

That is showing the position which has always been a tradition of British law, that the care of infants is one of the functions of the Court of Chancery, or, as we know it, the Court of Equity. I do not think the matter of guardianship ought to be lightly treated. I do not think that where there is not a serious matter such as calls for the interference of the Divorce Court or comes within the provisions of the Deserted Wives and Children Act, it ought to be easy for a father or mother to take their squabbles with regard to the custody of a child before a police magistrate or the District Court. This measure allows it to be taken before a judge, not necessarily the whole court, but a judge may make the order. So far as I know, he can make it on affidavit. What he will do—and this, perhaps, helps the argument of the Hon. Mr. O'Conor—and what he always does if the child is old enough, is to have a talk to the child. I know that his Honor Mr. Justice Harvey makes a practice of doing that. If there is trouble between two parents as to the custody of a child the judge has a quiet talk to the child in the privacy of his own chambers, and I know that his Honor, Mr. Justice Langer Owen, very often does the same thing in divorce. That, of course, may be an argument from the point of view of the Hon. Mr. O'Conor as to why these matters might be heard in the country. It is a serious thing to decide who is to have the upbringing of the child.

Question resolved in the affirmative.

Bill read a third time.

#### SPECIAL ADJOURNMENT.

The Hon. F. S. BOYCE: I move:

That the House at its rising to-day do adjourn until Tuesday next.

The only business remaining on the paper is the Defamation (Amendment), Bill. I have an amendment of that bill of an important nature, which I hope will be acceptable to the House. At present that is being prepared and I do

not think it worth while bringing hon. members back to-morrow or the next day to consider this bill only.

Question resolved in the affirmative.

House adjourned at 4.55 p.m.

## Legislative Assembly.

Wednesday, 12 February, 1930.

Questions without Notice—Marketing of Primary Products (Amendment) Bill (second reading)—Guardianship of Infants Bill—Constitution Further Amendment (Referendum) Bill (second reading).

Mr. SPEAKER took the chair.

### QUESTIONS WITHOUT NOTICE.

#### VALUER-GENERAL'S VALUATIONS.

Mr. KILPATRICK: In view of the financial depression throughout New South Wales and Australia generally, will the Premier discuss in Cabinet the methods of the Valuer-General's Department in making valuations in the city and country, with a view to arriving at a more equitable basis of adjustment?

Mr. O'HEARN: While the Premier is making investigations, will he see that the officers employed by the Valuer-General's Department shall all be competent men and shall make their valuations on productive, and not on fictitious sale, values?

Mr. BAVIN: The officers employed by the Valuer-General's Department are competent officers. The question of values is a matter of opinion and it is hardly to be expected that all opinions will coincide. The Valuer-General employs the most competent men he can get and they discharge their duties to the best of their ability. As to the question of the hon. member for Wagga Wagga, I do not know that anything can be gained by discussing the actual amount of the valuations fixed by the Valuer-General's Department. So long as the principle of having a Valuer-General's Department is embodied in the

law of this country the valuations made by that department must be accepted while there are competent officers at work. I am reminded that all valuations are subject to appeal. If there is any particular case in connection with which the hon. member or any local authority thinks a mistake has been made it is open for an appeal to be lodged. Unless we are prepared to alter the whole policy in regard to valuing I do not think any good can be done by interfering with the operations of the department. I do not say that in some cases valuations are, in the opinion of some, excessive. It is only natural that should be so. But I am quite sure the Valuer-General and his officers will be the first to recognise any change in the conditions due to economic fluctuations in Australia.

#### TEACHERS' SALARY INCREASES.

Captain DUNN: I would like to ask the Minister for Education if it is a fact that the Conciliation Committees charged with matters relating to public service salaries have made, in all, about fifty-two awards, and that in forty-eight of those cases the awards have been made retrospective? Is it also a fact that the inspectors' award, made at the same time as the late teachers' award, was also made retrospective?

Mr. DRUMMOND: At the request of the Teachers' Federation its case was taken to the Arbitration Court, in the first place per medium of the Conciliation Committee. The teachers therefore accepted, of their own free will, an alteration of the system of applying to the Public Service Board, and the result of that alteration apparently has not been to their liking. But since they desired that their case should be dealt with by the Arbitration Court it has been so dealt with, and the decision of the Industrial Commission is that their award should not be made retrospective.

#### RAILWAY COMMISSIONER'S TRIP.

Major JARVIE: I desire to ask the Minister for Railways if his attention has been drawn to a report in yesterday's *Sun*, stating that Mr. A. J. D. Forster,

one of the present Railway Commissioners, is about to leave on a trip abroad, accompanied by a retinue of officers of the Railway Department, to attend an international railway congress in Spain? If such report is correct, in view of the great financial stringency existing at present, coupled with the extensive retrenchment now being exercised in the railway and other services, will the Minister consider the advisability of cancelling such a trip as that mentioned, and thereby effecting a considerable saving? Further, if the Minister has no power to cancel that trip, will he ascertain what good purpose can be served at this stage of depression by sending the officials in question for a trip round the world at the public expense?

Mr. C. A. KELLY: On the same question, I desire to ask the Minister, in reference to that statement, if he also noticed that at the bottom of the paragraph in question there was a reference to the dismissal of 1,200 wages men? In view of that fact, and also of the fact that complaints have been received from Bathurst, Goulburn and other centres of the severe retrenchment, and that the Chief Railway Commissioner, Mr. Cleary, has promised to visit those centres before making further retrenchments, will the Minister ask the Chief Commissioner to stay his hand in regard to these officials going overseas until his promise has been fulfilled, and will he allow those 1,200 men whom it is intended to retrench to remain until some determination has been made on the matter raised by the hon. member for Ashfield?

Mr. STEVENS: In reply to both hon. gentlemen, I may say that Cabinet has granted leave of absence to Mr. A. J. D. Forster for a period during which, it is understood, he proposes to attend an international conference in Madrid. I do not know whether or not Mr. Forster is taking with him any railway officers. As the House understands, the Minister has no jurisdiction whatever over the railway officers. With regard to the question as to the dismissal of the men at various country centres, I understand

that the Chief Railway Commissioner received a deputation the other day from various representative bodies, and that he has undertaken to visit each of those centres, and to inquire on the spot into the merits of cases that have been represented to him.

#### CONVEYANCE OF SCHOOL CHILDREN.

Mr. ROSS: Will the Minister for Education seriously consider whether it might be possible to largely increase the travelling subsidy allowed to school children in country centres, in order that arrangements may be made for the wholesale conveyance of these children from small centres to big centres, thereby probably saving the department many thousands of pounds?

Mr. DRUMMOND: I am having some investigations conducted with a view to ascertaining whether such a scheme would result in less expense to the State than the present system, plus added efficiency in regard to the work of teaching. I would, however, inform the hon. member and the House that the amount spent by the State of New South Wales on the conveyance of school children is more than twice as much as the amount spent by all the rest of the States of Australia put together.

#### GRACE BROS. BUSES.

Mr. O'SULLIVAN: Is the Minister for Local Government aware that Grace Bros. are running a line of motor buses from Bondi and Coogee, and also one from Circular Quay, to their premises in the Broadway? In view of the fact that various municipal bodies have asked for permission for buses to run from Circular Quay and have always been refused, will the Minister tell the House who gave Grace Bros. permission to run buses from Circular Quay, and why?

Mr. SHANNON: Is it a fact that the proprietors of these buses have a contract with the New South Wales Tourist Bureau? If so, will the Minister see that the contract is cancelled if the proprietors persist in running the service to Grace Bros. for the next fortnight?

Lt.-Colonel BRUXNER: It is a fact that Grace Bros. are running a service from definite depots, one at Bondi and one at Circular Quay. They are running, just as many taxi buses are running to-day, without license, and within the law as it exists at the present time. Under the decision given by Judge Edwards, providing they do not ply for hire by picking up people in the street and providing they start from private grounds and put down passengers on private grounds, they cannot be prosecuted under the Metropolitan Traffic Act as it is at the present time. Even if that decision had not been given and the buses were being run contrary to the Metropolitan Traffic Act, the only people who could be proceeded against would be the owners and the drivers of the vehicles, not the persons who hire them.

Mr. CONNELL: That ought to be effective!

Lt.-Colonel BRUXNER: It is not effective because they are prepared to pay the fines and go on with the work. At the present time these vehicles are running within the law, under the interpretation given by Judge Edwards, and until we get an effective law to deal with the matter the thing will go on. I do not know whether the same proprietors have a contract with the Government Tourist Bureau, but I will have inquiries made.

#### DR. BRADFIELD: CIRCULAR QUAY STATION.

Mr. SANDERS: I desire to ask the Minister for Railways whether it is a fact that Dr. Bradfield has been given notice to withdraw from railway construction activities? If such is the case, is there any likelihood of representations being made for an alteration of the Circular Quay station site from that which has been agreed upon? Will the Minister give an assurance that nothing of the kind will be allowed, and should representations be made towards altering that site will the Minister turn up the records and ascertain whether the

Railway Commissioners made a statement to the Government regarding the finances on their side which they could not substantiate?

Mr. BUTLER: Will the Minister also tell the House whether it is a fact that on Dr. Bradfield's withdrawal from the Railway Department he will be paid a substantial pension from the Railway Superannuation Fund and that we shall then have the anomaly that in addition to a pension he will receive a substantial salary from the Public Works Department?

Mr. STEVENS: As to the Quay railway station I may answer the question of the hon. member for Willoughby with the statement that the Government has determined the location of the site. The Government has not yet received any representations from the Commissioners that the location might be altered, nor do we know of any likelihood that such representations will be made. With regard to Dr. Bradfield the House will understand that that gentleman is an officer of the Railway Department. Under the existing law the Chief Railway Commissioner has full power with regard to his staff, and this is not a matter in which the Government could interfere even if it wished to do so. I understand that Dr. Bradfield is over the age of 60 years, and is a contributor to the Railway Superannuation Fund. He has the requisite service, and upon his retirement will be entitled to the statutory pension.

#### COMMISSION OF THE PEACE.

Mr. MARKS: Is the Colonial Secretary in a position to give hon. members any information as to when the new list of Justices of the Peace is likely to be gazetted?

Captain CHAFFEY: I am hoping to have the matter completed this month.

#### ADVANCES FOR HOMES.

Mr. LANG: With regard to the measure passed through this Parliament under which the Government Savings Bank with the aid of the Commonwealth Government is building homes for the

people on an advance of 90 per cent., is the Treasurer aware that documents were printed and sent out to the public announcing that if they had the necessary 10 per cent. deposit allocations would be made? Is he aware that the Commissioners have altered the deposit from 10 per cent. to 20 per cent., thus going behind Parliament and making advances up to only 80 per cent., where they build themselves? Is that by the Government's direction and, if so, will the Minister inform Parliament as to the reason?

Mr. STEVENS: I have no knowledge as Minister of any proposal to vary the margin of security which home-builders will be required to offer the Savings Bank Commissioners. My information is that the Commissioners are continuing to build homes under division 2 of the Savings Bank scheme, which relates to the 90 per cent. advance, but that they have restricted such advances to the amounts that are repaid by present home-holders. This action has unfortunately been forced upon the Commissioners by reason of the present financial stringency. It has been taken at the same time as similar action regarding the other two divisions of the existing legislation, under which the Commissioners operate, namely, the general division with regard to the 75 per cent. advances, and division 3 with regard to advances under the Commonwealth housing scheme.

Mr. LANG: Under the previous division providing for 75 per cent. advances, I can quite understand that they have stopped making advances altogether, but in this case they have altered the deposit required from 10 per cent. to 20 per cent.

Mr. STEVENS: I was explaining for the information of the leader of the Opposition and of the House generally that the action taken with regard to division 2 is in keeping with the action taken with regard to divisions 1 and 3. I will deal with that other question in a moment. The action with respect to each division—and as I have shown it is common action—has been forced on the Commissioners by reason of the present financial stringency. The margin

of 80 per cent. which is indicated here, and of which I have no official knowledge, obviously relates to a certain section of the home-seekers who are able to obtain a greater margin of advance than those normally seeking homes through the bank. I will consult the Commissioners with a view to ascertaining why this policy has been adopted.

#### TRAMWAY CONDUCTORS' SURPLUSES.

Mr. STUART-ROBERTSON: Can the Minister for Railways inform the House what is the total amount of money which has been paid into the Railway Institute from tramway conductors' surpluses?

Mr. STEVENS: No, but I will obtain the particulars.

#### PORT KEMBLA POWER-HOUSE DISMISSALS.

Mr. DAVIES: I wish to ask the Minister for Public Works if it is a fact that notices of dismissal have been served on a number of men employed on the transmission line which is operated from the Port Kembla power-house? Further, is it the intention of the Government to put the men employed at the power-house on short time? If so, will the Minister reconsider his decision in view of the fact that at the present time the power-house is paying handsomely? Is it the intention of the Minister to curtail the services to those councils which have entered into contracts with the Government for the supply of power? Is the Minister aware that any curtailment of those services would seriously handicap those councils at the present time?

Mr. BUTTENSHAW: I do not intend to curtail the services more than is absolutely necessary.

Mr. DAVIES: How can the Minister maintain the services if the men are working short time?

Mr. BUTTENSHAW: I can assure the hon. member that, unfortunately, the Port Kembla power-house is not the paying proposition that some people think it is. As a matter of fact, it is losing

money. At present the men are being employed four weeks out of five, and that is the best we can possibly do.

#### UNEMPLOYMENT: FOOD RELIEF.

Mr. BADDELEY: Is the Premier aware that a large number of men were out of work in New South Wales before the coal lock-out? Is he aware that, although they have applied for relief—it has been the custom of the Government to give relief to the wives and families of such men—they have been informed by the officers of the department that it is the policy of the Government not to give them further relief? Will the Premier look into the matter and inform the House whether that is the policy of the Government?

Mr. BAVIN: The hon. member has been misinformed. I am quite sure that what he has stated does not represent the action of any officer of the Government. The policy of the Government has not been altered. That policy is to give relief to men who cannot obtain work in order that food may be provided for their wives and families. It is true that a number of men have been deprived of that relief for reasons which have been set forth in the press, but apart from that there has been no curtailment of the relief given to people who are unable to obtain employment?

#### SCHOOL TEACHERS AND PUBLIC SERVICE BOARD.

Mr. CONNELL: I ask the Minister for Education whether it is a fact that the Government intends to remove the State school teachers from the control of the Public Service Board and to place them under the control of a commission, and if so, is it intended to deprive them of the right of access to the Arbitration Court?

Mr. DRUMMOND: In accordance with the announced policy of the Government it is my intention to introduce a bill to provide for the severance of the teaching service from the public service of this State and from the control of the Public Service Board. When

the measure is introduced I shall be only too pleased to give hon. members the fullest information upon it.

#### ROTHBURY COLLIERY.

Mr. BOOTH: I desire to ask the Colonial Treasurer whether he is now in a position to inform the House of the exact expenditure which has been incurred in the opening of the Rothbury Colliery? Will he also inform us what quantity of coal has been extracted from the colliery, the amount received from the sale or distribution of such coal, and the approximate loss incurred up to date in the opening of the colliery?

Mr. NESS: Arising out of the same question, will the Colonial Treasurer tell us the wages per day which men are earning at the Rothbury Colliery?

Mr. STEVENS: I would point out to the hon. member for Kurri Kurri and the hon. member for Dulwich Hill that their questions should be directed to my colleague, the Minister for Mines, in whose department the whole of the records are available.

Mr. BOOTH: In view of the Colonial Treasurer's statement I ask the Minister for Mines whether he will give the House particulars as to the amount already spent in the opening of the Rothbury Colliery, the quantity of coal extracted from it and placed upon the market for consumption by public utilities, and the amount received from the sale or distribution of such coal? Further, what is the actual loss incurred to date in the working of the mine?

Mr. NESS: When the Minister is replying to the hon. member's question, I ask him to say what amount per day the men employed in the Rothbury Colliery Colliery are earning?

Mr. WEAVER: I suggest to the hon. members concerned that they should place their questions upon the business paper and I will then look into them.

#### STEEL BRIDGE AT CARRINGTON.

Mr. CONNOLLY: I desire to ask the Minister for Public Works whether he will consider the advisableness of proceeding immediately with the construc-

tion of a steel bridge at Capper's Creek, in view of the dangerous state of the present bridge which has been erected for forty years, especially as this work would absorb a large number of men who are now unemployed?

Mr. BUTTENSCHAW: The question is under review at the present time.

#### BEACH ENCLOSURES.

Mr. GOSLING: I ask the Minister for Lands whether his attention has been drawn to the tendency on the part of public bodies to filch from the people their unrestricted right of access to our seashores and beaches. Will he call for a report from one of his officers as to what schemes are in operation under which local councils are charging the public for the right to use our beaches? Will he further lay down the principle that wherever public bodies contemplate using beaches for any specific purpose at least two-thirds of those beaches must be reserved for the purpose of giving the public free access to them?

Mr. BALL: I will have inquiries made and furnish the hon. member with a reply.

#### WIDOWS' PENSIONS.

Mr. OLDE: Will the Minister for Education say if it is a fact that the whole of the widows' pension claims under the amended Act are being held up? Will he see that the claims of those widows who are not earning any money at all are dealt with at once and given preference over the claims of others who are earning some money?

Mr. DRUMMOND: It is not a fact that the whole of the pension claims are being held up. I am informed by the officers of the department that every endeavour has been made to expedite the settlement of claims under the amended Act. Those claims in which no alteration was made by the amending Act have been already finalised. There is no undue complaint of delay. Where delay has occurred it has in almost every case been found to be due to the fact that

the claim has been imperfectly presented and has had to be referred back to the Deputy-Registrar for rectification.

GOVERNMENT SAVINGS BANK  
OFFICES.

Mr. K. O. HOAD: Is the Treasurer aware that very considerable office space has become available in the palatial building erected for the head office of the Government Savings Bank? In view of that and of the fact that the Government is paying thousands of pounds in rental for the accommodation of departments such as the Western Lands Commission and the Forestry Board, will he ascertain whether it is possible for such bodies to be accommodated in the Government Savings Bank building and the money represented by savings in rentals used for public purposes and perhaps in some measure to relieve the position in respect of those applications by primary producers for loans which are all being rejected by the Government Savings Bank Commissioners?

Mr. STANLEY: Will the Minister inquire into the advisability or otherwise of the erection of a vast building to house the whole of the Railway and Tramway Department and whether the new Government Savings Bank building cannot be used for the purpose instead?

Mr. STEVENS: I can assure the House that there is no undue curtailment of financial provision for rural producers. On the contrary the Government Savings Bank Commissioners have recently finalised arrangements under which they have been able to secure by way of advance a substantial sum which is being used to meet the needs of their present clients. The accommodation available in the Government Savings Bank building has been inquired into by our predecessors and ourselves and arrangements are in progress under which it is hoped that some of the major departments of the State will occupy suites in that building.

MARKETING OF PRIMARY PRODUCTS  
(AMENDMENT) BILL.

SECOND READING.

Mr. THORBY (Castlereagh) Minister for Agriculture [3.6]: moved:

That this bill be now read a second time. He said: Many of the amendments included in this bill have been found necessary after considerable experience of the administration of the existing Act. A number of points have been raised by different marketing boards operating under the Act and the amending Act. It has also been found necessary to make certain sections much clearer in order to prevent any confusion in the minds of those who have to interpret the Act. For instance, the definition of "certificate" has been altered because a certificate is not always given to the actual producer of a product. One reason why we have to alter that section is to secure that a certificate shall not be issued unnecessarily. The definition of "producer" is made much clearer, so that there shall be no misconception as to who is a producer under the Act.

