

# Legislative Council,

Wednesday, 16th December, 1914.

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

## PAPERS PRESENTED.

By the Colonial Secretary: 1, Municipal Corporations Act, 1906, By-laws of Municipality of Geraldton. 2, Roads Board Act, 1911, (a) By-law No. 4 of Melville Road Board, (b) By-law No. 4 of Denmark Road Board, (c) Murray Road Board—scale of trespass and poundage fees. 3, Education Department, Amendment to Regulation 40. 4, Workers' Homes Act, 1911, and the Workers' Homes Act Amendment Act, 1912, and the Workers' Homes Act Amendment Act, 1914—Regulations—Amendment to Schedule.

## ADDRESS-IN-REPLY.

### Presentation.

The PRESIDENT: I have received from His Excellency the Governor the following letter, on presenting the reply to His Excellency's address:—

Mr. President and hon. members of the Legislative Council, in the name and on behalf of His Most Gracious Majesty the King, I thank you for your address. Harry Barron, Governor, 16th December, 1914.

## QUESTION—OPOSSUMS, PROTECTION.

Hon. W. KINGSMILL asked the Colonial Secretary: With regard to the recently published proclamation revok-

ing the protection of opossums throughout the State—1, If no satisfactory market can now be found for the skins of opossums, will the Government reconsider their decision? 2, In any case will the Government confine the destruction of opossums to those areas only of the State where opossums are known to abound? 3, Will the Government take all possible steps to provide that the present relaxation of the protection of this animal shall not be made an opportunity for any persons who may have illegally accumulated stocks of skins to dispose of the same? 4, With a view to the establishment in the future of a permanent and well-regulated industry under proper restrictions, will the Government make the period of indiscriminate destruction of opossums as short as possible?

The COLONIAL SECRETARY replied: 2, 2, 3, and 4, Yes.

## BILLS (2)—FIRST READING.

1, Church of England Land Bill. 2, Local Option Vote Continuance Bill.

Introduced by the Colonial Secretary and read a first time.

## MOTION—PARLIAMENTARY PRIVILEGES, RAILWAY FREE PASSES.

Hon. J. CORNELL (South) [4.35]  
I move—

*That in the opinion of this House the Government should grant to all ex-members of the Legislative Council who have sat for a consecutive period of 12 years, and to all ex-members of the Legislative Assembly who have sat for a consecutive period of nine years, free passes for life over the State Railways.*

In moving this motion I crave the indulgence of the House for a brief period and offer no apology for moving the motion. It appealed to me before I entered this institution, and has appealed to me since. that such privileges as I have outlined should be extended to members of the Legislature besides those who have been

lucky enough to occupy the positions of Ministers. The position at present, so far as a recognition for services rendered by Parliamentary representatives in the State is concerned, after they have ceased to be members, is that these privileges have only been extended to Ministers, to the President of this House, and to the Speaker. I venture to say that no recognition would have been forthcoming so far as these gentleman are concerned if it had not been, to a certain extent, for their own motion. Ministers have through reciprocation with the other States, been provided over there with life passes over the railways in the Commonwealth. This motion, however, only says that after a definite length of consecutive service members of this branch of the Legislature and of the other branch of the Legislature, should, in the opinion of the Government, be granted life passes over the railways of the State. It may be as well to outline my position as far as this motion is concerned, and so far as it is likely to apply to me. I have only been here a brief period. Judging by the figures quoted here yesterday in reply to my question, the political life of a politician is more or less of a precarious nature, and liable to extinction at any time. I offer these remarks out of consideration to other members who have gone before, and not for my own personal benefit. I do not think it can be said of me that I have any ulterior motive in moving this motion. It may be as well to anticipate the reception it may receive outside this institution. After all, the popularity or otherwise of a proposal promulgated from within this institution can be finally judged by the effect it has on the outside opinion. We can approach this subject from a non-party point of view. The motion is framed without any reference to parties so far as I am concerned, and I think so far as other members of the Chamber and outside opinion are concerned. They should not give consideration to the fact of whether it will achieve popularity or not. After all, if Parliamentarians are prepared to take their standard of ability from outside, they will have to be satisfied with a very low

one. So far as I am concerned, and I think other members of this Chamber should be concerned, I think we should place a certain standard on our own work, and the abilities which we possess, and only recognise the voices of those responsible for sending us here as to the standard that is requisite.

Hon. J. F. Cullen: A case of self commendation.

Hon. J. CORNELL: I only ask hon. members in considering the proposal, to bear in mind that if we are not prepared to initiate things and help ourselves, no one else will do it for us. I have heard no objection raised to Ministers possessing these life passes over the railways, not one valid objection. I venture to assert that so far as the goldfields districts are concerned, no valid objection will be taken to the resolution. The goldfields members of the Chamber represent constituencies which think that the members are not adequately paid for their services, and that sufficient recognition has not been given to those who have proved loyal, and have worked hard and unselfishly in the past. The Press may review it and may condemn it, but if one section of the Press of this State condemns it I do not think it will be worth a moment's consideration, either at the hands of this institution or the other branch of the Legislature. I think that no Press that takes a broad view of the aspect can condemn the proposition set forth in this resolution. If they do, they should also condemn what has already been set up in the way of Ministers getting life passes. After all, a Minister does give the whole of his time to the affairs of the State and to his office, but we must also bear in mind that Ministers are paid for doing so, just as members of this Legislature are paid to sit here. But there is a big disparity between what Ministers do and private members do, just as there is a big disparity so far as the pay each receives is concerned. If this proposition has been good enough for Ministers it should be good enough for hon. members.

Hon. R. J. Lynn: There is a responsibility attached.

Hon. J. CORNELL: There is a responsibility certainly. It may be said not only here in this Chamber, but outside, that the time is not opportune for the introduction of this proposal. The time and the opportunity are in no way analagous. No legislator who is prepared, after he has convinced himself of the justice or otherwise of the proposal or suggestion, to wait until the time is opportune to put it into operation, will ever have his hopes realised. That must not enter into the discussion at all. The replies given yesterday to the questions I asked must in themselves bring home to hon. members that if this concession is granted by the Government it will not be a very large one. What does it amount to? We find that Ministers of the Crown have received the biggest percentage of life passes, as out of 55, no fewer than 24 have been allotted the concession. This goes to show that they have looked after themselves. When we take the Legislative Council we find that 103 members have been returned since the inception of Responsible Government and out of that number only 16 succeeded in occupying a seat in that House for twelve consecutive years. If we analysed the position we would find that that number would be reduced considerably if the concession were granted, and we would find that twelve only would be entitled to avail themselves of the privilege. I am not aware whether Mr. Kingsmill was lucky enough to be in at the kill when the other Ministers were.

Hon. W. Kingsmill: I object to your way of putting it.

Hon. J. CORNELL: If he were it would still further reduce the number who would benefit by the motion being carried. Coming to the other House, on the basis of ten years consecutive service, we find that to-day, out of 407 members returned since the inception of Responsible Government, only six remain there who have had ten years of consecutive membership. The returns

supplied yesterday show that if life passes were granted to members of the Assembly who have served ten consecutive years, 19 would participate. When we make an analysis on the ten years basis, we find that in the Assembly there are three members who already possess life passes, Mr. Scaddan, Mr. Troy, and Mr. Frank Wilson. When we come to make a further calculation of hon. members who have served ten years in the Assembly, we find that Sir John Forrest, Mr. Gregory, Mr. Bath and Mr. Quinlan received life passes. I do not know whether there are any more, but I am going to give illustrations which will show how a reduction could be brought about. Out of the 19 who have served ten consecutive years, seven are already possessed of life passes. That brings the number down to twelve. There are other members of that Chamber who on a nine years basis—Mr. Heitmann, Mr. Collier, Mr. Hudson, Mr. Male, Mr. Mitchell, Mr. Walker and Mr. Layman—would be entitled to the concession. Making an analysis we find that out of those I have mentioned, three possess life passes, and the number in the Legislative Assembly would be increased to 16 who would be entitled to use the pass. I have not taken into consideration those who have ceased to be in political life and those who have heard the last division bell rung on this earth, and unfortunately, of the latter there is a considerable number. I venture to say if a correct record were prepared in this House and another place, if we went back twelve years in the Council and ten years in the Assembly, we would not find a dozen members who would avail themselves of the life pass. I would have no objection to an amendment of the motion to the effect that after service in the Parliament of the State for the periods mentioned, the pass should be granted on application; then the onus of applying for it would rest on the person entitled to the pass. There is only one argument which can enter into this discussion against the granting of the concession to old Parliamentarians, and it is the monetary loss

that would occur from the issuing of the passes. So far as the monetary loss is concerned, it would only apply to the railways of the State, and after all, it would boil itself down to merely a bookkeeping entry. The monetary loss would be in the direction of the railways suffering to the extent of the revenue they derived from those who might be granted the free pass who previously had been obliged to pay for travelling on the railways. If that is the only valid objection it is a very thin one and not worthy of consideration. To the private members who have not served the necessary time and who will not be permitted to serve the period mentioned in the motion, I would say halt for a moment so that they might convince themselves whether or not the ex-members and those who have been fortunate enough to put in the requisite time set out in the motion and who are still in Parliament, are worthy of special recognition. Undoubtedly they are, irrespective of the party to which they belong. There are some pioneer politicians who have served the State to the best of their intelligence and ability and the recognition I propose for them is one that should have been forthcoming long ago. Therefore I sincerely trust that members will support me in the direction in which I am moving. I ask hon. members not to quibble in regard to the terms of the motion. It is very difficult to frame a motion which will embrace everything. The only object this motion has in view is to affirm or otherwise the principle which it affects. I have not asked one hon. member to assist me; but I will leave it to the good sense and justice of hon. members, not only to second the motion, but to give it unanimous support.

