

The **PRESIDENT**: Although this is not a practice hitherto adopted in this Chamber, it is a recognised Parliamentary practice and is certainly availed of in the Federal Parliament. It is simply a matter of asking permission of the House for leave for the hon. member to continue his speech, but leave must be granted without a dissentient voice. In this instance the object is to meet the convenience of the House.

Motion put.

The **PRESIDENT**: There being no dissentient voice, leave is granted.

*House adjourned at 6.17 p.m.*

## Legislative Assembly,

*Thursday, 28th November, 1935.*

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

### QUESTION—EDUCATION, SECONDARY SCHOOL, SOUTH PERTH.

Mr. **CROSS** asked the Minister for Education: 1, Is it the intention of the Government to erect a secondary school in South Perth? 2, If so, where will the school be built? 3, If not, has a suitable piece of land

been resumed? 4, If this has not been done, will the department give immediate attention to securing sufficient land in a suitable position?

The **MINISTER FOR EDUCATION** replied: 1, No. 2, See answer to No. 1. 3, No. 4, The question of the acquisition of a suitable area of ground for a secondary school on the south or south-east side of the river has been and still is receiving the consideration of the department.

### QUESTION—RETURNED SOLDIERS, DESTITUTE CASES.

Mr. **MARSHALL** asked the Premier: In view of the amount granted to destitute returned soldiers in the way of a 1s. certificate by the Federal Government for their last Christmas dinner, and believing that this may be all that will be forthcoming from the Federal Government to destitute returned soldiers for the approaching Christmas, will he, through the Returned Soldiers' League, see that the destitute returned soldiers of this State are better treated by way of a Government subsidy for their Christmas dinner?

The **PREMIER** replied: Since this Government has been in power additional work has been given to men employed on relief work for Christmas, and a cash consideration to those in receipt of sustenance. The Government are extending similar consideration this year. The matter of any special consideration for returned soldiers is really the function of the Federal Government.

### BILLS (2)—THIRD READING.

1, Legal Practitioners Act Amendment.

2, Supreme Court.

Transmitted to the Council.

### BILL—RAILWAYS CLASSIFICATION BOARD ACT AMENDMENT.

*Second Reading.*

The **MINISTER FOR RAILWAYS** (Hon. J. C. Willecock—Geraldton) [4.35] in moving the second reading said: This Bill follows almost exactly the same lines in connection with the enforcement of awards of the Railway Classification Board as was

followed by the Bill to amend the Industrial Arbitration Act dealing with the Public Service. In the Arbitration Act there is provision for the enforcement of awards in general, such as in the case of unions, but in the Railway Classification Board Act there is no such provision. When the Public Service Act was amended to bring civil servants within the scope of the Industrial Arbitration Act, provision was made so that awards when delivered by the Arbitration Court should be capable of enforcement. In the case where the Government are the employers there could be no deliberate attempt to flout the law by not paying the rates provided in the award; and similarly in the case of Government officers it would not be expected that in the circumstances any of them would be fined or imprisoned. Where there may be a difference of opinion as to what rate should be awarded to railway officers in certain circumstances. In the first place the case would be heard by the Classification Board and a decision given. The Commissioner has never deliberately broken any award or failed to obey the conditions of any award of the Classification Board, but on one or two occasions there has been a difference of opinion as to what rate should apply. There is no provision whereby that difference of opinion may be brought before any tribunal that could give an authoritative decision. This Bill provides for the same method of procedure, so far as the enforcement of any award is concerned, as was followed in connection with the amendment of the Industrial Arbitration Act as it affects the Public Service. The matter would be dealt with by the board itself in the first place by making a report to the Governor. Whatever decision is reached by the Governor will be the determining factor. If there is a difference of opinion this will be decided by the Governor, and the Commissioner will for the time being have to make any payments that are due. There is no difference in principle between this Bill and that which was introduced last week. As the House recently had the opportunity to discuss a principle similar to this, I see no necessity to explain further the provisions of this measure. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

## MOTION—STATE FORESTS.

### *To Revoke Dedication.*

Debate resumed from the previous day on the following motion moved by the Premier—

That the proposal for the partial revocation of State Forests Nos. 20, 22, 27, 29, 30, and 38, laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant-Governor on 26th November, 1935, be carried out.

**HON. C. G. LATHAM** (York) [4.39]: I have no objection to the motion to release from the State Forests the blocks mentioned by the Premier. These are only very small areas, and most of them will increase the size of adjoining holdings. I am satisfied that the Conservator is capable of looking after his forests, and is not likely to release any land he thinks will be useful for reforestation, or land suitable as a holding for timber already growing upon it. I think the House will be safe in passing the motion.

Question put and passed, and a message accordingly transmitted to the Council.

## BILL—WORKERS' HOMES ACT AMENDMENT (No. 3).

### *Second Reading—Bill ruled out.*

Order of the day read for the second reading of the Bill.

Mr. SPEAKER: I have given consideration to this measure. True, the Bill does not give authority for the expenditure of public money. That authority must come from a Loan Bill, when additional funds are required to give effect to its provisions. A message from the Governor will also come with such Bill. Although this Bill does not give authority for the expenditure of public money, I must assume that if it becomes an Act of Parliament the Government will give effect to the will of Parliament, and provide the funds. Therefore, the Bill makes an appropriation of public moneys necessary, if not at present, at some future date. I propose to rule against this Bill, not for that reason alone, but because its provisions re-introduce a pernicious practice that was much in use in the Imperial Parliament prior to 1866. I refer to a private member introducing a motion

or a Bill which, if passed, will make an appropriation necessary under cover of the words "Out of money to be provided by Parliament" contained in such Bill. In that year, 1866, a new Standing Order was adopted by the House of Commons, as follows:—

This House will receive no petition for any sum relating to the public service or proceed upon any motion for a grant or charge upon the public revenue whether payable out of the Consolidated Fund or out of money to be provided by Parliament, unless recommended by the Crown.

That Standing Order applies to this House, namely, Standing Order No. 1, which reads as follows:—

In all cases not provided for hereinafter or by sessional or other orders, resort shall be had to the rules formed and practised by the Commons House of Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they can be applied to the proceedings of this House.

This principle has been consistently maintained in this Parliament, and any evasion of it must be prohibited. I cannot overlook the fact I have stated already, that additional funds may be necessary in order to give effect to the Bill, and I must assume that it will be given effect to. Holding that view I must rule the Bill out of order.

#### *Dissent from Speaker's Ruling.*

Mr. North: In order to move to disagree with your ruling, would I be required to give my reasons?

Mr. Speaker: The hon. member can move to that effect and give any reasons he desires. It will be for the House to decide the issue.

Mr. North: Whilst very impressed with your ruling, Sir, I have information that in another place a different ruling was given and that the Bill was proceeded with. I therefore move—

That the House dissents from the Speaker's ruling.

I contend that the Bill does not in itself deal with appropriation. That is already covered in the original Act of 1912, No. 75, Section 3. The Bill merely limits somewhat the scope of the administration of the preceding Act. In spite of what has been said with regard to the House of Commons, it appears to me that this Bill has only the effect of limiting the Act in one particular instance and in regard to certain places, the powers given under the existing Act.

There is no need at this juncture to give further detailed reasons for disagreeing to the ruling. If members are not favourable to my view, I do not intend to impose a further burden upon either your time, Mr. Speaker, or upon that of "Hansard." A lot more could be said concerning the issue if it were a matter of debate and not merely of a vote.

