

but we are qualified to license engineers appointed by private persons.

MR. ATKINS: What about the locomotives themselves?

THE MINISTER FOR MINES: Provision for their inspection can easily be made when appointing the third officer of whom I have spoken, who must necessarily be an engineer with special knowledge. I was pointing out that the Bill provides for certificates of service. Any person who has been driving a steam engine for 12 months prior to the passing of the Bill will have the right to a certificate of service which will enable him to continue to drive that engine. Special provision is made for a person rising from one grade to another. He cannot rise from the third grade to the second, nor from the second to the first, save after the lapse of a certain time. On a mine, for instance, before he can reach the first grade he must have a certain amount of practice at a winding machine under the care of a man who holds a first-class certificate. I think the Bill takes every needful precaution. The only special provision we make is a complete alteration in regard to the appointment of the board. I think we shall have a better board under the system I propose; we shall effect a considerable saving to the State; and we provide for one class of certificate higher than was granted in the past. I do not think anything else in this Bill calls for special notice. I feel satisfied such a measure is required, for there have been too many accidents in mines and with machinery generally throughout the State to permit of anyone maintaining that this small instalment of new legislation is unnecessary. I would point out in reference to the inspection of machinery that this will not entail a heavier charge on the general public unless the machinery inspected is driven by some motor other than a steam engine. If it be driven by electricity, then we charge an extra fee; but if we have to inspect a steam boiler, say at a brewery, we charge a fee for so doing, but there is no additional charge for inspecting the machinery, although we grant a certificate that the machinery is safe. If, however, the machinery be driven by electricity, a fee will be charged for inspection. When we go into Committee I shall do my best to explain any clause

which may not be sufficiently clear. I have gone carefully through the measure, and do not think that in any sense it can be deemed oppressive. I have made every possible provision so that if we find any of the clauses regarding machinery unduly harsh, and that there is necessity for giving some relief, the power of giving that relief is in the Bill. In the circumstances, I hope members will give the Bill their favourable consideration, and I move its second reading.

On motion by MR. HAYWARD, debate adjourned.

#### ADJOURNMENT.

The House adjourned at six minutes past 9 o'clock, until the next day.

### Legislative Assembly.

Wednesday, 5th August, 1903.

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THE SPEAKER took the Chair at 4:30 o'clock, p.m.

PRAYERS

**QUESTION—DOCK AT FREMANTLE, SITE.**

MR. HIGHAM asked the Minister for Works: 1, Whether Arthur's Head, Fremantle, in the vicinity of the Harbour Works office, has been thoroughly tested as a possible site for the proposed dock, and, if so, with what result? 2, If not, whether such tests will be made; if not, why?

THE MINISTER FOR WORKS replied: 1, No thorough test has been applied, and therefore no correlative results are available. 2, In the consideration of possible sites for the dock, positions within, and just off, Arthur's Head have been sketched; and if any of these positions are found feasible, the trial borings that have been recently in progress on certain of the possible up-river sites would in due course be extended to Arthur's Head also.

**QUESTION—RAILWAY SLEEPERS, HEWN ONLY.**

MR. TEESDALE SMITH asked the Minister for Railways: Whether he will state the reason why the tenders lately called for sleepers were specified "hewn only."

THE MINISTER FOR RAILWAYS replied: The Commissioner of Railways thought it desirable, under the circumstances, to specify "hewn sleepers."

**QUESTION—DIRECTOR OF AGRICULTURE.**

MR. BATH asked the Minister for Lands: Whether efforts have been made to secure the services of a competent Director of Agriculture in Western Australia or the Commonwealth, before advertising for applications elsewhere.

THE MINISTER FOR LANDS replied: Applications would be invited simultaneously throughout Australia and other countries. The position would be available to the applicant deemed to be the most highly qualified, irrespective of his place of residence or birth.

**QUESTION—ESPERANCE-TO-GOLD-FIELDS RAILWAY SURVEY.**

MR. THOMAS asked the Minister for Works: How many men are engaged on

the permanent survey of the Goldfields-Esperance railway.

THE MINISTER FOR WORKS replied: Four officers and eleven wages men.

**QUESTION—RAILWAY RATES, HOW APPLIED.**

MR. THOMAS asked the Minister for Railways: 1, At what rate Collie coal is carried at owner's risk from the Collie by the Government railway to Fremantle. 2, Whether such rate is classed as a rate for outward journey or for back loading. 3, At what rate chaff is carried at owner's risk from Katanning by the Government railway to Fremantle. 4, Whether such rate is classed as a rate for outward journey or for back loading. 5, At what rate crude ore, exceeding in value two ounces, is carried at owner's risk from Kalgoorlie to Fremantle by the Government railway. 6, Whether such rate is classed as a rate for outward journey or for back loading. 7, Whether it has been brought to the knowledge of the Minister that crude ore of the value of only two ounces is not high grade enough to warrant despatch to a smelter, and that the average grade of ore so sent is about seven ounces. 8, Whether the freight charge on ore of the value of seven ounces per ton, when carried at owner's risk from Kalgoorlie to Fremantle, is about 22s. 6d. per ton as against an amount of 16s. 4d. on the basis of one halfpenny per ton per mile.

