite impossible to say. The only way is to stick to the sound cannons of business, and the Government should go into the market and pay the market price. To me this is similar to the regulation of wages, and both have hopelessly broken down, and instead of retracing their steps the Government seem to plunge further into the mire. Fancy handing over to the present Ministry the control of an affair like this.

Hon. J. Cornell: You have not a high opinion of them.

Hon. A. SANDERSON: What does my opinion matter? It is the opinion of the people that matters. I have ventured to address these few remarks to the House with the object of saving time in Committee. I did not wish to see the debate closed without making a protest on the lines I have indicated. When we get into Committee I promise the leader of the House, and I think I can promise the Chairman of Committees that I will not make a second reading speech, but will listen with the closest attention to what is said.

Hon. J. W. KIRWAN (South) [5.29]: I have only a few words to say about this Bill, and it is to impress upon hon. members the extremely difficult position which at the present time faces the Government. The object of the Bill is an endeavour to solve a problem which I think every member of this

House must recognise exists. Anyone who listened to the speech of Mr. Colebatch yesterday could not fail to be impressed with the necessity for preventing, if possible, the exportation of wheat and flour from Western Australia. Every member who has spoken seemed to agree as to the necessity for some measure of that kind, but the trouble is that the Federal Constitution, as Mr. Kingsmill has pointed out, will not permit of this State preventing the exportation of wheat or flour or any other commodity. Mr. Kingsmill said the matter is one that ought to be dealt with by the Commonwealth Government. The Commonwealth Government can certainly prevent the exportation of wheat and flour from Australia.

Hon. J. Cornell: They have already done so.

Hon. J. W. KIRWAN: But I doubt very much if the Commonwealth Government can prevent the exportation of a commodity from one State to another. One of the principal features of the Commonwealth Constitution is that free trade should exist between all the States.

Hon. W. Kingsmill: I do not think they would let us do it.

Hon. J. W. KIRWAN: I do not think they themselves could do it. If the Commonwealth Government introduced a Bill of this sort it would be a contradiction of the Commonwealth Constitution, and would be *ultra vires*. Consequently the position is one of extraordinary difficulty. Every member, including Mr. Sanderson, must agree as to the necessity for preventing the exportation of wheat and flour from the State. Mr. Colebatch gave figures which showed that we were face to face with a shortage.

Hon. A. Sanderson: You agree that it is impossible to stop it.

Hon. J. W. KIRWAN: I agree it is quite impossible to stop it by Act of Parliament.

Hon. A. Sanderson: By this measure.

Hon. J. W. KIRWAN: Although we could not pass a measure to prevent the exportation of wheat and flour from Western Australia, a great deal could be

done by means of administration. Take the case of the immigration laws of the Commonwealth. It is entirely a matter of administration, and not a question of legislation by which the result is arrived at. I would be greatly surprised if there were not some means by which we could achieve the desired result by means of administration. It is quite true that the Interstate Commission might possibly intervene, but it is extremely doubtful that it would, and I suggest to the Government that the ingenuity of members centred upon this Bill would surely be able to devise some means by which we could so administer it that the desired result would be achieved. Interstate free trade has been defeated in the Eastern States by means of preferential railway rates with which even the Interstate Commission cannot interfere. The result aimed at in this instance must be recognised, not only in this State, but throughout the rest of the Commonwealth as a very desirable one, and even if the Government were to somewhat strain their administrative powers I should be greatly surprised if the Commonwealth Government, recognising, as they must that we in Western Australia are an isolated portion of the Commonwealth, insisted upon the full terms being exacted as regards the Constitution. I do not know whether wharfage dues could be imposed to make it not worth while holders of wheat and flour exporting from this State, and I doubt very much in the event of something of that kind being done whether we would hear anything from the Commonwealth. Even if we did, I do not think it could be proved in a court of law that such was the ultimate object. I suggest that by means of administration the Government might be able to overcome this particular difficulty. There is no reason why we should not pass the Bill. The measure is extraordinary, but the circumstances are most extraordinary, and whatever party are in office we must give the Government considerable powers in matters of this kind. Reference has been made to the appointment of a Commission under another Bill. Whether

the statements are correct, or whether there is another side to the question, I do not know; I know nothing about the details of the administration or the work of that Commission. But if we admit the statements to be correct it merely amounts to this, that a mistake was made regarding the personnel of the Commission. That mistake must be borne equally by the Government and the Opposition because I understand the appointments were made after consultation with the leader of the Opposition. I presume that the appointment of members of a board under this measure would be made after consultation between the Government and the leaders of the Liberal and Country parties. I think it ought to be so. My contention is that, supposing a mistake was made in the appointment of the gentlemen under the Control of Trade in War Time Act, or one of them, that is no argument against a Bill of this kind being passed to give the Government discretionary powers. Mistakes must necessarily be made in connection with appointments, and because one man may be incompetent or perhaps even worse, it is no reason why we should not allow the Government, confronted with the position they are to-day, to make appointments of a similar nature in the future. I trust that members in criticising the Bill, will take fully into account the extraordinary conditions of the whole of the position, extraordinary by reason of the legal difficulties and of the circumstances attaching to the present time, and I hope that as the Bill has passed another place, and has been approved there by all three parties, this House will take a similar view and allow the Government the full discretionary powers asked for it under this measure.

Hon. C. F. BAXTER (East) [5.39]: I desire to support the measure. I am astonished at the opposition which it is receiving in this Chamber. I have not the slightest doubt that the Government in bringing forward this Bill have done so in order to benefit the whole of the

community. We must recognise the fact that we will not have enough wheat in the State for foodstuff and seed. If the Government had allowed the opportunity of introducing such a measure to slip, we would have been certain to suffer greatly later on. To my mind we shall have to import wheat even now, and if we do so the import price of ordinary milling wheat will be between 6s. and 6s. 6d., and this will mean that seed wheat will cost from 7s. 3d. to 8s. This would spell disaster to the State because it would lead to a decrease in the acreage which would be cropped. Mr. Sanderson said he represented a section of the community who objected to the Bill. I would like to impress upon that section of the community and upon the hon. member that they will suffer along with the rest if this measure is not put on the statute-book. There are times when individual rights must give way to the rights of the State, and the present is one of those times. We have a complaint on the other side from those who have wheat to sell that they should have the full benefit of the market. If this is to be the case what will be the position of those people—and there are thousands of them in this State—who have to purchase seed wheat to put in crops for the coming year? I do not wish to say anything more. I hope for the good of the farming community first, and for the whole of the State second, that this measure will be passed.

Hon. J. F. ALLEN (West) [5.41]: It was not my intention to speak on this measure, but a considerable number of the supporters of the Bill are under the impression that those who have spoken are opposed to the principle of the Bill. I take it that there are very few members in this House who are opposed to the principle which has prompted the Government to introduce this Bill. We all recognise from the facts placed before us, both in this House and outside, that we shall be faced with a shortage of grain for food and seed purposes between now and the next harvest, and we all recognise that extreme circumstances require extreme measures to prevent diffi-

culties from arising. Therefore, we are quite prepared to assist the Government to deal with those difficulties when they arise in a manner which will be equitable to all sections of the community; but no measure should be placed on the statute-book which is regarded from the point of view of only one section of the community. This is a method of dealing with legislation which is very much in evidence in this State at the present time. Parties in Western Australia have got into a habit of considering measures purely from the point of view of the communities they themselves represent. We should disabuse our minds of the particular interest we represent, especially when dealing with such a measure as this. It has been pointed out to the House that the ramifications of trade affect the community throughout the length and breadth of the land. A measure of this description, if placed on the statute-book as at present drafted, would do to a number of people a great injury which might be avoided by making amendments, and it is the duty of this House to see that such amendments are made in the Bill before it becomes law. I know of one case in which a certain firm have been purchasing wheat in advance from a great number of farmers in the State, and the wheat is intended to supply certain mills to maintain them in operation during the coming year. The effect of this Bill will probably be that the firm purchasing the wheat will be unable to obtain it, and the millers in turn will be unable to obtain the wheat from the firm. This shows the manner in which the Bill may affect a great number of people it was never intended to affect. We are advised that other measures are to follow this one, to deal with the question of existing contracts. Before I would enter into any new arrangement or consent to the creation of any new condition of things, I should remove the shackles I already wear, and before we are asked to give powers of this description to the Government, something should be done to relieve those who have already entered into contracts. It is very difficult to

deal with this matter now. There are a number of amendments which suggest themselves to my mind, and to other hon. members, which will be unnecessary if such a measure as that indicated is to be introduced. But we cannot anticipate that a measure which is not at present in existence will be placed before us. We must deal with this Bill as it stands. Therefore it will be our duty nevertheless to possibly mutilate this measure to make it as just as possible to all sections of the community. I think the suggestion of Mr. Kingsmill that this matter should have been considered by a Commission a wise one. As we have no official knowledge that any further measures are to be brought before us it is our duty to move amendments so that any injustice to certain sections of the community which we see will be removed.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [6.1]: Before I reply to the speeches on the second reading I wish to say that in the remarks which I made in closing the debate on the Address-in-reply I stated that Sir Edward Wittenoom had accused the Government of harassing the mining industry. On investigation I find that the hon. member made no such statement. The statement was probably made by some other member, consequently I withdraw all the criticism to which I subjected Sir Edward Wittenoom, and I desire to express my regret for having said what I did. The speech by Mr. Colebatch on the second reading of this Bill strengthened the case for the measure, in my opinion. He disagrees with the view of the majority of the Royal Commission, which came to the conclusion that with care there was enough wheat in the State to supply all our necessities. Mr. Colebatch favours the view of Mr. Sutton. The hon. gentleman quoted figures which go to show that there will be a deficiency of three-quarters of a million bushels of wheat. If those figures are correct, and I have no reason to doubt their accuracy, then the urgency of this Bill is beyond all question. Mr. Colebatch stated that the commissioners have allowed people to charge what they think

