

Government were compelled to run it whether there was freight provided for it or not.

THE MINISTER FOR LANDS: It became a Government railway the same as that at Fremantle; therefore, there were no covenants or conditions farther than those controlling Government railways.

HON. W. MALEY said he would like to know the probabilities of this railway.

THE MINISTER FOR LANDS said he could not tell that.

HON. W. MALEY: Before we passed this concession we should know something about it. The facts were not here, and certainly the information should be here. We knew nothing about it. We had no time to make inquiries. He would oppose this clause and all other clauses as they came up. He moved that the Chairman leave the Chair.

Question—that the Chairman leave the Chair—put and negatived.

Clause passed.

Clause 2—Authority to construct:

HON. W. MALEY moved that the clause be struck out

THE CHAIRMAN: The proper way of doing that was to negative the motion.

HON. W. MALEY thought he was within his rights.

THE CHAIRMAN: Already he had ruled that the hon. member could vote against the clause.

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

Ayes	...	...	...	9
Noes	...	...	...	3

Majority for ... 6

AYES.
Hon. E. M. Clarke
Hon. C. E. Dempster
Hon. A. Jameson
Hon. W. T. Loton
Hon. M. L. Moss
Hon. G. Randell
Hon. C. Sommers
Hon. B. C. Wood
Hon. T. F. O. Brimage
(Teller).

NOES.
Hon. J. D. Connolly
Hon. B. C. O'Brien
Hon. W. Maley
(Teller).

Clause thus passed.

Clause 3—agreed to.

Schedules (2), Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and passed.

ADJOURNMENT.

The House adjourned at 16 minutes past 11 until the next day at 8 o'clock.

Legislative Assembly,

Friday, 19th December, 1902.

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THE DEPUTY SPEAKER took the Chair at 2:30 o'clock, p.m.

PRAYERS.

QUESTION—POISON LEASE EXCHANGED, OCCIDENTAL SYNDICATE.

MR. NANSON (without notice) asked the Premier: Whether he will give an opportunity, before the House prorogues, of discussing the exchange of land with the Occidental Poison Syndicate.

THE PREMIER replied: I do not think there will be time to discuss the matter before prorogation. I have not yet looked through the papers, but if the hon. member wishes to see these, he can have them at once.

MR. NANSON: There should be opportunity for discussing this large land

transaction entered into without parliamentary sanction.

THE PREMIER: Parliamentary sanction was not needed.

PAPERS PRESENTED.

By the **MINISTER FOR MINES:** Return showing expenditure on officials employed in connection with the Paris and Glasgow Exhibitions (moved for by Dr. O'Connor). The return, though incomplete, was presented in view of an early prorogation.

By the **PREMIER:** Interim Report on the operations of the Agricultural Bank for year ending 30th June, 1902.

Ordered: To lie on the table.

QUESTION—POST-OFFICE SAVINGS BANK EXTENSION.

MR. JACOBY (for Hon. G. Throssell) asked the Treasurer: 1, Whether he will take steps to give early effect to the promise that Post Office Savings Bank facilities should be extended to Government and private employees wherever assembled in localities where such facilities do not already exist, with a view of encouraging thrift, and placing the men in a position to make provision for old age. 2, Whether he is aware that such a system already exists in France and Germany, and has been attended with the best results.

THE PREMIER (for the Treasurer) replied: Both these matters fall within the department of the Treasurer, who will inquire into them during his visit to the Eastern States.

QUESTION—HOLIDAY, PERTH CUP RACE.

MR. MORAN asked the Colonial Secretary (without notice) whether he intended to give civil servants a holiday on Cup Day. The event was a national one, and trade would be greatly stimulated by granting a public holiday.

THE COLONIAL SECRETARY replied: It was not proposed to proclaim Tuesday, the 30th December, a public service holiday. Heads of departments would be informed, however, that they might grant leave, if they thought fit, to officers under them conditionally that the time of leave be made up later. It was

rather to be regretted that the date of what the hon. member rightly termed a national event had been changed from New Year's Day to one which was not, in ordinary course, a public holiday.

LAND ACT AMENDMENT BILL.

COUNCIL'S AMENDMENTS.

The committee appointed to draw up reasons for not agreeing to certain amendments made by the Legislative Council, now presented the reasons as follow:—

Amendment No. 1.—It is not thought desirable to lower the age from 18 to 16 years. Such an amendment would tend to encourage and increase "dummying," and though there may be some few cases where the amendment would be desirable, it is, on the whole, wiser to retain the law as it stands.

Amendment No. 3.—This is consequential on No. 1.

Amendment No. 4.—This clause should be read with Clause 15.

These clauses create a class of license, and prescribe therefor a fee, and this fee when paid forms part of the Consolidated Revenue. Under these circumstances it is submitted that the matter is one for suggestion, and not amendment.

On the merits, however, it is thought wise to retain these clauses as a means of regulating the business of zamia palm wool gathering and to authorise what is now practically illegal trespassing on Crown lands.

Amendment No. 5.—The principal Act is so clear and emphatic in its terms that no person or corporation shall hold more than 75,000 acres, that it is thought wiser to let the Act stand unaltered, and thus require Parliamentary sanction in every instance where amalgamation is sought. By such means Parliament can decide upon the merits of each case.

Amendment No. 6.—This matter was fully discussed before the Bill was transmitted to the Council, and has again been fully considered. It is thought wise to retain intact the provisions of "The Land Act, 1900," Section 14.

Amendment No. 7.—See reasons on Amendment No. 4.

Amendment No. 8.—See reasons on Amendment No. 6.

Reasons adopted, and a message accordingly returned to the Council.

KALGOORLIE LIGHTING AND POWER SPECIAL LEASE BILL.

Read a third time, and transmitted to the Legislative Council.

COLLIE TO COLLIE-BOULDER RAILWAY BILL.

Read a third time, and transmitted to the Legislative Council.

FISHERIES ACT AMENDMENT BILL. SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill) : The Bill of which I now move the second reading with pleasure is designed to put an end to a somewhat awkward set of circumstances now obtaining in the South-West of this State. Hon. members know of a river called the Serpentine, and hon. members acquainted with the South-Western district know also that this river is a natural spawning-ground, and possibly the greatest natural spawning-ground of mullet and other fish frequenting the coast of Western Australia. There is a farther fact of which hon. members I believe are not aware, that under an old grant, known as the Field grant, made a great many years ago to certain persons, the waters and the bed of this river, the Serpentine, were alienated from the Crown, contrary to the usual custom in dealing with rivers. Thereby the control of the waters has to a certain extent passed out of the hands of the Government. Taking advantage of this circumstance—although it is a moot point whether the circumstance can be taken advantage of; a case on appeal is now awaiting decision—several fishermen have been netting in that river contrary to the regulations made under the Fisheries Act. With a view to putting an end to any question of the kind, this Bill has been introduced. The measure has for its object the preservation of the fish and the stopping of what must, in my opinion, be termed illegal netting. The formation of the river lends itself largely to the wholesale destruction of fish, should persons be so inclined. On their way up the coast the fish have to pass, before entering the Serpentine, through very narrow chan-

nels—channels in which the aboriginals in former years used to construct weirs for the purpose of taking the fish. The aboriginals, by instinct I suppose, were accustomed to use more sportsmanlike methods—if I may use the expression—than those of the individuals now engaged in the wholesale destruction of fish in this locality. At all events, the blacks destroyed the fish during only a certain season of the year, whilst the people now engaged in an illegal pursuit carry it on all the year round. The Bill proposes an amendment in the definition of "Western Australian waters" given by the principal Act. "Western Australian waters" in the Act No. 47 of 63 Vict. means waters "not exempted by proclamation from the operation of this Act, and includes every brook, creek, river, or stream of water, lake or lagoon, whether salt or fresh, and every estuary and arm of the sea, and the sea to three miles from high-water mark." It is proposed to strike out this definition and insert in lieu thereof, "The words 'Western Australian waters' include every tidal river, and every estuary or arm of the sea, and the sea to three miles from high water mark, and the waters of every river, stream, brook, creek, lake, or lagoon which at any time of the year have access to the sea, and notwithstanding that the land covered by the water is private land alienated by the Crown; but any waters may be exempted, by proclamation, from the operation of this Act." I would like hon. members to realise to the fullest possible extent that no existing rights are to be interfered with by this Act. It gives the same power to protect fish in waters running over private property as they have in water running over what are now Crown lands. The Bill will not work injustice to anyone and will have a good effect upon the preservation of the fish. I beg to move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

Read a third time, and transmitted to the Legislative Council.

CEMETERIES ACT AMENDMENT BILL.

COUNCIL'S AMENDMENTS.

Schedule of two amendments made by the Council now considered in Committee.

No. 1—Clause 6, line 1, strike out "shall" and insert "may":

No. 2—Clause 6, line 4, strike out the words "he may attend":

THE PREMIER: Clause 6 of the Cemeteries Act said, "Every trustee shall receive a fee of ten shillings and sixpence, or of such other amount, not exceeding one guinea, as the trustees may prescribe." It was proposed to strike out the word "shall" and make it "may," optional. It was really optional in substance now without the word "shall." This amendment was on the side of abundant caution. The second amendment was to strike out the words "he may attend." These words were surplusage. He moved that the amendments be agreed to.

Question passed and the amendments agreed to.

Message accordingly returned to the Council.

PUBLIC WORKS BILL.

COUNCIL'S AMENDMENTS.

The Council having amended the Bill, the Assembly disagreeing to certain of the amendments, and the Council insisting, the matter was now farther considered in Committee.

No. 15—Clause 63, strike out Sub-clause (c.):

THE MINISTER FOR WORKS: The Committee would notice that whilst the Legislative Council had given way in regard to some of the Assembly's amendments, they insisted upon others. The position now was that unless the Assembly were prepared to give way in regard to these amendments, the Public Works Bill would inevitably be lost.

MR. MORAN: It would not matter much if it were.

THE MINISTER FOR WORKS: This was a most important measure. There were 132 clauses in the Bill. We had agreed upon 125, and surely the Committee would not lose an important measure like this where we had agreed upon 125 clauses for the simple reason that we could not agree with another place in respect to seven. This

was, he repeated, a most important measure. Hitherto there had been no Public Works Bill in operation in this State. The operations of the Public Works Department had had to be conducted "anyhow," as his friend interjected. It had to be conducted under sections contained in a multitude of Acts, and it had been very difficult sometimes to find the particular section that would give the power that was needed. He would point out to the Committee also that the Public Works Bill was interwoven with a great many Bills that had been passed this session. Anticipating the passing of this measure, we had laid down in other measures that the provisions of the Public Works Act of 1902 should apply; so that if this Bill were thrown out, it would mean upsetting a great deal of other legislation also. It was true in regard to some amendments the Committee had somewhat pronounced ideas, and personally he regretted the other Chamber adopted the attitude it had. Rather than lose the Bill, he asked the Committee to accept the amendments, in the hope that next year a short Bill might be introduced that would give effect if not to all at least to the most important of them. With this end in view he moved that the amendment be agreed to.

MR. MORAN: This clause dealt with the betterment principle, and no doubt when the Government saw fit to introduce a comprehensive measure to deal with the betterment principle it would meet with a similar fate to this clause. The reason given by the Legislative Council was that the principle was unfair in its application, and he had held that all along. It was piecemeal and patchy, but the Assembly thought that the time had come for a partial application of the betterment principle. As the fate of the Bill meant a good deal to the Government, he did not intend to oppose the motion, but he did not consent to the proposition laid down that another Chamber had power to interfere with a Bill of this kind.

Question passed, and the amendment agreed to.

Nos. 17, 22, 26, 35, 40, 41:

THE MINISTER FOR WORKS moved that the remaining six amendments be agreed to.

MR. MORAN: In regard to amendment No. 22, the Legislative Council insisted that the country should go to the expense of advertising in a local newspaper in every district in the State.

THE MINISTER FOR WORKS: The Legislative Council had given way as to the advertising in the local newspapers in every instance except one. This clause referred to the power taken under the Bill of vesting a bridge or a road in the Minister or the local authority. Perhaps in that particular instance it might be as well to give the fullest possible notice.

MR. MORAN: What did the hon. member mean?

THE MINISTER FOR WORKS: Taking away the control of a road or bridge from a roads board and vesting it in the Minister.

MR. MORAN: It was pleasing to know that the amendment was not so sweeping as he imagined. He did not intend to oppose the motion.

Question passed, and the amendments agreed to.

Resolutions reported, and a message accordingly returned to the Council.

WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

IN COMMITTEE, ETC.

Resumed from the previous sitting;
MR. QUINLAN in the Chair, the **PREMIER** in charge.

THE PREMIER: It was to be hoped the hon. member (Mr. Foulkes) would not press the new clauses which he had on the Notice Paper, for we were at a very late stage of the session, and the amendments involved questions that to a certain extent were controversial, and would involve a certain amount of expense. It would be well if the hon. member could let the matter stand over until next session, when the question would crop up again, as it was hoped a consolidation measure would then be brought forward and the propositions involved in the amendments might be debated. In the proposed new clauses there were many valuable suggestions that ought to be, and would be, considered in any new Bill, but seeing that we had got along so far without any serious complaints being made, the Government could not be accused of neglect of duty

at this late stage, therefore it would be advisable to let the new clauses stand over until a comprehensive Bill was introduced.

