missioner for having moved one step forward when he divided the railway system into districts. The great objection I have to the administration of the railways is that the district superintendents have not sufficient power. The department should be divided into distinct sub-departments. At present it is all run as one huge railway department. The Great Southern Railway should be made into one section and placed under the control of a district superintendent, who should be made the superintendent in reality. To-day everything is referred to Perth. I commend the Commissioner for endeavouring to get away from the system which is in vogue. As he has appointed a certain gentleman as assistant, better results may now be expected. It is true there has been a good deal of dissatisfaction shown over the appointment. The Commissioner has to sit in his office in Perth, and when something happened on the railways under the old system he had to hold an inquiry into the whys and wherefores. As everything had to come through the various officers, the information that reached the Commissioner was probably that which suited those who supplied the information. The Commissioner now has his own officer who can make inquries direct and give the Commissioner the facts at first hand. I do not say I agree with all the acts of the Commissioner, but no matter who held the position, taking into account all that has occurred of late, I do not think the present Commissioner could have done better than he has. There should be more decentralisation in connection with the department. The railways should be divided into sections and an officer placed in charge of each. The Commissioner would then be able to compare the running costs of each section, and would probably achieve better results.

Mr. Teesdale: Would that mean further appointments?

Mr. A. THOMSON: The officers are already available, but everything has to be referred to Perth.

Hon. W. C. Angwin: Parliament refused to appoint three Commissioners, and now we have only one.

Mr. A. THOMSON: I am dealing with superintendents. The system should be divided into districts, in the same way that a large store is divided into branches. The Commissioner would receive his returns from each section, and if the running costs were too great on any one section the superintendent of that section could be called to account for it. I think this system would meet with very much better results than we are getting to-day. We are urged not to offer destructive criticism. I commend this suggestion to the Government as being constructive criticism. No one regrets more than I do that the goldfields have not made better progress lately. I would suggest to the Premier that before Parliament closes he should obtain authority ao pull up the Mt. Magnet-Sandstone and the Bullfinch railways, which are not paying, and make use of the rails in some other part of the State. The Government could then provide a motor service to take the small amount of traffic that at present passes over these lines, retaining the present railway beds for the necessary roadways. I regret that there was any heat shown between the Leader of the Opposition and myself. I assure him that I never resent any personal criticism upon myself. I very much regret the incident that occurred. More particularly do I regret that I was the unwitting cause of bringing into the discussion a certain railway official. That must have been unpleasant both for him and, I think I may say, also for the Leader of the Opposition, just as it was for myself.

Progress reported.

House adjourned at 12.43 a.m. (*Friday*).

Legislative Assembly,

Friday, 2nd December, 1921.

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

QUESTION—RAILWAYS, ARBITRATION COURT AGENT.

Hon. P. COLLIER asked the Minister for Railways: What fees are being paid Mr. Poynton, the representative of the Commission of Railways in the Arbitration Court?

The PREMIER (for the Minister for Railways) replied: For preparation of five cases, £105; for attendance at court, £10 10s. per day. These fees are divided between the Government Railways and the Midland Railway Company in the proportion which the working expenses of the Government Railways and the Midland Railway Company bear to each other, approximately 25 to 1.

QUESTION—DRAINAGE AND BORES, NJOOKENBOROO.

Mr. STUBBS (for Capt. Carter) asked the Minister for Works: 1, Will he cause an immediate inquiry to be held into the statement made by me in this House on 30th inst. that —(a) Waters from No. 2 bore, Hector-street, Osborne Park, were discharged for eight weeks before the bore was sealed; (b) Waters from No. 3 bore, King Edward-road, were discharged for a fortnight before the bore was closed; (c)That such waters have added materially to the increase in the water level of Herdsman's Lake and consequently to the disabilities under which the farming community of Njookenbooroo have been forced to labour by the incursion of such water upon their property? 2, Will he allow me, as member for the district, with the Hons. A. J. Saw, J. Duffell, and A. Sanderson, also as representatives of the district concerned, to attend with him upon such inquiry?

The MINISTER FOR WORKS replied: 1, (a) Hector-street bore No. 2: Water was struck on 5th April, and discharged allowed until the 15th April, when it was cased up. From thence to the 6th May casing was continued without discharge of water. Sealing then was started, and the headpiece put on. The bore was finally sealed on the 14th May. The total discharge during the whole period was 7½ millions. (b) King Edward-road bore No. 3: Flow started 3rd September, and continued until the 7th October. It was under complete control the whole time, and the total gauge discharge was three million gallons. (c) No. The hon. member's letter of the 20th October states:—"The annual increase in the rise of the waters for the last four years has been, first year, 1918, 5½ inches; 1919, 6 inches; 1920, 5 inches, and 1921, 8¼ inches, showing, therefore, an increase of over two feet during this period. This, of course, means, as you know, that the water is commensurately later leaving the ground, and earlier in flooding it every year." 2, If the hon. member desires further information, it is open to him to move for the appointment of a special committee.

BILL—HEALTH ACT AMENDMENT.

Report of Committee adopted.

BILL—PERTH HEBREW CONGREGATION LANDS.

Read a third time, and passed.

BILL—CONSTITUTION FURTHER AMENDMENT.

Second Reading.

Debate resumed from the 16th November.

The PREMIER (Hon. Sir James Mitchell —Northam) [4.35]: The Leader of the Opposition was so frank and clear in his exposition of the Bill that little can be added by anyone to what the hon. gentleman said. He has told us that the Bill does not represent all he would like to get, indeed rather less, but that still he regards it as a step on the way towards achieving his desires. It is well understood by hon. members that the household franchise for the Legislative Council is based on a rental of £17 per annum. The votes arrived at by property qualification are not affected by this Bill, which deals merely with the household qualification. The Bill asks us to say that a house need no longer be worth 6s. 6d. per week in order to entitle its occupier to a vote for the Legislative Council. In his second reading speech the Leader of the Opposition made it quite clear that he held the opinion that the occupier of a hessian camp on the goldfields ought to be entitled to vote for the Legislative Council. We have, of course, been accustomed to say that if we are to have a household qualification at all, a weekly rental of 6s. 6d. is not stiff. One could get very little house accommodation in any part of this State for 6s. 6d. per week. From time to time Parliament has reduced the amount of rent necessary to qualify the occupier of a house for a vote for the Council. My personal opinion is that in coming down to £17 per annum we have gone as low as we should. I hope the House will agree with me in that contention. The passing of this Bill will mean that anybody living in any sort of structure that can be called a habitation will have the Council vote.

Mr. Munsie: So long as it is his dwelling house.

The PREMIER: Yes. I do not know that this would actually apply to a tent. The member for Kanowna (Hon. T. Walker) will tell us.

Mr. Underwood: We had better make it apply to a tent.

The PREMIER: It comes pretty close to doing that. Certainly, by putting four poles in the ground and running hessian round them and a roof over them one could, under this Bill, qualify as the occupier of a habitation carrying the Legislative Council franchise. There is to be no question of value: any place used as a habitation would qualify the occupier to vote for the Council. The Upper House is largely regarded as the House of the married man; and Parliament, in fixing a rental of 6s. 6d. per week, thought that no married man could possibly fail to have the right to vote for the Council. In reducing the qualification to that level, it does *seem to me we have gone far enough.* A Bill of this nature, though not an identical Bill, has come before Parliament time and again, year after year. The issue is simple. Is the Assembly willing to support a proposal that every structure of any sort which can be occupied as a dwelling shall confer on the occupier the right to be placed on the Legislative Council roll? If we think 6s. 6d. per week is too high, we shall of course vote for the Bill; and if we think 6s. 6d. per week is

quite little enough, representing as it does the rent of a house, for a Legislative Council qualification, we shall of course vote against the Bill.

Hon. T. Walker: I would like the Premier to say whether he thinks it worth while quibbling about a property qualification which has been reduced to 6s. 6d. per week and which is, therefore, gone.

The PREMIER: I could agree with the hon. member's contention, and still oppose the Bill. I admit that 6s. 6d. per week is a very low amount. But that is just the point: the amount is quite low enough already. If this measure is carried, there will be no question of the value of premises.

Mr. Munsie: What virtue is there in a rental value of 6s. 6d.?

The PREMIER: There is not much virtue in the 6s. 6d., I admit. But as the franchise for the Upper House is fixed on either ownership of property or occupation of a house, we ought at least to stick to a valuation which hon. members opposite admit to be already very low, so low that it would hardly enable a resident of Perth to rent one of those little cottages near the Causeway.

Mr. Munsie: He could get one of those for less than 6s. 6d. per week.

The PREMIER: I do not think he could.

Hon. P. Collier: I want to get a couple of those old chaps in and give them the Council vote.

The PREMIER: The proposals under this Bill will bring them in.

Hon. P. Collier: Why not bring them in? They blazed the track.

The PREMIER: The Leader of the Opposition has made the position easy for me. If we pass this Bill, those houses near the Causeway will be a qualification enabling the occupiers to become Legislative Council electors. Of course it was never intended that the mere fact of occupying a habitation should make one man better qualified than another not occupying a habitation at all to vote for the Legislative Council. However, we have the household qualification, and I think it should remain. Most people will realise that the Federal Senate, which is elected on the popular vote, might almost as well not exist.

Hon. T. Walker: That is not the fault of the franchise, but the fault of the members elected.

The PREMIER: It all depends, I admit, upon the wisdom of the selection. I admit that without, of course, reflecting upon the members of the Upper House at the present time. I think we should stand by the present qualification.

Hon. W. C. Angwin: I always looked upon you as a real out-and-out red ragger.

Member: Only on the wrong side.

The PREMIER: It is possible even for the member for North-East Fremantle (Hon. W. C. Angwin) to be mistaken. I have known him to make a mistake once before during the past 16 years, and this is the second time I have caught him making a mistake. I hope, however, that the House will not agree to this proposal. It must be clear to everyone just what is proposed, and there is no need for any further discussion so far as I am concerned.

Mr. MUNSIE (Hannans) [4.46]: I hope the House will agree to the Bill. The Premier, in the course of his opposition to the measure, has not put up one argument to show why the measure should not be agreed to by hon. members. What virtue is there in the payment of 6s. 6d. a week? The Premier says that a man who has to pay 6s. 6d. a week for rent is entitled to have his name on the roll so that he can exercise the franchise for the Legislative Council.

Mr. Underwood: Suppose he gets on the roll for the Council, what good will it be to him?

Mr. MUNSIE: At any rate, that person will have full citizenship in Western Australia which to-day he is without. There are hundreds of persons who are living with their wives and rearing families in the backblocks, and they are living in houses for which, if they did not own them, they would have to pay more than 6s. 6d. a week for rent. Although those men are doing so much for the country, they cannot get on the roll because they own their own homes. I realise that 6s. 6d. a week is a pretty light qualification, but the unfortunate part of it all is that the men living on the goldfields and in other outback centres, own their homes, humble though they be. The mere fact that 90 per cent. of the people living outback own their own property, debars them from exercising the franchise for the Legislative Council. I think that is wrong. The fact that men are prepared to live and rear families outback should, seeing that they own their own homes, qualify them for full citizenship.

Mr. Heron: They are the pioneers of Western Australia.

Mr. MUNSIE: Certainly. Take the position at the timber mills. Hon. members know that houses are provided for married people by the timber companies, but the rental for the premises has not yet been increased to 6s. 6d. a week. None of those workers is entitled to have his name on the Legislative Council rolls. I do not believe there is one hon. member in this Chamber who is not prepared to grant full citizenship wherever possible. What virtue is there in the £17 qualification more than in a £50 or a £15 qualification? There is, however, a virtue in permitting the man who owns his home to have a vote. The Bill will not affect the metropolitan area. The Premier suggested that the three old men, who live in shacks close to the Causeway, would be entitled to vote under the Bill. I believe they would, and I want to know why they should not be entitled to have some say in the affairs of the country where they have lived for so many years. Those shacks are their homes.