fit for seed wheat, merely enforcing the price of 4s. 6d. on what was sold for milling purposes. That is a misleading statement. The price was fixed for all old wheat at 4s. 6d. irrespective of whether the old wheat should be used for seed or for milling. A higher price than 4s. 6d. has been paid for old wheat, but that was beyond the power of the Commission. If I liked to pay 7s. a bushel for wheat when the price was fixed at 4s. 6d. I am not liable to prosecution, nor is the person who sold me the wheat. It is a matter that rests between ourselves, but I would be foolish indeed to buy wheat at 7s. 6d. when I could invoke the aid of the Commission and obtain it for 4s. 6d. That state of affairs existed in the past. People were prepared to pay much higher for wheat than was necessary. Mr. Colebatch also said that the Commission were driving wheat into mills at 4s. 6d. That is exactly the price fixed and the reason the Commission took action was because some of the mills would be forced to close down if they could not obtain supplies. They were unable to do so, consequently they approached the Commission, and the Commission took such action as they were empowered to take under the law passed by this House. They did not exceed their legislative authority. There were cases pointed out to them in which certain persons had large stocks of wheat and which they refused to sell, contrary to the law, and the Commission were obliged to take action, but in no case that I am aware of did they exceed their duty.

Hon. J. F. Cullen: Mr. Marwick.

The COLONIAL SECRETARY: Mr. Marwick had a large quantity of wheat, apparently far in excess of his requirements.

Hon. J. F. Cullen: Absolutely no.

The PRESIDENT: Order!

The COLONIAL SECRETARY: And there was every indication that the commissioners were then in that particular instance justified in moving. Mr. Cullen indulged in a whole tirade of abuse—I can call it nothing else—of one of the members of the Commission. He repeatedly referred to him in contemptuous

tones as "that man Rae." Mr. Rae for the present is a public servant, and, therefore unable to defend himself. Therefore it was not fair for Mr. Cullen to take advantage of his position in the House to castigate Mr. Rae. It was also unjust, because the information submitted to the House by Mr. Cullen was untrue. Mr. Rae, previous to his appointment to the Commission, was unknown to the Government, was unknown to every member of the Ministry. He was nominated by the leader of the Opposition and duly appointed, and in fact the whole of the Commission was appointed with the approval of the leader of the Opposition, who was present when the appointments took place. Mr. Rae is a gentleman of very high standing in the community. For some years he was the manager of the firm of Foy & Gibson, and I think that is sufficient guarantee that he is a gentleman of character, ability, and sound judgment, otherwise he would never have achieved the position in the mercantile community that he did. We did not know Mr. Rae when he was appointed, but we know him now, and I can assure members the Government have the completest confidence in the gentlemen. He is conscientious and strong-minded and possessed of only one desire, to perform the duties of his office in the interest of the State.

Hon. J. F. Cullen: What part of the information was untrue?

The COLONIAL SECRETARY: Mr. Cullen said the other members of the Commission were not aware of what Mr. Rae was doing. I have already in the House replied to a similar assertion. The Commission were aware of what he was doing, and what he did had their full approval.

Hon. H. P. Colebatch: If you make that statement, then you are incorrectly informed.

The COLONIAL SECRETARY: I have been informed by two members of the Commission that they were fully aware of what Mr. Rae did. Mr. Cullen said he was informed that Mr. Rae went to the little farmers and told them that if they did not sell at the price fixed they would go to gaol. I am astonished that

the hon. gentleman should give currency to such a statement. It is absolutely denied by Mr. Rae.

Hon. J. F. Cullen: It is perfectly true.

The COLONIAL SECRETARY: The little farmers were Mr. Barratt Leonard, Mr. Whitfield, Mr. Burges, Mr. Rischbieth, and Mr. Marwick. These are the five little farmers that Mr. Rae approached as a member of the Royal Commission, and if those gentlemen are little farmers I should like to know where the big farmers are. As a matter of fact, Mr. Rae purposely avoided the little farmers. It was his intention to direct his movements towards the large farmers, wealthy men who were in a position to defend themselves if they were unjustly attacked, and not to use anyone in the community who was not in a position to defend those interests if they were unduly encroached upon. There was no threat at all on the part of Mr. Rae, so Mr. Rae states, and I accept his word as truthful. What form of threat Mr. Rae used will be disclosed in this draft report. To every gentleman that Mr. Rae approached, and there were only five, Mr. Rae handed them a copy of the report and directed attention to the following declaration of policy on the part of the Commission, and the policy of the Commission was—

- (1.) To refrain as far as possible from interfering with the ordinary channels of trade by maintaining the usual conditions and trade terms as in existence prior to the war.
- (2.) To take as a basis the prices prevailing prior to the 1st August.
- (3.) Whenever it is shown to the satisfaction of the Commission that there is a genuine increase in the landed cost of any goods, to permit a corresponding increase with proportion of profit added.
- (4.) To enlist the co-operation of the wholesale and retail traders in the carrying out of the provisions of the Act.
- (5.) To refrain, as far as possible, from fixing the maximum price that may be charged for the "Necessaries of Life."
- (6.) To endeavour to minimise the unemployment difficulty.

Hon. J. F. Cullen: Whose instructions are those?

The COLONIAL SECRETARY: The Royal Commission's.

Hon. J. F. Cullen: Who gave those instructions; who drew them up?

Hon. Sir E. H. Wittenoom: The Commission, I suppose.

The COLONIAL SECRETARY: These instructions were drawn up by the Commission themselves, and they are signed by Mr. Simpson, chairman, Mr. Rae, and Mr. Sutton. That policy was decided on after the Commission was appointed, and every farmer who was approached on matters appertaining to the Commission has been served with a copy of this declaration of policy. Mr. Rae, so he tells me, and I believe him, did no more than hand the farmers a copy of the declaration of policy.

Hon. J. F. Cullen: The Colonial Secretary is very innocent if he believes all that.

The COLONIAL SECRETARY: There has been a reference also to the case of Mr. Whitfield. For old wheat the price was fixed at 4s. 6d., and Mr. Whitfield had considerably more than he needed for his requirements.

Hon. H. P. Colebatch: He had the written authority of Mr. Sutton to sell to neighbouring farmers.

The COLONIAL SECRETARY: He had considerably more than he needed for his own use.

Hon. J. F. Cullen: Did not Mr. Rae make him break his contract with his neighbours?

The PRESIDENT: Order! The Minister should be heard in silence.

The COLONIAL SECRETARY: All Mr. Rae did was to insist on a sale at 4s. 6d. a bushel, and Mr. Rae was entitled to do that.

Hon. J. F. Cullen: Mr. Rae was—

The PRESIDENT: I must impress on hon. members that the Minister has the right of free speech without interruption. Some hard things were said yesterday during the debate and I did not interfere. I cannot allow interruption. The Colonial Secretary is making his reply, and he should be allowed to speak

without interruption. If questions are to be asked, there is a proper time for that, but this is not the proper time.

The COLONIAL SECRETARY: The position is this. The price of old wheat was fixed at 4s. 6d. Mr. Whitfield had a considerable quantity above his seed requirements and millers were about to close down their mills. They wanted some of this wheat and Mr. Whitfield refused to sell it, consequently the millers approached the Royal Commission, and the Royal Commission took action. Mr. Cullen stated that 4s. 6d. a bushel this year does not correspond with 3s. in a normal year, and he referred to the average yield. That has nothing to do with the case. We are only dealing with old wheat, because the Commission only fixed the price of old wheat, and the fixing of the price will do no injustice to the man who has a good or a bad crop this season. The fixing of the price at 4s. 6d. enabled any holder of old wheat to make a profit of from 1s. to 1s. 2d. a bushel. That is a fair profit in the circumstances. If there had been no war and no drought the farmer would not have been in a position to make a profit of that character. Mr. Cullen has not spoken in the interests of the small farmers, as he pretends. They have no large stocks of wheat in Western Australia. The great bulk of the farmers in the State have no wheat at all. They are not sellers of wheat, but buyers, and those who advocate a high price are not the friends of the farmers but enemies. The stocks of wheat are held by the wealthy farmers and grain merchants. The ordinary small farmers have little or no wheat, and if they have wheat during the present season and have good crops the great majority have contracted to sell, and will derive no benefit at all from an inflation of price. They must hand the wheat to the wheat agent, so no matter what comes or goes the farmer will derive little benefit from the crop during the present season. It is all to the benefit of the farmer to see nothing more than a reasonable price fixed for wheat.

Hon. W. Kingsmill: Would you pass an Act against a farmer selling?

The COLONIAL SECRETARY: The Country party, I claim, can speak for the small farmer, and they have spoken. They have considered this Bill, and they have approved of it. One member put the case in a nutshell, saying, "A small number of farmers will have a little wheat to sell, and a large number of farmers will have a lot to buy." Those are words of wisdom. In my opinion, those words plumb the depths of philosophy in this connection. That one sentence should ring in the ears of every hon. member who is in sympathy with the farmers of Western Australia—"A small number of farmers will have a little to sell, and a large number of farmers will have a lot to buy."

Hon. Sir E. H. Wittenoom: But you would not limit the price of those who had a little to sell, would you?