Mr. McDonald: I second the motion. The Bill in respect of which you have given your ruling, Mr. Speaker, deals with two matters only. It deals with the authority to spend money on the erection of workers' homes and, as a second point, with the amount to be spent on the erection of workers' homes in certain goldfields areas. Under the original Act of 1912, money can be spent on workers' homes on the joint authority of the Minister and the Workers' Homes Board. There are two types of expenditure contemplated under the principal Act. In one instance a certain area of land may be set apart; workers' homes may be built on that land, and homes so built are held by workers on a perpetual lease. That represents the leasehold workers' homes. In that case, the Act says that the Minister may from time to time on the recommendation of the board, purchase any land and provide for the erection of houses. That is, the Minister on the recommendation of the board may set in force a scheme for the erection of workers' homes. The other way in which workers' homes are provided is that the worker may have land and the board advance him money in order that he may erect his home. In other words, the worker then has the freehold of his land and secures an advance on mortgage by means of which he is able to erect a home. In the second instance, the joint authority of the Minister and the board is required. The Act says, with respect to that type of worker's home, "The board may, with the approval of the Minister." So in one instance workers' homes may be erected, according to the direction in the Act, by the Minister on the recommendation of the board, whereas with the other type it is provided that the board may, with the approval of the Minister, undertake the work. Thus in both instances, there is required the joint authority of the Minister and the board. In the Bill now under consideration, it is proposed that the Minister may act on his own responsibility. In other words, should the board hesitate about the expenditure on the erection of a

worker's home in any particular area—the Bill applies to goldfields areas—the Minister may, on his own responsibility, authorise the construction of those homes. The alteration to the existing law proposed in the Bill merely means that instead of the Workers' Homes Board and the Minister collaborating or agreeing upon a policy of erecting houses in a particular area, the Minister may authorise the erection of those home on his own authority. I submit that that does not represent any direct provision for the appropriation of moneys. Let us suppose a Bill had been introduced to provide that the Minister's consent was not required for the purpose indicated and that the board was to be the sole authority in that regard. That would not represent an appropriation of money. If we reversed the procedure and said that the Minister shall be the sole authority to determine when and where workers' homes shall be erected, that again would not involve the appropriation of any funds. Whereas under the existing law the Minister and the board are required to co-operate, the Bill merely sets out that the Minister may exercise this authority by himself and at his sole discretion. The other feature of the Bill, I think, does more emphatically evidence the intention to appropriate no additional moneys at all. Under the existing Act the amount that can be spent on the erection of a workers' home is up to £800, and the Workers' Homes Board may erect such homes in any part of the State, including the goldfields. In the past there has been hesitation on the part of the board to recommend the allocation of funds for the purpose of erecting homes on the goldfields on account, possibly, because of the transitory nature of work on the fields. Whereas under the existing law the board and the Minister may erect homes on the goldfields or elsewhere up to a value of £800, the Bill provides that workers' homes may be erected on the goldfields at a cost not to exceed £450. So, under the provisions of the Bill, workers' homes would be erected on the goldfields at less cost than they could be erected under the existing legislation. So far from appropriating additional moneys for this purpose, the effect of the Bill will be to enable the benefits to be attained on the goldfields at less cost than would be the position if the authority in the present Act were exercised by the Minister and the board. All that the Bill does, therefore, is that instead of the Minister and the board

having to agree upon the erection of workers' homes, the Minister will be authorised to erect homes in certain goldfields areas on his own authority if the board are not inclined to take the responsibility of making the necessary recommendation. In those circumstances the Bill merely involves a change in administrative control.

The Premier: And leaves the position open for political influence through the Minister.

Mr. McDonald: That is for the House to decide.

The Premier: It would leave the position open for a Minister who might want to build workers' homes here but not there.

Mr. McDonald: That is not the immediate point before the House at present.

The Premier: It is quite contrary to the policy your party have always advocated, for you to suggest that a Minister shall have the benefit of political influence in regard to the erection of workers' homes.

Mr. McDonald: I would point out to the Premier that that is a matter for the House to consider at the second reading stage. The point at issue is whether the Bill is within the prohibition of the Standing Orders and the Constitution.

The Premier: It would be nice if I could authorise the erection of workers' home in my constituency and not in yours.

Mr. McDonald: Yes, but that is not the point.

Mr. F. C. L. Smith: It might help the House if you dealt with the point raised by the Premier.

Mr. Speaker: That is not the point before the Chair.

Mr. McDonald: Will you permit me to deal with that point?

Mr. Speaker: No, it would be out of order.

Mr. McDonald: The point is that under the Bill the administration of the Act would be changed to some extent. I am not concerned at the moment whether that change would be right or wrong. Under the existing law, the board and the Minister are required to co-operate, whereas the Bill will allow the Minister to act on his own authority.

The Premier: It means a change to political control instead of board control.

Mr. Speaker: Order!

The Premier: It means a change from impartial control.

Mr. McDonald: The point of order involve, is whether the Bill is in a form that

represents a breach of the Constitution Act and of the Standing Orders. The only change made is that whereas under the existing law the Minister and the board, if they so decide, may authorise the erection of a workers' home up to a cost of £800, the Bill limits the cost of such homes on the goldfields areas to £450.

The Minister for Lands: You are not discussing Mr. Speaker's ruling, but the merits of the Bill. You are making a second reading speech.

Mr. McDonald: I must indicate, so that the House may judge whether the Bill is out of order, what the Bill provides and what change is involved. It does not involve the appropriation of funds and therefore is not like a Bill that has that object and therefore has to be introduced by Message.

The Premier: Of course it does.

Mr. McDonald: To enable the House to judge, I have indicated the two points that must receive consideration. I submit that those two points—the change in administrative control and the reduction in expenditure to be incurred on the erection of workers' homes on the goldfields—do not involve the appropriation of moneys within the meaning of the Constitution Act, 1899.

Hon. C. G. Latham: While I know, Mr. Speaker, that you gave a great deal of consideration to this matter before you gave your ruling, from my perusal of the Bill I think you have regarded it as appropriating either revenue or loan funds. I disagree with that view, because there is sufficient money already appropriated for all the houses that may be required. As a matter of fact, there was a carry-over of £13,000 last year, so that money has already been appropriated for workers' homes.

The Premier: Not for all the houses required, because the requests of a large number of applicants have not been satisfied.

Hon. C. G. Latham: I do not know whether it is the policy of the Workers' Homes Board not to erect homes on the goldfields. I am not in the confidence of the board, but apparently that is the position. Another place desires us to amend the Workers' Homes Act by agreeing to the Bill under discussion. The object of the Bill is to enable the Minister to authorise, on his own responsibility, the erection of such homes in certain goldfields districts. The Bill does not bind the Minister to do so. In fact, it will not compel the Minister to do

anything: it merely sets out that he may do certain things. It is all a question of the policy of the Government. They will determine whether the houses are to be built.

The Premier: But that is a nice responsibility to place upon a Minister.

Hon. C. G. Latham: Yes, but we are not discussing that point. The point at issue is whether the Bill is in order. I submit there is nothing in the measure that appropriates revenue or loan funds. From my point of view, I cannot see that there is any reason why the measure should not be dealt with in this Chamber. I do not see that there is any application to the present position in the Standing Order of the House of Commons, which was quoted by Mr. Speaker. It is on that point, too, that I disagree with his ruling.

Mr. Speaker: I do not desire to continue the discussion on my ruling, but, as Speaker, it is my duty to see that the House, in my judgment, complies with the Standing Orders. As to the argument advanced by the Leader of the Opposition that the Standing Order of the House of Commons is not applicable, he surely cannot have read our Standing Order No. 1, to which I also referred. If he has read our Standing Order, he will see that where our Standing Orders are silent, those of the House of Commons apply. It is just the same with regard to rulings. In the Parliaments of Australia rulings given by Speakers of the House of Commons are taken as precedents. As to the point regarding funds being already available for the erection of workers' homes, it is not within my province to know whether there was a carry-over of funds from last year, or anything else in that regard. All I can take cognisance of is that money is to be spent in accordance with the provisions of the Bill. Further than that, I draw members' attention to the fact that when the Bill was introduced in another place and the ruling that has been mentioned was given there, the Bill referred to certain areas. They were the Coolgardie, East Coolgardie, Dundas and Yilgarn goldfields. The Bill now before the House applies not only to the districts I have mentioned but to the North Coolgardie, North-East Coolgardie, Mt. Margaret, Murchison and East Murchison districts. All that is in addition to what the original Bill contained. So,

if the argument of the Leader of the Opposition be worth anything, the money that the Board was able to carry over would certainly be less than that required under the Bill now presented to us—if it were going to be used. The member for West Perth pins his faith to the fact that there is no difference between the Bill and the existing Act. But this Bill, so far as I can read it, releases the Minister, if any release be necessary, from co-operating with the Workers' Homes Board. And although the Bill gives a discretionary power to the Minister, this House has the right to assume that if the Bill becomes law the Minister will carry out the Act of Parliament. If he does that, he must of necessity use money for the purpose, and whether it is loan money or money appropriated from revenue, it must be brought here by Message from His Excellency, and that can only be done by a Minister of the Crown. I have no axe whatever to grind, but it is my duty to carry out the task for which I have been appointed, and I have given my opinion. It is for the House to decide whether my opinion be right or wrong.

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

Ayes	..	..	..	13
Noes	..	..	..	27

Majority against .. .. 14

#### AYES.

Mr. Boyle	Mr. North
Mr. Brockman	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Keenan	Mr. Tborn
Mr. Latham	Mr. Welsh
Mr. McDonald	Mr. Doney
Mr. McLarty	(Teller.)

#### NOES.

Mr. Clothier	Mr. Nuken
Mr. Collier	Mr. Raphael
Mr. Coverley	Mr. Rodoreda
Mr. Cross	Mr. Sleeman
Mr. Cunningham	Mr. F. C. L. Smith
Mr. Fox	Mr. Tonkin
Mr. Hawke	Mr. Troy
Mr. Hegney	Mr. Wansbrough
Mr. Kenneally	Mr. Warner
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wilson
Mr. Moloney	Mr. Wise
Mr. Munroe	Mr. Johnson
Mr. Needham	(Teller.)