Captain DUNN: Has there been any difficulty in deciding that?

Mr. THORBY: Yes, considerable difficulty. We are making the definition clearer so that there shall be no doubt in the minds of anyone as to who is a producer under the Act. There is an amendment in connection with the definition of persons who are entitled to vote. While some persons may be producers within the meaning of the Act they may not be entitled to a vote. There are persons producing very small quantities of produce. Although they may be considerable in number the actual amount of their produce may be very small and it would be unreasonable to allow them to control the produce that is put out on a commercial basis.

Another point that has been raised is that under the Act there is no power whatever to alter the date fixed for an election or a poll. Once a proclamation has been issued proclaiming a date for a poll or an election, that date cannot be altered no matter how important it may be to have it altered. We are now

providing that even after the proclamation of such a date the Government will have power to alter it. Another important feature is that under the present Act there is a penalty of not less than £2 for any person who fails to vote at any of the polls. It was always the intention of Parliament that the penalty should not exceed £2, but through some oversight, which apparently nobody noticed when the bill was going through, a penalty was provided of "not less than" £2. The bill alters that to make the provision so that the penalty shall not exceed £2. That is reasonable and right, and it is in accordance with all other Acts which have been passed containing a provision of a similar nature.

Discretion is being given as to polls being carried out by proportional representation, as well as by preferential voting. At the present time there is a certain amount of indefiniteness in regard to whether proportional representation is provided for. We are now making it absolutely clear. To my mind there is no doubt about it, but as the question has been raised we think it better that it should be made clear that proportional voting can be used where thought desirable, in connection with the election of representatives to a marketing board, that is, where more than one person is to be elected in any prescribed area. In connection with the Rice Board three members were to be elected in one division, and two were to be elected in another, making in all five elected representatives. They were elected under proportional representation. This bill will make the Act a little more clear in regard to the application of the system of proportional representation in the election of representatives to a board, when more than one member is being elected from any given area.

In the present Act there is a provision that when a poll has been taken in regard to the proposed creation of a marketing board, and the question has been carried in the affirmative, and a board has been elected, a levy can be struck for the purpose of collecting sufficient funds to reimburse the State for any expense incurred in the taking of

the poll associated with the creation of that board. But there might be certain expenses in connection with the collection of that levy. It would be quite unnecessary to strike a special levy to raise a very small sum of money to cover the cost of an election associated with a board. I am proposing in this bill to amend the law so that the Marketing Board can pay from its ordinary funds the costs incurred in the carrying out of these polls. It will simplify the procedure of the board, and will avoid the necessity of striking a special levy to collect some small sum of money to reimburse the State for the taking of the poll. It is not altering the principle, but it is simply altering the procedure in relation to how they shall pay the money to reimburse the State for expense incurred in taking a poll for the creation of a board, or for the election of a member. Where the vote is in the negative, of course, the expense will have to be borne by the State.

Mr. FLANNERY: When persons are fined for neglecting to vote, would those fines go to the board?

Mr. THORBY: No; they would go into the consolidated revenue. They have nothing to do with the board. They are matters relating to the administration of the Act by the State, and not by the board. The power given to determine the class of persons deemed to be "producers" has been made much clearer. In the present Act there are certain sections which are rather ambiguous. When we came to analyse them, and to administer the Act, room was found for the raising of certain questions. We are proposing now to simplify the wording of the Act, and make it absolutely clear as to what is the intention of the law in connection with the classification of producers under the existing Marketing Act.

There is also a clause making provision for a poll to decide whether an area shall be added to an existing area, which is already controlled by a marketing board. That is a very important amendment. Under the Act certain areas can be proclaimed as areas under

the Act in which a poll shall be taken of the producers engaged in any particular branch of primary industry. If a board is established to operate within that area, then, in the existing Act, there is no power to enable an additional area later on to come in and co-operate with that board. Two amendments are being embodied in this bill: One, to enable a further vote to be taken of the producers in an additional area, to decide whether they wish to be attached to the existing Marketing Board, and another provision to enable individual producers outside the area which is proclaimed as under the control of a marketing board to contract with that marketing board to come in as individuals, so that they can get the advantage of the Marketing Board, although they may be producing outside the area which has been proclaimed as under the control of the Marketing Board. Those are not very vital amendments, and do not alter any principle, but they will facilitate the extension of an area in which a marketing board may be operating.

Captain DUNN: Suppose you have a vote as to whether a certain area shall come in as an additional area, and the vote is negated, can individual producers still come in?

Mr. THORBY: Yes. If a vote is taken in a prescribed area as to whether it shall be added to the area controlled by an existing Marketing Board, and that vote is in the negative, it still will be open for individuals to contract, as individuals, with the existing Marketing Board, to handle their products; to pay their levies, and act exactly the same as if they were in the proclaimed area that is under the board, so that they will not be deprived of any benefits or advantages to be derived from operating under the existing Marketing Board, although they may not be producing within the area which is controlled by that marketing board. There is also provision to validate all proclamations that have been issued in connection with the existing Marketing Act, so that no question can be raised, later, as to the validity of any proclamation which has

been issued under the Marketing Acts—either the Principal Act or the amending Act. That will obviate any question as to the validity of any proclamation being raised now or at any future time, because if at any future date the validity of any proclamation were questioned, it might upset the operations of the Marketing Board. It is deemed advisable that this bill, therefore, should validate all proclamations that have been issued under the existing Act.

Captain DUNN: Has not some such question been raised in connection with the Honey Marketing Board?

Mr. THORBY: Not to my knowledge. I have not been informed of any contemplated action to upset the operations of the Honey Marketing Board.

Mr. TULLY: Two associations are going to approach the Minister in the next few days, by deputation!

Mr. THORBY: That may be so, but I have not received any official information of any producers' association taking action to upset any decision of a marketing board.

Mr. C. A. KELLY: What about the Egg Board?

Mr. THORBY: I have no intimation that any producers' organisation is making any objection there. I have noticed that some individuals have raised certain points.

Mr. TULLY: Surely the Minister must have read letters in the newspapers from the presidents of certain organisations, and they should carry some weight?

Mr. THORBY: I am not concerned about letters in the press. Officially, I cannot take any notice of letters written to newspapers by presidents or anybody else. The president of an organisation must know that there is a proper course to follow. If he has a grievance against any act in relation to my administration, or the act of any officer in the department, his proper course is to communicate officially with me, as the Minister in charge of the department, and not to write to newspapers. Very often when a person writes to a newspaper only a portion of his letter is

published, or his letter may be considerably altered by the newspaper authorities before it appears in the press. Everybody must recognise what is the proper way to protest or to appeal against any decision of the department or of the administration of a department. I repeat, I have had no official communication from organisations definitely opposing the administration of the Marketing Act. I will admit that in certain cases individuals have raised points which are at the present time under consideration.

In this bill, provision is made in clause 6 to place a commodity under the control of a board already constituted in respect of another commodity. A board having been created as an Egg Marketing Board or as a Rice Marketing Board, it may be thought that the board could economically handle some other product, perhaps closely associated with the product which it has been constituted to control.

Mr. O'HEARN:

Mr. THORBY: It may so happen that the honey producers may decide that they would like to have their produce handled by the Egg Marketing Board, and thus may bring about considerable economy in administration. Under the present Act, this cannot be done. In this bill, power is given to amalgamate two activities in order to bring them under the operations of an existing board, so that the greatest amount of economy may be introduced into the administration of these boards, and so that they may handle as many branches of rural production as can effectively and economically be handled by any one board. There is no provision under the existing law for carrying out a proposal of that kind.

Captain DUNN: Will a ballot be taken?

Mr. THORBY: Yes, a ballot will be taken in every case amongst the producers who are entitled to vote.

An HON. MEMBER: Who will pay the cost of the ballot?

Mr. THORBY: Where a board is created, the producers will pay the cost of the ballot, but where the poll is in

the negative and a board is not created, the cost of the ballot will be borne by the State. This bill will enable a board to accept delivery and market a commodity produced outside the area, under the same terms and conditions as if it were produced within the area.

In connection with the vesting of a commodity, certain alterations are proposed, so that the commodity can either be vested in the board by the issue of a proclamation upon the actual production of the product, or upon delivery to the board. This provision is absolutely necessary, because it is impossible to lay down a hard and fast rule which shall be applicable to all branches of primary production in the State. If the proclamation is framed under one head, the product will be vested in the board immediately it is produced. On the other hand, it may be deemed advisable to word the proclamation in the second form, and then the commodity will not become vested in the board until it is delivered to the board.

Captain DUNN: The first method is confiscation!

Mr. THORBY: The hon. member may think so but it is not confiscation; it is merely vesting the commodity in the board to sell on behalf of the owner. The whole of the proceeds go back to the producer. Confiscation means taking the product from the producer and depriving him of the benefit of its sale.

Mr. W. J. SCULLY: Can a producer outside the area sell his produce at any price he likes?

Mr. THORBY: Under the present Act, and under the amending bill, unless an area is proclaimed under the Act as an area which is under the jurisdiction or control of the board, all the producers outside that area have absolute freedom of action and can do exactly as they like. They can send their products into the area which is under the control of the board. In the amending bill, power is taken to extend the area where it is deemed advisable to include additional areas, on a vote of the producers entitled to vote within the proposed added area.

Mr. W. J. SCULLY: An outside man is free to sell outside or inside the area!

Mr. THORBY: That is so, but further power is taken under the bill. Individual producers can elect to come under the operations of the Act, and receive all the benefits which are gained by operating through the board, just as though they were producing within the area. The assumption is that some benefit is to be gained by coming within the operations of the Act. If there is no benefit to be gained, the producers within a given area would not vote to have the Act applied to their particular product within the area.

Captain DUNN: If the producers do not come under the Act they may sell outside?

Mr. THORBY: Under the Commonwealth Constitution, this House cannot pass any law which will prevent a producer in New South Wales or in any other State of the Commonwealth from selling his product in any market in the Commonwealth of Australia. No law that this House may pass can interfere with the freedom of the producer to sell his product outside; but we can put through a law which will control the selling of produce produced within the proclaimed area. That is a power which is contained in this bill. We are now taking power so that the areas can be extended from time to time upon a vote of the producers entitled to vote who are interested in a particular product.

Mr. O'HEARN: Why not proclaim the whole of New South Wales as one area?

Mr. THORBY: We now have that power under the Act. Take the poultry-farmers. If this bill goes through, the poultry-farmers could take a vote throughout the whole of New South Wales, and, if the decision were favourable, could come within the scope of the Marketing Act and have that area added to the existing area now under the control of the Egg Marketing Board of New South Wales, which comprises the counties of Cumberland and Northumberland and the shires of Wollondilly and Nattai.

Mr. O'HEARN: Before that could take place there must be a certain number in favour of it?

Mr. THORBY: The same condition applies there as applies under the Principal Act. Either 100 signatures or a representative number, being not less than one-half of the producers concerned. I do not propose to alter those sections of the Principal Act.

The present Act provides that the actual delivery to the Board shall be delivery in the name of the producer or, where it is delivered by a co-operative society, in the name of the society. That cannot actually be put into operation because the Act contradicts itself. It says that the commodity must be delivered in the name of the producer of the particular product, but in another clause it gives a co-operative society power to deliver in the name of the co-operative society. It cannot be in the name of the producer if it is in the name of the co-operative society. A producer has no right to sell or deliver a commodity except to the Board. Therefore, in such a case a co-operative society cannot be the owner. If, on the other hand, the society holds a commodity as agent of the producer then it should be delivered in the producer's name. The bill makes provision to remove the confusion which really exists under the present Act so as to simplify matters and make it absolutely clear who shall deliver the commodity to the board and in whose name it shall be delivered. Another amendment provides for making regulations fixing the period of time in which products shall be collected—that is, the "pooling period." Under the present Act one year really constitutes a pooling period. There is no definite provision in the Act laying down what period shall be adopted or when a pool shall be balanced up. Under the regulations of the Rice Marketing Board, it is a simple matter to have a pooling period running for one year, owing to the fact that the rice crop comes in annually, and each individual crop can be handled separately. When you come to other commodities, particularly eggs, where goods are being delivered to the

board six days a week, it is rather difficult to operate the pool satisfactorily under a system which contemplated annual pooling periods.

Under the present Act it is possible to collect a levy, and that levy can be used for making certain adjustments in connection with payments to producers.

Mr. C. A. KELLY:

Mr. THORBY: It would be a rather high-handed action for the Minister to override the decision of producers' representatives who have given reasons why certain rates should be proclaimed—unless there was very good ground for his action. Before I approved of the 10 per cent. levy by the Honey Marketing Board I called the members of the board together and asked them to explain why they required such a high levy. Their explanation to me was that they were not only constituting a marketing board for a product of which there was a limited delivery, but they were arranging for a grading system, the employment of an experienced honey grader, and other organising work amongst the honey producers of New South Wales, which for the first year would cost a considerable sum of money, but would ultimately be to the benefit of those engaged in the honey industry. Recognising that whilst the percentage did appear high the actual amount collected would not be very large, I agreed, on the understanding that the board would reconsider the levy at the earliest possible date and reduce it to a much lower percentage as soon as it was in a position to do so. The board has given me an assurance that after the first year's delivery it will be in a position to reduce the levy very considerably.

Mr. C. A. KELLY:

Mr. THORBY: Not only has the Minister approved, but the regulations were laid on the table of both Houses of Parliament. On the floor of the House I announced that I was laying on the table regulations under the Marketing Act covering the Honey Marketing Board, and no exception was taken by any member of this House to them.

Captain DUNN:

Mr. THORBY: The hon. member consented to what I laid on the table; at any rate he raised no objection.

There is a new proposed sub-section which enables the board to deduct from the proceeds of the sale of the commodity the expenses incurred in marketing. This power may be necessary in the event of the provision for the levy being declared *ultra vires*. The point has been raised that the power to levy may be declared by some courts to be an excise tax, which would be *ultra vires* in State legislation. That has not happened in Queensland, where some of the powers have been in operation for several years unchallenged, but we are empowering the board to make certain deductions from the proceeds of sale of the product to cover the costs of administration and marketing and to retain sufficient to pay any advance that may have been made to the board. That is in the event of a levy being declared illegal.

AN HON. MEMBER: Will you have that as well as the levy?

Mr. THORBY: No, not both at the same time. If one is knocked out the other will take its place. In connection with the Egg Marketing Board the State has made the board advances running into thousands of pounds to enable it to make advances against eggs exported and eggs placed in cold storage. In some cases advances have been made by the banks, and in other cases by the State, but it is essential to have such advances if this or any other marketing board is to function satisfactorily.

When the Rice Marketing Board was first established there was no fund from which it could operate. It had to make arrangements with one of the banks to obtain advances. The board must have power to repay any authority making advances to it, so as to keep its finances square. We are taking this power in the bill so that there may be no doubt in the mind of anybody as to the powers and authority of the board in making certain deductions from the products it may handle so as to meet the repayment of advances made to it.

AN HON. MEMBER:

Mr. THORBY: Yes, the pooling period has nothing to do with the period for which the board is constituted. That remains the same as it is under the amending Act I put through in 1928, which provides that a board once created shall exist for a period of three years. It is recognised that the board itself would have the most intimate knowledge of what particular period would best suit the industry.

AN HON. MEMBER:

Mr. THORBY: By establishing the board we shall alter the marketing conditions of the product. If the marketing conditions are altered as they will be when the board is established a new organisation will have to be created to replace the organisation which to-day may be in the hands of private enterprise. It is reasonable that an assurance should be given that the board will operate for a period of not less than three years. It is essential that the producers should know that the board has been created for at least three years, and it is desirable they should be able to decide by way of ballot whether or not it is in their interests that the Marketing Board should be continued.

AN HON. MEMBER: Did the original Act contain that provision?

Mr. THORBY: No, the original Act did not, but I inserted it in the Act of 1928. It is proposed to amend some of the verbiage in the present Act, either for grammatical reasons or to make its meaning clearer, and also to simplify the administration of the measure. The bill does not alter the principle of the Act in any shape or form, but power is given, where it is found necessary, to remedy any anomaly in the law during the last two years of its administration. The method of repayment to the Minister of the cost of a poll is set out in the bill and, while there has been no difficulty, it has been discovered by the legal authorities that certain points of doubt may be raised. The Government has endeavoured to simplify the provisions so that there shall be no question as to the legality of the board. There is already a

provision dealing with the taking of a poll associated with a levy. Subsection (4) makes it clear that a poll of producers shall not be necessary in the case of any levy other than a levy for insurance purposes. If the board is going to have a levy for insurance purposes, which is legally within its constitution, it must take a poll amongst the producers in order to determine whether some form of insurance shall be introduced. A levy for insurance purposes is one which should undoubtedly be separately made, and the Act already seems to contemplate that there shall be a separate levy for this purpose, for it states in the first proviso of subsection (2) of the section that the rate of levy for insurance purposes must be expressly approved by the Minister. The provision that a levy for the purpose of co-operation with the Department of Agriculture shall be made separately is intended to overcome any constitutional difficulty. If such a levy for such a purpose is unconstitutional the whole levy might be held to be bad, whereas if a separate levy were made only the separate levy could be held bad and the other levy would still be effective.

The bill also contains a provision for returns to be made of the commodities held by individual producers so that the marketing authorities may know the quantity produced during any period. That is in order that the marketing requirements can be assessed as nearly as possible. It is necessary that similar particulars should in certain cases be obtained of products in cold storage. The State will be able to produce figures showing the amount of produce under the control of the Marketing Board which is in cold storage or any other storage. That is essential in connection with the marketing of any product. Another provision in the measure deals with any equity suit or other legal proceeding that may be instituted for an offence against the Act so that expenses will be allowable to persons who have incurred legal costs. The bill validates all the proclamations hitherto made under the provisions of the Principal Act. It also protects the

rights to costs of the parties in the equity suit. A similar provision is contained in the Blackheath Validation Act, 1920, where the constitution of the Blackheath municipality was challenged. In that instance an Act was passed declaring that the municipality should be deemed to be validly constituted, thereby terminating the suit in equity. A similar provision as to costs was made in that Act.

Then there is a further clause which validates loans made by the Colonial Treasurer to the Egg Marketing Board, and provides for their repayment. That is essential so that the Egg Marketing Board can properly function. The present Act provides for the imposition of fines not exceeding £5 for non-payment of a levy, but it is not clear who is to impose the fine. The proposed amendment provides that where a levy is not paid the board may impose a fine by way of addition to the levy. Power is taken to make a regulation, which must be recommended by the board, requiring producers of a commodity to register their names with the board. The amendment is intended to enable the board to require the marketing of a commodity produced outside its area in such a way that it cannot be marketed as if it were the board's commodity. This is intended to provide for the marketing of a commodity after it leaves the hands of the board in such a way that it will not deteriorate. It is necessary to protect the quality of the products delivered to the board and that applies to eggs, butter, and other products of a perishable nature. While the product may be in good condition while it is under the control of the board, it may, between the time of leaving the control of the board and reaching the consumer, have deteriorated in quality to such an extent as to be unfit for consumption. The Government proposes to provide power to control persons who handle those products so that the consumers will have the greatest protection. Hon. members, after considering the provisions in the bill, will recognise its importance. Its object is

to improve the existing legislation in regard to the subject. No very vital principles in the present law are to be altered, but the Government has done everything possible, upon the advice of the officers who have administered the Act and as the result of information received from various boards in operation, to remove anomalies which have cropped up from time to time in the administration of the Act.