The COLONIAL SECRETARY: The Government intend to help the farmer. The Government may have to buy a large quantity of wheat, if this measure comes into operation. If the Government buy wheat, it will not be for their own use, but for re-sale to the farmers. And the more reasonable the figure at which the Government can buy, the better it will be for the agricultural community. If the price of wheat goes up to an unnatural figure, it is the great majority of the farmers who will suffer. The Government will have to accommodate the distressed farmer, will have to supply him with seed wheat, and they will have to charge him for that seed wheat at the price which they themselves have to pay. In addition to that, the cost of fodder will be high, and consequently the expense of putting in next year's harvest will be much higher than under ordinary conditions. If the price of wheat rose very high, then, although a few persons in the community might benefit, it would be totally against the interests of the farmers generally. The position might arise that the farmer, although having a good crop next harvest, would still remain in an impoverished condition by reason of the fact that the price he had to pay for seed wheat and cultivation was far beyond what it would be under

ordinary circumstances. Sir Edward Wittenoom stated that 4s. 6d. a bushel for wheat is an absurd price, but the hon. gentleman did not show how or explain why. What is the object of the Control of Trade in War Time Act? To regulate prices.

Hon. J. F. Cullen: No; to stop cornering.

The COLONIAL SECRETARY: To stop cornering.

Hon. W. Kingsmill: No.

The COLONIAL SECRETARY: When that measure was introduced, prices here in Perth were going up rapidly; and the Government and the members of this Chamber realised the necessity for the passing of a measure to restrain the people who were putting up the prices of goods to an undue extent. The measure was also passed in order to regulate the price of wheat. I contend that the Royal Commission exercised the greatest wisdom and showed the greatest liberality in their dealings in this connection, and in coming to the conclusion that the price of wheat should be fixed at 4s. 6d. a bushel. Mr. Lynn stated that the price should be fixed at London market rates. Under ordinary conditions that would be sound policy, but the conditions are extraordinary and abnormal. The Empire is at war. We cannot say what the price of wheat will be in London during the next two months. Suppose the German war ships came out and threatened the trade routes, as they may do? If such a position arose the price of wheat in London would go up enormously.

Hon. W. Kingsmill: That is so.

The COLONIAL SECRETARY: If this Bill contained a provision to the effect that we should regulate the price of wheat in accordance with the London price, then the Government might be called upon to pay anything from 7s. to 10s. a bushel for seed wheat. So that, while under ordinary conditions it would be safe to adopt the parity of London prices, that course certainly would not be wise under present circumstances.

Hon. R. J. Lynn: Will you exempt the importer?

The COLONIAL SECRETARY: Mr. Colebatch stated that in the case of contracts with parties in the Eastern States our legislation would afford no protection. Before this Bill was introduced, the Crown Law Department were consulted, and the Government are satisfied with the advice given by the Crown Solicitor. However, in order to strengthen the Government's position the Attorney General communicated with the South Australian Attorney General and secured his opinion also on the point. The following telegram was sent by our Attorney General to the Attorney General of South Australia:—

Re Section 19, Grain and Fodder Act. What are your views as to its effect on claim by ultimate purchaser in some other State against an intermediate purchaser in your State? Would intermediate purchaser have any indemnity? Kindly reply urgent.

The Attorney General of South Australia replied as follows:—

Assuming contract governed by South Australian laws my opinion Section 19 discharges intermediate purchasers' obligation to deliver. Would it not also be discharged by Common Law as performance becomes impossible by law?

Mr. Sayer writes as follows in regard to Clause 19:—

This clause discharges the obligation of the person having the custody of the grain when acquired by the Board to deliver to third parties, but any other person (or persons—for the singular includes the plural) who may have acquired interests in the grain may claim the price or part of it, and if there is any dispute as to who is entitled the money is paid into Court under Section 16. Intermediate dealers would plead the Act in answer to any claim for damages for non-performance of their contracts. I annex copies of telegrams which have passed between the Attorney General of this State and of South Australia on the subject. Any provision in the Act for compensation to intermediate dealers beyond the price payable by the Board might give rise to innumerable claims,

the bona fides of which it would be very difficult to determine.

Supporting the Attorney General of South Australia, our Solicitor General states that intermediate dealers can plead the Act in answer to any claim for damages for non-performance of contract. That is, producers in Western Australia who have made contracts outside the State can plead that by the law of Western Australia they are debarred from fulfilling their contracts, prevented from fulfilling them in consequence of the state of the law here.

Hon. J. F. Cullen: But what about the brokers?

The COLONIAL SECRETARY: Mr. Sayer deals with that in his opening remarks. The measure covers all parties having an obligation to deliver. Mr. Sayer contends that Clause 19 covers all the parties.

Hon. D. G. Gawler: No matter where the contract was made?

The COLONIAL SECRETARY: No matter where the contract was made. If it was made in Western Australia, the clause relieves every person from the obligation to deliver.

Hon. W. Kingsmill: To the third and fourth purchaser?

The COLONIAL SECRETARY: Even unto the tenth generation. Now, with regard to the right of appeal, there is no necessity to insert in our Act a provision of that character; because we have already on our statute book a measure giving the right of appeal in connection with all cases tried in a Court of Summary Jurisdiction. In no Bill that we pass now do we insert any provision for appeal, because the right of appeal is there so long as there is a liability of a penalty being inflicted as a result of summary proceedings. South Australia has no such legislation, and therefore the South Australian Parliament inserted a provision in the direction of ensuring an appeal if necessary. In Western Australia such a provision is not needed, and if it were inserted the effect would be merely to raise doubts in connection with scores of other Acts of Parliament—doubts as to whether in the absence of any refer-

ence to a right of appeal there could be an appeal. The Solicitor General says that it would be very unwise indeed to make an amendment of that nature in this particular Bill. I have also consulted the Solicitor General in regard to several suggestions made in this House yesterday; and when the Bill is in Committee, I shall be able to explain the various positions to hon. members. In no case is amendment necessary, but if hon. members wish to make the position clearer I may be able to give them a little assistance. I have one amendment suggested by Mr. Sayer which is considered desirable, although he himself does not think it necessary. Next as to the suggestion for the appointment of a select committee. There is no time at all for a reference of this Bill to a select committee. I got into communication with the Premier on that point to-day. The Premier is very closely in touch with the matter as the result of administering the Control of Trade in War Time Act, and he assures me that this Bill should be passed as speedily as possible, in the interests of the State. I am not in a position to give hon. members any information, because all information in connection with the Control of Trade in War Time Act is strictly confidential. I can, however, assure hon. members that there is very good ground indeed for the passing of this Bill into law without any avoidable delay. Of course, if hon. members jeer at me and do not accept my word—very well; let them delay the Bill, but let them not throw on the Government the responsibility for the consequences of the delay. The Bill has passed another place. There are three parties elsewhere and the three parties have approved of the measure almost unanimously. Some amendments have been effected, but the Bill as it now stands meets with the approval of a very large majority of another place, and meets with the approval of the three parties in another Chamber. A similar measure has also been passed by the South Australian Legislature. This afternoon I received a copy of the South Australian Act. Though I have not had time to go right through it, I have compared

a few of its sections with the clauses of this Bill, and they appear to be identical. However, if at the Committee stage any hon. member desires information as to whether a clause in this Bill is, or is not, in exact conformity with the corresponding section of the South Australian Act, I shall be able to supply the information.

Sitting suspended from 6.15 to 7.30 p.m.

THE COLONIAL SECRETARY: Mr. Kingsmill asked whether the Government had made the Bill their special study. They have, and particularly in the direction indicated by the hon. member, namely as to how we could get over the contract difficulty. That was considered at an early stage. The Crown Law Department was consulted and its advice accepted, and the Attorney General of South Australia was also referred to. All are of opinion that the plea of unable to supply by reason of the fact that there is a law in the State which prevents parties supplying, would be successful in any court of justice in the Commonwealth. I am not in a position to decide whether this law is sound or not. I am simply placing the case before the House as presented to me; that is the opinion of our Solicitor General and of the Attorney General of South Australia. The hon. member said it would be wise to allow the Bill to go to a select committee. There would be no objection whatever to that, except for the urgency of the measure. If it was referred to a select committee, it would be a month before that committee could report.

Hon. J. F. Cullen: No; four days would suffice.

THE COLONIAL SECRETARY: I say, yes. Of course a committee could report within a week if they simply summoned witnesses concentrated in Perth and Fremantle; but there are other interests concerned, and it would take at least a month before the select committee could report. Mr. Gawler said there was not the slightest chance of exporting wheat from Western Australia. The hon. member is not in possession of the facts. His statement is contrary to facts. There

is more than a chance, more than a grave danger. There is the absolute certainty that within a very short time, unless the Government are given an opportunity of securing the wheat, that wheat will be leaving our shores. The provision for three months' time given to the Government in which to pay for wheat was inserted by the Premier at the request of the Perth Chamber of Commerce. Mr. Hamersley complains because a search warrant was issued against Mr. Marwick. It was not exactly a search warrant, but an authority to search under Section 8 of the Control of Trade in War Time Act, which gives power to enter and search premises. The Royal Commissioners were of opinion that there were necessities of life on Mr. Marwick's premises and that they were being kept contrary to the provisions of the Act. Therefore they secured the approval of the Treasurer, and authority was given by him to search. No indignity was offered to Mr. Marwick. The same thing may happen to many more if it is found necessary to put this measure into operation. It does not follow that because he is Mr. Marwick he should be altogether removed from the operations of the measure, if in the opinion of the Treasurer he has committed a breach of the law. It may turn out afterwards that he was committing no breach of the law.

