

Legislative Assembly,

Wednesday, 13th January, 1904.

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THE SPEAKER took the Chair at 3 o'clock, p.m.

PRAYERS.

QUESTION—HICKS V. GREGORY,
AWARD AND COSTS.

MR. PIGOTT asked the Premier: 1, Whether the Government has paid the amount of verdict and costs in the recent case of Hicks v. Gregory. 2, If not whether it is the intention of the Government to do so.

THE PREMIER replied: 1, No. 2, Yes.

QUESTION—MINER'S DISEASE, TO
INQUIRE.

MR. THOMAS asked the Minister for Mines: 1, In view of the great interest taken in England in the ravages of the disease amongst miners, whether it is the intention of the Government to appoint a Commission to inquire into the supposed existence of ankylostomiasis on the Eastern Goldfields; and 2, If the disease exists, (a.) To devise means to stamp it out; (b.) To enter into communication with the Royal Commission recently appointed in England, with a view to joint action being taken.

THE MINISTER FOR MINES replied: 1, No report has been received which would lead us to believe that this disease exists in the W.A. mines. 2 and 3, An official report has been recently received from the Home Office on the cause and symptoms of this disease, and the best means of treatment and cure of same. Copies of this report are now being printed for distribution among the various mining associations, etc. It is intended to appoint a Commission dealing with the ventilation and sanitation of mines, and also to inquire into the

various diseases and ailments to which miners are subject.

QUESTION—MUNDARING WEIR
RAILWAY.

MR. JACOBY asked the Minister for Works: 1, What are the intentions of the Government in regard to the future working of the Mundaring Weir railway line. 2, Whether the control is to continue with the Water Supply Department or be transferred to the Commissioner of Railways.

THE MINISTER FOR WORKS replied: 1, It has not yet been determined whether it will be better to transfer the Mundaring Weir line to the working railways, or retain the control in the hands of the Water Supply Department. 2, Answered by No. 1.

PAPERS—GREENBUSHES LEASE,
FORFEITURE.

On motion by Mr. MORAN, ordered: "That the papers in connection with the case of Smith and McKinny, appellants, v. Webb and McGregor, defendants, concerning application for forfeiture of Central Lease, Greenbushes, be laid on the table of this House."

CONFERENCE ON CONSTITUTION
BILLS (3).

REDISTRIBUTION OF SEATS BILL.

THE PREMIER (Hon. Walter James): The House has now before it the three Bills which embody the constitutional reform we have been dealing with during the course of this session, and also to a certain extent during the course of last session. We have before us the views of the Council and those amendments which in their opinion should be insisted upon. I think I am right in saying that this House is not prepared to accept all the amendments which another Chamber insists on. It therefore becomes a question for us whether we should not take farther steps, with a view of ascertaining whether it is not possible to arrive at some solution of the difficulty which now faces us. In the past, the three subject matters dealt with by these Bills have been embodied in one Act. I explained, when moving these Bills, that I was very anxious to have them in three separate pieces of legislation, following a practice which I thought

to be a wise one, so that we could deal with the various matters and issues raised in the several Bills without having at the same time to deal with amendments on other matters which might not be so pressing as those for the time being dealt with. As I explained to the House on a previous occasion, whilst there may be and often is an urgent need to amend our electoral law, to make it more liberal and to overcome difficulties we find in the working of it, and although there may be a need from time to time to amend the distribution of seats for overcoming the inequalities which time brings about because of our shifting population, on the other hand there is not the same urgent need to deal with the bases of the Constitution as with these various matters. In the past the demand has arisen to deal, say, with electoral reform and the question of redistribution of seats. That necessarily involved an amendment of the Constitution; and the mere mention of the phrase "amendment of the Constitution" opened up the discussion of various matters which are not of such pressing importance, and would not arise were it not for the fact that to obtain these amendments which are recognised to be necessary we have to interfere with the Constitution Act. We have divided the subjects by this present method. We take our Electoral Bill, and I think every member of the House endorses the action of the Government in keeping that piece of legislation quite apart from the Constitution Act. We treat also as a separate Bill the question of the redistribution of seats because we appreciate that as our population grows and the relative importance of centres grows, there is a need to deal with the question of the distribution of seats more frequently than with other matters contained in the Constitution Act. In our Electoral Bill as we have it before us at present, we have reforms which I say are of very great value. We first of all secure by it the abolition of plural voting for the Assembly. That is one reform embodied in the Electoral Bill by the clauses which both Houses have agreed to. We secure also a free and prompt system of registration. Under the law as it stands to-day, no person is entitled to vote until his name has been six months on the electoral roll. Under the law as it will stand if the Bill

is passed, any individual who has been six months in the State can at once register his name and be entitled to vote almost at once. There is no need for his name to be on the roll for any qualifying period. As soon as his name is registered, *prima facie* he is entitled to vote. That is a very great simplification of the law as it stands to-day, and a very great inducement to people to record their votes. However valuable a vote may be, we all realise that there are always difficulties in convincing a man to go and register his name if he knows he cannot vote for six months after his name is on the roll; the time seems so distant. We find in practice the desire to obtain a vote and the desire to exercise it apparently only springs into life, certainly only springs into active life, when a local or general election is in contemplation. Then one begins to appreciate the value of a vote. As the law will stand if the Bill is passed, we shall encourage that feeling; we shall let people know that as soon as they register their votes and put their names on the electoral roll they will be entitled to record their votes at any ensuing elections. These are two reforms. We secure also a third reform. For the first time in the history of the State we place a limitation on election expenses; and whether the amount be large or small, it is the recognition of a principle which we all believe to be valuable. Those are, I submit, three distinct advantages, three valuable reforms, promised us by this Electoral Bill. We have as to that Bill a dispute on practically one point only. We have placed in the Bill a clause dealing with plural voting for another Chamber. Strictly speaking, that clause should not be in the Electoral Bill but in the Constitution Bill, and should therefore stand or fall by what is done with the Constitution Bill. But regarding the Electoral Bill itself, the points of difference now are, first as to the right of a candidate to employ more than one election agent, the Council contending for the right to employ an indefinite number; and second, the right of a candidate for another Chamber to spend up to £500 on an election. This Chamber thought when dealing with that amendment of the Council that the amount expended should be limited to

