ried on throughout the year 1926-27, finishes up by saying nothing very much. After quoting the statement of receipts and payments, the report shows that claims totalled £17,000, that there was a credit balance of £32,000, and that collections, mainly premiums, amounted to £52,000. The Auditor General further says—

> The premium rates supplied were stated to be those charged by the insurance companies at the time the State office was established, with an addition of £4 10s 6d. per centum in regard to certain industrial diseases associated with mining. Following the practice of insurance companies, the larger insurers are paying their premiums by instalments. When the examination of the accounts was completed in August, 1927, a complete set of accounts had not been written up. Therefore the cash transactions only have been dealt with.

So there was a big loophole for quite a lot that we do not know anything about. With this scant information before us, I am reminded of the scriptural quotation, "Because thou are lukewarm, and because thou art neither hot nor cold, I will spew thee out of my mouth." It is a lukewarm report and entirely disappointing. I listened with interest to the remarks of the last two speakers, and was glad of the information given by Sir William Lathlain. But I must candidly say that the way in which he quoted these figures, the rises in the volume of business and the number of premiums as against the New Zealand State Insurance Department and the A.M.P., was not amazing. He showed an increase of 10 per cent. over a period of five years, gained by the A.M.P. over the New Zealand office. I thought he was going to say that while the New Zealand State office had risen from 59 to 62, the A.M.P. had risen from, say, 60 to about 120. When we take all things into consideration, when we consider that New Zealand was so handicapped in being a State department, I think that for a State insurance department it was really a wonderful achievement to increase their business steadily from year to year. At the same time, when compared with private enterprise we know that it is not going to be in the best interests of the State; that we shall have an increased army of civil servants who, judging by administrative acts during the last four years, are more or less subject to the influence of power in temporary possession of the Treasury benches. Consequently the best thing we can do is not to carry the second reading. On general grounds, and on the ground of dissociating ourselves from the illegal acts of the Government, I appeal to members not to support the second reading.

On motion by Hon. G. Potter, debate adjourned.

BILL—AUDIT ACT AMENDMENT.

Received from the Assembly and read a first time.

House adjourned at 9.50 p.m.

Legislative Assembly,

Tuesday, 22nd November, 1927.

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

QUESTION—RAILWAY CONSTRUCTION, LAKE MOLLERIN EASTWARD.

Mr. LINDSAY asked the Premier: Do the Government intend to introduce during this session a Bill to authorise the construction of a railway from Lake Mollerin eastward?

The PREMIER replied: No.

BILL—AUDIT ACT AMENDMENT.

Read a third time, and transmitted to the Council.

ANNUAL ESTIMATES, 1927-28.

Report of Committee of Supply adopted.

In Committee of Ways and Means.

The House having resolved into Committee of Ways and Means, Mr. Lutey in the Chair:

THE PREMIER AND TREASURER (Hon. P. Collier—Boulder) I move—

That towards making good the supply granted to His Majesty for the service of the year ending 30th June, 1928, a sum not exceeding £6,354,089 be granted from the Consolidated Revenue Fund, and £121,411 from the Sale of Government Property Trust Account.

Question put and passed.

Resolution reported.

BILL—LAND TAX AND INCOME TAX.

Council's Message.

Order of the Day read for resumption of the consideration, from the 17th November, of the Council's message acquainting the Legislative Assembly in reply to its message No. 26 that, having regard to the importance of the Land Tax and Income Tax Bill, and the adverse effect on the finances even if the Bill were only temporarily laid aside, the Council, without prejudice to its Constitutional rights and privileges, was prepared to give the Bill further consideration if the Assembly would agree with the Council—(a) to refer the matter at present subject of dispute to the Judicial Committee of the Privy Council for decision, and (b) pending the determination by such tribunal of the respective rights of the two Houses the Assembly would refrain from persistence in the view advanced by the Assembly that the pressing of a request was illegal.

MR. SPEAKER [4.43]: Before this order of the day is proceeded with, I think the House will indulge me in making a statement, more particularly as, knowing the nature of the message from the Legislative Council, I understand that this matter in all probability will be submitted to the decision of the Judicial Committee of the Privy Council. In another place, the ruling I gave recently upon the previous message from the Legislative Council was challenged; and it is only fair that I should show where the statement of the case from the other point of view is, in my opinion, erroneous. At the outset I may say that the real reasons I expressed were not traversed; they were not considered; they were dismissed, and assertions of a nature which I venture to think will not stand the test of logical examination were substituted. The Honourable the President of the Legislative Council had the courtesy to supply me with a copy of his speech, and it is from this that I shall make extracts to show the House the position from the contending point of view to that not only taken by the Speaker but upheld by this Chamber by a majority of 32 to 10. The President, in addressing the Council, said—

I cannot understand the attitude adopted.

That is my attitude.

The reference to illegality is most extraordinary. The course followed by this House is in accordance with the State Constitution. It is also in accordance with Standing Orders approved of, without question, by the present Government through the Governor in Council.

That is one portion. I will read the extracts first and then deal with them as to my mind they appear in relative importance. He goes on to state—

Furthermore, the Hon. Speaker has endeavoured to effect, by a Parliamentary ruling, what a previous Government unsuccessfully endeavoured to effect in a Bill to amend the Constitution.

Further on he says—

Confusion may arise in the minds of some because of the old-fashioned idea that the relationship between the House of Lords and the House of Commons is analogous to that of the Legislative Council and the Legislative Assembly. Such an idea is absurd. In the one case there is an unwritten Constitution, whereas in this State the constitutional relationship between the two Houses is clearly set out in writing.

And again—

It will be observed that requests were pressed by this Chamber before, and subsequent to, the year 1921. I call attention to that, because even under our State Constitution as it was before 1921, the Council had the undoubted right to press requests.

Just one or two more quotations—

The right to make a request cannot be disputed. A request, though repeated or pressed, is still a request.

And again—

As our State Constitution is identical with our Commonwealth Constitution in so far as

it relates to the powers of the two Houses to press requests, this Council, when the Standing Orders were last revised, adopted in full the Standing Orders of the Senate in the matter of pressing requests. These revised Standing Orders were approved, on the 30th October, 1924, by the Governor in Council of the day. That is to say, they met with the favour of the Cabinet of the day.

The Premier: That is too absurd for anything.

Mr. SPEAKER: The President continues—

I may mention that the Government that approved of them, embodying as they do the right to press requests, are the Government that are now in office.

The Premier: Sheer nonsense!

Mr. SPEAKER: The President's speech continues—

Yet the Hon. the Speaker ruled as "illegal" what the approval of the present Government, through the Governor in Council, has given the force of law to.

I may be indulged a little in just reviewing the position that I took the other night. I want again to make references to the Constitution Act. Standing Order No. 236 of the Legislative Council provides that a request to the Assembly may be made at all or any of the following stages of a Bill which the Council may not amend:—1, Upon the motion for the first reading of any such Bill; or 2, In Committee after the second reading has been agreed to; or 3, on consideration of any message from the Assembly in reference to such Bill; or 4, on the motion for the third reading of the Bill. At any of the stages of the Bill they may make a request—I am reading their Standing Orders. That is how they interpret the Standing Orders. Section 2 of the Constitution Act Amendment Act of 1921 provides that Sections 66 and 67 of the Constitution Act of 1889, and Section 46 of the Constitution Act Amendment Act of 1899 are hereby repealed and a section inserted in the last mentioned Act to stand as Section 46 as follows:—

Bills appropriating revenue or moneys or imposing taxation shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under such Bill. (2) The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

The section clearly denies the Council the right to amend distinctively money Bills. Subsection 4 of that section is the one upon which they rely. It reads as follows:—

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Legislative Council may not amend, requesting by message the omission or amendment of any item or provision therein. Provided that any such request does not increase any proposed charge or burden on the people, the Legislative Assembly may, if it think fit, make such omissions, or amendments with or without modification.

That is to say, in this section there is nothing but clear direction as to what the Council and the Assembly may or can do. Subsection 5 reads—

Except as provided in this section, the Legislative Council shall have equal powers with the Legislative Assembly in respect of all Bills.

I have ruled that a pressed request is an attempt to amend a money Bill. We have no power to go farther than to deal with the request, which in itself is a concession to the Legislative Council, and one that in my opinion ought never to have been made. But that concession has been granted and therefore the Legislative Council can make a request, and we can deal with it as we think fit. But, our having dealt with it, the matter ends. The House will see the specious reasoning of the President of the Legislative Council when he says that although a request is pressed, it is still a request. It may be a request, but it is a dead one, a defunct one, it has been dealt with. With the same logic it might be said that one has a right to send out a bill to his debtor, asking payment; whereupon the bill is met and paid. He then sends out the bill again, although it has been paid and dealt with. Certainly it is still a bill, but it is a defunct bill, a useless bill. So, too, with a promissory note. If the promissory note is met, it cannot be again presented for payment, because it has been met and is defunct. I use this illustration so that the simplest may understand. In the same way, to press a request is to send back something that has already been finally dealt with according to our Constitution. The usual words—as in all other Bills—is "insist." The Legislative Council insists upon amendments being made. But knowing that they cannot amend a money Bill, they have another word for it, and they call it "pressing a request." What is that but really to insist? They are not satisfied. They will not

take "no" for an answer, and they insist. To merely change the word "insist" to the word "press" makes no difference to the action, to what is done and to what takes place. I need not remind members of the old quotation, "A rose by any other name would smell as sweet" or, to make it more appropriate to the occasion, "Garlic would still have its stench, though you called it an onion." Yet that fallacious method of reasoning has been adopted by the Council for their own purposes. Let me at once deal with the assertion as to their Standing Orders. Their Standing Orders, the President considers, govern the situation. As if the Standing Orders of one body of Parliament should control the whole of Parliament and have the same or greater authority than a solemnly enacted law. I regret that the President has not examined the substance of his matter more carefully. I have tried to make inquiries since I read the copy of the speech, received from him, and I find he is inaccurate in stating that the Standing Orders of the Legislative Council were approved by the present Government in October, 1924, when the Governor signed them. I requested a search to be made in the minutes of the Executive Council, and I find that the President is wrong in his facts. This letter I received a little while ago from the Premier's Department, Perth, addressed to me—

> Dear Sir, With reference to your verbal inquiry whether the Standing Orders received the consent of the Governor in January, 1908, I have to advise you that I cannot trace any record of their having been approved by the Executive Council during December, 1907, January or February, 1908, nor during October, 1924. Yours faithfully, (Sgd.) L. E. Shapcott, Secretary.

The Standing Orders of either House are not considered or approved of by the Government. They are submitted direct to the Governor, and that was the procedure adopted with these Standing Orders. The statement that the present Government had approved of them is a statement outside the limits of truth. But even if they had been it would have carried the case no further. I wish to say a word also in regard to the argument of the President from analogy. I ventured to quote as the time-honoured practice of the House of Commons what has been the law for centuries on this question. I was told I was in error in making that comparison, or rather that to do so was absurd, as the British Constitution is an unwritten one and ours is a written one. Therefore, I was told, they were not to be compared. But surely the President is aware that there has grown up a "law" of the British Constitution. It is as well established as is any law affecting any of the relationships of life in the history of England. The other night I quoted Anson on the law of the Constitution, but even there the President is not quite up to date in his facts, because although, generally speaking, we may say that the Constitution of Britain has grown, yet there have been Acts of Parliament passed affecting the Constitution. I wish to refer members to an Act passed in 1911—not very long ago—dealing with this very matter, the relationship of the House of Lords and the House of Commons on money Bills. It is a solemn Act of Parliament, a portion of which I shall quote—

> If a money Bill having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of a session is not passed by the House of Lords without amendment, then one month after it is so sent up to the House of Lords the Bill shall, unless the House of Commons directs to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to the Bill.

Then it defines what constitutes a money Bill. That is far more drastic than anything our Constitution permits. In addition, it is a solemn Act of Parliament; it is not a portion of what might fallaciously be called the unwritten Constitution. But I need not go to the House of Commons alone, though that surely should be our highest authority. I need only take instances of bodies similar to our own within the area of Australasia, including New Zealand. In New Zealand in 1872 the assertion by the Legislative Council of authority to amend a money Bill was formally submitted by the legislature of the colony to the Attorney General and Solicitor General of England, and though the New Zealand Constitution did not specifically deny the Council the right to amend such measures, the foremost law officers of Britain decided against the claim of the Upper House. In Victoria in 1879 a controversy similar to that of New Zealand arose, and evoked the famous despatch of Sir Michael Hicks-Beach, then Secretary of State for the Colonies, in which it was pointed out that

if the two Houses followed the practice of the Imperial Parliament, no difficulty would arise, the lower House being paramount in financial matters. I commend that to the consideration of the President of the Council. Let me give one more instance. In Queensland in 1885 the Legislative Council insisted upon certain amendments to the Appropriation Bill. The issue went to the Judicial Committee of the Privy Council, which held that the right to co-ordinate powers claimed by the Legislative Council was untenable. I venture to think, too, that there was an inaccuracy in the statement even as to our own procedure as made by the President of the Council. So far back as 1906 when Mr. Quinlan was Speaker, a similar trouble arose as to requests on which the Council insisted. Mr. Speaker Quinlan ruled as follows:—

> At a former sitting of the House my attention was called to the form of this message. Objection was then taken to the term "insists on the request"——

I have shown that to press a request is to insist upon it and to make a demand, because the request as a request has already been dealt with.

> ——as being beyond the powers conferred upon the Council by Section 46 of the Constitution Acts Amendment Act, 1899, to request amendments in Bills which must by statute originate in the Assembly.