Hon. J. F. Cullen: What was the result of the search?

The COLONIAL SECRETARY: It does not matter. Many men are prosecuted, and it is afterwards proved that they were innocent, in consequence of which no one attempts to throw discredit on the person so prosecuted. Mr. Hamersley stated that when the price of wheat was fixed, the farmers turned their stock into the crops. Every endeavour is made by some hon. members to lead the public to believe that the price of this season's wheat was fixed. A statement of that character getting abroad would lead one to conclude that such was the fact. The impression set up by such a statement is, of course, that the farmers turned their stock into the new season's wheat because

the price had been fixed for that wheat; but, as a matter of fact, the price was never fixed by the Commission at all for new season's wheat, and consequently a statement of that character has no force whatever. Then, Mr. Hamersley deplored the action of the Commission in fixing the price. For what purpose was the Commission appointed but to fix the price? That was why the Act was passed, and in fixing the price for wheat or any other commodity they were simply acting in compliance with the authority given them by both Houses of Parliament. Again, Mr. Hamersley said that the millers had given the Government an assurance that they would not export. The Flour Millers' Association gave the Government that assurance, and I believe they have respected their pledge. But the association do not control the whole trade, there being some millers who are prepared to send wheat from Western Australia to other States. In regard to the charges made against a public servant, I hope we will never hear a repetition of such in this Chamber. It seems to me the proper course to take is, not to attack a public servant on a second reading, and more especially a gentleman given a commission by His Excellency the Governor, but, if there are sufficient grounds, to table a specific motion, and be prepared to state facts and not simply deal in tittle tattle, as Mr. Cullen did last night. This Commission was appointed over four months ago. In the course of that time it has given incessant application to its duties, has interviewed scores of business men, and hundreds of producers, and there has been no friction except in, I believe, two instances. When we come to consider that the Control of Trade in War Time Act is one of the most drastic measures ever passed by this Legislature, and that those gentlemen had to administer that Act, and when only two instances are quoted in which it is said they have acted without discretion, I think we must come to the conclusion that they have done very well indeed. I shall not say any more. If there are any objections raised when the Bill is in Committee, I hope to be able to furnish the necessary explanations.

Personal Explanation.

Hon. J. F. Cullen (South-East) [7.40]: I desire to make a personal explanation. The Colonial Secretary said that some of my statements in regard to Mr. Rae were untrue. I passed over the discourtesy, and the unparliamentary nature of the remarks, because he said he was going to prove his statement.

The Colonial Secretary: I said the information was untrue.

Hon. J. F. Cullen: Instead of doing so, he indulged in some abusive remarks, denouncing those statements as a repetition of tittle tattle. Neither the Colonial Secretary nor I usually indulge in such remarks as I have complained of, and I think the Colonial Secretary did both himself and me an injustice. The only attempt he made to show that my remarks about Mr. Rae were untrue was to say that I had accused Mr. Rae of terrifying small farmers, and that, as a matter of fact, five farmers visited by Mr. Rae, accompanied by a buyer, were large farmers. The Minister mixed up two of my statements. The point I was making was that the Commission were not intended to deal with isolated farmers at all, that they were only intended to prevent cornering of trade, and that he (Mr. Rae) had visited a number of people. But over and above that specific number the effect of his attitude was to terrify many other farmers into rushing their wheat to the millers at a price less than they could have obtained otherwise. The Minister confused the two points in my statement; and then he went on to ask was Marwick a small farmer, and to declare that, as a matter of fact, he was possessed of large quantities of grain. This is the statement of Mr. Rae on which Mr. Marwick was summoned, in the teeth of Mr. Marwick's own statement that he had only 550 bags and would want much more for his own use. When the facts came to the Attorney General he withdrew the summons against Mr. Marwick publicly in court, which was a public apology for the wrongful act based on a misreport by Mr. Rae. Mr. Rae, not content with that, vindictively caused to be executed a search warrant to prove

that he was right and Mr. Marwick wrong, and the result of that search was that they discovered 500 bags, still less than the figure used by Mr. Marwick. I resent the Colonial Secretary's charge that my statements were untrue and I repeat that, not only are they true to the hilt, but they are a very moderate statement of the case which I have secured from the most reliable witnesses in this country. I have stated the case very moderately and might have made it much stronger.

Debate resumed.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [7.46]: I do not wish the impression to get abroad that I have accused the hon. gentleman of making untrue statements. I said he had supplied untrue information to the House.

Hon. J. F. Cullen: Which I did not do.

The COLONIAL SECRETARY: He was supplied with the information at all events. At the same time I think the information was incorrect.

Hon. J. F. Cullen: It is absolutely correct.

The COLONIAL SECRETARY: I would like to assure the House that I am not casting any reflection at all upon the hon. gentleman himself.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Constitution and appointment of board:

Hon. J. F. CULLEN: I would like to ask the Colonial Secretary whether it is intended to appoint on this board any members of the Commission appointed under the Foodstuffs Act. I am sure that the whole committee and the country at large would be very pleased indeed if Mr. Sutton was given a place on the board. I am sure, however, that the whole country will be dissatisfied if certain other members of the Commission are placed upon it.

The COLONIAL SECRETARY: There has been only one discussion on the matter to my knowledge. From the nature of that discussion I came to the conclusion that it is the intention of the Government not to appoint any member of the present Commission on the board, but to have a separate board.

Clause put and passed.

Clause 4—The board to be a body corporate—its general powers:

Hon. J. F. CULLEN: In Subclause (b) of this clause the board is to be authorised to hold real and personal property. This board is only to last until September and perhaps only a few months altogether. Where is the need to give such power to the board? Is it contemplated that they are going in for establishing buildings and premises and acquiring real property.

The COLONIAL SECRETARY: It is simply copied from the South Australian Act. If the hon. gentleman thinks it is necessary to move to strike it out he can do so, but I do not think it will ever be necessary to put that clause into operation here. It would however be advisable not to remove it.

Hon. J. F. ALLEN: I will move an amendment on the lines suggested by Mr. Cullen—

That in paragraph (b) of Subclause 1 the words "property real and personal" be struck out, and "grain and foodstuffs" inserted in lieu.

The COLONIAL SECRETARY. I hope this amendment will not be carried. The hon. member who moved it cannot be aware of its legal effect. It will be necessary for the board to own or hold or dispose of real property. They will require, for instance, to hold grain sheds. We must be very careful what amendment we make in this matter. The board is a body corporate which in itself gives great power of ownership, but these powers should be extensive so as to cover everything possible.

Hon. J. F. CULLEN: There is a case in history when the Egyptians for seven years went in for this sort of work. I recognise that probably the

Ministers are going back to Egypt. It is not a vital point. I suggest that Mr. Allen should let the amendment go.

Hon. J. F. ALLEN: Subclause (c) perhaps gives all the power that is necessary. I do not see, however, what reason there was to give power to acquire freehold properties.

Hon. J. CORNELL: I hope the Committee will agree to the clause as printed. The words are put there because it is thought that they are necessary and in case the board have to acquire property, real or personal. If it has not to acquire it, it will never be given effect to.

Hon. D. G. GAWLER: I urge upon the hon. member to withdraw the proposed amendment. It would not be much of a body corporate which could not hold real or personal property. It is necessary to give such power or it could not hold property. In the case of the board requiring to hold a grain shed it might also require to hold the land upon which it was built.

Hon. J. F. ALLEN: I desire to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 5 to 10—agreed to.

Clause 11—The board empowered to acquire grain and fodder:

Hon. D. G. GAWLER: This is the only opportunity we shall have of raising the question of contracts which which might be affected by the acquisition of wheat by the board. I propose therefore to again raise it. On the second reading of the Bill I raised the question of the possible cancellation of contracts which had been entered into with persons, for instance, in the Eastern States. I have had an opportunity since of further going into the matter and I would like to illustrate again what I said by a quotation from Halsbury on the Laws of England. This is one only of the contingencies which would be likely to arise in connection with contracts. Where contracts are entered into between two persons they are only abrogated or rendered unnecessary for performance under certain circumstances.

Hon. J. F. CULLEN: I rise to a point of order. Would it not be better for the discussion to come on under Clause 19? This clause does not specially deal with this matter; it does not raise the question of interfering with contracts at all,

Hon. D. G. GAWLER: I must admit that I did not notice the effect of Clause 19. It would be better to wait until we get to that clause.

Hon. V. HAMERSLEY: Would not this be the right place to insert an exemption for grain imported into the State, that would apply not only to wheat, but also to other grain, which might be imported? If this is the right place to deal with it, I think that some exemption should be given for those people who would be specially importing into this State.

Hon. J. DUFFELL: Section 13 will deal with the matter.

The CHAIRMAN: The hon. member will be in order in moving on the lines that he indicates now.

Hon. J. F. CULLEN: I have an amendment before that. I want the Minister to consider in line 34 whether it would not have a good effect on the public mind to leave out the words "all or." I do not want the public to be alarmed with the idea that the Government are going straight away to buy all the foodstuffs in the country. The clause will give ample power without these words. It would then read, "acquire any quantity of any grain and foodstuffs now or hereafter within the State." The public do not want to look out for a complete transfer of all foodstuffs into Government hands, and the Government do not want it. They only want the Bill as a kind of precautionary measure, and that they would be in a better position to prevent foodstuffs going out of the State. I move an amendment—

That in line 34, the words "all or" be struck out.

The COLONIAL SECRETARY: It would not make any difference. At any rate there must have been some reason for the insertion of these words, which are copied from the South Australian Act. This shows that they have been inserted

here without any definite design on the part of the present Government.