Hon. R. J. LYNN (West) [4.55]: I desire to second the motion, and in doing so I can express similar opinions to those given utterance to by Mr. Cornell, inasmuch as I have served just a similar period as that hon. member in this Council. I can agree with him that members after having served a certain number of years in either House of the Legislature should be entitled to some consideration in the direction suggested by the motion. The

figures quoted disclose that the members who would avail themselves of this pass would be very few indeed. There was one member who was elected by the first Parliament after Responsible Government was proclaimed and he served until the recent election, when he was rejected by his constituents. That hon. member had 20 years of continuous service, and there are other ex-members who, for many years, gave of their best to the State. One gentleman acted in the capacity of honorary minister, and for many years this State derived considerable benefit from his services. In view of the figures quoted by Mr. Cornell. I do not think the suggested concession should receive any opposition. I am in accord with the hon. member when he states that if a Minister of the Crown is entitled to a free pass after three years' service, a private member should receive a similar privilege after the service stipulated in the motion. We have it on record that one Minister just immediately after having served three years, claimed his life pass, and as against that we have another member in the other branch of Parliament having served in the State Parliament for 20 years, not being accorded the concession of a pass at the expiration of that long period. The latter case is certainly more deserving than that of the Minister who had just served his three years. I have much pleasure in seconding the motion.

On motion by the Colonial Secretary, debate adjourned.

#### BILL—LAND ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

#### BILL—LUNACY ACT AMENDMENT.

Report of Committee adopted.

#### BILL—GRAIN AND FOODSTUFF.

Received from the Assembly and read a first time.

*Standing Orders Suspension.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.3]: I move—

*That so much of the Standing Orders be suspended as is necessary to enable this Bill to pass through all its stages at the present sitting.*

The PRESIDENT: I declare that there is an absolute majority of members present.

Question passed.

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.4] in moving the second reading said: This is another of those Bills rendered necessary by abnormal conditions. The object is to enable the Government to control the food-stuffs of the State. A similar measure is on the statute-book of South Australia, and there are equally strong reasons for such an enactment here. In the opinion of the Food Commission the old wheat in hand and the fruits of the present season are sufficient to meet the requirements of the State, but little more. Indeed Mr. Sutton, the Commissioner for the Wheat Belt, is not so optimistic. He has a variety of means of obtaining information; he is in close touch with the farmers, and he fears very much a shortage. There are indications that some of the Eastern States will not be in a position to supply their own necessities. If this should prove to be true then prices will go up in those particular States. Victorian flour is selling at £14 a ton, and wheat at from 6s. to 9s. a bushel.

Hon. H. P. Colebatch: You mean 6s. 9d., not 6s. to 9s.

The COLONIAL SECRETARY: Probably it should be 6s. 9d. In Sydney wheat is being sold at 4s. 6d., and in Adelaide at 5s. 7d. a bushel. Flour is fetching £11 13s. 6d. in Sydney and £12 15s. in Adelaide, so hon. members will see that prices are rising in the Eastern States, and that it behoves us to use every endeavour in the direction of protecting our own interests. We must see that no action is taken by private individuals or by firms which will affect us in the future. It only requires a very small amount of

consideration to enable members to come to the conclusion that we must do something to control our supplies in the most effective manner possible. Were we assured of a surplus there would be no reason for apprehension, but we have no such guarantee because those who are in close touch with the industry and have made every possible investigation agree that while we may have enough wheat, we are not likely to have more than enough. It would be very unwise in the circumstances to allow such a condition of affairs to exist that would enable either wheat or flour to be sent abroad, that is, if we are likely to require those commodities for home consumption, and all will agree there is very strong evidence that wheat will be needed in Western Australia in fairly large quantities during the next few months. The same thing would occur in regard to seed. If wheat which was needed here was sent abroad, the position might arise that we would have to import it again before very many months expired. The result would be that a terrible burden would be placed upon the shoulders of the farmers. The lands of the State must be cultivated. A great many of the agriculturists will not be able to cultivate their land without the assistance of the Government. The Government must provide the funds and consequently the burden eventually must rest upon the agricultural community, or, at any rate, upon that section of it who are not in a position to cultivate the land without Government aid. The Federal Constitution bars interference with export from State to State, but with legislative authority the State is supreme within its own boundaries, in so far as the control of food-stuffs is concerned, and a State can, with the aid of necessary legislation, seize food-stuffs which may be needed by its own people. The Government are asking control to grant the powers of seizure set forth in this Bill. The powers needed are very extreme, but they are, at the same time, most necessary, and they should be exercised with the utmost discretion.

Hon. D. G. Gawler: Are you indemnifying the owners against contracts entered into?

The COLONIAL SECRETARY: I will explain the clauses presently. In seeking these powers the Government have only one object in view; indeed they could have only one object, and that is the benefit of the community as a whole. The various clauses up to No. 11 are principally of a machinery character. Clause 11 empowers the board during the continuance of this measure to acquire all or any quantity of wheat or foodstuff now or hereafter within the State. Clause 12 enables the board or any person authorised by them to purchase grain or foodstuff, or take possession of it with or without the consent of the owner, and when grain is purchased under these provisions it vests absolutely in the board. There is a provision in paragraph (c) that on being satisfied as to the quantities required the board may exempt from the operation of the measure the legitimate requirements of the owner. In respect to Clause 13 the board shall within three months pay the price agreed between the board and the owner, or if the price is not so agreed upon within 14 days after the grain or foodstuff is acquired, the price shall be fixed by the Commission appointed under the Control of Trade in War Time Act, after hearing evidence that the owner may wish to call.

Hon. R. J. Lynn: Will it be the same Commission?

The COLONIAL SECRETARY: The Control of Trade in War Time Commission will fix the price, and the board will administer this measure under the Government.

Hon. J. F. Cullen: That is, failing mutual agreement between the board and the owner, the Commission will fix the price?

The COLONIAL SECRETARY: Yes.

Hon. Sir E. H. Wittenoom: The Commission will advise the board as to the price?

The COLONIAL SECRETARY: The Commission will fix the price for the board. Upon the application in writing of the board or owner or any person claiming to be interested in such grain or foodstuff, the Commission shall fix the price to be paid for it. The board may

further pay such additional sum as they think proper for any wheat which they consider specially suitable for seed. Some wheat may be of more value than other for seed, and in such a case the board, without infringing the law, will be in a position to pay a higher amount than would be paid perhaps under other circumstances.

Hon. Sir E. H. Wittenoom: It seems that the price is to be fixed by the Commission appointed by the control of Trade in War Time Act. There are three bodies, I take it, mentioned in this clause—the board and the Commission, in addition to a commission to be appointed by the Control of Trade in War Time Commission to fix the price.

The COLONIAL SECRETARY: The board will have nothing whatever to do with the fixing of the price. The fixing of the price will be done by the Control of Trade in War Time Commission, which Commission are already in existence, that is, if the parties cannot agree as to the price. In fixing the price the Commission shall have regard to the market value of the grain at the time and place of acquisition. The board has to pay six per cent. interest on the price of grain purchased. Clause 14 provides that when the board do not take delivery immediately it is required, the storage thereof shall be upon and subject to such terms and conditions as are agreed between the board and the person having the custody thereof, or if the terms are not so agreed upon within 14 days after being acquired, the terms and conditions shall be fixed by the Foodstuffs Commission. Clause 15 reads—

For the purposes of fixing prices and terms and conditions under this Act, and in connection with its functions under this Act, the said Commission shall have, in addition to the powers hereby conferred, all the powers of a Royal Commission conferred upon it by the Control of Trade in War Time Act.