There are many minor points which I will explain in Committee. I do not wish to rush the bill through, but I appeal to hon. members to recognise that it is an urgent measure because it is in the interests of those persons engaged in the many branches of primary production to have this amending legislation put through so as to put the existing marketing boards on a more stable footing than they are at the present time, and to facilitate their administration. As I said, this is an amendment of the Act passed by the Labour Government. That Act was amended by the present Government and is now being further amended with one object, and one object only, and that is to give the primary producers the most effective machinery we can to assist them in the marketing of their products, recognising all the time that the producer to-day is in a most difficult position in connection with rural economics, and in view of the fact that he has to produce under Australian conditions, and that where he has an exportable surplus he has to sell it under world conditions. The primary producer to-day is faced with a very difficult financial position. He has already suffered many losses owing to climatic conditions, and particularly so far as prices are concerned. Whereas the consumer to-day is getting the benefit of the lower prices being received from the sale of rural products the producer is getting no compensation benefit from the reduction in the cost of living.

Mr. C. A. KELLY:

Mr. THORBY: That is a different matter, and I do not wish to refer to it in connection with this bill, but I make the definite statement that the

producer is receiving no compensating benefit from the reduction in the cost of living.

Mr. W. J. SCULLY:

Mr. THORBY: According to all statistics, whether they be Federal or State, or whether they be dug up from anywhere else, the hon. member will find that the producer is not receiving any benefit from existing economic conditions.

An HON. MEMBER: The consumer is not!

Mr. THORBY: The consumer is, and I will prove it. The rural producer is getting no benefit, because the cost of production is very high, and he has often had to suffer very severe losses through conditions over which he had no control. To-day, in addition to the other losses he has already suffered he is suffering a very severe loss owing to the slump in the market prices of primary products. In nearly every case the price of raw material is down to bedrock, and there has been no compensating reduction in the cost of producing that article. For that reason, we, as a Parliament, are justified in doing everything it is possible for us to do to assist the rural producers to combine in any form which will facilitate the marketing of their products, cheapen the handling of them, and eliminate any loss which may be associated with distribution from the farm to the consumer. Under the Marketing Act it is possible for the primary producers to combine in a co-operative way in order to receive a material benefit from the marketing of their products, thus eliminating much of the loss and expense associated with the ordinary system of marketing.

An HON. MEMBER: Wool and wheat are our main products!

Mr. THORBY: They are our principal products, but who will say that wool is the main product so far as the poultry-farmer is concerned. So far as the individual producer is concerned the main product is the product he is engaged in producing. The main products of the poultry farmer are poultry and eggs. He is not directly concerned

with the affairs of the wool-grower. Under the Marketing Act those engaged in each branch of primary production are enabled to come together to protect their own interests through their own marketing board under the co-operative system. Each branch of primary production can, under the Marketing Act, protect its own interests irrespective of the interests of any other branch, recognising at the same time that we cannot get any system with which all the producers in the State will agree. No system can be evolved under which the poultry-farmer and the wool-grower will come together. At the same time, the Marketing Act does not bring the producers in different branches of primary production into conflict. It leaves them to define their own policy and to work out their own destiny.

Mr. O'HEARN: It knocks out the middleman!

Mr. THORBY: To a certain extent it does. It creates the opportunity of preventing the middleman from exploiting the primary producer, although the middleman can be used as an agent for the boards and the producers. The Act gives the primary producers an opportunity of protecting their own interests, and of marketing their product at the minimum cost to the consumer, whilst ensuring the maximum return to themselves.

As an illustration I cite the Rice Marketing Board. There has been no more successful organisation in this State than that board. Through its operations it has been able to secure for the rice-growers a much higher price than they could have otherwise secured. They have been able to secure the whole of the Commonwealth market. To-day practically no rice is being imported into Australia. Last year they produced 25,000 tons, and every ton was sold at a very satisfactory price—at a price much higher than it could have been sold in the open market. That has been brought about through a very effective system of organisation amongst the growers. They are satisfied, and no

doubt the State has benefited. The same applies to the Egg and the Honey Marketing Boards. It is inevitable that some individuals will complain about the operations of any board. Certain individuals in the egg industry are complaining because they are being asked to pay a levy. That levy is made merely to pay back money they have already received. Under the operations of the board a more regular price for eggs has been maintained in the metropolitan area and the consumers have not been exploited. They have had to pay a reasonable price for eggs right through. There has been very little fluctuation in price and the producer has received the maximum return. During the glut period this board had to pay out more than the eggs were actually worth to it, when the actual sale value was taken into account. Unfortunately, the egg industry is faced with the difficulty that fowls will lay plentifully at certain periods of the year and at other periods they will not. It is during the periods of scarcity that prices soar to a very high figure. That is so during Easter which is generally the dearest period of the year, but last Easter eggs were not as costly as in past years for the simple reason that the board was able during the glut period—November, December and January, principally December and January—to place hundreds of thousands of dozens of eggs in cold storage at a low price and retail them during the period of scarcity at something in the vicinity of 2s. or 2s. 6d. a dozen, or perhaps a little more.

Mr. BADDELEY: The consumer is paying that now!

Mr. THORBY: The hon. member is referring to fresh eggs. I am dealing with eggs in cold storage which are made available during the period when eggs are otherwise almost unprocurable. To enable the Board to put those hundreds of thousands of dozens of eggs into cold store and hold them against the period of scarcity is of considerable benefit to the producer as well as to the consumer. In order that the board might be able to do that it was necessary for the State

to come forward and assist the board to pay the producer 1s. 5d. a dozen for eggs on delivery. The egg producer has already received 1s. 5d. per dozen for the eggs which are going into cool storage. The Egg Marketing Board has removed the necessity either for the producer exporting a large quantity of eggs during January and February each year or of sacrificing them for a few pence per dozen to speculators who put them into cold storage and sold them during the Easter period perhaps at 3s. per dozen. The great bulk of the eggs which are put in cool storage come under the control of the board. This is the first year that it has had control of cool storage eggs. Very great credit is due to the Egg Marketing Board for the businesslike manner in which it has handled the position. It has been able to ensure the payment of a fairly regular price by the consumer and at the same time has obviated any glut during the Christmas season, whilst providing producers with a fair return for their labour. Nobody can object to the producers getting a reasonable return for the capital and labour they have invested in the industry. It is an important primary industry and one that we must endeavour to build up, because we must recognise that the whole of our national resources come from the various branches of our primary industries. These are the only industries which can export, and it is to them that the State must look for the money with which to maintain its commercial institutions, and indeed every individual in the community. Australia exports £120,000,000 worth of rural products annually. This year, unfortunately, these products were considerably below that amount in value owing to serious climatic conditions, and because of the severe slump experienced in our rural products. These things have a tremendous effect upon the economic condition of the producers. As we know, many of our rural producers are financially embarrassed, and no consumer is justified in protesting against them organising to get a better price for their products. Wherever the producer has obtained an increased price for his

commodity, that increased price has not been paid by the consumer. For example, the rice grower has benefited by an increase in the price of rice by over £1 per ton, yet the price to the consumer is no higher than it was when the producer was getting less. The public is now buying a better quality rice, and every pound of it purchased in Australia is grown in New South Wales by Australian producers. That is what we should aim at. Under the operations of the Egg Marketing Board, the Honey Marketing Board and similar bodies, we shall be able to exclude foreign products which previously flooded the Australian market, thus preserving it for our own producers who will be able to export their surplus overseas and still obtain a profit. Next year the production of rice in New South Wales will be about 30,000 tons, which means that there will be some 5,000 tons for export. Owing to the existence of the Rice Marketing Board, the growers will be able to export some 5,000 or 6,000 tons, for whatever price they can secure abroad, whilst still maintaining their industry here. Every producer is entitled to demand a higher price for his product in Australia than he can get for it overseas because the cost of production in this country is higher than it is in other countries. Consequently he is entitled to get from the Australian consumer a higher price than he is obliged to accept overseas for his exportable surplus. But he can secure that higher price only through an effective system of organisation such as is provided in this bill, or through a system similar to that embodied in the legislation which controls the dried fruit industry. We all know that raisins, sultanas, lexias, and currants produced in Australia are marketed under similar legislation in every State. In addition, Commonwealth legislation provides that every dried fruit producer must share in the export market. In other words, each producer is bound to sell a portion of his crop on the Australian market for which he receives the Australian price, and a certain portion on the overseas market for which he receives a less price.

Under the system of equalisation he has to accept the overseas price for the proportion of his crop which is exported.

Mr. O'HEARN: That is socialism!

Mr. THORBY: No. It is not socialism but co-operation. There can be nothing farther removed from socialism than co-operation. Under a socialistic system the State itself would control the whole of that product. But under a co-operative system the producers themselves control it. They elect their representatives, constitute their board and, in short, exercise full control over their product until it is sold. A co-operative system means that whilst any product is the property of the producer, he must market it in conjunction with his fellow producers, and not in conjunction with the State or under the direction of the State. Under a co-operative system the producers control their own particular branch of production. If we were to adopt a socialistic scheme, we should have the wool grower voicing his ideas as to how dried fruits should be sold, or the egg-raiser suggesting how the wool from the sheep's back should be disposed of. Under this bill, the men engaged in a particular branch of production will have full control of the sale of their own product. They will sell it at a price arranged by themselves and not at a price fixed by the State. The State will exercise no control and will not interfere in any way with the administration of these boards. That is why I explained to an hon. member at the commencement of my remarks that as Minister I did not interfere with the functions of the Egg Marketing Board. That is a function that has been delegated to the Marketing Board by the Government through legislation, and it would be absolutely wrong for any Minister, on behalf of the State, to unduly interfere with any rural product under the control of the Marketing Board. [*House counted.*] With regard to such rural products as milk and butter it has not been possible to include them in the bill for the reason that it is impossible under the Constitution to work out a system of equalisation. Every effort was made to embody in the bill a scheme to meet

the requirements of butter producers, but Constitutional difficulties prevented our framing clauses to meet the requirements of the butter industry and at the same time conform with the demands of the Constitution. That is the reason why the original bill was withdrawn. I think I need give no further explanation of the bill. I shall be quite prepared to give any further detailed information in Committee. I do not regard this as a contentious bill. It has been drawn up for the purpose of giving producers the most efficient form of legislation to assist them in marketing their primary products in the most economical way, and so as to stabilise the system of marketing.

Captain DUNN (Mudgee) [4.14]: I congratulate the Minister on his effort to improve the Act brought in by the Labour party. I believe the amendments in this bill are the result of the experience gained in administering the Act, and they do not call for very much opposition. I differ, however, from the Minister in connection with his dissertation on socialism. I do not know how he differentiates between some of the proposals in this bill and socialism. Under no form of socialism would anyone suggest that the wool-grower should be controlled by the prune-grower. The Minister's definition of socialism is certainly wrong. Socialism is a state of society in which the people in their collective capacity regulate and control and bring to a state of great efficiency the production and distribution of requirements.

Mr. ARKINS: And the man who produces 30 bushels per acre of a product must, under socialism, share the result of his labour with someone who produces much less!

Captain DUNN: I gave the hon. member credit for something better than that. That may be the socialism the hon. member has preached for years. However, I think the Minister is wrong in his conception of socialism, and did not do justice to the contents of this bill when he animadverted on socialism. There are a good many amendments of

the Principal Act, and they show that the Minister is anxious to make the Act as workable as he can. Unfortunately, under this bill the marketing boards controlling primary products deal only with products that are not the most valuable. Wool or wheat, or butter does not apparently come under the Act as yet. I have no doubt they all will later on. As the years go on, in the light of experience, those products will probably be brought under the Act. The Minister said he thought primary producers were entitled to any assistance that this House could give them by legislation or administration. I think all will agree with that sentiment. No one on either side of the House will contravert the statement that every primary producer is entitled to all the support Parliament can give him. The public, too, is of the same opinion. The public, has never objected to our assisting the primary producer to get a better price for his produce. Consumers here and there may object to paying higher prices, but there has never been any general objection to our helping the primary producers.

Mr. MISSINGHAM: There was a good deal of objection in connection with butter!

Captain DUNN: I heard occasional objection, but there has been no general objection. Take the position of butter now. There is no general objection, because consumers pay 3d. or 4d. per lb. more to the producer than he receives abroad.

Mr. MISSINGHAM: The objection was pretty general. All the city newspapers with one exception objected!

Captain DUNN: After all, newspaper opinion is not the opinion of the general public. The leading article is the opinion of one man just as my opinion is that of one man. I have not noticed any general objection. Take the case of the loans to primary producers in 1919-1920. When the very high price of 7s. 6d. and even 9s. per bushel was fixed for wheat the public did not object. People never said to the wheat

producer, "You want too much," for they wanted to do something for the wheat-growers who were down and out.

Mr. ARKINS: Fixing the price did not help the farmer very much!

Captain DUNN: The hon. member says the fixing of the price of butter has not helped the farmer very much. It has helped him considerably.

Mr. ARKINS: I am speaking of wheat!

Captain DUNN: I am speaking of all products. To-day the fixing of wheat at 5s. would be a great help to the primary producer, because you would finance on the average crop.

Mr. ARKINS: But if you only gave 5s. "inside" as among ourselves, that would not benefit him!

Captain DUNN: If you fixed the price at 5s. to-day, on a 35,000,000 bushel crop—

Mr. ARKINS: But we do not eat 35,000,000 bushels!

Captain DUNN: We have 35,000,000 bushels, and it is an average crop. We eat about 15,000,000 bushels; for seed we use another 5,000,000 or 6,000,000 bushels, and we export about 15,000,000 bushels. We could charge 6s. for home consumption, which would not make the loaf any dearer than it is to-day—because 9s. never made it go higher than 6d., while it was 6d. last year when wheat was only 3s. 9d. and 3s. 10d. If to-day 5s. were guaranteed all round—not only for home consumption—and you charged 6s. for the 15,000,000 bushels used for home consumption, and exported 14,000,000 or 15,000,000 bushels, for which you got only 4s. 2d., you could still pay 5s. all round and it would not cost the State anything. That would be the finest way I know of to save the wheat industry. That would not be a mere experiment, for it has been done, and I believe it is the method that ought to be adopted. Unfortunately the bill cannot help us in that direction, as the growers turned down the pool, and under a system like that there would have to be a pool.

I am rather disappointed that in these amendments there is not one providing for a simple majority of votes. I think that would be a good thing for the wheat-

grower, who is doing badly enough without his position being made any worse. I said at the outset that unfortunately the bill does not deal with the great primary products. It deals only with the comparatively small lines of production, eggs, rice and honey. Eggs and rice are working out splendidly, but I think there is a good deal of friction still with regard to the Honey Board. Either there must have been carelessness on the part of the honey producers in not getting enrolled or else the conditions of enrolment were too hard, for only some 475 voted out of 6,000 odd. Whether a great many of them are only very small producers and could not come under the registration provision, or whether they were dilatory and did not take the opportunity of coming under the clause, I do not know; but it does seem to be a very small vote, and the honey-growers have been complaining ever since that the board is not operating in their interests. One man says that last year, when there was ten times as much honey produced, in the Rylstone district they secured 24s. 6d. per tin locally, without paying freight or other charges. This year, with only one-tenth of the production, the board fixed the price at £1 per tin. They have to pay a 17 per cent. levy, which reduces the actual return to about 15s. 9d.—showing a difference as between 15s. 9d. and 24s. 6d., when they have only one-tenth of the production. If this statement is correct it seems that the Honey Board is not functioning as well as other boards have done. Perhaps something wants amending in connection with the marketing of honey.

Mr. J. C. L. FITZPATRICK: Is there anything to prevent the small growers' coming in now?

Captain DUNN: They could not come in for another three years. I was going to ask the Minister whether it is because a producer is operating on too small a scale that he does not come under the term "producer." When the board is established do he and his product automatically come under it?

Mr. THORBY: Not in all cases. In the case of poultry-farmers, those persons who have "fewer than twenty female

domesticated fowls"—that is the qualification in the Act—are exempt from any operation or decision of the board, and only those who have more than 150 fowls are entitled to vote!

Captain DUNN: Those with twenty could send their product in to the board if they liked?

Mr. THORBY: Yes, but their product would be negligible!

Captain DUNN: With regard to the beekeepers, was it that a large number of men had only very small production, or was it that they were too dilatory or apathetic to register?

Mr. THORBY: In connection with the honey pool there were 482 producers enrolled and 448 voted—with two informal votes. That is to say, 92.53 per cent. were in favour of the pool!

Captain DUNN: The Minister has no figures as to the actual number of honey producers?

Mr. THORBY: No!

Captain DUNN: They claim that there are 6,400 honey producers in New South Wales, yet only 400 odd were entitled to vote.

Mr. THORBY: Only those with twenty-five or more colonies of bees were entitled to vote, the reason being that those who had fewer than that number were not producing honey on a commercial scale!

Captain DUNN: Still I feel certain there are many more than 400 in the State with over twenty-five colonies; they must have neglected to register.

One more question I should like to ask the Minister. Under another Act this House passed the owners of motor trucks who use them for primary production only are allowed half registration rates. The honey producers do not get that concession, although they use their lorries wholly in the interests of honey production. I should like the Minister to look into the general position of the industry because a great deal of the dissatisfaction which exists amongst honey producers to-day might be removed, and if that were done it would assist the better working of the Act. I agree there should be an alteration in the law regarding the taking of the poll, but I am

not satisfied that the men who are allowed to vote should be at least twenty-one years of age, as there are many producers under that age who are good farmers and who ought to be allowed to have a vote. There are young men under the age of twenty-one who are growing wheat, keeping bees, producing butter and growing other farm products, and if they are genuine producers they should be entitled to vote for these boards. Why should we make a fetish of the age of twenty-one years and not allow any man under that age to vote? Let men under that age, if they are genuine producers of primary products, have a vote.

I notice that the Minister has taken butter out of the bill. In my opinion it is the right thing to do, although I do not say it would not be wise to have an equalisation scheme if it afforded better protection to the producers.

When the former bill was before the House I objected to the signing of articles published in the newspapers. Every article in connection with the ballot should be signed no matter whether it has been sponsored by the city merchants, the producers, or the newspaper editors, or none should be signed. I have, however, never been very keen on the question of signed articles because if the law says that an article published in a newspaper must be signed by the writer it is easy enough to find someone who will sign it. It does not matter who signs it; the article will be published just the same, and the people who read it will be no wiser. It is well known that the writer of a political article published in a newspaper before the Parliamentary elections does not necessarily sign it.

Mr. SANDERS: Compelling him to sign it must often prevent the publication of libellous matter which would unfairly affect the candidate!

Captain DUNN: I have gone through several election campaigns and I know that political matter written against me and published in the press was often signed by someone outside the office of the newspaper which published it. It

is easy to get someone to sign, and I do not think there is much virtue in compelling writers to sign their articles.

There is substantial objection from some sections of primary producers to the clause which validates previous proclamations. Those objectors feel that the board was sprung upon them through their inactivity and that there should be an opportunity of testing the legality of the proclamations. I am sure that the honey producers will object to the proposal of the Minister. The Government has a perfect right to levy, and get back the money advanced to the Egg Marketing Board, which, in my opinion, has done a good deal of good; but there will be a substantial protest from honey producers against the proposed validation. It was thought by most of them who voted that the pool would last for one year only. That was probably why so many did not trouble themselves to register. The board was elected for three years, but it was not clear that the pool was to be continued for three years. It was thought it would run from year to year. It may be a wrong reading of the Act, but that is what was in their minds.

Mr. THORBY: There is nothing in this bill validating the 10 per cent. levy. The bill only validates the proclamations constituting the boards and the election of members. The levy is not mentioned in the measure. Moreover, the levy can be varied at any time.