Amendment put and negatived.

Hon. V. HAMERSLEY: I move an amendment—

That the following words be added at the end of the clause:—"Except grain and foodstuff hereafter imported into the State."

My reason is that people who would be inclined to import grain for seed, and others who would perhaps import foodstuffs for stock, would feel that there was a danger of them being acquired over their heads at some price fixed by the board lower than it actually cost them. It would not be the intention of the Government to put an embargo on anyone wishing to import grain or foodstuff into the State.

The COLONIAL SECRETARY: I cannot see any objection to the amendment. If a man is enterprising enough to import, the foodstuff should be exempt from the operations of the clause.

Hon. J. CORNELL: I understand that Mr. Hamersley has moved his amendment with reference to grain, flour, hay, chaff and other commodities used in connection with the feeding of live stock. If that were the only reason I could see little objection to it, but if foodstuff is to be defined according to the interpretation of the clause it may have a material effect with regard to other commodities mentioned in the interpretation.

Amendment put and passed; the clause as amended agreed to.

Clause 12—Method of exercising Board's power to acquire:

Hon. J. F. CULLEN: Paragraph (c) provides that notice shall be in writing. Why should not that be compulsory?

The Colonial Secretary: It is in effect.

Hon. J. F. CULLEN: Action should not be taken without notice being given in writing. I move an amendment—

That in line 1 of paragraph (c) of Subclause 1 the word "may" be struck out, and "shall" inserted in lieu.

Amendment passed.

Hon. H. P. COLEBATCH: In regard to Subclause 2, will the Colonial Secretary inform the Committee whether the

provision there to the effect that on the giving of notice such grain or foodstuff shall vest absolutely in the board, constitutes delivery, and whether it vests all responsibility in regard to the matter of insurance and things of that kind in the board from the time the notice is given?

The COLONIAL SECRETARY: I cannot express a definite opinion because it seems to me to be a legal question. It appears, however, that the board would be the owners and would have all the responsibility and risks of owners. That is the interpretation I should place upon it.

Hon. D. G. Gawler: Clause 14 covers it.

Hon. H. P. COLEBATCH: Mr. Gawler suggests that Clause 14 covers it, but that would not come into operation until a considerable period had elapsed after this notice had been given. There would be a good deal of anxiety in the minds of the public whose stuff was seized, if it did not know whether that seizure constituted in law a delivery.

Hon. R. J. LYNN: I move an amendment—

That the following stand as paragraph (d)—“Every acquisition hereunder shall be notified by the board in the ‘Government Gazette,’ and a memo. thereof shall be filed in the office of the Registrar of Bills of Sale, Perth, stating the name of the owner or possessor of the grain or foodstuff, the quantity and description, the situation thereof, and the total price paid.”

I think it is essential that some notification should be inserted in the *Gazette*, so that the commercial community might be made aware of the fact. At a time like this, those interested will carefully watch for the filing of any acquisition, and it should be published in the *Gazette*.

The COLONIAL SECRETARY: I hope the amendment will not be carried. It will entail a great deal of trouble. The rights of those interested will be protected by bills of sale.

Hon. D. G. Gawler: How will they know?

The COLONIAL SECRETARY: It will be the duty of the board to make inquiries as to whether there is a bill of

sale. An amendment of this character will entail considerable trouble without producing any valuable results.

Hon. V. HAMERSLEY: I do not wish to infer that farmers are dishonest, but the amendment appeals to me for the reason that it will protect the board. It would certainly prevent the same parcel of wheat from being sold two or three times over. If the board took possession of a parcel of wheat and it were left on the farmer's premises pending payment, it is just possible that it might be put to some other use.

Hon. D. G. GAWLER: The Colonial Secretary should accept the amendment in the interests of the board. It will not entail the trouble he suggests. If the board have to find out who are entitled to any claims on the wheat, they will have to make certain investigations and the advertising in the *Gazette* will assist them.

The COLONIAL SECRETARY: I still think the amendment is unnecessary. Everyone will know that the board is established and the object for which it is established, and every holder of a bill of sale over foodstuffs should at once notify the board of the fact when the Bill becomes law.

Hon. J. F. Cullen: Why should you put the responsibility on him?

Hon. D. G. Gawler: The board are seizing his property and should tell him so.

The COLONIAL SECRETARY: The amendment would cause considerable delay in paying farmers because the board might have to wait two or three months to find out whether the holder of a bill of sale would turn up.

Hon. W. PATRICK: The amendment is quite unnecessary and I shall support the clause.

Hon. J. CORNELL: If the amendment were carried the owner would still have to trust the board.

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

Ayes	10
Noes	13

Majority against ..	3
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AYES.	
Hon. J. F. Allen	Hon. V. Hamersley
Hon. H. P. Colebatch	Hon. J. J. Holmes
Hon. J. F. Cullen	Hon. R. J. Lynn
Hon. J. Duffell	Hon. C. Sommers
Hon. D. G. Gawler	Hon. C. McKenzie (Teller).

NOES.	
Hon. C. F. Baxter	Hon. R. D. McKenzie
Hon. H. Carson	Hon. E. McLarty
Hon. E. M. Clarke	Hon. H. Millington
Hon. J. Cornell	Hon. W. Patrick
Hon. J. E. Dodd	Hon. G. M. Sewell
Hon. J. M. Drew	Hon. A. Sanderson (Teller)
Hon. J. W. Kirwan	

Amendment thus negatived.

Hon. J. F. CULLEN: I move an amendment—

That in line 2 of the proviso to Subclause 1 "may" be struck out and the word "shall" inserted in lieu.

I think the Colonial Secretary will accept this amendment.

Hon. H. P. COLEBATCH: I fail to see any value in the amendment. If the board are fully satisfied, there is no doubt they will exempt the legitimate requirements of the holder from the operations of the measure. The matter is at the discretion of the board and the amendment will not improve it.

Hon. J. F. CULLEN: We want the whole country to work with the Government in carrying out this measure. We must satisfy the country that we are doing a fair thing, and a fair thing is that the requirements of the holder shall be exempt.

The COLONIAL SECRETARY: The amendment should not be pressed. Even if it were carried the matter would still be at the discretion of the board.

Amendment put and negatived.

Clause as previously amended agreed to.

Clause 13—Price to be as agreed, or as fixed by the Commission under the Control of Trade in War Time Act:

Hon. J. DUFFELL: I move an amendment—

That in line 1 of Subclause 1 "three months" be struck out with a view to inserting "seven days."

Hon. H. P. Colebatch: Make it 30 days.

The COLONIAL SECRETARY: The three months period was inserted at the request of the Perth Chamber of Commerce. In many instances advances are made to the farmer even before the wheat is delivered, and he is paid cash as soon as the wheat is delivered. The insertion of seven days would not be acceptable to the Government. If the payment were not made within that time, there might be ground for action.

Hon. Sir E. H. Wittenoom: Is not three months a maximum period?

The COLONIAL SECRETARY: Yes.

Hon. J. DUFFELL: I would like permission to substitute 30 days for seven days.

The CHAIRMAN: If the words "three months" are struck out it will be competent for the hon. member to move that any other period be inserted.

Hon. C. SOMMERS: In my opinion three months is too long. Most farmers want money as quickly as they can get it. The probabilities are that the farmer will be paying 8 per cent. for the use of money, whilst the Government proposes to pay him only 6 per cent. I myself find that I have to pay cash for seed wheat I buy.

Hon. Sir E. H. Wittenoom: Alter the 6 per cent. to 8 per cent.

Hon. C. SOMMERS: That might get over the difficulty. Probably I will move in that direction later.

Amendment put and negatived.

Hon. H. P. COLEBATCH: I move an amendment—

That in paragraph (a) of Subclause 1, after the word "owner" there be inserted "and other person or persons claiming to be interested."

These words appear in Subclause 2 of Clause 13 so that apparently it is admitted to be desirable that any person claiming to be interested shall be allowed to come in when the board and the owner, being unable to agree on a price, refer to the Royal Commission. Under the present clause, however, other persons are not permitted to come in at all. I am aware that these words do not appear in the South Australian Act, but I think their insertion desirable. It would

not be difficult for the board to notify people interested that negotiations were going on. In a matter of negotiation, the party actually interested in getting a higher price should be allowed to come in, and the negotiations should not be left to a man who has no interest in securing a higher price. I can give an actual instance in point. A gentleman approached the Seed Wheat Board with a view of getting something more than 4s. 6d. for his wheat. Then the Board offered 5s. He was still dissatisfied, and continued to negotiate, with the result that no later than yesterday Mr. Sutton wrote offering him 5s. 6d., or, if the gentleman preferred it, a price fixed in accordance with the measure now before Parliament. The wheat was sold in the open market to-day for 6s. 6d., and I do not think it was sold for seed wheat.

The COLONIAL SECRETARY: There is no necessity whatever for the amendment, which represents nothing but needless repetition, seeing that there is already a provision to the effect desired. Subclause 2 of Clause 13 governs all that succeeds it, and thus covers the object of this amendment. I have here the opinion of the Solicitor General to that effect. The Solicitor General considers any amendment of this clause altogether unnecessary, and indeed likely to create confusion; but he suggests that if it is desired to amend the clause it should be done in the following words:—Or, if the board is notified in writing of the claim of any other person interested in such grain or foodstuff, as is agreed between the board, the owner, and such other person.