Clause 16 authorises the payment of money for the purchase of grain or food-

stuff acquired by the board, and the clause provides that—

(i.) The board may deduct from such sums, or any of them, any amounts which the board is satisfied are due to any persons in respect of liens or charges on or in respect of such grain or foodstuff, and may pay such amounts to the persons who appear to the board to be entitled thereto.

(ii.) If in doubt as to what persons are entitled to any of such sums, or any part thereof, the board may pay such sum, or part, into the Supreme Court; and the moneys so paid in shall be subject to any orders of the Court, or a Judge thereof, made on application by or on behalf of the persons interested or claiming to be interested therein.

(iii.) The board shall not be liable to any action or other proceeding in respect of any money bona fide paid by it to any person, or into Court, under this Act.

Hon. R. J. Lynn: Why not insert mortgage or bill of sale in paragraph (1)?

The COLONIAL SECRETARY: It would be the duty of the board to make inquiries, so as to convince themselves that there was no bill of sale. If there is a bill of sale, then of course the holder of the bill should be protected.

Hon. C. Sommers: That would come under the heading of lien.

The COLONIAL SECRETARY: Clause 17 gives the board power to enter and search any premises or vessels where any grain or foodstuff is or is supposed to be. Clause 18 provides for the storage and disposal of grain acquired by the board. Clause 19 provides that the taking by or delivery to the board of grain or foodstuff discharges the obligation of the owner to deliver under contract to other persons, but the claims of other persons are not prejudiced. The succeeding clauses are mainly of a machinery character. The financial clause, No. 24, authorises the Colonial Treasurer to advance the necessary funds for the purpose of the measure; and Clause 25 limits the operation of

the measure to the 30th September next. I move—

*That the Bill be now read a second time.*

Hon. H. P. COLEBATCH (East) [5.18]: Without wishing to throw any obstacle in the way of the early passage of the Bill; I still have to express the hope that the Colonial Secretary at a later stage will agree to an adjournment say until to-morrow, before we proceed to Committee.

Hon. J. F. Cullen: Let it go till Tuesday.

Hon. H. P. COLEBATCH: Tuesday, of course, would be more convenient but if the Colonial Secretary gives the House an assurance that it is necessary to get through to-morrow, I for one would be inclined to support him in an adjournment until to-morrow, because all that we really need is a sufficient adjournment to enable members to study the measure. While reserving to myself the right to consider any arguments which other members may use on that point, I am inclined to think that an adjournment of the Committee stage until tomorrow will be sufficient. I support the principle of the Bill, but with a certain degree of diffidence. When a somewhat similar measure came before the House last session, namely the Control of Trade in War Time Bill, I supported it because I considered the emergency was such as to render it necessary to give almost unlimited power to the Administration. I am still of the same opinion, but that opinion has been influenced to some extent by what I hold to be the abuse of the powers given under the Control of Trade in War Time Act. I am bound to make reference to this matter because the same body which has, as I say, in my opinion, abused the powers conferred on it by the Control of Trade in War Time Act, is to be given corresponding powers under this particular Bill. I am quite in accord with the Colonial Secretary as to the necessity for the measure. He has told us that the Commission are of opinion that there is a sufficient supply of wheat, or likely to be a sufficient supply of wheat, in the State to meet our requirements until the

following harvest. The Colonial Secretary, however, has also said that Mr. Sutton takes a contrary view. Judging by the inquiries that I have been able to make in the country, I have little hesitation in saying that Mr. Sutton appears to be right and the balance of the Commission wrong—that there will not be found to be a sufficient quantity of wheat in the country to meet our requirements. That circumstance emphasises the necessity for some form of legislation which will prevent any of the wheat or flour that is at present in the State from going out of the State. I will place before hon. members very briefly the figures which have induced me to come to this conclusion. According to a statement made by the Premier in another place a few days ago on the authority, I understand, of this same Commission, which had full ability to collect all the information available on the subject, there were on the 14th September of this year 519,904 bushels of wheat in the State, and there was also at that date in the State flour amounting to 10,766 tons, which, reduced to its equivalent in wheat, gives another 538,000 bushels; or a total in the State on the 14th September last of 1,057,904 bushels. This figure, of course, did not include small quantities of flour of less than five tons, and small quantities of wheat of less than, I think, 100 bushels, which the holders were not under any compulsion to report to the Royal Commission. Neither would it include larger quantities which the holders should have reported to the Commission but failed to report. I am inclined to think, however, that all these omissions would amount in the aggregate to a comparatively very small quantity. From the 14th September until the next following harvest will be available, at the end of 1915, we shall require 15 months' food and one season's supply of seed wheat. That will amount to 21½ million bushels for food and 1½ million bushels for seed, or a total of four million bushels. If we deduct the stock in hand on the 14th September, we get net requirements of 2,966,096 bushels, or roughly three million bushels. Now the estimated harvest is 3,272,330 bushels.

This is the figure published by the Government Statistician in last Saturday's newspapers. If we deduct our own requirements from the estimated harvest, we find an estimated surplus of 307,000 bushels. The estimated harvest is at the rate of 2½ bushels per acre over the whole area stripped and the total acreage of failure—over the two areas added together. For the area stripped, the estimate is 4¾ bushels per acre over 697,118 acres. I do not intend to suggest for a moment that there has been any mistake or fault in connection with the compilation of these figures, but there are two facts which we have to remember. One is that these returns were sent in to the registrar before the recent series of hailstorms, which destroyed a large number of valuable crops. The second fact we have to remember is that almost without exception the experience is that the dry season has resulted in the grain not filling even up to appearances. Those farmers who expected to get two bags of wheat to the acre now consider themselves lucky if they get 1½. So far as I have been able to ascertain—and I have made inquiries over a fairly large area—the probabilities are that not less than 1½ bushels per acre will have to be deducted from that estimate of 4¾ bushels over the area actually stripped. There are other hon. members who no doubt have made their inquiries, but I say I am afraid 1½ bushels per acre will have to be deducted from the estimate for the area stripped. That would mean a total deduction of one million bushels over the area actually stripped, which again would mean that the apparent surplus would be reduced to a deficiency of 700,000 bushels, or roughly ¾ million bushels. To that deficiency will have to be added any flour that has been exported to the Eastern States since the 14th September. What that quantity of flour is, I do not know; but I understand it is something over 1,000 tons. I have been variously informed of estimates ranging from 1,000 to 2,000 tons. Of course, if it amounts to 2,000 tons, it represents another 100,000 bushels of wheat. Now, the deficiency of ¾ million bushels will have to be made



good in one of two ways, either by economising or by importing. If made good by importation, it is going to be a highly expensive matter. I have not the slightest confidence in the figures we saw published the other day on the authority of one of the Federal Ministers, who said that we could buy wheat in Chicago at 4s. 8d. per bushel and land it in Australia at 5s. 9d. per bushel. It is not for me personally to quarrel with the statement of a Federal Minister, who should have the best possible means of obtaining information, but we know perfectly well that it does not cost less to bring wheat from Chicago to Australia than to take it from Chicago to England, and to suggest that Chicago is now selling wheat for export at 4s. 8d. is to suggest that Chicago is selling below the parity of London value. That is a suggestion I would not entertain for a moment. I firmly believe that if we have to import wheat into this State the price will be much nearer 7s. or 7s. 6d. per bushel than 5s. 9d., as suggested by the Federal Minister. Now the necessity for this Bill arises, I understand, chiefly from the obligation upon the Government to prevent export when we know that we shall probably not have sufficient for ourselves. The export has resulted in this way. When the Control of Trade Royal Commission fixed the price of wheat at 4s. 6d., they did not fix any price for flour. So far as I have been able to ascertain, what happened was this: The millers went to the Commission and said "If no price is fixed for flour, we will sell flour at the present price of £9 10s. per ton." That was an attempt to interfere with the natural law of supply and demand, and did not succeed very well. After a while the millers found they were not getting the quantity of wheat they expected to get, at 4s. 6d. They also saw flour going up in the Eastern markets, and I understand there was some communication between the millers and the Commission. I do not know what the communication was, but I do know that the millers put up the price of flour to £11 17s. 6d. per ton, although the Commission still adhered to their price of wheat at 4s. 6d.

