

lative Council in this case, when the intimation I had made to the Minister in charge of the Bill, of my objection to a certain amendment made by the Council, was communicated to them. When my intimation was made known to the Council, it was received with the utmost discourtesy. The Council immediately passed the Bill with the amendment in it, and sent the Bill down to this Assembly, to force us to agree to it. I can only say, now that the Bill is before this Assembly, that I advise the House not to consent to agree to this amendment. I consider the amendment made by the Council is an infringement of the rights and an infringement of the privileges of this Assembly; and I advise that it be not agreed to for the following reasons:—As such amendment alters the amount of rate in a municipal Bill, imposing local taxation for local purposes; is an infringement of the privileges of the Assembly; and is contrary to the practice of the House of Commons, which the Standing Orders of both Houses prescribe shall be followed as far as they can be applied to the proceedings of the Legislative Council and the proceedings of the Legislative Assembly. I think these reasons are incontrovertible; they cannot be denied; and I feel confident that no precedent can be found of the House of Lords being allowed to alter or amend a rate for local taxation.

#### ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House, at its rising, do adjourn until 4:30 p.m. on the next day, and do sit, if necessary, until 6:30 p.m.; and, if requisite, from 7:30 p.m. onwards.

Put and passed.

The House adjourned at 11:45 o'clock p.m.

## Legislative Council,

Tuesday, 30th October, 1894.

Dentists Bill: third reading—Agricultural Bank Bill: committee—Police Act Amendment Bill: committee—Supply Bill (No. 2): first reading; second reading: committee; third reading—Constitution Act, 1889: Further Amendment Bill: first reading—Loan Bill: Message from the Legislative Assembly—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

#### PRAYERS.

#### DENTISTS BILL.

This Bill was read a third time, and passed.

#### AGRICULTURAL BANK BILL.

##### IN COMMITTEE.

Clauses 1 to 9 passed.

Clause 10—Surplus to be annually carried to redemption account:

THE HON. E. H. WITTENOOM: I should like to know where the expenses are to come from if the amount lent is only £30,000?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Out of the general revenue.

Clause passed.

Clauses 11 to 21 agreed to.

Clause 22.—Mode of repayment of loan:

THE HON. E. H. WITTENOOM: I am not prepared to offer any opposition to this clause, although I think it is impracticable. It will take 30 years to repay the loans, and I think if the term were limited to 15 years it would be ample. As the whole Bill is an experiment, I am not prepared to offer any objection to it.

Clause passed.

Clause 23.—Securities may be enforced in name of manager:

THE HON. S. J. HAYNES: I agree with the Hon. Mr. Wittenoom that this Bill will turn out a fiasco. I would ask whether it would not be better to say that all mortgages and other securities under the Act shall be made out in the name of the manager?

THE COLONIAL SECRETARY (Hon. S. H. Parker): It might be better, but I do not know whether it is worth while

our making the alteration. This is essentially a Money Bill, and we can only amend by suggestion.

**THE CHAIRMAN** (Hon. Sir G. Shenton): We can only make a suggestion, as the Colonial Secretary points out.

**THE HON. S. J. HAYNES**: Then it is hardly worth our while to go through the Bill at all.

Clause passed.

The remaining clauses were agreed to, and the Bill reported.

#### POLICE ACT AMENDMENT BILL.

##### IN COMMITTEE.

Clause 1.—Short title:

**THE HON. E. H. WITTENOOM**: I wish to provide that this Bill shall not come into operation until 1st January, 1895.

**THE CHAIRMAN** (Hon. Sir G. Shenton): You can do that by a new clause at the end of the Bill.

Clause passed.

Clauses 2 and 3 agreed to.

Clause 4.—Act not to affect Totalisator Act:

**THE HON. H. MCKERNAN**: I think, as the Government wish to restrict betting, they should limit the amount any person may wager on the totalisator.

Clause passed.

New clause:

**THE HON. F. T. CROWDER**: I move that the following new clause be added to the Bill: "Every person under the age of 14 years smoking in any street shall be liable, on conviction, to a penalty not exceeding 14s." It will be in the remembrance of hon. members that when the Municipal Bill was before us I gave notice that I should endeavour to insert such a provision as this when this Bill came before us. I think some power should be given to the police to stop children smoking in the streets, which is a nuisance to the public and detrimental to the health of the children themselves. I trust, therefore, that hon. members will assent to the amendment.

**THE HON. S. J. HAYNES**: I shall oppose this, because I think it is going altogether too far. It would be better for the police to take the children home and let their parents punish them.

**THE HON. E. H. WITTENOOM**: If I thought effect could be given to the

clause I would support it; but it seems to me that it will not stop children smoking as the hon. member believes it will. There is another aspect of the question I object to, and that is the taking of children to the Police Court, for once they have been there they become thoroughly demoralised.