£300. Then as to the Redistribution of Seats Bill there are two points of difference. First, in the substantive part of the Bill is a clause providing that any amendment of the Redistribution Act must be agreed to by a certain majority in both Houses. That is inserted by the Council to require of both Houses the same majority as must now be obtained if we are to pass any amendment which involves a redistribution of seats. By agreeing to that clause we place ourselves in no different position from that which we occupy to-day. The Council say to us, "If you take from the Constitution Act those sections which deal with the redistribution of seats, and which in the past have always formed part of the Constitution Act, you must take with them the obligation imposed on you by the Constitution Act, that whatever amendments you make shall be passed by a certain majority." We disagreed with that amendment, but the Council insist on it. The other point of difference concerns the boundaries of the Kalgoorlie electoral district. Now I think the Council unwise in interfering with a question of the boundaries of a Lower House electorate. I think they should leave such questions to be disposed of by the Assembly. I do not for one moment say that the Council have not a right to express an opinion on such a point, in the same way as we claim the right to express opinions on the disposal of Council provinces and the delimitation of their boundaries. But I would submit, with due respect, that the Council should make sure of their ground before interfering with the boundaries we fix for a Lower House electorate, just as we should make sure of our ground before we interfere with the boundaries of a province fixed by the Council. *Prima facie*, each House should have a paramount voice in determining the boundaries of its districts or its provinces, as the case may be; and it should rest with the House which objects to any particular boundaries to show some valid reason for making the amendment. Now there appears to be an opinion that this particular district has been defined unfairly by this House, the proposed definition taking from the district of Kalgoorlie that commercial bent which it has at present. Well, as members are no doubt aware, we referred

the question of boundaries to a select committee, which committee went thoroughly into this matter; and I am justified in saying that in coming to the conclusion we arrived at, and in fixing the boundaries of that district, we were not influenced by the representations of any member or any party in this House, but obtained the bulk of our information from those who had no political axe to grind and therefore no political end to serve. I believe the boundaries fixed by us are proper boundaries. Those are the two questions which arise as to the Redistribution Bill; first as to the majority by which an amendment of the Redistribution Act shall in future be carried, and second, the boundaries of the electoral district of Kalgoorlie. Now when dealing with the Constitution Bill, having dealt with the Electoral Bill and the Redistribution Bill, I venture to assert that the most important object we have to attain in securing the amendment of our existing Constitution Act is a broadening of the qualification of Council electors. I take that to be of the greatest importance, and our object should be as far as possible to broaden that franchise; because I believe that after we broaden the franchise another Chamber will attain greater strength and will at the same time become a more useful branch of Parliament. I am not one of those who think that by broadening the franchise we shall very seriously affect the political colour of another Chamber; but I do believe that by an increase such as we ought to have of the number of Council electors we shall secure for that Chamber in relation to this a far higher and more responsible position than it now occupies, and shall bring it more closely into touch with public opinion. In dealing with the Constitution Bill I think we should endeavour before this session ends to take every possible step which gives us cause for hoping to secure a broadening of the Council franchise. Another question involved is that as to the abolition of plural voting for another Chamber. Those are the two main points in controversy on the Constitution Bill. Then there is a third point, the new clause introduced by the Council dealing with the referendum. We have therefore before us three Bills, as to each

of which there are points of difference. But I think I am right in saying that the main points of difference arise in connection with the Constitution Bill. We are all anxious—we must be anxious now this question has been entered upon and the duty undertaken of securing a broadening of the qualification of Council electors and a liberalising of the Constitution as far as is practicable—that our labours shall have an immediate result. We do not wish to have these questions constantly cropping up in this Chamber or in the country. I think all of us agree that constitutional difficulties and constitutional agitations are as far as possible to be avoided. Hence I think we should approach the consideration of these questions with a sincere desire to arrive at a settlement if we can do so consistently with the principles we hold. Now the only machinery available to us is that of a conference; and by our Standing Orders we have the right to ask another Chamber to hold a conference as to these Bills. I believe it to be our duty to hold that conference. Farther, I believe it to be our duty, if that conference be agreed to and if managers be appointed, to approach the conference with a sincere desire to arrive at a settlement if a settlement be possible. The motion I intend to make is :

That a message be transmitted to the Legislative Council requesting a conference on the Redistribution of Seats Bill, and that at such conference the number of managers be five.