and were trying to drive wheat from the farmers into the hands of the millers at 4s. 6d. per bushel. The millers put up the price of flour to £11 17s. 6d., apparently without any attempt on the part of the Commission either to check them—which I think would have been improper—or to give the farmer a correspondingly increased value for the wheat that he sent to the mill. The reason why the millers have been exporting their flour is, as suggested by the Colonial Secretary, that the price in Victoria is £14 a ton, and since it costs something less than £1 a ton to take it from here to Victoria it is a better proposition to sell flour in Victoria at £14 than here at £11 17s. 6d. To my mind, it was most unjust that the Commission, after having some sort of agreement with the millers that these would sell their flour at £9 10s. a ton, and after having imposed upon the farmer an obligation to sell his wheat to the miller at 4s. 6d. a bushel, should have allowed the millers to increase their price to £11 17s. 6d., without giving a corresponding increase in price to the farmer. As a matter of fact, if the miller gave 6s. a bushel for his wheat he would still be on a reasonably good wicket with his present price of £11 17s. 6d. for the flour. It requires 50 bushels of wheat to give a ton of flour, and in the making of the flour the miller produces also half a ton of offal. The cost of 50 bushels at 6s. would be £15. The average milling cost of flour is 30s. per ton, but it is contended by the millers—and I have no doubt quite rightly—that at the present time, when they are unable to get in full supplies of wheat and therefore cannot keep their mills going full time, the economy of their plants is reduced, and they say that it costs them up to £2 a ton to manufacture flour. Admitting that, we have a total cost of £17 per ton; and the price the millers receive now is £11 17s. 6d. for the flour and £5 15s. for the half-ton of offal, or a total of £17 12s. 6d. So that, had the millers been paying 6s. a bushel for wheat, they would still have been getting a fair return on present selling prices. And yet we find the Commission up to this present day using all their

powers to try to compel farmers to send their wheat into the mill at 4s. 6d. a bushel.

Hon. W. Kingsmill: It represents £3 15s. a ton more.

Hon. H. P. COLEBATCH: Yes, that is so. The millers gain an altogether unfair profit, even when selling on the local market at present prices. Only a few days ago letters were sent out by the Commission to farmers who held wheat, in which the Commission stated, in effect: "If you sell to your neighbouring farmer for seed, you can charge him what you like; but if you sell to the millers you must sell at 4s. 6d." I have spoken on this matter once before, and it is a matter of which I have not to this day had any satisfactory explanation.

Hon. Sir E. H. Wittenoom: I know of one miller offering 5s.

Hon. H. P. COLEBATCH: I have said that the price of the offal is £5 15s. for the half-ton, which is equal to £11 10s. per ton. That, of course, is an absurdly high price for offal; but the position is as follows:—The requirements of the State in regard to offal amount to 30,000 tons a year, while our flour requirements are represented by 36,000 tons; consequently we mill only sufficient wheat to produce 18,000 tons of offal, leaving a shortage of 12,000 tons. In normal years that shortage is broken down somewhat by the wheat milled for flour for export, but this year, neither in this or the other States, will any wheat be milled for export, and consequently this shortage of offal is bound to continue and the miller is safe in depending on getting his £11 10s. for offal. It seems to me there has been a desire on the part of this Commission to cut the price of wheat down to 4s. 6d. in order that there may be no advance in the price of bread. I do not think there is any necessity for an advance in the price of bread, but I say it is a very dangerous thing for any government or commission to attempt to disturb the natural order of things. If there were not a waste in the making and distributing of bread, if we were able to admit that the price of bread represented the bedrock price on the old price of

wheat, then I would say that the proper course would be an increase in the price of bread, because the natural, the proper, and the wise result of a shortage of grain is an increase in the price of bread. It is natural because the shortage of supply always means an increased price. I say it is the proper result because it means spreading the loss over the entire community, and it is wise because an increase in price always brings about economy in use, and it will therefore serve to reduce the quantity of wheat we shall have to introduce into the State. If we have to import three-quarters of a million bushels of wheat at about 6s. 8d.—I am sure the price will not be less—it will represent a quarter of a million of money which will have to go out for wheat for food supplies. The position of the bakers is that many of them have contracts running until February next at £8 10s. per ton. Those not so fortunately placed have to pay the present figure of £11 17s. 6d.; so it will be seen the bakers are not competing on fair lines, some having a great advantage over others. But assuming that the price is £11 17s. 6d. per ton for flour, the baker gets 1,440 2lb. loaves of bread. The price of bread to-day is 3½d. in Perth, 4d. in the larger country towns, and 4½d. in other parts of the State. No doubt these variations in price are justified by the limited demand and other local conditions, but if we take it at 4d., the mean price, out of a ton of flour the baker would get £24. I think it is worth while considering this. If this, even with flour at £12 per ton is not sufficient to enable the baker to work profitably, then there must be a very great waste somewhere, and I have no doubt we could all of us put a finger on that waste. It is in bad debts. It would be a good thing if, because of the increased price of flour to the baker and of the decrease in his margin of profit, he were compelled to do away with these bad debts. In Northam recently the butchers, instead of increasing the price of meat, decided to demand cash at the door or over the counter, and for some months past one cannot buy a pound of chops in Northam without putting down the

cash. Practically that rule has been in force for months, and every householder agrees that it is the best thing that ever happened in the retail trade. In all sections of the community there is a great deal of waste in these small things that are booked up. Experience has been that selling meat for cash only has meant economy, and thus selling bread for cash would mean economy in the same way, and would to a large extent help in breaking down that quarter of a million which we may otherwise have to send out of the State for our food requirements. I do not know that there is any other feature of the Bill to touch upon now, but when in Committee there are two or three amendments which I shall ask the Colonial Secretary to consider. Thus, in Clause 13 it will be noticed that Subclause 2 provides that upon the application in writing of the board or of the owner or any person claiming to be interested in such grain or foodstuff, the said Commission shall fix the price to be paid therefor. That is, when a dispute has arisen as to the price, the person interested in the wheat, apart from the apparent owner, is entitled to be heard; but if we go back to paragraph (a) of the clause it will be seen that the person interested is ignored altogether, and it is competent for the board and the apparent owner to decide upon the price between themselves without any other person interested being entitled to come in in any shape or form. That is a point deserving of grave consideration. Also, in regard to Clause 19, which affects existing contracts so far as contracts made within the State are concerned: no doubt it is the best way of getting over the difficulty, because if a farmer has sold his wheat at 3s. 6d. and the Commission seizes it at 5s. they will give him 3s. 6d. and to the man to whom he had sold it they will give the 1s. 6d. and the contract is then annulled. But in respect to wheat sold to persons in the other States, that will not be the case, and I say some provision should be made by which those people will be protected against loss. If the Commission give less than the owner sold it at to someone in the other States,

they should indemnify the owner. There is also the question of appeal. In the corresponding Bill passed in South Australia it is made abundantly clear that there shall be an appeal from the decision of justices dealing with offences against the measure. The matter was raised in another place, but the Premier said there was no need, that the appeal was otherwise provided for. However, I have been informed on very good authority that this is not the case, and that if people are to be given the right of appeal it must be expressed in the Bill. I have pleasure in supporting the second reading, merely expressing the opinion that it all depends upon how the Bill is administered. I firmly believe that any undue interference with the natural course of events will create evils greater than those the Bill is intended to meet.

Hon. J. F. CULLEN (South-East) [5.40]: The only difficulty in supporting the principle of the Bill is that public confidence has been rudely shaken. When the Control of Trade in War Time Bill came before the Legislature the main argument for public confidence was that the Government had only the best intentions and that the Government would select the wisest possible commission to administer the Bill. On this assurance both Houses gave the Government practically a blank cheque and said, in effect, we trust the Government and their commissioners. I repeat the charge made by Mr Colebatch that that confidence has been abused.

The Colonial Secretary: The leader of the Opposition was consulted, and his nomination of a member accepted.

Hon. J. F. CULLEN: I will not dispute that, but I say the actual operations of the Commission have resulted in very grave abuses. I would like to know from the Colonial Secretary, is Rae still on the Commission.

The Colonial Secretary: Yes.

Hon. J. F. CULLEN: Is he at large?

Hon. H. Millington: Yes, and doing his duty.