Captain DUNN: The point is that the very thing the Minister is validating is the thing they thought they could upset legally. They said the levy had been declared illegal.

Mr. THORBY: It has not!

Captain DUNN: I know it has not, but they say it has. They believe they see some way out of the difficulty by instituting proceedings against the board, but this bill will prevent them from contesting the validity of the constitution of the board. I want the Minister to know that he is running counter to the wishes of the honey producers, because by this bill he is taking away the loophole upon which they relied to test

the validity of the board. Even now I think the Minister would be well advised not to press the amendment in order that the honey producers might be given an opportunity of testing the validity of the constitution of the board, if they have legal grounds for doing so.

Mr. O'HEARN (Maitland) [4.44]: I am glad the Minister has made wide alterations in this measure as compared with the bill he introduced in the early part of the session, and also that he has recognised that the poultry-farming industry is one of the important primary industries of New South Wales. During the last twelve months £10,000 worth of dried egg albumen was imported into this State from China, Japan, and Russia, and a tariff of 2s. 6d. per lb. was paid. Albumen is used in the manufacture of high-class confectionery and by photographers. There is no reason why the manufacture of albumen should not be encouraged in this State. I understand that during the last two or three months a company has been formed for that purpose, thus adding another secondary industry to New South Wales, which will give employment to hundreds of men and, at the same time, assist the primary producers. As one who takes a keen interest in the poultry farming industry it is gratifying to me to see an additional secondary industry of this character established. Although the Government and other calamity howlers have been crying about financial depression it is refreshing to know that people are prepared to invest their money in this way. Members of the Government seem to think that if the coal lockout on the northern field is ended everything will be all right. That, of course, is a fallacy, because if men are employed on the northern field thousands will be unemployed on the southern and western fields. Hon. members should give attention to everything which has for its object the stabilisation of our primary industries. If the coal-owners had stabilised their industry during the last four or five years we would not have the present deplorable state of affairs. I am pleased that the Minister has decided in-

this bill to meet some of the views to which I gave expression during the early part of the session. With regard to the poultry-farming industry I held that the operations of the Egg Marketing Board should be State-wide instead of being confined to the shires of Nattai and Wollondilly and the counties of Cumberland and Northumberland. Under the board as it is constituted the poultry-farmers on the other side of the Hunter River who are outside the area controlled by the board do what they like and charge what they like for their product. I hope that even at this late hour the Minister will consent to make the operations of the Egg Marketing Board State-wide. Any individual outside the defined area should have the right to come within the jurisdiction of that board. If the control by the board were State-wide it would be of considerable assistance to the industry. The board is entitled to the congratulations of all those who are interested in the poultry industry. Nevertheless some of its decisions have been absolutely ridiculous. For the Minister now to come along with this bill and seek to validate its decisions—

Mr. THORBY: This bill will not validate its decisions. It will only validate certain proclamations!

Mr. O'HEARN: Some of the regulations are ridiculous. When we started upon this experimental legislation I quite realised that we were bound to encounter all sorts of difficulties. I know that certain agents in Sussex-street are doing their utmost to destroy the Egg Marketing Board. Whilst the operations of that body are restricted to a particular area, these agents are free to operate outside that area. I have recently visited various parts of New South Wales at the request of poultry farmers for the purpose of endeavouring to create a public opinion in favour of the establishment of an egg marketing board whose operations shall be State-wide. During the past twelve months the existing board has exported 52,000 cases of eggs. But in doing that, it has created a market in New South Wales for the Queensland poultry farmers.

Some of our returned soldiers who are engaged in this industry have had to export their eggs, in order to make a market here for the poultry farmers in a neighbouring State.

Mr. POLLACK: Is that correct?

Mr. O'HEARN: Yes; but this sort of thing should not be allowed to take place. I repeat that the New South Wales poultry farmers are being penalised by being required to contribute a high levy to maintain the board in order to make a market in this State for Queensland eggs. That fact is conclusive evidence as to the need for the constitution of an egg marketing board whose operations shall embrace the entire State. The time has arrived when there should be a conference of the various Ministers of Agriculture in Australia in regard to these matters.

Mr. THORBY: A conference is held every twelve months!

Mr. O'HEARN: Because the poultry industry is a small one, that is no reason why it should be despised. During the last few months general distributing houses in the city of Sydney have been unable to obtain their full quantity of newly laid eggs from the Egg Marketing Board. But of course the problem of export is a serious matter in connection with all our primary products. Nevertheless, we need to safeguard our home market. So far we have succeeded in eliminating the middleman to a certain extent. We cannot eliminate him entirely until the operations of the Egg Marketing Board have been made State-wide. This measure will give the board an opportunity to cut out the middleman almost entirely, and to ensure that the producer shall receive a fair return for his commodity. Though we are passing through economic changes, there is now a marked tendency to aim at stabilisation of prices in our primary products. When the bill reaches Committee and members of the Opposition submit amendments which will make for its improvement, I hope that the Minister will accept them.

I offer no apology for taking up the time of the House in an effort to put before the Minister the true position of the poultry farming industry. The Labour Party has shown the result of organised co-operation on marketing. It has shown the people what can be done by the establishment of a board on which the producer has due representation and it has done much to organise the poultry industry. The poultry farming industry established as it is to-day will look to the board to further improve its condition. I have already spoken of the honey industry and as one of my colleagues will deal with that question I shall deal no further with the vigorous protest that has been made against the levy of 10 per cent. It is only a small industry but at the same time it is entitled to fair treatment. With respect to the poultry farmers, there are some few who are marketing eggs against the Egg Marketing Board and some who are dissatisfied in connection with the Producers' Distributing Society levy. But I recognise the Minister is adopting every means in his power to make the board State-wide and keep the levy down as low as possible. It would be very wrong to impose a high levy merely to maintain a big staff for that kind of thing must operate to the disadvantage of the producers.

Mr. THORBY: It is a small staff!

Mr. O'HEARN: It is fairly large in some parts. There are agents all over the place and in some cases they are not necessary. In the Maitland district there are several agents while away up in the northern parts we find only two agents operating.

Mr. THORBY: The hon. member does not advocate the abolition of the middle man?

Mr. O'HEARN: In this industry no doubt middle men are a necessary evil. I do not wish it to be thought that I regard all agents as unnecessary. I am pleased to see that the Minister recognises the force of the Labour party's work, and generally speaking, while I hope he will meet the request I have made, I support the measure. I am

pleased to see that the present Government recognises the principle of co-operative marketing. The principle of co-operative marketing of all our primary products is sound and I trust that the Minister will not deprive producers of any of the advantages that have been gained under the system inaugurated by the Labour party. The farmers trust us now despite the fact that in the old days when the Labour party started to campaign New South Wales its opponents told the farmers that if they returned the Labour party to power that party would take away their farms. The party has never done anything of the kind but has always advocated leaving the control of production entirely in the hands of the producers. In connection with these different marketing boards the producers are given a voice in the control. I support the measure generally, and I hope the Minister will accede to my request in regard to the poultry farmers.

Mr. C. A. KELLY (Bathurst), [5.9]: I desire to speak on the honey industry. The Minister said yesterday that he knew of no objection having been raised to the constitution of the honey board. I would direct his attention to meetings that have been held in the country districts. Supposing that the expense of running an apiary is £100, and the cash receipts from the sale of the crops are only £25, the apiarist will have lost £75. Yet the board insists upon 2s. in every pound being paid to it, so that the apiarist's loss would be further increased by 50s. In addition to this the commission houses have been allowed an extra one per cent. and also cartage. Can a business exist under these conditions? As the hon. member for Mudgee pointed out, I believe the people interested have allowed this bill to go through without opposition simply because they believed that the board would only be constituted for one year. Now the Minister proposes to establish it for three years, and for three years no opposition can be offered by any producer which will have effect. It does not matter how heavy the cost is, if the board can show the Minister that the charges made are justifiable,

irrespective of whether the industry can stand it or not, there will be no relief.

Mr. THORBY: The levy can be altered from day to day!

Mr. C. A. KELLY: Exactly, but even if it can be shown by the producers to be excessive they have no power to insist upon a reduction or an alteration in the constitution of the board. I ask the Minister if he will consent to an amendment providing that the constitution of the board shall be as from year to year. I know his statement was that in the establishment of the board it was necessary to go to some expense and it was not desired that that expense should be thrown away at the whim of producers who might be dissatisfied with the work of the board. I admit that is reasonable and logical, but I also suggest that where it can be proved that an industry such as this cannot carry on under a certain levy relief should be given. I pointed out yesterday that in Queensland the levy was only 1½ per cent., whereas in this State it is 10 per cent.—a very big margin. The Minister told us that was because of the cost of initial operations and that in Queensland the industry was only in a small way.

Mr. THORBY: It also provides for other activities such as the appointment of a grader!

Mr. C. A. KELLY: I suggest that the appointment of a grader has not been very successful. The producers themselves have far greater knowledge than I of the matter, and I am only stating their opinions. It is a pity there are not more country members in this House to hear the various aspects of marketing of primary products. I remark on the continued absence all the afternoon of the Country party and country members on the Government side of the House. I would impress upon the Minister that this is the livelihood of a certain section of the community, and no matter how few these people may be they have a right to consideration by this House. I was under the impression that after the Minister had heard the objections to the scheme there was some disposition on his

part to review the activities of the board and try to provide in the bill some amendment that would give relief to the producers concerned. I now ask him to accept an amendment with regard to the operation of the board from year to year. I do not think the expense can be so great as to prevent that being done. The producers themselves should be able to say whether they will market under this particular board or not. In my opinion a marketing board is essential, but I am not in a position to speak with authority for the producers, the men who are dependent on the industry for a living, so I can only give the opinions expressed by these men themselves. The members of the Honey Producers' Association were invited to attend a meeting, and the following letter was sent to the board in response to the invitation:

Sir,—My Association does not see that any useful purpose would be served by sending delegates to your meeting, but we would be pleased if you would give us the following information:—How is it that if the Queensland Honey Board can function on a 1½ per cent. basis, you cannot do the same. Why do you make the excessive charge of 10 per cent. What object is it for? What do you intend to do, or what are you doing with the money? My association is not asking for this information in any impertinent manner, but recognises that the money you are spending is not your own, but belongs to the bee-keepers, whose representative my association is, it contends that it has a right to this information, so that it can pass it on to the apiarists, a proportion of whom will, in all probability, be driven out of the business by this excessive tax.

If you are spending this money solely for the benefit of the apiarists why not give all the facts and justify your position. My association considers that the appointment of a grader at £350 per annum and travelling expenses is unjustifiable and would like to have your explanation of why he was appointed and also why the travelling expenses. Where is he supposed to travel to?

My association was informed that he travelled recently to Rylstone and interviewed the officials of the Western Districts Honey Producers' Association. Would you let my association know what was the object of this visit and also what was its cost. Will you also let the association know the total cost of each of your board meetings including travelling allowances, sustenance allowance and fees for the members.

My association is impelled to ask for these particulars as it is of the opinion that you must be acting in a highly extravagant manner with the bee-keepers' money if you require 10 per cent. when the Queensland board is able to do the same work on  $1\frac{1}{2}$  per cent.

I read that letter in answer to the Minister, who says that he is not cognisant of any opposition to the Board. There is a definite statement made by the secretary to a very important producers' association. I read a protest yesterday from the Western District Honey Producers' Association, and the hon. member for Goulburn quoted one from the southern district. Thus it will be seen that in the three main districts of the State protests have already been entered against the excessive charge made. The Minister justified it on the ground of initial expense, and promised that at the end of twelve months it would be reviewed and probably reduced to 6, 5, or 4 per cent.—which the honey producers contend even then would be excessive, seeing that Queensland can do the work for  $1\frac{1}{2}$  per cent.

Mr. J. C. L. FITZPATRICK: Is it not a fact that all these people could have come into the organisation in the first instance. If they failed to do so and were unfairly treated it was their own fault. Cannot they rectify their omission later on?

Mr. C. A. KELLY: I cannot say why they did not come in, but the hon. member for Mudgee's explanation was that they believed the board would operate for only a year, and that they stood aside for a while to see whether conditions improved. Whether that can be borne out by facts is for the producers to say, but surely it is the duty of the department to do what it can to help them. It is not possible for the board to operate from year to year? There should be no long time limit to their operations. The producers thought that the board would operate for twelve months, but under the bill it will operate for three years. The hon. member for Lismore, who has been a primary producer all his life, will admit the injustice of a provision under which boards will

operate for three years. Surely every hon. member will admit that if any business cannot pay because of restrictions placed upon it by Parliament—and farming is a business—those restrictions should be removed. The Minister has said that he has heard of no opposition to the Honey Board, but we have pointed out that producers in the north, south, and west of the State have opposed the operations of the board. After the sympathetic hearing which the Minister gave the remarks made by hon. members last night I had expected he would now say that something would be done to meet the wishes of the producers in that regard. The regulations which have been referred to by hon. members have done harm, as they cause a considerable amount of unnecessary work. I have here copies of the papers which producers are asked to fill in and return to the board. Those papers cost money to print and distribute, and they necessitate the employment of officers to go through them in order to ascertain whether the information supplied is right or wrong. That extra work is one of the things that has necessitated an extra levy of 10 per cent., and it is also one of the things which makes harder the life of the primary producer. Most persons will agree that honey should be sold at a certain price, but if we suggest that a price list should be compiled of other products there is a loud outcry.

Mr. POLLACK: The whole object of the Marketing Act was to fix prices!

Mr. C. A. KELLY: Yes, but if the prices did not suit those who support the hon. member they would not accept them.

Mr. POLLACK: The position is that producers are opposed to the board as at present constituted!

Mr. C. A. KELLY: What becomes of the Minister's argument that the abolition of the rural award would reduce costs? Costs of production have not come down as far as the primary producer is concerned. Articles which cost him a certain price two years ago are sold to him for the same price to-day. That has been the effect of the abolition of the Rural

Workers Award. It has not made commodities any cheaper to the primary producer, although it was said that the abolition of the award would lighten the load on producers in the rural industries. The Minister has said that there has been no lightening of their burden, so that any argument in favour of the abolition of rural awards cannot be justified.

Mr. THORBY: The hon. member entirely misconstrues my remarks!

Mr. C. A. KELLY: I do not want to do the Minister an injustice, but that is what I understood him to say.

Mr. POLLACK: The hon. member has heard of no hardship since the bill was passed!

Mr. C. A. KELLY: I have, and I know that the abolition of rural awards has not had one iota of effect in relieving unemployment. Can the hon. member tell me that the rural workers are in a more prosperous condition since the rural workers awards were abolished? There should be adequate provision to control the boards, so as to prevent hardship being inflicted on the primary producers, who deserve the best consideration of the Government and Parliament.

Mr. MISSINGHAM (Lismore) [5.28]: Hon. members will recognise that in this bill there is no new principle. The object of the Minister for Agriculture in bringing it forward is to amplify and make clearer and simpler the law as it now stands. No principle of any consequence is involved in the measure, except that it provides for the enlargement of the board to embrace additional areas, and I suppose no hon. member will object to that. The measure will benefit the principle of marketing by boards. During the debate hon. members have said a good deal about eggs and honey and one hon. member went so far as to say that he regretted there was nothing in the bill dealing with the more important items of primary production. [*House counted.*] The Marketing Act covers any form of production brought under it by a ballot of the producers engaged in the primary industries. That being so, it is unfair to complain against either the department or the Minister for anything which

has occurred in connection with any board set up under the Act. Every effort was made by the department to inform the honey producers that a ballot would be held, and that it was necessary for those engaged in the industry to be enrolled. If those producers slept on their rights they should not complain. At the same time, it must be remembered that the Marketing Act was an innovation and that a majority of the honey producers did not become enrolled and vote because they were not fully seized with the position. In view of the discontent associated with the production and the sale of honey the Minister might have some inquiry made to see whether it is not possible to get a proper expression of opinion from the honey producers as to whether the board should continue or not.

Mr. THORBY: All the honey interests were invited to meet the representatives of the board and go fully into the matters referred to!

Mr. MISSINGHAM: I recognise that, but I do not know the personnel of the board. If the number of electors who elected the Honey Board was limited, necessarily the ability of the board must be curtailed to that extent. The existing Honey Board might not be the board which would have been elected had the whole of the producers been enrolled and had voted. The charges against the producers of honey in this State are enormous. Not only have they to pay the 10 per cent. which is levied for the purpose of carrying on the operations of the board, but they also have to pay 7½ per cent. to the agents for the sale of their product. Almost one-fifth of the total value of the honey produced in New South Wales is eaten up in expenses, and not one penny piece has been added to the value of the honey itself as the result of the board's operations. When such a state of affairs prevails we must reasonably expect discontent. Some inquiry should be made in order to ascertain whether the board is functioning properly, and, if not, what can be done to bring about a more satisfactory adjustment.

Before dealing with the Egg Marketing Board I wish to preface my remarks by saying that every board which is established under the Marketing Act should give first consideration to the people of this State, because these boards cannot function and the public will not tolerate them if they supply the people of New South Wales with the most inferior portion of the output which they are handling. Everybody knows that since the Egg Marketing Board commenced to operate the best eggs are being exported, whilst the inferior and stale article is being placed on the local market. That should not be. I have often asked my family to try to get fresh eggs. I know they have tried as many as twenty or thirty grocery and provision stores, and a fresh egg has not come into my house since the Egg Marketing Board commenced to function. It may be that the board thinks that it is doing something for the benefit of the poultry-farmers by exporting the better quality and supplying the inferior grades to the people of this State, who are, after all, the main consumers of the product. The people of this State are justified in objecting to such treatment, and they have a right to demand that if the board is to function it shall place the best eggs in the hands of the local consumer.

Mr. FLANNERY: What is the representative of the Government doing on the board?

Mr. MISSINGHAM: I do not know what he is doing. All I know is that in the city of Sydney you cannot buy a fresh egg at a grocery shop or provision store.

Mr. SANDERS: All eggs are not supplied through the Egg Marketing Board!

Mr. MISSINGHAM: The quantity of eggs that is not supplied through the board is negligible. If one wants to get fresh eggs he has to find somebody who has less than twenty laying hens. This is an aspect of which the Minister should take cognisance, because if they do not get the best the local consumers will be justified in saying that the Egg Marketing Board is merely a combination for the purpose of withholding the

best eggs from them whilst it is making them pay the best price for inferior grades. During the course of the debate it has been stated that the bill should be altered for the purpose of enabling a simple majority to decide whether a marketing board in regard to any particular commodity should be established. Surely this is a case in which such an important question should not be determined by a simple majority. The bill provides that the product of an individual—which represents his capital and his labour—shall be taken from him either with or without his approval, that his ownership in that product shall thereupon cease, that it shall become the common property with that of every other producer engaged in the same line of business, and that a Board elected partially by these producers shall market it for him and determine what he shall get for it. I submit that there should be a very big majority before any individual is subjected to treatment of that sort. The question at issue is whether the owner of any particular product is prepared to transfer his ownership to a body which will be entitled to sell it for him, and to return him the net price without any check whatever being imposed upon its operations. This is not a question of principle, but rather one of whether the application of coercion should be sanctioned. I maintain that no coercion should be countenanced unless the minority is practically a negligible one. I recollect that when the hon. member for Mudgee introduced to this Chamber the original Marketing Bill he almost apologised for the fact that it provided for a decision by a two-thirds majority. He said that in his opinion that was a fair majority, but if hon. members thought a larger majority was necessary he was prepared to reconsider the matter. I was sorry, therefore, to hear him say to-day that one half of the producers in any industry ought to have the right to seize the property of the other half and to sell it for them. From what we have heard of the Egg Marketing Board

and the Honey Marketing Board they are not the most economical bodies we can imagine.