Hon. H. P. COLEBATCH: I should be very pleased to accept that amendment, which I have no doubt is better than the one I have proposed. I do not dispute the Colonial Secretary's reading that if an agreement has been arrived at between the board and the owner, the other interested party may come in and demand that the price be fixed by the Commission. It is undesirable, however, that a person who is interested should be shut out from the negotiations between the owner and the board. I think we are

putting the real person interested in an unfair position if we shut him out of any negotiations.

The CHAIRMAN: I understand the hon. member wishes to withdraw his amendment and move in lieu thereof the amendment suggested by the Colonial Secretary.

Hon. H. P. COLEBATCH: That is so. I will withdraw the original amendment.

Amendment by leave withdrawn.

Hon. H. P. COLEBATCH: I move an amendment—

That after "owner" in paragraph (a) of Subclause 1 the words "or if the board is notified in writing of the claim of any other person interested in such grain or foodstuff as is agreed between the board, the owner and such other person" be inserted.

Hon. J. CORNELL: The board have only to satisfy themselves as to the identity of the real owner.

Hon. Sir E. H. Wittenoom: What about the other party?

Hon. J. CORNELL: There can be no other party. Is it likely that the board would negotiate with a person to acquire his wheat until they satisfied themselves that they were negotiating with the owner? If a man has made a monetary advance to another man who has wheat in his possession he has a claim, and the man with the wheat is no longer the owner. The board will satisfy themselves that they are dealing with only the owner. It is provided that if the board cannot agree with the owner about the price, they will take other steps; then it is that any other person who may be interested has a right to come in. I hope the Committee will not agree to the amendment.

Hon. H. P. COLEBATCH: I do not think the hon. member would have made his remarks if he appreciated the meaning of the word "owner." Suppose a farmer has made a contract to deliver a thousand bags of wheat in January. He strips his crop in December, and he is then absolutely the owner of the wheat, and is the person intended by the word "owner" in paragraph (a). The fact

that he has contracted to deliver his wheat in January does not affect his ownership. Unless the proposed words are inserted it will be competent for the board to negotiate with that person and ignore the third party to whom he has contracted to deliver his wheat.

Hon. A. SANDERSON: The question is unimportant, because the board can fix the price.

Hon. R. J. LYNN: If the board paid the apparent owner, and it was afterwards proved that he was not the owner, the board would have to pay again. Therefore it is essential that the amendment should be accepted.

Hon. J. CORNELL: The man who had contracted to deliver his wheat is not the real owner of the wheat; the calling in of the third party in such a case demonstrates that there is some doubt as to the ownership. There is no necessity for the amendment.

Amendment put and passed.

Hon. J. DUFFELL: I move an amendment—

That the following words be added at the end of Subclause 2:—"But such price shall not be less than the cost of importing such grain or foodstuffs, and shall be based on the landed cost at Fremantle."

Certain grain will probably have to be imported and those farmers who have grain over and above their requirements are justly entitled to the fair market price. If grain is to be imported I contend that the people in this State who have grain to sell are justly entitled to the same condition as that which will have to be given to persons importing grain from outside sources.

The COLONIAL SECRETARY: If the amendment is carried the Bill will be entirely changed. The Bill should then be "to increase the price of grain in Western Australia." Surely such an amendment as that will not receive any support. It would mean that the Government would be compelled, after purchasing wheat under the provisions of the Act, to pay a price not less than the cost of importing the wheat into Western Australia. That is the object of the

amendment. If the amendment is carried that is the end of the Bill and I will go no further with it.

Hon. H. P. COLEBATCH: I hope the hon. member will withdraw his amendment. You fix the price on the import value basis at Fremantle and the further inland you go the higher the price will be. I referred yesterday to a statement made by a Federal Minister that wheat could be bought at Chicago at 4s. 8d. and landed in Australia at 5s. 9d. The official inquiries which have been made in New Zealand, however, disclose the fact that it would cost 7s. 6d. to land wheat in New Zealand from America. If it were to start on a basis of 7s. 6d. at Fremantle and you put on the railage to the various farmers, we should find, probably, that there would be a very decreased area of crop put in and that the farmers would be lucky if they got the value of their seed back.

Hon. D. G. GAWLER: I am not quite certain if I understand the effect of this amendment coupled with the amendment previously carried. If the proposed amendment is carried, will it not mean that the Government will not be able to buy imported wheat at all?

Amendment put and negatived.

Hon. Sir E. H. WITTENOOM: I would like to point out, in connection with Subclause 3 of this Clause, and emphasise it particularly, that the Commission should be very careful in seeing that the farmers get a fair price for their produce. We have heard to-night of an offer of 5s. 6d. and of the market value being 6s. 6d. It may, of course, be an exceptional case. The farmers should get a fair price for their produce because they produce it at great cost, and it is unfair that the consumer should have the advantage over them.

Hon. H. P. COLEBATCH: I intend to move an amendment to this Subclause 3. For some reason the Government in this case have departed from the South Australian Act. It does not seem to be a very great departure, but I am curious to know what is the meaning of it. The South Australian Act says on this point, "the price so to be fixed shall be what the

Commission consider to have been the market value of such grain or product at the place and at the time where and when it was acquired." That is to say, they must fix it at what they consider to be a fair market value. The clause we are considering reads—

The Commission in fixing the prices shall have regard to the market value of such grain or foodstuff at the place and time where and when it was acquired.

The South Australian Act sets up a definite principle on which they must act, whereas this Bill proposes that they shall have regard to it. I therefore move an amendment—

That Subclause 3 be struck out with a view to inserting the following words to stand as Subclause 3:—"The price so to be fixed shall be what the Commission consider to have been the market value of such grain or foodstuff at the place and the time where and when it was acquired."

The COLONIAL SECRETARY: I do not see the necessity for the amendment at all. The sections, it is true, are slightly different, but they have the same effect. I shall oppose the amendment.

Hon V. HAMERSLEY: The fixing of the price of 4s. 6d. enabled one gentleman to acquire wheat in the country. He sent it down to be sold, after purchasing at 4s. 6d., at the Perth markets, at 5s. 6d., and as a result pockets £40 as his profit. I certainly think the amendment would be a wise addition to the measure.

Hon. A. SANDERSON: This strikes at the whole root of the Bill. It not only enables but compels the Commission to pay the market price for the wheat. The whole object of the Bill is to introduce an artificial condition of affairs. Of course, if we pass an amendment of this kind, it brings us back to where we were. At the same time I think the question requires some further explanation to satisfy us. The object is to give these irresponsible Commissioners power to arrange matters. The argument of Mr. Colebatch, however, is that they should not have the power but should be compelled to pay the

market price. I shall support the Minister.

Hon. C. SOMMERS: I am inclined to think Mr. Sanderson is right. We have to guard against a false price being arrived at. A small truck of wheat might be sold in the Perth markets at 7s. a bushel to some poultry farmer who was badly in need of it, and who was prepared to pay this particular price. It is said that this is the market price. The Commission is appointed to fix a price and to prevent a false price being established. I see a danger in passing the amendment.

Hon. Sir E. H. WITTENOOM: I think the amendment would meet the case admirably. If the Commission fix on the market price they have something to go by. We have had an instance given by Mr. Colebatch in which the Government have offered 5s. 6d. for wheat when the market price has been 6s. 6d. All we want to do is to see that the man who grows the wheat gets a fair and reasonable price for it. We do not want anything excessive. If we are going to limit the price of wheat to 4s. 6d., as has been done lately, and if we have to gather that grain and feed horses on chaff which is costing from £8 to £10 per ton, the thing is reduced to an absurdity and no one can do it. The Commissioners must recognise that they must give fair value under the abnormal conditions which have been prevailing lately in connection with the production of foodstuff.

Hon. J. CORNELL: Both the clause and the amendment are indefinite and I do not care which goes in.

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

Ayes	17
Noes	6

Majority for .. 11

AYES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. C. F. Baxter	Hon. C. McKenzie
Hon. H. Carson	Hon. R. D. McKenzie
Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. F. Cullen	Hon. G. M. Sewell
Hon. J. Duffell	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. D. O. Gawler
Hon. J. J. Holmes	(Teller).

NOMS.

Hon. J. Cornell
 Hon. J. E. Dodd
 Hon. J. M. Drew

Hon. H. Millington
 Hon. A. Sanderson
 Hon. C. Sommers
 (Teller.)

Amendment thus passed.

Hon. J. F. CULLEN: There is an important amendment that I desire to make to Subclause 5. It is provided that interest shall start from the day of the taking of the crop and shall run to the time of payment. The subclause, however, puts in an alternative starting point, namely the time it is delivered to the board at the railway station or siding or port nearest to the place where it is at the time when it is acquired by the board. The delivery at the siding might not take place for two or three months and the seller would be done out of his interest. That is not a proper alternative to put in at all. I move an amendment—

That the words "or is delivered to the Board at the railway station or siding or port nearest to the place where it is at the time when it is acquired by the Board" be struck off.

The COLONIAL SECRETARY: This is a most extraordinary amendment. Under the clause as it is, the board will have to pay interest from the time the wheat is taken or from the time it is delivered. They may seize it and take it and the interest must start from the time it is seized, but then it might be delivered in accordance with instructions and not seized, and then the interest commences from the date of delivery. As soon as the wheat is acquired it is taken, and from that date the interest starts, or it may be delivered at a railway station, whichever happens first.

Hon. D. G. GAWLER: If the Colonial Secretary's suggestion is correct, I think my friend's objection is gone. It is not clear whether that delivery can take place at the option of the farmer. The farmer is to be at liberty, if they will not take it, to deliver it. The board has taken his wheat and they have to pay within three months, and it may say, "We do not want the interest to start and you can keep it until we choose to take it, when the interest will start." If that is so, it is un-

fair. I would like the Colonial Secretary to make sure whether the interpretation he has put on it is correct. If it is so, then I agree with him.