Mr. Corboy: Some of them have given years of service to the country.

Mr. MUNSIE: That is so; one, at any rate, is one of the pioneers of the early goldfields days. Because he is living in a little camp and cannot afford anything better, he cannot have a vote, as the camp in which he lives is not rated at a clear annual value of £17, or, as the Premier put it, 6s. 6d. a week. The Bill only gives a very small margin away. As a matter of fact, it gives nothing away. It is only doing justice to the citizens of Western Australia, to people who go out and make homes for themselves in the bush. They should receive some consideration, and at least they should have the right to full citizenship.

Mr. UNDERWOOD (Pilbara) [4.53]: I intend to support the Bill. I have held the opinion for many years and have not altered it yet, that the two Houses of Parliament are unnecessary. The reduction of the qualification for the Legislative Council elector is not getting very much nearer to what I want to see achieved, namely, the abolition of the Upper House. To my mind, the most useless expenditure in Australia at the present time is that incurred in connection with the Senate of the Federal Parliament. Seeing that the people require or rather desire to have two Houses, we should undoubtedly allow any reputable citizen to have a vote for the election of members to both Houses. The timber worker is a useful and desirable citizen, but because the house he lives in does not cost him a certain amount of money per week, he is not allowed to have a vote. That does not seem to be reasonable. I would not put the qualification down at 6s. 6d. a week, but would make it apply to the person who owns or occupies a house. When hon. members get into my back country, I think they will agree that the man who can reasonably erect a mosquito net should be entitled to a vote. There is no reason why he should not have the vote.

Mr. Corboy: We tax him, so why not give him a vote?

Mr. UNDERWOOD: That is quite correct. I trust the House will agree to the Bill.

Mr. O'LOGHLEN (Forrest) [4.55]: I did not think it necessary to offer any comments on a measure of this description. I thought the Premier would have been the first to give his support to the Bill. I am disappointed at the attitude adopted by him. Hon. members will recollect that when a somewhat similar Bill was introduced last session, it contained two provisions which proved fatal. Of those provisions, the effect of one would have been to wipe off some of those who were entitled to vote. It took away the right to the dual vote where a farmer and his sons, for the purpose of concentration, lived on the one homestead.

Mr. Johnston: It took away the vote from the sons of the farmers altogether.

Mr. O'LOGHLEN: That is so. The property vote applied to between 2,000 and 3,000 individuals who would have been deprived of the franchise had that Bill been agreed to. That feature is lacking in the present measure. The Bill, in fact, proposes to strengthen the position of the Legislative Council. In that it does do that, I do not know that it is a good one. The Parliamentary system, embracing as it does the two Chambers, is one that could be debated for hours. I do not intend to adopt that course, because I am anxious to assist the Premier to finish up the session. If the measure is passed by this Chamber, I think the majority in the Legislative Council will be sufficient to carry it through that Chamber as well. Take the three members who represent the portion of the State where my electorate is situated. On a former occasion, those three members opposed the Constitution Act Amendment Bill. I am led to believe that on this occasion they will vote in support of the Bill, because they recognise the injustice of their claim to represent the people of that part of the State, when only a small fraction have the right to vote for the Legislative Council. I went into the figures recently, and out of 3,100 electors on the roll for the Forrest constituency, only 48 were entitled to vote for the Upper House. Of that number, 36 had the necessary qualifications by virtue of the fact that they held property in the suburban areas. If a vote were taken there to-morrow, there would not be 25 voters able to record their votes in the Legislative Council poll. In the timber areas, the provision of houses is part of the conditions of employment. The employer provides the houses to encourage men to stay there and make their homes at the mills. In consequence, the rent does not exceed 5s. a week, and those people are debarred from exercising the franchise for the Upper House. I put it to the Premier and claim his support. Jarrahdale is one of the oldest places established in connection with the timber industry, and for over 32 years operations in connection with the timber industry have continued at that centre. Many of the workers there own their own homes. There are 16 families there. They were born in the district and have reared families. Each has lost a son at the war. Neither the parents nor their sons are entitled to a vote for the Legislative Council. Those people are rooted in Western Australia. They cannot leave the State; they have not the financial means to enable them to do so. There can be no logical argument why people of that type should not be entitled to exercise the franchise for the Upper House. There is no logical argument why they should not be enrolled, and thus give them some active participation in the affairs of their country.

Mr. Underwood: I am afraid they have been there too long.

Mr. O'LOGHLEN: But they are unable to leave that locality. Very shortly the Premier will be appealing to all sections of the

community to rally round him in defence of State rights. He will ask the people to look askance on the proposals of the Federal authorities. He will seek to increase the popularity of these State Parliamentary institutions to which we belong, and he will seek the active co-operation of the people of Western Australia in putting up an effective bar to Federal desires. If we debar a great number of our people from participating in the right to say who shall represent them in the Legislative Council, what enthusiasm can we expect them to show in the fight against the Federal Government. Go among these people as I have done, and hon. members will find that they will say: "It is all very well for your Premier to ask us to put up a fight against the Federal Parliament. We have a vote for both the Federal House of Representatives and the Federal Senate; for one day in every third year, we rule."

The Premier: For that one day they rule, and then they are disfranchised.

Mr. O'LOGHLEN: On that one day, they have equal power with the shepherd kings of Australia; with the men who own their motor cars and hold large station properties. These men with great interests have, on that one day, no more power than the man in a humble way, working in the bush. That power is given under the democratic Federal Constitution. If the Premier is to put up a fight for State rights, and asks the people to follow him, how can he expect them to do so if at the same time they are asked to support a dead Chamber that refuses to give so many of our people the franchise for the Upper House. The present circumstances appeal for a live institution, that will listen to grievances and make known the wants of the people. I can safely say that during the last 15 years on only one occasion has a member of the Upper House visited my electorate.

Mr. A. Thomson: Get a Country Party man, and he will visit it.

Mr. O'LOGHLEN: They cannot get a Country Party man or any other man while they have no votes. Members of the Upper House look on those electors as so many sheep, since they are voteless. I ask the Premier can he justify the withholding of the franchise from those people who have been down there for the last 30 years and proved their bona fides in a thousand different ways? I am astounded that the Premier should have urged the House to reject the Bill. If the Bill be rejected I hope the Premier will not go looking for the support of people outside the ranks of his own party in trying to get a better deal for Western Australia as against the Federal Government. Those people down there will have the same distrust of the Premier's proposals as he has of them, if he continues to refuse to give them a vote for the Upper House. If the Premier is not prepared to grant them that concession, I for one will not have any enthusiasm in supporting him in the putting up of a proposition against the Federal Parliament which sprang from the people, which came into existence by the votes of the common people and which can live only by those people's votes. While 156,000 electors are qualified to vote for this House, there are out 46,000 qualified to vote for the Council. It stands out as plain as a mountain peak that the duty of both Houses is to say they will make articulate the aspirations of the people in another Chamber. If they do not do that, it will be bad for Western Australia. It will show the great bulk of the people that we do not trust them, and it will show my constituents in particular that all we expect them to do is to keep on paying the taxation piled on them from a thousand directions. Those people, sometimes described as nomadic, are paying today some six and a half millions per annum duty on drink and tobacco alone, and are paying through every other avenue of taxation. Yet we say they are not worthy of a vote! Those men have distinguished themselves in the fields of production. The Minister for Works will confess that his department has had exceptionally good results from them. Yet if Colonel Murray who, during the war, achieved a distinction equalled by only one man in the British Army, were to return to-morrow to Holyoake, whence he enlisted, he would be told he was not entitled to a vote to the Upper House. All the men who went from that district to the war are told impliedly that they are not worthy of a vote for the Council. After all, there is nothing in the Bill; it goes only a foot where it ought to be going half a mile. Still, it is an attempt to demonstrate that we are sincere in our talk about Parliament being a living instrument, devised to give effect to the peoples' will. If the Premier's advice is accepted, and this House rejects the Bill, I hope that when the Premier appeals for a whole-hearted, full-throated approval of his policy as against the Federal Government, the people of Western Australia, those who are debarred from representation in the Council, denied the vote because they are not deemed worthy of it, will give the Premier similar treatment and tell him that he is unworthy of their support since he will not trust them. I hope that any Parliamentarian, of whatsoever party who may vote against the Bill will meet, when he goes to those people with a claim, the reception he will deserve.

Hon. T. WALKER (Kanowna) [5.5]: I, with others who have spoken, am of opinion that the measure is very mild, does not take us very far, accomplishes very little. But it is an indication of the trend of events, and I am going to ask the Premier what justification can he have for seeking to maintain at all a £17 qualification for the franchise. Why is there a distinction in the franchise at all?

What is the object of it? Is it not an inheritance from the feudal ages? We know how the commons had to fight for the right to live in the legislature at all, that originally the rulers were the feudal lords. To this day there is a House of Lords in England. But, so long ago as Cromwell's time, he declared that the House of Lords was useless and dangerous and ought to be abolished.

The Minister for Works: But he revised his opinion later.

Hon. T. WALKER: Yes, he did appoint a second House, it is true, but he abolished that also. Will the Minister for Works allow me to make this comment, that during the period when there was but one Chamber in the Commonwealth of England, more useful and progressive legislation was introduced than was known before or, I was almost going to say, since. There have been only expansion and development since those times. The great measures protecting British liberty originated in that single-chamber legislature. Of course now, if we look back through the statute-book, they are put down to the reign of Charles II.; because in the supposition of law there was no interregnum, no single-chamber legislature; Charles II. was, in theory, ruling all the time. But those are the facts. What justification can there be for copying that old system of lords and commons? We have copied it in all British legislatures. And now who are our lords, those who take the place of the feudal lords to create an Upper Chamber—who are they? They are supposed to be men of money and substance. That is supposed to be a House where those who sit in it are as near to lords as they can be got in this distant part of the world, men with large banking accounts, broad acres, flocks and herds. They are supposed to be something superior, and therefore they are each and all of them "Honourable," as distinguished from the ordinary commons. They are not Lords So and So, but all are distinctly "Honourable" when they get there. Have you not, Mr. Speaker, in this State of ours, met men with broad acres and big banking accounts who cannot even write their own names? There are many here who have had the luck of things in the early times, with slaves to work for them, and have amassed large fortunes. But they are infinitely inferior to the young man who has gone through our State system of education and had his mind expanded and his intellect developed. Yet those men who cannot write are capable of sitting in another Chamber over and above those of developed intellect and well stored mind. Each one there, inside the House and outside is "Honourable," because he represents money. Money has taken the place of blood. It was blue blood once in England; now it is yellow cash. There is the change that is supposed to give some distinctive qualification to rule. While it does this, £17 is not enough to give it pre-eminence, 6s. a week is not enough to give it an ascendance. It is a farce to keep that barrier there—6s. 6d. to vote for a lord!

Mr. McCallum: And 6s. 8d. for a lawyer.