#### PAIRS.

<b>AYES.</b>	<b>NOES.</b>
Mr. J. M. Smith	Mr. Withers
Mr. Patrick	Miss Holman
Mr. Mann	Mr. Lambert

Question thus negatived; the Speaker's ruling upheld.

### BILL—ST. GEORGE'S COURT.

Returned from the Council without amendment.

### MOTION—HOMES LEGISLATION.

*As to Powers for Local Authorities.*

Debate resumed from the 13th November on the following motion moved by Hon. J. Cunningham:—

That in the opinion of this House the Minister controlling local government should introduce legislation for the purpose of enabling municipal councils and road boards to acquire land and erect homes for sale under the hire purchase system to those persons desirous of buying homes under such conditions.

**THE MINISTER FOR WATER SUPPLIES** (Hon. H. Millington—Mt. Hawthorn) [5.6]: I have only to say that the Government have considered this motion moved by the member for Kalgoorlie, and have no objection to it.

**HON. J. CUNNINGHAM** (Kalgoorlie—in reply) [5.7]: Having received the assurance of the Minister that the Government have no objection to the introduction of legislation for the purpose of this motion, I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

### PAPERS—AGRICULTURAL BANK.

*Resignation of G. M. Cornell.*

**MR. COVERLEY** (Kimberley) [5.8]: I move—

That all files and papers, including the file of the Public Service Commissioner, relating to the employment of George Meredith Cornell (No. 547, Public Service List, 1934) by the Agricultural Bank, his resignation and long service salary, be laid upon the Table of the House.

In moving this motion I am actuated more or less by a desire to defer to the wishes of others. I do not know whether other members have been approached, but in the course of my travels I have been accosted by a number of people wanting to know if I could explain why the Government had been putting the boot into a gentleman by the name of Cornell, who has resigned from the Public Service. Until I was so approached I did not even know that there was such a gentleman in the Government

service, and so I could only reply that I had no idea that the Government were in the habit of putting the boot into anyone and, since I did not know anything about it, I would do my utmost to find out the details and let those inquirers have the information later. I have been questioned by a number of public servants of this State. In every department where I have been during the last three weeks or a month I have been questioned by officials wanting to know just why the Government had specially placed obstacles in the way of this gentleman, Mr. Cornell. I know, of course, that great publicity has been given to the case through questions and motions in another place, and I do not blame public servants if they think they have a grievance in that one of their members has been harshly treated; naturally they are somewhat concerned, because they do not know whose turn it will be next. In the course of conversation I found there are other things about which civil servants are concerned. I have been told that some civil servants get a number of concessions which no other civil servant can get. I was interested in a conversation on a tram car which, as I might point out, is a public place. Several young fellows were discussing this case. They were not aware of my identity. In the course of their conversation, many suggestions were made, especially by one person who hinted that not all was fair and above board. The position of Mr. Cornell was being discussed, and one of those carrying on the conversation was under the impression that this very hard Government had not given Mr. Cornell a fair deal. Another one of the group evidently thought he was better informed, and from his tone I gathered that Mr. Cornell had received all that he was entitled to. The speaker said he knew that Mr. Cornell, being an important officer in a country district—he did not mention the name of the district—had applied for leave which, in the first instance was refused because the senior officer of the department had no wish to lose Mr. Cornell's services at that particular time, and so an arrangement was made whereby Mr. Cornell left that country district immediately. From that I gathered there was more in this business than met the eye. I have perused the various questions asked, and the motion moved in another place, and have come to the conclusion that a very weak case was put up. The Government have been publicly accused

of having dealt harshly with a civil servant. One gentleman who approached me on this subject takes an active part in the North Perth branch of the Returned Soldiers' League, and he spoke to me in this strain, "What are you returned soldiers doing to allow the Government to put the boot into Jimmy Cornell's son?" I said I had no idea that they had done so. This case has been given publicity from two angles, and I have much pleasure in moving my motion so that the public may be enabled to understand all the facts of the case.

Hon. C. G. LATHAM: I move—

That the debate be adjourned.

The Minister for Lands: No, I do not want it adjourned. I am going to have something to say. I do not want the discussion adjourned.

Hon. C. G. LATHAM: I did not know you were going to speak. I apologise to you.

Mr. SPEAKER: There is a motion before the Chair.

Motion put and negatived.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [5.14]: The action of the Leader of the Opposition is unprecedented.

Hon. C. G. Latham: I did not do it intentionally. I thought you were not going on with the debate.

The MINISTER FOR LANDS: It has been stated that the Government acted vindictively towards the son of the Hon. J. Cornell, M.L.C., in stopping his long-service leave. Such statements have been made, I understand, by some persons in the service, and have been made in Parliament, not in the House but in the corridors. We know that Mr. Parker, M.L.C., has been asking questions on several occasions in the Legislative Council, and there is no doubt of the source from which Mr. Parker got his inspiration.

The Premier: Acting for a client.

Hon. C. G. Latham: That might be charged in this Chamber, too.

The MINISTER FOR LANDS: It is charged definitely there, anyhow. It might never have come up for discussion in this Chamber but for the statements made.

Mr. Coverley: Statements were made at the North Perth branch of the R.S.L.

The MINISTER FOR LANDS: The matter would not have been heard of in Parliament except for the statements that have been made. There is not one vestige of truth in the statement that the Government acted vindictively towards the son of Mr. Cornell, M.L.C. It is true that the long-service-leave salary of Mr. Cornell, jun., was stopped, but that was not done by the instruction of any Minister. No Minister was aware that it had been done. The salary was stopped automatically by the Treasury and for very good reasons, too. The file, I understand, has been tabled in another place, and so I have been able to get only a portion, but a portion that contains the facts. It is true that the Treasury stopped the payment for long-service leave due to Mr. G. M. Cornell, son of the Hon. James Cornell, M.L.C., and the Treasury did so because, while the officer was on long-service leave, he entered private employment.

The Premier: On the day after he left the service.

The MINISTER FOR LANDS: He left the service, and responsible heads and the Public Service Commissioner knew that he was to enter private employment. Let me qualify that statement; the Public Service Commissioner himself did not know but his deputy knew. Here are the facts. George Meredith Cornell made application for long-service leave on the 5th October, 1934. Mr. Gillies, manager of the Agricultural Bank at Bruce Rock, wrote to the Chief Accountant as follows:—

I forward herewith application by Mr. Cornell for long-service leave starting from the 16th January. The date applied for is not convenient to the department, the period January to March being the busiest season of the year departmentally, and this officer assists the writer with the Farmers' Debts Adjustment Act work. It would be particularly inadvisable to approve of the leave at the date applied for. Therefore I would recommend that the application be deferred until later in the year.

The chief accountant stated—

Re G. M. Cornell, Bruce Rock: The 16th January is a most inconvenient time in the wheatebelt for this officer to start on long-service leave. This leave should be taken at a date to be fixed, say, about the 1st May next. Application may go forward. Bank will fix date of leave. 11-10-34.

This officer had given seven years of service. He was in the full vigour of life but was entitled to long-service leave. The Bank agreed to the privilege but pointed out that

he must take the leave when it was convenient to the Bank, and it was not then convenient to the Bank. He got his leave, and if the facts I am stating are not correct, I can only reply that they are contained in a letter written by the father of this officer. Long-service leave was recommended by the Public Service Commissioner on the 13th October, 1934.

Mr. Sampson: To whom was that letter written?

The MINISTER FOR LANDS: I will tell the hon. member later. On the 12th December the Chief Accountant wrote to the manager of the Agricultural Bank at Bruce Rock as follows:—

I am in receipt of a communication from Mr. Cornell to know the fate of his application for long-service leave, which he desires to take from the 16th January, and in reply shall be glad if you will inform him that this is not convenient for the department, as we have no relieving officer here at the present time. When the wheat season is well advanced, you may forward the recommendation which will be suitable to you.

The leave was granted, but the department did not consider that Mr. Cornell should take leave at a time that was not suitable to the department. On the 7th January Mr. G. M. Cornell wrote to Mr. Cover as follows:—

In your conversation over the telephone with Mr. Gillies concerning my long-service leave, you stated that same did not commence until the 17th inst. As I commenced duty on the 16th January, 1928 (vide Public Service List) it would appear that my leave should start from the 16th next. As I have made arrangements to be in Perth on the 17th, will you please again look into the matter and advise me accordingly.