I deal firstly with the Redistribution Bill, because that is the first Bill on the Notice Paper. If this motion be agreed to, I purpose to make a similar motion as to each of the two other Bills, so that the conference may deal with the three Bills and with all the constitutional questions now before us. I purpose to move, when we are in Committee, that at such conference, if granted, the managers for this Chamber shall be the members for West Kimberley (Mr. Pigott), Murchison (Mr. Nanson), Kanowna (Mr. Hastie), Guildford (Mr. Rason), and East Perth (Mr. James); these five being the number I fix by the earlier part of the motion. Then when the report of the conference comes to us with recommendations agreed upon, members will of course be entirely free to deal

with it; but while that is so, we should recognise this fact, that there is placed on the House in appointing these managers a certain moral obligation to give its support to members who represent the House at that conference. For myself I say that if at the conference the managers on both sides agree unanimously that a certain course is wise, that certain amendments should be made in one or other Bill, if certain recommendations are thus agreed upon I for one should come back to this House fully expecting the agreement of its members to the course so recommended. In nominating these managers, I have chosen not merely members from this side only, but members from all sides of the House, with a sincere desire to have at the conference the views of all parties in the House fairly represented; and I do say that when, as a result of the conference, the members who go to it on behalf of this House place the report and recommendations of the conference before this House, members will be convinced that the report and recommendations emanate from a body which has not been nominated for party purposes, but a body appointed with a sincere desire to place on our statute-book three of the most valuable Bills ever placed on the statute-book of this State. I move this motion believing that the House desires to have a conference, and that the House will not allow these Bills to be disposed of in such a way as may defeat our desire to obtain certain reforms without availing ourselves of every constitutional means that lie at our hands. The next step is to ask for a conference, and that request I have no hesitation in saying will be agreed to. It will then rest with this House, after the report of the conference has been placed before its members, to say whether it will or will not endorse the attitude taken up by those appointed to manage on its behalf in the conference. I should expect loyal support from all members of this House if the managers appointed by it come back and unanimously recommend the adoption of a certain course; because the managers for this House will go into that conference not merely representing a party but representing the whole of the House. I hope the House will agree first to the principle of a conference, and secondly

to the names I have suggested as those who should be the managers for this House in the conference if granted. I formally move now "That the Speaker do leave the Chair, for the purpose of going into Committee to consider the Legislative Council's message and the motion of which I have now given notice."

Question put and passed.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair.

THE PREMIER formally moved

That a conference be requested with the Legislative Council on the subject of the Redistribution of Seats Bill, and that at such conference the managers for the Legislative Assembly do consist of five members.

MR. S. C. PIGOTT (West Kimberley): Most members of this House would agree with the Premier that on these questions we should spare no effort to get the three Bills placed on the statute-book; but before this House agreed to the proposition of the Premier, we should know from the Premier exactly how far he intended to go in the conference. The position of this House would not be a good one in regard to holding a conference on these Bills, unless we knew before the conference began exactly how far the Government were prepared to go. Indeed it would be a great mistake if, after what had taken place in this House in regard to these Bills, we should, by the means of a conference, give way on some very important matters upon which this House had held opinions different from those of another place, and he might say held those opinions unanimously in regard to these three Bills; so that it would be a great pity if managers of a conference were appointed and the result was that those representing this House were to back down on questions in regard to which this House had hitherto held strong opinions. He hoped that before a conference was agreed to the Government would distinctly say on what points they were prepared to give way to another place, and on what points they were not prepared to back down.

MR. STONE: That would be giving away the show very early.

MR. PIGOTT: It would not be giving away the show. We should make a mistake in going into a conference at all, as

he had said before; and it was only on the assurance from another place of their desire for a conference that members here were now willing to enter into it; but at the same time, as his own name had been mentioned as one of those to take part in the conference on behalf of this House, it should be thoroughly understood that the managers representing this House should not give way on those grave principles in regard to which we had hitherto been unanimous, simply to save any farther trouble between the two Houses with regard to the Constitution amendment. While we should do all we could to get these Bills through, yet this House should be unanimous in standing firm on one or two particulars. There were one or two items he could see on which we might well give way; but when it came to the question of the abolition of plural voting for the Upper House and the question of lowering the franchise for the Upper House, he for his part could not allow himself to be nominated as one to take part in this conference without stating his opinion straight out that on these points he could not give way. He hoped to hear from other members their views on these points; and if managers for a conference were appointed by this House, he hoped the recommendations of that conference, as the Premier had expressed it, would be accepted by this House when presented in the form of a report. For his own part he would not agree to giving way to another Chamber on the two points he had particularly drawn attention to.

MR. R. HASTIE (Kanowna) Like the member who had just spoken, he was strongly of opinion that no conference was necessary; but at the same time he and other members had been continually saying there should be a conference for settling the differences between the two Houses in regard to these Bills. Now that the question came before us on a motion for appointing managers to a conference, we could not well refuse to follow the course proposed by the Premier, and appoint managers for this House to meet managers for another place in order to discuss the differences on these Bills. We could not forget also that the Redistribution of Seats Bill had been finally disposed of by this House on the understanding that the question of a conference

would be favourably considered. [MR. DAGLISH: By the Government.] Yes, by the Government; but other members stated there would be no objection on the part of the House to the holding of a conference between the two Houses. He was one who expressed that opinion, and he knew it was held by others. He would, if necessary, make it a provision that there should be a conference between the Houses on all Bills in regard to which any serious difference arose. As to the suggestion of the leader of the Opposition, he (Mr. Hastie) did not expect the Government to define exactly at this stage the position that should be taken on behalf of the Government in the conference. If this House elected managers to a conference, it presumably elected the best members to represent the House; and those members ought not to state before going into the conference how far they would go on any particular point that might arise. Other members of this House not taking part in the conference might well state their opinions as to how far the managers for this House might go, and opinions so expressed would be useful as a guide to the conference. Another reason for having a conference was that there was a strong desire to have a reduction of the franchise for the Upper House; and we should not do anything that might prevent the reduction of that franchise. He trusted that members would take the opportunity of expressing their opinions as to how far the managers appointed by this House should go in the conference. He hoped also that the conference would be held as early as possible, and that there would be an understanding that whatever might be the recommendations of that conference, this House should be absolutely free in dealing with the three Bills after the conference had concluded.