MR. FOULKES: While recognising the difficulties which presented themselves, but which were not his fault, he was going to press practically only one clause. He was quite willing to abandon some proposals, although he thought them exceedingly good, and he felt absolutely certain they would pass the Committee, although he was doubtful, at this late hour of the session, whether they would pass another place. He intended to press amendments 13 and 14 on the Notice Paper. By new Clause 13, power was given to appoint and dismiss inspectors of licensing districts, and the same person could be appointed an inspector of two districts. Then was set out the duties of inspectors, to inspect all premises in the licensing districts to see whether the accommodation provided by law was supplied. There should be someone to tell the licensing bench whether the accommodation was provided. Then the inspectors had to report whether the premises were kept in a clean and sanitary condition. A great deal of the typhoid in this country was due to the insanitary condition of hotels. Exception could not be taken to that proposal. Then it was provided that inspectors should report as to whether adequate, proper and sufficient food and liquor refreshment were provided at a reasonable charge, wholesome and unadulterated. No one could take exception to that. He was only asking that the licensees should be reasonable and supply wholesome food, and he asked the licensees to be generous enough to supply the public with unadulterated liquor. The next proposal was that the servants on the licensed premises should have reasonable accommodation provided for them. At present they had to sleep in cellars and in attics and to take their meals where they could get them. Then it was proposed that the inspectors should report as to the management and conditions of the premises, whether they were kept orderly and good. No one would take exception to that. The duty of the inspectors was to report to the different licensing districts on these matters. The licensing magistrates of Perth complained bitter y

that they were supposed to consider whether applications for licenses should be granted or transferred, but they had to act in the dark in a number of cases, for there was no one to give them information on the different points. He was asking that certain officials should be told off to assist the licensing bench in coming to a proper decision. All kinds of persons obtained licenses, persons who were unfitted and might have been convicted in other States of selling adulterated liquor. The inspectors, it was proposed, should insist on the prosecution of licensees for breaches of the Act or for an offence under the Act; and he would ask the Committee to insert another clause that no new license should be granted or transferred to any person unless a British or British naturalised subject. These were reasonable proposals he submitted and he hoped the Committee would support him in passing them. He did not think the Upper House would object to the clauses. If the Government intended bringing forward fresh legislation to deal with public houses next session, these clauses would be of assistance to them. He intended to press the two first clauses.

THE PREMIER: There was in force by the amending Act of 1897 provision to appoint inspectors. Section 24 of that Act provided that—

(1.) The Governor may from time to time appoint, and at his discretion, remove one or more inspectors of licensed premises for every licensing district under the Act.

(2.) It shall be the duty of every such inspector to ascertain, by personal inspection, the mode in which the licensed premises situated within the licensing district to which he shall be appointed are conducted and managed, and the state, condition, nature, and extent of accommodation of such premises, and also to see that the provisions of this Act and the principal Act are duly observed, and also to attend the annual or quarterly meetings of a licensing magistrate of such district, and to report upon all or any of the licensed premises situated therein, if he shall be required by the licensing magistrates to do so; and such inspector shall have power, after notice, to object to any application for the granting of new licenses, or the renewal or transfer of existing licenses, upon any of the grounds specified in the Act as objections applicable to such applications.

That section appeared to be a dead letter in the State. The other day attention was drawn to the matter, and now the

Government proposed making appointments in all police districts. That being so, there was provision which went a long way to meet the proposals of the hon. member. The clauses should not be pressed.

MR. FOULKES: The clauses extended and clearly set out the inspectors' duties. The principal Act was insufficient. During last year there had been no prosecutions; in 1891 five, and for the last three years only one prosecution on the goldfields.

MR. DAGLISH supported new Clause 14. Inspectors if appointed should have clearly-defined powers.

DR. O'CONNOR: The clauses were unnecessary. Under the Health Act the central board had power to appoint inspectors save as to adulteration of spirits.

MR. MORAN: On the unfortunate hotelkeeper in the back blocks, far removed from trains, these amendments would press harshly; and they would supersede the Police Act with regard to accommodation, the Health Act regarding sanitary regulations, the Explosives Department regarding analysis. The fact of one inspector certifying that he had been properly fed at an hotel would not prove that the general public were decently catered for. So many duties could not be performed by one inspector.

MR. FOULKES pressed the new clause.

MR. WALLACE: Within seven or eight miles of Perth was an hotel which for dirtiness surpassed any in the back blocks. Persons signing untruthful householders' certificates should be penalised. This would insure better hotelkeepers.

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

Ayes	10
Noes	12

Majority against	...	2
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AYES.	NOES.
Mr. Bath	Mr. Gregory
Mr. Daglish	Mr. Hayward
Mr. Foulkes	Mr. Higham
Mr. Hastie	Mr. Hopkins
Mr. Holman	Mr. James
Mr. Illingworth	Mr. Kingsmill
Mr. Jacoby	Mr. Monger
Mr. Taylor	Mr. O'Connor
Mr. Yelverton	Mr. Rason
Mr. Wallace (Teller).	Mr. Stone
	Mr. Thomas
	Mr. Moran (Teller).

New clause thus negatived.

Preamble:

MR. JACOBY: The various amendments standing in his name on the Notice Paper would not be moved, as he recognised that to alter the Bill in such fashion as to necessitate reprinting would be fatal to the measure, which contained one or two important clauses. Hitherto he had refrained, in the interests of the State, from pointing out the real position of the wine-growing industry. Unless something were done early next session to facilitate the sale of local wine, practically 95 per cent. of the West Australian wine-growers would be compelled to uproot their vines. He would be glad to learn that the Premier would include in the Bill to be introduced next session clauses which put the West Australian wine-growers in the same position as the vigneron of Eastern Australia, by permitting the sale of wine through the only effective channels, namely grocers and storekeepers.

THE PREMIER: Speaking for himself only, and not committing his colleagues, whom he had not consulted, he wished to say that he sympathised with the desire of the hon. member to afford some encouragement to the sale of colonial wine, and that personally he would be glad to assist in that direction. A Consolidating Bill would be introduced next session, and all these questions could be disposed of under it. He was glad that the hon. member had refrained from moving the amendments on the Notice Paper, because it was too late in the session to permit of their being considered.

MR. JACOBY: Would the Premier include clauses to the effect stated in the Bill to be introduced during next session?

THE PREMIER: As to that he could not commit himself. He was in sympathy with the hon. member's object, namely to encourage the sale of colonial wine.

MR. JACOBY: A promise such as that asked for would prevent the uprooting of a lot of vines. The removal of the inter-State duties would render it absolutely impossible for anyone with 50 acres of vines here to compete with the vigneron of the Eastern States. The assurance given by the Premier was a very poor assurance indeed.

THE PREMIER: Since, naturally, he could neither commit himself nor speak

on behalf of his colleagues without consultation, the hon. member ought not to press him farther.

Preamble, Title—agreed to.

Bill reported with an amendment, and the report adopted.

Read a third time, and transmitted to the Legislative Council.

MOTION—ESPERANCE-TO-GOLDFIELDS RAILWAY, REFERENDUM.

Resumed from 29th October—Debate on motion by Mr. A. E. Thomas, "That in the opinion of this House a referendum should be taken at the forthcoming general election on the question of the proposed construction of the Esperance-Goldfields Railway line."

MR. F. C. MONGER (York): It was anticipated, when this motion was originally submitted, that the prorogation would be followed by a general election. The motion is founded on that assumption, and expresses a desire to afford the people at a general election an opportunity of expressing their opinions on this important or unimportant—according to the point of view—question. We know now that there is little or no probability of a general election being held for some considerable time. Accordingly, I desire to move an amendment to the motion; and I shall be glad to obtain from the Government an expression of opinion whether the amendment is one to which they can agree, or whether they prefer that the original motion shall be adopted. My amendment is that all the words after "taken," line 2, be struck out with the view of inserting in lieu, "before the next session of Parliament on the question of the proposed construction of the Esperance railway."

MR. JACOBY: Do you believe in the referendum?

MR. MONGER: I believe in the referendum principle.

MR. JACOBY: Then your place is on the back bench with the Labour party.

MR. MONGER: This question has been under consideration sufficiently long to enable the people of Western Australia as a whole to give a definite reply to the request of the people of Esperance and the goldfields. The amendment which I have submitted asks that the people of Western Australia shall be given an opportunity of expressing their views on the

subject. I submit the amendment in all sincerity, as one whose interests are more closely associated perhaps with Fremantle than with Esperance. I feel assured that hon. members will to-day give this question, which has been so long debated throughout the length and breadth of Western Australia, fair and honest consideration. I move as an amendment to the motion :—

That all the words after "taken," line 2, be struck out, and "before the next session of Parliament on the question of the proposed construction of the Esperance railway" inserted in lieu.

MR. A. E. THOMAS (mover) : At this stage of the session I have no desire to delay matters ; therefore I state now that the amendment is acceptable to myself. In order to save time, I ask leave to withdraw my motion in favour of the amendment.

Motion by leave withdrawn, the amendment thus becoming the substantive motion.

MR. J. M. HOPKINS (Boulder) : The Premier is most desirous of obtaining an expression of public opinion on the advisability or otherwise of constructing the Esperance railway. From the tone of the hon. gentleman's remarks when this matter was previously debated with particular reference to the question whether a royal commission should be appointed to inquire into the feasibility and advisability of constructing the line or whether the railway should be built without farther inquiry, I gathered that such was his desire. Everyone must be struck by the circumstance that the Esperance railway question is not debated in that judicial manner which ought to characterise the discussion of a large and important national work. The fact, however, is due to the circumstance that the Premier is pledged to stand on one side, while other members are pledged to stand on the other side. It is true that some hon. members are not pledged to stand on either side, but the meagreness of the information afforded must have left those members in a state of doubt as to whether the data are for or against the proposed work. We can assume only one thing--that the case for the construction of the railway has been amply proved ; for, were it not so, the opponents of the line would not have refused the inquiry

which the people of the Eastern Gold-fields demand. I wish to be brief. The amendment which has become the motion involves the introduction of a new and important factor into the political life of Western Australia. Although the referendum was availed of on the Commonwealth Constitution Bill, it has not yet, so far as I am aware, been introduced as a controlling factor in domestic legislation. The referendum is a political institution long peculiar to Switzerland, where I believe it originated and was perfected. Its real significance in Switzerland is that laws passed in one Canton shall be referred to the Swiss people at large ; or, in other words, the laws passed by one Canton are in turn submitted to the whole people in order that the right of veto may be exercised, if deemed advisable. I believe the first Canton or State that made that provision in its constitution in Switzerland was that of St. Gallen, in 1831. And following on from that period the system of initiative and referendum has grown until I think it is adopted in almost every State in Switzerland, and in addition it has been extended to the Confederation. The best proof that we can offer on the wisdom of the referendum, speaking of the referendum itself altogether apart from the Esperance railway, is that in a country where it first took root it has expanded and grown until its application has now extended practically to the whole of the legislation of the people of Switzerland. It has borne the test of experience. I believe it is admitted not only by the democrats of that country but alike by the conservatives, that persons themselves conscious of their individual influence have been strengthened in their national feelings and in their national aspirations. I have here a work entitled "The Swiss Confederation," from which I might have read a few extracts if deemed requisite. However, I will content myself with just one or two brief quotations which I think the House will take no exception to my making. It is said here :—

The referendum has struck root and expanded wherever it has been introduced, and no serious politician of any party would now think of attempting its abolition.

MR. JACOBY : What book is that ?

MR. HOPKINS : "The Swiss Confederation."

MR. JACOBY: By whom?

MR. HOPKINS: By Sir F. O. Adams and C. D. Cunningham, two of the highest constitutional authorities in the old world.

MR. JACOBY: I do not know. I never heard of them.

MR. HOPKINS: The extract continues:—

The conservatives, who violently opposed its introduction, became its earnest supporters when they found that it undoubtedly acted as a drag upon hasty and radical law-making.

I commend that aspect to the members who in the past have voted against the building of the Esperance railway.

It has given back to the people of Switzerland rights originally possessed by them in most of the old Cantons, but partly or wholly lost in the course of time.

As a matter of fact the control of Switzerland had drifted into the hands of a few aristocratic families, and the introduction of the referendum has replaced the power of legislation in that country in the hands of the people; and, as is pointed out throughout this great work, with the very greatest satisfaction to all those who participate in it. Continuing, these great authorities say:—

It is an important fact, which cannot too strongly be insisted upon, that both referendum and initiative are institutions which have grown up gradually in the Cantons, spreading from one to another, till all, with the exceptions already mentioned, possess either a compulsory or optional referendum, and in two instances both, whilst a number have introduced initiative.