Hon. J. F. CULLEN: Is he at large to go about as a kind of buffoon parading himself as a commissioner, practically

above the courts of the land, above the machinery of Government, clothed with unlimited power? I have it on the best authority that this man has gone to several farmers and said, "I have the power to have you arrested, sir. Do you know I have the power to put you in gaol?"—and rubbish of that character; and his influence has amounted practically to duress and compulsion, and very grave injustice has resulted, as well as risk of health and of life itself in some cases, in those simple farming households. All this from this man's misconception of his authority. If this man Rae is still a member of the Commission and the Bill makes Rae practically the ultimate authority—because when he was acting the fool throughout the farming districts the other two members of the Commission were either unaware of his escapades or they did not think it necessary to admonish him—if the same risk is to continue, then the House has a grave responsibility. I recognise that in the circumstances created by drought and war the Government must be clothed with two powers. They must have power to prevent the cornering of supplies of food stuffs, and they must have power to prevent the inadequate supplies already in the State from passing out of the State. As the Colonial Secretary has pointed out, it would be *ultra vires* to attempt to deal with export, but I recognise that the Government must have power to deal with the situation in a lawful way, namely, to interpose and purchase the things which would otherwise be exported. I recognise that those two powers must be given to the Government. But as the Bill was originally drawn it would have been in the power of Mr. Rae to still go to the farmers, not to the millers or merchants, but to the little farmers and say, "If you do not sell to the miller at the price we have fixed you will go to gaol." The Bill has been considerably improved in another place. Practically the Bill now says, that the Commission must have regard to the market value at the time and at the place where the foodstuffs are to be commandeered. I think I would rather

have had that amendment in other words. I would rather have that amendment say definitely that they would have to buy at the market price, not at some fictitious price fixed by the Commission, but at the market price fixed by supply and demand, at the place and at the time. However, the Premier's amendment comes as near as possible to that—that the Commission shall have regard to the market price at the time. It has removed from the measure a most serious ground of objection I had to it; and now but for the actual personnel of that Commission and the actual evidence of the absolute unfitness of the most active member of that Commission, I would vote without demur for the second reading. But I want this House and the Minister to think very seriously about allowing this man Rae to remain on that Commission. Has not this man grossly abused his power, because not only did he approach the simple farmers, but he travelled in company with a miller's buyer and practically implied that that miller's buyer was to get the wheat in the controversy between him and the farmer he was dealing with. It was a monstrous abuse of the powers of the Commission. I hold it was the duty of the Government to take steps at once to exercise the powers they have under the Act to remove any commissioner. Mr. Rae should have been removed instantaneously in order to restore confidence of the public and justify Parliament in passing a Bill to give further powers. This Bill is not intended to apply to individual growers, because the export business is done by millers and merchants. It is not contemplated in the Bill to attempt to force individual growers to sell grain at an artificial price. I assume it is really intended to intercept business that would otherwise go out of the State. I hope the Colonial Secretary will give the House some assurance on this matter, because it will weigh very materially with the House in Committee. I would like the House to think of the gross injustices that have already been perpetrated on many farmers. The attitude of the Commission has been this:

we are thinking of the distressed farmers who need seed and of poor people who need bread, and because of those two objects we hold ourselves free to inflict an enormous loss on the growers of wheat. I recognise that in circumstances of distress the Government, representing the whole State, has the right to help the distressed farmer, the needy farmer who wants seed wheat, and to help the man who wants bread, but the State as a whole must pay the cost of that benefaction. Why should the cost of that benefaction be cast on our producers throughout the State? It may be said that 4s. 6d. is not a bad price for wheat, considering that at some time it has been sold for 3s. I will not show just now the fact that 3s. will not pay the farmer for his wheat. Wheat sold at 3s. has given nothing to the farmer. But I am not concerned with that just now. I want to point out that 4s. 6d. this year does not correspond with 3s. in a year of glut. What are the figures we have just had? The proportion of grain to the acreage harvested is only a little over 4 bushels, one-third of a normal harvest. I say the percentage to the acreage harvested as given, is a little over 4 bushels.

Hon. H. P. Colebatch: Four and a third.

Hon. J. F. CULLEN: But to the acreage sown, on every acre on which the same cost has been laid out as on the acreage that produced the harvest, the result will be a little over two bushels to the acre. If it takes 3s. 6d. as the minimum to pay in a normal year is it not arrant nonsense to say that 4s. 6d. is a fair thing when we are only getting one-third crop off the area harvested, and one-fifth off the area sown? Have Ministers ever thought of these producers at all? The commissioners have not, and commissioner Rae seems to have only been thinking of his wonderful power, and his interest in the millers, with one of whom he travelled around and helped to convey and to really cover by his authority in the mind of the simple farmer; and the simple farmer, seeing the buyer with commissioner Rae, that suggests it is a serious

thing to resist that buyer; and that buyer, travelling with commissioner Rae, victimises the farmer. The Government must bear a portion of the blame in allowing that to be done.

The Colonial Secretary: How many of the farmers were victimised?

Hon. J. F. CULLEN: If there was only one—

The Colonial Secretary: Was there more than one?

Hon. J. F. CULLEN: Certainly there was more than one, and in one case it was a matter of 1,500 bushels: a serious item indeed. And this miller's buyer victimised the farmers because he was travelling under the aegis of this commissioner, who actually thinks himself above all authority in this State to do as he likes. Now I want the House to be fully seized of this, and I want Ministers when they are asking this House to sign another blank cheque not to be a bit surprised if there is some hesitation on the part of the Legislative Council. If the Minister can give the House an assurance that the intention under the Bill is to deal, not with isolated farmers who need protection, but with millers and merchants, then I say the proposition is very much simpler, and I would be glad if the Minister, after consultation with his colleagues, can go further and see the great risk arising from the presence of Mr. Rae on the Foodstuffs Commission, which can only be met by the removal of that commissioner. I say this House should demand the removal of that commissioner before granting the powers under this Bill. Surely there are many level-headed sound business men in this community to fill positions on this Commission. Does the Minister mean to say that he approves of the action of commissioner Rae?

The Colonial Secretary: I do. A thoroughly good man.

Hon. J. F. CULLEN: Does the Minister approve of his action with Mr. Whitfield?

The Colonial Secretary: Yes.

Hon. H. P. Colebatch: In going in a miller's motor to Mr. Whitfield?

Hon. J. F. CULLEN: I do not think the Minister is seized of the facts. Does

he know that the Commission have over-ridden Mr. Rae and insisted on the cancellation of the sale to the miller and have given Whitfield permission to sell his wheat legitimately at nearly half as much more than he had been forced under duress to take. There is no need to conceal names. Here is a wealthy miller sending his buyer with a commissioner so as to get the advantage of commissioner Rae's manner and method. This great Royal Commissioner telling this man he must sell to the miller at 4s. 6d., although the farmer had previously sold something like half his crop at nearly 50 per cent. more in price. If the Colonial Secretary says he approves of all that, I have great doubts about passing this Bill.

Hon. Sir E. H. Wittenoom: If it is true it is scandalous.

Hon. J. F. CULLEN: It is true, perfectly true. Here is a simple farmer who is far away from advisers, and the Royal Commissioner comes along and says, "You have rendered yourself liable to a heavy fine. You have rendered yourself liable to go to gaol." That frightened the wits out of this farmer and still more frightened his wife and family, and the farmer under such conditions said, "What am I to do?" and Mr. Rae replied "What you have got to do is to cancel the contracts you have made and sell to Mr. Durrant, who is here, at 4s. 6d.," and Mr. Whitfield sold, and if ever a man was sold he was. I say the Colonial Secretary is evidently not aware of many of the facts of the case, which were afterwards brought home to the other commissioners, and they insisted on reversing the action of commissioner Rae, and Mr. Whitfield was enabled to cancel that contract obtained under duress, and sell legitimately to his own neighbours at a reasonable market price. I say again if the Colonial Secretary is really in sympathy with that sort of business I cannot trust the Government.

Hon. J. E. Dodd (Honorary Minister): There are two sections and two different standpoints; one wants the price at which to buy and another at which to sell.

Hon. J. F. CULLEN: There is too much muddle and meddle. All we want

to give is the power necessary to prevent the cornering of supplies. I want to ask the Minister if he has ever heard of any attempt to corner food supplies in this State. I have not, and I do not think anyone here has. It is quite right that the Government should have power to prevent such cornering if the occasion should arise. The only other power they want is to step in and intercept any food supplies going out of the State, seeing that we have not got enough for our own requirements. That power we will cheerfully give. We want the Government, however, to give some assurance that it will be placed in the hands of capable men, and that there will not be a Commissioner Rae amongst them. I am sure if Ministers were really seized of the follies and outrages of this Commissioner of theirs they would dismiss him at once. If they are going to keep Commissioner Rae on, I have yet to consider what I will do so far as my voice in the matter goes. If we were to have a level-headed Commission and board I will be ready to stand by the Government right through. Personally, I think a very much simpler course would be for the Government to amend their Control of Food-stuffs Act, by making it entirely unchallengeable—it is challengeable now—and placing this power in the hands of competent commissioners to administer. That is all they want, always providing that the redoubtable Mr. Rae sheds his beams in another place and gets off the Commission as quickly as he can, and makes room for a level-headed man to be put on in his place. The best course in regard to the Bill would have been to have referred it to three members of this House by way of a committee, who would report on the whole case, after which we could pass the Bill in an hour. I think that would be the best course to follow. If the Minister knows that there are any urgent cases that may arise to-morrow or Friday or Saturday he no doubt will press to have this measure put through by to-morrow, but unless the Minister knows of any immediate necessity I am sure his wiser course would be to let it go to three members of this House

for their careful consideration and report to the House on Tuesday. I do hope he will consult with his colleagues as to whether he cannot appeal to the confidence of the public by getting rid of the Commissioner who has so grossly abused his position.