I think hon. members are familiar with the section. I wish to quote further the ruling of Mr. Speaker Quinlan. He said—

> It has been questioned whether the right so given to request this House to make amendments implies the right to repeat a request; and the words of the section, perhaps intentionally, leave the question doubtful. On two previous occasions a second request has been made by the Legislative Council, though the cases were dissimilar from the present case and from each other. In 1903 this House refused to consider a request for farther amendments in the Audit Bill; but in the case of the Public Service Bill in 1904 a request for amendments was repeated with some modification and acceded to.

Of course, that made it a new request.

> By the use, however, of the term "insists upon the request," the Legislative Council has gone considerably farther than in either of these instances, and I am of opinion that the objection to the message should be upheld. I base my opinions on the following grounds:—
>
> (1) The term "insists" is not found in the section governing the case, and it would be unwise in my opinion where a certain procedure is laid down by statute to vary the phraseology therein prescribed.
>
> (2) A request insisted upon, if indeed such a phrase may with any propriety be employed, becomes a demand, which is a matter of an entirely different character, and contrary both to the letter and to the spirit of the section.
>
> (3) The use of this term, even if otherwise unobjectionable, would approximate the procedure too closely to that obtaining with ordinary Bills, and would thus defeat the object of the section, which clearly establishes a marked difference between the two. The immediate effect would be to throw the responsibility of rejecting the Bill upon the Assembly instead of upon the Council.
>
> I therefore rule that message No. 37 cannot be considered by a Committee of this House.

I do not wish to weary members, but I desire to cite one more instance. I could cite many more showing that it is not the uniform practice of this Parliament to allow of pressed requests, as the President has contended. In 1913 the Speaker said, amongst other things—

> My duty is to conserve the rights and privileges of this Chamber. There may be something in the contention of the Council that they have the right to move certain amendments, but that contention has not been admitted by this House. I am guided by what Parliament has done in previous years. This Parliament, both through its Speakers and its specific resolution, has insisted that the other Chamber has no power to press amendments to money Bills, because such insistence would be a violation of the Constitution of the Parliament of Western Australia.

Practically the same opinion is expressed there that I expressed the other evening. What is a violation of the Constitution law but an illegal thing? It is quibbling about words. Better to say what is truly meant and actually done than to cover up the issue by any species of courteous cobwebs. In effect we are told we ought to be quite satisfied because the Standing Orders of another place were taken holus-bolus from the Federal Standing Orders. The President of the Legislative Council prefers as a model for constitutional guidance the Federal Parliament to the Imperial Parliament — the Mother of Parliaments. But even there his analogies are not correct. It is by what he says as much as by what he omits that, in my opinion, consciously or unconsciously, he misleads his hearers. I have the Constitution in my hand, but I wish first to comment on this fact: There is no analogy between the Legislative Council of Western Australia and the Senate of the Commonwealth. The Legislative Council is elected upon a property basis, no matter how small.

It is a class House; therefore more analagous to the House of Lords. The Senate is elected on the adult suffrage, the same as with members for the House of Representatives. It is a House intended to defend or to preserve the State rights of the States that elect the senators. The two Constitutions are not on all fours in any sense, because this House, electing its Ministers and conducting the finances of the State, is open to rebuff and to actual defeat in its legislation from the other body, without a single penalty attaching to another place. All the penalties fall here. Ministers have to prorogue the House, or to dissolve it, in order to get some degree of chance to obtain the legislation required for the furtherance of the government of the country. The House of Representatives has special provisions to prevent deadlocks of that character, special provisions to provide a penalty for obstinacy on the part of the Senate. Section 57 of the Federal Constitution Act says—

> If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives in the same or the next session again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor General may dissolve the Senate and the House of Representatives simultaneously: but such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

That is not all—

> If, after such dissolution, the House of Representatives again passes the proposed law with or without any amendments which have been made, suggested or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor General may convene a joint sitting of the members of the Senate and of the House of Representatives.

There is a wide difference. There is a means of escaping deadlocks. We have no means of escaping the result of the actions of another place affecting deleteriously a money Bill. Not only there do I venture to think that the Hon. the President has scarcely been fair to the Legislative Assembly. Those who read his speech will remember that he telegraphed to the Clerk of the Senate asking what the procedure of the Senate was. He got a reply that was favourable to the Council, but he did not take the precaution to ask what the Clerk of the House of Representatives had to say upon the point. I took the liberty, through the Clerk, to telegraph to the Clerk of the House of Representatives. I sent this telegram, "What is the position your House regarding pressed requests from Senate on money Bills. Is protest still made? If not, when was it abandoned?" This reply came from the House of Representatives, "Reference to your telegram, protest is still made by this House; see Votes and Proceedings, 5th December, 1921, re Tariff Bill." On a question of such vast importance, affecting as it does the good government of the country, I think we ought to be very careful in our use of statements, and to be sure they are backed up by solid facts. I did intend to traverse at length the history of the position, but perhaps it ought to go on record for the purpose I have mentioned. I beg the House, therefore, to allow me to proceed further. In 1921 the amendment to the Constitution Act was made concerning which there is the present disagreement between the two Houses. It is the history preceding that which I think the House ought to know in order that it may give the necessary sound judgment. I have asked the Clerks of the House to consult the records, and to write a brief history of the quarrel that led up to the passing of the 1921 Bill. The true history of this procedure in our Parliament is briefly reviewed as follows:—Although our first Constitution Act was silent on the subject, it was assumed and admitted that the finances of the country were entrusted solely to the Legislative Assembly, for it must be remembered that the difference between the two Houses is that the Assembly alone makes and unmakes Ministries, who wield the executive powers theoretically vested in the Crown. Our present Section 46 therefore was inserted in the Constitution Amendment Bill in 1893, on the motion of the late Sir Winthrop Hackett, though in slightly different form from the present. Some of that hon. gentleman's words may be quoted, "The clause I propose really does nothing more than provide machinery. It introduces no new principle or set of principles. It does not say that the Council shall have the right to amend money Bills." The first clash over the new procedure was in 1906, when the Council was indiscreet enough to return a message "insisting on a request." For this lapse it was sharply called to order by the Assembly, for the obvious reason that

"to insist on a request" is a solecism, a contradiction in terms. The blunder was not repeated. Very soon afterwards, however, the Council adopted, en bloc, the Standing Orders of the Federal Senate in which the double-faced word "press" was employed, with the meaning of "to insist on," the procedure, at least, being the same. To this the Assembly replied by a resolution that it would not taken into consideration any message in which a request was repeated or pressed. That was in 1907. The disputes continued for some years, until they became intolerable. In 1914 two committees were appointed to consider the subject, but failed to agree. On 18th August, 1915, the following motion was moved by Mr. Robinson:—

That in view of the report of the select committee appointed last session to confer with a committee of the Legislative Council as to the framing of Joint Standing Orders with regard to the procedure on money Bills, by which report it appears that the committees were, at that time, unable to arrive at any satisfactory conclusion, a select committee be appointed to inquire into the best means of overcoming the present difficulties between the two Houses in regard to such Bills, and that the Legislative Council be requested to appoint a similar committee to confer with the committee of this House on this subject.

This motion was passed, and the Council agreed. The report of the committee was presented to each House on the 26th October and 28th October, 1915. The report sets out the difficulties as due to two faults in the existing section:—

(1) It is not clearly stated whether requests may be repeated or not.

(2) It involves all Bills having any financial claims.

The report submits a draft Bill to remove these faults, by which it is enacted.

(1) That requests for amendments may not be pressed or repeated.

(2) That all but purely money Bills (annual Appropriation and Supply Bills, etc.) shall be freely open to amendment.

It is noticeable that these two provisions are treated in the report as matters on which agreement is unanimous, comment being therefore unnecessary. It was on the treatment of partly financial Bills that the committees had found a difficulty in agreement. The adoption of the report was strongly urged on the Council by the Hon. Mr. Kingsmill, and accepted without question. The Council, therefore, had frankly accepted the view always held by the Assembly, that requests may not be pressed, and agreed to put it beyond question in an Act. For various reasons the draft Bill did not come before the Houses until 1921. Meanwhile, the Assembly loyally abided by the agreement. Partly financial Bills were to be treated as ordinary Bills, and it is from this section of the report that the President selects examples. The Council was less scrupulous than the Assembly. It cared nothing for its agreement. Without reason or explanation it threw out the subsection declaratory of the fact that requests may not be pressed. But it did not venture to insert a provision to the contrary. The Assembly's view of the agreement is shown in the Speaker's ruling on a message from the Council pressing a request for an amendment in the Stamp Bill in 1921. It is as follows:—

Mr. Speaker drew attention to the nature of the message, and pointed out that the House had always denied the right of the Legislative Council to press requests, and had made exceptions to the rule, only in the case of partly financial Bills, which under the Constitution Act Amendment Bill now before the House, would be freely open to amendment that the Stamp Bill, however, was a purely financial Bill, imposing taxation, and consequently no exception could be made in this case.

What, then, becomes of the long practice before and since 1921, when the Assembly has never faltered in the slightest from this stand and declared requests to be in the nature of a violation of Section 46 of the Constitution Acts Amendment Act of 1921? I am aware there have been some evidences of what I may perhaps be pardoned for describing as weaknesses in some Speakers, myself included, in leaving this matter to the House, for it is the conflict of thought as to the Speaker's duties. One thought in the mind of the Speaker is that, by his conduct in the Chair, he may facilitate the advancement of the business of the Chamber. On the other hand, the Speaker has a duty to honour, to protect the right and privileges of members of this Chamber, and to be guided by the law governing any particular case. But without exception the Speakers have stated the rights of this Chamber regarding pressed requests. Although I have been accused of inconsistency from more than one quarter in permitting the House to deal with such matters, following more than one precedent, after I had given a ruling against that course, yet I think that, in essence, what was done may be merely a part of my experience. May I be permitted to tell this Chamber that it is the very fact that misuse was made of that indulgence and concession that allowed the thin edge

of the wedge to be inserted by another place and which has caused me to take a firmer stand upon this question. The method adopted by the Council in its present pressed request and subsequent request for a conference is admirably expressed by the ridiculous position in which legislative bodies are placed. In 1923 there was a similiar deadlock and there was a request from the Council for a conference. On that occasion the Hon. W. C. Angwin, one of our respected friends who for so long was a member of this House, moved this resolution after managers had been appointed to confer with the managers for the Legislative Council—

> That it be an instruction to the managers appointed by this House to insist upon the Bill as transmitted to the Legislative Council by this House.

Hon. members will see what a farce this yielding of principles and law leads them into! There could be no conference when no one was allowed to budge, yet that farce was carried out. In addition to that feature —the absurdity of it!—there is this further point. Managers are appointed from the two Houses and a Standing Order of another place has decreed that if one of their managers stands out firmly, notwithstanding the agreement of all the rest, that single member carries the day. No alteration can be made to a Bill. The attitude of the one member decides the question. The Bill is lost and the business of the country is hung up so far as its financial provisions are concerned. Surely that creates a position that intelligent legislators cannot tolerate. One man whose name is unknown and undisclosed, who takes no responsibility, has the power to veto the legislation of the country.

Mr. Marshall: That is in accordance with the democratic character of another place!

Mr. SPEAKER: Surely that is a state of affairs that must make us hesitate to be lenient, courteous and obliging to another place, in spite of the direct statement of the law.

Mr. Marshall: It is most convenient for a pack of humbugs!

Mr. SPEAKER: Moreover, there is a point of importance that appeals to me and must appeal to the House in connection with the conference of managers on the occasion of that ruling. The managers agreed to pass the Bill, but on secret conditions! Their managers made a bargain, if I may use that expression, with the managers from this Chamber. They agreed to pass the measure as it then stood but agreed regarding the position to be adopted in future on matters of that kind—and that I take to be in direct opposition to the spirit of responsible government. To arrive at an unknown bargain behind the backs of both the Chambers and the public is an act of such political immorality, if I may call it that, that it should be allowed to continue no longer than we can forcibly or otherwise decree. It is a fact that this Chamber alone has, in the eyes of the law, the sole responsibility for money matters, whereas the other Chamber has no responsibility in that regard. No penalty attaches to the other Chamber for any neglect or failure to perform its duty in furtherance of the State's welfare. We in this Chamber elect Ministers, dismiss them, and elect new ones. The full responsibility of the government of the country rests upon His Majesty's Ministers and they are principally in this House. Now it is proposed to submit the point in dispute to the Judicial Committee of the Privy Council for their decision. I had hoped that possibly we might have found the means of arriving at a solution nearer at home than is indicated in the proposal. At the same time the Judicial Committee of the Privy Council is certainly a tribunal that has been appealed to in like matters and it is admittedly beyond reproach. In addition to the request to submit this point to the Judicial Committee—and it is a condition to the passing of the measure in dispute—the Legislative Council desire to impose the condition that the Legislative Assembly shall forego what it considers to be its rights according to the law to refuse to accept pressed requests, which amount to demands. In other words, they require matters to be left in statu quo as it were, until this constitutional point is settled. Were the point settled quickly, it would be satisfactory to me and every member of this House, and I shall allow the matter to be discussed on a motion because, when it is discussed, some other method of solution may be found necessary. If the motion to be moved by the Premier is adopted, then I shall regard the matter as sub judice, and will make no further comment until the matter has received judicial decision.

THE PREMIER (Hon. P. Collier—Boulder) [5.40]: I desire to submit a motion, but I am not clear as to whether I should move that the House resolve itself into Committee to consider it or whether I should submit the motion to the House with you, Mr. Speaker, in the Chair.

Mr. SPEAKER: I think the Premier can submit his motion while I am in the Chair.

Hon. Sir James Mitchell: And consider the Bill afterwards.