There are several other extracts which I had intended reading, but perhaps that is unnecessary because I believe that in a country like Western Australia the referendum principle will meet with the approval of the majority of us on all occasions, and its principal charm is that one finds in the application of the referendum the accurate and at the same time the final expression of opinion of a majority of the people interested. I quite believe that outside the House as well as in it we will find a number of the community who are strongly in favour of building this line. We will find another section quite as strongly opposed to it. But, as I said on a previous occasion, there is another and a very important and the great controlling factor which, if the referendum be brought into play, will be the means of getting an

honest expression of opinion from the people, which I take it will be given in the interests of the people, and after all you cannot support the interests of the people of a country without promoting the well-being of the country itself. I think perhaps the shorter one makes his remarks on an occasion of this sort the better. This is a thin House, and I have no doubt members are feeling the session is near a close. The approaching hot weather has sapped a great amount of the vitality we had a few weeks ago, and which seems to be lacking on this occasion. I will simply add that I will give my hearty support to the amendment moved by the member for York (Mr. Monger), and I hope we will have the same generous expression of opinion from those members who are representing pastoral and agricultural constituencies of this State. In making this last appeal on behalf of the people of the Eastern goldfields, I would like to say that throughout this session of Parliament we have on each and on all occasions offered every assistance and extended every sympathy towards those persons whose interests lie in directions other than those of the Eastern goldfields, and I do not hesitate to say at the termination of this session there must be in this House many members who to-day are beginning to feel that the building of that railway is fast becoming an economic necessity.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): I regret to say I cannot view with perhaps the enthusiasm of the hon. member who has just resumed his seat the employment of the referendum upon questions such as that which is now engaging the attention of this House. The hon. member has, I will not say at considerable length, but clearly, explicitly, and forcibly stated the suitability of the referendum to the circumstances of Switzerland. I am perfectly at one with the member in all that he has stated upon that subject, nor do I intend for one moment to dispute any of his observations. But I would like to remind the hon. member that perhaps what is suitable for a country like Switzerland is not suitable for Western Australia. Switzerland is a country which is amongst the most ancient of Europe, a country that has reached possibly its highest state of development,

and is in all respects different from the State in which we find ourselves, a State which is in the young and fresh vigour of life, and has all its triumphs and all its troubles before it. I say that to introduce an analogy between such a country as Switzerland and a State such as Western Australia is absurd in the extreme. Again, the hon. member perhaps struck the keynote as to the applicability of the referendum to a country like this when he adverted in some few words to the division of that country into Cantons. If a referendum were to be applied having as its area of operation a field such as the Commonwealth of Australia, a field which is divided into States with diverse interests and with varying sentiments—

MR. HOPKINS: They have all that in Switzerland in their Confederation.

THE COLONIAL SECRETARY: I was just about to draw an analogy between Switzerland and the Commonwealth of Australia; but to deny the analogy as between Switzerland and one State whose people have the same aim in the advancement and good of the State as a whole, as against that of a country which is divided, as in Switzerland, partly naturally and partly artificially, into Cantons, I say that the two sets of circumstances are altogether different, and that no analogy can be drawn between one set and the other.

MR. HOPKINS: It is a cooler climate, I grant you.

THE COLONIAL TREASURER: Again I refer to the incongruous course proposed to be pursued by the hon. member in referring such a matter as a proposed public work, and a public work not of great magnitude, to a referendum of the people. I remember a good many years ago in this House speaking often—not for any great length of time, but often—adversely to the great Coolgardie Water Scheme. What comparison can be drawn between the importance to Western Australia of the Coolgardie Water Scheme and the Esperance railway? I maintain, taking it from a financial aspect or any other aspect you like, no comparison can be drawn, and yet it was never proposed to refer that scheme to a referendum of the people. [Interjection.] Exactly, and Parliament has, I understand, decided upon the

scheme which it is now proposed to refer to a vote of the people.

MR. THOMAS: It has never been submitted to Parliament but once.

THE COLONIAL SECRETARY: What?

MR. THOMAS: The Esperance-Goldfields line.

THE COLONIAL SECRETARY: The hon. member may be correct, but ever since he came into the House it seems to me the whole atmosphere has been pervaded with the Esperance railway.

MR. THOMAS: Hear, hear.

THE COLONIAL SECRETARY: The hon. member looks upon it as the highest compliment one can give him, but I make the remark and he is perfectly willing to put what application to it he thinks fit. That is the impression he has conveyed to my mind, that ever since he has come to this House there seems to be a constant ripple of conversation and debate, a ripple sometimes rising into waves of debate, and simply studded and flecked like foam of the sea with fragmentary figures and so-called facts brought forth by the member for Dundas.

MR. THOMAS: Why did you not dispute them at the time?

THE COLONIAL SECRETARY: I was generally too busy, and although a very long-suffering man I have found it impossible to remain in the House under stormy circumstances created by the hon. member. I was referring shortly to the nonfeasibility of adopting the referendum as a method of deciding whether public works—and as I said before public works of no extremely considerable magnitude—should be constructed by the State. I say that to allow this state of affairs would be to surrender one of the most sacred rights of Parliament. Were the referendum proposed to settle any great social question, any question which struck perhaps at the liberty and the rights of the whole of the population of Western Australia, any question that was brought home to the inhabitants of this State every hour and every day—and there are such questions—then I would be inclined to look somewhat more kindly upon a proposition such as this; but even then I say that this Assembly is the proper place for such a question to be decided, and if I take up that attitude upon a question which might

reasonably be proposed to be referred to a referendum, how much more strongly does it behove me to oppose a proposition such as this? It is an absolutely unheard of proposition, and I hope the House will refuse to entertain it by such a majority as will show the hon. member (Mr. Thomas), who is the instigator both of the original motion and the amendment, the futility of bringing before this legislative and liberative Assembly such a proposition as is now before it. I hear an interjection that the hon. member ought to be ashamed of himself. I prefer to deal with possibilities. I am not going to say anything about the advisability of the construction or non-construction of this public work. That has, I maintain, already been somewhat too fully discussed in the House, and a decision of Parliament has already been arrived at.

MR. HOPKINS: A prejudiced Parliament.

THE COLONIAL SECRETARY: It is very hard to find, and I hope the day will not come when we find a Parliament without any opinion. If members call that prejudice, well and good. I notice it is usual for a minority to invariably call the opinions of the majority prejudiced.

MR. HOPKINS: We know it is prejudiced in this case by election pledges.

THE COLONIAL SECRETARY: Call it what you like, call it prejudice or anything you like, prejudice merely means prejudging. It is a word that of late years has been considerably perverted from its true meaning. It means that members, before they came into the House, have thought over the different circumstances of the case, and have arrived at a definite conclusion.

MR. THOMAS: Before hearing anything from the other side; that is what we claim.

THE COLONIAL SECRETARY: I maintain the volumes and volumes and libraries of statistical works which the member for Dundas has been wallowing in for the last few months, are open to other members as well as himself, and the conclusion hon. members draw is as valuable, perhaps more valuable to them, than the conclusions which the member for Dundas has drawn. I question if the member for Dundas would—say he

was one of the members for Perth or Fremantle, or one of the members for Geraldton—still display that industry, that indefatigable industry, that incorrigible industry, that he has displayed over the subject of the Esperance railway.

MR. THOMAS: Why insist always on judging people by yourself?

THE COLONIAL SECRETARY: I did not think I was doing that.

MR. THOMAS: You said geographical position would change my opinion.

THE COLONIAL SECRETARY: I did not mention "geographical position" at all.

MR. THOMAS: You implied it.

THE COLONIAL SECRETARY: If the hon. member is going in for implication, he is sailing very close to being out of order. I do not intend to discuss the advisability of the construction or non-construction of this work, because I maintain that has already been decided. I take again the instance of the Coolgardie Water Scheme. When that was under discussion there was a minority in the House in opposition to it; but that minority loyally accepted the decision of Parliament. I do not think anybody can accuse the minority who sat on the Opposition benches during the last Parliament of being afraid to speak. I say we recognised this would be an improper course to pursue, and we did not ask Parliament to take this course. If it was so in that instance, in the construction of a work which involves millions of money, not hundreds of thousands—

MR. HOPKINS: Two wrongs will not make one right.

THE COLONIAL SECRETARY: I say we were right in the first instance, and I maintain we are right in the second. We see the proper method for Parliament to pursue. We would be surrendering our rights; but if there is a referendum, and I most certainly do not think there should be one, it should take the form of the return of members pledged either to support or oppose the Esperance railway.

MR. HOPKINS: How do you surrender any rights?

THE COLONIAL SECRETARY: You surrender rights by going outside the proper arena for the determination of these questions into an arena where

they never can be discussed, more particularly questions of this kind.

MR. HOPKINS: Where you always have to go when a Government is defeated.

THE COLONIAL SECRETARY: On general principles, not on one question. Western Australia is not the same as the old country. Very seldom Governments have gone out in Western Australia or in some other part of Australia, on one particular question. It is usually more upon the general iniquity or alleged iniquity that a Government goes out of office.

MR. HASTIE: The same as everywhere else.

THE COLONIAL SECRETARY: The same thing does not apply everywhere else. If it does it makes my argument all the stronger. If you refer questions like this to a referendum it will be absolutely improper, and I intend to oppose the motion.

MR. J. J. HIGHAM (Fremantle): On this occasion the only question we need discuss is that of the referendum. The matter, so far as the advisability of the immediate construction of the line is concerned, was debated at great length and in every detail previously. The House has expressed the opinion that at the present time it is not advisable to construct this line. Therefore I do not propose to go into the question of the merits or demerits of the proposed line, but on the advisability of taking a referendum on a public works policy. I do not think it is possible that if we started the principle that questions of public works should be submitted to a referendum, we could get an unbiased opinion from the general population of the country, more especially at the present time when a large proportion of the population would vote for a public work irrespective of its merits or demerits. This is a time when from all portions of Australia there is an outcry on the part of a large number of unemployed; and if we were to suggest a railway to the moon at the present time which would afford employment for a large number of people, and submit that question to a referendum the people would be in favour of it. In the same way I have not the slightest doubt, if a referendum for a work such as the Esperance railway were taken, or even if the Marble Bar railway was

submitted at the present time, the mass of the people would vote for it.

MR. HOPKINS: All the more reason why we should do it.

MR. HIGHAM: Certainly not. I do not see why this State should start public works for the one and simple reason that they will afford employment for the time being.

MR. HOPKINS: Keep them for a few people at Fremantle.

MR. HIGHAM: So far as the Fremantle people are concerned, I do not think they are ungenerous to the gold-fields. I have no desire to be drawn into a discussion as to how far the Fremantle members or Perth members should be so pre-eminently placed in opposition to the scheme. I do not think the Fremantle members are more prominent in their opposition to the Esperance railway than all the rest of what are termed the coastal members. We realise that we have quite as large a railway system at the present time as the State can afford to maintain. I do not think we would be justified in submitting such a question as the Esperance railway to a referendum.

MR. HOPKINS: When do you expect the train to arrive? Talking until the other Fremantle members come.

MR. HIGHAM: We cannot really have an unbiased vote on such a question as this. We have only to recollect that an opinion was expressed by the people of Boulder the other day, and there were suggestions that the people were not properly settled in a certain place, and that the opinions which these people expressed were not to be relied on.

MR. HASTIE: It depends on where they are.

MR. HIGHAM: They did not stop in Boulder, but outside, residing on the leases, and it was said these people got up an agitation against the residential blocks.

MR. HOPKINS: What has that to do with the Esperance railway?

MR. HIGHAM: They were not properly settled people, not in the interests of the State.

MR. HOPKINS: Who said that?

MR. HIGHAM: You did.

MR. HOPKINS: Go on.

MR. HIGHAM: I hope the House will not affirm the motion, but will maintain that a public works policy should be

based on mature judgment, and not on public opinion, which may be worked on by dire necessity and in many cases would be most unreliable.

[At 4:15, business suspended for 30 minutes.]

MR. J. C. G. FOULKES (Claremont) : It is no doubt very serious that this House should take upon itself the task of practically altering our Constitution by referring to the general public questions which I think the House capable of deciding for itself; and the member for Dundas has practically admitted that this is a question which Parliament is capable of deciding, because he has at various times introduced motions either during this or previous sessions asking Parliament to agree to the construction of this railway. That is tantamount to an admission that Parliament should, in his opinion, be the supreme authority to decide the question. When he first brought forward his motion for the construction of the railway, he said nothing about referring the question to the people; and I therefore submit he must have admitted at the time that it was Parliament which should decide the question. Some members have tried to draw an analogy between the constitutions of Switzerland and of this country. Of course, it is true that Switzerland has a referendum, and members argue that we should have it here. That, in my opinion, is not a sound argument, because it is impossible to take various parts of the constitutions of continental countries, picking out one from Switzerland, another from Austria, another from Turkey, and another from Russia, and reasonably to say that any or all should be adopted in Western Australia. If it be reasonable to have the referendum here because the institution is found in Switzerland, the time will come when some member will rise in this House and say we should follow the example of Russia or of Turkey.

MR. TAYLOR : Some of the Conservatives might say so.

MR. FOULKES : I should like to hear what the member for Mt. Margaret (Mr. Taylor) would say if some member proposed to adopt a policy because it had proved a great success in Morocco. In that country there is a legal system by which prisoners are tried very speedily.

There is no question of litigation there; no lawyers' bills. I can imagine some member arguing that as the legal system of Morocco had answered splendidly, and was so prompt and speedy, it might prove successful in this country. But I object to going to foreign countries and picking patches out of their constitutions for adoption by us. This State is a member of the British Empire; and we have nothing to learn from parliamentary institutions in other countries. We all know that the British House of Commons is the mother of Parliaments; and I am quite satisfied to follow the broad lines on which the British Constitution has been based.