THE MINISTER FOR RAILWAYS replied: 1, 6s. 9d.; distance 136 miles. 2, Ordinary freight rate and classification. 3, 14s. 9d. for distance 237 miles. 4, Applies on up journey to a port, or in the direction of a port only. 5, For 387 miles, 16s. 1½d. per ton, plus one-twentieth of a penny per ton per mile for every additional ounce or part of an ounce in value. 6, Back loading. 7, The freight paid is regulated by the value of the ore, and the sender has to be the judge of the advisability or otherwise of sending any particular grade of ore. 8, On ore of seven ounce value per ton, the freight from Kalgoorlie to Fremantle, 387 miles, would be 24s. 2d. per ton, as against 16s. 1½d. per ton for ore of value less than two ounces per ton (see No. 5).

**QUESTION—AGRICULTURAL AREA (CLIFTON), SCHOOL RESERVE.**

**MR. TEESDALE SMITH** asked the Premier: 1, Whether there is a portion of the Clifton Agricultural Area, near Brunswick, reserved for school purposes, and 2, If so, whether the Minister will make provision for a school on the next Estimates.

**THE MINISTER FOR MINES** (for the Premier) replied: 1, A site had been reserved in the Clifton Area Reserve, No. 5875, 10 acres. 2, The department is now in correspondence with regard to the establishment of a half-time school, as the number of children will not, according to the Regulations, warrant the establishment of a full-time school. Regulation No. 6 states that "aid will not be granted towards the maintenance of half-time schools unless suitable buildings are provided by the applicants." The question of providing such buildings is at present the subject of correspondence.

**QUESTION—RAILWAY WORKSHOPS, MIDLAND JUNCTION.**

**MR. YELVERTON** asked the Minister for Works: 1, What progress has been made with the Midland Junction Workshops, and whether they are nearing completion. 2, When the Chief Mechanical Engineer, his staff and workmen will probably be able to commence operations there. 3, Whether the Minister will give members an early opportunity of paying a Parliamentary visit to the workshops.

**THE MINISTER FOR WORKS** replied: 1, Earthworks, timber store, iron rack, plate rack, offices, testing room, time-keeper's office, erecting pits (1st section), main conduit, main drains, plate-laying—Completed. Pattern shop and foundry — Approaching completion. Brickwork, main buildings, Blocks 1, 2, and 3—Practically completed. Ironwork, roofing main buildings, Blocks 1, 2, and 3—In progress. General store and oil store—In progress. Power house—Waiting arrival of material from England by "Milton Park." 2, The offices are ready for occupation. The utilisation of block Nos. 1, 2, and 3 depends on arrival from England of machinery and ironwork for power-house, portion of which is on board ship "Milton Park," now considerably overdue at Fremantle. 3, Members will at all times be gladly shown over the

various works. An official visit may be arranged when nearer completion.

**PAPERS—MOUNT ERIN ESTATE.**

**HOW PAPERS MAY BE RETURNED.**

**MR. NANSON** (Murchison) moved: "That all papers connected with the offer of the Mount Erin Estate to the Government, under the conditions of the Land Repurchase Act, be laid upon the table of the House."

**THE MINISTER FOR MINES** (Hon. H. Gregory): In regard to the question of laying papers on the table of the House, there was no objection to the papers now asked for being laid on the table; but a good deal of inconvenience was caused to the departments in many cases by papers being compelled to remain on the table during the whole of the session. In many instances in connection with his own department, papers had been brought into the House, and there was always some little difficulty in getting them back until the session was over. It was the intention of the Government to oppose in future the laying of papers upon the table of the House or the compiling of expensive returns, unless members who asked for them would give some reasons and show some justification for the request. That was only fair, because in the first place a deal of trouble was occasioned; and in regard to returns, in many instances a great deal of expense was caused by their compilation, and when compiled they were of very little use. He hoped members would agree to the course proposed.

**THE SPEAKER:** There need not be any difficulty in getting back papers and returns after being laid on the table of the House, because by the Standing Orders the Speaker has power to order papers to be returned. If application were made to him by any department, and the papers had been on the table a reasonable time, he would certainly order them to be returned to the department.

Question put and passed.

**PAPERS AND RETURNS ORDERED.**

**REPURCHASE OF LANDS NEAR ARRINO.**

On motion by **MR. NANSON**, ordered: That all papers connected with the repurchase by the Government of lands near Arrino be laid upon the table of the House.