MR. A. E. THOMAS (Dundas) intended to vote against having a conference, for he did not believe it was necessary. The conference could only have one result—that the Government would have to “back down” on the essential points upon which the conference was to be held.

MR. NANSON: What were the essential points?

MR. THOMAS: The reduction of the franchise for the Upper House, the abolition of plural voting, and the other point that the consent of the Council must be obtained before there could be any referendum. These were the three principles; and after the expression of opinion which had been given, he did not think any member would back down on them.

MR. MORAN: It was to be hoped that no members would state what they were going to back down on.

MR. THOMAS: The other House, by 16 votes to 4, had decided to stand firm in regard to these points; and if we now consented to the Premier's proposal for a conference, it was a foregone conclusion that the Government intended to back down. The Premier had said that he was prepared to be bound by the decision of the conference.

MR. HASTIE: If unanimous.

MR. THOMAS: If unanimous. And the Premier expected that when the report was made to the House every section would bind themselves to the decision of the conference. He (Mr. Thomas) would not state now whether he would be bound by the decisions of the conference or not. He could not allow a statement of that kind to go unchallenged, or by silence give assent to the statement of the Premier. He held himself free to do as he chose in the matter when he heard the report given to the House. He would not be bound for one moment by any decision, except of a majority of the party to which he belonged, after a meeting in caucus.

MR. A. Y. HASSELL (Plantagenet) did not intend to be bound by any decision of the managers appointed by the House. He would give his vote in the House and not be bound by any members. He disapproved of the holding of a conference, and he would not vote for managers being appointed. He would vote as he pleased.

MR. H. DAGLISH (Subiaco) would gladly support the proposal for a conference if there was any likelihood of securing the purpose for which it was to be appointed. But the actual demand for a conference was the price this Chamber paid for having the Redistribution of Seats Bill before members. The demand had nominally come from

another place for the purpose of enabling us to get a liberalisation of the measures, but it was really to secure for another place an opportunity of fighting these measures with a view of getting through the particular clauses they were most interested in. He did not think any member thought any of the points in dispute would be obtained by this House. Therefore, from his point of view the conference seemed to be a waste of time, and a means of enabling certain members of another place to crawl down from the untenable position in a more dignified manner than they otherwise could. The first point in dispute was in regard to the boundaries of one constituency, and the second in regard to a clause which was unconstitutional, and therefore not worth conferring about. We had practically all we needed, certainly all we should get at the present time, in the Redistribution of Seats Bill; we could hope for nothing more; therefore we were going into the conference prepared to give away something, or prepared, after a waste of time in conference, to take what was at present already available. He did not see why members should be tied to the conference because the Government undertook to recommend it. He agreed with the Premier in fulfilling a promise which he had made, but he (Mr. Daglish) was not bound to support the Government in asking for a conference; therefore if the question went to a vote he would vote against a conference at the present stage and reserve to himself, as other members had done, the right to vote against the recommendations of the conference if it seemed desirable.

MR. F. CONNOR (East Kimberley): It seemed that we were reverting to one of the oldest forms of government in the world, for the members who were to attend this conference were being nominated by the leader of the House.

THE CHAIRMAN: The hon. member could take exception to that under Standing Order 244, if he liked.

MR. CONNOR objected to the conference as it was to be constituted. The leader of the Labour party would not object to a ballot, or he was departing from the position that had been obtained by honest democrats in the House. Like other members who had spoken, one should keep himself absolutely free as to any

action he might take after the conference was decided upon. He did not bind himself in any way as to what the Premier had asked the House to do.

THE CHAIRMAN called the hon. member's attention to Standing Order 244.

MR. CONNOR was not raising any objection.

MR. C. J. MORAN (West Perth): Those members who did not want to bind themselves to a conference should not insist upon election by ballot, for that would bind the House more than anything else. Members should allow the matter to go on as it was going at present.

MR. G. TAYLOR (Mount Margaret) entered his protest against the conference, as there was no great necessity for one. The actions of another Chamber were unconstitutional. The members of another place were not in order in holding one Bill until they saw what action this Chamber took with regard to two other Bills. It was laid down definitely by the Premier, on the introduction of these three measures, that the House was to deal with them separately, so that members could see what was being done. Now we found that the Bills were to be dealt with as one measure. In regard to the managers nominated, they were not those who fought the gallant battle in this Chamber for an amendment of the Constitution. Four out of five of the managers suggested supported the Government in their Redistribution of Seats Bill.

THE PREMIER: They supported justice.

MR. TAYLOR: Justice from the Premier's point of view, which gave one section of the community three times the voting power of another section. That was the Premier's justice. Those who amended the Redistribution of Seats Bill would not be satisfied with the managers as nominated by the Premier. One should not bind himself in any way as to the result of the conference. He would rather see this Chamber take a more decided stand, and if the other Chamber would not allow this Chamber to place legislation on our statute-book which the people's representatives thought should be placed there, we should go to the country on the matter. It was necessary the people should decide this question. The conference seemed to be a very fine way to gloss over matters by those who

professed to bring about reform. If another place would not pass these Bills, the proper course was for the electors to pass them. The sooner we appealed to the electors the better. The fight would have to come sooner or later, and the conference was only staving off for a year or two the battle which would have to be fought as to whether there was a necessity for another Chamber in this State or not. The sooner the electors of Western Australia had an opportunity of recording their votes in that direction the better. He would much rather see the Premier take up that attitude than the action which he had taken. He opposed the conference and would not be bound in any way by the report.