The PREMIER: No, this will deal with it. Accepting your advice, Mr. Speaker, I move—

That the following message be transmitted to the Legislative Council —Mr. President, With reference to Message No. 20 of the Legislative Council, the Legislative Assembly acquaints the Legislative Council that it accepts the suggestion to refer the matter now in dispute to the Judicial Committee of the Privy Council for decision. Meanwhile the Legislative Assembly is prepared pendente lite to consider messages from the Legislative Council in which requests for amendments are pressed, and assumes that the same consideration will be given to messages from the Legislative Assembly in which requests for concurrence in Bills are pressed. The Legislative Assembly therefore presses its request for the concurrence of the Legislative Council in a Bill for an Act to impose a Land Tax and an Income Tax, which is returned herewith.

I have no desire to discuss the matter at any length, but I do think the suggestion offers a solution of a subject that has been fruitful of disagreements between the two Houses for many years. I do not know of any other means by which we could get a settlement of the trouble and as has been shown by yourself, Mr. Speaker, after a long period of years the question of the respective rights of another place and of this House regarding pressed requests for amendments to money Bills, still remains unsettled. If by referring the question to the Judicial Committee of the Privy Council we can get a final solution of the position, then it will be definitely and clearly laid down what are the respective rights and privileges of the two Houses and if that decision is accepted by both Houses, we shall have done something to overcome a difficulty that has existed for so many years.

HON. SIR JAMES MITCHELL (Northam) [5.43]: I was rather surprised to hear the Premier so readily agree to the message from another place.

Members: Hear, hear!

Hon. Sir JAMES MITCHELL: I would like to know from someone how we propose to get this question before the Judicial Committee of the Privy Council. Are we to write a letter, and who is to send it? Are we to send our representatives there and who are they to be? How is the subject to be brought before the proper authorities?

The Premier: By a request to His Majesty the King, asking that the matter may be dealt with. That is how it was done in Queensland.

Hon. Sir JAMES MITCHELL: But who will proffer the request, the House, the Council, the President or the Speaker?

The Premier: It will be forwarded from Parliament as the result of a resolution.

Hon. Sir JAMES MITCHELL: It seems to me the matter is merely one of interpretating the law as we have it. Section 46 is there in our written Constitution for anyone in the State to interpret. We do not propose to give the Judicial Committee of the Privy Council power to go beyond the law.

The Premier: No, only to interpret the law.

Hon. Sir JAMES MITCHELL: Is there not anyone here who can interpret the law?

The Premier: There are no means by which we can get it before any tribunal in the State. It would be preferable to have the matter decided by a body outside the State.

Hon. Sir JAMES MITCHELL: We are sending for an interpretation of the law that we have a perfect right to alter. If the matter is not clear, we can make it clear. It is as simple to alter the Constitution Act as it is to alter any other Act on the statute book. It is ours to amend; it is for Parliament to amend the Constitution.

The Premier: I think it is clear enough, but when there is a deadlock who is to interpret? There is no machinery here for determining it.

Hon. Sir JAMES MITCHELL: There is no machinery by which you can submit it to another tribunal. We are asking that this section of the Constitution shall be interpreted for us by the Committee of the Privy Council; we ask them to tell us what it means.

The Premier: Who else it there to tell us?

Hon. Sir JAMES MITCHELL: And then in the future are we to do what the Judicial Committee of the Privy Council tell us? If we could send another place to

the people, as we should have to go ourselves, in the event of their continuing to refuse to pass such Bills, there would be something in it. As it is, we should have to pay the penalty. The Premier would have to resign if another place kept on refusing, but the constitution of the other place would not be affected in the slightest. Then on returning from the country we might find the position just the same; we would not have advanced the position a scrap. What we propose to do amounts merely to temporarily getting over a difficulty, temporarily giving way. Thirty-two members of this House voted in support of the Speaker's ruling; to-day we are asked to agree to a suggestion by another place, and as a condition we are to allow another place to press their request. It might be said that we have always found means of getting over such a difficulty. It seems to me that we could definitely arrange what should happen between the two Houses in the event of a deadlock. To-day if your ruling, Mr. Speaker, is upheld, and it is followed by the rejection of the Bill, what can happen is that another session can be called, but still there will be no machinery for getting over the deadlock in the event of another place continuing to adopt its present attitude. It seems to me that conferences in the past have not led to the giving away of the rights of this House.

The Premier: We have come out of conferences with amendments made by another place agreed to.

Hon. Sir JAMES MITCHELL: Yes, occasionally, but we have never given away very much. We must devise means by which we can assert that this House alone is to have the right to impose taxation. If another place says no, and that that there will be no taxation in the form suggested by this House, and the proposals are rejected, we can close Parliament and summon another session. But it does seem strange that we cannot so frame the Act to make for the better working of the Constitution between the two Houses.

The Minister for Railways: The other place does not agree with our interpretation of the Constitution.

The Premier: It is ridiculous for them to say that the Standing Orders over-ride an Act of Parliament.

Hon. Sir JAMES MITCHELL: Nothing that we can do here will bind members of another place. The Standing Orders are for the conduct of the business of the House and can always be set aside. If we referred this matter to the lawyers of the House and to the Minister for Justice, we could well accept their interpretation. Another place might agree to that.

The Premier: Another place unanimously carried the motion in favour of submitting the question to the Privy Council. Therefore they would hardly be willing to accept the interpretation of anybody else.

Hon. W. J. George: What are we to do in the meantime, bow down to them?

The Premier: The Bill will be passed.

Hon. Sir JAMES MITCHELL: But the Bill has not been passed.

The Premier: That is the condition. We agree to submit it to the Privy Council. Surely then they will accept the Bill.

Hon. Sir JAMES MITCHELL: The message says the Council is prepared to refer the matter to the Judicial Committee of the Privy Council for decision and that pending the determination of the respective rights of the two Houses the Assembly will refrain from further persistence in the view it has advanced that the pressing of a request is illegal.

Hon. W. D. Johnson: The Premier's motion should certainly be on the Notice Paper. At any rate, it ought to have been typed and distributed.

Hon. Sir JAMES MITCHELL: Whilst we all might agree that we should have an interpretation of the Constitution, surely we should agree to get that interpretation locally and not send it to the Privy Council.

The Premier: By sending it to the Privy Council we shall get clear away from the atmosphere of local politics.

Hon. Sir JAMES MITCHELL: I know one thing, that the decision is likely to be in favour of this Chamber.

The Premier: I do not think there is any doubt about that.

Hon. Sir JAMES MITCHELL: The attitude of the Premier seems to be heads I win, tails you lose. We should not object to that. My point is, whether it is necessary to send this to the Privy Council. We have a written Constitution, and if necessary we can amend it.

The Premier: When two Houses disagree about an interpretation, who is to decide? They hold one view and we hold another.

Hon. W. D. Johnson: Let them take the responsibility.

Hon. Sir JAMES MITCHELL: Suppose the Privy Council decide in our fav-

our, will another place be guided for all time by that decision?

The Premier: I should say so.

Hon. W. J. George: Why not ask the Privy Council to make us a new Constitution?

The Minister for Railways: We can make our own Constitution.

Hon. Sir JAMES MITCHELL: I should like to see the position cleared up, but I do not think it is necessary to go to the Privy Council.

Hon. W. D. Johnson: Hear, hear!

The Premier: To whom do you suggest we should appeal?

Hon. Sir JAMES MITCHELL: Why not our own Chief Justice?

The Minister for Lands: Would another place be satisfied?

Hon. Sir JAMES MITCHELL: I should imagine so; it is an interpretation of a perfectly simple law. At any rate we should get the decision quickly. The Privy Council may go on for months or years before giving a decision.

The Premier: We should get the decision before next session.

Hon. Sir JAMES MITCHELL: Not necessarily.

The Premier: Yes, easily.

Hon. Sir JAMES MITCHELL: Then having got it, there is nothing to say that either House will favour it.

The Premier: Surely any body of men would accept the decision of a tribunal such as the Privy Council.

Hon. Sir JAMES MITCHELL: The Privy Council will be bound to ask what it all means. The discussions have nothing to do with it. Here we have a written law. We submit this written law, our Constitution, to the Judicial Committee, and ask for a ruling.

The Premier: Surely we must accept the decision. If we do not, we shall be no further ahead, but will have to try to amend our Constitution Act.

Hon. Sir JAMES MITCHELL: If there is any doubt about the matter, that should be done.

The Premier: When we get the decision, we shall know whether there is any doubt.

Hon. Sir JAMES MITCHELL: Have we any doubt? Has the Speaker any doubt?

The Premier: Personally I have no doubt, but I am not a lawyer.

HON. W. J. GEORGE (Murray-Wellington [6.1]: The question before the Chair is one which, in my opinion, should be faced, not with any idea of putting it on one side because of the unpleasantness of the position, but solely from the aspect of what are the rights of this Chamber and what may be the rights of the other Chamber, and whether those respective rights, so put forward, come in conflict. In my opinion, there can be no doubt whatever as to the correctness of the Assembly's attitude.

Mr. Thomson: If there is no doubt, why has the present position arisen?

The Minister for Mines: Because of the obstinacy of another place.

Hon. W. J. GEORGE: I do not wish to be interrupted, however well-meant the interjections may be. Besides, interjections may be ill-timed at the present juncture. A dispute between the Houses brings us to a crisis in the Parliamentary government of the State. No amount of camouflage can get away from that point. Either this Chamber, which is held responsible for dealing with money question, is to retain that right, or it must admit another Chamber, which is not so responsible, to the position of interfering with the decisions and actions of the Chamber directly responsible to the people. You, Mr. Speaker, have put in legal language the view you hold of the matter. I cannot do that. I can only put the case as it appears to me after many years' experience here, and in the light of such lessons from the history of the Old Country as are available to me. Firstly, there is the fact that this House is directly responsible to the people of the State, and is the House in which Ministries are made and unmade, the House in which Estimates are discussed with a view to approval or disapproval of proposed expenditure. Therefore this House should have, and I believe has, the full power of the position. If years ago the view had been held that another Chamber had a right to intervene in such matters, why was it necessary, when amending the Constitution Act in 1921, to produce and pass into law the various sections which have been referred to, and which show this Chamber distinctly what its powers and responsibilities are and tell the other Chamber how far it may put its foot, and no further? Those sections lay down distinctly that another place cannot do what it is attempting to do.

The Premier: But when another place says it can, who is going to decide?

Hon. W. J. GEORGE: Another place has no right to press amendments or requests upon this Chamber in connection with money matters—not one single iota of a right. The man who has to take the responsibility is usually given great powers and wide scope. The powers are in this Chamber, and the scope is in this Chamber; and it is not within the powers or the scope of another place to dictate to this Chamber what it shall do in matters for which the other Chamber is not responsible to the people, whilst we here are. When Estimates are criticised by the Press of the country, against whom is the criticism levelled, and properly levelled? Against the Lower House, which is called the Legislative Assembly. The Legislative Council may at times secure a little fugitive applause for taking what is called a firm stand upon some privilege or other; but when it attempts to interfere with money matters, it is interfering with functions which belong to this Chamber, and this Chamber alone, and which should be religiously and jealously conserved by every member within these walls. The present position may be likened to those that led to tremendous upheavals not only in Britain but in other European countries. It has always been recognised at Home that the Commons are the people to find the money, and that therefore they have the power of the purse. You, Sir, will recollect how history records that when the revolution came in England and Cromwell's day arrived, it was distinctly laid down that the King must apply to the Commons for any funds he required to carry out his functions. He did not apply to the second Chamber, the Lords, but to the people's House, the Commons. Now, the people's House in this State is the Legislative Assembly, having full responsibility and full power in regard to the public purse. On that aspect I do not think I need say another word, though other members may consider that they ought to do so. As to what action can be taken now, I am not prepared to express an opinion. If the Premier cannot get his motion passed, probably he will run the risk of having his Bill rejected elsewhere. From what we can gather, that is the only course which can be taken if we do not assent to the suggestions contained in the message from another place—and I hope this Chamber will not do so. I am not on the Premier's side, but if I were I would support him in affording the Council a chance to reject the Bill. If he should take that course and another place should reject the Bill, I would support the hon. gentleman insofar as concerns the consequences of such rejection. It is not a question of politics, but a question of the rights of a Chamber representing the people. It would be entirely wrong for any member of this Chamber, irrespective of where he sits in it, if a money Bill is rejected by another place because of——

The Premier: My motion provides for the passing of the Bill. If the Council rejects the Bill, the matter will not go to the Privy Council at all. My motion is contingent upon the passing of the Bill.

Hon. W. J. GEORGE: That is just where I am unable to see eye to eye with the Premier. I would not for the sake of getting the Bill passed give away one iota of my rights as Premier, or of the rights of this Chamber.

The Premier: We are not proposing to give away anything.

Hon. W. J. GEORGE: To me it appears so. This is not a case for temporising. Either we are right in standing up for our privileges, or else we have taken a wrong stand previously—and I say with all the force at my command that we took the right stand before, and that to deviate from it would be wrong.

The Premier: How can you enforce your point of view?

MR. THOMSON (Katanning) [6.12]: The position with which we are faced strikes me as rather peculiar. In connection with other Bills in dispute there have been conferences between the two Houses. As I understand the question before the Chair, the Government introduced a measure dealing with land tax and income tax, and a minority of this Chamber tried to have it amended as now requested by another place.

Hon. G. Taylor: That has nothing to do with the position.