An HON. MEMBER: Some of the producers themselves are asking that a simple majority should determine the question.

Mr. MISSINGHAM: That may be so. The man who believes in seizing other people's property will hold that view. But I am quite sure that a big majority of the producers do not share it, and their opinions should be respected.

It appears to me that no great principle is touched by the bill. Nevertheless I heartily approve it, because it amplifies and simplifies the existing law. At the same time I think that the position of the honey producers of this State should receive further consideration from the Minister, and if he has not the power to limit the amount which can be levied upon them he should certainly take that power. We all know that prior to the advent of the Honey Marketing Board the co-operative houses in this city did exactly the same work for our honey producers as is now being done by that board, and also that they realised better prices. These co-operative houses sold the produce of the honey-growers of this State upon a 5 per cent. basis, exported the honey for them, organised their industry, and in short did everything for them that the Honey Board is doing to-day, although the latter is costing the producer no less than 17½ per cent. They found all the markets for the honey producers of New South Wales. Now a board comes along and increases considerably the charge previously exacted without an increase in price to the producer. It is for the producers of any industry to say whether they want a board or not. If they sleep upon their rights, if they fail to enrol, or to exercise the franchise conferred upon them, they have no ground for complaint. The operation of these boards should act as a warning to other primary industries which are well organised co-operatively. I do not think that the marketing conditions of some of our primary products could be improved by the creation of a board to con-

trol them. We have been told this afternoon that the Egg Marketing Board is levying upon the egg producers of this State for the purpose of exporting eggs, thereby enabling the poultry-farmers of the adjacent State of Queensland to exploit our home market. Such a position shows that the Egg Marketing Board does not understand the first principles of business. Under the Commonwealth Constitution the board has no power to prevent eggs from other States being marketed in this State, but it certainly has no justification for levying upon our egg-producers for the purpose of shipping eggs to the Old Country, thereby enabling Queensland to secure control of the New South Wales market. It all goes to show that the Egg Board or any other board cannot regulate the markets of this State if the people of other States wish to operate in them, and it should be a warning to the people in different forms of primary production in this State that before they create expensive marketing boards, which will eat up probably one-fifth of their production, they should first be careful to find out how they can improve the methods of marketing their different products.

Mr. JAMES MCGIRR (Bankstown): [5.51]: I am interested in this matter, because many hundreds of settlers in my district are vitally affected by the measure. In the Bankstown electorate and the Liverpool district the main occupation of the people is poultry farming. I am brought into contact daily with cases in which women who have lost their husbands, and others, are trying to eke out their incomes in a small way, and supplement their earnings by running small poultry farms. Now we find that this heaven-sent saviour, the present Minister, is providing that those unfortunate persons must register their hens, if they possess more than twenty of them. While he is compelling these women and other persons all over New South Wales to register their fowls, if they possess more than twenty, he is breaking right away from the principle of no taxation without representation. He compels them to register their hens

and to pay a levy of one penny per dozen on the eggs they get, but unless they have 150 hens he will not allow them to have a vote with regard to the creation of a pool. I challenge the Minister to deny that statement.

It is a matter of great concern to people in a small way, such as those I have mentioned, if they are to be compelled to keep returns, and send in schedules, and be constantly pestered and persecuted by inspectors, who are numerous engaged in going around and counting the hens which these women keep to supplement their incomes. This is all done at the behest of the National Government, and of its Minister for Agriculture, who is compelling all persons who have more than twenty fowls to register them and furnish returns to his department, showing how many eggs the fowls lay in a week, and to pay a levy of 1d. a dozen upon them. The Minister has gone further. He has said that a woman can apply to get a permit to sell the eggs to her next-door neighbour without having to send them into the pool, but that if she does this she still must pay the levy of 1d. a dozen on those eggs. This is a matter in regard to which I have had numerous letters. Almost every day I am receiving communications in regard to it.

I hope that the Minister, in his strength and greatness, and the important Government of which he is a leading character, will at least have some consideration for the people who are affected by this particular regulation, which he has given all his time and attention to framing so as to stop them from taking advantage of the little concessions or advantages they may have. The Minister has perhaps not spent much of his life in an area where people engage in the poultry industry, but he has spent a great portion of his time in rural districts where people engage in wheat production. This being so, I am more than surprised that he has not taken steps to enable the farmers who are producing wheat to decide, by a simple majority vote, whether or not they shall have power to pool their wheat

and create their own board. If there is one industry in New South Wales which has been suffering it is the wheat industry, and the primary producers who are engaged in it know this only too well. Much has been said and written on the matter.

The Rural Industry Board is now coming along with a few hundreds of thousands of pounds to assist the farmers through the most lean period they have known in many years. Wherever we go to-day, in the country districts, we find that the farmers are absolutely up against it. They say that if they could only co-operate and pool their commodity, so as to sell in the best market and under the best conditions, they would be satisfied. We know that in the wheat-growing districts they recently had a poll on this matter, and that in some areas overwhelming votes were given in favour of the creation of a wheat pool, but because over the whole of New South Wales the wheat farmers did not show a two-thirds majority they were deprived of the privilege of conducting their own pool. The position to-day is a serious one, and I am surprised at the action of the Minister, who is well known amongst the farming section of the community. He was elected to sit on the cross benches in this Parliament, and to promote legislation that would be in the interests of the farming community. The people in the country to-day are saying that they never thought that the man they elected as a member of the Country party in order to do this would accept a portfolio in a Nationalist Government. However, this has happened, and the country people are now waiting to see what more good the Minister can do for them as a member of the Government than he could have done had he remained on the cross benches, forcing concessions from the Government in their interests.

Wheat farmers and wool-growers in the drought-stricken areas have had no assistance whatever from the Government. The only assistance they are getting is from the Rural Industries Board, which the Labour party established in the past, and through the Rural Bank,

which we established. In New South Wales to-day there is very grave concern among the farming section of the community at the fact that they cannot take charge of their own wheat, and do with it what they feel would be best, because this bill does not go far enough to enable a simple majority to control a pool in regard to their commodity.

Mr. ARKINS: The Labour Government did not provide for a simple majority in its bill!

Mr. JAMES MCGIRR: That is so. But the Labour Government did call the farmers and the producers together at the Bathurst Conference, and that has never occurred during the term of office of this Government. We brought the wheat-growers and the consumers together to discuss what should be a fair return for their commodity, and how it was proposed to get it, and the Labour Government also gave them the right to vote for a wheat pool.

Mr. ARKINS: The Labour Minister who was responsible for the Bathurst Conference left the Labour party, and has said since that the Labour party did not carry out the ideals of the Bathurst Conference.

Mr. JAMES MCGIRR: He left the Labour party for the Labour party's good. The presentation which was made to that gentleman afterwards demonstrated why he left the Labour party. From one end of the State to the other, and nobody knows it better than the Minister, the wheat-farmers are most anxious for the right to create a pool by the vote of a simple majority. In the Temora district, and around Coolamon, Junee and other wheat-growing areas, the farmers have said that they want the wheat pool. Although they are the growers of the wheat they are not able to pool and take control of it themselves. For these reasons I think that this measure might well be amended so as to provide that a simple majority of wheat-growers shall be the determining factor as to whether they shall have a pool by which they can take charge of the marketing of their own produce. During last session certain measures were alleg-

edly passed through this House to alleviate the conditions of people in the country, but although there was a great cry that many extra men would be employed on the farms because of that legislation, in travelling about the country I find that many farmers have hardly enough to eat, let alone give employment to others. That has come about owing to this Government not giving the farmers the help they should have been given through the Rural Industries Board and in other ways.

[Mr. Speaker left the chair at 6.1 p.m. The House resumed at 7.30 p.m.]

Mr. FLANNERY (Murrumbidgee) [7.30]: I am glad to see that in submitting amendments to the original Marketing of Primary Products Act the principles of that Act have not been impaired in any way, and that the amendments before the House are to a large extent machinery amendments to facilitate the working of the Act. Yesterday, when speaking on the motion for leave to introduce this measure, I pointed out that in nearly every case it is found necessary to amend Acts of Parliament in order that their principles might be more readily applied. That is what the present bill aims at doing. I regret that some provisions which I think would help to improve the original Act are not included in this bill. (When the bill was introduced earlier in the session, a clause was included dealing with the signing of newspaper articles, with which I was heartily in accord. I am rather sorry to find that provision has been taken out of the present bill. I am in accord with the amendments which have been submitted. The amendment which provides that the penalty for failure to vote shall not exceed £2, brings the Act into line with the provisions of the Electoral Act, in which the same penalty is provided for failure to enrol. In the original bill provision was made for a fine of not less than £2, but in this bill it is proposed that the penalty for failure to vote shall be an amount not exceeding £2. It will be interesting to know what

action the Government proposes to take in regard to farmers who neglected to record their votes on the occasion of the last ballot which was taken with regard to the establishment of a wheat pool. That ballot was taken some time ago, but I am not aware whether the Government intends to take any action against those who failed to record their votes on that occasion.

I believe the bill could be improved if the Minister for Agriculture would favourably consider an amendment for the purpose of enabling a simple majority of voters to determine the establishment of a compulsory wheat pool. I think the time is ripe when we should provide that a simple majority shall prevail. If we take our minds back over the history of wheat pooling in this State, we shall find that an expression of opinion was obtained from the wheat growers some years ago, when a majority of those who voted were in favour of a pool. Afterwards, the Bathurst Conference was called, sectional committees were formed dealing with various primary products, and recommendations were made by the committees. As a result of that conference, the then Minister for Agriculture, Mr. Dunn, introduced legislation into this House which established the principle of pooling in connection with the marketing of primary products. Following that, a vote of wheat growers was taken, which was the occasion of the first ballot under the Marketing of Primary Products Act, and a majority of the growers voted against the establishment of a compulsory pool. A little while afterwards the Government was again asked to take a vote of wheat growers, and on that occasion a majority voted in favour of a pool, but the necessary statutory majority was not obtained. I am inclined to think that, whether the Act is amended or not, when the next vote for the establishment of a compulsory wheat pool is taken, the necessary majority will be obtained. There is a growing tendency throughout the wheat-growing areas to

favour the establishment of the pooling system. A number of farmers have expressed the opinion that a Federal pool would better meet the position than a State pool, but if they cannot secure a Federal pool their feeling is in favour of establishing a State wheat pool. Now that the amending bill is before the House, I believe the Minister would be wise to consent to insert a provision to provide that a simple majority of the votes of wheat farmers shall be sufficient to determine the establishment of a wheat pool in this State. I notice the hon. member for Bondi shakes his head. If hon. members will look at the report of the conference of producers and consumers which was held at Bathurst in September, 1926, they will find at page 31 that the wheat committee, dealing with the question of marketing, said this:

The question of the best method of marketing our wheat was recognised as the most important one that the committee had to deal with. Opinion was divided on the question of State control. It was recognised that the committee was not sufficiently representative of the growers to pledge them to a definite marketing scheme. It was therefore decided practically unanimously that the compulsory pooling of wheat under conditions of the growers' control of the pool should be submitted to the growers in the form of a referendum and that the majority of the growers of wheat should be allowed to decide whether there should be a compulsory pool or the existing methods should continue.

That is from the Wheat Committee at the Bathurst Conference, a committee representative of a very large number of growers. The names of the various gentlemen who attended the conference are given in the report. They were men whose names are well known in the wheat-growing districts. They recommended that a vote should be taken and the majority of the growers of wheat should be allowed to decide whether there should be a compulsory pool or the existing system should continue. It was decided:

The plebescite to be taken under the conditions as laid down in the resolution.

The committee carried a number of resolutions dealing with wheat. Here is the first part of a resolution:

The Government be asked to take a ballot of the wheat-growers of the State on the question of a State compulsory pool on the following conditions: (a) A majority of the votes cast shall be necessary to carry the resolution.

In the first place it is stated that opinion was divided on the question of a definite marketing scheme, but when it came to a question of a compulsory pool the resolution was that a majority of the votes cast should decide the question. The farmers who were represented there in connection with this resolution themselves agreed that a simple majority of the voters should be sufficient to determine the question of the establishment of a compulsory pool. On the occasion of the last vote, if the simple majority principle had prevailed the wheat pool would be in operation today. Before the vote was taken a conference was held in one of the wheat-growing districts, and according to the *Barrellan Leader* of 14th November, 1929, a resolution was moved at a meeting of the Temora Branch of the Farmers and Settlers' Association in favour of the establishment of a Federal pool and to give the fullest publicity in every wheat-growing district. Further, it was resolved that a letter be sent to the general secretary asking him to urge the Government to amend the Marketing Bill so as to allow a compulsory pool to be carried by a simple majority. The gentleman who moved that motion is reported to have said that he was very disappointed over this matter, and the gentleman who seconded the motion said that, in his opinion, the present system, requiring a two-third majority, was most undemocratic.

Mr. WALMSLEY:

Mr. FLANNERY: In connection with any Act of Parliament there are conditions and restrictions that to a certain extent interfere with personal rights and privileges. If it were said that a simple majority vote would interfere with rights and privileges the same argument would apply to a two-thirds

majority, because the vote would be carried against the man who says, "No, I do not want any interference at all." The general feeling among farmers themselves is that a simple majority is enough. A peculiar thing happened in connection with the last vote taken. I believe it happened in connection with the last two votes. I am informed that a number of farmers did not receive their ballot-papers until it was too late for them to record a vote. I do not know how that came about, but we do know that in some farming districts the mail service is not always regular. I would suggest that in future officers administering the Act should see that sufficient time is given to enable farmers to get their ballot-papers and that the farmers should be afforded every facility to take part in the ballot. We have heard a great deal about the honey pool, and the fact has been mentioned that only a small vote of the beekeepers was recorded. I do not know whether the same difficulty occurred in that case as in the case of the wheat pool. But that may be the explanation of the smallness of the pool.

This measure would be improved if the Minister would agree to include in the bill a provision embodied in the previous bill that was withdrawn. I refer to the signing of articles in connection with elections that may take place under the Act. I cannot see any sound objection to it. In a number of cases during the last vote upon the establishment of a pool advertisements were inserted against the pool. No one knew by whom they were inserted and I know that numbers of members of the association were strongly of opinion that they should have been signed.

Mr. WALMSLEY: What difference would that make?

Mr. FLANNERY: It would let the growers know where the opposition came from. It would let them know whether vested interests were concerned and whether they were taking advantage of the bill. Under the previous bill any letters submitted to the press would have had to be signed. I do not know why that is left out of this bill. I

yesterday made reference to a statement made by Mr. G. J. Stewart, M.H.R. He pointed out that in connection with a number of matters vested interests were opposed to the pooling system, and he told the farmers that it was not to their interests to take notice of vested interests. He referred to the wheat pool and said that the high priests of finance behind the National party were very strongly against it. We have heard a good deal about a poultry pool and something about a wheat pool and a honey pool. I think it is only fair that I should say the rice pool has been very successful. The chairman of the Rice Board assured the rice-growers that as a result of the pool they have received at least £1 per ton more for their crop this year than they would have obtained had it been sold on the open market, while on the irrigation area 23,000 tons of rice was produced—more than sufficient to meet the whole of Australia's requirements.

I have not any objection to the amendments, but I believe the bill would be improved if the Minister accepted an amendment providing for a simple majority in connection with the establishment of a pool, and reinserted a provision for the signing of articles in any publications made regarding the formation of a pool.

Lt.-Colonel BRUXNER: I move:

That the question be now put.

The House divided:

Ayes, 43; noes, 40; majority, 3.

AYES.

Anderson, D. M.	Hedges, W. W.
Arkins, J. G. D.	Henley, Sir Thomas
Arthur, Dr. R.	Jackson, J.
Ball, R. T.	Jaques, H. V.
Bate, H. J.	Jarvie, Major
Bennett, W.	Kilpatrick, M.
Best, E. C.	Lee, J. R.
Bruxner, Lt.-Col.	Lloyd, Brigadier-Gen.
Budd, A. E.	Main, H.
Buttenshaw, E. A.	Marks, E. S.
Cameron, W.	Martin, L. O.
Carter, H. C.	Missingham, W. T.
Chaffey, Captain	Morton, M. F.
Drummond, D. H.	Ness, J. T.
Dunningham, J. M.	Pollack, A. J.
Fitzpatrick, J. C. L.	Reid, Major
Foster, W. F.	Ross, J.

Shand, Major  
Thorby, H. V. C.  
Vincent, R. S.  
Walker, R. B.  
Walmsley, B. C.

Wearne, W. E.  
Weaver, R. W. D.  
*Tellers,*  
Glasgow, C. F. S.  
Reid, A. A. E. E. V.

NOES.

Baddeley, J. M.	Lazzarini, C. C.
Booth, G.	Lvsaght, A. A.
Burke, Frank	McDicken, H. J.
Burke, Michael	McGirr, James
Butler, W. J.	McKell, W. J.
Cameron, R.	Mutch, T. D.
Clyne, D.	Olde, B. C.
Connell, H. J.	O'Sullivan, M.
Connolly, P.	Quirk, J.
Davidson, M. A.	Rateliffe, W. J.
Davies, W.	Scully, W. J.
Dunn, Captain	Shannon, T. J.
Ely, W. T.	Smith, J. E.
Flannery, M. M.	Stanley, F.
Gosling, M.	Stuart-Robertson, R. J.
Hoad, K. O.	Tonge, A.
Horsington, E. M.	Tully, J. M.
Keegan, T.	
Kelly, C. A.	<i>Tellers,</i>
Lamaro, J.	Cahill, J. J.
Lang, J. T.	Knight, H.

Question so resolved in the affirmative.

Original question resolved in the affirmative.

Bill read a second time.

IN COMMITTEE.

Clause 2. The Principal Act is amended as follows:—

(x) by inserting after subsection eleven of the same section the following new subsection:—

(11A) When requested so to do by a petition signed by such number as the Governor considers sufficient of producers of a product within an area mentioned in the petition which is not, as regards such product, in an area controlled by a board, the Governor may by proclamation appoint a day for a poll to be taken of the producers of such product within the area mentioned in the petition on the question whether such last-mentioned area shall be added to the area controlled by a board. If more than two-thirds of the votes polled are in favour of such addition and the votes polled are given by at least two-thirds of the producers entitled to vote at such poll, the Governor shall by proclamation declare that on and after the day specified therein the area referred to in the proclamation shall become part of the area controlled by the board and (if the product is not a commodity within the area referred to in the

proclamation) that the product shall within such area be a commodity under and for the purposes of this Act.

Mr. TULLY (Goulburn) [8.0]: I move:

That in proposed new section (11A) the words "more than two-thirds," first occurring, be struck out and that there be inserted in lieu thereof the words "a majority."

If this amendment is accepted by the Minister a bare majority of at least two-thirds of the producers entitled to vote at a poll can decide the establishment of a pool. At the Bathurst Conference held four years ago it was clear that the intention of the wheat-growers of the State was that a bare majority should suffice for the establishment of a pool. At the recent poll in connection with the formation of a wheat pool the Act laid it down that more than two-thirds of the votes polled should be in favour of the establishment of a pool, but the Sussex-street merchants and the agents interested in the marketing of wheat spent thousands of pounds on propaganda and filled the columns of the country press with articles for the purpose of defeating the formation of a pool. If a bare majority had sufficed, to-day the wheat-farmers would have a pool to assist them in marketing their crop. Owing to the apathy of a section of the growers and the pressure brought to bear by influential agents the proposal was defeated. It is sufficient to provide that at least two-thirds of the producers entitled to vote shall vote and a bare majority of that two-thirds shall suffice for the creation of a pool.