Hon. T. WALKER: It is nonsense to pu that barrier up. I would not so much object bu for this: We have had more party bitterne over the elections for the Upper House tha we have had almost over any other subjec debated in this Chamber. We stand in im minent danger. If the State is to be protecte it must be protected by the people of th State, not by a section thereof. We must en list all the sympathy of the people of th State, all the patriotism for the State, in broad phalanx to resist all the aggressio of the Federal Government, who are seekin to make this State a mere subservient tribu tory to the finances of the Commonwealth. W cannot do this while we maintain this mone tary distinction in the franchise. We canno say that 7s. a week gives intellect, that if man is able to hire a house at 7s. a week i stamps him as an intellectual capable of po litical discernment and judgment.

The Premier: He is a superior man if h has a wife.

Hon. T. WALKER: True, although we fin some very superior men without wives, as fo instance the late Lord Kitchener. But I wil say this, too, that a man is not developed his manhood is not ripened, until h has been in the embrace of love an has tasted the sweets of parentage. H has not developed all the notes of th octave of manhood. But we are depriving these people of their right to exercise the franchise for their representatives. We say that unless they are paying 7s. a week—the absurdest distinction intellectual men could ever impose—they shall not have a vote fo a House which stands as a menace against the will of the people. Let there be no mistake about this; this House is emasculated when the other Chamber likes to act. We cannot get over their resistance to the peo ple's wishes expressed through the legisla tion of this body, and is it not absurd tha we allow every adult to vote for representa tives in this Chamber, which is supposed t be the governing Chamber, which appoints the Executive to carry out all the function and attributes of government, which take the people's money and spends the people' money, we allow, I say, every adult attaining the age of 18 or 21 to vote for this import ant Chamber, the virile Chamber, the Cham ber of initiation, the Chamber of real work but for the House that sits as a menace much like a cat sits over a mouse, we allow the right to vote only to a man who can afford to pay and who actually does pay 7s a week for a house. It is absurd. What is there in the constitution of that Chamber that makes it so immensely superior that only money can vote for and elect its mem bers? Are we a democracy when we permit this anomaly to exist? We fought in the war for the rights of people, not for classes we fought so that all men might feel the full distinction and dignity of manhood. Yet here we have the anomaly, the old anomaly that comes through the dark vistas of by-

gone feudal centuries, and we are proud of it; and the phenomenon exists that our Premier—a liberal-minded Premier too, I say that of him—actually is defending this old, effete anachronism, an anomaly which will be regarded in the museum of future generations as an evidence of the barbarism and savagery of the people of the twentieth century. That is what we have in this Chamber to-night. There is no object in it. If another place is to be a property House, make it a property House, no one to vote unless he is independent of the receipt of perquisites from any source in the State; let him have enough to live on and be independent. Let it be like the old Council of Carthage, the council of the rich: it comes from that period like the old Roman conscript fathers, those who were supposed to be something above and beyond the worker, the toiler and the slave. As time has rolled on, all those distinctions have vanished, and here we are supposed to treat every man as being possessed of all the political privileges that our Constitution can bestow upon him. Yet we retain this old procedure. We ought to go further and abolish all distinctions if we are to have two Houses. I do not see the necessity for an Upper House. There may be some necessity for it in the Commonwealth system of government because the States, being in partnership, should have a Senate distinctly representative of the interests of the State. That was the object of the Senate, but that has not been the experience, due to the fact that we have been running party mad ever since the Commonwealth was inaugurated. We have forgotten the State and gone in for party politics alone, and it does not matter whether the man representing us in that Chamber has been rich or poor, he has forgotten his State; he has been psychologised or hypnotised by Melbourne and Sydney influence and consequently the States have lost their representation. That is the argument for the democratising of the franchise. We have adult suffrage for the Commonwealth Parliament and, if we can have it for the big government of Australia, surely we can have it here. I agree with the member for Pilbara (Mr. Underwood) that what we should aim at and ask for is to make one Chamber do the work. I am at a loss to know what advantage a second Chamber is in any State. It only hinders and prevents the passing of progressive legislation; it necessitates the work being done twice over instead of once. Consequently, it is a disadvantage rather than an advantage. But this ideal is too far ahead. Meanwhile let us get rid of this absurd distinction and do a little towards the democratising of the other Chamber. It is a very small step in advance which this Bill seems to take, but we can take it surely conscientiously.

Mr. MANN (Perth) [5.22]: In order to define my position, I intend to support the Bill. I do so for several reasons. Firstly, I think that the Bill before the House makes more definite and clear the previous qualification, that if a person was rated at £17 a year he was entitled to a vote. If a person has dwelling house wherein he lives for a year, he is entitled to a vote, and if a person is living in a dwelling house in comfort, surely that is worth at least 1s. per day or night, which would bring him within the qualification set out in this measure. The position on the goldfields, to which this provision will largely apply, is that there are not sufficient dwellings for the people, except dwellings of a kind, but in these people have to live. There are people who, to my knowledge, have occupied these poor homes for upwards of 20 years; they have taken an interest in the welfare of the country, even though their habitation was so humble. When the war was on, the greatest number of enlistments came from the goldfields. That fact is beyond dispute. When the war loans were offered, the greatest contributions in proportion to population came from the goldfields. I have never known the people of the goldfields to exhibit other than the deepest interest in, and loyalty to, their country and Empire. Therefore these people, though dwelling in humble habitations, are entitled to have their opinions voiced in the framing of laws in the Upper House. For these reasons I support the Bill.

Hon. W. C. ANGWIN (North-East Fremantle) [5.25]: I support the Bill. I was very much surprised to find that anyone should oppose this measure. Of all members in this Chamber, I should have thought that the Premier, from his expressions in the past, would have been the first one to raise his voice in favour of the Bill. I wish to warn members that there is a very serious attempt being made throughout Australia to-day to wipe out State sovereignty. One way in which that movement can be defeated is to show that we are placing in the hands of those whom I may describe as the workers of this State a share in the government of the State. If we take action which tends to debar some persons from the right of full citizenship for the State, we shall be driving them to exercise the votes they now possess under the Federal Constitution in such a way that they will secure the rights of full citizenship in the Parliament that controls Australia as a whole. When a vote for the amendment of the Constitution is taken, we will be forcing thousands of people, who favour equal citizenship, to vote in a manner that will deprive the State of the rights and powers it at present enjoys. One of the greatest objections I have heard against the State system is that it does not make for equality of right, whereas it is claimed that there is this equality under the Federal Constitution. There is no doubt that we are all placed on an equal footing as regards our citizenship of the Commonwealth. On many occasions people have pointed out to me that, if there was ever presented an opportunity to alter the Constitution in order that the State rights

might be handed over to the Commonwealth, they would cast their vote in favour of the proposal, because the State will not give the same equal rights of citizenship as the Commonwealth give. This being so, and remembering the opinions expressed by the Premier in this Chamber and outside of it, I thought he would have been one to exert every effort to obtain support for this Bill, even if he did not go further, in order that this State might remain the State of Western Australia.

The Premier: The Council is the House of the married man.

Hon. W. C. ANGWIN: It has been stated that a person who hold a house at a rental of 6s. 6d. a week is entitled to a vote for another place. I do not know of any part of Western Australia where this applies. It certainly does not apply to the goldfields and it certainly does not apply in the metropolitan area. It does not apply to any part where there is any population, because the amount is nearer to 8s. than 6s. 6d. per week. It has been ruled that the annual value is the value to be taken after the payment of all rates and taxes.

The Premier: That has been altered.

Hon. W. C. ANGWIN: It has not been altered, not even since those disgraceful proceedings a couple of years ago, when many people were debarred from exercising their right to vote at the Council elections. The Act has never been amended since. As a result of the wording of the Act, there is considerable difference of opinion amongst lawyers as to who is qualified to vote for the Legislative Council. One will say the qualification is based on the ratable value and another on the annual value. People have been struck off the roll on the goldfields because the road board secretary held that the value of the property was so much, and that he had it so entered in his rate book. That has been admitted as evidence in the court to prove that the value of the property was based only on the amount of rates paid. Members of this Chamber know that the annual value of property is somewhere about 40 per cent. higher than the ratable value of property.

The Premier: Surely you are wrong!

Hon. W. C. ANGWIN: That was settled in the court at Kalgoorlie. If my memory serves me rightly, this was admitted as the basis on the evidence of the secretary of the road board and his rate book. To get at the annual ratable value there has to be deducted about 40 per cent. from the annual rental value.

Mr. Johnston: It is 20 per cent. under the Roads Act.

Hon. W. C. ANGWIN: No. Twenty per cent. is allowed under the Municipalities Act for all outgoings apart from rates and taxes.

Mr. Sampson: These are outgoings.

Hon. W. C. ANGWIN: No; they have to be deducted in addition. It always has been 33⅓ ever since the Act was passed, but when the Federal and State taxes came in, the amount was altered. The 20 per cent. is for insurance, repairs, etc., and not rates and taxes. That is the case under the Local Government Act.

The Premier: I think you are wrong.

Hon. W. C. ANGWIN: I am not wrong in this case. The present legislation debars more people than is generally understood. We have always been under the impression that the person who pays 7s. or 8s. a week is entitled to a vote for the Legislative Council. If I mistake not, last time I made up the figures it was 7s. 9d. in East Fremantle before a person was allowed to go upon the roll. At that time we were paying a lower rate than many other local authorities. In the Fremantle district, the rates have now gone up and the position has again been altered. To-day I think that no person paying less than 8s. would be allowed to vote. I should certainly like to place the whole of our people in the same position, whether for the Federal or State elections.

Mr. McCALLUM (South Fremantle) [5.35]: The Premier says that the Upper House is largely for married men.

The Premier: For married and thrifty men.

Mr. McCALLUM: Although I am considered good enough to sit in this Chamber, and have been a married man for a number of years, I am not considered sufficiently intellectual to have a vote for the Legislative Council.

The Premier: They made a mistake.

Mr. McCALLUM: That is the rottenness of the principle.

Mr. Johnston: You are a householder, are you not, and have a vote?

Mr. McCALLUM: No, I am a boarder and pay no rent, only lodging. I own no property and have no vote for the Legislative Council. I had a peculiar experience in Fremantle. One of the original prospectors of the Gwalia mine, who was probably responsible for bringing a million of money into the State, while in the back country lost his money. While hunting round for some new find he was not considered a good enough citizen to have a vote for the Upper House. He came to the seaside for a spell. I was paying rent for a cottage, which he took over. I went into lodgings, and he went into the cottage. I shed my mental capacity to vote for the Upper House while he assumed it by taking possession of the cottage.

Hon. P. Collier: It was the cottage then that had the vote.

Mr. McCALLUM: Yes, that is the standard by which the intellectuality of citizens is adjusted. Is that the right basis upon which Parliament should be elected? This prospector had done yeoman service in the country, and while in the back blocks he had no vote. When he came to the

coast and took possession of the cottage, he was given a vote, and when I left the cottage my vote was taken away. If while I was in the cottage I was entitled to vote for the Upper House surely when I left it I was equally entitled to have the vote. The Premier should remember the trouble which occurred in connection with the Legislative Council elections two years ago, when the then Attorney General adopted an attitude that was not in keeping with a man in his position, and threatened to take certain action against citizens of the State who might go to the poll, with the result that many hundreds of men stayed away. The ambiguity of the existing franchise has caused untold trouble in the back country. This new proposal will only make the position clear, and give those people a right to vote. I see no logical argument against it.

