

THE POTATO TROUBLE

QUESTION OF A TEST CASE.

A press representative waited on Mr H. A. Nichols, M.L.C., on Monday night, with reference to the Ministerial statement that a test case was not now necessary. Mr Nichols said that he had created a discussion in the House, and had pointed out that, no matter if New South Wales did raise the prohibition, the State should still go on with the test case, as, unless they did so, the other States might at any time, to the advantage of their own farmers and to the disadvantage of ours, repeat the operation. From a constitutional point of view, he had been asked whether this question had been submitted to the inter-State Commission: "Section 69, Federal Constitution, provides that, on a date to be proclaimed by the Governor-General, the Quarantine Department shall be transferred to the Commonwealth." Up to the present, although a bill had passed the Federal Parliament, that proclamation had not been issued, a thing that should have been done long ago. Again, in the Federal Constitution, clause 92, it is provided that trade within the Commonwealth shall be free. Whilst restrictions against the imported into any State of clean produce is possible, this clause of the Constitution is non-effective. Therefore the test case is required, to settle, once and for all, whether the Constitution can be so overridden by State action. If so, then they had no right in the federation at all, and it was of no advantage to us. Again, the case should go on, because, if it was won, Tasmanian growers can legally claim compensation from the other States, and he (Mr Nichols) was now fully in accord with the movement to amend certain clauses of the Potato Act, and when they were dealing with the Act before Parliament, they had been assured by the Minister that unless they had within it clauses for compulsory spraying, and other drastic conditions, the other States would not allow an entry with the potatoes. Since then he (Mr Nichols) had learnt that the question of compulsory spraying was never discussed at that conference, and that the only resolutions adopted were those put forward and proposed by our own Minister of Agriculture; that it was the Minister himself who had proposed to divide the State into districts, quarantine all districts where the disease exists, furnish the other States with a marked map, showing clean and unclean districts,

showing clean and unclean districts, providing for a neutral zone where no potatoes should be grown, also providing that all exports should be accompanied by a certificate, stating that such had not been grown within an infected district, otherwise they would not be accepted by the importing State. Mr Nichols was fully convinced now that the States had no power to carry out in their entirety such drastic measures, and he was strongly of the opinion that this was the reason why New South Wales had agreed that all clean potatoes from Tasmania, certified clean, should be admitted to their ports. He was satisfied that had the delegates (himself and Mr Payne) been listened to, and shown those proposed regulations before they were discussed at the conference, a large amount of the trouble that had since occurred would have been avoided, and, under these circumstances, seeing the muddle that had been brought about, in his opinion, it was up to the Government to now provide every possible way of assisting the farmers in the spraying of their crops, and he was very glad to see that material help in that direction was being given.