Mr. THOMSON: That is where the hon. member and I differ, as we differ on many points. He is at liberty to stand up for what he considers the rights and privileges of this Chamber, as he is always ready to do; but I must point out that in a spirit of reasonableness the matter in dispute could have been arranged by a conference, and arranged, I have no doubt, to the satis-

faction of the Government. On a previous Bill of the same nature as the one now the subject of dispute, a conference took place between managers representing this Chamber and managers representing another place. After conferring for some time, those managers arrived at a decision which was accepted by the Assembly. I recollect how upon the return of our managers some members at once proceeded to chastise the Premier for having, as they termed it, sacrificed the rights and privileges of this Chamber, whereas in my opinion he achieved a signal victory, getting through his land tax, of which he could have had very little hope at the time the conference was asked for. It is true he gave way to the extent of promising to abolish the supertax by two yearly moieties. However, since he had been to the country and had promised the electors to abolish the supertax if he was returned to power, he was only doing that for which he had the people's authority. Some members of this Chamber, as well as members of another place, consider that the present Bill should be amended as indicated by the Legislative Council. Our Constitution, which you, Mr. Speaker, quoted from, and which was assented to on the 30th December, 1921, lays down that the Legislative Council may not amend Loan Bills or Bills imposing taxation, or Bills appropriating money for the annual services of the Crown, or so amend any Bill as to increase any proposed burden or charge on the people.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. THOMSON: Before tea I was pointing out that we had practically laid down a principle justifying another place in asking for a conference. There was a minority in this House that even pressed their opinions to a division on the matter now the subject of discussion. Although we were not successful here, I claim that in view of the discussion that took place, and of the many precedents laid down, another place is entitled to press its requests. It is provided in the Standing Orders that communication between the Council and the Assembly may be by message, by conference or by select committees conferring with each other. It then goes on to show how the messages shall be delivered and it makes provision that every notice of motion for a request for a conference shall contain the names of the members proposed by the mover to be the managers for the Assembly, and that if any one member shall so require, the managers shall be selected in the same manner as the members of a select committee. That is a justification for another place endeavouring to press their requests. I should like to refer to a statement handed to me by the President of the Council. You, Sir, quoted portions of this report. It is here stated that in December, 1924, a request was made for amendments to the Land Tax and Income Tax Bill. A reply to that message was received by the Council, announcing that the Assembly had again considered the requests and declined to make them. The Assembly returned the Bill to the Council. The Council then asked for a conference, which was granted. An agreement was arrived at and the Bill became law. I and the members of another place want to know why that course has not been followed in the present instance. To show that when the Constitution was framed it was anticipated that conferences would take place, Section 34 of the Constitution Act reads as follows:—

> The Legislative Council and the Legislative Assembly, in their first session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for His Majesty's assent; and all such rules and orders shall by the said Council and Assembly respectively be laid before the Governor, and being by him approved shall become binding and of force.

If memory serves me aright, you, Sir, said you had received a letter from Mr. Shapcott, Secretary to the Executive Council, stating that the revised Standing Orders had not been considered by the Executive Council. It is difficult to reconcile that letter with the instructions to the Governor dealing with the Executive Council. Section 6 reads as follows:—

> In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to us without delay, with the reasons for his so acting.

Hon. Sir James Mitchell: What has that to do with the question before us?

Mr. THOMSON: We had the statement by the Speaker that the revised Standing Orders had not been considered by Executive Council.

Mr. Davy: Well, what of it? That could not alter the law.

Mr. THOMSON: That is a matter of opinion.

Mr. Davy: I do not think it is.

Mr. THOMSON: If the hon. member will read Section 34 of the Constitution Act he will find it prescribes that the rules and orders of the Council and the Assembly respectively shall be laid before the Governor, and being by him approved shall become binding and of force.

Mr. Davy: Within the power of the makers, like any by-law.

Mr. THOMSON: The point at issue between this and another place is Section 4 of the Constitution Act Amendment Act of 1921. That having been assented to and approved by both Houses, I maintain that another place is justified in pressing its requests.

Hon. Sir James Mitchell: That may apply to them, but it does not apply to us.

Mr. THOMSON: Let us deal with the position that led up to the amending of the Constitution Act in 1921. The amendment of our Constitution was introduced by the then Premier on the 7th September, 1921. There was included in the Bill a provision that was not comprised in the clause dealing with the powers of the two Houses contained in the Constitution. The new position was as follows: If the Assembly refused to make any such omissions or amendments, the Council was not entitled to repeat, press or insist thereon. That went from this House to another place. Had that provision become law, it would have deprived the Council of its right to press its requests. But it did not become law. When the Bill reached the Council that provision was struck out and the Bill was returned to the Assembly with the omission of that provision. The Assembly refused to agree to the omission, but the Council insisted on it and the Assembly then agreed to the Bill as amended. There is the position. That was fought in 1921. The Council refused to agree to the proposed new provision and in the end the Assembly agreed to the Bill as amended by the Council. As this House failed to insist upon that provision being included in the Constitution Act Amendment Act, 1921, the Council are entitled to press or insist upon their requests. From my point of view, Sir, your ruling would be quite in order if the Council were pressing the Assembly for a proposed increase of an impost on the people. But they are pressing for the reduction of a tax. I maintain they have justification for pressing that amendment, in view of the fact that this House, in 1924, appointed managers composed of the Premier, Mr. Angwin, the then Minister for Lands, and Mr. Richardson, the member for Subiaco. Those three gentlemen met the managers of another place in conference and they spent many hours together. It was in the early hours of the morning that they came back and announced their decision. In view of that, and in view of other precedents, I think another place is perfectly justified in pressing its request. With other speakers I cannot see why this matter should be referred to the Privy Council.

Hon. W. D. Johnson: From the same point of view?

Mr. Davy: No, the opposite point of view.

Mr. THOMSON: It is a matter that can be settled in this State. A spirit of reasonableness should be shown instead of a keen desire to put the Legislative Council in its place. That seems to be the paramount consideration in the minds of some members; they are desirous of administering a snub to another place.

Mr. Withers: Not to put the Council in its place, but to keep it in its place.

Mr. THOMSON: That is a matter of opinion. We have two Houses, and in my opinion the Council is justified in pressing for a consideration of its request. I think your ruling, Mr. Speaker, was wrong when you characterised the Council's action as illegal.

Mr. SPEAKER: Order! The hon. member must not dispute the Speaker's ruling unless he is prepared to move to that effect.

Mr. THOMSON: When we were discussing the matter on another occasion——

Mr. SPEAKER: Order! The hon. member must not try by such observations to justify himself and must not proceed in that way.

Mr. THOMSON: We are really discussing the message that has come from the Council and we now have a proposal by the Premier, the concluding paragraph of which

states that the Assembly presses its request for the concurrence of the Council in the Bill. If you had adopted the procedure that has been followed previously, no doubt the matter would have been settled amicably at the time, but it seems to me we have entered into a constitutional fight and that each House is determined to stand for what it considers to be its constitutional rights. If I were a member of another place I would stand just as firmly in pressing for the consideration of the amendment as the Council has done, especially in view of the precedents quoted by the President of the Council.

Mr. Lambert: Are you seeking to lessen the authority of this House?

Mr. THOMSON: I am not seeking to lessen the authority of this House or of another place, but a precedent has been established. When the Constitution was amended in 1921 this House concurred in the deletion of a proviso that would have precluded the Council from pressing, repeating or insisting on amendments to money Bills. Probably the Premier has some inside information, but if we pass the motion we can only await developments. Whatever may be the result of the fight between the two Houses, I hope sweet reasonableness will be shown by both sides. If a spirit of compromise is manifested, much can be accomplished. While I do not yield anything of what I consider to be the rights and privileges of this House——

Hon. W. D. Johnson: In your opinion the Council's are greater.

Mr. THOMSON: No, I do not say that, but I maintain they are entitled to press their request. I have read the law on the subject and it is purely a matter of opinion. The policy of members on the Government side is to secure the abolition of the Council.

Mr. SPEAKER: Order! The hon. member cannot discuss that question.

Mr. Marshall: Cut that out; it has nothin to do with the question.

Mr. THOMSON: We are dealing with the authority of the Council.

Mr. Marshall: And that is all.

Mr. THOMSON: But the hon. member, in 1924, agreed to a conference with the Council on the same principle. If reasonableness is manifested by both sides, I feel sure that a compromise will be reached.

On motion by Mr. Lambert, debate adjourned.

BILL—METROPOLITAN TOWN PLANNING COMMISSION.

Second Reading.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [7.53] in moving the second reading said: The question of town planning has been discussed between the different local authorities and the Government of the country for a good many years, but past administrations would not introduce a Bill because there was so much difference of opinion between outside people interested in the subject. No agreement could be reached by the local authorities and others interested, and year by year action was delayed. Now, however, an agreement has been reached, and the local authorities having approved of what I believe is the eighth draft of a Bill have submitted it to the Government as the basis for legislation. We are dealing with the principle in two Bills. The first is a Bill for the establishment of a metropolitan commission; the other is a Bill dealing with the general question of town planning. The first one will operate merely over the metropolitan area, but the other will affect the State at large. Although town planning is a new subject of legislation in this State, it is not a new subject elsewhere. The earliest known example of which remains exist is of an Egyptian town named Kahun, established I believe in the year 3,000 B.C.

Hon. Sir James Mitchell: I hope you looked up that information yourself.

The MINISTER FOR WORKS: Old Grecian history shows that town planning was practised as far back as the fifth century B.C. In the days of the old Roman Empire there are indications to show that right through the countries it controlled town planning was enforced. Careful thought was given to schemes for public buildings, markets, public baths and amphitheatres. Hundreds of cities in southern and eastern Europe and northern Africa still show traces of Roman planning. Town planning was first introduced into Great Britain during the 13th century, and after the great fire of London, Sir Christopher Wren in the 17th century laid down a scheme for the general planning of London. It is estimated that had the Wren plan been fully adhered to London to-day would be saved millions of pounds on traffic alone.

Mr. Sampson: Town planning must have slumped since then.

The MINISTER FOR WORKS: Right through the world there is evidence that town planning at some stage or other has received prominence, and to-day Australia is probably as far behind in this as it is in other respects. Paris, based originally on a Roman settlement with its main thoroughfares at right angles, developed into a closely huddled city of narrow streets. During the Revolution a comprehensive plan of internal avenues was prepared by a committee of architects and artists. The carrying out of the plan and later schemes made Paris one of the best planned cities in the world for traffic purposes as well as for aesthetic effect. If we, in a young country like ours, look ahead, we shall be able to avoid many of the errors into which the older countries have fallen, because they did not possess the knowledge or information that is available to guide us.

Hon. W. J. George: Many of the places in the Old Country were built for the purposes of defence and that is why they were so bad.

The MINISTER FOR WORKS: It is not to be considered that town planning should be confined to capital cities, because it can be adopted for all towns and even for suburbs and villages. Under proper organisation a maximum of beauty, health, cheerfulness and convenience can be assured. During the early stages of our development when new towns are springing up throughout the State and we are laying the foundations for a big future, it would be well to embrace the opportunity and ensure that development is conducted on right lines. In this, as in all large questions of social reform, collective action is necessary. We must have a clearly defined policy, but it appears impossible to get that without legislation. Town planning is definitely opposed to makeshifts and disconnected sectional effort. We are building a capital city that in future must become a mighty city. We are not building to any plan or to any organised arrangement. We are going on in a haphazard way, buildings are going up higgledy-piggledy all over the place, and there is no order in the arrangement. If we are to allot certain areas for factory sites and certain areas for residential sites, we must lay out a plan upon which the city can grow and be developed. We must build not only in the interests of the people's health, but in such a way that we can save the generations to come the expenditure of much money which they would have to spend in bringing about necessary re-organisation. We have only to look at what has happened in the Eastern States. Sydney, which has the advantage of very fine natural surroundings, and is a beauty spot in itself, was built without any arrangement or design as to town planning. During recent years millions upon millions have been spent there in remedying the mistakes of the past, and in trying to bring the city into something like order.

Hon. G. Taylor: They are going to put it under a Commission now.

The MINISTER FOR WORKS: That is a question of the government of the city. I do not know that that has anything to do with town planning. People who visit Sydney will know that the improvements that have been made there are very decidedly in its interests. I believe that most of the streets of Sydney were originally built as bullock tracks. At any rate, there is not much in the way of arrangement about the lay-out of that city. As a South Australian I take off my hat to Colonel Light, who laid out the city of Adelaide, and preserved for all time not only many beautiful parks within the city, but a ring of park lands around the capital. The value of the work done by Colonel Light should be recognised by all who take an interest in the subject we are now discussing. I believe Adelaide has benefited more by the work of that gentleman in its early stages than any city in Australia has benefited by the work which has been done within its boundaries. We have to make sure that the city develops under a proper system of town planning. I believe it is accepted as one of the principles of the town council planners that special attention should be paid to the homes of the people. We know that the workers in some cities have lived in slums and hovels, such as should never be witnessed in Australia. It is agreed by all sections of the community that such a thing is not in the interests of anyone, and that neither Governments, municipalities, nor private individuals should be allowed to benefit through the workers being compelled to live as they must live in some of the older parts of the world, and indeed may be said to have lived in some of the early settled parts of Australia. One of the approved lines of town planning will be to insist upon the rational lay-out of areas for residential purposes, and a high standard of decency and comfort and appearance in the case of the homes that are erected. Another phase will be the limitation of the number of houses per acre, the total prohibition of

pocket handkerchief allotments, and a plentiful sprinkling of playgrounds and the development of the policy of tree planting in the streets. I remember some years ago being connected with an agitation to induce local authorities to agree to a limitation of the number of houses that were erected to the acre. I also remember the reply I received from the Fremantle municipality. That authority said there was no necessity to take such action in the town, because it was not considered likely that it would be over-built, and certainly not at that particular stage. Within a stone's throw of where I was living at the time, two or three rows of houses had been built. They were on a level with the footpath. They had no front garden, and the back yard was so small that it was possible almost to step from the back verandah on to the back fence.

Hon. Sir James Mitchell: Were they flats?