Hon. Sir E. H. WITTENOOM (North) [6.3]: I had intended to support the second reading of the Bill in a few words, and with just one or two suggestions, but having heard of the terrible maladministration which has taken place in connection with the vast powers given to the Government it makes one hesitate and consider. If the administration for the control of food supplies in war time has been carried out in the manner in which the hon. member who has just sat down describes it seems to me that very great care should be taken as to the persons which the Government place in this position of trust. I feel sure that there must be some misunderstanding in connection with the matter, the unravelling of which would show that the position is hardly as bad as Mr. Cullen points out. If it were so the Colonial Secretary would surely have known something about it, and probably when he comes to speak he will be able to give us some explanation.

Hon. J. F. Cullen: It is not in his department; he is a very busy man.

Hon. Sir E. H. WITTENOOM: He would not for a moment be a party to such a state of affairs if he knew that they existed. I am sure of that. I am quite in accord with the spirit of the Bill in so far as it tends to prevent any export, and think that full powers should be given to the Government to prevent that export, and I unhesitatingly endorse this point. I am still in accord with the Act that was passed to prevent the cornering of flour grain or anything else in the way of foodstuffs, which power we gave to the Government before the House rose some time ago, and powers that it was stated were required during the recess that in case anything arose the Government would be in a position to thoroughly deal with it. I am not going to say that these powers have been abused, but I do not think they have been wisely exercised, as pointed out

so thoroughly by Mr. Colebatch and Mr. Cullen, in fixing the price of wheat at 4s. 6d. That seems to be an absurd price, but so much has been said on the matter that I will not deal with it except to suggest that very great care should be taken in this connection. The powers given to the Government should be of such a nature that they could prevent exportation, and of such a nature that they could prevent any cornering of any of the foodstuffs whatever. There are, however, other questions from the point of view of the producer as to the price they get for their product, and the methods of payment. It should be forced upon the consideration of this board or this Commission that a fair price should be given to the producer after taking everything into consideration.

Hon. J. F. Cullen: He will get just about 9s. or 10s. a day.

Hon. Sir E. H. WITTENOOM: This is by no means a normal season. It is indeed an abnormal season, and after my experience of thirty or forty years I am convinced that we have never had such a season before. Where we had a rainfall in a district of usually 18 to 21 inches now we find it is under 8 inches. This indicates that the season must be abnormal. As pointed out the other day, there is a comparatively greater expense to the man who only gets a 5-bushel yield instead of a 20-bushel yield, and there is also the expense of feeding his stock whilst chaff is such a high price as it is to-day, as well as the loss through wheat being the low price it is. This board should take into consideration all these abnormal circumstances in connection with the producer and give him what may be considered a fair price for his wheat. It is hardly fair to consider the consumer at the expense of the producer, especially at these times when most of the consumers are those who are earning wages and are earning more per day or per week in wages than the farmer who produces the flour and the wheat for the consumer. I have very much pleasure in supporting the second reading of the Bill.

Hon. R. J. LYNN (West) [6.7]: I have much pleasure in supporting the

measure, and I am in sympathy with the intentions of the Government. I do realise, however, that this measure contains many clauses of a very contentious nature. It appears to me to be bristling with points in many directions. I am somewhat in accord with Mr. Cullen when he advises the reference of the Bill to a committee for a day or two. I realise too the importance of the Government to-day prohibiting the export of flour. On the figures quoted by Mr. Colebatch it is evidently necessary that no more flour should be exported from the State. At the same time I recognise that the Bill covers considerable ground and has a very wide scope. Even the definition of foodstuffs is in itself a question open for considerable discussion. We have seen recently in New South Wales where beer has been declared a necessary of life under a similar Act. As I suggested to one gentleman to-day, if beer was considered necessary in order to make a lining it is equally necessary also that galvanised iron should be included in order to make a covering. The Bill in itself is very wide in its operations, and there are many clauses which I do not propose to criticise in any unfriendly spirit, but merely to mention that there is a likelihood of trouble arising in many directions. The Government under this measure, or the Commission could step in and take a quantity of wheat from the producer and declare that quantity of wheat as being part of a contract entered into in connection with his sale to the merchant or broker. It does not make any provision for the contract with the merchant or broker as entered into with the miller, or the miller with the baker, so that we have the position that while the Commonwealth Government have made provision for the prohibition of flour, making it unlawful for anyone to supply, and thereby cancelling the contracts entered into for oversea—

Hon. H. P. Colebatch: It does not cancel them.

Hon. R. J. LYNN: I say it does cancel them because it becomes an unlawful act on the part of anyone in Australia

to export under that word "unlawful," and his contract becomes cancelled.

Hon. H. P. Colebatch: Not a contract made in London.

Hon. R. J. LYNN: Yes, I have legal advice on the question. That, at all events, is my opinion, and it is borne out by legal advice. Under Clause 12 we have the acquisition of this wheat or any other foodstuffs by the Commission, but no protection is made against a mortgage or bill of sale. It does say in one clause— "Liens," and it says the Board may or the Commission "may" pay. I consider on the word "may," that this should be mandatory, that where it can be distinctly shown that the Commission has a mortgage or bill of sale or a lien over any of this property that should be sufficient for the board to be compelled to pay. It distinctly states in the Act that they "may pay" or may pay into court; it is not mandatory even then. Even if the Board is fully satisfied that a lien does exist or a mortgage or a bill of sale, there is nothing mandatory to say that the Commission shall discharge that liability. Then again we have the question of the price to be fixed by the Commission. I consider that some of these words should be deleted and other words added. In Clause 13, subclause (b), it reads—"If the price is not so agreed within fourteen days after the grain or foodstuff is acquired as is fixed by the Commission appointed under the control of Trade in War Time." I consider that that clause should be deleted, and that it should be made "At the current market price under the Control of Trade in War Time Act after hearing all the parties and any evidence that they may wish to call." Clause 13 gives grounds for a considerable amount of discussion. It is still questionable under that clause as to what rate they shall fix. For instance, it is not a very difficult matter to fix the current market rate for wheat. At the present time wheat may be imported into the State from the west coast of America and from the Argentine, and landed here at approximately 6s. 3d. a bushel. As against the



parity of London value, we can ascertain the London market quotations on the day of sale and by the deduction of standing charges we can arrive at the market value for the commodity here.

Hon. W. Patrick. It is 6s. 6d. in London now.

Hon. R. J. LYNN: If so, it may not cost us very much more to bring it to Western Australia.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. R. J. LYNN: Before tea I made reference to the current market price. I consider that the farmer should obtain the highest possible price for his produce, and it should be not less than the equivalent of the export value. It is provided in the Bill that the commission will have absolute control of the fixing of the prices. I venture to suggest that this will be placing a power in the hands of the commission which might not be used or exercised in the interests of those concerned. There is a further reference also respecting the acquisition of foodstuffs, and in this direction anyone holding a lien, a bill of sale, or a mortgage, should be protected, and notice so given as to warrant those people holding a lien having some opportunity of knowing of the acquisition of this particular property before payment is effected. In this direction in Clause 12 I propose to suggest to the Committee that every acquisition 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 at Perth, stating the name of the apparent owner or possessor of the grain or foodstuff, the quantity and description of the goods acquired, the situation thereof, and the total price paid. This will then afford protection to those people having that lien which, in the ordinary course of events, is afforded them to-day in the usual way of business. If such protection is not afforded them by notification in the *Gazette* or by some notice, we can understand how easy it might be for wheat or foodstuffs to be acquired and payment effected, and the holder of the mortgage, bill of sale, or the owner of the lien, having absolutely no protection. In Clause 13 I proposed to