Mr. JOHNSTON (Williams-Narrogin) [5.39]: This is a better Bill than the one the Leader of the Opposition brought forward last session. The latter measure proposed to take away the franchise from a large number of people who had it under the existing law, but who were not householders. Farmers' sons, for instance, who had well developed farms of their own, but who lived under the parental roof, would have had their existing rights to the franchise taken away from them because they were not householders. This Bill merely provides that every householder shall have the franchise for the Upper House. It does not interfere with the existing qualifications. In view of the Premier's statement that the Legislative Council is a Chamber for married men, I fail to see why he should not accord his approval to this measure, in order that every householder, even if the house is not worth 6s. 6d. a week, shall have the franchise. That is the point that appeals to me. The member for Forrest (Mr. O'Loghlen) is quite right in saying that the measure will strengthen the Upper House in the eyes of the people of the State. The franchise for the Legislative Council is largely a geographical one. If a man has a fine brick house in Coolgardie it is worth only 2s. 6d. a week on the rental value.

Mr. Lambert: You are getting more than that for one of your buildings.

Mr. JOHNSTON: If the property were situated in Bruce Rock it would be worth probably 25s. a week. Consequently, while living in a residence in Coolgardie a man would be deprived of his vote, if the same building were situated in one of the progressive centres East of Narrogin he would have his vote. That does not appear to me to be a fair thing.

Mr. Lambert: That is the latest place at which you have acquired property.

Mr. JOHNSTON: I wish the manganese magnate would keep quiet. Whether a person gets a vote at present or not largely depends on the nature of his title to his property. If a man owns a house on a leasehold block or on a homestead farm, and there are many leasehold blocks in the new towns that are springing up, he often cannot get a vote, whereas if the same building were on freehold land, he would be given a vote. The existing franchise is anomalous and we do not know where we are under it. The electoral officers have admitted that in the courts. Consequently, I think the household franchise is a fair and reasonable qualification to entitle a person to vote for the Legislative Council. When I remember that several householders voted to assist me in getting to this Chamber, and when I remember the great respect and appreciation I have for the judgment and wisdom they have shown in the matter, so far as my own electorate is concerned, I am not prepared to say that a considerable section of my electors are not fit to enjoy the franchise in connection with the Upper House. The calibre of the Upper House may be improved as the result of these people having the franchise. Inasmuch as they have shown their talents, and, in the words of the biblical parable, they have used their talents wisely, in exercising the franchise for this House so far as the Williams-Narrogin electorate is concerned, I do not think we are likely to suffer if we accord to them the franchise for the Upper House. I am not prepared to say that the large number of my electors who are married men and are householders, as well as good and thrifty citizens, many of them owning small houses of their own, shall not have the franchise for the Upper House. I welcome the opportunity of extending the franchise to those very deserving electors.

Mr. LAMBERT (Coolgardie) [5.43]: It will be apparent to members of this Chamber, and I hope to members of another place, that if there is anything endangering our sovereign rights in Western Australia it is the undemocratic nature of the Legislative Council. Unless in that House they are prepared to come more into step with democratic ideals they will find that the people of this State and of the other States will be driven to the unpardonable system of unification, which may do this State a lot of harm. If the Federal Convention is held shortly, and proposals for altering the Federal Constitution come before the people of this State, they will vote for them, no matter what they may be. There is a big proportion of electors in Western Australia who will vote for Constitutional reform, unless the Legislative Council are prepared to make their Chamber more democratic and in keeping with modern thought. I feel certain that the measure will pass this Assembly. I only hope members of the Legislative Council will recognise the fact that now is probably the only opportunity they will have of preserving the sovereign rights of this State. If they once, by their stupid, pig-headed attitude towards progressive Constitutional reform, show their disinclination

to move, they will find that the sovereign rights of the State will be voted away at the next opportunity the electors get. If for no other reason, I hope some regard will be shown in another place for the interests of Western Australia. Those interests can be preserved only by the preservation of our autonomy, our self-government.

Mr. McCallum Smith: Are you in favour of preserving the Legislative Council?

Mr. LAMBERT: I am in favour of remedying the defects in the Legislative Council franchise. I trust that members of the Council will view the present vital issue from the point of view of the State, and not from the point of view of a few landholders. Otherwise, if after the forthcoming Federal Convention constitutional amendments are submitted to the people of Western Australia, our people will vote this State into a system of unification that will probably prove a system of bondage for ever.

The SPEAKER: Under Section 73 of the Constitution Act it will be necessary for an absolute majority of the House, that is to say 26 members, to vote in favour of this Bill on the second and third readings.

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

Ayes	31
Noes	10
Majority for ..	21

AYES.

Mr. Angwin	Mr. Marshall
Mr. Carter	Mr. McCallum
Mr. Clydesdale	Mr. Munsie
Mr. Collier	Mr. O'Loghlen
Mr. Corboy	Mr. Richardson
Mrs. Cowan	Mr. Sampson
Mr. Davies	Mr. Simons
Mr. Durack	Mr. J. M. Smith
Mr. Gibson	Mr. Teesdale
Mr. Heron	Mr. J. Thomson
Mr. Hickmott	Mr. Underwood
Mr. Johnston	Mr. Walker
Mr. Lambert	Mr. Willcock
Mr. Lutey	Mr. Wilson
Mr. C. C. Maley	Mr. Mullany
Mr. Mann	*(Teller.)*

NOES.

Mr. Broun	Mr. Piesse
Mr. George	Mr. Stubbs
Mr. Harrison	Mr. A. Thomson
Mr. Latham	Mr. Angelo
Mr. H. K. Maley	*(Teller.)*
Sir James Mitchell	

Question thus passed.

Bill read a second time.

In Committee.

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

BILL—ARCHITECTS.

In Committee.

Resumed from the 8th November; Mr. Stubbs in the Chair, the Minister for Works (for the Premier) in charge of the Bill.

Clause 16—Registration by the board:

[An amendment had been moved by Mr. Pickering that in Subclause 1, paragraph (c), line 3, the word "and" be struck out.]

Amendment put and negatived.

The MINISTER FOR WORKS: On referring to the Notice Paper, hon. members will find a number of amendments placed there by myself. If I may be permitted, I should like to say, before speaking on this clause, that Clauses 11 and 13, which the Committee would not agree to and which were postponed, have been carefully considered by myself in consultation with the committee of architects. As a result it has been agreed that the best course will be to delete those two clauses. I myself did not like them, and now that they are gone I think we can make the Bill into a workable measure. I move an amendment—

> That in Clause 16, Subclause 1, paragraph (c), the words, "and has had such practical experience either in building or architecture as, in the opinion of the board, will fit him to be a registered architect, and who makes application for registration within five years after the commencement of this Act" be struck out, and the following inserted in lieu: "and has passed the examination set by the board."

The carrying of the amendment will mean that the applicant for registration must have gone through a course of study and must pass the board's examination.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

> That in paragraph (d) of Subclause 1, "in Western Australia" be struck out, and "for not less than three years" be inserted in lieu.

The amendment will mean that anyone who desires to pass the examination prescribed by the board shall be required to show that he has been indentured or articled to some practising architect for a period of three years. It is not too much to ask that he shall be indentured for that period. I may say that I have been through the whole of these amendments with the member for Sussex (Mr. Pickering) and he is satisfied with them. Had he been present, I think he would have indicated that the amendments I am about to propose are in accordance with his desires.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

> That in line 6, the words "at the" be struck out, and "in a" be inserted in lieu

The effect of the amendment, together with others I shall move in the same clause, will have the effect of providing that if a person has been a student in architecture at a university or at any school for technical education in the Eastern States, or in any other part of the world, and has been indentured for three years, as we have already agreed to, he may sit for the examination. The applicant will, of course, have to prove his bona fides and show that he is qualified under the headings I have mentioned.

Amendment put and passed.

On motion by Minister for Works the following amendments were agreed to—

In lines 6 and 7, strike out "of Western Australia"; in lines 8 and 9 strike out "within the meaning of the Education Acts in Western Australia."

The MINISTER FOR WORKS: I move an amendment—

That in line 15 after "statute," the following words be inserted : "and who shall be certified by a qualified architect occupying the position of chief officer of such department, municipality, or corporation to have undergone such a training and completed such a course of study as may be considered needful in accordance with the rules and regulations of the Board."

The purpose of the amendment is to enable cadets at the Public Works and other Government departments to have a chance to rely upon their experience gained in those departments, to benefit from that experience in relation to the Bill.

Amendment put and passed.

On motion by Minister for Works the following amendments were agreed to—

After "Act" in line 20, the words "and has passed the examination set by the board" be inserted; after "architect" in line 24, paragraph (e), the words "and makes application for registration within 12 months of the commencement of this Act" be struck out.

Clause, as amended, put and passed.

Clause 17—Application for registration:

The MINISTER FOR WORKS: I move an amendment—

That in line 5 of Subclause 4 "five" be struck out and "two" inserted in lieu, and in line 6 the word "five" be struck out and "two" inserted in lieu

The effect of the amendment will be that each application will be accompanied by a registration fee of £2 2s. instead of £5 5s.

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

Clauses 18 and 19—agreed to.

Clause 20—Subscription fees:

Mr. JOHNSTON. There is a proviso attached to Subclause 1 which sets out that any registered architect who has ceased to practice, may, with the approval of the Board, remain on the register without liability to pay the subscription fees and so on. Will that provision give the Board the power to withhold permission to allow such registered architect to remain on the register without liability to pay the subscription? If such is the case I think the words "with the approval of the board" should be struck out.

The Minister for Works: That is the intention.

Mr. JOHNSTON: The registered architect who has ceased to practice should have the right to remain on the register without being liable for the payment of subscriptions. The board should not have the right to refuse approval to such a provision. I move an amendment—

That in line 8 of Subclause 1, the words "with the approval of the board" be struck out.

The MINISTER FOR WORKS: The hon. member has not advanced any reason in support of the amendment. There may be circumstances where an architect, who is registered, has done something which does not entitle him to the respect of the profession. In such a case, the board should have the right to say that he should not remain registered. The board should have power to deal with matters of that sort.

Amendment put and negatived.

The MINISTER FOR WORKS: I move an amendment—

That in line 2 of Subclause 2 "six" be struck out and the word "twelve" inserted in lieu.

The effect of the amendment will be to give an architect who may be in arrears with his annual subscription 12 months within which to make good his position, instead of six months as provided in the subclause at present.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That a subclause, to stand as Subclause 4, be inserted as follows: "Any architect to whom Subsections 2 and 3 may apply, may make representations to the Board with the object of obtaining remission of fees in arrear, and the Board may, if it should think fit, remit such fees in whole or in part."

The subclause is inserted so as to give a person who may be temporarily impecunious an opportunity to recover his position.

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

Sitting suspended from 6.15 to 7.30 p.m.

Clause 21—Register may be altered to insert new or additional qualifications:

Hon. W. C. ANGWIN: It is provided that if a registered architect should obtain any degree or qualification other than that in respect of which he is registered, he shall be entitled on payment of the prescribed fee to have such other degree or qualification inserted in the register. The fee ought to be fixed. I move an amendment—

That in line 3 "prescribed" be struck out, and after "fee" in the same line "ten shillings" be inserted.

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

Clause 22—agreed to.

Clause 23—Suspension or removal from register:

Mr. JOHNSTON: It is provided that certain practices on the part of an architect shall be prohibited and punishable. Among the offences is "unprofessional conduct." What does that mean? We have had in the Eastern States the example of a doctor who, in a court of law, gave evidence clearly and in accordance with his honest belief on a question of lunacy. For that he has since been expelled from the professional association to which he belonged. In view of this, we are entitled to know what "unprofessional conduct" means.

The MINISTER FOR WORKS: To fully explain the words would open up a very big question.

Mr. Underwood: Well, why not?

The MINISTER FOR WORKS: I do not think there is any necessity for it. The clause provides that certain acts are prohibited and shall be deemed misconduct. Suppose an architect went touting around for business, or charged an exorbitant fee, I should say he was guilty of unprofessional conduct. I do not object to the hon. member striking out the provision.