The MINISTER FOR WORKS: They were cottages of four or five rooms. They were built in the early days without any back yards, and without any means of admitting the sunlight to them. They contain all the elements of the slums that are seen in the old world. We do not want anything like that to be developed here.

Mr. Mann: You cannot get anything worse than some of the residences that are used by officials in Fremantle.

The MINISTER FOR WORKS: Yes. There are many houses in Fremantle that are built without any back yards or any street frontage. I doubt whether rentals could be charged for such places. I know of one place near my home where a row of stables has been converted into dwelling-houses. I have known of these buildings being used as stables, but now they are the homes of families. If in this stage of our history that kind of thing exists, it is well that action should be taken to prevent such a system from developing into the position that some of the older parts of the world are now facing.

Mr. Sampson: Fremantle started badly from the civic point of view.

The MINISTER FOR WORKS: I have also visited other parts of the metropolitan area. On one occasion I had a tour with certain local authorities. I saw places in the city that should not be tolerated. There is plenty of room for improvement all round. We know that our courts have recently been engaged in dealing with nuisances. Two cases occurred within the last two months wherein action was taken as a result of nuisances being created through factories operating in residential centres.

Mr. Thomson: There was a case recently.

The MINISTER FOR WORKS: There was one recent case relating to West Perth, and I see from the paper that another case is now before the court. I believe the last case relates to some operation with regard to a picture show. It goes to show that these nuisances do exist. The time has arrived when we should define certain areas as factory sites. If that can be done, it will be to the interests of those who are building residences, to know that factories will not spring up around them, and it will be to the interests of others who are investing their money in industries and factories to know that no action at law can lie against them, because they will be operating in areas that have been definitely set aside for that particular purpose. In other parts of the world factory areas are definitely set aside. This has been found very beneficial both from the point of view of the employer and the employee. Garden cities have been built around big factories. It has been proved that not only is the worker healthier and happier owing to his surroundings, but that the children reared in the district are not only taller, heavier and bigger round the chest, but that they are brighter mentally, and there is a general improvement owing to the fresh air and sunshine that enters into the buildings. They can thus enjoy healthy conditions rather than be huddled together, as is often the case in thickly populated centres. The statistics show that in such model places the infantile death-rate has been greatly improved. Such a big concern as Cadburys has invested a large sum of money in building a garden city around the factories for the employees. Levers have done the same, as well as the big manufacturing firm of Krupps in Germany. Sir William Lever has declared that although his scheme is not a payable one, owing to the benefits derived by the employees and the efficiency and contentment shown in the factory since the scheme was inaugurated, the business on the whole has been repaid for the outlay.

Hon. W. J. George: The rule in the case of factories is to have access by rail to them.

The MINISTER FOR WORKS: There are plenty of places handy to our railways that can be used for factory sites, and yet be outside the city boundaries. What I

want to guard against is having our beautiful river defaced by factories along its banks.

Hon. Sir James Mitchell: We may yet find coal in the hills.

The MINISTER FOR WORKS: There is a tendency to erect factories along the banks of the Swan. I should very much regret to see that. Some time ago there was an agitation to set apart the river side at East Perth as a factory area. That would have been a great mistake.

Hon. Sir James Mitchell: Yes.

The MINISTER FOR WORKS: The area required extended from the Causeway to Maylands. We hope by the works we have started to make that into a beautiful area. Factories along the river banks would be most unsightly.

Mr. E. B. Johnston: What about Bicton and the Colonial Sugar Refining Company?

The MINISTER FOR WORKS: I had an application from the company for some Government land on the bank of the river, but did not approve of it. The next thing I heard was that the company purchased land from some private people on the opposite side of the river, a beautiful spot, where it is now proposed to erect a big factory. While I am pleased to see these people starting industries here, I think it would be to their advantage and our own if a scheme were laid out so that we could guard against the possibility of our beautiful river being spoilt, and unsightly factories erected upon its banks. That is one phase of the question that should receive early attention. A move is now on foot to have factories erected along the Swan River.

Mr. E. B. Johnston: You ought to resume that spot for a park.

The MINISTER FOR WORKS: The hon. member should not put ideas into my head. I hope the town-planning people will be able to move in that direction when they get the necessary legal authority. Older countries in the world moved in connection with town planning many years ago. Sweden adopted compulsory town planning in 1874. It is now compulsory in England, Scotland, Wales, France, Germany, Holland, Italy and New Zealand, and it is also practised in Australia, Ireland, Norway, the United States, Canada, South America, Japan, South Africa, Morocco, the Malay States, Bombay, Madras, Ceylon, South Australia, Queensland, New South Wales and Victoria. The South Australian Act is not a very comprehensive one. It does not give power for the reconstruction of the older settled districts, but merely deals with new settlements. Queensland, New South Wales and Victoria have town planning sections in their Municipal Acts, but in each State those responsible are urging the introduction of town planning legislation. In 1923 a Metropolitan Town Planning Commission was appointed and is still functioning in Melbourne. In 1927, in the United States of America, 157 cities had plans for future development, 460 cities had adopted zoning ordinances, and 390 cities had city planning commissioners. In March, 1927, Mr. Herbert Hoover, Secretary of the United States Department of Commerce, Washington, had drafted by a committee of experts a proposed standard city enabling Act which has since been adopted by four States—California, Maryland, Pennsylvania, and Texas. In Canada, six provinces have town planning Acts. In England and Wales in March last there were 466 local authorities who were preparing town planning schemes, some of which have been finally approved by the Ministry of Health and have become operative. In New Zealand every little borough with a population of not less than 1,000 must prepare and submit a town planning scheme to the Minister before 1930. It is compulsory there. Some of the cities of the world have benefited considerably by means of town planning and particularly does that apply to some American towns. Probably the outstanding instance is to be found in Chicago, where the growth of the city has ben phenomenal. In the short space of 80 years Chicago grew from a small frontier settlement to the fifth city in the world. Less than 17 years ago it set out on a town planning scheme, and each year there is adopted a section of the complete scheme. At the end of 17 years, therefore, 17 different phases of the scheme have been given effect, and that has proved a wonderful advantage to the city. That is shown by the fact that immediately it is announced a particular street or section is to be brought within the scope of the Act and reforms are to be carried out there, the values in the area affected immediately show an upward tendency. There has been a marked increase in values, and that has been beneficial both to the city and to the people themselves. The reports of all the authorities dealing with town planning show that great benefits have been obtained from town

planning schemes wherever they have been adopted. This is an extract from the Chicago Plan Commission's report that was issued in 1925—

> The experience of other cities both ancient and modern, both abroad and at home, teaches Chicago that the way to true greateness and continued prosperity lies in making the city convenient and healthful for the ever-increasing numbers of its citizens; that civic duty satisfies a craving of human nature so deep and so compelling that people will travel far to find and enjoy it; that the orderly arrangement of fine buildings and monuments brings fame and wealth to the city; and that cities which truly exercise dominion, rule by reason of their higher appeal to the emotions of the human mind.

It appeals to me that town planning itself is really the drafting of plans and specifications upon which towns and cities should be built. We would not set about erecting a building or doing any big job without preparing plans and specifications. Yet we are doing that every day in every year. We are building towns and erecting cities that in time to come will be great cities. I believe we will have inland towns that will be bigger than those in any other part of Australia There are no plans or specifications governing their development. They are proceeding without order and without arrangement. No one will be responsible and the towns will be like Topsy and will "merely grow up."

Hon. Sir James Mitchell: That is not quite right; there are plans. The trouble is with the private subdivisions.

Hon. W. J. George: There are no winding streets.

The MINISTER FOR WORKS: That is not regarded as altogether wrong, because in many instances winding streets are introduced in town planning operations, particularly in residential areas.

Hon. W. J. George: Things have changed.

The MINISTER FOR WORKS: Yes, particularly in residential areas. Nature has been kind to us in Perth and in other portions of Western Australia. The beauty of the Swan River and the hills at the back provide us with all the facilities necessary to enable us to have a beautiful city. The same applies in many other parts of the State where we have such wonderful seaside resorts as Augusta, Albany, and many other places around the coastline. There will be big centres in years to come, and if they are taken in hand now and proper schemes prepared, to be carried out later, we will have centres of which the State will be proud in years to come. The Bill substantially follows the lines of the Act now in operation in Victoria. The object is to set up a commission similar to that appointed in Victoria two or three years ago. The commission there has submitted a couple of reports. The Bill, therefore, provides for the appointment of a commission to arrange a town planning scheme for the metropolis. In the schedule of the Bill will be found the districts to be covered, and the local authorities who will be interested. The commission will consist of eight members, one being the mayor or a councillor of the City of Perth nominated by the City Council. Then there will be three members, of whom one shall be nominated by each of the three groups of local authorities specified in the second schedule and who shall be the mayor or a councillor of a municipality, the council whereof is included in the group by which he is nominated, or a member of the road board included in the group by which he is nominated; three members appointed by reason of the respective qualifications in the technical and professional matters to be dealt with or investigated by the commission. In addition, the City Engineer himself will be a member of the commission. In the event of the failure of any local authority to nominate a member as set out in the Bill, the Governor may make the necessary appointment. The cost of the work is limited. I am advised by the local authorities who approached me with a request for the introduction of the Bill, that they anticipated a lot of the work will be undertaken in an honorary capacity. The total expenditure that the Bill will permit is £3,500.

Hon. Sir James Mitchell: For how long a period?

The MINISTER FOR WORKS: For as long as the Act will operate. The object is merely to allow the commission to frame the scheme. When the Victorian Commission was set up, the Government limited the expenditure to £7,500, but since then it has been increased to £15,000. Of course, they have a much bigger problem to tackle in Melbourne.

Mr. Thomson: Then this is not a permanent commission.

The MINISTER FOR WORKS: No. The next Bill I will present to the House will provide authority to the local governing bodies to deal with that phase. The Bill before the House now sets up a commission that will not be a permanent body but will be appointed merely to arrange a

plan for the metropolitan area, and that plan will act as a guide for the local authorities when they are dealing with the question. Of the £3,500, it is provided that one-quarter shall be contributed by the State Treasurer from Consolidated Revenue, and three-quarters of the amount is to be drawn from the local authorities in proportion to the population of the district, to be contributed by instalments as prescribed. The Bill sets out that the commission shall consult with the local authorities of the districts specified in the schedule, and with every public authority, including the Minister for Water Supply, Sewerage and Drainage, the Commissioner of Railways and the Harbour Trust Commissioners and the Commissioner of Public Health, with respect to the subject matter of any of its inquiries which may affect the powers, duties, obligations, or responsibilities of any such local authority or public authority. Then again, the commission shall report to the Minister and shall, at the same time, send copies of its report to the local authority of each district specified in the first schedule, and to every public authority affected by that report. For the purposes of the Act, the commission is to have the powers of a Royal Commission. That is shortly what the first Bill deals with. It merely deals with the principle as applied to the metropolis, and through the Commission to be set up there will be given a lead for the work of the local authorities later on, when it becomes their task to follow on along these lines. Of course this does not say that the local authorities will adopt the scheme because they will be free to adopt, amend or reject it. This will provide a starting off point and give the local authorities a lead when they have to prepare schemes for themselves. It is not intended that it will be a permanent Commission. The Bill I am now presenting will come into operation as soon as it is assented to, but the general Bill, which I will next introduce, will not come into force until it is proclaimed. The idea is that the proclamation will be issued after the Commission has been operating for some time and has undertaken the preliminary work. I move—

That the Bill be now read a second time.

On motion by Mr. Richardson, debate adjourned.

BILL—TOWN PLANNING AND DEVELOPMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [8.29] in moving the second reading said: This is the general Bill and deals with the principle as it will apply to the whole State. It will affect the whole of the local governing authorities from one end of Western Australia to the other. It will be seen that the Bill provides for town planning and development of land for urban, suburban, and rural purposes. It is, therefore, not actually limited to city dwellings or the thickly populated portions of the State, but will apply throughout generally. The Bill is substantially in the form submitted to the Government by the Town Planning Association and by the local governing authorities, but in some respects it is not quite what they asked for. The Government have not been able to agree to everything that the local authorities asked for, but the Bill is substantially that which was submitted to us. In one or two respects only we found it impossible to ask Parliament to agree to the requests made. The Bill provides for the appointment of a Town Planning Commissioner by the Governor for a term not exceeding five years. The salary is to be appropriated by Parliament. The duties of the Commissioner will be mainly to advise the Minister. Under the Bill the Minister is given very wide powers. I was rather surprised at the local authorities suggesting that the Minister should exercise the wide powers the Bill proposes. It is quite evident that there had to be some authority to say whether the claims submitted should be adopted, because they would mean so much, and it was difficult to see who else other than the Minister should be the authority to decide. The general object of the Bill is defined as the development of land to the best advantage, the suitable provision for traffic and transportation, the disposition of shops, the establishment of factory areas, proper sanitation, and the provision of parks, gardens and reserves. All town planning schemes are to be adopted by the local authorities and submitted to the Minister, and unless approved by the Minister they are not to operate. The Minister can order that the scheme shall be modified or altered, and

until the Minister approves, the scheme cannot have the force of law. All schemes that may be set out by one local authority may embrace more land than the local authority itself covers. It may affect the land of adjoining local authorities, but that would mean that the authorities so affected would receive ample notice, and they would have the right of appeal to the Minister against the scheme. The land within the city of Perth itself cannot be affected by any scheme drawn up by any other local authority, but the city of Perth can draw up a scheme that may affect somewhat the surrounding local bodies. It will be clearly recognised that a scheme involving big things to the city might mean arterial roads running out of the capital, and classing with the arrangements of adjoining local authorities. In such circumstances it would be essential that there should be some provision whereby the adjoining local authorities and the city itself would be brought into conformity. Due notice of any proposed scheme must be given to the local authorities interested. The local authority in whose district the land is situated shall be entitled to be heard at any inquiry held by the Minister, and the responsible local authority, after giving the prescribed notice, may remove, alter or pull down any building or other work commenced or continued after the approval of a scheme, if such building or work contravenes the scheme. That would mean that if the local authorities approved of a scheme of town planning, and, in defiance of that, building operations were commenced, the local authorities would have power to step in and remove the buildings or alter them to bring them into conformity with the scheme, and any expenses incurred would be recoverable.