Mr. W. J. SCULLY (Namo) [8.3]: I hope the Minister will accept the amendment which has been moved by the hon. member for Goulburn, because it is essential for the proper working of the marketing boards. When the last wheat poll was taken influential parties spent tens of thousands of pounds on propaganda, filled the columns of the country and daily newspapers with articles in opposition to the formation of the pool,

and sent organisers throughout the State to advise the farmers to vote against it. Those men did not spend their money for the benefit of the farmers. They were speculators, and many farmers were forced to sell their wheat soon after the commencement of the last season at a reduced rate. Since then there has been a substantial increase in prices and the speculators have reaped the benefit. During the last two or three seasons the speculators have benefited owing to no wheat pool being in operation. If a two-thirds majority is required any influential section can defeat the formation of a pool on every occasion. The wheat-growers hold diverse opinions, and as they are separated they cannot easily get together to discuss matters which are to their mutual advantage.

Mr. WALMSLEY: Does not that apply to both sides?

Mr. W. J. SCULLY: No. The side which is opposed to the formation of a wheat pool has money and is better organised. The farmers have to fight vested interests, and we know that the power of the purse is paramount in such issues. On the last two occasions when a wheat pool was proposed the speculators and agents spent tens of thousands of pounds on propaganda and sent organisers throughout New South Wales to visit individual farmers to induce them to vote against the pooling system. I am in constant touch with the wheat-growers of my electorate, and I know that they are anxious that a simple majority shall decide whether a pool shall be formed or not. If a simple majority is not adopted it will be many years before we have another wheat pool.

Mr. K. O. HOAD (Cootamundra) [8.9]: A few years ago a proposal to establish a wheat pool would have been overwhelmingly defeated, but the farmers are rapidly coming to realise that they must meet organised buying with organised selling, and each ballot has shown an increasing number in favour of the pool system. Unquestionably had it not been for the intense organisation and propaganda on the part of big buying

agencies in the city, the pool would have been carried by an affirmative vote upon the occasion of the recent poll.

Mr. MISSINGHAM: There was no propaganda on the other side!

Mr. K. O. HOAD: There was propaganda, but it was very feeble as compared with that put forward by big buying agencies like Dalgety & Company.

Mr. GLASGOW: Was it not because of the fear engendered by the operations of previous pools that the proposal was rejected?

Mr. K. O. HOAD: No. Experience has conclusively shown that it is possible to conduct a pooling system most successfully. Take the farmers in the southern portion of the State. They voted very heavily in favour of the establishment of a wheat pool. It is the city buyers who are opposed to the decision of questions of this character by a simple majority. Yet hon. members are elected to this House by a simple majority. My own majority at the last election was a very simple one. But when the elections are over, irrespective of our majorities, we have the same voting strength in this Chamber. To enact that it shall be impossible to establish a wheat pool unless two-thirds of the growers concerned vote in the affirmative, is to erect too great a barrier for them to overcome. We have had experience of less organised sections of primary producers establishing pools, principally because of the fact that the propaganda in opposition to them has not been so intense. No central organised buyers were being hit by those pools. I hope that before the next wheat season, we shall have a pool established which will cover the whole of the Commonwealth. I trust that the Minister will agree to the democratic principle of a simple majority being able to determine the issue involved, provided that two-thirds of the growers exercise the franchise.

Mr. FLANNERY (Murrumbidgee) [8.15]: This amendment does not go as far as I would like it to go. If the Committee agrees to it, I suggest that the Minister might consent to amend the

Principal Act. The proposal of the hon. member for Goulburn merely provides that a simple majority shall determine the question of whether any other area shall be added to that already covered by the bill. Surely that is a proposal which should commend itself to hon. members. It has been explained during the course of this debate that in connection with the establishment of the honey pool, a vast majority of the growers failed to record their votes.

Mr. WALMSLEY: Two-thirds of them must have voted!

Mr. FLANNERY: I understand that very few of them voted.

Mr. THORBY: Ninety-two per cent. of those entitled to do so recorded their votes!

Mr. FLANNERY: I am not very conversant with the operations of the honey pool, but I understand that a very small percentage of those entitled to vote exercised the franchise.

Mr. MISSINGHAM: No, but there were very few who were enrolled!

Mr. FLANNERY: Then quite a number of persons who would have been entitled to vote did not take the trouble to enrol. Consequently, the numbers who voted did not represent half of those who should have been eligible to exercise the franchise.

Mr. THORBY: The amendment which the hon. member is supporting would create a much worse position, because if we reduce the majority it will mean that one-half of two-thirds of the growers could secure the establishment of a pool. Yet the hon. member raises an objection to the honey pool upon the ground that sufficient producers did not vote in favour of the creation of a marketing board!

Mr. FLANNERY: The majority of those who were enrolled voted, but a great many of the growers did not take the trouble to enrol. I should like to see the Principal Act amended to provide that a majority of the growers voting should suffice to determine whether or not a pool should be established. But the question involved in the amendment now before us is whether it should be

possible to add an additional area to that in which a pool has already been established. At the Bathurst Conference the wheat-growers recommended that a simple majority should determine the question of whether a pool should be established. The Act provides for a two-thirds majority. I placed before hon. members information regarding a meeting that was held at Temora, which is one of the big wheat-growing districts. An address was delivered at that meeting, which was held during the time they were taking the vote on the last pool. A gentleman went there whose name was Murphy, and he addressed the farmers with regard to the establishment of a pool. There was a large attendance at the meeting, because the matter was of vital concern to the farmers, and at the conclusion of that meeting a resolution was carried directing that a letter be sent to the general secretary of the Farmers and Settlers' Association, asking him to get into touch with the Government and ask, in connection with this amending bill, that a simple majority be provided for the purpose of the establishment of a pool. I am prepared to go as far as that, although the amendment of the hon. member for Goulburn does not go the whole way. I suggest that if this amendment is carried, dealing with the adoption of a simple majority for extending an area, it may be taken by the Minister as an indication that the Assembly favours the idea of a simple majority for the formation of pools, and that the original Act should be amended in that way.

Captain DUNN (Mudgee) [8.22]: This amendment would only affect the Act in regard to the inclusion of an additional area with an area already controlled by a board. Obviously, that is not very much of an advance. I think the Act should be amended so that a simple majority could say whether there should be a pool in any commodity. In the original Act I included the provision for a two-thirds majority to decide the matter of a pool, but since then we have had two years' experience. We have seen the difficulty,

even with a fairly heavy vote, of achieving a two-thirds majority in favour of something which I believe the majority of the wheat-growers want.

Mr. WALMSLEY: The hon. member must have had some definite reason when he provided for a two-thirds majority!

Captain DUNN: It was then entirely experimental legislation. Every Act requires amendment after it has been in operation for some time. This was a legislative provision which had never been previously in operation, but as a result of experience it does appear that even where a majority in an industry requires a pool for its commodity it is very difficult to obtain the required vote. It has only been obtained in relation to rice-marketing, egg-marketing, and honey-marketing. The honey ballot was not satisfactory because of the small number enrolled. I think it would be a good thing now if we provided for decision by a simple majority.

Mr. THORBY: So that a lesser number could inflict a pool upon the people in any industry than even in the case of the Honey Marketing Board!

Captain DUNN: That would not be likely. Apparently this matter was hardly known amongst the honey producers.

Mr. WALMSLEY: They could not have wanted it very badly!

Captain DUNN: Only a small number enrolled.

Mr. THORBY: The proposal was under way for over three months!

Captain DUNN: Probably it was not well advertised, or the registration number was too high. There was something wrong when only 480 producers enrolled out of more than 6,000. Suppose there were a proposal to-morrow for a wool pool, think of the amount of money that would be spent in opposition to the suggestion. There would never be a suggestion of getting a wool pool under this Act, even if it were to be decided by a simple majority. I am sure that at first, in 1927, the wheat farmers did not want a simple majority, but now they can see the position, and the difficulty of getting a two-thirds majority.

Mr. WALMSLEY: Let those who are so keen on the pool have one of their own, and show how it can be done!

Captain DUNN: Did they not try a voluntary pool?

Mr. WALMSLEY: Yes, and made a mess of it. And they had a compulsory pool and made a mess of it!

Captain DUNN: Did not the farmers' organisation do its best to run a voluntary pool? No one knows that better than the Minister. They found it impossible, because so many stood out of the pool and reaped the benefit, as against those who were loyal to the pool. Every farmer who was loyal was hit hard, because he had to accept whatever the advance was, and wait for any further money, while those who broke their word to their own organisation were able to put their wheat on to better markets and get their money right away. Of course, there was then no compulsion. The only pool which would give satisfaction would be a compulsory one. I only mention wheat because it is the outstanding commodity in this matter. I believe it would be a good thing to amend the original Act, to give the wheat-growers a chance to vote for a pool and to carry it by a simple majority. They would have three members out of five, or five members out of seven on the board, and would control it themselves, and I believe it would be better for them. But I do not believe they would ever get a pool under these conditions.

Mr. MISSINGHAM (Lismore) [8.29]: An effort is being made, on a simple amendment introduced here by the Minister, to alter a fixed principle in the original Act. I am rather surprised to hear the hon. member for Mudgee, without any apology for the opinions he formerly held, advocate the alteration which he has advocated to-night.

Captain DUNN: I said that it was as the result of experience!

Mr. MISSINGHAM: I was surprised to hear the hon. member put up that request for the alteration of a fixed principle in the original Act, because at the time the original Act was passed

he was the Minister for Agriculture, and we know how he insisted that that principle should remain in the bill. Not only that, but the hon. member for Mudgee almost apologised to the House for not making it greater than 66 per cent. His words at the time were that he had chosen a two-thirds majority as being a very suitable number, but if the House thought it was not sufficient, he was prepared to go higher. Now he comes along and says that in view of the experience we have had with marketing boards he is prepared to make an alteration. What has been the experience? The experience of those who have adopted marketing boards so far is that they have spelt disaster. We hear nothing but complaints from the poultry-farmers and from the honey-growers. The only exception is the rice-growers, and if under the conditions of rice-growing in this country a board was not a success in that industry, then it could not possibly be a success in any other sphere, for the simple reason that all the rice grown in Australia is grown in one area and is protected by tariff.

Mr. FLANNERY: Only recently!

Mr. MISSINGHAM: But the board has only been recently formed. It has only been in existence for a few months. As I say, the whole of the rice is grown in one area and it is marketed by the few people who grow it, who are protected and, as it were, placed in a watertight compartment.

Mr. FLANNERY: It is not watertight!

Mr. MISSINGHAM: Most of the producers who would come under these boards are not in the favoured position of the rice-growers. This is a proposal to constitute a board upon a simple majority vote. The argument has been put up with a good deal of sophistry that as a board has been established and the principle of marketing through boards is in existence a simple majority vote should be sufficient. But those who in the first instance established the board had to do it on a two-thirds majority, and what was right for them should certainly be right for those who are to be brought in at a later date. If the

operations of the boards are successful, it will not be difficult to get a two-thirds majority in favour of extending their operations. If it were a case of getting a two-fifths majority, the rest of New South Wales would not come into the Egg Marketing Board, after the experience which the unfortunate producers have had with that board. The people who are outside the counties of Cumberland and Northumberland and the two shires mentioned in the proclamation are too well satisfied with their freedom to put their heads into the egg marketing net, with its consequent expense and loss to the producers. I understand that every fowl-owner to-day runs about one fowl in every five in order to maintain the board. To-day it costs him very considerably more to get the work done that was previously done by the co-operative society. Under such circumstances it is not likely that other parts of the State are going to come into the egg marketing pool. If a board is a success, there will be no difficulty in getting those outside to come into it. Apart from all this, there is a very much bigger principle at stake than the mere organisation of a board. This bill takes from the owners of produce their right in it. Under the bill, when it comes into existence, the producer will forfeit to the board the whole of his interest in his produce.

Mr. FLANNERY: The majority of the members of the board are elected by the producers!

Mr. MISSINGHAM: That is not the principle under consideration at all. The hon. member is so obsessed by notions about majorities that he cannot see the distinction I am trying to make. The principle here is that if the voters by a two-thirds majority say that a board is to be established, then every person who produces the commodity forfeits his ownership and it becomes the property of the board. If the conditions were the same as obtain in Queensland and the producer maintained his right in his product, it would be altogether different; but that is not the case here. Surely this is not a case where a

simple majority should rule. It is quite right, if a system of marketing is being brought about because the great majority of the producers are in favour of the system, that the small majority should not be able to block that being done. That is to say, it should not be necessary to get an absolute majority of all the persons concerned in order to bring about a pool. But it should be necessary to get a very much greater number than a simple majority. That is no new principle. I understand that in the P.L.L. itself, before the rules of that body can be altered, more than a bare majority has to be obtained.

Mr. CONNELL: Which organisation is the P.L.L.?

Mr. MISSINGHAM: The Political Labour League.

Mr. CONNELL: The organisation the hon. member refers to does not exist!

Mr. MISSINGHAM: A very substantial skeleton of that institution holds hon. members opposite in the hollow of its hand, so that they dare not express an opinion of their own which is in conflict with the opinions of certain big-wigs in that particular organisation. So it must be a substantial concern. There, a simple majority cannot alter the rules.

Mr. CONNELL: There is no P.L.L.!

Mr. MISSINGHAM: Perhaps I should have said the A.L.P. That organisation controls the hon. member and does not allow him to express his real opinion on anything. Not only in the A.L.P. and other organisations of a political character, but most companies doing business all over Australia and all over the world have the same provision in their articles of association. I see no reason why in amending the Act we should depart from the general principle embodied in it, namely, that a two-thirds majority is necessary to decide the question at all the ballots taken under it. On a small issue, a question of bringing in some additional area, it is proposed to allow a simple majority to decide. If the Committee were to agree to the general principle being altered I could understand

the amendment, but to bring in an alteration of the general principle under cover of such an amendment is opposed to ordinary Parliamentary procedure.

Mr. J. R. LEE: I move:

That the question be now put.

The Committee divided:

Ayes, 42; noes, 40; majority, 2.

**AYES.**

Anderson, D. M.	Lee, J. R.
Arkins, J. G. D.	Lloyd, Brigadier-Gen.
Arthur, Dr. R.	Main, H.
Ball, R. T.	Marks, E. S.
Bate, H. J.	Martin, L. O.
Bavin, T. R.	Missingham, W. T.
Bennett, W.	Morton, M. F.
Bruxner, Lt.-Col.	Ness, J. T.
Budd, A. E.	Pollack, A. J.
Buttenshaw, E. A.	Reid, A. A. E. E. V.
Carter, H. C.	Reid, Major
Chaffey, Captain	Ross, J.
Drummond, D. H.	Shand, Major
Fitzpatrick, J. C. L.	Thorby, H. V. C.
Foster, W. F.	Vincent, R. S.
Glasgow, C. F. S.	Walmsley, B. C.
Hedges, W. W.	Wearne, W. E.
Henley, Sir Thomas	Weaver, R. W. D.
Jackson, J.	
Jaques, H. V.	<i>Tellers,</i>
Jarvie, Major	Best, E. C.
Kilpatrick, M.	Dunningham, J. M.

*Tellers,*

Best, E. C.  
Dunningham, J. M.

**NOES.**

Baddeley, J. M.	Lang, J. T.
Booth, G.	Lazzarini, C. C.
Burke, Frank	McDicken, H. J.
Burke, Michael	McGirr, James
Butler, W. J.	McKell, W. J.
Cahill, J. J.	Mutch, T. D.
Cameron, R.	O'Hearn, W. F.
Clyne, D.	Olde, B. C.
Connell, H. J.	O'Sullivan, M.
Davidson, M. A.	Quirk, J.
Davies, W.	Rateliffe, W. J.
Dunn, Captain	Scully, W. J.
Ely, W. T.	Shannon, T. J.
Flannery, M. M.	Smith, J. E.
Gosling, M.	Stanley, F.
Hoad, K. O.	Stuart-Robertson, R. J.
Horsington, E. M.	Tully, J. M.
Keegan, T.	
Kelly, C. A.	<i>Tellers,</i>
Knight, H.	Connolly, P.
Lamaro, J.	Tonge, A.

*Tellers,*

Connolly, P.  
Tonge, A.

Question so resolved in the affirmative.

Amendment negatived.

Question—That the clause stand part of the bill—put. The Committee divided.

Ayes, 42; noes, 40; majority, 2.

**AYES.**

Anderson, D. M.	Arthur, Dr. R.
Arkins, J. G. D.	Ball, R. T.

Bate, H. J.	Lloyd, Brigadier-Gen.
Bavin, T. R.	Main, H.
Bennett, W.	Marks, E. S.
Best, E. C.	Martin, L. O.
Bruxner, Lt.-Col.	Missingham, W. T.
Budd, A. E.	Morton, M. F.
Buttenshaw, E. A.	Ness, J. T.
Chaffey, Captain	Reid, A. A. E. E. V.
Drummond, D. H.	Reid, Major
Dunningham, J. M.	Ross, J.
Fitzpatrick, J. C. L.	Shand, Major
Foster, W. F.	Thorby, H. V. C.
Glasgow, C. F. S.	Vincent, R. S.
Hedges, W. W.	Walmsley, B. C.
Henley, Sir Thomas	Wearne, W. E.
Jackson, J.	Weaver, R. W. D.
Jaques, H. V.	
Jarvie, Major	<i>Tellers,</i>
Kilpatrick, M.	Carter, H. C.
Lee, J. R.	Pollack, A. J.

*Tellers,*

Carter, H. C.  
Pollack, A. J.

**NOES.**

Baddeley, J. M.	Lazzarini, C. C.
Booth, G.	McDicken, H. J.
Burke, Frank	McGirr, James
Burke, Michael	McKell, W. J.
Butler, W. J.	Mutch, T. D.
Cahill, J. J.	O'Hearn, W. F.
Clyne, D.	Olde, B. C.
Connell, H. J.	O'Sullivan, M.
Connolly, P.	Quirk, J.
Davidson, M. A.	Rateliffe, W. J.
Davies, W.	Scully, W. J.
Dunn, Captain	Shannon, T. J.
Ely, W. T.	Smith, J. E.
Flannery, M. M.	Stanley, F.
Gosling, M.	Stuart-Robertson, R. J.
Hoad, K. O.	Tonge, A.
Horsington, E. M.	Tully, J. M.
Keegan, T.	
Kelly, C. A.	<i>Tellers,</i>
Lamaro, J.	Cameron, R.
Lang, J. T.	Knight, H.

*Tellers,*

Cameron, R.  
Knight, H.

Question so resolved in the affirmative.

Clause agreed to.

Clause 7. (1) The proclamations rererred to in the schedule to this Act shall be and be deemed to have been validly made under the Principal Act, and shall be and be deemed to have been effective for the ends, purposes, and objects in the said proclamations respectively mentioned.

Mr. TULLY (Goulburn) [8.54]: This clause validates proclamations under the Principal Act regarding eggs and honey. I am sorry that, following on the remarks made yesterday, the Minister has not seen fit to reconsider the position of honey producers in this State. Without desiring to engender any heat, I would ask him to postpone this clause for a week. There is no need for hurry in passing the bill, and there are no big

principles of the Marketing Act involved. The producers of honey in the western and southern districts would then have an opportunity of putting by deputation their requirements before the Minister.

Mr. THORBY: No, I cannot postpone the clause; the validation of the proclamations must go through!