MR. THOMAS : We applied the referendum to federation.

MR. FOULKES : And I believe the majority of the people of this country are sorry that the referendum was tried. If the question were now submitted to the people, I think a great number would vote on the other side. I have heard members of this House say that they voted for federation, but that if the question came up again they would vote against it. There is the same danger with this proposed referendum on the Esperance railway. If people find the line a failure they will deeply regret voting in its favour. I know one well-known member of this House who for years advocated the construction of this railway, and who about six months ago announced from the platform that he had quite changed his mind; and he pledged himself during that election that if the question came up again he would vote against the project. I have no doubt the member for Dundas will, when he gets older, change his opinion on this point. I believe many people on the goldfields are anxious to have this railway in order that they may occasionally visit the seaside. Something has been said of a project for getting salt at Esperance; but to that I do not attach much importance. With the anxiety of goldfields residents to get to the coast in the heat of summer I sincerely sympathise, and I am sure people on the coast are anxious to do their best to ameliorate the hard conditions on the fields. But that can be done without constructing the Esperance railway, by laying a broad-gauge line from Fremantle to Kalgoorlie.

MR. THOMAS: When I introduced this motion the Speaker ruled that no reference could be made to the merits or demerits of the Esperance railway. Is the hon. member in order in advocating a broad-gauge line?

THE DEPUTY SPEAKER: The argument does not relate to the motion; but I understand the hon. member is using it as an illustration. If he proposes to discuss at length a broad-gauge line, I shall have to call him to order.

MR. FOULKES: I know the member for Dundas is very punctilious. He has a high standard for himself, and naturally tries to lift us to the same level. If this broad-gauge line were constructed from Fremantle to Kalgoorlie, I believe it would do far more good to the fields than the construction of a narrow-gauge line from Coolgardie or Kalgoorlie to Esperance.

THE DEPUTY SPEAKER: That is not under discussion. The question is the referendum.

MR. FOULKES: It would not be fair to limit the referendum to the question whether a narrow-gauge line should be constructed; but that, I submit, is a fair interpretation of the motion.

MR. THOMAS: Such an interpretation is impossible. The referendum is on the proposed construction of the Esperance-to-Goldfields railway. There is no reference to a narrow-gauge line.

MR. FOULKES: My reason for supposing that this would be a narrow-gauge railway is because all the railways we have in the State are built on the narrow gauge. I should like the hon. member to tell me whether he means to have a narrow-gauge or broad-gauge line.

MR. THOMAS: The subject of narrow-gauge or broad-gauge is not now under discussion; and therefore I refuse to answer the question.

THE DEPUTY SPEAKER: Will the hon. member (Mr. Foulkes) confine himself to the motion, which is the question of a referendum?

MR. FOULKES: There are many instances in which a referendum might be taken if we once institute the principle; but I object to a referendum being taken, and I think it unfair that a referendum should be taken on a particular point that an hon. member has insisted on. One question brought up by me this afternoon

was that of amending the licensing laws, and that I regard as of far more importance to the State than the construction of a narrow-gauge railway for 160 miles from Esperance to the goldfields; because long after that railway has rotted away in the salt at Esperance, this question of the licensing laws will be of great importance to the State. I brought amendments forward to define the principles as to the management of hotels and public-houses; but this House decided against me, and although I feel sure that a great majority of people in the country are of the same opinion as I am in regard to the necessity for these amendments in our licensing laws, yet I did not ask the House to pick out this question and take a referendum of the people on it. Many railways have been built in this State during the last 10 years, and some of them were strongly opposed; the railway from Donnybrook to Bridgetown, for example, was opposed strongly by the Upper House, and was thrown out, I think, in 1894; yet although the people in those districts were most anxious to have a railway constructed, nothing was said by them about a referendum of the whole people in the State on the question of that railway. Those people were satisfied to leave the question to the decision of Parliament. The Great Southern Railway has been suggested to me as another example in point. That line was constructed by the authority of Parliament, and the people in districts adjacent to the railway were agitating for years to have the line taken over by the State. But while the question remained unsettled, those people were content to wait, and did not ask for a referendum. I do not see why preference should be given to a small number of people at Esperance in having a referendum taken on a question in which they are particularly interested. I do not think we can be too careful in altering our Constitution, because this is a left-handed attempt at altering the Constitution. When the Premier brought some clauses forward in regard to an amendment of the Constitution, particularly those for giving power to Ministers to introduce or explain Bills in either House of Parliament, we know what happened to that proposal when it was sent to the other

House. The measure had been carried through this House by a small majority, and although a great deal might have been said in favour of giving facilities for Ministers and members to go to the other House to explain Bills and motions, yet the great majority of members here were loth to give that power to Ministers, because they felt that, however good the proposals brought forward by the Premier might be, they were a serious alteration of our Constitution. This question of the Esperance railway is not going to be decided this afternoon, even if a referendum were taken upon it.

MR. THOMAS: The people would then be able to decide the question, instead of Perth and Fremantle.

MR. FOULKES: But even if a great majority of the people did vote in favour of the construction of the Esperance railway, I doubt whether this House, as now constituted, would take any particular notice of that vote. One of the Ministers (Hon. C. H. Rason) has stated in this House that even if the whole of his constituents were in favour of voting for the construction of the Esperance railway, he would not consider it right, as their representative in Parliament, to vote for the construction of that line. Another matter is that if you have a referendum on the question, all the pros and cons should be put plainly before the people, so that they may fairly understand the question on which they have to vote. However good the project may be, we have to bear in mind the condition of the finances of the State. There are many schemes and there are scores of railways one would like to see carried out, if the financial condition of the State would permit of all these works being undertaken. The member for the South-West Mining District would doubtless like to see a railway built to the goldfields for carrying coal. I have also heard something about a railway from Mount Margaret to Lawlers, also something about the construction of a railway in the Jandakot district, as well as a proposed deviation of the main line in the Cottesloe and North Fremantle districts, although in regard to this last suggested work I did not attach much importance to the suggestion; but imagine taking a referendum on the question of deviating the railway in the Cottesloe and North Fremantle districts, where the

people who understand the position are strongly opposed to the suggested deviation. I am strongly opposed to it, but I do not ask the House, and they do not ask the House, to take a referendum on the question of that deviation. Just imagine the people in the Esperance district and the Dundas district voting in a referendum on the question of deviating the main line of railway in the Fremantle district. What would people in those other districts know about the local conditions? Therefore what value could be attached to any vote which they might give on a question so little understood by them? I do not think the people in those districts have ever heard the name of Cottesloe, and they would have to ask where it was before they would know anything about it; then by the time they did obtain some information on the question, the day for taking the referendum would have passed. This shows that the question of constructing railways is one that cannot well be submitted to a referendum of the people. Something was said this afternoon and yesterday about the alienation of a large quantity of land to the Occidental Syndicate, and some members here have objected to that alienation; then according to the member for Dundas, the only way to settle that point is to take a referendum of the whole people. The other day the member for Boulder (Mr. Hopkins) was eloquent about granting the fee simple of some blocks of land in the Boulder municipality; but when the House voted on the question, it decided that the fee simple should not be granted; yet the hon. member did not say anything about a referendum on that question. He seemed to feel the matter keenly, probably as keenly as the member for Dundas felt the defeat of his motion on the Esperance railway some time ago; but the member for Boulder took his defeat like a man, and did not even whisper about a referendum on the question. The Premier has introduced some important legislation about stopping cigarette smoking by boys. This House decided that cigarette smoking should be stopped, but when the question went to another place, the members there struck out the particular clause. The Premier, in mentioning the matter afterwards to this

House, seemed to feel it somewhat, but he did not say anything about taking a referendum of the people on the question. I am glad to see that members are approaching this question in a merry spirit, quite appropriate to the season. They evidently look upon the question not seriously, but as a happy way of amusing the people in the Dundas and Esperance districts, by asking them to take a referendum on the question of a railway from Esperance to the goldfields. I believe the people up there would thoroughly enjoy themselves in having this referendum to play with. But all the same, I cannot see that it is a reasonable proposal to have a referendum on the question, because it is essentially a question on which this Parliament should decide, and on which it has decided. I say in all seriousness that this is such an important alteration in our Constitution that before this House decides to take the voice of the people on important subjects by means of a referendum, we should get a mandate from the people to say that this should be done. During the whole time since the introduction of responsible government, no responsible person has ever seriously proposed that the voice of the people should be taken in the form of a referendum on the construction of particular public works. The hon. member himself has never suggested that except on this particular question. We have had many different subjects to discuss this session. Take the alteration of the Constitution, take the Electoral Bill and the Factories and Shops Bill—all very important measures that will affect the people of the country for many scores of years—not a single word has been said about taking a referendum and submitting the matter to the people of the country. The people are quite satisfied to leave important matters to the two Houses of Parliament. If the people of Esperance and the people of Dundas have not sufficient confidence in the representative whom they send to this House, if they do not think he is a fit and proper person to decide questions of this kind, I should suggest to them to see if they cannot get somebody better to represent them. I believe the hon. member happens to be a representative of mine; I am one of his constituents, and I may say I am not quite satisfied with

the representation he gives me. I never asked him to bring this referendum forward. When I spoke to him about it, I told him I did not agree with it at all. But, contrary to my wishes, he brings this referendum forward. I honestly believe in all seriousness that the majority of the people on the goldfields are not anxious about the construction of the railway. What they are anxious about is the construction of the Transcontinental railway. When that railway is constructed we shall never hear anything about the construction of this narrow-gauge line to Esperance.

MR. HOPKINS (in explanation): I am afraid in my few remarks I made a statement which is apt to do an injustice to a previous Parliament, and to numerous members of that Parliament, inasmuch as I made a statement which I find by the Votes and Proceedings and by *Hansard* to be not entirely correct. I ask permission to rise in explanation, in order to clear up that point. I said the referendum was a new departure in State politics. I find that is hardly so, because a question was asked in the Legislative Council by Mr. Haynes on behalf of Mr. Drew as follows:—

1, Is it not a fact that the Government are pledged to submit the question of payment of members of Parliament to a referendum of the people at the next general election? 2, And if so, do the Government propose to introduce, at the present session of Parliament, legislation to enable the referendum to be legally taken.

The Hon. G. Randell replied as follows:—

1, In the Legislative Assembly, on 19th July, 1899, the Government moved "That the question of payment of members should be referred to the electors of the colony for an expression of their opinion at the next general election," and the motion was carried unanimously. 2, The Government intended to carry out this undertaking.

THE DEPUTY SPEAKER: I do not see that this is a personal explanation.

MR. HOPKINS: Except that I made a statement which is not correct and I wanted to correct it; and I thought I should be afforded an opportunity of doing so.

THE DEPUTY SPEAKER: Of making an explanation.

MR. HOPKINS: I will proceed to do so. Turning to the Votes and Proceedings, page 38, Mr. Gregory moved:—

THE DEPUTY SPEAKER: I must rule the hon. member out of order. He is not making a personal explanation, but discussing the main question.

MR. HOPKINS: Then will you order the Clerk to read the minute, Mr. Speaker?

THE DEPUTY SPEAKER: No.

MR. P. STONE (Greenough): In reference to a referendum, we have had one referendum in this country, which cost the people £10,000; and since that referendum was taken the majority who voted for federation are sorry at the result.

MR. HASTIE: Only a few in your district.

MR. STONE: But those who voted for it outside of my district caused the unsatisfactory results, and those persons are mostly in the district represented by the member for Kanowna.

MR. HASTIE: They wanted a change.

MR. STONE: They got the change, and now they have to pay for it. It is touching their purse, and it is touching the purse of those who have to pay for the labour in this State. People come here looking for employment, and they are now walking about the streets by hundreds. I walk about, and I ride about, and I see twos and threes and fours and fives in groups, like so many caterpillars with stripes on their bodies. These caterpillars put the hon. member (Mr. Hastie) where he is, but they are now walking about the streets, and with bad boots on. The expenses of a referendum are serious, and in the present financial state of affairs we cannot afford to pay £10,000 for a referendum. If that amount were spent on some public work which would give employment to a number of those now unemployed, it would be more satisfactory to the State as a whole than taking a referendum. We have spent a great deal of money in settling people on the land to provide food for those engaged in other industries, and we wish to provide means of settling others on the land, so as to become the farmers of the future. This railway will open up a market in another country, and produce will be sent from another State to supply the wants of the people here. We should have to send our money to buy produce from other States while our own farmers, who were

supposed to cater for the wants of the people here, would not be able to do so.

MR. MORGANS: We ship potatoes to South Australia now.

MR. STONE: What quantity?

MR. MORGANS: Two hundred or three hundred tons.

MR. STONE: I think about five tons, and I import about that quantity per month. It may be satisfactory for the member for Boulder to have a railway built from his constituency to Esperance; it may give temporary relief to the people round about and supply them with a little labour and a little cash, but within the last 11 or 12 years we have spent something like £16,000,000 in this country, which we have borrowed from money-lenders. We have to pay that back, and we have to pay three-quarters of a million in interest and sinking fund. Seeing that the customs tariff will be wiped out in the near future, where are we going to get this three-quarters of a million from? Who will pay the interest on that money? The people who are here and intend to stop here; those who do not come here for a little while to make a few pounds and go away again. Adelaide is the nearest port to this State, and the producers of Adelaide will supply Esperance with all that is required, also the Eastern Goldfields. With the duty taken off the necessities of life, goods can be brought from Adelaide to the goldfields at a cheap rate.