The assistant accountant informed Mr. Cornell that that was correct; it was from the 16th January that his leave should begin. Mr. Cornell entered upon his leave not when it was stated he should do so—in April or May—but in January, and later the House will understand why. On the 23rd January, 1935, the assistant general manager of the Bank wrote a minute to the Public Service Commissioner as follows:—

I should be glad of your approval to pay this man at the rate of £260 per annum commencing from 1-1-35. His work and conduct have been entirely satisfactory.

That is quite correct; his work and conduct had been entirely satisfactory. At that date, however, this officer was in private



employment. Although I cannot say that, the Hon. J. Cornell stated that the officer was in private employment at the time. The father also said in his statement that the officers of the Bank knew of the whole of the negotiations. The Public Service Commissioner minuted the file as follows:—

In view of the certificate above, I have no option but to approve of the increase due on the 1st ult., seeing that Section 37 of the Act states that increments within the limits of the range shall be annual.

The circumstances of his case in regard to the resignation on the exact date of the expiration of the seven years' service necessary to qualify for three months' leave and the application of the increased rate of salary to the period of the leave granted immediately after appear to me to be extraordinary liberal. 1-2-35.

The Premier: An increase of salary after he had decided to leave the department to go to another job!

The MINISTER FOR LANDS: The assistant general manager wrote—

I have no definite knowledge of Mr. Cornell's intention to resign though his father mentioned the probability of it after, I understood, he had discussed it in your office. I am somewhat perplexed as to the implication of the phrase "extraordinarily liberal" as my recommendation appears to be in strict conformity with the provisions of your Act. 7-2-35.

It was in strict conformity with the provisions of the Act.

Hon. C. G. Latham: Any other man could have done the same thing.

The Premier: You will see what steps were taken later.

The MINISTER FOR LANDS: That officer stated that he had no knowledge that Mr. Cornell was accepting private employment, and his statement was accepted, but the Hon. James Cornell declared that this officer had the knowledge and that he had facilitated the leave for this purpose.

The Premier: More than facilitated it.

The MINISTER FOR LANDS: The Public Service Commissioner minuted the file on the 12th February to the General Manager as follows:—

I note your second paragraph. The fact that it was strictly in conformity with the Act, and not in any way stretching its provisions was what struck me as being so liberal. My remark was not intended to apply to the terms of your recommendation, but to the provision.

I was advised that Mr. Cornell is working with Mr. Carlisle's firm, and that he commenced his duties there immediately after he

left the Bank. If this is so and he has not resigned, payment of his salary during leave should be suspended in view of his contravention of the regulations.

Then the General Manager wrote to G. M. Cornell as follows:—

I am advised by the Public Service Commissioner that you are working with Mr. Carlisle's firm, and that you commenced duty immediately after you left the Bank. If this is so, as you have not resigned, I am directed by him that payment of your salary during leave is to be suspended, in view of your contravention of the regulations. 15-2-35.

No Minister had anything whatever to do with the stopping of the salary. The Minister was not aware of it until the question was raised and became public gossip. The Public Service Commissioner, after becoming aware that Mr. Cornell, during long-service leave, was working for a private firm, should have taken action immediately under the regulations. Had he taken action Mr. Cornell's salary would not have been suspended; he would not have been paid at all. But the Public Service Commissioner took no action, although that was his duty under the Public Service Act. That brings me to the question why those officers took no action at all. If I say anything which may appear to be not quite fair to the officers, I can only state that I am quoting remarks by the Hon. James Cornell. Mr. Cornell junior in the meantime had asked for a lump sum to be paid him for long service leave. That was refused. On the 18th February, after being notified by the General Manager that it was understood he was in the employ of a private firm, he sent in his resignation, which was accepted.

The Premier: His resignation should have been sent in before he applied for leave. He had accepted the other job before applying for leave.

The MINISTER FOR LANDS: The Hon. James Cornell does not appear to know at all what is right in matters of this character. He has rather an extraordinary idea. On the 30th April he wrote to the Premier as follows:—

Dear Mr. Collier.—Please allow me to approach you on behalf of my son, who, I consider, has not received what one would call a sympathetic deal in regard to his long-service leave salary. In order that you may form your own conclusions I am enclosing a copy of a letter which my son has written to the Secretary, Civil Service Association of Western Australia, also copy of a covering statement, from myself, asking him to be good enough to in-

stitute an inquiry by his association. The denying my son the balance of his long-service-leave salary has had only a minor effect so far as he and I are concerned. The major effect lies in the fact that there are cases on record where ex-officers of the Public Service who, though "fired out" of the service were not denied collecting any long-service-leave salary due to them. Trusting to your breadth of vision and sense of fairness, and with best wishes, I am, Yours faithfully (signed) J. Cornell.

It did not appear on the file that any of these senior officers were aware that Mr. Cornell junior had entered into private employment the day after he went on long-service leave. Their consent would not have been known except for the fact that the Hon. James Cornell saw fit to make a statement, in which statement he involved all those officers who had gone out of their way to help him and his son.

The Premier: They helped the son under pressure from his father.

The MINISTER FOR LANDS: This is the statement written by the Hon. J. Cornell and which appears on the file—

Whilst at home on a brief holiday last Christmas, my son, G. M. Cornell, answered an advertisement calling applications for the position of senior clerk with a Perth firm of public accountants. The advertisement did not indicate the name of the firm causing its appearance.

A day or so after the New Year, 1935, Mr. John Wade, of Carlisle, Wade, & Co., public accountants, Perth, telephoned my home and inquired for Mr. G. M. Cornell. I replied that he had returned to duty at the Agricultural Bank, Bruce Rock. The same day Mr. Wade phoned my son there, and made an offer to him to join the firm's employment. That night my son phoned me to the effect that if it were possible for him to arrange to take his long service leave (already approved) he would accept Mr. Wade's offer. Next morning I called on Mr. Wade, who informed me that he was desirous of securing the services of my son and for him to commence work with his firm as early as possible. I replied that I would call on the Public Service Commissioner and the General Manager of the Agricultural Bank and ascertain what arrangements could be made as regards his commencing long service leave. I first called on the Public Service Commissioner, who, however, was away on holidays. I saw Mr. Higgins, the Secretary to the Commissioner, who said that my son could not commence his leave until he had completed seven consecutive years' service, which, however, would occur on the 15th January. Further, as his long service leave had been approved already it rested solely with the Agricultural Bank when he might commence it after the 15th January.

They had already stated that he could not be spared.

I then called on the General Manager of the Agricultural Bank, Mr. McLarty. I informed him that provided it could be arranged for my son to commence his long service leave on the 16th January he would commence work with Carlisle, Wade, & Co., and resign from the Public Service during its currency. Mr. McLarty then took me to Mr. Courtenay, the accountant, whom we found in conversation with Mr. Grogan, the Assistant General Manager. To them Mr. McLarty repeated what I had said to him about my son entering the employ of Carlisle, Wade, & Co., and later resigning from the Public Service if it could be arranged for him to commence his long-service-leave on the 16th January. Mr. Courtenay replied that the necessary approval had been obtained to Cornell taking his long-service leave, but owing to the fact that he was in charge of the Farmers' Debts Adjustment Act accounts at the Bank at Bruce Rock the leave had been deferred until April. However, he promised to do what he could to enable my son to commence leave on the 16th January. It was then decided that Mr. Courtenay arrange for an officer of the Bank to proceed to Bruce Rock to relieve my son so that he could report to head office on the 16th January and commence his leave as from that date. Accordingly an officer proceeded to Bruce Rock, and my son came to Perth on the 16th January, the day his leave commenced . . . .

That is how it occurred. George Meredith Cornell would not have gone on leave on the 16th January but for the fact of intervention by his father, the Hon. James Cornell. Although the officers concerned may have their reply to this, they can thank the Hon. James Cornell for having put them away in the matter. Officers, I know, do these things, quite innocently. One hardly expects that they would be exposed for their generosity. The Hon. James Cornell goes on—

Towards the end of January he (G. M. Cornell) wrote to the Bank to have the amount of his long-service salary paid in a lump sum. On the 30th of that month the Assistant General Manager replied as follows:—"I am in receipt of your letter of the 30th inst. applying for the payment of your long-service leave in a lump sum. This concession is only granted under special circumstances. As there does not appear to be any in your communication now under review, I shall be glad to know your reasons for asking this." The following day was mailed a reply reading thus:—"Your communication of the 30th ultimo is acknowledged. The reason why I requested payment of my long-service-leave salary in a lump sum was for the sake of convenience to both of us. You know the circumstances surrounding my case"—

The circumstances referred to are, of course, that the officials had facilitated his taking

private employment whilst on long-service leave.