Mr. TULLY: If this clause is passed the poll taken last year for forming a board in the honey industry will become valid.

Mr. THORBY: That is valid now!

Mr. TULLY: It is not valid, because we have not yet passed the clause validating it. It cannot be valid until this clause becomes law. I intend to move an amendment eliminating any reference to honey. I shall do that on account of the information I put before the Minister yesterday and the information given by the hon. member for Bathurst, who adduced facts showing that fewer than 6 per cent. of the honey producers had an opportunity of voting as to whether they would have a board or not. It seems to me an extraordinary thing that when this matter was brought before the Minister he made the statement that no opposition had been shown as regards the marketing of honey. As private members if we have this information sent us, and read it in the columns of the newspapers—without the assistance of the secretaries who cut out and tabulate news items on every conceivable aspect of the Ministers administration—how can the Minister have the audacity to tell us that he has seen no protests regarding the marketing of honey in this State?

Mr. THORBY: I said nothing of the kind. What I said was that I had received no official intimation from the organisation!

Mr. TULLY: Does the Minister mean to tell me that he sees these articles in the *Herald*, which are cut out and posted up by his private secretary, and takes no notice of them? As the administrator of the Act he should have ascertained whether there was any truth in those reports. It is his duty to make himself familiar with the facts, and

know whether the honey producers are satisfied with the present administration of the Act or not.

Mr. THORBY: I have already told the hon. member that I arranged with their representatives to meet the board, which they did!

Mr. TULLY: If the Minister will read the newspaper cuttings I now hand him he will find that the honey producers are to-day a greatly dissatisfied body. They say there are 6,500 of them and that only 482 had an opportunity of voting as to whether they would have a board or not. The Minister must mean that 92 per cent. of that 482 represents 92 per cent. of those engaged in the industry. I challenge him before the bill goes through to lay on the table the whole of the facts and figures connected with the Marketing Board, showing how many producers are registered and the number who are taxed. I think he will find there are a good many more than 482. The honey producers state that the cost of marketing their product is 17 per cent. of its value. If that is so, drastic action on the part of the Minister is needed, and the Committee should not validate any proclamation which places the producers in that position.

Mr. J. C. L. FITZPATRICK: Wipe out the board!

Mr. TULLY: The honey producers with the present high cost of production do not want the board, because they got a better price before it came into existence. A big proportion of the producers have only twenty-five colonies of bees and they have no voice in the election of the members of the board. Despite that they are registered and taxed, and unless they are fortunate enough to get an exemption they have to market their honey through the board. Marketing through the board means marketing through the Sussex-street agents. According to the circular issued by the board the authorised agents appointed to the 31st October, 1929, are: Boyd & Hanlon, Foley Bros. Ltd., Foggitt Jones Ltd., J. Mackey & Co. Ltd., Norco Co-op. Ltd., Prescott Ltd., The Producers

Co-op. Distributing Society Ltd., and John Rankin & Co., all of Sussex-street, constituting an agents board rather than a producers board. In Queensland it costs only 1½ per cent. to market honey. There the whole of the honey is sold through one agent, which is less costly than selling through a number of agents. Before the Honey Marketing Board of New South Wales came into existence the total charge was 5 per cent., but to-day it is 7½ per cent. In addition to that the producers are charged 3d. per tin for carriage, and on top of that they have to pay 10 per cent. to the board. Consequently at least 17 per cent. of the value of their product is eaten up in the cost of marketing. In certain cases men who have less than twenty-five colonies of bees can apply for exemption, and this is one of the regulations relating to those who obtain exemption:

The producer of the honey to which an exemption applies shall permit any member of or person authorised by the board to enter at any reasonable time any land, building, or premises of the producer for the purpose of inspection thereof, and to inspect any books, accounts, registers, documents or writings in the custody or control of the producer relating to his business as such producer, and to take notes, copies, or extracts thereof or therefrom, and shall truthfully answer any questions relating to such books or accounts, or to any honey produced by him.

Even if a man has only one colony of bees his premises and books are open to inspection and his business subject to investigation.

Mr. J. C. L. FITZPATRICK: I rise to order. The hon. member is now dealing with the regulations which have been already dealt with and he has no right at the present juncture to try to prevent the bill from going through!

The CHAIRMAN: The hon. member is quite in order, but if he wishes to test the feeling of the Committee I suggest that after the word "proclamations," first occurring, he should move for the insertion of the words "with the exception of that relating to honey."

Mr. TULLY: I move:

That after the word "Proclamations" first occurring, the words "dealing with eggs and rice" be inserted.

If those words are inserted the clause will refer to eggs and rice, and not to honey. I want to eliminate any reference to honey because of the present dissatisfaction with regard to the Board's amendment.

Mr. O'HEARN (Maitland) [9.8]: I am glad that the hon. member for Goulburn has so framed his amendment as not to eliminate the reference to eggs and rice. I received four or five deputations from representative bodies of poultry farmers in New South Wales, and the Premier has also received a deputation. Rightly or wrongly, these people are under the impression that they have been unfairly dealt with and they have appealed to the court, and the matter is still pending. Many of the poultry farmers subscribed a large sum of money and engaged counsel to fight their case. As I said, they are under the impression that the levy imposed upon them by the Egg Marketing Board was imposed illegally, and I hope that the Minister will make some provision to deal with those people in a proper manner. I consider that some of the recommendations made by the Egg Marketing Board were very unwise.

Captain DUNN (Mudgee) [9.10]: In my opinion the amendment ought to provide for the elimination of schedule 2 from the bill. If the clause is passed in its present form it will validate everything that has been done in connection with the honey pool. In other words, it will prevent any honey-grower from testing in court the question of whether he is entitled to be relieved from the control of the Honey Marketing Board.

Mr. THORBY (Castlereagh), Minister for Agriculture [9.12]: I desire to make it clear that under this clause hon. members are asked to validate proclamations issued under the Marketing of Primary Products Act, 1927, and the Marketing of Primary Products (Amendment) Act, 1928. Those proclamations refer to the poll to be taken

by the producers themselves for the purpose of deciding whether they should establish marketing boards in respect of rice, eggs, and honey. Other proclamations deal with the election of members to those boards. In addition, there are proclamations defining the persons who are eligible to be elected to the boards. The information in our possession at the present time is that these boards are quite valid. But certain egg producers already have a case before the court in which they are contesting the validity of the Egg Marketing Board. There is no reason why a law should be upset merely because one or two individuals choose to attack the validity of every proclamation that is issued. [*Committee counted.*]

Amendment negatived.

Clause agreed to.

Clause 8. (Validation Loans by Colonial Treasurer to Egg Marketing Board for Counties of Cumberland, &c.)

Mr. O'HEARN (Maitland) [9.17]: This clause is a very necessary one. It provides that the Treasurer shall be empowered to make certain advances to the Egg Marketing Board under agreements made between them. Whether that is right or wrong, the fact remains that the Treasurer is called upon to pay to the Egg Marketing Board a certain sum in the absence of which the industry would become disorganised. Some hon. members have urged that this money should not be advanced. But it must be remembered that the board is elected by the producers themselves, and if the Treasurer failed to advance to it the requisite amount, the whole of its financial arrangements would fall to pieces, the board would be broken up, and the poultry-farming industry would be reduced to a very serious position.

Clause agreed to.

Bill reported without amendment; report adopted.

#### GUARDIANSHIP OF INFANTS BILL.

Bill received from Legislative Council and (on motion by Mr. Bavin) read a first time.

#### CONSTITUTION FURTHER AMENDMENT (REFERENDUM) BILL.

##### SECOND READING.

Mr. BAVIN (Gordon) Premier [9.23] moved:

That this bill be now read a second time. He said: The bill is in the hands of hon. members, and I think they will see that it is almost entirely a machinery bill, which will have to be dealt with in Committee. There are no principles involved in it, except the principle of compulsory voting, and it is really a series of clauses dealing with the machinery for the holding of, first of all, the referendum, and secondly of an election of members of the Legislative Council. So I do not propose to occupy the time of the House for more than a few minutes in moving the motion for the second reading of the bill; there is nothing to be said, except in the Committee stage. Each clause deals with a different aspect of the machinery for carrying out the referendum and the election, and there is nothing for me to occupy the time of the House with at any length now in explaining the principles. The second reading stage is the stage at which the principles of a bill are dealt with.

Mr. C. A. KELLY: What is the estimated cost of the proposed referendum?

Mr. BAVIN: I do not know. But there is no reason to suppose that the cost will amount to the figure that was mentioned here yesterday. £70,000 is, I think, an altogether excessive estimate of the cost.

Mr. C. A. KELLY: For collecting the rolls and all?

Mr. BAVIN: That work has been done, and in any case that work is not necessarily connected with the holding of this referendum.

Captain DUNN: They are old rolls!

Mr. BAVIN: They are rolls that are being collected in any case. Much of the work is already done, and its cost is not a charge that can be fairly debited against the holding of this referendum. Part II of the bill, which is really the first substantial part of the bill, proposes that the Constitution Further Amendment bill which we passed last

year—that is, the bill altering the constitution of the Council—shall not be presented to the Governor for his Majesty's assent unless it has been approved of by a majority of the voters at a referendum. That clause appears in the other measure; but, as I pointed out when introducing that bill, it is almost in a sense ineffective in that measure, and it is necessary that it should be incorporated in this measure. Part II of the bill merely provides that that bill, which amends the constitution of the Council, shall not be presented for the Royal assent until it has been approved of by a referendum. Then it goes on to provide that the referendum shall be held on Saturday, 3rd May, 1930, and shall be conducted in accordance with the provisions which appear later in the bill. Then the next part of the bill consists of a series of detailed provisions as to the conduct of the referendum.

Mr. C. A. KELLY: Does the Premier not think that there is every excuse for postponing this measure, in view of the financial position?

Mr. BAVIN: No; I do not think so. It has been suggested that because this involves some expense we should postpone it, but the question of the constitution of this country is of such vital importance that I do not think we should be in any way justified in interrupting the procedure under a measure which has already passed this House, merely because some expenditure is involved.

Captain DUNN: The Upper House has gone on for many years!

Mr. BAVIN: That is perfectly true, but that is not the fault of the hon. member. He did his best to destroy it, behind the backs of the people of this country, and against the will of the people of this country. That effort was only prevented from being successful by what I might call good fortune. I am not going to enter upon those reasons now. The occurrences at that time gave ample reason for providing security for the continuance of the Legislative Council, such as is ensured by this measure. Those proceedings showed that it was possible under the present Constitution for the Legislative Council to be abo-

lished, even against the will of the people of this State. They showed that it was possible while the constitution of the Council remained as it was that there might be the most radical alteration made in the Constitution, without the assent of, and, as it ultimately turned out, against the will of the people of the State. This bill is designed to prevent the repetition of such a state of things, and it will prevent it.

Captain DUNN: It will not; it will never become law!

Mr. BAVIN: The hon. member, I know, hugs that delusion, but he will find that it is a delusion. This part of the bill that I am dealing with now contains a series of detailed provisions dealing with the taking of the referendum. I am not going to take up time in dealing with them now. They can be dealt with in Committee, and Committee is the proper place to deal with them. There is no principle involved in them. They merely lay down the machinery by which the vote is to be taken, and I pass that over with this statement that if there is anything in the provisions that hon. members want explaining, or want to criticise, the proper place for doing that will be in Committee. Voting, as I said, will be compulsory. That is only in harmony with the principle adopted now in both the State and the Federal electoral law. But that is the only principle that is embodied in this part of the measure.

Captain DUNN: It is to be on old rolls!

Mr. BAVIN: That does not matter in the least, as long as those rolls are being made complete by supplementary rolls, as is being done, and as will be done up to the date of the issue of the writ. It does not matter, for the purpose of the referendum, whether those rolls are taken in accordance with the old electoral boundaries or the new electoral boundaries. They are the rolls for 1929, and supplementary rolls are now being prepared, and will be open until the issue of the writs. So there is no reason why every elector in the State should not be on the roll. We shall do everything that is humanly possible to secure that

the rolls shall be as complete as they can be made. It does not matter in the least whether those rolls are prepared in accordance with the old electorates or the new, so long as all the electors, or as many as can be, are on those rolls.

The question that is to be submitted at the referendum is the simple question whether the elector is in favour of the bill or not, and the bill, which is in a schedule to this bill, will be annexed to the writ. Provision is made by this measure for displaying that bill, or an abstract of it, at every Court of Petty Sessions throughout the State. The electors will have ample opportunity to make themselves familiar with the contents of the measure.

Mr. BADDELEY: There will be no end of confusion!

Mr. BAVIN: If there is confusion, I daresay the hon. member will do his best to create it, especially if he attempts to explain the measure. However, every possible step will be taken to enable the electors to become familiar with the provisions of the measure.

Mr. TONGE: They will not vote on the question of the abolition of the Upper House!

Mr. BAVIN: We do not propose to ask them to do that. A vote has already been taken on the abolition. At the last general elections, the electors recorded a very definite majority against the abolition of the Legislative Council, and we do not propose to take any vote on that question. All we propose to do is to ask the electors the simple question whether or not they are in favour of this measure. We do not propose to put any alternative question. Every hon. member knows perfectly well that the putting of alternative questions only leads to confusion and prevents any clear opinion from being recorded. The question, which is set out in the schedule to the bill, is "Do you approve of the bill? If he approves of the bill, the elector should place the number "1" in the square opposite the word "yes." That method of voting is in harmony with the Federal and State methods of voting. That simple question will be put to the electors and, as I have said,

an abstract of the bill will be displayed at every court of petty sessions throughout the State. The text of the bill will be annexed to the writ so that it may be identified. There is no other method that I know of by which a definite expression of opinion on such a proposal as this can be obtained. It is exactly the same as was done in the case of the Federal Constitution. There, the question submitted to the electors was "Are you in favour of the Federal Constitution or not?" They were asked to vote on that one issue, and that is the only way in which a definite expression of opinion can be obtained. The putting of alternative questions only leads to confusion; therefore, we do not propose to be responsible for a course that will prevent a clear expression of opinion being obtained from the electors.

The machinery provisions are as far as possible in accordance with the provisions of the Electoral Act. All the provisions of our own Electoral Act that are appropriate to the taking of a referendum are embodied in this bill. A great many provisions relating to the taking of a poll and the conduct of a poll in the polling booths will be the same, as far as the referendum is concerned, as are now applied to carrying out Federal elections.

Mr. LANG: What is the reason for making the Clerk of the Parliaments the returning officer?

Mr. BAVIN: The Clerk of the Parliaments is the returning officer for the election of the Legislative Council. That is dealt with in a later portion of the bill. For the purpose of the referendum the Electoral Commissioner controls the election, and the whole election will be conducted just as a Parliamentary election is conducted, without any political interference. The Electoral Commissioner is an independent officer.

An HON MEMBER: Is he?

Mr. BAVIN: Officers under this Government know that they can be independent without being penalised, which has not always been the case in this State. If hon. members will look at division 4 of the second part they will see set out the duties of returning officers and

deputy returning officers after the poll is taken. Those provisions accord closely with the provisions of the ordinary electoral law, and I need not say any more about them than that they can be dealt with in Committee. Division 6 deals with the question of disputed returns. Where there is any question as to the validity of the referendum or of any particular return, it is dealt with in the way that we recently provided that disputed questions should be dealt with under the electoral law, that is, by a judge of the Supreme Court. The Supreme Court will be the court of disputed returns under this measure. The provisions of division 8 deal with offences. They are, for the most part, an adaptation of the provisions of the Electoral Act for the taking of a referendum, and I need not deal further with them. So much for that part of the measure which deals with the conduct of the referendum which will take place on 3rd May. All that part of the measure is purely machinery.

Then we come to the next part of the measure, which deals with the taking of the ballot for the election of members of the Legislative Council. When the referendum is carried and the bill is assented to, it will be necessary to hold the election for the Legislative Council. For the purposes of that election we make the Clerk of the Parliaments the returning officer. I think he is the appropriate officer for conducting the election, which will have to be conducted at a sitting of Parliament. It will be his duty to make all arrangements for the election, just as it is the duty of the Electoral Commissioner to make arrangements for all ordinary Parliamentary elections. A writ will be issued by the Governor, and the writ directing the holding of the election will be directed to the returning officer. That writ will fix the date for the nomination of candidates in the first place. Hon. members will remember that candidates have to be nominated by two electors, that is, by members of either this House or the other House. The writ fixes the date on which the sittings of members of the Legislative Council and members of the

Legislative Assembly shall be held for the purpose of taking a vote. Those votes are to be taken at sittings of the two Houses respectively. There will be no absent voting. The only votes to be recorded will be votes given at the actual sitting of each House and the votes must be recorded during the sitting.

Mr. NESS: Will a member exhaust his right by nominating one candidate and seconding another?

Mr. BAVIN: Yes, that appears in the other bill. The day of the ballot will be fixed by the writ and the ballot will be taken at a sitting of each House. The times for taking the ballot will be fixed after the writ is issued. I need not explain that further.

Division 4 of this part deals with the duties of the returning officer when he receives the writ. It directs him to take the necessary steps for arranging for the election and preparing the ballot-papers and so on. Division 5 deals with the form of nomination. Hon. members will see in schedule 2 the form in which the nomination is made. Division 6 deals with the arrangements for ballot-papers and the method in which the ballot-papers are to be printed. Division 7 deals with the action of the clerk in taking the ballot. It provides that votes shall be recorded in the Chamber. The ballot-papers will be handed to the members in the Chamber and must be filled in in the Chamber and put in the ballot-box in the Chamber. That will avoid anything in the nature of lobbying or of undue interference with the electors anything in the shape of intimidation. The later provisions in this part deal with the ascertainment of the result of the election—counting the ballot-papers and so on, which I need not deal with in detail. Division 11 deals with disputed elections. There again the Supreme Court has to try any questions that arise.

Mr. SHANNON: What about an extraordinary vacancy?

Mr. BAVIN: Provision is made for that. Division 14 makes special provision for the first election. At the first election four separate ballots have to be taken in order to determine which of the

sixty members elected are to hold their seats for twelve, nine, six and three years respectively. They are to be elected in four separate ballots. Division 14 applies only to the first ballot. After that the ballots will be taken according to the early provisions of this part of the bill which I have described.

The last part of the bill provides that where persons have served in the Legislative Council they shall retain certain privileges they now possess. These privileges are that they shall retain for life the free passes issued under the Government Railways Act, and shall have the privileges of a member of the Legislative Council within the precincts of Parliament House. That is to say they will be entitled to use Parliament House, to have the use of the library, and to have the freedom of the House within the rules laid down by the President and the Speaker.

Mr. SHANNON: Is not that tantamount to a bribe?

Mr. BAVIN: I do not think so. If it is, it would not arouse much opposition from some hon. members; but it is not a bribe in any sense. The fact is that it is a perfectly fair recognition of the services of men who have served the country in the Legislative Council without any reward, many of them for many years past, and I do not think this country would grudge giving the men who have given such voluntary service to the country for many years the privilege of retaining their railway passes for the rest of their lives.

Mr. C. A. KELLY: What is the nature of the pass?

Mr. BAVIN: That is provided for in the Railways Act.

Mr. C. A. KELLY: Is it for all Australia?

Mr. BAVIN: It means a pass for New South Wales. The State Government can provide a pass only for New South Wales. So far as the railways outside the State are concerned that is a matter of arrangement between the various Governments.