MR. MORAN: Would not that be good for the consumer?

MR. STONE: It would be good for the consumer in a way, but it would not be good for the country; it would not be good for those who have to live here and pay for building the railway. I look at the building of the railway as a mere item. It is the upkeep and the expenses of the harbour which we have to consider.

MR. THOMAS: Is the hon. member in order in discussing the amount of money which will have to be spent on Esperance harbour?

THE DEPUTY SPEAKER: The hon. member is not out of order at present, but he is getting dangerously near to disorder.

MR. STONE: It appears to me that the spending of something like a million

of money on the harbour at Esperance is a matter that has had but little consideration from the member for Dundas.

THE DEPUTY SPEAKER: The question is the referendum on the railway to Esperance; not the harbour.

MR. STONE: I am glad that you put me in mind of the subject, as the member for Dundas seems to try to lead me off the track. The whole matter appears to me to be "tommy-rot."

THE DEPUTY SPEAKER: Order! The hon. member must not use expressions of that kind.

MR. STONE: What am I asked to withdraw?

THE DEPUTY SPEAKER: "Tommy-rot."

MR. STONE: The member for Dundas seems to think that I was alluding to him. The matter of the interest and sinking fund on the national debt of the State deserves the serious consideration of the people of the country, and those who will have to live here after the Esperance railway has been built.

MR. HOPKINS: You said that before.

THE DEPUTY SPEAKER: I do not see what this has to do with the question of a referendum. The question of the debt and the interest has nothing to do with the referendum.

MR. STONE: It may not directly have anything to do with it, but it appears to come very close to it. If we spend £10,000 on a referendum—and that is what the referendum on federation cost—it will be so much wasted money. The people who are out of work, the people on the goldfields who, in many cases, do not care a rap about the country, are the people who will vote for this work. This is the point we must watch. When a man is out of work he is not particular how he votes. It might be of some use to take this referendum if we had more money than we knew what to do with. But now we are pledged up to the ears. Our credit is stopped. A referendum may answer in some cases; but I cannot see how it applies here, particularly after our experience of the former referendum. I have no doubt that if another referendum were taken on Federation the member for Dundas would be the loudest against our entering the union. I cannot see by what stretch of imagination the member for York, who represents an agricultural district, can propose a referendum of this

sort. Surely he never intends to face his constituents, whom he is trying to deprive of a market for their produce.

MR. HOPKINS: Then the goldfields are of some use after all?

MR. STONE: I admit the goldfields are of a little use as a market; but the day will come when the mines will be worked out; the railways will be left there and we shall have to pay for them. They are not now paying working expenses. I shall vote against this motion.

MR. TEESDALE SMITH (Wellington): If it were not for the generosity of the coastal inhabitants I should support this motion for a referendum; but I feel and know that the coastal people are the most generous throughout Australasia, having built railways from the coast into the interior. [**MR. HOPKINS:** Into Kurrawang.] We built that ourselves. The coastal people have put their hands in their pockets and constructed the Coolgardie Water Scheme; and considering the sum of money for which they have become liable I think it unjust for the inland towns to ask at the present time for a railway to Esperance.

MR. H. DAGLISH (Subiaco): I thoroughly agree with the principle of a referendum if applied to important constitutional questions; and I am even willing if it be applied on large constitutional questions to allow the principle thus recognised to be extended to some local matters. We have heard much in favour of the principle of the referendum; and some of the arguments in its support have been applauded from most unexpected sources. I intend to take advantage of this opportunity by endeavouring to get an expression of opinion from the House on the whole principle of the referendum; and with that object I shall move as an amendment that there be added to this motion the words, and "also upon the questions of the abolition of the Legislative Council, the Constitution Act Amendment Bill, the Factories and Shops Bill, and the Electoral Act Amendment Bill," with the object of having the referendum made to apply not only to the Esperance railway but to each of these important subjects. [**MR. TAYLOR:** All at once?] Of course. With regard to the Esperance railway, there has as yet been no conflict between the two Chambers; but as to all those other

matters I have mentioned there has been a distinct conflict, and therefore I think that if a referendum on the one question be necessary, a referendum on those other questions is far more essential to the peaceful government of this State. I am not certain that on the question of the Esperance railway we can get a thoroughly reliable vote, for I do not think the people of the State are sufficiently educated on the subject.

MR. MONGER: Is the hon. member in order in adding these different points?

THE DEPUTY SPEAKER: I am trying to discover whether the hon. member proposes anything that is relevant to the motion. At present, I am not in a position to answer that question; but I would point out that the decision of *May*, page 278, is that "it is an imperative rule that every amendment must be relevant to the question on which the amendment is proposed." As I understand this motion, it is a motion for a referendum on the question whether there should or should not be constructed a railway to Esperance; and I cannot see how the questions the hon. member names are relevant to the motion.

MR. DAGLISH: I should like to submit that my proposed amendment may be considered relevant, inasmuch as there is before the House a motion to take a referendum; and I venture to think that the question of the matter on which the referendum shall be taken is purely subordinate to the adoption of the important principle of a referendum. It seems to me that the real issue at stake is the question whether it is in the province of this Parliament to refer important matters to a referendum; and if we decide that it is right to refer questions to the people, then we can well consider what are those questions which the people are most vitally interested in deciding. In these circumstances I respectfully submit that my proposed amendment may fairly be regarded as entirely relevant to the motion.

THE DEPUTY SPEAKER: I am waiting to see what is the hon. member's amendment.

MR. DAGLISH: I move that there be added to the motion:—

And also upon the question of the abolition of the Legislative Council, the Constitution Act

Amendment Bill, the Factories and Shops Bill, and the Electoral Act Amendment Bill.

THE DEPUTY SPEAKER: I rule that the motion before the Committee is for a referendum on the Esperance railway. So that it may be in order the amendment must propose something relevant to the Esperance railway. The larger question of the referendum is not involved in this motion.

MR. DAGLISH: In these circumstances I must abandon my proposed amendment.

THE DEPUTY SPEAKER: I would point out that even if it were admissible, it is a kind of amendment that could not be admitted except on notice given.

MR. DAGLISH: I regret that I shall have no opportunity of testing the opinion of the Chamber on the principle of the referendum. I wish to do so, because my vote is claimed on this question as the vote of one who advocates a referendum. That principle I have advocated on many occasions and at many places; and I still hope to have many an opportunity of trying to secure its recognition here and outside this House. But while I am prepared to advocate it in regard to such important measures as I have mentioned, and while, after its use in respect of those questions of constitutional importance is admitted, I am prepared to extend it to some smaller matters, I am not for one moment prepared, while we have no opportunity of applying the referendum to those larger issues, to agree to its adoption on matters of purely local importance. On any one of those measures I have mentioned—such as the Factories Bill—the whole of the electors are in a position to express definite opinions. They are able to judge of the effect a Factories Act would have; to decide for themselves whether such a measure would improve their position or would affect them injuriously. They are in a position to say that the Factories Act would either assist in the development of our manufacturing industries, or to assert without doubt that such an Act would be absolutely prejudicial to a State like our own, in which manufacturing industries are only in their infancy. They would therefore be able to pronounce judgment without the slightest diffidence. Then, again, they would have to guide them in coming to a decision the fact that

Factories Acts have been in existence in other States throughout the world, and that wherever they have been tried their operation has had a certain effect; and they would therefore feel no qualms whatever as to their ability to cast a sensible vote on the subject. But there has been no Esperance railway as yet constructed in any other part of the world, and therefore the proposition to take a referendum on the subject is one on which the electors would have no real parallel to guide them, and on which they could not be expected to cast such an intelligent vote as they could on the question of factories legislation. Then there is another consideration affecting the desirableness of a referendum on this subject, and that is whether the subject has been adequately placed before the public of this State by debates in Parliament or discussions outside Parliament and in the Press. Up to the present there has been in one or two organs of this State an attempt to educate the public on the question. But I venture to state that the papers of the Greenough district, if there be any, have never dealt at any great length with this important matter.

MR. HOPKINS: That is proved by the speech of their own member (Mr. Stone).

MR. DAGLISH: Then the member for Boulder in saying that admits that the people of the Greenough electorate are not in a position to express an opinion. But the position I was trying to enforce was that the public have not had adequately brought before them by parliamentary debates or in the Press the merits or the demerits of this Esperance railway proposal. There have, it is true, been facts as provided by the member for Dundas placed before them, but these facts have been questioned; and even the member for Kanowna himself has on more than one occasion implied that some of the facts of the hon. member are unreliable.

MR. HASTIE: Not on the railway question.

MR. DAGLISH: If the member for Kanowna admits that a member of this House is unreliable in his facts on one subject, how can it be argued that he is fully to be trusted in his facts on any other subject? I contend that any unreliability on the smallest matter leads

us to presuppose the possibility of unreliability on other subjects; and if the member for Kanowna has questioned the reliableness of the member for Dundas, we may on other subjects question the facts put forth by the same member, and especially when the subject is one of vital importance. I recognise the necessity of refraining from following the example of some members who, while nominally discussing the question before the House, wander far from the issue. I was saying that the country had not been educated on this great question; and one of the means of educating the people is that the matter shall be thoroughly threshed out in the Legislative Assembly. I say this matter has not been thoroughly threshed out by this House. I know the matter has been cursorily dealt with, that one or two aspects of the question have been brought forward; I know we have had certain figures alleged to relate to the gold-mining industry, and we have been told of the effect on that industry if this railway is constructed; but I contend that no systematic effort has been made to enable the electors in the whole of the country to form a correct conclusion on this question.

MR. HASTIE: Why does the hon. member address the Opposition benches?

MR. DAGLISH: I claim the protection of the Speaker in this matter. I have religiously addressed myself to the Speaker, and always do so; for I feel too high a respect for the Chair to attempt at any time to flout the Speaker. Therefore I ask that the member for Kanowna be called upon to withdraw the interjection that I cannot but consider is aimed offensively at me.

MR. STONE: I call attention to the absence of a quorum.

THE DEPUTY SPEAKER: Will the member for Kanowna withdraw that offensive expression?

MR. HASTIE: I am not aware of any offence.

MR. DAGLISH: The hon. member accused me of addressing the Opposition benches, and thus implied that I was showing disrespect to the Chair.

MR. HASTIE: What have I to withdraw?

THE DEPUTY SPEAKER: I do not think the member for Kanowna intended offence; but if the member for Subiaco

insists on the withdrawal of the offensive words, I must call on the member for Kanowna to withdraw them.

MR. HASTIE : I will withdraw anything for the sake of peace.

MR. DAGLISH : Sir, I thank you for enforcing the laws of the House, and I thank the hon. member for the readiness with which he acceded to the request that the words should be withdrawn, when he saw there was no alternative. As I was saying, this Chamber has not yet thoroughly educated the electors in the country on the subject of the Esperance railway, and therefore any referendum on that question would be liable to be misleading. I noticed in the Press the other day that it had been decided by the Esperance Railway League, or some such league known to the member for Dundas, that a branch of the league should be formed in Perth or Cottesloe or Claremont.

THE PREMIER : Or Wanneroo.

MR. STONE : I must again call attention to the absence of a quorum.

[Bells rung and quorum formed.]

MR. DAGLISH : It is very hard that a member should be interrupted in this manner, and I really cannot get through my argument, the most important argument I have to urge on the question, if I am repeatedly interrupted by members. A branch of that league was to be formed in the Perth district, as I have said, with the object of getting a public agitation started in this part of the State; and it was proposed to form a branch at Fremantle and hold a public meeting there, to enlighten the people of Fremantle as to the necessity of constructing the Esperance railway. Yet those who are agitating for this line now ask us to take a referendum on the question before a branch of the railway league has been formed in Perth or Fremantle; and it is impossible for the people of Perth or Fremantle to express a reliable opinion on this subject until a branch has been formed in these places, so that the public may be educated on the subject. Therefore I suggest that it may be well to withdraw this motion and bring it up again next session. By that time I suppose we shall have a branch of that railway league in operation in Perth, perhaps also in Fremantle, Subiaco, and Cottesloe, so that our electors will then

know something of the subject; and when the question is submitted to them they will be able to cast a vote with some degree of knowledge and satisfaction, knowing that they are voting not as "a leap in the dark," but voting on a question in regard to which they should then be thoroughly qualified to express an opinion. If we were to have a referendum on the question at the present time, the electors in those districts would feel that they were liable, through this House not having sufficiently educated them on the subject, to vote on local grounds; and many of them might stay away from the ballot for fear of casting a vote in a direction that might do some harm to a portion of the State, because the people in these districts are desirous, above all things, to protect the interests of the State. I can assure the mover of this motion and assure other goldfields members that if there be one thing the people of the suburbs that I represent are afraid of, it is that they may unwittingly cast a vote that will do harm to the people of the goldfields, because there is a feeling of the utmost brotherliness towards the people of the goldfields so far as the people in these suburbs are concerned; for we recognise they are our fellow-workers, and that though we are separated by three or four hundred miles of distance, our sentiments, our objects, our prosperity or our adversity, must all be shared in common. Therefore I say that the people of the coast would be unfairly treated if this question were referred to them when they are not in a position to express a thoroughly unprejudiced opinion, and some of them would have to stay away from the ballot for fear they might cast a vote that would do injury to some other part of the State. For that reason I ask the member for York, whose amendment has now become the main question, if he will agree to withdraw the motion until next session, when the people in these districts will have been more thoroughly educated on the question. If the hon. member will indicate whether he will adopt this suggestion, he may thus save the time of this House.