Mr. Sampson: But the buildings would not be carried out until plans had been approved.

The MINISTER FOR WORKS: The clause deals with any person who might set out to build in defiance of the scheme. Compensation will be payable to persons whose land or property is injuriously affected, but compensation will not be payable in respect of any building erected or any contract made with respect to land included in a scheme, after the date of the approval of the scheme, or such later date as may be fixed by the Minister. The local authority will be entitled to recover from the owners half of the increased value—if any—accruing on their properties within 12 months of the completion of the work affecting such land. Disputes in this connection are to be settled in accordance with the Arbitration Act, 1895, unless the parties agree to some other method of determination. In cases where a town planning scheme is altered or revoked, persons who have incurred expenditure in complying with such scheme shall be entitled to compensate insofar as such expenditure is rendered abortive by reason of such alteration or revocation. Compensation will not be payable in regard to any work under any scheme if such work "would have been lawful and not entitled to compensation under any other Act" in operation in the same area. The local authorities will be authorised to take land required by a scheme and they will have borrowing powers in addition to those contained in the Municipal Corporations Act and Road Districts Act. The Minister will have power to determine the amount to be borne by the local authorities interested in any scheme. The Commissioner, who is to be under the Minister, will be the Minister's adviser and will prepare schemes in regard to all Crown lands; that is to say, no Crown land will be offered for sale unless a town planning scheme has been put foward by the Commissioner. In regard to alienated land, it is provided that a subdivisional plan must be approved by a competent authority, such as the City Council, and elsewhere the town planning Commissioner. The local authorities may set out any scheme of town planning but it cannot have the force of law until the Minister approves of it. That means that the Commissioner will examine the proposition and advise the Minister as to what should be done, and then some modification or alteration or improvement may be proposed. But until the Minister approves, the scheme cannot have effect. Provision is also made for objections by local authorities; they cannot have their position jeopardised until there has been a thorough inquiry. So far as acquiring land is concerned, it must be acquired by treaty from the owner unless it has been taken compulsorily under the Public Works Act and compensation paid under that Act. Compensation is payable by the responsible authorities for carrying out the scheme, to all persons injuriously affected by the scheme. On the other hand, one-half of the increase in value of privately owned land arising from

the carrying out of a scheme is recoverable —within a limited time—by the local authority, under the betterment provisions of Clause 9 of the Bill. The borrowing powers of municipal council or road board for the purposes of the Act are extended without limit, subject to a poll of the ratepayers or resident owners, but it is proposed to so modify the relevant provisions of the Municipal Corporations Act, and the Road Districts Act, and the local authority may lawfully proceed with a proposed loan unless forbidden by a majority of the votes recorded at the poll. The position will not be as operates at present where a majority of the resident ratepayers must vote. In the past many efforts to make reforms have been thwarted by vested interests.

Mr. Sampson: Neither side seems to bother very much about loans for improvement purposes.

The MINISTER FOR WORKS: It is suggested that we should make the clause even more liberal.

Hon. Sir James Mitchell: Who suggested it?

The MINISTER FOR WORKS: The draft Bill that was submitted suggested a two-thirds majority against it, otherwise it would be deemed to be carried. The Government adopted the principle that the majority of the votes should decide. The existing provisions of the Municipalities Act have been altered somewhat in connection with the sale of land, and the local authorities have agreed to modify the sections in question. The Bill before the House has adopted the modifications. A number of the provisions will be dealt with by regulation, but they are not very wide. I want members to give careful consideration to the Bill. I am sorry it has come down so late in the session, but I think everyone has given some attention to the question of town planning. It has been in the air long enough. My desire is that the Bill shall go as far as possible. If hon. members think they have not had time to give it sufficient consideration, I hope the best will be done with it in the time at their disposal.

Hon. Sir James Mitchell: The Premier said a month ago that no more Bills were to be brought down; we have had four since.

The MINISTER FOR WORKS: This is a big question and I have no desire to rush the Bill through. I wanted it to be thoroughly understood. Big alterations are suggested though not to the limit put before us.

Mr. Thomson: It might be advisable to appoint a select committee to go into the question.

The MINISTER FOR WORKS: I am prepared to consider any proposal that may be put up during the course of the discussion. I was hopeful that the experience gained in the western world where such legislation has been of advantage would be of value to us. I do not know of one instance where the adoption of town planning has been detrimental. There is nothing in the Bill that is not now in operation in New Zealand. In framing the Bill the English Act was taken as a basis and it embodies one or two provisions taken from the New Zealand Act. The pity is that we did not start 15 or 20 years ago, thus avoiding many errors which will now have to be rectified. The advent of motor traffic has created transport problems which are entirely new and must be taken into consideration. Motor traffic has altered the old ideas as to planning and laying out towns.

Mr. Sampson: Government subdivisions as well as private subdivisions will have to be carefully watched.

The MINISTER FOR WORKS: They will have to be approved beforehand by the proposed town planning commission. Not only will unsuitable subdividing by private owners be guarded against, but also similar action on the part of the Government. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

PAPERS — EJANDING NORTHWARDS RAILWAY ROUTE.

Debate resumed from the 2nd November on the following motion by Mr. Lindsay—

That all papers in connection with the survey and alteration to the survey of the authorised route of the Ejanding Northwards railway be laid on the Table of the House.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [8.48]: I have no objection to the papers being laid on the Table, though I would have preferred the hon. member to ask to inspect the papers in the office, where he could have examined them. I have to request that the papers be not retained any longer than necessary, as the work is in hand and the line under construction, and reference must be made to

the papers frequently. The longer they remain here, the more will the work be delayed and the officers inconvenienced. Although the mover said there was propaganda to create a feeling in favour of increasing the distance between railway lines, his speech struck me as propaganda matter designed to combat something proposed in the Press. Had he confined his speech to that phase, it would have been all right; but I do not think his references to the Engineer in Chief were fair. All that the papers will disclose is that the Engineer in Chief asked the Surveyor General to supply him with information that would enable him to plot out a lithograph of lands alienated or in course of alienation along the route of the railway. I have the map on which that information is plotted, and I shall lay it on the Table so that hon. members may see the position clearly. Next, the Engineer in Chief asked whether the Surveyor General could give an idea of the area of land thrown open that would be served by railways during, say, the next five years. Upon that information being supplied to him, the Engineer in Chief set on foot new investigations, some of the results of which are shown on the map which hangs on the wall of the Chamber. On it are marked the railways authorised, and the route approved by Parliament for the Ejanding Northwards line is coloured blue. The chain of lakes is also shown. The idea was to run the line straight up to the lakes. The map I am laying on the Table shows that all the land along the route is alienated except a little pocket near the lakes. The land bordered pink is good forest country, and will undoubtedly require to be served by a railway within the next five years. It appealed to the Engineer-in-Chief that if the authorised line were built on the other side of the lakes, there would be an intervening distance of 20 to 23 miles between the lakes and the railway, and that the people on the other side of the lakes could not be served by the railway, since they could not cross the lakes. Rather than build a line serving a stretch of country only seven miles away, the Engineer-in-Chief thought he would investigate the question whether the line could be brought inside the lakes to tap that country. To get across the lakes would require either an expensive bridge or expensive earthworks. All the Engineer-in-Chief has done is to put on a party of surveyors to investigate the possibility of the line being deviated as proposed, and also to examine the country that would thus be served. The adoption of the proposed deviation would mean going outside the limits laid down by the Act, and of course the Government would first have to come to Parliament for authority. All that has been done, so far, is to obtain information; and I consider the Engineer-in-Chief would have shown himself extremely remiss if he had simply proceeded with the building of the railway, refraining from fuller investigation of the position. No decision has yet been reached. Mr. Stileman himself does not know what information is coming forward. He has not heard from the party as yet, and of course he is awaiting their report before making any recommendation to the Government. I entirely fail to understand why objection should be raised to the obtaining of information. One Press report asserted that the line was going to be built outside the 5-mile limit, and that not only were the Government defying Parliament but that the Minister for Works was defying the Government, that the Premier knew nothing about the matter and that I was committing the Cabinet without Parliament being allowed to have a say. It would be a poor lookout if the Government had to come to Parliament for authority merely to seek information. In those circumstances the Government would be handcuffed and hamstrung. I hope the mover of the motion will recognise that the best is being done in the circumstances. The Government are unwilling to build a railway on the wrong route. Before finality is reached, one should have all possible information at one's disposal; and in my opinion the Engineer-in-Chief has done the right thing in sending out surveyors to obtain the requisite data. I repeat that I hope the papers will be released as speedily as possible.

HON. SIR JAMES MITCHELL (Northam) [8.57]: I think the Minister will readily understand the mover's concern as to possible alteration of route. The information referred to by the Minister should have been in his hands before the Bill was brought down. There has been a want of knowledge of the country to be served, a fact disclosed by the Minister to-night. I am at a loss to understand how Mr. Stileman was without that knowledge.

The Minister for Works: To obtain it is not the business of the Engineer-in-Chief, but of the Surveyor General.

Hon. Sir JAMES MITCHELL: The first disturbing rumour was that the line would be so located as to create a gap of 40 miles between it and the nearest railway. When the Bill was before the House, the information now disclosed was not at the Minister's disposal. I trust that in connection with future railway Bills the Minister will be properly informed, so that the House may be properly informed. Apparently the Surveyor General had no knowledge of the land since discovered. I did not think there was an acre of land in that district unknown to the Lands Department It would be absurd to shut out an area of good land which could be served by a deviation of a mile or two, especially as the State could certainly not afford to build two railways to serve that district. Before anything further is done or a deviation as suggested is decided upon, Parliament should be consulted. This case shows how careful we should be in fixing the limit of deviation. Years ago members suggested that a limit of two miles was quite sufficient, and I am inclined to share that view. I am glad to have the papers, and glad to have the Minister's assurance that nothing further will be done without Parliament being consulted.

MR. LINDSAY (Toodyay—in reply) [8.59]: I thank the Minister for letting me down so lightly. When I saw the cross on the map which hangs on the wall, I thought I was going to be crucified. I have a fairly good knowledge of the country affected, and I am aware that the Railway Advisory Board have been appointed to deal with railway routes. At least up to the present, the board have been left to decide upon routes without interference. But on this occasion if there was any necessity to alter the route of the railway it should have been for the Advisory Board, not for the Surveyor General, to make the inquiry. If that plan before us means that the land we are going to settle for agriculture is bounded by the red line, it appears to me the route should be on the west side of the lake. For if it goes on the eastern side, there will be a large stretch of country left unserved between the two railways. It is peculiar that that plan should have been drawn by the Surveyor General, who is also a member of the Advisory Board.

The Minister for Works: It was not drawn by the Surveyor General.

Mr. LINDSAY: The recommendation was for an extension of 62 miles, and this according to that plan leaves an area ten miles outside the limit we are going to settle in five years. There is quite a number of settlers outside that red line today. I hope that when any alteration of a route is to be made in future, the Advisory Board will be the people asked to report. It should not be left to the Engineer in Chief nor the Surveyor General, nor any other departmental officer.

Question put and passed.

BILL—DOG ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th November.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [9.4]: One phase of the Bill to which I take strong exception is the absence of any definite provision that under no circumstances shall it apply to the metropolitan area. Then I object to the giving to a local authority of power to refuse to register a dog. That is giving them altogether too much power. Then I have a personal objection to the provision that in the event of a local authority refusing to register a dog, the owner shall have the right to appeal to the Minister.

Hon. G. Taylor: The Minister for Works, too.

The MINISTER FOR WORKS: Yes, That means that every man in the State who has a grievance about a dog will come to see me.

Mr. Latham: You do not know the Interpretation Act very well. It does not mean you; it means your officials.

The MINISTER FOR WORKS: I know all about that. A man with a grievance about a dog will not be satisfied to see an official. This means that every individual with a grievance about a dog will come to me. I will have to set aside one day a month to attend to the Dog Act. There will be special trains coming in, and I will arrive at the office to find several hundred people with dogs on chains waiting to interview me.

Mr. Panton: You will have to get a tin hare and let it go in front of them.

The MINISTER FOR WORKS: I have no personal knowledge or experience of what the position may be in the agricultural areas, where perhaps a nuisance is being committed. I think members representing

agricultural districts had better thrash this out for themselves. But I am sure the Bill should certainly not apply to the metropolitan area. I do not think local authorities should be given power to refuse to register a dog, nor that the owner of a dog refused registration should have the right to appeal to the Minister. Apart from those points, I have no objection to the Bill.