The COLONIAL SECRETARY: This Bill gives power to seize and power to buy. A person who sells might not be in a position to deliver straight away and he might say, "I will deliver in three weeks, at such and such a siding," and he delivers it in three weeks at that siding and from the time of his delivery interest is given. That is the case where the wheat is bought. Where it is seized, it is taken and from that moment interest commences.

Hon. J. F. CULLEN: The Minister overlooks the fact that it is the commission who dictates to the seller about the storage, and the commission can say, "We want you to store that for three months, and we will tell you when we want it delivered and where," and it cannot be delivered except by mutual arrangement. Why should the owner be done out of his interest a day or a week or two or three months, as it would be in the power of the board to do. I have pointed out that "or" is delivered" is not an alternative to taking, and should not be put in the clause as an alternative. The date of taking should be the starting point of the interest. When it is taken the board becomes the owner and from that date interest should commence, but under this clause interest need not start until the board says, "We are ready to take delivery." That may be two months later. The board will leave it stored with the owner as long as it can.

Hon. C. SOMMERS: The Government will have officers to seize or acquire, and others to purchase. If a farmer is 15 miles from a railway the Government will fix the price on the value at the most convenient siding; otherwise the board would not know what it would cost if they had to do the carting. If the Government were not buying the owner could only sell to a merchant at the siding.

Hon. J. F. Cullen: This is a question of time, not place.

Hon. C. SOMMERS: If the Government seize the wheat, they will have to pay for it on the farm, and the value will be less the cost of carting to the nearest railway station.

Hon. J. F. Cullen: That is not the point.

Hon. W. PATRICK: I agree with Mr. Sommers. If wheat is commanded interest should be paid from the moment of seizure, but in all other cases it will be a matter of arrangement. Interest at six per cent. is very liberal indeed. I consider the clause perfectly fair.

Hon. J. DUFFELL: The question is not one of price, but when the payment of interest shall commence. If the word "taken" in line 4 of Subclause 5 were deleted, and "acquired" inserted in lieu, it would meet the case.

The COLONIAL SECRETARY: No reason has been given for the substitution of the word "taken" by "acquired." "Taken" is mentioned in various parts of the measure. Mr. Sutton informs me that the Government have already made contracts for the delivery of this season's wheat, but the farmers are not in a position to supply it now. Interest should start only from the time of delivery at the railway siding.

Hon. J. F. Cullen: When do you fix the price?

The COLONIAL SECRETARY: It is agreed upon, but no interest will be due until the wheat is delivered.

Hon. J. F. CULLEN: The subclause should read "taken or purchased," and then there would be no need for the deletion of the words at the end. If the Government buy for forward delivery, they buy at present market rates, and not at the advanced market which will rule in future. If they buy at present to save the risk of a higher price later on, they should pay interest from the date of purchase. I ask leave to withdraw my amendment in order to enable me to move a prior amendment.

Amendment by leave withdrawn.

Hon. J. F. CULLEN: I move an amendment—

That after "taken," in line 4 of Subclause 5, the words "or purchased" be inserted.

Hon. J. DUFFELL: I am in accord with the amendment. According to the argument of the Colonial Secretary in the case of wheat stored on a farm, interest would not begin to accumulate until the wheat was delivered at the railway siding or port. The amendment would make the interest date from the acquirement of the grain, provided it was available.

The COLONIAL SECRETARY: The Government have already purchased a considerable quantity of wheat which is not yet in the bag, and cannot be delivered until next month, and the Government will be called upon to pay interest long before the grain is delivered.

Hon. D. G. GAWLER: I think there is a good deal in what the Colonial Secretary says. This measure contemplates purchasing wheat in existence, and future wheat. It would be hardly fair to provide that the Government should pay interest on wheat not in existence, or which cannot be stripped for a considerable time. I suggest that the amendment be withdrawn, because the concluding words of the subclause will meet the case.

Hon. J. F. CULLEN: I was not referring to growing crops, but to purchases of which the board might elect not to take delivery for two or three months, and then date their interest from the end of the term.

The Colonial Secretary: How can the board refuse to take delivery if they purchase the wheat?

Hon. J. F. CULLEN: It remains with the Commission to arrange storage or to direct the seller to store it for two or three months.

The Colonial Secretary: There must be an agreement in such a case.

Hon. J. F. CULLEN: I ask leave to withdraw the amendment, but the Colonial Secretary should have words to this effect inserted—"Or in the case of wheat not ready to be delivered from the date of delivery." It should not be left in the power of the Commission whom we

now know, to ask for storage and pay interest from the time the wheat is delivered.

Amendment by leave withdrawn.

Hon. J. F. CULLEN: I will leave the clause in the hands of the Colonial Secretary, and I hope he will look into it, and see that the farmers are protected.

Clause put and passed.

Clauses 14, 15—agreed to.

Clause 16—To whom payments to be made:

Hon. R. J. LYNN: I move an amendment—

That in line 1 paragraph 1 of Subclause 1 the word "may" be struck out and "shall" inserted in lieu.

Hon. J. CORNELL: I hope the amendment will not be pressed, if only on the ground of keeping the measure consistent with other Acts of Parliament.

The COLONIAL SECRETARY: I propose to move an amendment as follows—

That paragraph (a) of Subclause 1 be struck out, and that the following be inserted in lieu:—"If the board receives notice in writing that some person other than the apparent owner has any lien or charge in respect of such grain or foodstuff, the board shall deduct from such sums, or any of them, the amount of such lien or charge and pay such amount to the person who appears to be entitled thereto or"

Hon. R. J. LYNN: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: I now move the amendment which I have read. I drew the attention of the Parliamentary Draftsman to yesterday's discussion in this House, and he framed the new paragraph, which he thinks will meet the difficulty pointed out by Mr. Lynn.

Amendment put and passed.

The COLONIAL SECRETARY: I move a further amendment—

That at the beginning of paragraph (c) of Subclause 1 the words "subject as aforesaid" be inserted.

Amendment passed; the clause as amended agreed to.

Clauses 17, 18—agreed to.

Clause 19—Taking by or delivering to the board to discharge obligation to deliver to other persons:

Hon. H. P. COLEBATCH: I move an amendment—

That the following words be added to the clause: "The board shall indemnify the person from whom the grain or foodstuff is acquired in respect of contracts already entered into."

The object is to protect cases such as I have referred to on second reading, where people have contracted to supply in other parts of the Commonwealth. The opinion of the Attorney General of South Australia read by the Colonial Secretary this afternoon appears to me hardly convincing. We want to know whether a contract made in South Australia will be subject to the Western Australian Act. I do not think it will be. If people under such circumstances are not relieved of their obligation, then they should be protected. An indemnity should be provided unless we are assured that the seller is protected in such a case.

The COLONIAL SECRETARY: This amendment will be unacceptable. It would lead simply to the production of a great number of claimants. In fact, it would tend to breed claimants against the board, whereas under ordinary conditions there will be hardly any. If it were necessary for the board to make seizures, they would assuredly consider the question of whether a man was liable under contract with someone else outside the State. The board would not be likely to exercise their powers in such a case, if their action was likely to lead to litigation. However, a proviso such as this suggested one invites people to make claims against the board. The telegram of the South Australian Attorney General stated that, assuming the contract was governed by South Australian law—that is, that the contract was one recognised in South Australia—Section 19 of the South Australian Act would discharge the immediate purchaser from the obli-

gation to deliver. The South Australian Attorney General proceeds to ask whether the obligation would not also be discharged by the common law, seeing that performance has become impossible by law. Now, the South Australian section is exactly the same as this clause. The matter must have been given a great deal of consideration in South Australia, and Mr. Sayer agrees with the South Australian view.

Hon. D. G. GAWLER: The last few words referred to by the Colonial Secretary are rather significant. They refer to performance being impossible. A good deal hinges on that. If a contract is impossible, then in most cases the parties are freed from carrying it out. But suppose a man here made a contract with a man in South Australia to supply him with wheat. The Commission seizes the wheat, and so the farmer here cannot carry out his contract. The man over there says, "It is not impossible for you to carry out that contract. I did not buy that particular wheat. You go and get me some more." I do not think that there is impossibility of performance there, and that is the only ground for the plea that the contract should be annulled. We are shortly to have a Bill dealing with contracts, yet here we are in the dark dealing with this.

The Colonial Secretary: It has nothing to do with this Bill.

Hon. D. G. GAWLER: Unless the Government come to the assistance of the farmer and indemnifies him the farmer will be shot at by the man in the Eastern States.

Hon. A. SANDERSON: It is quite impossible to enforce this. If a man in Perth undertakes to send to Melbourne 1,000 bags of wheat, is it possible to stop that transaction under the Bill? Why not throw the responsibility of all this on the Government? By tinkering with the Bill we identify ourselves to a certain extent with all that it represents. I would ask the Country party or anyone else practically interested in this question to consult their authorities on the question of whether there is any power in Western

Australia to stop a business man in the East from demanding fulfilment of a contract under which he is to receive wheat from our areas.

The COLONIAL SECRETARY: The rights of persons in the Eastern States will be in no way violated under the Bill, but will be treated with as much respect as the rights of people here. Suppose a merchant in South Australia arranges to purchase wheat in this State, and the board seizes the wheat, the rights of that person will be protected. He has merely to notify the board that he has already purchased the wheat, and the money will not be paid to the nominal owner but will be reserved for the owner in South Australia.

Hon. D. G. Gawler: But they discharge the contract.