MR. A. J. DIAMOND (South Fremantle) would not feel bound by the decision of the managers nominated by the Premier. On previous occasions he had supported the Government in regard to meeting another place, but he was not prepared to go farther. There was a strong feeling about allowing farther concessions. We had the people of the country at our back, and if another place was inclined to meet us half way, he would be prepared so far as his vote went to support that. The people of the country must decide the question sooner or later; and so far as he was concerned he was going on what he thought would be the decision of the country. As far as he was concerned, he would not pledge himself to be bound by the conference.

MR. T. H. BATH (Hannans): For the reason that he saw the possibility of farther conflict between the two Houses of Parliament, he supported the proposal for the holding of a conference. The Standing Orders governing this Chamber provided certain rules which stated that a conference might be held between the two Houses on points of difference; and so long as it was constitutional we would be wanting in our dignity or would not place ourselves in the best position before the electors if we did not avail ourselves of every constitutional course before making such appeal. Recognising that fact, and the possibility of future constitutional differences between this and another place, it was the duty of the Assembly on this or any other occasion, so long as the Standing Orders provided for conferences, to take

advantage of that provision. And it would not weaken our position one whit if when appealing to the country we could state that we had availed ourselves of this constitutional means, and held a conference with a desire to come to some mutual agreement.

MR. MORAN: Why not stand firm? If we held a conference we must to some extent give way.

MR. BATH: On former occasions the hon. member (Mr. Moran) had acquiesced in abandoning amendments or other provisions previously passed by this House in Committee on Bills and disagreed with by another place. If we so acted on previous occasions why not act similarly on this? There was surely no greater crime in making concessions as to these Bills, so long as the points conceded were not vital, than in the case of any other Bill as to which the hon. member had to some extent "climbed down." Personally this was to him (Mr. Bath) merely a question of adopting a constitutional course provided in the Standing Orders; and so long as we did that, so long as we kept to the Constitution, we were in a position to maintain that we had tried every constitutional means before permitting a deadlock; and far from weakening our position, this would only strengthen it. As to *personnel*, the Standing Order laid down that the mover of the motion must be a manager, and that any member who objected might ask that the other managers be elected in the same manner as select committees were elected. He hoped that if members objected they would object in proper fashion, so that a ballot might be taken as for a select committee.

MR. DIAMOND: Could a ballot be called for?

THE CHAIRMAN: Not at this stage. Question put and passed.

THE PREMIER farther moved:

That at such conference the managers for the Assembly be the members for West Kimberley (Mr. Pigott), Murchison (Mr. Nanson), Kanowna (Mr. Hastie), Guildford (Mr. Rason), and East Perth (Mr. James).

MR. DIAMOND asked whether he could call for a ballot.

THE CHAIRMAN: Yes; under Standing Order No. 244.

MR. DIAMOND: Could one nominate other members than those proposed?

THE CHAIRMAN: No.

Question put and passed.

Resolution reported, the report adopted, and a message accordingly transmitted to the Council, requesting that the time and place for a conference be named by the Council.

ELECTORAL BILL, CONFERENCE.

In Committee,

THE PREMIER moved "That a message be transmitted to the Legislative Council requesting a conference on the Electoral Bill, and that at such conference the number of managers be five."

Question passed.

THE PREMIER farther moved "That at such conference the managers for the Assembly be the members for West Kimberley, Murchison, Kanowna, Guildford, and East Perth."

MR. DIAMOND: As by the Standing Order any member might require the managers for the Assembly to be selected in the same manner as members of a select committee, he now demanded a ballot.

MR. MORAN: The hon. member was quite in order in demanding a ballot; but if different managers were appointed in respect of each Bill, how would it look if three groups of managers went to the other House to settle this matter?

Question put and passed.

Resolutions reported, the report adopted, and a message accordingly transmitted to the Council.

CONSTITUTION ACT AMENDMENT BILL, CONFERENCE.

In Committee,

THE PREMIER moved "That a message be transmitted to the Legislative Council requesting a conference on the Constitution Act Amendment Bill, and that at such conference the number of managers be five."

Question passed.

THE PREMIER farther moved, "That at such conference the managers for the Assembly be the members for West Kimberley, Murchison, Kanowna, Guildford, and East Perth."

MR. DIAMOND demanded a ballot and nominations.

THE CHAIRMAN: The hon. member was out of order in demanding nominations.

MR. DAGLISH: Must we vote for five members or for four? Was not the Premier, as mover, a member?

THE CHAIRMAN: Yes. Vote for four.

MR. HASSELL: Were members bound to vote?

THE CHAIRMAN: No.

Ballot taken, resulting in the following members being appointed:—Mr. Hastie, Mr. Nanson, Mr. Pigott, Mr. Rason, with Mr. James as mover.

Question—that these members be the managers for the House in a conference—put and passed.

Resolutions reported, the report adopted, and a message accordingly transmitted to the Council.

PETITION—KALGOORLIE-BOULDER SUBURBAN TRAIN SERVICE.

MR. T. H. BATH (Hannans) moved, in accordance with the prayer of a petition previously presented by Mr. Johnson:

That in the opinion of this House the service which was in force on the Kalgoorlie-Kamballie railway during the quarter ending December last, subject to amendments recommended in the petition, should be reinstated.