Mr. O'SULLIVAN:

Mr. BAVIN: Only present members of the Legislative Council retain those

privileges. I do not think for one moment that the country will grudge allowing the use of those passes to men who have served the country voluntarily without any reward for some years past. I have now outlined the provisions of the measure. The first schedule sets out the bill which is to be submitted to the referendum. The question is to be whether the electors are in favour of that bill or not. The later schedules deal with the form of the writ and the ballot-papers. I would ask hon. members to allow this measure to pass as soon as possible and to deal with any matters they wish to deal with when we reach the Committee stage. This is not an occasion for any general discussion of the measure we have already passed. This bill is only a measure for giving effect to a decision at which this House has already arrived. Therefore, I do not think there is any necessity for occupying much time in discussing it.

Mr. LANG (Auburn) [9.48]: I cannot agree with the Premier that there is not going to be a very considerable waste of public money in connection with the special roll that will be necessary for taking the referendum vote. Everyone knows that the Federal authorities have not got their lists ready yet for the roll on which the next State elections will be held, and the returning officer who is to take the referendum will, I understand, be the same official as controls the State elections. The expense of this referendum must be considerably greater than that of the taking of any previous referendum, such as the liquor referendum. The Premier has told us that he proposes to supply everyone who requires it with a copy of the bill. There will be millions of them wanted. It is cost £250 to supply hon. members with copies of Mr. Maddock's report what will be the cost of furnishing the whole community with copies of this bill? If the people of New South Wales refuse to believe the Premier's announcement as to the acute financial depression of the State—if they refuse to believe there is any truth in the statements made by Ministers of the Crown, from the Premier downward—who is to blame them? Surely no one

could dream of blaming the public for disbelieving every word the Government has uttered when it now sets out to spend at least £70,000 on a proposal such as this. I say it is nothing but a deliberate waste of public money. Not all the arguments the Premier and his supporters can adduce before the public will justify the taking of this referendum on any day before the date of the next general election. Every member of this House is in receipt of constant requests from widowed mothers to prevent a continuance of the infamy that has been perpetrated against them. Widows' pensions have been reduced from £5, £4 and £3 per week down to a miserable 15s. There is not a member of this House who can stand up in his place and say that some widowed mother has not appealed to him to do something to help her out of the difficult position in which this Government has placed her.

Mr. REID: If you are in power after the next election, will you take any action in connection with the Upper House?

Mr. LANG: The hon. member will please let me proceed with my address.

Mr. REID: I want an answer to my question. Will you?

Mr. LANG: The only justification that members of the National and Country parties offer for the course proposed to be taken is that they want to terrorise the people into voting, because if Mr. Lang is returned at the head of the Government the Upper House will be wiped out.

Mr. REID: Will you do it?

Mr. LANG: The hon. member may rest assured that I will do what is right.

Mr. REID: What did you say about the Upper House last session?

Mr. LANG: What did the hon. member say about widows' pensions?

Mr. SPEAKER: Order! I ask the hon. member for Manly not to interject.

Mr. LANG: The hon. member at the last election said: "Are we less imbued with the feelings of humanity than the Labour party? No! These pensions are safe in our hands." Yes, they are safe to the point of pauperisation. The only defence the Government has put up for

the removal of widows' pensions is that the state of the finances necessitated it. Ministers will have to answer the question why they wasted £70,000 on this proposal. We are inundated with inquiries as to why the mothers of families have been deprived of family endowment. Why has that been taken from them? What excuse can any member of this House offer? It can only be that the financial position was so acute, so desperate, that while their hearts bled for the widowed mothers, Ministers were compelled to do this thing; yet they can sit smiling hypocritically while proposing to waste £70,000. Then we have long queues of working men waiting upon hon. members' doorsteps, asking why they are not able to get rations to keep body and soul together. Why is the Government refusing food to families that are on the verge of absolute starvation? Working-men in queues of hundreds and thousands are seeking every day the paltry rations of the Government, and asking why the Government will not supply them with food. The answer all the time is—and from none more readily than the hypocritical Premier—that the Government has not the money to do it. That is the only excuse. The Government says: "We feel for you from our hearts; we understand your position and your difficulties"; but the parrot cry on which they fall back is "The financial position prevents our doing anything, no matter how desirous we are of giving you rations." The financial position does not permit the Government to give people food, but it permits it to waste £70,000.

Mr. BAVIN: That is purely an estimate of the hon. member's own, and is absolutely wrong!

Mr. LANG: £70,000 is a fairly conservative figure, and is less than what the actual cost will be.

Dr. ARTHUR: Make it £100,000. Put it in round figures!

Mr. LANG: Perhaps the hon. member will tell us what he thinks the figure will be. He cannot get away from the fact that a small referendum on the Liquor question cost £52,000. He knows that on that occasion there was no special

roll, and that it was not necessary to print and send around the country a million copies of a bill.

Mr. BAVIN: There will be no special roll in this case!

Mr. LANG: The Liquor Referendum cost £52,000. The Government says that this is a more important referendum than the liquor referendum was. Millions of Acts of Parliament will have to be printed and provision will have to be made for their distribution, yet the Government says the cost of the referendum will not be anything like £70,000. What arrant nonsense and humbug! By taking the difference between £52,000 and £72,000 I am putting the cost of the referendum at a ridiculously low figure. If the Premier likes I will accept the figure of £52,000, and I ask him to justify the waste of £52,000, whilst the Government is taking rations from the unemployed, and even from returned soldiers. The Government has penalised those people, and as for the miners they have taken rations away from them altogether. That is the state to which New South Wales has been brought by this Government which cannot find a penny piece to carry on public works, and which is distressing everybody by putting them on half time.

Mr. J. C. L. FITZPATRICK: So would you if you were in office!

Mr. LANG: If I had been in office the people of New South Wales would never have got into the unfortunate position in which they find themselves to-day. The Government cannot find a penny-piece. All the Government employees are working half time. Every day some new section of the public service or those in Government employ are being put on part time. They are being compelled to lose one week out of every five, because the Government has not the money. Every morning when one picks up the paper one learns that additional men have been thrown out of work. We are told that the Government cannot find a penny-piece to go on with construction work. If we can believe Ministers and the press the Government will cease all construction work, because it cannot get further money.

Mr. ARKINS: That applies to both the Federal and State Governments!

Mr. LANG: Let the hon. member speak for himself. Facts are facts, and it is useless getting wild about them. The hon. member has to admit the truth of what I am saying, because his leader says that he has not a shilling left to jingle on a tombstone. Yet, taking his own figures, he can find £52,000 to waste on a useless referendum. I say that the Government of New South Wales has deliberately brought about this state of affairs. A few moments ago the Premier said that he had a mandate from the people to reform the Legislative Council and to see that it was not abolished. The Premier also gave a pledge that if his party were returned to power the wages of the working man would not be reduced. He also pledged himself that widows' pensions and family endowment would not be interfered with. It is not the pledges he is trying to keep, but the pledges he has broken that he ought to be talking about. He should not be talking about the promises that he is keeping, but about the promises and pledges he has broken, and which he has treated as mere scraps of paper. If hon. members agree to this expenditure the people will say that if Parliament is not an irresponsible body, it is at least a very unnecessary body. The conviction will sink deeper into the public mind that a Parliament which can act as this Parliament is doing is not merely an irresponsible Parliament but a contemptible Parliament, and one that is worse than unnecessary. The cost of the last referendum according to the official figures was £54,962—roughly £55,000. When the apologists for the Government attempt to excuse its actions and to explain to the people the reasons underlying the frightful financial position in which the Country and National parties have placed the State, they will doubtless say, "Certainly Mr. Bavin and his Ministers are very incompetent, but they are a very sincere lot of gentlemen." They will admit the incompetence of Ministers, but will endeavour to exculpate them by crediting

them with sincerity. But in the face of this proposed waste of a huge sum of money, how will they be able to support their argument that Ministers are sincere? How can they excuse them for the wrongs they have done by reason of their financial incompetence upon the plea that they are sincere?

Mr. ARKINS: If this £50,000 is spent upon the referendum, who will get it?

Mr. LANG: It will be a sheer waste of public money in a time of awful depression.

Mr. ARKINS:

Mr. SPEAKER: Order! I must ask the hon. member for Rockdale to refrain from interjecting.

Mr. LANG: In a time of unexampled depression and unprecedented unemployment, the hon. member asks where this £54,000 will go. I say that it will go to waste. It will be spent by people who are talking themselves into hard times. If times are bad, they are making them worse by reason of their talk. It is time that was stopped. They are talking that things are bad, and their talk is making them worse. It is time the Government came to itself, and talked otherwise. If hon. members on the Government benches believe the statement that the Colonial Treasurer put to this House, that on the 30th June next he will be able to produce a surplus on the lines of his Budget speech—if any of them really believe it is possible for him to do that—then it is a farce for them to pass this bill, because this amount of money is not provided in the Budget, and they are upsetting the Budget in one act. If they thought there was a chance of the Budget coming out right, they are cutting out that chance. If they thought that the two-penny half-penny accounts the Colonial Treasurer calls a Budget—taking all the Government services away, and just leaving the taxpayer on the one side and the Government officials on the other—even if that insignificant paltry apology for a Budget had a chance of balancing, and giving the Colonial Treasurer the few thousands of pounds which he said he hoped to get, that chance will have

gone to the winds if hon. members pass this bill. It is clear to any child that if the Colonial Treasurer hoped to have his surplus of £10,000, and this referendum costs the Government £55,000, then he must be £45,000 on the wrong side. The House would be deliberately taking away from this Colonial Treasurer any chance he had of balancing the Budget.

The cost of the referendum is not the only extravagance under this measure. It is admitted that every member who sits in the Legislative Council now will retain his present privileges. He will have his life pass on the railways. He will have that privilege only in relation to the railways of New South Wales, because he will have no rights over the Commonwealth railways and the railways of the other States. Hon. members who were removed from the Queensland Legislative Council and had their gold passes preserved to them found they had to pay their fares when they came into New South Wales. They tried very hard to get me to put that right, but I would not do it. But a pass even over the railway lines of New South Wales is worth, I understand, about £100 a year. That does not include free riding on the tramways, nor the use of other Government services. They may lose their privilege of entering pony racecourses and other racecourses, and the Stadium and other places of amusement, but they will retain other privileges. I do not say that those privileges are worth as much to them as some people outside think they are. I do not think the privileges of hon. members of this House are of any advantage to them at all. The only advantage a member of this House has is his pass; he has no other privilege that I know of. That is going to be superimposed for the big majority of those ninety members, because not too many of those gentlemen are going to get a seat in the new Legislative Council. I do not begrudge this to them, but it appears that in these times of dire financial calamity we can be generous with other people's money, we can inflict this burden upon the taxpayer and it matters nothing.

Hon. members will have to answer for all these extravagances when they go before the people to support this bill, and whilst they tell the people how generous they are at the people's expense they can also explain why they have been so harsh to the poor and the suffering throughout the length and breadth of New South Wales. If the hon. gentlemen of the Legislative Council think that retaining these passes is much good to them, I would ask them to remember that in the sister State of Queensland the Legislative Councillors had exactly the same promise made to them. Let me tell you what took place in Queensland. When the Legislative Council there was abolished, the members of the Legislative Council were permitted to retain privileges which were very similar to those granted in the measure which we are now discussing. But when a Nationalist Government came into power in Queensland what happened? One of its first measures was to introduce a bill depriving all Legislative Councillors who had not been appointed prior to 1915 of the concessions which had been granted to them. That meant that the passes were taken away from practically every Labour member of the Legislative Council in Queensland, and at the same time the anti-Labour members were allowed to retain their passes. Those are the people who talk about spoils to the victors. The Nationalist Country party talk about their political opponents being repudiators. A Labour Government never repudiates, it is the Nationalist Government that always repudiates. The Labour Government in Queensland gave the Legislative Councillors what is promised in this bill, but when the Nationalist Government got in they took the privileges away from the Labour men and kept them for the Nationalists.

Mr. DRUMMOND:

Mr. LANG: I do not mind the Minister for Education saying that the people punished the Labour men who abolished the Legislative Council in Queensland. That is all right; but what the Minister did to this country was to rob the widows. I have estimated the cost of this

referendum at £70,000 and I am confident that I am not over the mark. I am asking the House to reject this measure. I will vote against it. The party will vote against it. I will oppose it throughout the State. Make it a non-party measure or a party measure; do as you will; as a matter of principle we will oppose this measure at every opportunity.

While I do not wish to discuss that aspect of the question further, while I ask hon. members to reject the measure as a matter of principle, before I resume my seat there are one or two details of the bill with which I should like to amuse the House for a few minutes. I ask hon. members to turn to clause 37. It provides that if any person after the issue of a writ for a referendum and before the votes have been taken supplies to an elector any meat, drink or entertainment or horse or carriage hire with a view to influencing his vote that voter may be sent to gaol for one year. No reference is made in this clause to any organisation or person that hires a motor car or a char-a-banc, but there is twelve months' gaol for the man who hires a horse or carriage. You may bring anyone to the poll in two ways without punishment. You may bring him along on the back of a donkey or on the seat of an expensive motor car. There is no doubt about the appropriateness of bringing a Nationalist on the back of a donkey but if a horse vehicle is used the man using it may go to gaol for a year.

Mr. GLASGOW: The clause refers to the supply of horse or carriage hire, which is a different thing altogether!

Mr. LANG: All right; if you get behind a horse and bring a voter, there is twelve months for you.

AN HON. MEMBER: That is a nice way to mislead the people!

Mr. LANG: I have often heard that cheap remark from hon. gentlemen opposite. If that is the way the hon. member for Waverley conducts cases in court—

Mr. GLASGOW: That is cheap stuff!

**Mr. LANG:** It is not as cheap and as impudent as the hon. member's interjection. I will read clause 37 for the edification of the hon. member:

Any person who, after the issue of a writ for a referendum and before the votes have been taken in pursuance thereof, supplies to an elector any meat, drink, or entertainment, or horse or carriage hire—

**Mr. GLASGOW:**

**Mr. SPEAKER:** Order! I ask the hon. member for Waverley to cease interjecting.

**Mr. LANG:** The provision goes on: with a view to influence his vote in connection with the referendum shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred pounds or imprisonment for one year.

If out at my farm I say, "There is the old grey, there is the sulky, and here is a bob to pay for the horse's feed whilst you are in town," I shall be liable to a penalty of £100.

**Mr. J. R. LEE:**

**Mr. LANG:** According to the legal gentlemen on the Government benches it is not in the bill, but there it is.

**Mr. J. R. LEE:**

**Mr. SPEAKER:** Order! I ask the hon. member for Drummoyne not to interject.

**Mr. LANG:** I wish to draw the attention of hon. members on the Government benches to another clause—and I warn them of it because it will be very hard on the National and Country parties. Subclause (1) of clause 41 provides that any person who prints, publishes or distributes any advertisement or document containing matter likely to mislead the electors shall be liable to a penalty not exceeding £100. What hope have hon. members opposite under that provision? I have no hesitation in saying that it will cause infinite annoyance to the National party and to those who work for it. What will the Premier's friends say? They will say, "We cannot do anything. We are beaten because if we cannot mislead the people we cannot get their votes." Then subclause 5 of clause 52 of the bill will be hard upon members of Parliament generally. It provides that if any member

happens to sign three nomination-papers instead of the two allowed, he shall be fined £500. There is no discretion allowed the court in respect of this penalty. If a member of Parliament makes an honest mistake, if he is absent-minded and as a result signs three nomination-papers, he will be fined £500.

**Mr. BAVIN:** The reason of that is that we cannot invalidate the election!

**Mr. LANG:** The Premier will have to find some way out.

**Mr. BAVIN:** If that is a fixed penalty, I am quite agreeable to modify it!

**Mr. LANG:** I tell the Premier that there is no discretion allowed the court in the matter.

**Mr. BAVIN:** I am prepared to give it a discretion!

**Mr. LANG:** Any of us may make a mistake and any person in the community will thereupon be at liberty to sue us. If a member of Parliament has not the money to pay the fine, he will lose his seat because he will be declared bankrupt. It is not the Government who will prosecute for this offence—any person in the community may prosecute. Individuals may come here and get some of us in a weak moment, and persuade us to sign nomination papers. Having caught us unthinkingly, they would take action and get £500. That is a new industry. I say that such a provision should be removed from the bill. A member of either House has only to be tricked into signing more than three nomination papers, and then that member must be found guilty. The court has no discretion; he must be fined £500, and he must pay it to the person who took proceedings.

I only mention these provisions to show how ridiculous the Government looks in this measure. I do not know that any Government ever looked more ridiculous in a measure which it had introduced than this Government does in this bill. I am only picking out just a few of its provisions. But I say, in conclusion, that if there is £75,000 or £50,000, which can be spared, then Parliament should say that the money

ought to be devoted to the purpose from which the Government has taken it; it should be devoted to the widows, to the mothers and the starving children of this State. It should not be deliberately squandered in taking a referendum on the question of the reform of the Upper House.

Debate adjourned.

House adjourned at 10.39 p.m.

## Legislative Assembly.

Thursday, 13 February, 1930.

Printed Questions and Answers—Questions without Notice—Roads: Kearsley Shire (Motion of Urgency)—Marketing of Primary Products Bill (third reading)—Constitution Further Amendment (Referendum) Bill (second reading)—Transport Bill—Special Adjournment—Allocation of Time for Discussion—Adjournment (Labour Bureau and Issue of Rations).

Mr. SPEAKER took the chair.

### PRINTED QUESTION AND ANSWER.

#### SYDNEY HARBOUR TRUST: CONSTITUTION.

Sir THOMAS HENLEY asked the PREMIER,—(1) Is there any truth in the published statement that the president of the Sydney Harbour Trust retires on the 31st instant? (2) Is it also a fact that the other members of the board are due to retire at the end of the year? (3) If so, will he consider extending their period of service for three months, with a view to carrying out the Nationalists' policy of creating an elected harbour board, for which a mandate was obtained by Sir George Fuller? (4) In view of the tremendous importance of a governing body for the port, especially with reference to marine areas facing the port, will he give representation on the board to municipalities whose areas have water-frontages to the harbour? (5) Is there any truth in the rumour that a certain gentleman recently

brought over from Victoria is to have a seat on the new Sydney Harbour Trust? (6) In view of the tremendous importance of this body to the trade of the port and State and the health and comfort of marine suburban areas, will he undertake that nothing shall be done of a permanent character prior to allowing this House a full discussion on the subject, if any departure from the declared policy of the National party is proposed?

*Answer*,—(1) The late president of the Sydney Harbour Trust retired on 31st January, 1930, and a new president was appointed in terms of the Act, as from 1st February, 1930. (2) and (3) The other members of the Trust, viz., Messrs. O'Connor and McKay, were re-appointed as from 1st February, 1930, the latter's reappointment being subject to his retirement on 30th April next. (4) It is not intended at the present time to increase the personnel of the Trust beyond that provided by the Act, viz., three members. (5) No. (6) See reply to Question No. 4. Any alteration in the constitution of the Trust would require to be brought before Parliament by an amending bill.

### QUESTIONS WITHOUT NOTICE.

#### STREET SURFACE DISTURBANCE.

Mr. MARKS: Is the Minister for Local Government aware that certain streets and pavements in the shopping areas of the city are once again being opened up by one or other of the four authorities which have the power to open them? Is the Minister aware that this is causing great annoyance to the citizens and loss of trade to the shopkeepers? If he is aware of these things, will he see if legislation can be introduced on the lines of that in force in the other States, in Great Britain, and in America, so that power to open up the streets shall be vested in one authority only?

Lt.-Colonel BRUXNER: I am not aware of the matters mentioned by the hon. member. As to the passing of legislation to put the whole control of the roadways under one authority I do