MR. MONGER : With the consent of the House and with a desire not to delay unnecessarily the proceedings, I ask leave to withdraw my amendment.

I trust the member for Dundas will see the advisability of not calling for a division.

MR. THOMAS : I shall not consent to the withdrawal of an amendment which has now become the substantive motion.

MR. MONGER : With the permission of the House, I move that the question be now put. I am quite prepared to go to a division.

Motion (that the question be now put) passed.

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

Ayes	...	...	...	8
Noes	...	...	...	18

Majority against ... 10

AYES.
Mr. Bath
Mr. Gregory
Mr. Hastie
Mr. Holman
Mr. Hopkins
Mr. Monger
Mr. Thomas
Mr. Wallace (Teller).

NOES.
Mr. Atkins
Mr. Daglish
Mr. Ewing
Mr. Foulkes
Mr. Hayward
Mr. Jacoby
Mr. James
Mr. Kingsmill
Mr. McDonald
Mr. McWilliams
Mr. O'Connor
Mr. Piesse
Mr. Quinlan
Mr. Rason
Mr. Smith
Mr. Stone
Mr. Yelverton
Mr. Higham (Teller).

Question thus negatived.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from 4th December : MR. QUINLAN in the Chair.

Clause 1—Short title and incorporation with 58 Vict., No. 23 :

DR. HICKS : Three months ago a select committee was appointed to inquire into the Bill.

THE CHAIRMAN : The hon. member had better defer what he had to say until the next clause.

DR. HICKS : There was an opportunity to knock the title out. He did not say he would do so, but he wished to discuss the matter. A select committee was appointed to inquire into the Bill.

MR. HOPKINS : Was the short title before the Committee ?

THE CHAIRMAN : Clause 1 was before the Committee.

DR. HICKS : Was it not competent to deal with friendly societies under this clause ?

THE CHAIRMAN : The hon. member would not be in order in dealing generally with them.

DR. HICKS : Probably he would move an amendment on this clause. The select committee was appointed to inquire into the Bill, and from the beginning to the end there had been a disposition to burk inquiry. Certain members of the committee did not wish evidence taken, but after some trouble evidence was taken but in a manner which might cause the debate to be prolonged, for he would be compelled to explain much of the evidence taken before the select committee, the reason being that the questions and answers were not given, the questions and answers being lumped together, so that no one could understand the evidence. He wanted to deal with the sweating.

THE CHAIRMAN : The hon. member was scarcely in order.

THE PREMIER : The hon. member would be in order on Clause 3 in discussing this question. It was desired evidently to raise the question of the levy and to raise the general question as to whether the operation of the Act should be extended. If it was desired to adopt the report, the hon. member could move new clauses embodying the recommendations.

DR. HICKS : The question of the levy was brought up some four or five years ago, and the workers on the fields could not get anyone to take the matter up, but last year they induced the friendly societies to come forward with a Bill. These societies were not going to do the work for nothing, so they embodied in the Bill certain amendments which they desired. He wished to discuss whether the friendly societies were fit and proper persons to deal with this matter.

THE PREMIER : The clause extended the operations of the friendly societies, therefore it was competent to raise a general discussion on that question.

THE CHAIRMAN : If the hon. member wished to kill the Bill he should move that the Chairman do leave the Chair.

DR. HICKS : That was not his intention. When would the recommendations of the select committee come up ?

THE PREMIER : New clauses could be introduced embodying the recommendations.

Dr. HICKS: The select committee recommended that the Parliamentary Draughtsman should draw up the new clauses.

Clause passed.

Clause 2—Every society or body providing certain benefits, etc., to be registered.

Dr. HICKS: With reference to the levy, we were told that there was a feeling on the fields that the medical levy should be done away with.

Mr. HOPKINS: Was the hon. member in order in discussing the levy in connection with this clause?

THE CHAIRMAN: Yes.

Dr. HICKS: When the question of the levy came before the committee, the member for Boulder wished to discuss it without calling evidence.

Mr. HOPKINS: It was the wish of the Premier that he was then carrying out.

Dr. HICKS: The hon. member never did call witnesses, neither did the member for Kalgoorlie. He (Dr. Hicks) called evidence in support from two mine managers and a doctor who worked under the levy system. From what he had learned from men who worked in the Boulder mines, the workers did not wish the levy abolished. Dr. Irwin's evidence showed the feeling on the fields, and proved that a large number of men did not object to pay the levy. Some months ago he (Dr. Hicks) met at Fremantle several members of the Kalgoorlie and Boulder football club, who corroborated that statement. As to the position of the Government, during 1900 the Government hospital, which had a daily average attendance of 60 patients, received for the year £1,050, of which £430 was paid by four patients working under the levy system. The other 56 paid only £620; so the levy was a distinct advantage to the Government, and if abolished, the friendly societies and workers generally would not pay into the Government hospital. A medico at Kalgoorlie said that while he was secretary to the hospital no friendly society member had ever paid a penny towards maintenance while in hospital; so from a Government standpoint to abolish the levy system would be highly injudicious. The levy did not amount to £600 only; because there were £430 paid by one doctor to the hospital, and that doctor paid on an average £40

a month for drugs, or £480—just over £900. There were four doctors who were doing this class of work, which gave £3,600, and deducting a rebate of 25 per cent., there was a saving to the Government of, roughly, £3,000. The mines were perfectly satisfied with the levy, which had been started by the mine managers, because in one or two instances some of their men were sent to the hospital without the knowledge of the management, and the Government had insisted on the mines paying for the men; hence, to protect themselves, the mines initiated the levy. The evidence of Mr. Sutherland, the manager of the Golden Horseshoe mine, showed how the mines had been compelled to institute the levy system; and he was corroborated by Mr. Richard Hamilton, manager of the Great Boulder; while Dr. Irwin at the end of his evidence said there was no huge outcry on the fields against the levy. Medical men, of course, favoured the levy because a contribution of 2s. per man on each pay day was 48s. per year, and gave the doctors a fair living wage; and that being so, how could Labour members object to the levy? It was not a sweating rate; and that was why they objected. The workers did not object to the levy, and the Government would lose £3,000 a year were it abolished. The mine managers and the doctors approved, so its abolition would be most injudicious.

At 6:30, the CHAIRMAN left the Chair.
At 7:30, Chair resumed.

Mr. HOPKINS: This Bill was essentially one for a compromise, because it did not meet the requirements of one or other of the parties interested. Following on the advice of the Premier, he determined as a member of the select committee which inquired into this Bill that he would not call any evidence before the committee, for he assumed that with Dr. Hicks and Dr. O'Connor as members of the committee interested in the medical side, with himself and the member for Kalgoorlie (Mr. Johnson) representing the other side of the question, and the member for Sussex (Mr. Yelverton) sitting disinterestedly as chairman, the circumstances should have been favourable to a compromise be-

tween the parties concerned. He did suggest the basis of a compromise, which basis was practically accepted by Dr. O'Connor, and it was known that he (Mr. Hopkins) was not wedded to the terms of the suggested compromise. He did not assume that every evil could be remedied with one fell swoop, but he was willing to effect a compromise. The member for Roebourne wanted evidence taken so that he would be able to delay the Bill by reading the evidence to this House and thus stonewall the measure out of Parliament. After having endeavoured to effect a compromise, and the other party not being willing to compromise, it was not necessary for him (Mr. Hopkins) to continue in that line of conduct. This matter could be settled to the satisfaction of both sides. The member for Roebourne stated that at present £3,000 was contributed by the doctors to the hospitals, and if the present system was not continued the Government would have to pay £3,000 more than they did at present towards the hospitals. There was a system of class taxation on the goldfields by which a shilling a week was deducted from the wages of the men working in certain mines. If it was right to do that, why not deduct a shilling a week from the salary of the member for Roebourne? The miners paid the doctors £2 8s. per annum to insure good health, but how had the doctors carried out their part of the contract? When a miner became ill, did the doctors provide medical accommodation for that man? No; he was sent to the hospital, where it cost the country 9s. a day to keep the man. The doctors paid the hospital £2 2s. a week, and received a refund of 25s. a week; therefore the taxpayers paid one-half of the cost of the attention to that man.

DR. O'CONNOR: What would happen if there was no levy?

MR. HOPKINS: What happened now where there was no levy?

DR. O'CONNOR: The Government paid the lot.

MR. HOPKINS: The Government maintained a hospital at Kalgoorlie at a cost of £10,000 or £12,000 a year. Why did not the Government, who were expending a lot of money in running the hospital, make a levy of a shilling a week and look after the men when they

became ill? Not only the Government but the Parliament of the country were going to allow the doctors to collect a shilling a week, whilst in return the doctors did not give 50 per cent. of what they agreed to do. Why should the working men on the Eastern Goldfields be singled out to provide large banking accounts for the members of the medical fraternity practising in that locality? If the medical men of this country had to be protected to this extent in an industrial centre, why did not the same system prevail in the city of Perth? Why did not the civil servants pay a shilling a week? Why did not men employed in manufacturing industries pay a shilling a week? The whole thing was capable of arrangement to the satisfaction of the men and the doctors, but the member for Roebourne had put his foot down and said he was not going to attempt a compromise, but was going to call evidence so that he might have an unlimited amount of matter to read through when the Bill was under consideration in the House. If the member for Roebourne suggested a compromise, then he would be pleased to consider the compromise. If the hon. member would attempt to make the Bill acceptable to both sides of the House he would assist him, but there was a desire on the part of the hon. member for Roebourne to delay the Bill until late in the evening, so that someone could come to his rescue and move the Chairman out of the Chair.

Clause passed.

Clauses 3 to 7, inclusive—agreed to.

Clause 8—Amendment of 58 Vict., No. 23, Section 12, etc.:

MR. YELVERTON: The member for Boulder stated that at the meetings of the select committee he constantly showed a conciliatory spirit, and aimed at compromise. Of that, let members judge, for the hon. member's speech this evening was in harmony with his attitude at the meetings. He (Mr. Yelverton) being an unbiased member of the select committee, tried to induce the medical men and the representatives of the workers to arrive at a compromise; but in vain. The hon. member complained of the select committee's report. He had seldom attended the meetings, having been present at only four out of nine. At the last meeting, when the report was drafted,

the committee waited for him three-quarters of an hour; yet now he complained that the report was one-sided. The hon. member's *confrère*, the member for Kalgoorlie (Mr. Johnson), also was pressed to attend, but did not; so it was unfair to complain that the report was not in accordance with the evidence. Notwithstanding the sparse attendance to-night, the Bill should be fully discussed, else he (Mr. Yelverton) would move in a direction which the member for Boulder might not like, and which would prevent the Bill being farther dealt with this session.

MR. HOPKINS: True he had attended only four regular meetings out of nine; but he attended several irregular meetings also. Certain witnesses were called whom he (Mr. Hopkins) did not think necessary. Only two members were needed to examine them, and he had nothing to gain from their evidence, the printed reports of which he had carefully read. On the day that the report was prepared the member for Kalgoorlie and himself were introducing a deputation which had travelled 400 miles to interview Ministers. He got back as soon as possible, and had he arrived sooner he would have been outvoted by the members for Moore (Dr. O'Connor) and Roebourne (Dr. Hicks). The member for Kalgoorlie also was engaged with the deputation. It would have been a credit to the committee had the two members present given him (Mr. Hopkins) an opportunity of revising the report.

MR. HASTIE: A select committee having been appointed to inquire into this Bill, the chairman (Mr. Yelverton) was neglecting his duty by not moving the amendments the committee advised.

Clause passed.

Clause 9—agreed to.

Clause 10—Registrar to enforce the Act:

MR. YELVERTON: There had been no neglect of duty. He had brought up the report, and why it had not been dealt with by the House did not appear.

Clause passed.

New Clause (levy):

MR. HOPKINS moved that the following be added as a new clause:—

(5.) No person being a member of any registered society or branch which provides the

benefits enumerated and included in sub-sections 1 and 2 of Section 7 of the principal Act shall be required by his employer to contribute to any fund to secure any benefit within the objects of the said section.

Question passed, and the new clause added.

New Clause:

DR. O'CONNOR moved that the following be added as a new clause:—

(1.) Friendly societies shall not pay their doctor less than one pound ten shillings per annum per member. (2.) This Act shall not apply to medical men or to any person carrying on the business of a private hospital.

He had 30 or 40 pages of evidence to read. He proceeded to read Mr. Nagel's evidence.

[Attention called to the absence of a quorum.]

DR. O'CONNOR resumed the reading of evidence.

MR. HOPKINS: On a point of order, he had been himself ruled out of order last evening when trying to move a new clause which was not on the Notice Paper, yet the hon. member in this case was allowed to go on. Anyone could see that the wording of this new clause was contrary to reasonable expectation, and would absolutely upset the friendly societies of the State.