Hon. P. COLLIER: I am not surprised at the inability of the Minister to enlighten us as to what is meant by "unprofessional conduct." The Minister does not know, neither does any member of the Committee. "Unprofessional conduct" remains to be defined by the board. Clause 30 gives the board power to make by-laws. The object of one of those will be the defining of unprofessional or dishonourable conduct. It will be open to the board to declare anything unprofessional conduct.

Mr. MacCallum Smith: Well, strike out this provision.

Hon. P. COLLIER: We must give the board some power to define "unprofessional conduct." But I notice also that under Clause 30 the by-laws framed by the board are to be merely confirmed by the Governor and published in the "Government Gazette." They need not be laid on the Table.

Hon. W. C. Angwin: Yes, under the Interpretation Act it is necessary.

Hon. P. COLLIER: We generally provide in the Bill that all by-laws shall be laid on the Table. The instance related by the member for Williams-Narrogin might well give us pause. That doctor, in the honest exercise of his judgment, went into court and gave evidence touching the sanity of a person before the court. His opinion was in conflict with the views of a majority of the medical men, and in consequence they decided to remove him from the roll of the British Medical Association. It should be made a criminal offence for any body of men to penalise another man for honestly expressing his opinion. The architects' board will endeavour to set up a ring fence around the profession, and of course all their by-laws will be framed with the object of—well, of protecting the public. Still, no doubt some of those by-laws will seriously interfere with the liberty of the subject to act as he pleases.

The Minister for Works: No man can do as he likes, since the rate of wages is settled by an outside body.

Hon. P. COLLIER: The employee has to go before an impartial tribunal to have his rate of wages fixed, whereas the architects will be able to set up their scale of fees without reference to the Arbitration Court. Here the persons concerned are the architects who fix their own scale of fees, and if any member should charge a fee less than that fixed, the board have power to declare it unprofessional conduct and remove him from the register.

The Minister for Works: Strike out the words "unprofessionally or" and leave in "conducting himself dishonourably."

Hon. P. COLLIER: Still, the board would have power to define dishonourable conduct and the same objection would apply.

Mr. Money: The by-laws, after being gazetted, would have to be laid on the Table of the House.

Mr. Underwood: But they might easily pass through without being noticed.

Mr. Davies: The accused would have the right of appeal to the Supreme Court.

Hon. P. COLLIER: Why should a man be put to that expense and inconvenience? I do not see how the paragraph can be amended to modify the power proposed to be conferred. If a man acts dishonourably or dishonestly, he is amenable to the laws of the country, and we should not set up another tribunal as a court of justice.

The Minister for Works: He would be tried by his peers.

Hon. P. COLLIER: And his peers are in a court of justice. I move an amendment—

That paragraph (f) be struck out.

Mr. MONEY: It is impossible to define every wrongful act. If upon inquiry the board are of opinion that an architect has been guilty of misconduct, the Supreme Court may suspend the architect from practice, or order the removal of his name from the register. This protection should be sufficient.

Amendment put and passed.

Hon. W. C. ANGWIN: I move an amendment—

That paragraph (g) be struck out.

That is a dangerous provision. It gives the board power to make by-laws and to issue an order. A by-law has to be submitted to the House but not so an order. Very high fees might be fixed by order instead of by by-law, and if any architect refused to observe them, he could be charged with having violated the order. Further, the evidence taken by the board must be accepted by the judge as evidence of the facts.

The Minister for Works: That is, on any point of professional practice.

Hon. P. Collier: Well, what is that?

Hon. W. C. ANGWIN: The penalty is severe.

The Minister for Works: Not for anyone who plays the game.

Hon. P. Collier: That might be a matter of hitting up fees.

Mr. Davies: It is not beyond our powers to insert a provision that they go to the Arbitration Court on the matter of fees.

The Minister for Works: Strike out the words "or order" and the by-law will have to be laid on the Table.

Hon. W. C. ANGWIN: No, the paragraph should be struck out.

Mr. Davies: I agree with you.

The MINISTER FOR WORKS: If I were entitled to be admitted to the architects' society, there is nothing in this clause which would daunt me. It will merely ensure that members play the game and shall not be a law unto themselves or disregard the rights and privileges of other people. It is merely desired to lay down rules to ensure proper and decent conduct, and I fail to see why any member, wilfully disobeying the rules laid down by an elected board, should not get out of the society. I hope the Committee will not strike out the paragraph.

Hon. P. COLLIER: I hope the Committee will strike it out, as well as the succeeding paragraph. I am opposed to giving these sweeping powers to the board. The only power the board should have is to decide under the law what qualifications are necessary to enable a man to be admitted to the profession. An architect will have to belong to the society before he is permitted to earn his living, and so long as he possesses the necessary qualifications he should not be interfered with by the board. I object to the board being given power to govern a man's private life.

The Minister for Works: The board has not a quarter of the powers that were given to the Dental Board.

Mr. Lambert: The Dental Board is quite a different thing.

Hon. P. COLLIER: I do not know about that.

Mr. MONEY: Surely, if the board have power to make by-laws they should be obeyed. But if that power is too wide the words "or order" might be struck out. They are too elastic.

The CHAIRMAN: If a vote is taken on the amendment moved by the member for North-East Fremantle, and that is negatived, the paragraph is done with. Perhaps the hon. member would withdraw his amendment in the meantime.

Amendment by leave withdrawn.

Mr. MONEY: I move an amendment—

That in paragraph (g), line 2, the words "or order" be struck out.

The CHAIRMAN: If the amendment is agreed to the Committee will practically have passed the words "wilfully disobeying, refusing," and cannot go back to them.

Hon. W. C. Angwin: I do not want to vote against the whole clause, but the paragraph should come out.

Mr. Money: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. P. COLLIER: I move an amendment—

That in paragraph (g) the following words be struck out:—"Wilfully disobeying, refusing, or neglecting to carry out and perform any by-law."

Amendment put and passed.

Hon. P. COLLIER: I move a further amendment—

That the following words be also struck out, "Or order lawfully made by the board relating to any point of professional practice."

This will have the effect of completely striking out paragraph (g).

Amendment put and passed.

Hon. P. COLLIER: Paragraph (h) is even more objectionable than the other paragraph. The clause is progressively iniquitous, but this is an all-embracing paragraph. The clause specifies all the things that shall not be done, and then in case there should be something which has been missed, there is a paragraph to embrace anything that is similar to those other things in the way of unprofessional conduct. It is a drag-net paragraph. I move an amendment—

That paragraph (h) be struck out.

The Minister for Works: It will not make much difference if it is struck out. I do not mind.

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

Clause 24—agreed to.

Clause 25—Register to be open to inspection:

The MINISTER FOR WORKS: I move an amendment—

That the words "on payment of the prescribed fee" be struck out, and "without fee" inserted in lieu.

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

Clauses 26 to 29—agreed to.

Clause 30—By-laws:

The MINISTER FOR WORKS: In consequence of what has taken place, I move an amendment—

That paragraph (g) be struck out.

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

Clause 31—agreed to.

Clause 32—Penalty for falsifying register, or making false statements, etc.:

The MINISTER FOR WORKS: I move an amendment—

That in paragraph (g) the words "shall be guilty of an offence, and be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding one year" be struck out, with a view to the insertion of other words.

Mr. Lambert: What is the object of striking out these words?

The MINISTER FOR WORKS: The insertion of other words, appearing on the Notice Paper, which are designed to broaden the clause and give it a stronger effect.

Amendment put and passed.

The MINISTER FOR WORKS: I move a further amendment—

That the following be inserted in lieu of the words struck out:—"shall after inquiry by the board, and if the board so direct, be liable to prosecution as for an offence, and on conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding one year."

Hon. W. C. ANGWIN: I rise to a point of order. We have just struck out the words "for a term not exceeding one year," and the present amendment seeks to reinsert them.

The CHAIRMAN: What is proposed is really a transposition of the words, or the qualifying of a term of the clause.

The MINISTER FOR WORKS: Moreover, there is a modification, consisting in the omission of the words "with or without hard labour." I may add that the amendment has been drafted by the Crown Solicitor.

Hon. W. C. ANGWIN: I move an amendment on the amendment—

That the words "one year" be struck out, and "six months" inserted in lieu.

The Minister for Works: I would also be willing to reduce the maximum fine from £50 to £30.

Hon. W. C. ANGWIN: Six months' imprisonment would involve a loss of earnings far greater than £50.

Amendment on the amendment put and passed.

Mr. SAMPSON: Are you satisfied, Mr. Chairman, that paragraph (e) is in order; that the word "personates" should not be preceded by the word "falsely"?

The CHAIRMAN: Perhaps the Minister will make a note of that matter, and refer it to the Crown Law Department.

The MINISTER FOR WORKS: Very well, Sir. If necessary, the matter can be dealt with in another place.

The CHAIRMAN: In any case, paragraph (a) makes the point clear.

Mr. SAMPSON: I thought each paragraph stood on its own.

The CHAIRMAN: The Minister is referring the point to the Crown Solicitor.

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

Clauses 33, 34, 35—agreed to.

New clause:

Mr. LATHAM: In the absence of the member for West Perth, who is attending an important meeting, I move—

That the following be inserted to stand as Clause 36:—"The provisions of this Act and all the benefits, advantages, and privileges thereof shall extend to women equally with men."

I ask the Committee to extend to women specifically the opportunity to enter the architect's profession. There is nothing in the Bill to say that it does not apply to women, but there is nothing in it to say that it does apply to women. I may mention that in the medical profession we find some very clever women practitioners.

Mr. SAMPSON: If this clause is added to the Bill, the absence of a corresponding provision in other measures relating to professions would imply that women were not competent to practice those other professions. Therefore the new clause, instead of benefiting women, would have the opposite effect.

Hon. P. COLLIER: The amendment is wholly unnecessary. Not one line or word of the Bill from beginning to end disqualifies women. The measure says consistently "Any person." A woman is a person. I hope the Committee will not load up the Bill with words that are entirely superfluous.

Mr. DURACK: Clause 18 seems to specify men, as distinct from women, because it uses the word "him," unaccompanied by the word "her."

Mr. MARSHALL: Whether the amendment is carried or not matters very little. The member for West Perth is too anxious for a little publicity. The proposed board have sole jurisdiction in this respect. Ladies desirous of becoming architects should go to the board. If a lady does not secure registration by examination, this measure will not help her.

The MINISTER FOR WORKS: The Bill does not prevent anybody from doing the work of an architect, but simply prevents people from calling themselves architects unless they have certain qualifications. Any person can design houses and charge for do-

ing so, as long as that person does not assume the title of "architect."

Mr. LATHAM: Where pronouns occur in this Bill they are invariably of the masculine gender; and the Interpretation Act, so far as I see, does not say that the male shall include the female. I ask for your ruling on the point, Mr. Chairman.

The CHAIRMAN: I prefer that the Committee decide the question.

Mr. MacCallum SMITH: I support the new clause. The board might make a regulation that no woman shall become an architect.

Hon. W. C. Angwin: No. That power has been deleted. The board will be able to make by-laws only in respect of certain matters.

Mr. MacCallum SMITH: The board might make a regulation declaring that women shall not hold office.

Mr. Troy: And they might make a by-law declaring that men shall not hold office.

Mr. MacCallum SMITH: I can see no harm in inserting the new clause.

Hon. P. Collier: It is quite unnecessary.

Mr. MARSHALL: I disagree with the Minister for Works. I contend that there is nothing to show that a man or a woman can be admitted as an architect under the Bill, unless the Board is agreeable.