Hon. J. F. CULLEN: I am afraid Mr. Colebatch's amendment is an impracticable remedy. I am not so much concerned for the farmer under the clause, because our farmers do not deal with men in the East. As to the words "discharge the contract," of course the money has to be paid to the man to whom it is due. The trouble is with the broker and the merchant. Nearly every deal is covered by contracts. Desperate circumstances call for desperate remedies and, if the board is level-headed, I see no other way than to give the board the powers sought under the Bill. How the merchants and the brokers are going to fare is a mystery. They have contracted to deliver wheat not grown, and the war has only slightly intensified their difficulties.

Hon. H. P. COLEBATCH: I am not at all concerned about the buyers in the other States. What I am concerned about is that the seller here should not be unfairly prejudiced. If a person here has sold at 3s. 6d. to another in the State, and the Commission takes his wheat at, say, 6s., they give him 3s. 6d., and the other 2s. 6d. goes to the man who had previously bought the wheat, and that ends the matter. But suppose our friend sold to Melbourne at 3s. 6d. and the Commission take the wheat at 6s., and give him 3s. 6d. and the Melbourne man 2s. 6d., after which the Melbourne man still wants

his wheat. It will be seen that the grower will have sold his wheat at 3s. 6d. and in the end may actually have to hand over his 3s. 6d. We will be putting a great hardship on the farmer if, because he has sold to Melbourne instead of someone here, he is not to be released from his contract and may have to give away his wheat altogether.

Hon. J. CORNELL: It would be unfair to mete out two different treatments according to whether a man has sold in Western Australia or in Victoria. Mr. Colebatch's amendment goes too far. We will suppose that somebody has made a contract to sell 5,000 bags of wheat or flour. The board steps in and acquires what he has got, and he may only have 2,000 bags. According to my rendering of the amendment, the board would then have to take the whole risk, although only getting a portion of the total amount. It would mean that the Government would indemnify him against any action.

Hon. A. SANDERSON: The Colonial Secretary talks about bogus contracts. I do not care whether they are bogus or bona fide contracts. If a man has contracted to sell 10,000 bags, he living in Perth and the purchaser in Melbourne, does the Colonial Secretary or Mr. Colebatch suggest that by any Act of Parliament in this State we can stop that contract being carried out? What does it matter whether we accept the Colonial Secretary's suggestion or not, if that is the case? If there are any owners of wheat they are going to protect themselves, and they will say to the commission or board, "I have sold the wheat to Melbourne." Call this a bogus contract or whatever you like, they can defy the authorities to pass any Act in Western Australia which will prevent that contract from being carried out. Every owner of wheat to that extent is protected in the country and he will get the market price, no matter what this Bill says.

Hon. H. P. COLEBATCH: I have been discussing the clause from the point of view as to how it will stand in a court of law. It may be that the Government will find if they attempt to seize the wheat or flour that the party in whose possession it was can declare that they have sold

it in Melbourne, and that he can defy anyone to stop him. If the matter is decided in the High Court, it might be found that it is contrary to the powers of this Parliament to step in, because it interferes with free trade and commerce between the States. If that is the case, and I do not much doubt it, the amendment I have suggested will be unnecessary.

Amendment put and negatived.

Clause put and passed.

Clauses 20, 21, 22—agreed to.

Clause 23—Summary proceedings for offences:

Hon. H. P. COLEBATCH: I was going to move an amendment on the question of appeals, but will not do so if the Colonial Secretary can assure us that the right of appeal is there.

The COLONIAL SECRETARY: I will read the opinion of the Solicitor General on the point—

Proceedings for offences under the Act or regulations are to be dealt with in a summary way before justices. Part VIII. of the Justices Act of 1902 confers the right of appeal from summary convictions and regulates the procedure, and therefore these provisions are never repeated in any Acts of this State where summary offences are created. To make a new departure and set out the appeal clauses in any specific Act would only give rise to some uncertainty as to whether in some other Acts where such clauses were not expressed a right of appeal is denied.

Hon. D. G. GAWLER: I think another aspect of this subject has been overlooked. Under the South Australian Act the reason for inserting this particular clause was that no such provisions existed as we have there, and the provision made therefore stands as the equivalent to our Justices Act.

Clause put and passed.

Clause 24—agreed to.

Clause 25—Duration of Act:

Hon. J. F. CULLEN: I want the Minister to consent to alter the date to the 1st September instead of the 30th September. The Government do not want to interfere at all with the next harvest for 1915. Contracts regarding

that harvest have to be made in July or August, and we should hamper people if we prevented them from entering into contracts. It is of no importance to the Government, and it will be a great relief to the farmers to be able to make contracts from the 1st September with private people.

The Colonial Secretary: What difference does it make?

Hon. J. F. CULLEN: A whole month in their contracts.

Hon. H. P. COLEBATCH: There will be no new crops ripe until after September.

Hon. J. F. CULLEN: People have to make contracts with storekeepers and merchants, and it is essential to them that this date should be brought back, as early as possible. All the Government want they will have dealt with before the middle of the year. I am quite sure that the present Commission would advise the Government to that effect. I move an amendment—

That the word "thirtieth" be struck out and "first" inserted in lieu.

Hon. H. P. COLEBATCH: I do not follow the argument of the hon. member. This Act will come to an end in September before any new season's crop is ripe. Therefore there will be nothing to prevent farmers entering into contracts with merchants during the month of January if they like, or even sooner. But if we make it the 1st September there is the whole month of September to tide over. It may be necessary for the board to operate during September, particularly in the way of getting fodder. The earliest crops that come in are in October. If we leave it as at present the case will be met, and no contracts will be stopped.

Hon. J. F. CULLEN: I am expressing the views of my districts where they have urged me to try and get the Minister to agree to make it 1st September.

The COLONIAL SECRETARY: It may hamper the Government in the way pointed out by Mr. Colebatch.

Hon. J. F. CULLEN: If the Minister is not in favour of the amendment I will withdraw it.

Amendment by leave withdrawn.

Clause put and passed.

Bill reported with amendments and a message accordingly forwarded to the Legislative Assembly requesting them to make the amendments, leave being given to sit again, on receipt of a message from the Assembly.

BILL—WAGIN-KUKERIN RAILWAY EXTENSION.

Received from the Legislative Assembly and read a first time.

BILL—CITY OF PERTH.

All Stages.

Received from the Legislative Assembly and read a first time.

Standing Orders Suspension.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [10.30]: I move—

That so much of the Standing Orders be suspended as is necessary to enable the passing of a Bill through all its stages on this day.

The reason for this motion is that the sitting of Parliament will probably be suspended until early next month. It is necessary to obtain the Governor's assent to the City of Perth Bill by next Tuesday because until that is obtained the measure will not have legislative authority. There is also reason for urgency in that under the Municipalities Act rates for the ensuing municipal year must be struck in December, and the rates and estimates, etc., in connection with the Perth City and the amalgamating municipalities of North Perth and Leederville are hung up awaiting the passage of this Bill.

The PRESIDENT: There is an absolute majority of members present.

Question put and passed.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [10.36] in moving the second reading said: The question of a Greater Perth has been before the public for some years past, but although a

private Bill was prepared two years ago, it was never submitted to Parliament. Hon. members will doubtless recollect that the question of amalgamating with the city in the establishment of a Greater Perth was submitted to a referendum of ratepayers in several of the suburbs some time ago, and, if I remember rightly, Subiaco alone elected not to join the combination. Since then the question has been quietly, though steadily, pursued by people interested in municipal advancement and reform, and the Bill now before the House embodies the desires of the people of Perth, North Perth and Leederville. While it would have been possible for the municipalities to come together under the existing Act the procedure would have involved considerable dislocation in municipal affairs. The Bill provides for the increase in the number of wards of the city from five to seven, the mayor of Perth to be the mayor of the extended city, and the present members of the city council to retain their seats as representatives for the wards for which they have been elected. The new wards, comprising the existing municipalities of North Perth and Leederville will, if the Bill be passed, be entitled to elect three councillors each to the city council, and the councillors and mayors of Leederville and North Perth will retire automatically with the absorption of their districts into the city. The election of such three councillors in the new wards will be conducted on the existing rolls for the two districts, the date of the election to be fixed by the Governor. Regarding details, it is provided in the Bill that the Governor shall have power to amend the dates and times prescribed in the Municipal Institutions Act for valuation, striking of rate for the year, etc. Provision is also made in the Bill for compensation to those officers of the amalgamating municipalities whose present positions will be affected by the amalgamation. It had been suggested that provision should be made in the Bill to permit of other municipalities contiguous to Perth coming into the scheme; but as it is desired that there shall be no controversial matter introduced into the

debate which might tend to delay the completion of the scheme, it has been deemed wiser to limit this Bill to the city and the two municipalities named. Later on, if it is desired, it may be possible to provide for the admission of other municipalities should the ratepayers therein be so minded. I move—

That the Bill be now read a second time.

Hon. J. DUFFELL (Metropolitan-Suburban) [10.39]: The passage of this Bill through the House should occupy very little time indeed. I speak now as one having a certain amount of knowledge in regard to this matter, and I can support the statement made by the Colonial Secretary as the Bill only provides for the municipalities of North Perth and Leederville joining the city. I am pleased indeed that the Colonial Secretary has not stressed the matter in regard to any other municipalities which may or may not be approached later on. As the Bill now stands I can assure hon. members that it is in all respects such as should meet with their approval.

Hon. A. SANDERSON (Metropolitan-Suburban) [10.42]: I wish to endorse what my colleague has said.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

House adjourned at 10.12 p.m.