—“and I thought perhaps it would simplify matters to have my salary paid in a lump sum. However, if you are not prepared to grant this concession will you please pay the salary as it accrues, fortnightly, and back-pay as from 1-1-35, to the credit of my account with the Bank of New South Wales, St. George's-terrace branch.” On the 15th February the Assistant General Manager wrote as under:—“I am advised by the Public Service Commissioner that you are working with Mr. Carlisle's firm, and that you commenced duty there immediately after you left the Bank. If this is so, as you have not resigned, I am directed by him that payment of your salary during leave is to be suspended in view of your contravention of the regulations.”

The Hon. James Cornell goes on to speak in the first person—

When I sighted this communication I at once telephoned the Public Service Commissioner and recounted to him my calling on Mr. Higgins whilst he, the Public Service Commissioner, was away on leave, also the whole of the proceedings I had had with Messrs. McLarty, Grogan, and Courtenay, and gave as a reason for my doing so that as my son was in Bruce Rock at the time of the negotiations, and as the time at his disposal would not permit of the negotiations being made by correspondence, I had entered the breach on his behalf. Furthermore, that there was no gesture of deception at any stage of negotiations. The Public Service Commissioner replied that if my son resigned no further complications would be anticipated.

The Public Service Commissioner under the Act had of necessity to lay a charge against this young man. Had he done so, the charge would have been proved and the long service leave would not have been granted. But the Public Service Commissioner did not do that.

The Premier: He refrained under pressure from the father.

The MINISTER FOR LANDS: The reason is stated by the Hon. James Cornell—

The Public Service Commissioner replied that if my son resigned, no further complications would be anticipated.

Under the Public Service Act the Public Service Commissioner or the head of the department had an obvious duty, which he did not perform for the reason stated.

The Premier: Because he listened to the father.

The MINISTER FOR LANDS: The statement goes on to say that Mr. Cornell, jun., resigned. The Hon. James Cornell winds up by writing as follows:—

Also the same day the Under Treasurer was written thus:—“On the 18th ultimo I wrote

advising you that I had resigned from the Government service, and requesting a refund of moneys paid by me into the Life Assurance Fund pursuant to Regulation 150. Will you please be good enough to let me have a reply to that letter?” Not even an acknowledgment has so far been received respecting the resignation or a refund of moneys paid into the above-mentioned fund. I might mention that prior to any hitch occurring in the arrangement made with the executives of the Bank, the amount of approximately £9 10s. was drawn on account of long-service-leave salary.

That is signed by the Hon. James Cornell. If these are facts—and they are written by the Hon. James Cornell—they prove that Mr. George Meredith Cornell got his long service leave on the 16th January because of the intervention of his father, the Hon. James Cornell. They further show that at the time in question the Bank could not spare the services of Mr. Cornell, junior, and that an officer was specially sent down, at extra cost, to Bruce Rock to relieve Mr. Cornell, junior, and allow him to return to Perth in order that he might take up the job with a private firm on the day after his arrival in Perth. Long-service leave was granted on the 16th January, and on the 17th Mr. Cornell, junior, was in private employment. And all the authorities—the Hon. James Cornell writes—knew what had happened and had facilitated it.

The Premier: Happened as the result of his influence on the officers.

The MINISTER FOR LANDS: Payment of the salary was not held up by the Minister. The Government had then taken no part whatever in the matter. Payment was held up by the Treasury because of what appears on the file. Statements as to personal vindictiveness on the part of the Government towards the Hon. James Cornell preventing his son from receiving long-service-leave salary are not correct. If the publicity given to the matter here is unpleasant—and I fail to understand the attitude of Mr. Cornell—the Cornells themselves are responsible for it. The question asked in the Upper House and the discussion in the Public Service all resulted from action taken by officials in the Treasury. If the Hon. James Cornell's statement is accepted, I will not say that he corrupted public servants—that being an extreme term, I will not use it—but I will say that the son would not have taken his leave on the 16th January had it not been for the influence of the father, and also that he would have been disciplined by the Public

Service Commissioner, except for the intervention of the father, the Hon. James Cornell. These are the facts as set out in the statement made by the Hon. James Cornell. The matter was referred to the Crown Law Department and the evidence is contained on the file which was laid on the Table of another place. I can imagine a member intervening in the case of other persons, but there is no justification for a member of Parliament doing this on behalf of his own son, knowing that what had been done was contrary to the Public Service Regulations. The Crown Solicitor, in a minute which is on the file, writes—

Although the file does not contain any information on the matter, it seems to be clear that neither the permanent head nor the Public Service Commissioner took any action against Mr. Cornell under the regulations, but that the Treasury, as the pay officer, acting on information received from the permanent head, thereafter withheld from Mr. Cornell payment of his salary during the remaining portion of his long-service leave.

There are the facts.

Hon. C. G. Latham: Did the Solicitor General make any recommendation?

The MINISTER FOR LANDS: Yes. He made a recommendation to pay the leave because action had not been taken. It is now too late to take action. His statement is that because the Public Service Commissioner and the head of the department did not act at the time that they should have acted, payment will have to be made.

The Premier: He is entitled to the payment only because of the neglect of the officers and because of the pressure applied by the Honourable J. Cornell, M.L.C.

Hon. N. Keenan: Is that on the file?

The MINISTER FOR LANDS: On the 15th February last the Assistant General Manager of the Agricultural Bank wrote to Mr. G. M. Cornell—

I am advised by the Public Service Commissioner that you are working with Mr. Carlisle's firm, and that you commenced duty there immediately after you left the bank. If that is so, as you have not resigned, I am directed by him that payment of your salary during leave is to be suspended, in view of your contravention of the regulations.

The Hon. James Cornell in a statement over his signature wrote this—

When I sighted this communication I at once telephoned the Public Service Commissioner and recounted to him my calling on Mr. Higgins whilst he, the Public Service Commissioner, was away on leave, also the whole of the proceedings I had had with Messrs. McLarty,

Grogan, and Courtenay, and gave as a reason for my doing so that as my son was in Bruce Rock at the time of the negotiations, and as the time at his disposal would not permit of the negotiations being made by correspondence, I had entered the breach on his behalf. Furthermore, that there was no gesture of deception at any stage of negotiations. The Public Service Commissioner replied that if my son resigned, no further complications would be anticipated.

That is on the file.

The Premier: That was the result of the pressure the Honourable James Cornell applied to the Public Service Commissioner.

The MINISTER FOR LANDS: And of course nothing further happened.

The Premier: Except that he got long-service leave to which he was not entitled.

The MINISTER FOR LANDS: That is so. George Meredith Cornell will now receive payment for leave which would not have been granted to him if proper action had been taken by the officials.

The Premier: That action was not taken because of the pressure applied by the father.

The MINISTER FOR LANDS: The Solicitor General, whose opinion was sought, replied as follows:—

If, as is alleged, Mr. Cornell during the period of his long service leave engaged in private employment for reward and did so without first obtaining the permission of the Governor in Council, then Mr. Cornell committed a breach of Section 82 of the Public Service Act and the regulations. In such case the relevant regulations were those numbered 29, 138 to 146, both inclusive. The proper course which could have been followed then under the regulations was the making of a specific charge against Mr. Cornell, the holding of an official inquiry into the charge, the taking of evidence and a decision by the officer holding the inquiry as to what punishment, if any, should be imposed upon Mr. Cornell. Obviously such proceedings under the said regulations could only be taken against Mr. Cornell whilst he was a public service officer and was subject to the Public Service Act and regulations. Thus such proceedings could have been taken whilst Mr. Cornell was on long-service leave, but after the 15th April, 1935, when he ceased to be a public service officer, no such proceedings could be taken against him and no such proceedings can be taken against him now.

That is the Crown Solicitor's statement, and the Government must pay and no doubt will pay, because the Public Service Commissioner did not do his obvious duty. It is not a matter for me; it is a matter for the Treasury. There are the facts and they

are astonishing in view of the statement on the file written over the signature of the Hon. James Cornell. I am not going to say any more about it; hon. members can make up their own minds on the subject, and the reason why no action was taken against this officer. It is true that in the Upper House the Hon. James Cornell attacked the Commissioners of the Agricultural Bank; but the present Commissioners had nothing whatever to do with the matter. It was a question that rested entirely with the Treasury officials, and if there is anything about it that calls for reprobation, it is not on the Government that this must rest, but on the responsible officers who in the circumstances granted the long service leave and the action subsequently taken. Those are the facts. There has been no display of personal vindictiveness in this matter, and, I repeat, the Government had nothing whatever to do with the stopping of long service leave pay which, in the circumstances, should never have been granted.

Question put and passed.

## **BILL—MARKETING OF EGGS.**

*In Committee.*

Resumed from the previous day. Mr. Sleeman in the Chair; Mr. Fox in charge of the Bill.

Clause 3—Appointment of Marketing Boards (partly considered).