**OCCIDENTAL LAND SYNDICATE.**

Mr. NANSON (Murchison) moved: "That all papers connected with the transactions between the Government and the Occidental Land Syndicate, in reference to the granting of the fee simple of poison leases to the syndicate, be laid upon the table of the House."

THE MINISTER FOR MINES (Hon. H. Gregory): Unless some reason were given for the production of these papers, he would oppose the motion.

THE MINISTER FOR LANDS: The papers were already on the table.

Mr. NANSON said he was willing to give reasons.

Question passed.

**MIDLAND RAILWAY REPORTS.**

On motion by Mr. NANSON, ordered: That there be laid upon the table of the House the last two half-yearly statements presented to the Government by the Midland Railway Company of the Company's revenue and working expenses.

**CATTLE DIP, QUARANTINE BOUNDARY.**

On motion by Mr. PIGOTT, ordered: That the petitions received by the Hon. the Minister for Lands from the settlers of East and West Kimberley with regard to the erection of a cattle dip on the quarantine boundary, together with all papers relating thereto, be laid on the table of the House.

**STOCK JETTY, POINT SAMPSON.**

On motion by Mr. PIGOTT, ordered: That all papers, including the contract, relating to the erection of the stock jetty at Point Sampson be laid on the table of the House.

**RETURN—ESPERANCE-TO-GOLD-FIELDS RAILWAY SURVEY.**

Mr. A. E. THOMAS (Dundas) moved:—

That a return be laid upon the table showing—1, The date on which the permanent survey of the Goldfields-Esperance Railway started. 2, The distance surveyed to date. 3, The time the Government anticipate that the work will be completed. 4, The cost to date. 5, The time occupied in surveying the following railways: Southern Cross to Coolgardie, Kalgoorlie to Menzies.

But for the observations of the Minister for Mines on a previous motion, very few remarks would have been called for in connection with the present motion; but as that Minister had asked for reasons, reasons would now be given. The object of the motion, but for its fourth paragraph, might have been attained by asking questions, to which the Minister would have been bound to reply. The third paragraph of the motion had already been answered by the Government, to the effect that in the ordinary course of events the work would be completed by next January, but that if an extra staff were employed it might possibly be completed by next November. If the work did run on until next January, two years would have been occupied in making a permanent survey of a projected railway 200 miles in length. On that basis, how long would a permanent survey of the Transcontinental Railway, 1,100 miles in length, take? The time spent by the surveyors over this route from the Eastern Goldfields to Esperance constituted an absolute scandal to Western Australia. The money necessary for the work had been placed at the disposal of the Government by an allocation from loan money, and this at the special request of Ministers themselves. He would appeal to the member for Wellington (Mr. Teesdale Smith), who was understood to have been interested, directly or indirectly, in a survey of the same line, and who farther had been accustomed to submit tenders for railway construction and to construct railways in various parts of Australia, to say what progress was possible with public works of this character if two years were to be consumed before the construction of permanent works even began. A licensed surveyor, a member of another place, whose name would be given if the statement were challenged, had expressed himself as prepared to enter into a contract to carry out a permanent survey from the Eastern Goldfields to Esperance and to complete it within six months. In the face of that statement could it be denied that a flagrant waste of public money was going on? In all confidence he claimed that the state of affairs disclosed one of two things: either that the railway survey had been authorised for political reasons and for political reasons only, or that secret instruc-

tions had been given by the occupants of the Treasury bench to delay the survey as long as possible. He claimed unhesitatingly that secret instructions had been given by occupants of the Treasury bench that the survey was to be a political survey, and that only. He claimed that the Government never intended that the information should be available for members of this House at an early date. He was backed up in that view by men who had been engaged for years as Government surveyors, and particularly by the surveyor previously referred to, a member of another place, who had expressed his readiness to complete the work inside six months. [MR. TEESDALE SMITH: At what cost?] At infinitely less cost than that being incurred by the Government; for something like £5,000. When the return now being moved for was laid on the table, it would be found that the cost to the country had been something like £10,000. At all events, £16,000 had been voted for a flying survey of the Collie-Goldfields line and a permanent survey of the Esperance-Goldfields line. At such a rate of progress, the Transcontinental Railway survey would take 10 or 11 years.

THE MINISTER FOR LANDS: How many generations would it take then to construct the Transcontinental line?

MR. THOMAS: Either the Government had or had not given secret instructions that the survey was only a political job, intended as a sop to a section of the Eastern Goldfields, and that it was not to be carried out as rapidly as possible. If they had, Ministers who could be guilty of such a conspiracy were unfit to be Ministers of the Crown or even members of Parliament. If they had not given such instructions, then the whole of the surveyors doing the work—four officers and eleven men now regularly employed—were utterly incompetent, as was proved by the time they had already spent on the work. In such case the Government should confess that incompetence, and state that they intended to dismiss the surveyors to-morrow morning.