DR. O'CONNOR proceeded to read the evidence of Mr. Hamilton, manager of the Great Boulder Mine.

MR. DAGLISH: On a point of order, the hon. member was resuming before the Chairman had ruled on the point of order previously raised.

THE CHAIRMAN: As the hon. member was not out of order, he had been allowed to go on. The hon. member must confine himself to the subject-matter of his motion.

DR. O'CONNOR: The whole of Mr. Hamilton's evidence was bearing on the new clause. [Evidence of Mr. Hamilton farther read, in regard to the conditions of the medical levy.]

MR. DAGLISH: On a point of order was this evidence relative to the new clause as to the amount which friendly societies were to pay?

DR. O'CONNOR: Without reading any more evidence, he would simply move that the new clause be added to the Bill.

DR. HICKS supported the new clause. Under the present rates paid by friendly societies, the effect was to sweat the

doctors, as shown by the evidence given before the select committee by Dr. Stewart and Dr. E. P. Thurston. The latter was doing work for friendly societies at the rate of 15s. a year per member, and this averaged under 1s. per visit and consultations. The practice in England was for friendly societies to pay from 4s. 6d. to 6s. 6d. a year for each member, and the wives and children were not included. In this State, on the contrary, some societies paid 15s. to 17s. 6d. per year for the whole family, and at Kalgoorlie he believed they paid about £1 a year. In Perth and Fremantle, each member of a society would practically represent, as was the case throughout Australia, four individuals; so that in paying the higher rate of 17s. 6d., it did not amount to 4s. 6d. each, as was the average in England, yet if they paid only 4s. 6d. here as against 5s. 6d. in England, while wages were two or three times higher here than in England, he asked whether this was not sweating the doctors. Dr. Thurston had given particulars as to how this worked out in his practice. His evidence showed that in some cases a family included ten children, and he estimated that the rate per individual was 6s. a year. He had been sent for to Leederville on a Sunday night to attend a case of toothache.

MR. DAGLISH: The hon. member was reading matter altogether irrelevant to the question at issue.

THE CHAIRMAN: The rule said: "Mr. Speaker or the Chairman, after having called the attention of the House or of the Committee to the conduct of a member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech." It was to be hoped the hon. member would not place himself in that unfortunate position. The matter under discussion was that the friendly societies should not pay doctors less than 30s. per member.

DR. HICKS: The object he had was to show what friendly societies paid to doctors, and what he had been reading showed that it was one shilling per visit.

THE CHAIRMAN: The impression which the hon. member gave was that he was stonewalling. It was a duty to act in the interests of the Committee.

DR. HICKS: Inasmuch as the evidence was not reported *in extenso*, he wished to draw the attention of the Committee to it. Members in reading the evidence over could not quite follow it.

THE CHAIRMAN: It was not his desire to restrict the hon. member in debating the question.

DR. HICKS: Dr. Thurston had stated in evidence that it worked out to him less than one shilling per visit.

MR. DAGLISH: Did he tender at that price?

DR. HICKS: Yes; but that was no reason why it was not sweating. One doctor had said that he had resigned three-fifths of his work because he had other work to do and could not get through it all. He was working 12 hours a day; he was out of bed five nights a week, and he did not consider he was getting a living wage. This doctor stated that his working expenses were considerably over £400 a year, but that included private practice as well as lodge patients. He had to keep a horse and trap and there were numerous other expenses. His total income was £516 a year and his total expenses £256, leaving a net income of £260 a year, which was £5 per week for seven hours per day, but adding Sunday work and occasional night work it worked out at an average of eight hours a day. The witness stated that £600 a year was a bare living wage to a medical man. There was evidence in the report that at Fremantle the lodges paid the doctor at the rate of 12s. per annum per member, and the doctor had to attend to a thousand lodge patients representing three or four thousand persons. There were about 1,000 or 1,800 lodge members per doctor, which meant that a doctor had to attend to about 3,000 to 4,000 persons to earn a living wage. If a medical man had the confidence of the friendly societies the members would send for him on all occasions, and on the evidence the visits worked out at a shilling. If a doctor had not the confidence of the friendly societies, one-half the members would not send for him, therefore the good doctor was penalised by the system and the indifferent man had a fairly good time. Dr. Stewart made the return work out at 8d. per visit. With 30s. per member per year it would average about 2s. 6d. per visit, which was sufficiently low.

MR. HOPKINS: There was a desire to compromise in this case, but the member for Roebourne had left the matter almost too late; still members might be able to agree to an amount which would be acceptable.

MR. BATH: The amendment had nothing to do with the question at issue. The compulsory levy was an illegal and unjust impost on the miners on the Hannans belt, but the amendment introduced matter foreign to the Bill. The hon. member might bring forward a proposal early next session to do away with the sweating on the part of friendly societies, and if the hon. member submitted convincing arguments in favour of his proposal, members of the House would not be backward in supporting him so as to prevent sweating in all walks of life. He asked the hon. member to allow the Bill to go through and to bring forward an amendment next session.

MR. ATKINS: The new clause should be passed, as it was recommended in the select committee's report, which report some members of that committee were now opposing. The chairman of such a committee had little authority, having to listen to other members, one or two of whom "ran the show." The chairmanship was not a healthy job.

MR. DAGLISH: The report was compiled by two doctors on the committee.

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

Ayes	11
Noes	7

Majority for	...	4
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AYES.

Mr. Atkins
Mr. Butcher
Mr. Diamond
Mr. Hayward
Mr. Hicks
Mr. Kingsmill
Mr. O'Connor
Mr. Rason
Mr. Wallace
Mr. Yelverton
Mr. Higham (Teller).

MR. BATH

Mr. Daglish
Mr. Hastie
Mr. Holman
Mr. Hopkins
Mr. Stone
Mr. Taylor (Teller).

Question thus passed, and the new clause added.

New Clause—Commencement:

MR. HOPKINS moved that the following be added as a new clause:—

This Act shall come into operation on the 30th June, 1903.

The clause just passed imposed on friendly societies obligations which might

be the means of disbanding them. Such a radical change should not come suddenly into operation, and six months' notice was fair.

MR. DAGLISH: The effect of the last division would probably be to kill a number of friendly societies; for the clause then passed, not having been on the Notice Paper, was sprung on the Committee. Much of the evidence taken by the select committee was opposed to that read here to-night. Prominent friendly-society members had deposed that the doctors were satisfied; yet because one doctor stated he was overworked and underpaid, hon. members had decided to burst up the friendly societies of the State. Pass the new clause, and give the societies a six months' lease of life.

Question put, and a division called for.

THE CHAIRMAN declared the division off, only one member (Mr. Taylor) being on the left side.

THE PREMIER: This Bill as introduced in the Upper House was on the same lines as the Bill of last session. Immediately after its passing through another place, a deputation representing the coastal and the Kalgoorlie and Boulder friendly societies informed him that the societies did not desire legislation which would entirely abolish the levy, but wished a provision inserted that members of friendly societies should be exempt from paying levies. That was the first intimation from the societies that they did not entirely approve of the Bill. Consequently the Bill was referred to a select committee to ascertain the facts, and those who voted for that select committee, but were not on it, were anxious that it should adopt some *via media* to reconcile the conflicting interests. The Bill stood over awaiting the report of the committee, but the report was not calculated to effect a compromise or remove friction. To permit of some mutual arrangement, the Bill had since been allowed to stand over, but without success; and to-night there was a conflict between those who believed that the friendly societies did not pay fair fees or justly treat their medical officers, and those who maintained that the societies had a right to obtain medical assistance on whatever terms the doctors would accept. The Bill had passed a certain stage, and a new clause by the member

for Boulder inserted, evidently in contemplation of some amendments being made in the earlier parts of the Bill, and somewhat out of place, following as it did on the sections of the existing Act; and we had also adopted a clause fixing a minimum fee to be paid to friendly societies' doctors. Without discussing the merits of the case, or saying whether the friendly societies sweated their doctors—though there was evidence that some did and that others did not—by the adoption of the last clause the Committee had made a far-reaching alteration in the relations between friendly societies and their medical men. This was not a proper time in the session for so radical a change; it would be fair to allow the matter to stand over for the present; and every member of the House who had direct connection with either friendly societies or doctors would agree that before next session the respective parties should meet together and arrive at a compromise which would remove evils admittedly existing. With that object he thought it advisable to terminate the present discussion, and leave it to the immediate future to see if some *via media* would not be evolved. He proposed, therefore, that the Chairman do leave the Chair.

MR. HOPKINS: Would the Premier appoint some person to endeavour to mediate?

THE PREMIER: If some suitable person could be suggested, he would be glad to take that course in the interests of both parties to the conflict. He did not think it desirable that we should attempt, at the *fig-end* of the session, to place on the statute-book a provision which might have a far wider reach than we anticipated.

Motion passed, and the CHAIRMAN left the Chair.

[Bill thus arrested.]

FACTORIES AND SHOPS BILL.

[REDUCED.]

RETURNED FROM THE COUNCIL.

Message from the Legislative Council received and read, intimating that the Council had passed the Bill subject to certain amendments, in which the concurrence of the Assembly was desired.

THE DEPUTY SPEAKER: Is there any motion in regard to this message?

THE PREMIER: I do not make any motion.

[No action taken.]

LAND ACT AMENDMENT BILL.

COUNCIL'S AMENDMENT—MINISTERIAL ACTION.

Message from the Legislative Council received and read, intimating that the Council did not insist on its amendments to the Bill, except in regard to one amendment. Message considered in Committee; Mr. QUINLAN in the Chair.

THE PREMIER (Hon. Walter James): Hon. members will recollect that we sent to the Legislative Council a Bill comprising 16 clauses, dealing with various amendments in the Land Act of 1898, most of them very desirable and important amendments. No less than three clauses, Nos. 6, 7, and 8, were framed with the express object of protecting our timber forests, and as far as possible preventing ruthless destruction of our timber resources. During the course of the Bill through the Council, an amendment was made for interfering with that section of the principal Act which deals with timber leases and provides that not more than 75,000 acres of land under timber lease shall be held by one person or corporation. The Legislative Council inserted a clause in the Bill for enabling a larger area to be held by consent of the Governor-in-Council; and also made various amendments in the other 16 clauses. We dealt with this matter yesterday, and made certain recommendations to the Council. They have fallen in with our views on all those matters except in relation to that clause which affects the area of timber land to be held by one person or corporation; so the effect is that the Bill which passed through this House consisting of some 16 clauses now meets with the approval of the Upper House, subject to modifications which we have accepted, and the only difficulty now is in regard to the new clause inserted for the first time by the Council relating to the area of timber land which may be held by one person or corporation, and on which the Council now insist. I do not desire to repeat the arguments I used yesterday in dealing

with this particular amendment made by the Council. The effect of the amendment would have been to enable the area of timber leases to be enlarged with the consent of the Governor-in-Council. The existing law provides that timber leases shall not be amalgamated, so that no person or corporation can hold more than 75,000 acres. In insisting on the one clause inserted by the Upper House, they give these reasons:—

1. The leases at present held by the various timber companies having been acquired by the Millar's Karri and Jarrah Forests Company, 1902, Ltd., for the purpose of placing the timber industry on a sound basis, and in order to facilitate any financial arrangements which may be necessary for the farther development of this important industry, it is considered desirable that the various "leases" should be amalgamated in one title.

2. The Legislative Council is of opinion that no obstacle should be placed in the way of advancing an industry which is such a large employer of labour and contributes so materially to the welfare and interests of the State.