move an amendment in order to make it compulsory on the part of the commission to arrive at what is a fair market value of the commodity, because it must be definitely understood that when we are referring here to wheat, especially, that the definition of the word "foodstuff" includes anything and everything. Practically anything under this Bill can be declared a necessary of life, and it will widen the scope of the commission very much. Therefore, I think it very essential that some amendment should be made so that the opportunity will be given those who have their foodstuffs or goods commandeered to receive at least the current rate. This will easily be obtained because we have other markets to guide us. Clause 16 gives power to the board to deduct from such sums or any of them any amounts which the board is satisfied are due. I consider that the words "the board is satisfied" should be deleted, and a further amendment may have to be included to the effect—"due to any person in respect of the lien, mortgage, or bill of sale." Of course, I recognise one of the clauses of this Bill enables the board immediately on acquiring, or within a certain time of acquiring the goods, to pay the amount into court, and then the owner can put forward his claim, or the holder of a lien or mortgage or bill of sale, but I contend it should be mandatory on the part of the commission in this direction, because it will be an easy matter for many to sell their goods to the commission and receive payment, and the holder of the mortgage or bill of sale may have to go without payment. If the amendment I have suggested to Clause 12 is accepted, that will give the holder of the lien the security he is afforded to-day in the ordinary trading way. In addition to that, we should not allow it to be optional on the part of the board. The object of Clause 19 is to relieve the seller of his obligation to deliver in the event of the board taking or purchasing the goods. He can relieve himself of his liability to his contractor by selling that quantity to the Government, and receive possibly enhanced values for it. There is no clause in the measure which will re-

lieve a buyer of that produce. There is an obligation, and as the purchaser of the wheat, having effected sales within the State to a miller, and as I have pointed out, the miller to the baker, the purchasers of the wheat having made other contracts will be left with the liability, and the original seller, after having sold at the enhanced value, will be relieved of his liability. I contend that is not quite correct, and it is necessary that there should be some alteration in this direction. If we propose to relieve one section of the community of their obligation in connection with their contracts, and it can be shown clearly that by having those contracts they have obligations also, then the people who are deprived under this Act from securing themselves should also be relieved of their obligations to the millers or bakers. In this direction, I propose to move a clause to the effect that in the case of such a person having contracted to sell at a price or rate less than that being paid by the board, the difference shall be paid to the person entitled to delivery immediately prior to the board's acquisition. I have many more amendments of a consequential nature to put forward, but I am inclined to agree with Mr. Cullen that, seeing that the Bill is bristling with so many technical points, seeing the possibility of the people having to pay heavy claims in many directions, especially with these contracts entered into, inter-State or within the State, it is only right that we should endeavour to absolve them from their obligations. This Bill makes absolutely no provision for the man who has contracted and who has no wheat to supply. But the obligation still remains that if a man has contracted to supply, say 1,000 or 10,000 bags of wheat, and if his crop has failed, that man must purchase to deliver that wheat. He has that liability on his shoulders to-day. A man contracts to sell wheat, he does not contract to sell the result of his harvest. I contend that a man must deliver or he is liable for a claim. I am willing to admit that in recent years many men have sold considerably more than they were in a position to deliver, and I have not,

to my knowledge, heard of one case arising out of short delivery of wheat. Nevertheless, the claim remains, and I believe in law it could be enforced. While this Bill goes to that extent to relieve the man who has contracted with the merchant or broker to supply wheat, it relieves him of the quantity he has to deliver.

Hon. J. F. Cullen: It does not.

Hon. R. J. LYNN: It does. It states in one clause that it relieves him of that liability. Clause 19 states—

In case any grain or foodstuff is, at the time when it is acquired by the board, in the custody of any person who under any contract is bound to deliver it, or any grain or foodstuff in lieu thereof, to or in accordance with the order of any other person, the obligation so to deliver shall be discharged upon the taking of such grain or foodstuff by or on behalf of the board or the delivery thereof to the board, but without prejudice to any claim. . . .

It is all very well after a man has paid for the wheat, but if it can be shown that the wheat is acquired will this board retain the difference between the contract price and the price of purchase and pay that amount into court? It makes absolutely no reference to the payment of money into court at all. It is not mandatory, it says they may pay it into court. Mr. Cullen has complained bitterly of the personnel of the present commission in connection with the administration of foodstuffs. He complained too of the exceptional power which had been given to this commission, and that they had not fulfilled their duties. Yet here we have another Bill that gives another commission the same option of exercising their own discretion. Let us have a clear understanding on this Bill. I think I have said enough to show that it will be impossible without considerable discussion, and without taking into account the circumstances surrounding every individual case, to deal with this matter. Practically everything will depend on the personality of the board, but I am not prepared to give everything into the hands

of a board and I think we should protect as far as possible the interests of all concerned. I am willing to go to this extent: I am in sympathy with a measure of this kind and I will go to the extent of giving the Government full power to commandeer all the wheat and flour in Western Australia to-day, and to cancel every contract in existence. If the Government do this they will be in a position to exercise the conditions of the contracts of those people who can supply, and to pass back to those on the land who cannot pay a higher figure, the benefit resulting from the contracts.

Hon. C. F. Baxter: A shortage of chaff is worse than a shortage of wheat.

Hon. R. J. LYNN: I am prepared to admit there is a shortage of chaff. I would be favourable to giving the Government full powers in this direction; otherwise we should limit the scope of this measure.

Hon. J. Cornell: Someone will have to go down; who is it to be?

Hon. R. J. LYNN: Under my suggestion no one would go down. Considering the far-reaching effects of the measure, and that many amendments were made only last night which interfered with many which I proposed to suggest, it would be of very little use even to postpone the Bill until to-morrow. I am prepared to support Mr. Cullen in referring this Bill to a select committee to report on Tuesday, and I believe it would be in the interests of all concerned to first have evidence from all parties and to have the measure considered from every standpoint.

Hon. C. SOMMERS (Metropolitan) [7.47]: I desire to congratulate the Government on their good intentions in regard to the relief they intend to give under this Bill, but I am afraid the Bill as drafted is full of difficulties and will not accomplish the object aimed at. I very much regretted to hear the remarks by Mr. Cullen in regard to Commissioner Rae. I was always under the impression that Mr. Rae was a particularly level-headed man, but if the charges made by Mr. Cullen are true, it is most unfortunate that Mr. Rae was appointed and

that he still continues on the Commission. The charges are of such a nature that I trust the Government will make full inquiries into them. It is the duty of the Government to do so in the interests of the country and if they are true, to ask Mr. Rae to resign.

Hon. J. Cornell: On the word of one man?

Hon. C. SOMMERS: No; if the statements made by Mr. Cullen can be borne out, I regret to say that Mr. Rae is unfit to occupy the position, but we should hear what he has to say in defence. Anyhow, an inquiry should be made. Mr. Rae is a personal friend of mine and I have always regarded him as a very honourable and level-headed man, and I regret very much that such statements have been made.

Hon. J. J. Holmes: An inquiry was made and it reversed everything he had done

Hon. C. SOMMERS: Clause 16, Sub-clause 1, paragraph 1 of the Bill states—

The board may deduct from such sums, or any of them, any amounts which the board is satisfied are due to any persons in respect of liens or charges on or in respect of such grain or foodstuff, and may pay such amounts to the persons who appear to the board to be entitled thereto.

This should be made mandatory. If the board purchased wheat from a farmer at 6s. a bushel, and there was evidence that another party had already bought it at 4s., it would be the duty of the board to protect the second man to the extent of 2s. I think the board should not part with any money but should hold it in the interests of the real owner. Clause 19 is causing me much anxiety. I have studied it from every point of view. Someone suggested turning it upside down in order to endeavour to get at the meaning. I have submitted it to two or three lawyers and they consider it very difficult to understand. This House is not here to pass measures which will provide work for lawyers later on.

Hon. J. Cornell: We succeed fairly well in doing so.

Hon. C. SOMMERS: But we must not do it willingly. I cannot vote for Clause

19 as it stands. I have talked with millers, with dealers in wheat, and with farmers. In one case a dealer, in the ordinary course of business, bought 5,000 bags of wheat in August last from various farmers; he bought it at 3s. 3d. a bushel. He was not looking for a big profit and in the course of a short time he sold it at 3s. 6d. to a miller. I have seen the miller and he said he had made contracts with bakers to supply them with flour at a certain price. I said, "The farmer, instead of having 5,000 bags to deliver, has only 2,000 bags. If the Government purchase that 2,000 bags they exonerate the farmer to that extent and he has then to deliver only 3,000 to the dealer." The miller replied, "I am not concerned with that. I bought 5,000 bags and I am going to have it. If I cannot supply flour, the baker will make me buy from someone else and deliver to him." Some people think the farmer would be relieved from all necessity to deliver the 5,000 bags. My reading of the clause is that he would be relieved only to the extent of the quantity the Government take from him. The dealer would not be relieved from the necessity for delivering less than 5,000 bags to the miller. The thing is full of complications and we cannot pass the measure as it is drafted. We must either cancel all contracts made during the past 12 months or leave the thing alone altogether.