When the Kalgoorlie-Boulder suburban railway was first built, it was worked as a single line with very little station accommodation. After it had been working some time a private tramway company obtained a concession to construct and work a tramway along a route which would have the effect of competing directly against this railway built by the State. About the same period the Government embarked on a policy of excessive expenditure in station buildings, subways, and other improvements for this railway, resulting in a total additional outlay of at least £150,000; this being entered upon at a time when the Government railway was practically killed by the suburban tramway concession granted to a private company, which concession the Government did not oppose. The service of trains which was run after all this additional expenditure had been incurred was not convenient in various ways, and he as well as other public men in the district had to make representations to the Railway Department with

the object of making the railway service along this line more suitable to the people dwelling in the suburbs of Kalgoorlie and Boulder, through which this railway ran. It used to be a very difficult matter to secure a change, but at times the people were able to secure the alteration they desired. When an imperfect time table was run, a fairly large number of people used the Boulder tramway; and in order to compete with the trains, the Railway Department ran a 20-minutes service and also lowered the fares (previously ranging from sixpence to a shilling) to such an extent that people could go to Boulder and back for threepence, while the tramway was charging a shilling for the same distance. This system was continued for three months, and then the Commissioner of Railways introduced a new time table, cutting down the number of trains run, also cutting out many of the trains which were convenient to the travelling public, as shown by the fact that many working men did not renew their quarterly tickets. Representations were made by those who used the line to the member for Kalgoorlie and himself (Mr. Bath), and representation was made to the Minister for Railways, who stated that the matter was out of his hands. The Commissioner was asked to delay the introduction of the new time table until the people had time to protest. However the time table came into use on the first Monday in January, and meetings had been held and the petition which was presented to the House was adopted at those meetings, pointing out that the time table was unsatisfactory. The Commissioner had given as his reason for revising the time table that the railway did not pay. The residents pointed out many reasons why the line did not pay. There was no demand by the public for the great reduction in the fares that was made: the fares could be put up to a higher figure without occasioning any protest on the part of the travelling public. The rolling-stock was in a bad condition and should be overhauled. It was also recommended that a platform be erected at Fimister, as the present tramline to the Boulder Block caught all the big traffic in that direction. It had been stated in opposition to a platform being erected that it was on a freight tramway; but at no great ex-

pense a third line of rails could be laid down and used for passenger traffic.

POINT OF ORDER.

MR. MORAN: Order of the day No. 5, was "Tram service between Kalgoorlie and Boulder, consideration of petition of inhabitants of surrounding districts." Were we considering that matter or not?

THE SPEAKER: The hon. member was discussing a motion which he had moved.

MR. MORAN: The matter appeared to be irregular. Any member might bring in a petition for the expenditure of a million of money. The debate appeared to be out of order.

THE SPEAKER: The petition was guaranteed by the member who introduced it as being in order, and the House accepted it. The consideration of the petition was set down for to-day; and the member for Hannans, in the absence of the member who presented the petition, had moved a substantive motion in reference to the petition.

MR. MORAN: Was it competent to depart from the Notice Paper and discuss something else?

THE SPEAKER: The hon. member was discussing a motion in relation to the petition.

MR. MORAN: If the Speaker ruled that the hon. member was discussing the petition, was it competent for a petition to be received praying for the expenditure of public money directly?

THE SPEAKER: A petition could not ask for a vote, but it could ask for a public work to be carried out, irrespective of the money required for that work. A petition could ask for the policy to be carried out.

MR. MORAN: Was it competent to bring in a direct motion pledging the House to a work?

THE SPEAKER: The motion would not pledge the House to the work until the money had been voted.

MR. MORAN: No member could ask for the expenditure of public money, and no motion could be moved committing the Government to the expenditure of any public money. That had been held in this House previously. The motion appeared to be entirely against the Standing Orders. While in sympathy with the proposal, the hon. member was out of order in asking for the expendi-

ture of public money which would not be acceptable to the House.

THE SPEAKER: The Standing Order was very clear. It stated:—

No application may be made by a petition for any grant of public money, or for compounding any debts due to the Crown, or for the remission of duties or other charges payable by any person, unless it be recommended by the Crown.

So that members could recommend that a work be carried out, but they could not deal with the money question.

MR. MORAN: Would the Government be pledged in any way by a motion of this kind.

THE SPEAKER: Not at all.

MR. MORAN: Then it was a waste of time.

THE SPEAKER: It was an expression of opinion.

DEBATE RESUMED.

MR. BATH: When interrupted, he was setting forth what measures he considered could be taken by the Railway Department to make the railway from Kalgoorlie to Kamballie a revenue-producing property. There had been an expenditure of a large sum of money on that railway, and an endeavour should be made as far as possible to make it convenient to the travelling public, so that it could compete with the private tramway system. The public thought that there might be a rearrangement of the service. At the present time in the middle of the day trains were run which were not convenient to the public and were not availed of. When shifts of men were knocking off work more trains might be run. The local authorities should be consulted by the Railway Department, so as to run trains which would suit the convenience of the public. Again a saving could be effected by running trains with fewer coaches. A great saving could be effected by discontinuing the running of many trains from Hannan Street to Kalgoorlie, for at present many of the trains ran almost empty from Hannan Street to the Kalgoorlie station. The grade from Hannan Street was heavy, and the cost of the running of the train from Hannan Street to Kalgoorlie was half the cost of working the whole line. The bulk of the trains might be run to Hannan Street and then return to Kamballie. The alterations had been made without

consulting the local bodies or the local railway authorities. The running of a more frequent service would increase the passenger traffic and prove revenue-producing. On this line the returns from the passenger traffic were separated from the goods traffic, with the result that we were told the line did not pay. In connection with other lines in the State the whole of the traffic was taken into consideration, and if the whole of the traffic was taken into consideration on this line it would be found to be an eminently paying line. If we were to shut down all the railway lines which were not paying, then all the lines except that from Perth to the Eastern Goldfields and the Murchison line would be shut down. If the Minister used his influence to have a new time table adopted and the trains were run to suit the traffic, the line would be a payable one.