The MINISTER FOR WORKS: The member for Murchison is quite wrong. The Bill merely provides that a person cannot call himself an architect, unless he is registered. There is nothing to prevent a man practising as an architect but he must not call himself an architect, unless he is registered under the Bill.

Mr. MULLANY: I support the new clause. I am not clear whether women can be included as architects. The member for Murchison has stated several times that the board can say whether women shall be entitled to practise or not.

Hon. P. Collier: He is wrong.

Mr. MULLANY: Parliament should say whether women should be allowed to practise.

Mr. Marshall: We have already given the board power to say that.

Hon. P. Collier: We have done no such thing.

Hon. W. C. Angwin: Certainly not.

Mr. MULLANY: Women are perhaps more interested in architecture than men, seeing that they have to spend more time in houses. For fear the board may debar women from practising, the amendment should be agreed to.

Hon. P. COLLIER: I hope the Committee will not do stupid things because of feelings of sentiment.

Mr. Latham: The board may make by-laws and prohibit women from practising.

Hon. P. COLLIER: The hon. member has not studied the Bill and he does not know what he is talking about. It is absurd to declare that the board has power to say whether women shall be admitted or not. The board is concerned with qualifications and not with sex. The board has no power to discriminate between sexes.

Mr. Lambert: Why use the word "he"?

Hon. P. COLLIER: In every Act "he" means "she." The Bill deals with persons, and the word "persons" includes women. It is absurd to quibble about the word "she." It is not the duty of Parliament to insert words merely to be sure.

Mr. MacCallum Smith: It is done in every Bill.

The Minister for Works: And that is what makes trouble with our legislation.

Hon. P. COLLIER: The member for North Perth cannot show one clause in the Bill which does not cover women. I am opposed to putting in any Bill words which are redundant.

Mr. LAMBERT: I totally disagree with the member for Boulder. The Bill has either been drafted in a slovenly way or it is designed to disqualify women.

The Minister for Works: They were never thought about.

Mr. LAMBERT: To my mind, they should be thought about. It is not a question of sentiment. It is for the Committee to decide whether women shall be eligible to become registered architects or not. If they are to be eligible, the Bill should expressly set out that fact. Wherever a reference is made to the registered architect, or the person qualified to become such, the word used is "he."

Mr. Corboy: That word includes both sexes.

Hon. W. C. Angwin: And it also includes a body corporate.

Mr. LAMBERT: It does not. The word "he" is mentioned all the time. No judge in this or any other country would interpret the word "he" to include women.

Mr. Marshall: Then I am right after all!

Mr. LAMBERT: Undoubtedly. No judge in his senses, if asked for a ruling on this point, could interpret the word "he" to include a female.

Mr. Teesdale: How do you dispose of the word "person"?

Mr. LAMBERT: It is used for the sake of convenience.

Hon. P. Collier: Nonsense.

Mr. LAMBERT: I am not prepared to give this profession, which has already been given privileges to which it is not entitled, the opportunity of stating a case to the Supreme Court for the purpose of getting a ruling to ascertain whether women can be registered or not.

Mr. Corboy: The Bill does not stop women from being registered.

Mr. LAMBERT: I think it does. If it does not, there should be no objection to the proposed clause being inserted.

Mr. DAVIES: If I thought for one moment tat the Bill precluded women from being registered, I would support the amendment.

Hon. P. Collier: So would I.

Mr. DAVIES: Only recently the difficulty in connection with road board legislation was overcome by the insertion of the word "person" and thus women are now entitled to be members of roads boards.

Hon. P. COLLIER: It is all nonsense for members to pretend, or attempt to read into the Bill, something which is not there. Here is the Interpretation Act—

> Section 26. In every Act—(a) every word of the masculine gender shall be construed as including the feminine gender.

It would be absurd to carry right through our Acts the insertion of the words "he or she," in order to make it perfectly clear that the legislation applied to women as well as to men. No reasonable person, on studying the matter for one moment, could say it was necessary to include the amendment in the Bill.

Hon. W. C. ANGWIN: Clause 14 provides for the registration of certain "persons." So, too, in the Dental Act. The amendments made by the Minister to-night have practically rendered it impossible for the architects' board to refuse to register any person who passes the examination. That being so, the amendment is entirely unnecessary.

Mr. LATHAM: I am satisfied that the Interpretation Act covers the point. I will withdraw the amendment.

Amendment by leave withdrawn.

Postponed Clause 11—Effect of summons by the board:

The MINISTER FOR WORKS: When last the clause was before us, many members held that, like Clause 13, it conferred too much power on the board. I agree with that, and I want to see it go out.

Clause put and negatived.

Postponed Clause 13—Protection from liability:

Clause put and negatived.

Title—agreed to.

Bill reported with amendments.

BILL—LAND AND INCOME TAX ASSESSMENT AMENDMENT.

In Committee.

Resumed from 30 November. Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clause 6—Amendment of Section 16 (partly considered):

The CHAIRMAN: An amendment has been moved by the member for Katanning (Mr. A. Thomson) to add the following proviso: "Provided that the word 'livestock' shall not apply to breeding stock used in the business of a pastoralist or farmer."

Mr. A. THOMSON: If a man builds a house and sells it, he is not taxed on the profits of the transaction. If he sells his farm or station he is liable to pay income tax on the profits derived, including profit on the sale of his breeding stock. I urge the Premier to accept the amendment and so do justice to the farmers and pastoralists.

The PREMIER: The amendment will include practically all the female stock on a farm. Under the existing law, if a percentage of the stock die, their value is deducted from the income for the year. Squatters in the Kimberleys are allowed to write off 10 per cent. for mortality amongst their stock.

Mr. A. Thomson: We only ask that breeding stock be exempted.

The PREMIER: If we asked for taxation we must ask for it on a firm basis. If a farm or station be sold as a going concern, the man making a profit is as much entitled to pay income tax as if he had sold off his stock in the ordinary way. The term "breeding stock" embraces practically all the stock on a farm or station. Breeding stock may even be sold for slaughter. I ask the Committee to be reasonable and refuse to discriminate between stock, all of which may be going to the butcher.

Mr. MONEY: I cannot see why we should differentiate betwen breeding stock and other stock. We are setting ourselves up to decide what is capital and what is income. That question has been closely analysed in our law courts. The Full Court gave a definite and unanimous judgment, holding that the profits arising from the sale of a station constituted, not income, but capital. The Commissioner of Taxation appealed to the High Court, and the High Court upheld the decision of the Full Court. This is a pernicious attempt to over-ride a fact. The Commissioner of Taxation has been proved to be wrong, and now he comes here with this clause——

Hon. W. C. Angwin: Did the Commissioner bring this in?

Mr. MONEY: It comes from his department.

Hon. W. C. Angwin: We are dealing with the amendment.

Mr. MONEY: But for the judgment of the High Court, this provision would never have been introduced. Mr. Justice Higgins, in the course of his judgment, said—

> Any profits made on realisation of the estate or conversion of the estate, including stock and plant, into money is not income arising or accruing from trade or profession. The business carried on by the taxpayer was not that of a station jobber. The business was not that of buying and selling stations. His occupation was that of a pastoralist.

The CHAIRMAN: What bearing has that on the amendment?

Mr. MONEY: The clause was recommitted for further consideration.

The CHAIRMAN: The question is the amendment moved by the member for Katanning.

Mr. MONEY: The Bill was recommitted for the further consideration of Clause 6.

Hon. P. Collier: Cannot you see there is a specific amendment before the Committee?

The CHAIRMAN: We must stick to the question, the amendment by the member for Katanning.

Mr. MONEY: The case I am illustrating has a bearing on the amendment. I disagree with the idea of differentiating between one kind of stock and another kind of stock. It is bad to touch that which has been proved to be capital. It is the universal practice when a business is sold as a going concern to regard the resultant price as capital.

Mr. Corboy: Some of the old practices are bad.

Mr. MONEY: Members do not appreciate the difference between capital and income. There is no precedent for the provision.

Mr. Willcock: That is a good old conservative argument.

Mr. MONEY: That is right—always ready to impute some motive.

Hon. P. Collier: To say it is a conservative argument is not imputing a motive.

Mr. MONEY: This is a question of simple fact and not of law.

Hon. P. Collier: And it is for the Committee to decide.

Mr. MONEY: Are we to assume that we know better than the highest court in the State and the highest court in Australia?

Hon. W. C. Angwin: Parliament is the highest court in Western Australia.

Mr. MONEY: If it is intended to tax capital, let us say so straight out. I cannot express an opinion contrary to that of the High Court judges.

Hon. W. C. Angwin: They have to administer the law as it is framed by Parliament.

Mr. MONEY: If this provision is passed, we shall be imposing income tax on something which is not income.

Mr. O'Loghlen: This all arises from the Government not having a legal man amongst them.

Mr. MONEY: I have read the judgments of the Full Court and the High Court. They are the simplest judgments I have ever seen.

Hon. W. C. Angwin: Did they give judgment on this provision? This is new.

Mr. MONEY: The hon. member wants to turn capital into income. Why not call it a tax on capital?

Mr. Willcock: Are you with us?

Mr. MONEY: The interjection shows that the member for Geraldton knows what he is after. The Leader of the Opposition also knows. This would be the thin end of the wedge. A pastoralist pays tax on his profit, lives out of his profit and improves his property and increases his stock out of profit.

Hon. W. C. Angwin: No income tax would be paid on that.

Mr. MONEY: Undoubtedly, income tax would be paid on all profits.

Hon. W. C. Angwin: Not on the profits from selling his stock.

Hon. P. Collier: This is a subtle move to get at capital.

Hon. W. C. Angwin: A little conspiracy between the Premier and us.

Mr. MONEY: The Premier wants one thing which is wrong in principle, and I want another thing which is right in principle. All the profits exceeding a certain amount are taxed. When a man has lived out of his profits he expends them again on his business. He does not give the details of his capital expenditure, or of something he knows is not an allowable deduction, in his annual returns. He pays tax on the money he spends. To leave the clause as it is will mean that not only shall we be construing capital as income, but we shall be doubling the tax. In the case of a station that is enhanced in value by the expenditure of capital, and upon which all sorts of things have been done out of profits which have not been included in the returns because they are not allowable deductions, we shall be taxing capital instead of income.

The Premier: Stations are not taxed under this clause.

Mr. MONEY: We are dealing with breeding ewes, with breeding cows, and with breeding mares, and probably too with breeding donkeys. We have to account for the stock we have at the end of the financial year. If there is an increase in the stock in the following year, although we may not have sold it, we have to pay income tax on the added value of that stock. If we put £20,000 into a business, and subsequently sell it for £5,000, we have suffered a capital loss, and if we make a profit of £5,000 we have a capital increase. It is capital on which we have paid income tax through all the years up to that time. If that capital is taken away there will be no income tax. A tax cannot be paid on the money both ways. We cannot have an income tax and a capital tax as well.

Mr. O'Loghlen: Is it not possible for Parliament to enact a law after a judgment has been delivered?

Mr. MONEY: I am sure the hon. member would not attempt to tax capital under the guise of income. It would be well to recommit the clause and strike it out. It has only been placed in the Bill to meet the High Court decision. It is a deliberate attempt to alter a fact, which all judges say is not a matter of law.

Mr. DURACK: We are treading on dangerous ground. We hear a lot about encouraging the man to cultivate our waste spaces. I am sure the Premier would not desire to add to the difficulties of such a man. A man may invest £10,000 in the city, and at the end of some years derive a very large unearned increment, upon

which he escapes taxation. Another man may invest a similar amount in the country, and he is taxed the moment he sells his property. The Government should allow some alleviation of the difficulties under which the man in the country labours.