The CHAIRMAN: An amendment has been moved to strike out in lines 3 and 4 the words "within an area to be defined in the petition."

Mr. McLARTY: I hope the hon. member in charge of the Bill will agree to the amendment. I cannot see how it is possible for a number of boards to operate. If the hon. member insists upon the clause as it stands, there will be conflicting interests immediately between the metropolitan producer and the country producer. The metropolitan man will have the advantage immediately of setting up a board, whereas it will take the country man some time to do this. Then I can see the danger of quite a number of areas rushing to set up boards and those boards will be cropping up all over the place. Instead of helping the industry as the hon. member has set out to do,

he will hinder it. The amendment is all-important.

The MINISTER FOR AGRICULTURE: If the amendments on the Notice Paper in the name of the member for Irwin-Moore are carried, the Bill will become his Bill.

Mr. McLarty: And a good thing, too.

The MINISTER FOR AGRICULTURE: That is the trend of affairs. There are many serious anomalies about the clause, with or without this particular amendment. If it is carried, not less than 50 producers carrying on the business of production in the State—it may be in Wyndham—can have a poll and can create a board. The whole position will be ill-balanced. It would be a different matter if the Bill provided for 20 per cent. of the producers. Fifty producers in the whole State can demand a poll, and on that poll the Governor issues a proclamation. The second paragraph of the clause provides that, if three-fifths of the votes polled are in favour of the constitution of the board, the board shall be so constituted and set up. But only ten people may vote, so that six of them can set up a board for the whole State. It is too ridiculous for words. There may, in fact, be 2,000 boards. The clause is not only badly drafted but must end in chaos. If the member for Irwin-Moore gets his way, there will be four producers on the board and one Government nominee, who may be anyone. I submit to the member for South Fremantle that instead of agreeing to the amendments of the member for Irwin-Moore he should consider putting two producers on the board, one Government nominee with marketing experience, one consumers' representative, and a chairman. If the member for Irwin-Moore has his way, we can see the trend of the operations of the board. It would be necessary to have at least one member of the board in some way connected with the industry and with the export business. Who better could I suggest than a man with a vast experience in marketing matters, such as that possessed by the member for Guildford-Midland? Are we going to allow the intentions of the sponsor of the Bill to be destroyed by all these amendments? Sub-paragraph (c) gives the board power to decide the tenure of office of its members. They may be appointed for 50 years. That is the view expressed by the Parliamentary Draftsman. The clause should state what the tenure of office shall be.

Mr. Sampson: The regulations framed by the board must be approved by the Governor.

The MINISTER FOR AGRICULTURE: The Board sets up its own functions and makes its own regulations. The member for South Fremantle would be well advised not to accept the amendment; the whole clause should be re-cast.

Mr. SAMPSON: The amendment relates to the striking out of certain words. I shall support the amendment. The board should have control over all eggs commercially produced and marketed within the State. If that were not so, there would be an absence of full control. One of the problems of egg marketing is the variety of eggs and the variety of maturity which characterises many of the eggs that come from the country. Country eggs are not as dependable as some other eggs. Whether that is so or not, there will be an absence of control unless the area comprises the whole State.

The Minister for Works: What do you mean by matured eggs?

Mr. SAMPSON: I refer to over-mature eggs, the kind that makes the consumer disinclined to eat another for a long time. It is desirable that the State should be brought within the ambit of the board of control.

Hon. W. D. JOHNSON: If an attempt were made to extend the operations of the board to cover the whole State, the Bill would have to be re-modelled. The idea of limiting it was to confine the operations of the board to an area that would be constantly under review, and one where the board would be closely in touch with the industry. It is difficult to establish an organisation, in cases where large financial interests are at stake, without first educating those who are in touch with the work of administration. It is also difficult to get the right type of man from the outset. Particularly would this be difficult if we attempted to organise the whole State at once. The member for Irwin-Moore is out to do the maximum amount of harm to an organisation of this kind when he attempts so much.

Hon. P. D. Ferguson: Poultrymen do not think so.

Hon. W. D. JOHNSON: They must think so, if the matter is submitted to them in the right way. I have impressed upon poultry farmers not to attempt too much in the beginning, but to popularise this form of administration and control. They should make

this understood with the consumers and the producers first in a limited area, and by their knowledge and experience extend the area, if necessary, later on. I do not think the board would need to go beyond the metropolitan area. It would devote most of its time to regulating and expanding the export of eggs. The country egg must come under control when it reaches the metropolitan area, because it is necessary to get the maximum number of country eggs to assist in building up the export trade.

Hon. P. D. Ferguson: Do you think it is right that the city poultry people should have control?

Hon. W. D. JOHNSON: The hon. member distrusts people. I want to get the right kind of control and the right kind of man. I would rather limit the Bill to an area that can be reviewed with some knowledge of the individuals concerned and their association with the industry. Outside the metropolitan area one comes into contact with those who market eggs, but not into contact with the poultry farmer.

Mr. Thorn: Of course you do. What about Armadale?

Hon. W. D. JOHNSON: That would probably be included. The area to be included in the first poll has to be defined.

Hon. N. Keenan: Defined by the petitioners?

Hon. W. D. JOHNSON: They would define the metropolitan area, and, as a guide, would probably accept the area covered by the Whole Milk Board.

Hon. P. D. Ferguson: But milk comes from the other side of Bunbury.

Hon. W. D. JOHNSON: The Whole Milk Board operates in the metropolitan area.

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

Hon. P. D. FERGUSON: I hope the Committee will not allow the enthusiasm of the Minister for Agriculture for killing the Bill to lead them astray by causing them to vote against the amendment, which represents the only means of making the Bill a workable measure. The Minister said a board might be set up on the votes of half-a-dozen producers. Can anything so absurd be imagined? On the second reading the Minister said there were 19,000 egg producers in the State. Would those 19,000 producers allow a poll to be taken with only half-a-dozen votes recorded? The Bill says that by proclamation a board may be declared

to be constituted. What would any Minister for Agriculture be to allow a board to be constituted on half-a-dozen votes? Only his enthusiasm for knocking the Bill out allows the hon. gentleman to put across that sort of stuff. The enthusiasm of the member for Guildford-Midland for another co-operative association blinds him to the interests of the producers, which should be paramount in this regard.

Hon. W. D. JOHNSON: My co-operative association is State-wide, and not limited.

Hon. P. D. FERGUSON: Of course it is State-wide. Apparently the hon. member is not prepared to trust 20,000 producers but is prepared to trust six.

The Minister for Agriculture: Fifty. Until the board has been constituted, it will not be known who is qualified to vote.

Hon. P. D. FERGUSON: No such board would be constituted either by the present Minister or any other. When three-fifths, or some such majority, favour the constitution of a board, the minority would have to be subjected to some kind of compulsion to bring their product under the control of the duly-constituted authority.

Hon. W. D. JOHNSON: It had been my intention to continue my remarks after the tea adjournment, but I came in rather late. The member for Irwin-Moore differs from me regarding the scope of the Bill. The Bill was drafted with the idea of establishing a board to control the marketing of eggs and of limiting the scope of the measure to the metropolitan area. If the scope goes beyond that area, the measure will be of no value. Opposition members seek to use the Bill as a precedent for the establishment of State-wide boards. But such things as this need to be done gradually. The co-operative movement in Western Australia is sound to-day because it was started on a small scale and has ever since expanded proportionately to its capacity to administer. Starting carefully in a confined area and gradually expanding in accordance with increased education and knowledge bring about a sound, serviceable organisation. With State-wide control, eggs sent from Merredin to Kalgoorlie would have to be under the control of the board. If areas are to be excluded from the purview of the Bill eventually, why include them in the first instance? Eggs come from the country districts during the flush period, but they do not come

from poultry farmers who depend upon egg production for their livelihood.

Mr. Sampson: A man is no less a poultry farmer because he has a few pigs.

Hon. W. D. JOHNSON: It is necessary to control eggs that are sent from the country districts once they reach the metropolitan area.

Hon. C. G. Latham: And you will not give any say to the men who send those eggs.