MR. PRIOTT: With what idea was the motion brought forward?

MR. BATH: To draw public attention to the matter. We were here to take an interest in all the railways of the State.

MR. R. HASTIE (Kalgoorlie) seconded the motion. This was a very extraordinary case. The railway line ran through the most populated district in the State outside the metropolis.

MR. PRIOTT: Those people could appeal to the Commissioner.

MR. HASTIE: Probably they had appealed. This alteration was made suddenly; and most of them first heard of it on the day it was made. But the great reason for the petition was that so many people were affected. Up till some two years ago this was probably the best-paying short railway in Australasia, because it was the only line available to a large population. Then the trams started in opposition, since when the railway had not paid nearly so well. For this the real reason was that the railway authorities had not catered properly for the public. Two months ago he (Mr. Hastie) was in Kalgoorlie, and saw that every 20 minutes or so a train was despatched, whether or not passengers were available. Apparently all arrangements as to time table and the number of coaches to be run were made in Perth; and no matter whether at a busy hour, or at an hour when everyone knew passengers must be scarce, the same

number of coaches was always run. The line would never pay till the local officials had instructions to run trains at such times as would suit the majority of the people. No short line could pay without a frequent service. The trains were run from Boulder through to Kalgoorlie station, though on an average journey not more than three persons travelled by train between Hannan Street and Kalgoorlie. Thus, he believed, each of the 48 trains per day ran an extra two miles unnecessarily, or 96 miles in all, at a cost per train mile much higher than at any other part of the route, not only wasting time, but greatly increasing the expense. Another matter. Thousands of people wished to travel every day from Kalgoorlie and neighbourhood to the centre of the Golden Mile, and wished to reach the vicinity of Fimister; but the authorities absolutely refused to establish a station at Fimister, the nearest station, Golden Gate, being half a mile distant; and passengers had to run up or down the line to avoid the numerous trucks always kept there. Any other railway authorities would long since have made a station at Fimister; and the refusal to do so showed either that the Commissioner was determined that the line should not pay, or that he was incompetent. This was the only request in the petition which even suggested an expenditure of money. A remarkable feature of the petition was that it was probably the first in this State which asked for an increase of railway fares; therefore the Minister should take much more notice of it than he would of an ordinary petition. As a frequent service and not many carriages per train were desired, an experiment might be made with petrol or other non-electric motor cars such as were used on several English railways. One gas motor could draw three and sometimes four large carriages. The Minister would be asked by the Commissioner whether the service was to be run as a matter of political policy, or to be run to pay. Undoubtedly it should be made to pay, and it would pay if decently managed. If it were not now decently managed and did not pay, the public ought to know who were responsible for such foolish expenditure. Surely there was no other part of the State where a good train service would pay better.

THE MINISTER FOR RAILWAYS (Hon. C. H. Rason): The motion was made merely to draw attention to what the mover considered was an unsatisfactory state of affairs. The matter would be farther inquired into, if for no other reason than because the petitioners asked for a slight increase in fares. That at once appealed to him (the Minister) as being a matter worthy of farther inquiry. Respecting the faulty train service, it had been hoped that by increasing travelling facilities between Kalgoorlie and Kamballie, and by running trains more frequently, the loss incurred would be diminished by a great increase in traffic; and therefore a large number of trains was put on. But the loss on the whole of the passenger traffic was thereby greatly increased; hence the Commissioner held himself justified in reducing the number of trains, seeing that either a small number or a large number resulted in a loss.

MR. MORAN: Was it good enough, having granted a tramway concession, to try to run the life out of that concession?

THE MINISTER: That also must be considered. Besides, there was an ordinary train service of 48 trains a day between Kalgoorlie and Kamballie; yet people asked for more.

MR. HASTIE: The number was 22.

THE MINISTER: The working timetable which came into force on the 4th January showed 48; and the hon. member interjecting named that number when speaking to-night.

MR. HASTIE: That number (48) used to be run.

THE MINISTER: The hon. member's memory was defective. There were 48 now; and the time-table did not seem to be wholly unsatisfactory. Trains started from Kalgoorlie to Kamballie at 7:10, 7:15, 8, 8:5, 9:10, 10:30, 11, 11:30, 12, 12:30, 1, 1:30, 2, 2:30, and so on.

MR. HASTIE: Trains useless for miners.

THE MINISTER: The service had resulted in a heavy loss; and this could not continue. If by altering the timetable, by better adapting it to people's requirements, and by slightly increasing the fares, an improvement could be effected, this would be done; and with that object he would make thorough inquiries. If the hon. member had decided to press the motion to a division,

he (the Minister) would have asked the House to declare that this was a matter in which we should not interfere, having determined that the railways should be run as far as possible on commercial principles.