MR. LINDSAY (Toodyay) [9.5]: Although there may be some objection to the Bill, still some Bill of the sort is very necessary in the agricultural districts. I can speak with some authority on the question of dogs, since it affects those trying to run sheep in the wheat belt. There must be provided some better means of control over the tame dog than there is to-day. Our trouble in the wheat belt is, not the pure bred dingo, but the half bred and quarter bred. Only four years ago on my property I killed 12 dogs within a month. Not one of them was a dingo, but all had a touch of dingo somewhere in them. In the wheat belt unfortunately the local authorities do not control dogs as strictly as they should The other night, when the member for York was speaking, I heard members interjecting about kangaroo dogs. Some of them seemed to think it more in the interests of the State to allow a man to have a kangaroo dog in the country than to allow settlers to run sheep. A kangaroo dog in the country is a menace. Moreover, he requires a lot to eat, and the owners of such dogs in my district are mostly clearers and do not bother much about feeding their dogs. Consequently the brutes are always on the look out for something to eat. My fences are pretty high. I found three different dogs coming to my fences. All of them were kangaroo dogs, and not one of them was licensed. In the end I got them all, but not until they had got about £100 worth of my sheep. In the wheat belt it is not possible for a man to keep sheep profitably unless he has dog-proof fences. Dogs were so bad on my property that I tried to find out who owned them. On one occasion, driving up to town, I chased a kangaroo dog for three miles along the road. The owner, I found, was the man driving the pumping plant on the railway. I knew that, for the dog took a short cut across to him. But when I came up and tackled him about the dog, he said he did not own it; and when I said the dog had been on my property, he declared that he had seen the dog about the place for over a quarter of an hour. This, although I had been chasing the dog along the road for the last three miles! So it is not sufficient to find the owner of the dog, for in most instances the owner will repudiate him. I am a member of the advisory board under the Vermin Act. We have carried certain resolutions unanimously. Here is one of them—

> That the Dog Act be amended to make it compulsory that all dogs be under control between sunset and sunrise; any dog found at large during that period to be destroyed. The metropolitan area to be excluded.

This dog problem is a very serious one in districts where sheep are kept. It was suggested that all male dogs should be castrated, but that would scarcely be practicable. If we get the clause put into effect that all dogs be under control between sunset and sunrise, it will improve the position materially. Under the Bill, of course, the Minister will be placed in a somewhat invidious position. He has brought down several Bills giving additional power to local authorities. Yet he objects to them having power to refuse to register a dog. This difficulty of appealing to the Minister, probably, could be overcome. I do not think the Minister would be appealed to at all. It would be the officer in charge of the vermin board. I hope the House will treat this question seriously, for it is very serious for the State. We have passed the Vermin Act and appointed a board to administer it and pay £2 per head bonus on dingoes. That is not of much use in the agricultural areas, because those that want to go in for the killing of wild dogs will go out to the districts where they are thick. However, under that Act we pay not only for dingoes, but for wild dogs with a touch of dingo in them. The fund will be drawn upon considerably to pay for dogs that cannot by any stretch of the imagination be called dingoes. If this Bill had been passed some years ago, the great bulk of the wheat belt would be carrying sheep to-day, and perhaps there would be a million more sheep up there than there are. I hope the Bill will pass.

MR. SAMPSON (Swan) [9.13]: I was pleased to hear the Minister approve of the Bill, subject to certain minor amendments. I realise there is a difficulty in respect of the metropolitan area. But even

in the metropolitan area there is not wanting evidence that the dog menace has been a very real one. Some time ago I had a complaint that dogs from the Churchman's Brook scheme were killing sheep in the Roleystone district. That is a very serious thing for the settlers. Dogs, like children, are never bad in the eyes of their owners. Every dog is a good dog. Nobody owning a dog would believe his dog guilty of so heinous an offence as the kiling of a sheep. If the clause providing for the control of dogs between sunset and sunrise becomes law, much of the difficulty will be overcome. One of the great problems of local government is how to secure the registration of all the dogs in the district. It is difficult to prove the ownership of a dog. Often an owner has the advantage of the dog's assistance, but is disinclined to pay the fee. Some people, particularly aborigines, own a number of dogs, and it is there that the Bill may effect some improvement. The number of dogs permitted to be owned and registered by any person should be restricted. I foresee a difficulty if a local authority in its discretion were permitted to refuse to register a dog. At the same time it may be known that a certain dog has a proclivity for sheep killing, and in such circumstances the spectacle so graphically depicted by the Minister may, apart from the humorous aspect, take a utilitarian turn. If the dogs for which registration was refused were taken to the Minister, the knowledge that he would gain by frequent inspections would soon qualify him to determine whether the local authority were right or wrong. The Road Boards' Association have given serious consideration to this matter. Conference after conference has discussed it, and the executive by unanimous vote recently authorised the member for York to bring the question forward in Parliament. Consequently the road boards throughout the State are under a debt of gratitude to the hon. member for having introduced the Bill. I hope the measure will be approved, but that minor amendments will be made in Committee. If the measure is passed, it will have the effect of increasing the utility of and strengthening the powers given under the principal Act.

HON. G. TAYLOR (Mount Margaret) [9.17]: There is some force in the argument advanced that the measure is necessary. It is certainly needed in the sheep-raising areas, but it would be rather unwise in view of existing legislation to give local governing bodies the power to refuse registration. Under the parent Act, if any dog is found in a paddock or enclosure where sheep or other stock are depastured and the dog is unregistered, the owner of the stock may shoot it.

Mr. Sampson: Subject to his giving notice.

Hon. G. TAYLOR: Yes, but if he finds a dog in such circumstances, he has the right to shoot it. The worst offenders in the eastern goldfields country newly taken up for sheep raising are the dogs of aborigines. Anyone who knows anything about aborigines is aware that they always have a lot of dogs in their camps. They have not the necessary food to give the animals, which become ravenous and attack sheep right and left. If a person shoots a dog belonging to the blacks, they generally clear out. The blacks do not register their dogs, and I do not know whether the Bill would give power to make them register. If we give power to a local authority to refuse registration, the owner would appeal to the Minister. A man who registers his dog is responsible for it, and if he accepts responsibility for it, a board should not have the power to refuse registration.

Mr. Latham: He is responsible, whether he registers the dog or not.

Hon. G. TAYLOR: The member for Toodyay (Mr. Lindsay) has told us that he traced a dog for three miles after it had killed or attempted to kill his sheep, but the man to whose place it was traced disowned the dog, and there was no redress. If the dog were registered, it would be possible to ascertain the name of the owner and hold him responsible for any damage done by the dog. Registration means that the owner is responsible. If a dog worries sheep and is a menace to the sheep raiser, he is at liberty to shoot it.

Mr. Latham: How can you shoot a dog at midnight?

Hon. G. TAYLOR: Is it impossible?

Mr. Latham: I admit I am not quite as clever as the hon. member.

Hon. G. TAYLOR: People can shoot at night.

Mr. Latham: You cannot shoot at night.

Hon. G. TAYLOR: The hon. member has not been out shooting kangaroos.

Mr. Coverley: Kangaroo shooters do most of their work at night.

Mr. Latham: In the evening.

Hon. G. TAYLOR: Yes, on a moonlight night.

Mr. Latham: I can imagine seeing you with a rifle trying to shoot a dog amongst a flock of sheep!

Hon. G. TAYLOR: The hon. member cannot imagine me doing anything.

Mr. Latham: That is right.

Hon. G. TAYLOR: He knows I would not dream of taking life. Registration makes the owner responsible for his dog, but if he were refused registration, he would come to Perth and appeal to the Minister. Imagine a man coming from the outback country with a dog on a chain and appealing to the Minister against the refusal of a board to register his dog!

Mr. Latham: You are painting a beautiful picture quite unnecessarily.

Hon. G. TAYLOR: I shall support the second reading, but I hope the hon. member will not object to some amendments in Committee in order to put the Bill into workable shape so that it will be of value to the people it is intended to help. It is purely in the interests of sheep raisers.

Mr. Thomson: The sheep are of more value to the State than the dogs.

Hon. G. TAYLOR: To some of the provisions of the measure I am opposed.

MR. J. H. SMITH (Nelson) [9.23]: I support the second reading of the Bill, knowing how necessary it is. I come from an agricultural area and I know something of the damage done by dogs that wander all over the place. I do not agree with the member for Toodyay (Mr. Lindsay) that the kangaroo dog is the greatest culprit of all. The kelpie is the most dangerous dog that can be allowed to roam about. Whenever sheep-killers are found to be going out from a town, there is generally amongst them a kelpie or a fox terrier.

Mr. Coverley: You were responsible for the importation of some kangaroo dogs.

Mr. J. H. SMITH: Yes, I had a lot of them. If it is the intention of the member for York to have kangaroo dogs destroyed, I shall not support him. The kangaroo dog is of the greatest service to many people outback. I know of families living on the Warren who call the kangaroo dog their butcher. It goes out and brings in the meat for them. The kangaroo dog is constantly kept on the chain; otherwise it will not hunt. Under the existing Act the owner of a dog caught killing sheep is held responsible for the damage done. If a dog has not a disc, it may be destroyed, but the owner of sheep may destroy any dog that attacks them regardless of whether it has a disc. The danger is that the local authorities are not carrying out their duties. I was in Northcliffe some time ago, and there must have been hundreds of dogs in the town. It was possible to hear dingoes howling all around, and the tame dogs were mixing with them. There will be a great harvest in the Northcliffe district presently. The half-caste brute is the worst of all; it is the greatest killer. The Bill should do a certain amount of good, though in Committee I hope we shall be able to improve it. I think the metropolitan area should be excluded from its operation.

MR. BROWN (Pingelly) [9.26]: This is a matter of which I have had a lot of experience. I have sustained considerable loss particularly through the depredations of tame dogs. It is going to be difficult to put the measure into workable shape. Every dog should be tied up at night. I have known a man to go to a farmhouse and tell the owner that his dog was seen at his place. The reply was, "That is impossible; the dog was here last night and is here this morning. How could he be away at your place?" We know that a dog will travel eight or ten miles during the night, and it is very hard to tell what damage it might do. Standing outside my home one day I saw dogs rounding up my sheep, and when I went down to the paddock, to my surprise I found that a sheep dog and a little poodle were responsible. I have often found that the sheep dog and the poodle work together. It is seldom that a poodle and a kangaroo dog go together. Very often a kelpie and a poodle go out, and when they start to kill sheep they are the worst of all.

Hon. G. Taylor: You mean the terrier, not the poodle.

Mr. BROWN: I do not mean the lady's lap dog. It is a small dog, I suppose, of the terrier type. Dogs of that kind seem to pal up with the kelpies. I remember a shepherd being out with his sheep all day. He brought them home with his two dogs and put them in a 20-acre paddock, but every morning he found that some of the sheep had been killed. When we set a watch it was found that his own dogs were responsible. If the dogs were tied up at night it would overcome a good deal of the difficulty.

Mr. Davy: You will not make a man tie up his own dogs in order to prevent them from killing his own sheep?

Mr. BROWN: Sometimes a man's sheep are killed by his own dogs.

Mr. J. H. Smith: Quite true, too.

Mr. BROWN: I have had experience of that myself. Sometimes when a lady is driving a horse and trap, a kelpie or some other useless brute will chase the horse a distance of eight or ten chains, jumping at the horse's head all the time. Only yesterday when I was driving through Pingelly I nearly ran over two dogs with my car. To tell the truth, I tried to run over them, but could not. They were town dogs that do considerable damage. People often keep kelpies but do not tie them up and do not know where they roam. The Bill should do a certain amount of good. I do not know how this Bill will work. Every dog must be registered. The local road boards put on a dog tax collector, and if he does his duty every dog will be registered. The fee in the case of a sheep dog is only 2s. 6d., but in the case of a house dog it is 7s. 6d. People who own poodle dogs have to pay the larger amount, but in the case of the dog that does the damage the fee is only half-a-crown. Every sheep owner is allowed to have two dogs. These dogs are regarded as such useful animals that the fee has been reduced. We must have sheep dogs. Some owners will not accept £20 for their dogs. We know how a good and intelligent dog can work sheep. If a person neglects to tie up his dog, no one will have any difficulty, under the Bill, of disposing of that dog. Every dog should be tied up after sundown, and the law as regards registration should be strictly enforced. Any dog without a registration disc on his collar should be destroyed. In the town it is impossible for a dog to be kept in a certain place until the owner claims him. The only thing to do is to shoot the dog at first sight. I do not know who will do the shooting. A neighbour does not care about shooting a dog at first sight. The dog may be worth £10 or £20. A sheep man will think twice before shooting a rather good-looking sheep dog. The Bill may lead to less destruction of sheep by dogs, but it will not altogether overcome the trouble. Many men will forget to tie up their dogs, thinking they will not ramble, and even under the Bill they will not be in any better position. Many of the wild dogs that come into settled parts are half-breeds. It is very seldom we find the true type of dingo, which is yellow and has a very bushy tail. The dogs I have seen in my paddocks seem to be half-breeds of a larger type. They are the result of allowing dogs to ramble about and go wild. I will support the Bill because I do not think it will do any harm, but I do not think it will do much good. People will run in the same groove as they are running in now. I should like road boards to enforce the Act, so that every dog owner must take out a registration. People will think twice about paying 5s. for some useless brute.

MR. CHESSON (Cue) [9.35]: I oppose the Bill. It gives power to local authorities to refuse registration, upon which the owner's only chance is to appeal to the Minister. I would not be prepared to grant this right to a road board. The legislation should be enforced, and all dogs should be kept under control in farming districts from sunset to sunrise. Owners of pastoral runs lay poison and get rid of stray dogs in that way. All they have to do is to put up a notice to the effect that poison has been laid. Any dogs found straying on a run should be poisoned.

Mr. Thomson: Dogs prefer fresh sheep to poison.

Mr. CHESSON: Most of the damage is done by niggers' dogs. The police go out occasionally and shoot a lot of these dogs, upon which the niggers go away. Much damage is done by half-fed dogs. If a dog is fed and kept under control, there is not much danger of its doing any damage.

Mr. Thomson: That is what the Bill asks.

Mr. CHESSON: I am opposed to giving local authorities power to refuse registration. Another clause deals with prospectors. A prospector's dog is his mate. When a man goes out the dog is his only companion, and he is very largely the means of supplying him with fresh meat. In many cases the local bodies would refuse to register those dogs. Anything that is done of a nature detrimental to prospecting will affect the mining industry. I know how local authorities are constituted, and would not like them to have the power it is sought to give them under the Bill.