Mr. ANGELO: The whole clause is opposed to the rulings of the highest courts in Australia, as well as in England and Scotland. If it is passed through Parliament it will mean a tax on capital, as the member for Bunbury said. If it is possible even now to recommit the Bill and strike out the clause it would be a good thing to do so.

Hon. W. C. ANGWIN: One would think there was no other primary industry in Western Australia than the pastoral industry. I have never heard the hon. member raise his voice in favour of the man who develops mining by speculating in shares, or of the man who is developing, say, the timber industry. He is only asking us to exempt the farmer and the pastoralist from the profits they make on stock. The member for Bunbury says we are legislating against the opinions of the highest courts in the land. I would point out that Parliament is the highest court in Western Australia, and that our judges have to interpret the law as we make it. We know, of course, that the High Court of Australia has certain powers; but it has not yet the power to block us from legislating in regard to taxation. The member for Bunbury said that stock increases. Say a man has £100 worth of stock, which increases in one year to £150 worth. He pays income tax only on the increase of £50. Suppose he decides to sell out his farm, and therewith that stock; and suppose, further, that the stock realises £175. Then the man pays tax only on the £25 additional. When income tax is paid on increase of stock, the increase is not taxed upon its full value.

Mr. Money: But the increase is increase of capital, and not profit on capital.

Hon. W. C. ANGWIN: The profit makes the increase of capital. If there is no profit, capital does not increase. The clause asks for tax on the increase of stock: not for tax on the stock itself. The tax is not one on capital, but a tax on the profits made on capital. The member for Bunbury is objecting to the payment of tax on a fair profit. We on this side did not enter into any conspiracy with the Government to introduce this clause.

Hon. P. Collier: No. It was introduced by the Bolshevik Premier.

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

Ayes	13
Noes	21
Majority against	8

Ayes		Noes	
Mr. Corboy		Mr. Money	
Mr. Denton		Mr. Piesse	
Mr. Durack		Mr. Sampson	
Mr. Harrison		Mr. A. Thomson	
Mr. Hickmott		Mr. Troy	
Mr. Johnston		Mr. J. M. Smith	
Mr. Latham		(*Teller.*)	

Noes		Ayes	
Mr. Angwin		Mr. Mann	
Mr. Broun		Sir James Mitchell	
Mr. Carter		Mr. Munsie	
Mr. Collier		Mr. O'Loghlen	
Mr. Davies		Mr. Richardson	
Mr. George		Mr. Simons	
Mr. Gibson		Mr. Teesdale	
Mr. Heron		Mr. J. Thomson	
Mr. Lambert		Mr. Wilson	
Mr. Lutey		Mr. Mullany	
Mr. H. K. Maley		(*Teller.*)	

Amendment thus negatived.

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

Ayes	22
Noes	12
Majority for	10

Ayes		Noes	
Mr. Angwin		Sir James Mitchell	
Mr. Broun		Mr. Munsie	
Mr. Carter		Mr. O'Loghlen	
Mr. Collier		Mr. Richardson	
Mr. Corboy		Mr. Simons	
Mr. Davies		Mr. Teesdale	
Mr. George		Mr. J. Thomson	
Mr. Gibson		Mr. Willcock	
Mr. Heron		Mr. Wilson	
Mr. Lambert		Mr. Mullany	
Mr. H. K. Maley		(*Teller.*)	
Mr. Mann			

Noes		Ayes	
Mr. Denton		Mr. Piesse	
Mr. Durack		Mr. Sampson	
Mr. Harrison		Mr. A. Thomson	
Mr. Hickmott		Mr. Troy	
Mr. Johnston		Mr. J. M. Smith	
Mr. Latham		(*Teller.*)	
Mr. Money			

Clause thus passed.

Mr. A. THOMSON: The other evening, I moved to strike out a proviso and the Premier indicated that he desired to look into the matter and the amendment was withdrawn. Am I to have an opportunity of dealing with that matter?

The PREMIER: I am going to recommit the Bill again, but I cannot do so to-night.

Bill reported.

BILL—CONSTITUTION ACT AMENDMENT.

Council's Amendment.

Amendment made by the Legislative Council now considered.

In Committee.

Mr. Angelo in the Chair; the Premier in charge of the Bill.

Clause 2—Strike out Subclause 5:

The PREMIER: I move—

That the Council's amendment be not agreed to.

The Bill was prepared as the result of the work of a joint select committee appointed by both Houses. The Bill extends the power of the Legislative Council and it now provides that the Council may make amendments in Bills which contain clauses for the imposition of fines and fees and other collections. As a result of the work of the joint select committee, under Subclause 5 which the Council seeks to strike out, we say that the Council shall not have power to repeat, press or insist upon its amendments. I hope that we shall insist upon the subclause remaining in the Bill. It is unthinkable that the Council should be empowered to make serious amendments to money Bills which are purely such, including the Appropriation Bill or Loan Bill and such like measures. What the Council wish to do, is to have the right to press amendments. I think they should be content to deal with amendments in the ordinary way, and we would not be justified in passing the Bill if the clause were not agreed to as sent to the Legislative Council. This House should not give up its control of the finances.

Mr. O'Loghlen: I am glad to see that you are standing up against them.

The PREMIER: The Council has the right to consider and suggest amendments, but we should insist that the members of that Chamber shall not have the power to press their amendments.

Hon. G. TAYLOR: As this amendment is a matter affecting the procedure between the two Houses, and as the privileges of this House are at stake, I feel that I should make a few remarks upon the subject. I regret that the Legislative Council has seen fit to reverse its decision of six years ago with regard to this Bill and to repudiate one of the terms of the agreement recommended by both committees and approved by both Houses. Its present action is evidently due to a misunderstanding of the purpose and effect of the Bill, and forgetfulness of the difficulties which made its introduction desirable. One need only look through the Votes and Proceedings and through "Hansard" for the years between 1906 and 1914, to see that the passage of Bills was interrupted by repeated disputes which discredited both Houses in the eyes of the public, as being unable to agree upon their own procedure. It was so apparent to the Legislative Council, or at least to one member of that House, that on the 20th January, 1915, the late Mr. Gawler moved in the Council that the question should be investigated by a committee of each House. His speech on that occasion is well worth reading by hon. members. The proposal was agreed to in both Houses and the two committees, after a few meetings, recommended that they should be reappointed in the next session. The final report, in which they recommended the passing of the present Bill, was presented at the end of 1915. The present President of the Legislative Council (Hon. W. Kingsmill) presented the report of the committee in the Legislative Council and the measure now before hon. members is the draft Bill that was approved by both committees. The report was adopted by the Legislative Council and it was adopted by this Chamber as well. Unfortunately, nothing was done for some time until now, when the Bill is before Parliament. The Bill is not one drafted by the Government, but by the select committee drawn from both Houses, and its object is to get over the difficulties which existed for years. Now the Council has seen fit to repudiate these terms. The cause of the trouble was found to be centred in the doubtful wording of Section 46 of the Constitution Act, 1899, dealing with Bills in which the Council may request, not make, amendments. Under that section, it is left uncertain whether the right to request includes the right to press a request, and, further, a large class of important Bills is subjected to a complicated and cumbersome procedure. The view held by this House has always been that, to insist upon a request, is a contradiction in terms; that to "press" is the same as to "insist upon," and to press a request is the same as to insist on an amendment, while the basis of the whole procedure is that the Council may not amend money Bills. The solution found by the committees was to remodel Section 46 and kindred sections in such a way as to exclude from their operation the large class of Bills over which all the trouble has arisen, namely, those containing financial clauses incidental to their main provisions, and to extend to the Council the right of freely amending such Bills. This was a concession on the part of this House, and in return, the Council abandoned its never-admitted claim to press or repeat requests in purely financial Bills specified as Appropriation, Taxation and Loan Bills. I must repeat that the position that led to Mr. Gawler's motion and the appointment of the committees had become intolerable. Almost every Bill of importance was subjected to this complicated procedure, which, even without any disagreement, was a certain source of confusion and delay. One Bill, the first Bunbury Harbour Board Bill, actually disappeared in consequence of these difficulties some years ago. In order to get rid of this confusion, it was thought by both Houses worth while to make some sacrifice of claim. It will be seen from the report of the committee in 1918 that in the present Bill, this House has given up even more than it agreed to at the time. Moreover, that this House has loyally acted upon the agreement arrived at even though not

placed in legal form—that is, by an Act of Parliament, which this Bill will be as submitted to the Legislative Council—is shown by the following extract from the minutes of the 18th December, 1918. Members will remember that in the Forests Bill it was necessary to pass the following resolution to enable that measure to pass:—

> The Attorney General moved: That, in view of the report of the Select Committee upon Procedure on Money Bills, and of the fact that had the Bill recommended by the committee become law, the Forests Bill would have been freely open to amendment, this House agrees to consider the requests for amendments now pressed by the Council without waiving its rights and privileges.

That clearly indicates that this House realised the compact made between this and another place through their committees, and we were prepared, although the legislation had not been passed, to act in accordance with what was arrived at by both committees. Had we not passed that resolution and accepted the Forests Bill, we should still be bickering, as we had been from 1906 to 1915. That is why former difficulties have so much disappeared as to have passed from the memory of the Council. If hon. members will look through the journals of the two Houses, and through "Hansard," they will find them there. I hope they will not return. Strange to say, the Council by this amendment does not re-assert its claim, which it previously abandoned, to press requests, but merely wishes to leave the matter in dispute, as before. Had they wished to assert the claim, the obvious course was to omit not Subclause (5), but the word "not," and as the Bill was referred to a select committee it is impossible to suppose that the omission to do so was due to inadvertence or ignorance. The Bill, even with the amendment, removes the difficulties in the cases of partly financial Bills, which have caused all the trouble. In all the 30 years during which this Parliament has existed, there has been no case in which amendments have even been requested in the smaller class of purely financial Bills defined in this clause. But it seems absurd to leave the matter unsettled as proposed by this amendment, and I feel sure that this House will never agree that the right to request conveys the right to impose a condition on the passing of a Bill. If this were desired, the only sensible course would be to wipe out this Bill and bring in one with the single provision that the Council has equal rights with the Assembly over all matters of finance. To do this would be to alter, not only the Constitution Act, but the whole theory of the Constitution. I support the Premier's motion that the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolution reported, and the report adopted.

Reasons for not agreeing to the Council's amendment adopted, and a message accordingly returned to the Council.

BILL—COURTS OF SESSION.

In Committee.

Mr. Angelo in the Chair; the Premier in charge of the Bill.

Clauses 1 to 36—agreed to.

Clause 37—Power of amendment of proceedings by Supreme Court:

Mr. MONEY: I cannot see the necessity for this clause in view of the fact that Clause 36 provides that nothing is to be set aside on account of want of form. The court who did not see the witnesses and who had no opportunity to test the credibility of the witnesses will be empowered to amend the proceedings. This power is too wide and should not be granted.

The PREMIER: The safe course is to pass the clause.

Mr. Money: But the court may amend a judgment.

The PREMIER: Only on appeal.

Mr. Money: It does not say so; it says "any proceedings."

The PREMIER: The object is to simplify the proceedings and the clause should be retained.

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

Ayes	17
Noes	17
A tie	0

AYES.