MR. S. C. PIGOTT (West Kimberley) protested against petitions of this kind being presented. From the Minister's statement one might safely conclude that had the petition been addressed to the Minister for Railways or the Commissioner the matter would have been attended to. If petitions on every trivial matter were to be presented, the House would have nothing to do but attend to petitions. In his (Mr. Pigott's) brief experience, he had received numerous petitions, but was thankful to say that not one had been presented; and those friends who were of opinion that Parliament should be petitioned as to every trivial requirement had been educated by him to a better way of thinking. He was glad the motion was to be withdrawn, and hoped no similar petitions would be brought up in future.

Motion by leave withdrawn.

MOTION—LAND TAXATION, UNIMPROVED VALUE.

Order read for resumption of debate from the 28th October, on the motion by Mr. Hastie, "That the Government should, at an early date, introduce a measure for the imposition of a tax upon the unimproved value of land."

MR. J. R. WALTER moved that the order be postponed until the next sitting of the House.

MR. C. J. MORAN: The Government could not draft a Bill dealing with the subject this session, and the matter was one the country should speak upon. He asked the hon. member (Mr. Hastie) to consider the advisability of confining the business of the session now to the constitutional aspect before us. If we went to general questions, there were lots of things more urgent and important than this. To pass in a House going to the country in three or four months a general motion on a big question of land taxation would be a waste of time. If the motion meant a general land tax, the time had not come; if it meant taxation to burst up unimproved estates, the time had come, but the subject should be dis-

cussed when it was before the country, with a view to giving a mandate to the next Government to frame legislation.

MR. R. HASTIE: The motion did not ask the Government to bring in a Bill this session. He did not see any harm in the House agreeing to the motion, which was in general terms, and he felt certain that no member had any new reasons for voting against it. He hoped the House would, before adjourning, pass the motion.

MR. DIAMOND would vote for the motion.

Question passed, and the order postponed.

Sitting suspended, awaiting messages.
At 8:55 o'clock, Chair resumed.

CONFERENCE ON CONSTITUTION BILLS.

THE SPEAKER announced the receipt of a message from the Legislative Council, agreeing to the holding of a conference on the three Constitution Bills, and suggesting the Committee-room of the Legislative Council as the place and 11 o'clock in the next forenoon as the time for holding the conference.

IN COMMITTEE.

THE PREMIER moved—"That the time and place as fixed by the Council be agreed to, and that a message be transmitted accordingly." This motion was more or less formal. To meet at 11 o'clock to-morrow would doubtless be agreeable to the managers appointed by this House.

MR. MORAN: Presumably the House itself would meet formally at 11.

THE PREMIER: Yes.

MR. MORAN: And it should be thoroughly understood that an adjournment would then be made till 7:30 p.m.

THE PREMIER: Certainly. At 11 o'clock he would ask the Speaker to leave the Chair till 7:30.

Question passed.

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

ADJOURNMENT.

THE PREMIER moved that the House at its rising do adjourn until 11

o'clock to-morrow forenoon. This was necessary to enable us to initiate the conference with another place. He would then ask the Speaker to leave the Chair until 8 o'clock.

The House accordingly adjourned at 13 minutes past 9 o'clock, until the next forenoon.

Legislative Council,

Thursday, 14th January, 1904.

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The PRESIDENT took the Chair at 11 o'clock, forenoon.

PRAYERS.

BUSINESS SUSPENSION—CONFERENCE.

THE PRESIDENT: In accordance with last night's resolutions, I purpose leaving the Chair until 4:30 p.m., to give an opportunity to the managers for the Council to meet the managers for the Assembly, in Conference.

THE COLONIAL SECRETARY: In accordance with the wish of the House, I do not intend to ask members to sit this evening, but that when we meet at 4:30 this afternoon, and having no work to go on with, we shall adjourn till 11 o'clock to-morrow forenoon. Whatever the result of the Conference may be, that result will have to be embodied in the Bills in another place. We shall receive a message from another place when we meet to-morrow forenoon, and we will have to deal with it in the usual course. I shall ask members to meet to-morrow forenoon, in order practically to close the session. It will not be necessary for us to meet this evening, because we will have no work to do until we receive a message from another place, which other place will meet at eight o'clock this evening.

HON. J. W. HACKETT: The result of the Conference will have to be notified to this House.

THE COLONIAL SECRETARY: Yes; by message from the Assembly.

HON. J. W. HACKETT: The managers must report to this House.

THE COLONIAL SECRETARY: Yes.

HON. J. W. HACKETT: At what time will they report?

THE COLONIAL SECRETARY: At 4:30 o'clock, I hope.

THE PRESIDENT: I will take the Chair at 4:30 o'clock. If the managers are not then ready, we can adjourn and meet later. I understand from the Colonial Secretary that it is not intended to deal with any other business this evening. We have yet to receive from the Assembly replies to our messages re the amendments to the Factories Bill, the Roads Act Amendment Bill, and the Government Railways Bill.

THE COLONIAL SECRETARY: Those Bills are at their last stage.

THE PRESIDENT: The Assembly must either agree to our amendments or not. I will leave the Chair until 4:30 o'clock.

[Sitting suspended.]

At 4:30, Chair resumed.

PAPER PRESENTED.

By the COLONIAL SECRETARY: The Land Act Amendment Act, 1902—Permission to construct a timber tramway.

BUSINESS SUSPENSION.

THE PRESIDENT informed members that the Council managers at the Conference had not yet concluded their labours; therefore he would leave the Chair until half-past five.

[Sitting suspended.]

At 6:15, Chair resumed.

THE COLONIAL SECRETARY informed members that the Conference had not yet concluded its labours; and in order that the prorogation of Parliament might take place as soon as possible, he was regretfully obliged to ask members to attend again this evening. He also moved that the House at its rising do