**THE HON. H. MCKERNAN**: I shall not support the clause, because I object to any interference by Act of Parliament with parental duties.

**THE HON. D. K. CONGDON**: I shall also oppose this clause. To fine a child would not punish it, because the parents would have to pay the penalty, and they might be in no way responsible for the act.

**THE HON. J. C. G. FOULKES**: I might point out that the hon. member has given no reason why he has fixed the age at 14. Smoking is just as detrimental to some persons over 14 years as it is to those who are under that age.

**THE HON. E. HENTY**: I think this clause is in the right direction, although I don't know that it will do any good.

**THE HON. E. McLARTY**: I sympathise with the intentions of the hon. member, but I do not think the clause will do any good. It will, on the other hand, lead to a great deal of trouble, as the Hon. Mr. Congdon has said, for the parents.

**THE HON. F. T. CROWDER**: I do not think hon. members have grasped the meaning of the clause. It is not that children shall not smoke, but that they shall not smoke in the streets. At present we have a lot of youthful larrikins sitting at the corners of our streets smoking and using bad language, and demoralising other children. In regard to what the Hon. Mr. Congdon has said, I think many parents would be glad to pay the fines on account of the knowledge it would convey to them that their children had been smoking.

**THE HON. E. ROBINSON**: I have much pleasure in supporting this clause, because I think something should be done to prevent children smoking in the streets.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I sympathise with the Hon. Mr. Crowder, because there is no doubt smoking is proving detrimental to the health of the Anglo-Saxon race. It deteriorates the race, and we should try

to prevent it. I think no youth should be allowed to smoke until he is 17 years of age.

The committee divided.

Ayes	...	...	8
Noes	...	...	6

Majority for	...	2
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**Ayes.**  
The Hon. R. W. Hardley  
The Hon. Ernest Henty  
The Hon. E. McLarty  
The Hon. S. H. Parker  
The Hon. J. E. Richardson  
The Hon. E. Robinson  
The Hon. F. M. Stone  
The Hon. F. T. Crowder  
(Teller).

**Noes.**  
The Hon. D. K. Congdon  
The Hon. E. W. Davies  
The Hon. S. J. Haynes  
The Hon. H. McKernan  
The Hon. E. H. Wittenoom  
The Hon. J. C. G. Foulkes  
(Teller).

Clause agreed to.

New clause:

THE HON. F. T. CROWDER moved that the following new clause be added to the Bill, to stand as No. 6:—"Every person pointing any firearm at any other person shall be liable, on conviction, to a penalty not exceeding Ten pounds." He said: I do not think I need say much in favour of this clause, because we have only recently had before us instances of how death may occur by the practice of pointing firearms.

THE HON. H. MCKERNAN: I would ask the hon. member whether he thinks that the imposition of a penalty will prevent persons pointing firearms.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I think it would be as well to insert some such clause as this, because the mere fact of its being on the statute book may prevent accidents occurring, similar to those we have recently experienced in our midst.

THE HON. E. HENTY: I quite agree with the clause, and should be prepared to go further than the hon. member, by making it a criminal act to point firearms even in play.

Clause passed.

Question put and passed.

New clause:

THE HON. E. H. WITTENOOM moved that the following new clause be added to the Bill, to stand as No. 7: "This Act shall come into operation on and after the first day of January, 1895."

Question put and passed.

Bill reported.

#### SUPPLY BILL (No. 2).

This Bill was received from the Legislative Assembly, and was read a first time.

The Standing Orders were suspended, and the Bill passed through its remaining stages without debate.

#### CONSTITUTION ACT, 1889, FURTHER AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

#### LOAN BILL.

#### MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The President announced the receipt of the following Message from the Legislative Assembly:—

"Mr. President,

"The Legislative Assembly informs the Legislative Council, in reply to its Message No. 23, that it has passed the following Resolution:—

"That as there are no Standing Orders regulating the procedure to be followed in respect to *Suggestions* by the Legislative Council under Section 23 of 'The Constitution Act Amendment Act, 1893,' the Legislative Assembly cannot acknowledge any obligation to give reasons for being unable to agree to such suggestions. In this instance, however, but without any intention to establish a precedent, the Legislative Assembly has much pleasure in complying with the request of the Legislative Council.

"The reasons are:—

"(a.) That the works in question are important features in the policy of the Government for the development of the colony.

"(b.) That this policy, as a whole, has been approved by a majority of the Legislative Assembly.

"JAS. G. LEE STREE,

"Speaker.

"Legislative Assembly Chamber, Perth,  
"29th October, 1894."

#### ADJOURNMENT.

The Council, at 5.40 o'clock p.m., adjourned until Thursday, 1st November, at 4.30 o'clock p.m.