Hon. W. D. JOHNSON: Certainly not. Why should they have a say when they do not depend upon egg production for their livelihood? To give them a say would be to give so much control to those who have merely a casual interest in the industry. The poultry farmer I wish to help is the man who is a poultry farmer all the year round and depends upon that activity for his living, not the man who is a wheat farmer and merely sends a few eggs down during the flush season. The country egg producer must not enter into competition with the real poultry farmer, and so murder the local market and hamper export activities. The only way by which the markets can be stabilised is to exercise full control over all eggs brought into the metropolitan market. I would not be associated with any measure that attempted the impossible, and that is what the amendment amounts to. If the Committee agree to the amendment, I hope the Bill will be defeated at the third reading stage. The measure is in skeleton form because the Standing Orders do not permit a private member to submit a measure in any other form. There is quite a lot left out of the Bill, and we have to trust to the sympathy of the Minister and the Agricultural Department to act fairly in giving effect to its provisions. The Minister can act fairly in directing that the poll to be taken shall be a reasonable one and that reasonable regulations shall be framed. If all that is necessary were to be included in the Bill, it would immediately be in conflict with the Standing Orders and would be set aside. If we endeavoured to make the application of the Bill State-wide, the Minister would be perfectly justified in ridiculing it. No attempt is made to make it State-wide in its application and it is limited to the metropolitan area. A Bill of this description would be too dangerous if it applied to the whole State, but it can operate in the metropolitan area with comparative safety, particularly if the Minister is given the power of veto. If the amend-

ment be agreed to, it will undoubtedly kill the Bill.

Mr. CROSS: I oppose the amendment for the reasons advanced by the member for Guildford-Midland. I am surprised at the attitude of the Opposition who appear to me like an obstreperous child who because he cannot get his own way, says he will not play. It is distinctly unfair that farmers in the wheat belt, who depend entirely upon the production of wheat for their living but happen to have a few fowls and send some eggs to the metropolitan market during the flush season, should be given any say on an egg board that will control the operations of those who make egg production the means of their livelihood. The farmer in the country who produces a few eggs in the circumstances I have indicated is the man who is most dangerous to the real egg producer.

Mr. J. H. Smith: Who are the real egg producers?

Mr. CROSS: They are those who are operating within 30 or 40 miles of the Perth Town Hall and depend solely upon poultry farming for their living.

Mr. J. H. Smith: What about the statistics the Minister gave last night? Do they not count at all?

Mr. CROSS: Despite what the member for Nelson suggests, most of the real egg producers who depend for their living upon poultry farming are operating within 30 or 40 miles of the Perth Town Hall. There are a few egg producers in the Northam and Manjimup districts, but not many elsewhere. The country eggs come from farmers who keep a few fowls as a side-line.

Hon. P. D. Ferguson: A large percentage of the eggs come from farmers.

Mr. CROSS: And it is those eggs that are dangerous for export purposes. If the Bill be carried, when those eggs come up for export they will be under the jurisdiction of the board, who will see that they are properly graded before being exported. I am disappointed that the Government did not previously give the matter consideration with a view to introducing a Bill along the lines of the Queensland Act. It may be too late for that this session, but I hope that even if this Bill be passed the Government will consider bringing down a more comprehensive measure next session. I desire to have an egg board established, but I cannot see how

such a board is going to work under this Bill. It may be impossible, particularly if the Opposition fulfil their threat that unless we make the Bill apply to the whole State they will not support it. That is distinctly unfair. I am going to oppose this amendment and, further than that, I am opposed to the whole clause.

Hon. C. G. Latham: And to the whole Bill.

Mr. CROSS: The whole of Clause 3 should be thrown into the melting pot and something better produced. Any satisfactory board should have amongst its numbers representatives of the consumers. I favour the board suggested by the Minister, namely two representatives of the producers, two representatives of the consumers, and an independent chairman appointed by the Government. That would make a very desirable board; but could anyone imagine any Parliament agreeing to the appointment of a board almost wholly composed of producers? It savours of the ridiculous.

Mr. J. H. SMITH: I will oppose the amendment. If I were to use the language of my friend, the member for Subiaco—

Mr. Marshall: You cannot.

Mr. Sampson: You must keep within the ambit of the Bill.

Mr. J. H. SMITH: Well, I will not use the language of the member for Subiaco, but I will say that the ambit of the ambitions of the member for Irwin-Moore will not be realised in this amendment. I doubt if any people within a radius of 40 miles of Perth have requested that hon. member to move this amendment. If the hon. member can show me any written request for the amendment, possibly I will support it. But the whole thing is impossible. Even the member for Canning tells us that he proposes to vote against the amendment, and indeed that he cannot see any good in the Bill at all. Neither can I. So I will vote against the amendment and against the clause also. The Minister was candid about the proposition, and the member for Guildford-Midland also is quite candid in the attitude he adopts: he says that if the amendment be carried he will take no further interest in the Bill. Of course he is endeavouring to legislate for small coteries of producers within a cer-



tain radius of Perth. The Minister last night gave us exact figures, showing that a great many more eggs are produced outside that radius than are produced within that radius. According to the member for Guildford-Midland, if the Bill be carried we shall be putting into the hands of the producers within that radius the whole control of egg production. So we see how impossible the whole thing is.

Hon. P. D. Ferguson: You cannot have it both ways.

Mr. J. H. SMITH: We have been considering a proposal that is impossible of fulfilment, and now it is proposed to pass an amendment asking Parliament to do something for which there has been no request. Can any member of the Country Party conscientiously say he has received one request for this legislation? I have taken the trouble to find out how the votes were cast on the Bill introduced by the member for Guildford-Midland a few years ago. I find that my friends sitting on the front Opposition bench, and also the member for Swan, who is the greatest advocate of orderly marketing and who wants to get everything into his own little groove, all voted with the noes. On the Government side, the member for Kalgoorlie was inconsistent in his voting last night.

The CHAIRMAN: All this has nothing to do with the amendment.

Mr. J. H. SMITH: I am speaking of a similar Bill introduced a few years ago.

Mr. SAMPSON: On a point of order: The hon. member is quite wrong in his statement.

The CHAIRMAN: You will have opportunity to show that later.

Mr. J. H. SMITH: If I misrepresented my friend as being amongst the noes, it was because I was thinking of the company he keeps. But this legislation is of no use. The member for Guildford-Midland said, "If we cannot get this within a certain prescribed area, we will not have it at all. If we cannot get the country people in our clutches and control the whole of their production, we will not have it." The member for Irwin-Moore has probably taken a broader view, but he has not been requested to do so. He is trying to fulfil an ambition that has run mad—

The CHAIRMAN: Order! The hon. member must keep within limits.

Mr. J. H. SMITH: This Bill is for the orderly marketing of eggs.

The CHAIRMAN: The question before the Chair is the amendment.

Mr. J. H. SMITH: Yes, which proposes to extend the area. I think I am within my rights in discussing orderly marketing and the extension proposed by the amendment. I trust that both amendment and clause will be defeated, for that will mean the end of the Bill.

Mr. SEWARD: If it will ease the mind of the member for Nelson I have had no request about the Bill, but I hope I have sufficient knowledge of the requirements of my constituents to know whether the Bill will be suitable. I think it will be against their interests, and therefore I am supporting the amendment. The member for Guildford-Midland pointed out the extreme difficulty of getting suitable men to form the board. I agree. But under the Bill, as pointed out by the Minister, there might be up to 100 boards. The object of the amendment is to confine control to one board. If the member for Guildford-Midland is consistent, he should support the amendment, because it would be easier to get suitable men for one board than for all the boards which could be called into being for every 50 producers. It has been stated that there would be no need for a multiplicity of boards, even if the Bill were confined to the metropolitan area. Had the Metropolitan Whole Milk Act contained a similar provision, a second board would immediately have been constituted owing to disagreement with the personnel of the board appointed.

The Minister for Agriculture: The two measures are not quite parallel.

Mr. SEWARD: No, but had there been power to create another board, it would have been created immediately. I do not know the exact number of egg producers within 40 miles of Perth, but jealousies would arise and another 50 producers would petition the Government for another board. By having one board, we are more likely to get capable men. If the board applied only to the metropolitan area, what would happen to country eggs? It has been said that eggs from the country would come under the jurisdiction of the board in the metropolitan area. I disagree with that statement. The eggs controlled by the board would have to be produced in the area in which the board were operating. The member for Canning stated that the eggs com-

ing from the country were a minor matter. That statement showed that he was not conversant with conditions in the country. When the Transport Act came into operation complaints were made because it cut off from the roads vehicles transporting perishables, particularly, and one of the major consignments was eggs from country districts. Eggs are being sent from the country every day. Since the fall in prices for primary products, particularly wheat, farmers and their wives have devoted more attention to sidelines.

Hon. W. D. Johnson: Purely during portion of the year?

Hon. C. G. Latham: All the year round they are producing eggs.

Mr. SEWARD: Yes; eggs represent an important part of the income of farmers to-day. Anything that would interfere with the marketing of eggs from the farming districts would be a serious matter.

Mr. Marshall: Do you suggest that a better price for eggs would be detrimental to the producers?

Mr. SEWARD: No, but if they do not come under the board—

Mr. Marshall: If they marketed the commodity and got a better price, would it not be an advantage?