This must strike every member of the House, and I think it will strike every person in the country: what is the evidence before the Council which justifies them in stating that all these leases acquired by the particular company have been acquired for the purpose of placing the timber industry on a sound basis, and in order to enable them to make financial arrangements for carrying on their business? Has any member of the community heard a word about the reasons why we are asked to adopt the new clause? It would appear that instead of the new clause being adopted for the purpose of effecting this change in our land laws, it is urged on this House for the purpose of enabling one particular private company to carry out its financial obligations. If Millar's Karri and Jarrah Forests Company, 1902, Limited, desire to have rights not given them by statute, and if instead of not introducing a private Bill into Parliament they rely on the fact that they happen to have as their attorney a member of the Upper House, I say the same law as applies to a private individual should apply to a company; and it is most improper that members of Parliament should use their position as members for the purpose of promoting the interests of the company which for the time being they represent. I take this farther stand,

that when we submit a Bill to the Upper House, we have a right to expect that the Upper House will consider that Bill on its merits; and the members of that other Chamber have no right—I use the word in no offensive sense—to endeavour to thrust on us a clause or an amendment which we believe to be wrong, and say that unless we accept the objectionable clause or amendment, we run the risk of losing the whole Bill. Here is a Bill on which we, in the main, are agreed in both Houses; but members of the other House say "You shall not have that Bill unless you adopt this clause which we know you object to." They say, "We want to insist on your acceptance of it, because unless you accept it you will lose the Bill." I submit that is an abuse of the rights and privileges of the Legislative Council; they are overstepping their privileges, they are overstepping their duties. I admit readily that when we submit to them a Bill which involves an alteration in the law, they should have the right, and I hope they will always exercise it, of expressing their independent opinion on the alteration; but when they deal with a Bill for amending the law which we present to them, and when we have made certain recommendations, and have agreed ultimately upon that original Bill, I do say it is entirely wrong of them to block the attainment of our wishes, and say that unless we adopt a particular clause of which we disapprove we must lose the whole Bill. What are to be the consequences? Are we to understand from the Council that there will be no amendment in our land legislation unless we are prepared to accept now or in the future the particular clause, not in the interests of the country, but urged, as the Council say, absolutely in the interests of Millar's Karri and Jarrah Forests Co., Ltd.? Is it not a scandal that we, dealing with a matter which affects the State as a whole, and affects and controls to a large extent important portions of our land policy, that we are to have this Bill cast aside and are to be placed in a difficulty because we do not adopt an amendment that enables Millar's Karri and Jarrah Forests Co., Ltd., to carry out their financial obligations for carrying on their business? I never in my life heard a reason that does so little

credit to the Upper House, and that places us in such an awkward position. I submit to this House, with the utmost respect, that we cannot for a moment listen to this amendment on which the Upper House now insists. Even if the amendment had behind it good reasons, we have a right to respectfully insist on not accepting it; but when we consent to a Bill of which they also approve, the Council have no right to tack to the Bill an objectionable clause, and to adduce as their reason the proprietary interests and benefits of one particular company. I believe, in connection with this clause, that members of the Upper House have allowed themselves to be dominated by the personality, I will say the charming personality, of one member who represents the Northern Province and Millar's Karri and Jarrah Forests, Ltd. I say that deliberately, and I regret to have to say it. Happily for me, the very face of these reasons indicates how well founded our objections were; and I should be lacking in my obligations to this House and to the country if I did not rightly voice the opinions of this House when I say that we cannot for a moment tolerate the legislative powers of the country being controlled entirely in the interests of one company, because that one company happens to have a man in the Upper House who, however charming in his manner, has no right to use his power there for the purpose of blocking the legislation of this State. I should like to make a stronger motion than I intend, having regard to the reasons sent from the other House; but having respect for the Council, I move that the Chairman do now leave the Chair.

Question passed, and the Chairman left the Chair.

Bill thus arrested.

JURY ACT AMENDMENT BILL.

IN COMMITTEE, ETC.

Mr. ILLINGWORTH in the Chair; Mr. W. M. PURKISS in charge.

Clause 1—agreed to.

Clause 2—Majority may give verdict in certain cases:

MR. PIGOTT: What was the opinion of the Attorney General on this clause?

THE ATTORNEY GENERAL: The amendment was a good one, and the mem-

ber for Perth should be thanked for introducing it. There could be no doubt whatever that the fact of having to get an absolute majority often frustrated the ends of justice. There could be a jury of 12 or six, and if there was a jury of six, litigants were satisfied to get the opinion of the six; but when there was a jury of 12 the opinion of 11 of those jurymen was not thought to be as good as the opinion of a jury of six. Under the clause three-fourths of a jury of 12 or five-sixths of a jury of six could give a verdict: if there was a substantial majority in favour of a litigant in connection with a trial or issue of fact, a *prima facie* case was established and the parties were entitled to the finding by that majority. This Bill only applied to civil cases. In criminal cases a man was given every chance, and frequently too many chances. One would like to see the clause become law.

MR. PURKISS: This was no innovation, as it had been the law in New South Wales ever since that State had been under responsible government. It was also the law in Victoria. There litigants could have a jury of six or 12, and with a jury of six after three hours' deliberation the verdict of five-sixths was accepted. With a jury of 12, nine-twelfths was taken after three hours' deliberation. This provision had been the law in New Zealand since 1892. The system had given satisfaction in those countries to the Bench, to the Bar, to the public, and to litigants. In this country within the last few months there had been protracted trials running from six to ten days, and because one or two jurymen, either from some peculiar idiosyncrasy or some perversion, or in some instances where they had been tampered with—and of late such cases had been met with—it was manifestly unfair, it was wrong that a small minority could stand up and say "No; I am not in favour of so and so," and render abortive the finding of the majority. In some cases probably there might be a miscarriage of justice; but mistakes were made, even with a unanimous verdict, and there could be mistakes with a majority verdict, but he thought speedy injustice was preferable to tardy justice. Where there were protracted trials running over a number of days and

no result, and litigants had had to travel three or four hundred miles and to bring witnesses that distance, with the cost of the trials running into hundreds and in some cases thousands of pounds, because there was an obstinate jurymen or two, the position was intolerable. He had interviewed a majority of the legal profession, and the clause was against their interest, because the more protracted a trial the more money went into the pockets of the lawyers; but in every case legal gentlemen were in favour of the clause, and he was given to understand the Bench were in favour of it, and he knew litigants and the public were in favour of it.

Clause passed.

Clause 3—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and transmitted to the Legislative Council.

SUSPENSION OF SITTING.

THE PREMIER made a statement as to the prorogation of Parliament on the next afternoon.

THE DEPUTY SPEAKER left the Chair for an hour, awaiting messages from the other House.

ROADS ACT AMENDMENT BILL.

COUNCIL'S AMENDMENT.

The Legislative Council having sent a reason for insisting on one amendment, the same was now considered in Committee.

No. 19—Clause 126, strike out the words "seven pounds ten shillings," in paragraph (b), subclause (2), and insert "five pounds" in lieu thereof:

Reason.—It is considered that five per cent. upon the capital value at the present time will yield sufficient revenue for the purposes of the board:

THE MINISTER FOR WORKS moved that the Council's amendment be no longer disagreed to. The Bill as it left this Chamber gave to roads boards the option of rating on the estimated yearly rental at which the particular land might reasonably be expected to let, or alternatively to base the rate on the estimated interest of £7 10s. per cent. on the capital value of the land in fee simple.

Under the existing Act, the boards had power to rate up to 10 per cent.; under the Municipal Act the limit was $7\frac{1}{2}$ per cent.; and the Bill proposed to reduce the limit for roads boards from 10 to $7\frac{1}{2}$ per cent., which would be the same as for municipal rating. The Council now insisted on their amendment for reducing the limit from $7\frac{1}{2}$ to 5 per cent., which the Council said should yield sufficient revenue for the purpose. He was afraid the rating of country lands on the 5 per cent. limit would not yield sufficient revenue.

MR. JACOBY: The boards would increase the value.

MR. HOPKINS: They could not do that. There must be a sworn valuation.

THE PREMIER: They could increase the rate.

THE MINISTER FOR WORKS: The Bill was good in other respects, and should not be lost through the Council insisting on this amendment.

MR. TAYLOR: Did not the amendment deal with taxation?

THE PREMIER: No.

MR. HOPKINS: Indirectly it interfered with the revenue of the country, and directly with the revenue of the roads boards. The object of fixing £7 10s. per cent. was to bring the roads boards into line with the municipalities. The desire was to prevent those persons living outside municipalities objecting to boundaries being extended for fear they would have to pay an increased tax. The Government paid a subsidy to every roads board that collected revenue by way of a general rate, which was based on the valuation, and where the capital value was taken as a basis the subsidy was paid on the rates collected.

THE MINISTER FOR WORKS: The Bill should not be lost because of this amendment.

MR. HOPKINS: One got tired of that statement. The Upper Chamber was quite unnecessary, and the farther we went the more convincing it became. Personally he did not feel disposed to accept the amendment.

MR. TAYLOR: Last session a similar amendment to this was made in a Bill, and he then opposed the acceptance of it. Another place had made an amendment in the Conciliation and Arbitration Bill to which he objected, and he was pleased

to know after 12 months' operation of that Act the people in the country believed that it would have been better if the Bill had been lost rather than the amendment adopted. The same thing might operate in regard to this Bill. He would rather lose the Bill than the clause. When the amendment was made in the Arbitration Bill he said it would ruin the measure, and it had done so. The people whom the Bill was brought in to serve had lost confidence in the measure.

MR. THOMAS: The measure was brought in for the whole State.

MR. TAYLOR: It was brought in practically for the working people of the State, and that Bill was ruined, and the Roads Bill would be ruined in a similar manner. It was time this Chamber was in a position to pass legislation without the assistance of another place.

THE MINISTER FOR WORKS: If the amendment was not accepted the Bill would be lost. We should try and approach these matters in a fair spirit. The Assembly had insisted upon a number of amendments and had rejected plenty of amendments made by another place. In this Bill the Council had given way in every case except this one. We should not be unreasonable, and as we had carried our point in every other respect we could afford to give way in this one.

MR. QUINLAN: So far as the municipalities and roads boards were concerned, the provision for a differential amount applied more to townships, as it forced the hands of those having blocks in the centres of towns and were reaping the unearned increment. The Bill did not apply to roads boards in outside localities where there were farming and pastoral interests. There was the remedy of imposing a higher rate. As the Bill was a useful measure it should be allowed to become law, and if necessary on a future occasion the amendment could be reintroduced.

MR. DAGLISH: There was the medium course of having a conference. The Bill was a remarkable improvement on existing law, therefore he would like to see it pass; at the same time he recognised there was a large question of principle involved. The bulk of the taxation was to be wrung from the people who had

improved their properties, and $7\frac{1}{2}$ per cent. was a reasonable estimate of the annual value of unimproved land. If the course was adopted of raising the valuation or the rates in every case, the land-owner who had improved his holding would be placed at a great disadvantage to the owner who had done nothing. A conference could be held with members of another place. Five per cent. was not a fair annual value to adopt in regard to unimproved properties, because the man who had improved his holding and had benefited the district was to be more heavily rated than the man who had not improved his property.

MR. STONE: A lot of time had been devoted to the Bill, therefore it would be well to accept the amendment.

MR. JACOBY: If roads boards found themselves in a position that they were not able to raise sufficient taxation with the amendment, it would force them to impose a system of taxation on the unimproved value. Members in another place hardly realised that fact.

MR. TAYLOR: Members could quite understand the Government being desirous of accepting the amendment, because if the Bill was rejected the Government would have nothing of importance to show as the result of the session. The Constitution Bill, the Redistribution of Seats Bill, the Electoral Bill and the Shops and Factories Bill had been rejected, therefore he could understand the Government being anxious to give way and to have one Bill of importance passed.

MR. HASTIE: It would be a pity to lose the Bill. Did not this amendment affect a form of taxation, and therefore was it not beyond the power of the Council?

THE CHAIRMAN: The hon. member was mistaken. The money raised by a local rate did not affect the general revenue of the State.

MR. HOPKINS: Better accept the amendment than lose the Bill. Every case cited in another place was for protecting the rights of persons who held properties in the State, the bulk of which were unimproved. By reducing the limit from $7\frac{1}{2}$ to 5 per cent., the roads boards would lose so much rating on unimproved properties.

Question passed, and the Council's amenement agreed to.

Resolution reported, the report adopted, and a message returned to the Council accordingly.

[Sitting suspended for 15 minutes, awaiting messages from the Council.]

PROROGATION ARRANGEMENTS.

THE PREMIER: I purpose that the prorogation shall take place at half-past three o'clock to-morrow, therefore I move that the House at its rising do adjourn until three o'clock to-morrow. I am sure I express the opinion of the leader of the Opposition and the leader of the Labour party as well as of myself when I say I hope to-morrow at three o'clock there will be as full attendance as possible, for I am glad to say we shall then have the presence of our esteemed Speaker (general applause) to witness the prorogation, and I hope there will be a large attendance of members in their seats to welcome him again and to express the hope that he will next session come back quite restored. Therefore I hope members will make it a personal duty to be in their places at three o'clock, that we may welcome back our Speaker to witness the prorogation after a somewhat arduous session. After moving the adjournment, I shall to-morrow have another opportunity of making a few remarks; but I express a personal wish, and know I re-echo the wish of the member for Northampton and the member for Kanowna, that there will be a full attendance of members to-morrow to welcome back our Speaker.

Question passed.

ADJOURNMENT.

The House adjourned at 11-30 o'clock, until the next day.

Legislative Council,

Saturday, 20th December, 1902.

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THE PRESIDENT took the Chair at 8 o'clock, p.m.

PRAYERS.

COMPLIMENTARY REMARKS, CLOSE OF SESSION.

THE MINISTER FOR LANDS (Hon. A. Jameson): Mr. President, this being the last occasion of our meeting during the present session, the desire of every member is that I should express to you our high appreciation of the admirable manner in which you have presided over our deliberations. [MEMBERS: Hear, hear.] In paying this tribute of regard, we are especially conscious of the strict impartiality you have invariably shown towards every member, thus securing that efficiency of debate which is indispensable to the proceedings of so important a body as this House. We fully recognise, moreover, that you have so carefully studied and are so thoroughly versed in those great constitutional principles on which our procedure and our Standing Orders are based as to justify unreservedly the confidence and reliance with which your rulings are received. May I offer, sir, my congratulations on the long term of valuable service you have in many important offices given to this State; and may I urge you, as one born in this State, to consider that your duty still lies in the guidance of the public affairs of Western Australia? It is the most earnest wish of every member that you may have long life, and that you may be granted a very long term of enjoyment of the honourable position which you hold. Your position, sir, is honourable not only in that you preside over such a House as this, but in that you hold a high place in the goodwill, the confidence, and the esteem of every member. [MEMBERS: Hear, hear.] I have to convey the thanks of members also to our Chairman of Committees (Hon. H. Briggs), our Clerk (Mr. Hillman), and our Usher of the Black Rod (Mr.