Mr. Broun	Mr. Mann
Mr. Carter	Sir James Mitchell
Mr. Denton	Mr. Piesse
Mr. Durack	Mr. Richardson
Mr. George	Mr. J. M. Smith
Mr. Gibson	Mr. J. Thomson
Mr. Harrison	Mr. Underwood
Mr. Johnston	Mr. Mullany
Mr. H. K. Maley	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Collier	Mr. Money
Mr. Corboy	Mr. Munsie
Mrs. Cowan	Mr. Simons
Mr. Heron	Mr. Troy
Mr. Hickmott	Mr. Willcock
Mr. Latham	Mr. Wilson
Mr. Lutey	Mr. O'Loghlen
Mr. Marshall	(*Teller.*)

The CHAIRMAN: I give my casting vote with the Ayes.

Clause thus passed.

Clause 38—agreed to.

First Schedule:

Hon. W. C. ANGWIN: I think the Premier should refer to the Solicitor General and obtain further information regarding the Bill. Members did not understand the real effect of the clause on which the division was just taken.

The PREMIER: I will consult the Crown Law authorities regarding Clause 37, and you will have an opportunity to recommit, if necessary, on the motion for the third reading.

Schedule put and passed.

Second Schedule—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [10.33] in moving the second reading said: A recent Imperial Statute provides for the enforcement in England and Ireland of maintenance orders made in British Dominions, which have passed reciprocal legislation. This Bill makes provision with regard to reciprocal orders for the periodical payment of sums of money for or towards the maintenance or support of any person and includes orders of affiliation. It also makes provision for their enforcement in other British Dominions, passing reciprocal legislation and vice versa. Maintenance orders may be reciprocally enforced between those Dominions which pass the necessary legislation. I think the House will agree that we should have a Bill for this purpose. If a man leaves his wife in this State, and goes to live, say, in New Zealand, she can get a maintenance order against him there. She may, on the production of satisfactory evidence, obtain the provisional order here, although a summons is not served on the husband. The order, however, must before enforcement be confirmed by a New Zealand court after the husband has been given an opportunity of defence.

Hon. W. C. Angwin: We have a law dealing with that.

The PREMIER: The husband can be called before the New Zealand court, and can either agree to the order or defend it.

Hon. W. C. Angwin: Has it been agreed to in New Zealand?

The PREMIER: The law has been passed there as it has been passed in England.

Hon. W. C. Angwin: They would not agree to our passing the other Bill dealing with maintenance cases.

The PREMIER: This has been arranged. The necessary law has been passed in England, which says when we pass the law here they will enforce our law. We enforce theirs and they enforce ours. If a husband leaves his wife in this country he ought to be followed, and made to pay towards her support. The same thing should apply in affiliation cases.

Hon. P. Collier: It covers other things besides maintenance, such as creditors and debtors.

Hon. W. C. Angwin: The wife is only brought forward to gain sympathy for the Bill. We already have a Statute dealing with that, to which New Zealand would not agree. Some of the other States agreed to it.

The PREMIER: It has been arranged since that there shall be reciprocity upon these matters. All the other States have been asked by the Imperial Government to pass this legislation, and some of them have already moved in that direction. It is true we have some legislation here, but it does not go as far as this Bill.

[The Deputy Speaker took the Chair.]

Hon. W. C. Angwin: It deals with maintenance.

The PREMIER: The Bill, except Clauses 10, 12 and 13, will not extend to the other States of the Commonwealth, because the enforcement of Interstate maintenance orders is provided in the Interstate Destitute Persons Relief Act of 1912. That only applies in Australia and not overseas, and does not go as far as this Bill. The clauses I refer to relate to the proof of maintenance orders and the facts established by them, and they are incorporated in the Bill. When the Bill is passed it will afford protection to those people who need it. If a husband who has left his wife is found in any of the British Dominions that have passed this legislation, he can be made responsible for the maintenance of his wife.

Hon. P. Collier: It goes further than that.

The PREMIER: It only extends to maintenance and affiliation cases.

Hon. P. Collier: Look at the interpretation.

The PREMIER. In Committee we shall be able to deal with it at every point. It is only intended to apply to the cases I have mentioned. I move—

That the Bill be now read a second time.

On motion by Hon. W. C. Angwin, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Council's Amendments.

Schedule of three amendments made by the Council now considered.

In Committee.

Mr. Stubbs in the Chair; the Colonial Secretary in charge of the Bill.

No. 1, Clause 2.—Strike out the clause:

The COLONIAL SECRETARY: Clause 2 amends the principal Act by bringing within its scope factories employing motors of less

than one horse-power. The amendment would include about 90 factories which are outside the scope of the Act—such establishments as clay process, potteries, canvas making, motor and cycle works, jewellery and optical instrument making establishments. These places have numbers of machines driven with belts, and therefore need inspection, especially as a fair number of employees are concerned. The Upper House has not thought fit to agree to the alteration. I move—

That the amendment be not agreed to.

Mr. A. THOMSON: What is the need for bringing clay pits, for example, under the Factories and Shops Act?

The Colonial Secretary: Because the object of that Act is to protect employees in factories.

Mr. A. THOMSON: One horse-power represents the smallest motor made.

Mr. McCallum: It is not the smallest made.

The Colonial Secretary: It drives a lot of machinery.

Mr. A. THOMSON: To bring in clay pits, for example, seems to me——

Mr. MacCallum Smith: A one-horse amendment.

Mr. A. THOMSON: Yes. The Colonial Secretary has given no reason why the Council's amendment should not be agreed to. Very little danger can be involved where the power used is so small.

Mr. McCALLUM: I hope the stand taken by the Colonial Secretary will be supported by the Committee. The question is not only one of the inspection of machinery. Most of these little factories using small horse-power machines are stowed away in a basement or some back room, without either ventilation or sanitation; and therefore they demand inspection more urgently than factories with machinery driven by bigger power, these latter being usually located in well ventilated, well lighted premises. Again, ½ horse-power motors are used to drive sewing machines; and we know what openings there are for sweating in that connection.

Question put and passed; the Council's amendment not agreed to.

No. 2, new clause, add the following clause, to stand as No. 2:—"Section four of the principal Act is hereby amended by striking out, in the definition of boarding-house, the words 'and any place in which ten or more boarders or lodgers apart from members of the family are in residence' ":

The COLONIAL SECRETARY: Section 4 of the principal Act defines a boarding-house as follows:—

> "Boarding-house" means and includes any place in which meals are sold or offered for sale to the public and any place in which ten or more boarders or lodgers apart from members of the family are in residence.

The Council's amendment means that all boarding-houses will be included if meals are served to the public, and where meals are not supplied to the casual public, such boarding-houses will be excluded from the operations of the Act.

Mr. Mann: It means that the private boarding-houses will be exempt.

The COLONIAL SECRETARY: That is so.

Mr. McCallum: There are some large private boarding-houses.

The COLONIAL SECRETARY: I am informed that there are many small boarding-houses which will be exempt under this provision, but not many large ones. I move—

That the Council's amendment be agreed to.

Mr. McCALLUM: I hope the Committee will not agree to the Council's amendment because it will have a very far-reaching effect. I do not know one boarding-house in Perth which could not come under this exemption, if it was so desired. Forrest House is a case in point. There are probably more boarders at that establishment than in any two hotels in the city. The proprietors of the boarding-house employ a very large staff, yet they would merely have to say that they will not serve meals to the general public, but only to boarders, and they would come within the exemption.

The Colonial Secretary: They are in that position now.

Mr. McCALLUM: If Forrest House can be exempted, hon. members will see what a far-reaching effect the amendment will have.

The Colonial Secretary: There are not many such large boarding-houses.

Mr. McCALLUM: The real reason for the amendment, as advanced in the Legislative Council, is that the boarding-house keepers desire to work their staff longer hours than the existing Act permits. The whole move is to permit these people to work their girls for more than 44 hours.

Mrs. COWAN: I understand that the trouble is that under the Act at present they cannot arrange the hours in a satisfactory manner. They do not want to work the girls any longer hours, but, as the position stands now, it is not possible for them to arrange the satisfactory working of establishments.

Mr. McCALLUM: If they are exempted, these people can do anything they like regarding the girls' hours.

Hon. W. C. Angwin: They will be able to start them at 5 a.m. and keep them going till midnight.

Mr. McCALLUM: Their trouble could easily be overcome if the boarding-house keepers secured an agreement or award and the hours could be fixed to suit their convenience. Under Section 155 of the existing Act, an award or industrial agreement, if made a common rule, overrides the Act and that would enable the difficulty to be overcome. This is the whole force behind the movement in the Legislative Council in favour of the amendment. If there is any section of the community who require protection, it is that which embraces the domestic servant and the girl who is employed in the

boarding-houses. The complaint regarding the extension of hours can easily be overcome. It was never suggested in another place, so far as I am aware, that all that was necessary to do that was to get an agreement or an award of the Arbitration Court. The present law provides the way out of the difficulty and to say that these people should be exempt and given a free hand is too drastic altogether. That gives the employers all they want. I hope the Committee will not agree to the Council's amendment.

Question put and negatived; the Council's amendment not agreed to.

No. 3, New Clause.—Add the following clause, to stand as No. 19:—"Notwithstanding any of the provisions of the principal Act, it shall be lawful for a shopkeeper or his assistant or representative at any time to sell petrol, benzine, or other motor spirit or any part or accessory of a mechanically propelled vehicle to travellers for the purpose of enabling them to continue any journey which they could not otherwise continue."

The COLONIAL SECRETARY: I move—

That the Council's amendment be agreed to.

Under the existing law, these emergency requirements could not be supplied.

Hon. P. COLLIER: I will not oppose the amendment, but it strikes me as being supremely silly to specially single out certain shops because an unfortunate motor car driver might be hung up for want of benzine. Would any sane department or official charged with the administration of the Act take proceedings against a storekeeper for supplying petrol in an emergency?

The Colonial Secretary: You never know.

Hon. P. COLLIER: Not any of our Acts are administered on the strict letter; they are administered with discretion and judgment. If this amendment be wise, then there are 50 different directions in which it would be advisable to make similar provisions. However, as the Premier would say, the amendment will do no harm.

Question put and passed; the Council's amendment agreed to.

Resolutions reported and the report adopted.

Reasons for not agreeing to Council's Amendments Nos. 1 and 2 adopted, and a Message accordingly transmitted to the Council.

House adjourned at 11.18 p.m.

Legislative Council,

Tuesday, 6th December, 1921.

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

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General, in pursuance of Section 53 of the Audit Act of 1904, the thirty-first report for the financial year ended the 30th June, 1921, which I now lay on the Table of the House.

QUESTION—WHEAT, FREMANTLE STEVEDORING.

Hon. F. A. BAGLIN asked the Minister for Education: 1, Is it a fact that the handling of wheat at Fremantle of the 1921-22 harvest is confined to "bona fide" stevedoring firms only? 2, What is the Government's definition of a "bona fide" stevedoring firm? 3, In the event of the Fremantle lumpers submitting a tender for this work, will such tender receive the same consideration as those submitted by other bona fide firms? 4, If not, why not?

The MINISTER FOR EDUCATION replied: 1, Tenders were invited for right of stevedoring wheat vessels at Fremantle from recognised and bona fide stevedores only. 2, As is customary in the trade and as defined with the advice of the Wheat Marketing Advisory Committee. 3, A tender has been received from the Fremantle lumpers, and this will be submitted for consideration of the advisory committee. 4, See No. 3.

MOTION—UNIVERSITY FEES.

To disallow Senate Statute.

Hon. E. H. HARRIS (North-East) [4.34]: I move—

That the scale of fees and bursaries established by the University Senate, under Statute No. 19 of the University of Western Australia, for attendance of the students at lectures and classes, be disallowed.