Mr. SEWARD: Under the Bill the eggs controlled by the board would be those produced in the area over which the board operated. Eggs produced outside that area would not come under the control of the board, and naturally the board would do their best for the eggs coming under their care. If eggs are coming in from outside the area, the board will give attention rather to the eggs that come under their own control, to the detriment of the outside eggs. That is why I want to see one board appointed with State-wide influence. Such a board would be able to ensure better prices for country eggs, and an improvement in the standard in places where it may be a little low. I support the amendment of the member for Irwin-Moore.

Mr. FOX: The co-operation of members is desired so that poultry farmers may have a workable measure and be afforded the opportunity to earn a decent livelihood. I am not now prepared to accept the amendment of the member for Irwin-Moore in view of the amendment foreshadowed by the Minister for Agriculture. The intention is to appoint a board that will operate within about 60 miles of the metropolitan area. All

the eggs that come into that area will be under the jurisdiction of the board, and be handled and exported by them. Eggs that did not come into the metropolitan area would not be controlled, but the producers could send them where they liked. It would not be necessary to set up a multiplicity of boards. The idea is to appoint one board, and extend its operations if necessary. In New South Wales many country eggs are marketed through the board that is set up in that State.

The MINISTER FOR AGRICULTURE: I wish to make my position clear. I have given many reasons for my opposition to the Bill, to this clause, and to many parts of it. I intend to vote not only against the amendment but against the clause. The member for Guildford-Midland is right in the attitude he has adopted. He means he will not have anything further to do with the Bill if it is amended in the way proposed. The member for Pingelly refused to support the Bill if it contained the principle in question, and now he does support it.

Hon. C. G. Latham: We had to carry the second reading if we desired to amend it.

The MINISTER FOR AGRICULTURE: If the amendments moved by the member for Irwin-Moore are not accepted, he will vote against the third reading.

Mr. THORN: It looks as if the Minister wants to kill the Bill.

The Minister for Agriculture: I voted against it last night.

Mr. THORN: Of what use is it to refer to the attitude of the member for Guildford-Midland seeing that he intends to do the same? We are wasting time in discussing the Bill any further.

The Minister for Agriculture: That has been my attitude all through.

Mr. THORN: Members on this side are sincere in their endeavour to improve the measure, but that cannot be said of members opposite. I am sorry to find that the member for Guildford-Midland has converted the sponsor of the Bill.

Mr. Fox: I am not converted.

Mr. THORN: I am sorry there has been this difference of opinion.

Mr. SAMPSON: Progress ought to be reported so that amendments may be framed. It is necessary that an egg-control board should be established. I hope members will

not be intimidated by the member for Guildford-Midland.

Mr. FOX: The member for Toodyay is wrong in saying that I have been converted. Last night I used almost the same words as the member for Guildford-Midland has used to-day. I said I did not think it fair that farmers should have the same representation on the board as the poultry people in the metropolitan area, who depend upon the industry for their livelihood. In the case of farmers the poultry represents only a sideline. I want the co-operation of members to make this a workable measure, and if I can get it I am prepared to depart somewhat from the Bill as printed.

Mr. CROSS: I suggest that, after the amendment has been disposed of, the member for South Fremantle should report progress, with a view to redrafting the clause.

The Minister for Agriculture: What about the other clauses?

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

Ayes	..	..	..	11
Noes	..	..	..	24
Majority against	..	..	..	13

AYES.	
Mr. Boyle	Mr. Samson
Mr. Ferguson	Mr. Seward
Mr. Keenan	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. McDonald	Mr. Doney
Mr. McLarty	

(Teller.)

NOES.	
Mr. Brockman	Mr. North
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Rodoreda
Mr. Cross	Mr. F. C. L. Smith
Mr. Cunningham	Mr. J. H. Smith
Mr. Fox	Mr. Tonkin
Mr. Hawke	Mr. Troy
Mr. Hegney	Mr. Wansbrough
Mr. Johnson	Mr. Willcock
Mr. Marshall	Mr. Wilson
Mr. Millington	Mr. Wise
Mr. Munsie	Mr. Raphael

(Teller.)

Amendment thus negatived.

Hon. P. D. FERGUSON: In view of this decision of the Committee I shall not move my remaining amendments dealing with area. I move an amendment—

That in Subclause 4 the word "three" be struck out, and "four" inserted in lieu.

If there is to be a properly balanced board, the number of members should be five and not four. Failing the adoption of this proposal, I have an alternative to what I regard as the ideal board. Failing that board, I would propose one member to be elected by producers within a 40-mile radius of the

General Post Office and one member to be elected by producers outside that radius—the third member to be appointed by the Government. That system of election would be similar to the system obtaining in connection with the Whole Milk Board, which is, I understand, regarded by the departmental officers as providing the most nearly equal division of producers.

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

Ayes	..	..	..	14
Noes	..	..	..	20
Majority against	..	..	..	6

NOES.	
Mr. Boyle	Mr. North
Mr. Brockman	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. Latham	Mr. Thorn
Mr. McDonald	Mr. Warner
Mr. McLarty	Mr. Doney

(Teller.)

NOES.	
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Cunningham	Mr. F. C. L. Smith
Mr. Fox	Mr. Tonkin
Mr. Hegney	Mr. Troy
Mr. Johnson	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Munsie	Mr. Wilson

(Teller.)

Amendment thus negatived.

Hon. P. D. FERGUSON: I move an amendment—

That the following be added to Subclause 4:—"One of the elective members shall be elected by the producers carrying on the business of production in the area within a radius of 25 miles of the General Post Office in Forrest Place, Perth; and one of the elective members shall be elected by the producers carrying on the business of production in the area within a radius of 50 miles, but outside a radius of 25 miles of the General Post Office in Forrest Place, Perth; and one of the elective members shall be elected by the producers carrying on the business of production in the area outside a radius of 50 miles of the General Post Office in Forrest Place, Perth."

As the Committee have decided that there shall be three members of the board, I have endeavoured to divide the State into three zones as equally as possible with the object of assuring that each zone shall be represented by one of the three elective members.

Mr. FOX: I oppose the amendment on the ground that it was intended the measure should apply to a defined area, and not outside that area.

Amendment put and negatived.

Clause put, and a division taken with the following result:—

Ayes	16
Noes	18
Majority against	2

## AYES.

Mr. Boyle	Mr. McLarty
Mr. Cross	Mr. Marshall
Mr. Cunningham	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Fox	Mr. Thora
Mr. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Warner
Mr. Latham	Mr. Doney

(Teller.)

## NOES.

Mr. Brockman	Mr. Rodoreda
Mr. Collier	Mr. F. C. L. Smith
Mr. Covgley	Mr. J. H. Smith
Mr. Keenan	Mr. Troy
Mr. McDonald	Mr. Wansbrough
Mr. Millington	Mr. Willcock
Mr. Munroe	Mr. Wilson
Mr. North	Mr. Wise
Mr. Raphael	Mr. Nulsen

(Teller.)

Clause thus negatived.

Progress reported.

*House adjourned at 8.35 p.m.*

## Legislative Council,

*Tuesday, 3rd December, 1935.*

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

### QUESTION—LAND CLEARING, FRANKLAND.

*Use of Commonwealth Grant.*

Hon. A. THOMSON asked the Chief Secretary: With reference to the employ-

ment of single men clearing land west of Mt. Barker, what proportion of the £64,000 expended at the Frankland was provided from the Commonwealth grant?

The CHIEF SECRETARY replied: No portion of the expenditure was met from Commonwealth grant moneys.

### MOTION—MINES REGULATION ACT.

*To Disallow Regulation.*

Debate resumed from the 27th November on the following motion by Hon. H. S. W. Parker:—

That Regulation No. 2a, made under the Mines Regulation Act, 1906, as published in the "Government Gazette" on the 25th October, 1935, and laid on the Table of the House on the 6th November, 1935, be and is hereby disallowed.

**THE CHIEF SECRETARY** (Hon J. M. Drew—Central) [4.38]: I do not propose to oppose the motion. I have found upon investigation that the regulation was placed on the Table of the Legislative Assembly after the statutory period had expired, and therefore it is inoperative at present and practically defunct. So I have no objection to the motion being carried.

Question put and passed.

### RESOLUTION—STATE FORESTS.

*To Revoke Dedication.*

Message from the Assembly requesting concurrence in the following resolution now considered—

That the proposal for the partial revocation of State Forests Nos. 20, 22, 27, 29, 30, and 38, laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant-Governor on the 26th November, 1935, be carried out.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.39]: I move—

That the resolution be agreed to.

Under Section 21 of the Forests Act, 1919, a dedication of Crown lands as a State forest may only be revoked in whole or in part after a resolution has been passed by both Houses of Parliament. The Governor shall then, by Order in Council, revoke such dedication, and the land then becomes Crown land within the meaning of the Land Act,