The Colonial Secretary: There is another Bill coming down.

Hon. C. SOMMERS: That is the point. If there is another Bill we cannot pass this until we know its contents. Although there is a certain amount of urgency in the matter we cannot pass this Bill alone. The two must be passed simultaneously. This Bill was introduced as an urgent matter because there was a chance of 1,000 tons of flour going to the Eastern States, and we would have been compelled to repurchase that and bring it back at considerable cost. Since then the millers have volunteered not to export.

Hon. J. F. Cullen: All of them?

Hon. C. SOMMERS: Yes, the associated millers.

Hon. W. Patrick: And the dealers as well?

Hon. C. SOMMERS: I do not know about them. When the undertaking was given on behalf of the millers I assumed it would cover everyone. Therefore, it seems the urgency does not exist at present and we have now more time in which to consider it. There is another point to be considered. In relieving the farmer from liability, we do not relieve the dealer and someone has to buy from the farmer. The Bill would lead to an endless crop of legal entanglements. The more one reads it the more difficulties seem to crop up. It is clear that the Government, in taking over a certain quantity from the farmer, relieves him from the necessity for delivering to the first buyer. If the Government took it over at 6s. and the farmer sold it at 4s., the 2s. balance would belong to the first buyer and the board should protect it to the buyer. I think the House will insist on this clause being made mandatory. Clause 23 states—

(1) All proceedings in respect of offences against this Act shall be heard and determined in a summary way by a resident magistrate or any two justices, and shall be regulated by the Justices Act, 1902, and any amendments thereof, or any other Act or Acts regulating summary proceedings before Justices of the Peace. (2) All convictions and orders made by such magistrate or justices may be enforced as provided by the said Act or any other such Act as aforesaid.

I contend that there should be some appeal.

The Colonial Secretary: I think it is provided under the Justices Act.

Hon. C. SOMMERS: I do not think there would be any harm in adding the words, "and shall be subject to appeal as provided in the said Acts." I welcome the intention of the Government, but to pass the Bill as it is would not be right, and seeing that another Bill is to be introduced dealing with contracts, it is the duty of the House to hold up this measure until we learn the contents of the other.

Hon. G. M. SEWELL (South-East) [7.57]: On looking through this Bill

from a producer's point of view I consider it a very good one. I do not agree with some of the speakers about the price being unfair. The price of 4s. 6d. fixed by the Commission was for old wheat. Most of the farmers, I think, had sold their wheat for 3s. 3d., and if they had not done so they would have been very glad to receive 4s. 6d. It was the merchants who were holding the wheat and to give them 4s. 6d. was a very good price. I do not think any wrong was done in fixing the price at 4s. 6d. I understand that the board to be appointed under this measure are to give the market price at the time and place when and where the wheat is acquired. I do not think the producer will grumble at that. Whatever the price is the board will give, and that is a very fair thing from the point of view of the producer. I do not know the position from the merchants' standpoint. I would like to ask the Colonial Secretary if it is his intention that the board shall take over all the farmers' wheat, whether they have anything to sell or not.

The Colonial Secretary: No, it is not.

Hon. G. M. SEWELL: There are not very many farmers who have much wheat to sell.

Hon. W. Kingsmill: We do not know yet.

Hon. J. DUFFELL (Metropolitan-Suburban) [7.59]: I rise to support the second reading of this Bill, which like all emergency legislation bristles with very debatable points. Several of them have already been mentioned by various speakers and a good deal of discussion has centred upon Clause 19. I was very much perplexed to know how to interpret that clause, especially as it would apply to contracts which were made outside the State. In the case of a contract made for the supply by one of our citizens of wheat or flour to a firm in the Eastern States, the non-fulfilment of that contract would, I venture to say, be ventilated not through any Western Australian tribunal but through the High Court of Australia; and the High Court would probably hold Clause 19 to be invalid. I understand from the Colonial

Secretary, however, that another Bill is in contemplation; and no doubt that measure will apply more particularly to the cancellation of contracts wherever they may have been made. The further measure which is in view affords in my opinion further reason why this House should pay attention to what I consider the very feasible suggestion which originated from Mr. Cullen. I refer to that hon. member's suggestion that a select committee be appointed to examine into the details of the Bill and then report to the House. The committee would be able to lay before hon. members generally in a concise form what to the best of the committee's knowledge and ability is the proper interpretation of the various highly debatable clauses of the measure. There is no doubt in my mind at the present time that the Bill as presented to us, especially in the light of the information that a supplementary Bill is to be brought forward, represents something in the nature of a howitzer being brought into action to shoot a parrot. This is a formidable Bill to bring about a result which is no doubt very desirable, but which can be achieved in a much simpler manner than proposed by this measure. I do not intend to-night to deal with the various clauses of the Bill, but I feel bound to make some reference to Mr. Cullen's remarks regarding Commissioner Rae. I think that statements of such a nature as made by the hon. member, and couched in such language as he employed, call for more explanation than we have been furnished with up to the present. In view of the seriousness of the charges against Commissioner Rae, it is my intention to ask the Colonial Secretary to lay on the Table of the House the whole of the correspondence connected with the case to which the hon. gentleman referred in this Chamber, as reported in the current session's *Hansard*, at page 177. The Colonial Secretary is there reported as stating that no action was taken by Commissioner Rae without the full knowledge, consent, and approval of the whole of the Commission.

Hon. J. Cornell: Why does not Mr. Cullen move the adjournment of the House?

Hon. J. DUFFELL: Statements of the nature made by Mr. Cullen against any officer appointed by the Crown should not be allowed to go unchallenged and untested. To my mind the position as it is at present represents something in the nature of shooting a man in the back. After such statements—statements which have been practically assented to by various members—that wrong has been done, Commissioner Rae should, in my opinion, be given an opportunity of appearing at the bar of this House and speaking for himself in his own defence. British justice and British fair play have been spoken of here many times. I ask, should a man be accused, as Commissioner Rae has been accused, without being afforded an opportunity of answering the charges? Personally, I am inclined to give Commissioner Rae the benefit of the doubt, and to accept the Colonial Secretary's statement that Commissioner Rae has done nothing amiss. Certainly, I hold Mr. Rae innocent until such time as he shall have been proved guilty. I hope that hon. members will allow Commissioner Rae to appear at the bar to defend his action, and that the Colonial Secretary will lay on the Table at the next sitting the whole of the correspondence referred to, so that every member may become *au fait* with what has actually taken place.

The Colonial Secretary: I cannot do that. The correspondence is all confidential.

Hon. J. DUFFELL: Members will, of course, accept that. Further, remarks have been made on various contracts between the farmer or producer and the merchant. As I ventured to interject when Mr. Lynn was speaking, there is a law of *force majeure* in Western Australia just as in every other part of the British Empire. If a producer has made a contract with a miller or a merchant for, say, a thousand bags of wheat, and if it can be proved that the producer has put into the land sufficient labour and tilled an area of land large enough to produce one thousand bags of wheat, or possibly more, and if it can be proved, further, that he made his contract in no gambling spirit, but that circumstances over which he had no control

prevent him from supplying, then the law as it stands at present must be interpreted from a common sense point of view. If, I say, it can be proved that the producer, owing to no fault of his own, is able to supply only half the amount he contracted to supply, then there are reasonable grounds for releasing him from the balance of his contract. I have no wish to detain the House, but I must advance the contention that, the times being abnormal, we must be prepared for emergency legislation. We cannot under these circumstances take into consideration factors which would prevail under ordinary conditions. When emergency legislation such as we had during the closing weeks of the last session, and have also had during this session, is brought before us, it behoves us as representative of the people to give that legislation full and mature consideration. I am of opinion that the effort made by the Colonial Secretary to-night, in obtaining the suspension of so much of the Standing Orders as would enable the House to pass a Bill of this nature through all its stages in one sitting, is not conducive to that thorough and careful consideration for which measures of this kind urgently call. Before closing, I desire once more to emphasise the suggestion made by Mr. Cullen, and supported by Mr. Lynn, that a select committee be appointed to consider the Bill in detail, and to bring up a report which will enable hon. members generally to obtain a clear and complete interpretation of the Bill, and so enable them to arrive at a proper decision on the measure.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [8.10]: I move—

*That the debate be adjourned until to-morrow.*

There have been certain statements made this afternoon into which I desire to make some inquiry, and I also wish to consider some points raised during the debate.

Motion passed; the debate adjourned.

*House adjourned at 8.11 p.m.*