MR. THOMSON (Katanning) [9.37]: I am surprised at the reception given to the Bill. The question is a serious one for many taxpayers. Considerable loss is inflicted upon sheep owners by dogs. The member for York (Mr. Latham) is to be congratulated on his attempt to remedy an evil. I cannot understand members' opposition to the Bill. One member thought it would interfere with prospecting. The object of the Bill is to ensure that dogs shall be registered. It also provides that dogs must be chained up between sunset and sunrise.

Mr. Marshall: Suppose you were travelling with a dog, how would you chain it up?

Mr. THOMSON: The dog would still be under control if he was with his master. If a dog is found on a man's premises the animal may be shot, but that would not apply if the owner was present.

Mr. Marshall: If you were travelling from Meekatharra to Peak Hill at night time, how would you keep your dog chained up?

Mr. Latham: The Bill does not prescribe that.

Mr. THOMSON: The Bill meets the very situation set out by the hon. member. Clause 4 says the dog must be kept chained up or under efficient control. I presume if a dog was travelling with a man it would be under control. If a dog is not under control and wanders into someone's property, the owner of that property has the right to shoot it.

Mr. Marshall: We do not object to that.

Mr. THOMSON: Sheep owners object to dogs being allowed to roam through their properties and damage their stock. I know of one man who lost 40 sheep in one night because of the depredations of dogs. The Bill is an honest endeavour to deal with a serious problem. Local authorities may make by-laws dealing with various questions.

Mr. Marshall: They can destroy dogs but not make by-laws.

Mr. THOMSON: The hon. member should read the Bill. A local authority may make by-laws for the protection of sheep owners.

Mr. Marshall: And refuse to register any dog.

Mr. THOMSON: Local authorities have power to make by-laws to-day.

Mr. Davy: What by-laws?

Mr. THOMSON: They can make by-laws dealing with the construction of houses, the subdivision of land, health matters, and so on. Road boards may appoint a pound-keeper who may impound any animal that is running at large. If local authorities can make by-laws dealing with horses, cattle and sheep, surely they should be able also to deal with dogs.

Mr. Davy: They have no power to make by-laws to restrict the number of sheep that may be kept.

Mr. Marshall: Under this Bill any dog that is registered may be shot.

Mr. THOMSON: Which is the more valuable, the breeding of dogs or the breeding of sheep?

Mr. Marshall: That is not a fair question.

Mr. THOMSON: One can only assume that the hon. member is more concerned about dogs than about protecting an important industry.

Mr. Davy: Do you think that is a fair assumption?

Mr. THOMSON: I assume that from the interjections. The Bill gives local authorities power to restrict the number of dogs that may be kept by any person. If it is logical to restrict the number of dogs that may be kept by aborigines, and if the police can destroy dogs belonging to natives, surely the same thing should apply all round. The member for Cue (Mr. Chesson) referred to half fed dogs. It has to be remembered that many boys have dogs about their homes, but the parents disown ownership at all. Those dogs certainly are half fed and they are forced to go out to hunt for food.

Mr. Marshall: Under the existing law, those dogs can be destroyed. As a matter of fact the Bill deals with travellers' dogs only.

Mr. THOMSON: That is so; it is aimed at dogs owned by people in country towns.

Mr. Marshall: Not at all.

Mr. THOMSON: If the hon. member can find a section in the original Act that restricts the number of dogs a man may keep in a town, I shall be pleased.

Mr. Marshall: Would you not be satisfied if the Act were amended to get over the difficulty.

Mr. THOMSON: I support the Bill in order to vest local authorities in the country districts with the necessary powers to deal with dogs that should not be registered. That matter is left to the discretion of the local authorities and we trust them with greater powers than those outlined in the Bill. The Minister treated the question rather lightly and pictured train loads of people coming down with their dogs, to appeal against proposed action by local governing authorities. Even so, that would improve railway returns and so the Minister should not raise any objection. To-day people have

the right of appeal to the Minister and I believe that appeals will continue to be made by means of correspondence The Bill will be beneficial to an industry that has suffered greatly because of the ravages of dogs and I hope members will give it a trial.

MR. MARSHALL (Murchison) [9.50]: I do not desire the Bill to pass the second reading stage without taking advantage of the opportunity to oppose it. The member for York (Mr. Latham) must understand that I sympathise greatly with the object he has in view. Had he given greater consideration to the best means of attaining his objective and consulted members who know more about certain parts of the State than he does, he would not have introduced the Bill in its present form. It would have taken a form that would have warranted the support of those living in the outer portions of the State. The objective in view by the member for York is deserving of support because of the damage domestic dogs do to the stock, which represent an asset of the State. On the other hand, the Bill does not seek to achieve that objective without persecuting many people who recognise the value of dogs in connection with their livelihood. The way in which the Bill is framed forces me to vote against it although I desire to gain the same end as the member for York. That hon. member, however, has not given consideration to the requirements of the distant parts of the State. Although I have implicit faith in the local authorities in my electorate, I would not entrust them with the task of saying how many dogs a man shall have. The Bill will give a local authority permission to destroy any animal that is not registered. When I asked the member for Katanning (Mr. Thomson), who supported the Bill, what he would do with animals when he was travelling at night, he replied that he would keep them tied up. Dogs, by instinct, hunt during the night or in the early hours of the morning. Most people do their travelling at night and therefore they cannot control their dogs. I should say that the person who claims such people can keep their dogs in check during the night does not understand the position obtaining north of the Darling Ranges. I would not support the Bill and so persecute kangaroo hunters in the back country. If the member for York will redraft the Bill so that it will be applicable to the whole of the State without inflicting injury upon one section to benefit another, I shall support him.

The Premier: I think he ought to withdraw the Bill.

Mr. MARSHALL: I do not think it can be amended during the Committee stage to overcome the difficulty.

Mr. Latham: I have not got the brains to do what 49 members of Parliament cannot do.

Mr. MARSHALL: I do not expect the hon. member to possess the mentality to enable him to do anything! If he were to refer the Bill to a select committee he might be able to obtain what he desires.

MR. COVERLEY (Kimberley) [9.58]: I oppose the second reading of the Bill because I cannot see any advantage to be gained from it. Practically all the member for York (Mr. Latham) asked for is contained in the parent Act with the exception of the power to be given to local authorities to refuse to register a dog. There are road boards in some districts, and they comprise men who do not realise the value of a dog to a person in the back country. Certainly they will not realise the inconvenience to which people in the Kimberley electorate will have to submit seeing that they are many miles away from the local governing authorities, and are subject to a fine of £2 every year if their dogs are not registered by a certain date. Reference has also been made to dogs belonging to aborigines. Section 21 of the Act makes it clear what would happen to a blackfellow's dog if it is not kept free from mange, scurvy and other complaints, and what would happen to any aboriginal who owned more than one dog. The Act gives a road board power to destroy all dogs in excess of one. An aboriginal may have a permit for one dog, but if he has more than one dog the additional ones may be destroyed. The road boards already have sufficient power to control the registration of dogs, and, if they do not exercise it, I see no reason why we should confer additional powers on them.

MR. LATHAM (York—in reply) [10.1]: I am sorry that the Bill did not receive a little better treatment from the Minister. I think he misunderstood the intention of the measure. There was no desire to make it necessary to bring down train loads of dogs, as the Minister has suggested. In order that no hardship may be imposed on owners of dogs in the country, a provision was in-

serted giving the right of appeal. It could not be stipulated that the right of appeal should be given to an officer of the department. Section 33 of the Interpretation Act sets out clearly what is meant by the reference to the Minister. It reads—

> Words directing or empowering any Minister for the Crown or any public officer or functionary to do any act or thing, or otherwise applying to him by name of his office shall be construed as applying to every person for the time being acting in such office or discharging the duties thereof.

There is no doubt that the Minister would delegate his powers under the measure to an officer of the department and that the Minister personally would not have any worry about its administration. However, I am prepared in Committee to agree to the deletion of that portion dealing with an appeal to the Minister if there is any objection to it. My object was to be fair to the men that the member for Cue and other members desired to protect. I have no desire to inflict hardship on anyone who owns a good useful dog and wishes to employ it. All I desire to do is to prevent people from keeping a large number of mangy, useless mongrels about their places. If a road board are asked to register such a dog, there is no right to refuse registration. Even though it be the biggest, mangiest mongrel in the State, the board have to register it.

Mr. Davy: In practice do people register mangy, useless mongrels?

Mr. LATHAM: In some instances they do.

Hon. G. Taylor: Very rarely.

Mr. LATHAM: If a local authority know that a dog is a menace and causes damage—a matter that it is difficult to prove—it is not too much to ask that they should have the power to refuse registration. If my experience of local governing authorities is worth anything, they will exercise the power with discretion.

The Premier: They might, on mere suspicion, refuse to register a valuable dog.

Mr. LATHAM: In Committee we can provide protection for such cases. I shall consult the draftsman and endeavour to get an amendment framed that will meet the wishes of members. That can be done, I think, by providing that the owner shall satisfy the board that the dog is a valuable one.

The Premier: The Bill will give the board power to decide what kind of a dog a man may keep and whether they will register it. They may decide against a bull-dog in favour of an Irish terrier.

Mr. LATHAM: The discretionary power given to the local bodies would be exercised reasonably.

Mr. Davy: They do not always exercise discretion.

Mr. LATHAM: In most cases they do. I will not have it suggested that the local governing bodies are not blessed with as much common sense as are most people.

The Premier: There might be neighbours who are not good friends. One of them might be on the road board and he might take revenge on the other's dog.

Mr. LATHAM: I do not think anything of that kind would occur. The member for Mt. Margaret (Hon. G. Taylor) has given the Bill his blessing in a half-hearted sort of way. I believe that many people in the district he represents will have reason to endorse the action of the House if it passes the Bill to-night.

Hon. G. Taylor: They act under the existing law by shooting the dogs.

Mr. LATHAM: It is not a question of shooting them, as permitted by the parent Act. It is a question of hitting them when one fires at them. I have had many a shot and have been unsuccessful. The hon. member said the fact of a dog being registered was the only thing that made the owner liable. An individual owning an unregistered dog is as liable as one owning a registered dog.

Hon. G. Taylor: There is the difficulty of proof.

Mr. LATHAM: That is not very difficult under the Dog Act. If a dog is continually following a man, or is about his residence, he is deemed to be the owner of it. That is fairly clear. The hon. member said that dogs could be shot. Anyone who knows anything of the cunning of a dog is aware that it is one of the hardest animals to shoot, particularly when it gets amongst a flock of sheep at night. The hon. member said that kangaroos were shot at night. That is so, but the shooters use an artificial light and shoot the kangaroos at the watering places. It is not as easy to shoot dogs as it is to shoot kangaroos.

Mr. Chesson: They shoot kangaroos without an artificial light at the watering places.

Mr. LATHAM: That might apply in the North but it does not apply down here,

where we are trying to encourage sheep raising.

Hon. G. Taylor: The dogs you want to catch are mainly half-breeds.

Mr. LATHAM: The member for Murchison suggested that I had given no consideration to the Bill. Let me inform him that this measure has received consideration from the Pastoralists' Association, the Road Boards' Association, which is representative of all parts of the State——

Hon. G. Taylor: In this form?

Mr. LATHAM: Yes, and it has been endorsed by them. If the hon. member had followed the newspapers closely, he would have realised that the proposals are almost identical with the resolutions carried year after year asking for greater protection from the domesticated dog. Nearly every vermin board—and I do not know that there are many parts of the State without a vermin board—has asked for additional powers for the better control of domestic dogs, and last but not least the Primary Producers have continually agitated in this matter. The Bill was not drafted by me. It was drafted by the ablest man available in this State, though it was drafted on lines suggested by me. If the Bill is not all that members desire, they must at least admit that it represents a step in the right direction. I have no intention of preventing the tabling of amendments that may be considered necessary. I ask the House to pass the second reading and if that is done I shall suggest that the Committee stage be set down for a later date. Meanwhile I shall go into the question with the draftsman and see if it is possible to satisfy members who feel that the measure as framed may impose hardship on some people.

Question put and passed.

Bill read a second time.

BILL—CLOSER SETTLEMENT.

Returned from the Council with amendments.

House adjourned at 10.12 p.m.

Legislative Council,

Wednesday, 23rd November, 1927.

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

QUESTION—STATE IMPLEMENT WORKS.

Hon. Sir WILLIAM LATHLAIN asked the Chief Secretary: Referring to the balance-sheet of the State Implement Works, item, stock in hand, 30th June, 1927, £71,304 5s. 4d., what is the amount—(a) of new stock; (b) of second-hand stock; (c) what amount of discount has been written off in depreciation of the second-hand stock?

The CHIEF SECRETARY replied: Information obtained from the General Manager, State Implement Works, is as follows: (a) £68,952 1s. 4d. (b) Second-hand agricultural lines, £1,995 2s.; second-hand engineering and miscellaneous lines, £354 2s. (c) Each item of second-hand plant is inspected personally by the General Manager at stock-taking, and a low value placed on same—in some cases being depreciated to a scrap value.

QUESTION—MINERS' DISEASE.

Commonwealth Health Laboratory Examination.

Hon. H. SEDDON asked the Chief Secretary: With reference to the recent examination by the staff of the Kalgoorlie Commonwealth Health Laboratory of men engaged in the gold-mining industry in centres other than Kalgoorlie—1, What was the total mileage covered in the journey, and what centres were visited? 2, In which of these centres were the men not subjected to an X-ray examination? 3, As the only known method of accurately comparing the condition of the lung is by repeated X-ray examination, why was this method of diagnosis departed from in certain cases on this