THE MINISTER FOR WORKS (Hon. C. H. Bason): The hon. member set out by saying that Ministers were undoubtedly guilty of issuing secret instructions.

MR. THOMAS: No; an alternative had been suggested.

THE MINISTER FOR WORKS: The hon. member began by saying that he was satisfied Ministers had issued these instructions. Then, perhaps seeing he had gone too far, he qualified the statement with a series of "ifs" and "buts," and two demands.

MR. THOMAS: Two possibilities had been stated, one of which must be true.

THE MINISTER FOR WORKS: The hon. member's denial must be accepted; but that he had not a better memory was regrettable. He had moved for the return in language which was to say the least interesting, and his reasons would convince the dullest member of the House that the return was highly necessary. The information could be furnished at no great cost; therefore the hon. member's speech was superfluous.

MR. THOMAS: It was justifiable, after the remarks of the Minister for Mines.

THE MINISTER FOR WORKS: That Minister's remarks had not been directed at the hon. member, or at his motion, but were intended to impress on members generally that when they moved for costly returns they should give reasons. In this case the mover apparently asked for evidence, but gave judgment before the evidence was forthcoming. If the evidence when given showed that the hon. member's statements were unjustifiable, surely his position would then be somewhat humiliating.

MR. THOMAS: That contingency he was prepared to face.

THE MINISTER FOR WORKS: The hon. member would doubtless face anything, no matter how humiliating. If Ministers had given secret instructions that the survey was to be regarded as a political job, they would undoubtedly be guilty, say, of a misdemeanour; but no such instructions had been given, nor any instructions to delay the survey, which had taken the ordinary course, though perhaps it was not regarded as a work which it was absolutely necessary to push to the detriment of other works which might meanwhile be considered of greater importance. The return would be furnished.

Question put and passed

**RETURN — RAILWAY TRAFFIC RECEIPTS, SAVING ON COST OF WATER.**

Mr. H. TEESDALE SMITH (Wellington) moved :—

That there be laid upon the table of the House a return showing—1, The amount of the increase in railway receipts caused by the raising of the rates for goods traffic in May of 1902, estimating the traffic, ton for ton, on the old rates and on the new during the six months ended on 30th June last. 2, The estimated amount of the saving effected in the Railway Department's expenditure on water by the completion of the Coolgardie Water Scheme.

**THE MINISTER FOR WORKS:** The Government naturally objected to placing obstacles in the way of members seeking such returns; but the preparation of this one would involve considerable work and expense. The figures for almost every consignment must be taken out. The hon. member might state his reasons for moving.

Mr. SMITH: The Premier had stated that the Commissioner of Railways was doing very good work. By the return, he (Mr. Smith) wished to show that the increased revenue derived by the department from the raising of the tariff more than accounted for any increase with which the Commissioner had been credited, and that the Commissioner got an increase from the higher rates which more than counterbalanced what he lost by the increase of wages of which he spoke. In reference to the South-Western line, the return would have a bearing on the timber industry also. As to the time involved in preparation, this need not exceed one hour at each railway station in the country, for at each a record was kept of the tonnage sent away and received; and a monthly return of this was sent to the head office, where the figures for each station were separately classified. If the quantities for six months were taken out by an officer at Perth, the work might be considerable; but the different station-masters could do the work in a short time.

Question put and passed.

**RETURN—RAILWAY SLEEPERS, RENEWALS.**

On motion by Mr. H. TEESDALE SMITH, ordered :—

That there be laid upon the table of the House a return showing—1, The number of

sleepers replaced on each of the Government main railways during the last three years, and giving separate quantities and amounts for each railway district. 2, The length of time during which the rejected sleepers had been laid prior to their removal.

**PAPERS—CANNING JARRAH RAILWAY, PURCHASE.**

Mr. M. H. JACOBY (Swan) moved :

That there be laid on the table of the House all papers in connection with the purchase by the Government of the Canning Jarrah line.

There was something in the contention of the Minister for Mines that too much expense should not be incurred, nor departments be put to too much inconvenience, in preparing returns; but better the expense and the inconvenience than a suspicion that members were not to receive full information. In view of Mr. Speaker's remarks as to returning files to the departments, any inconvenience could be obviated by returning them in a reasonable time. At the end of the Canning line the present position of affairs was exceedingly awkward. The House had originally intended that the full length of the line should be purchased, terminating at the Canning Mills. Subsequently, owing to some difficulty the railway officials had in adequately providing for the safe working of the line past Pickering Brook, the Minister was unable to purchase the whole railway; and instead of expending the £18,000 voted for the purpose, he purchased 14 miles of line for £14,000. For years the settlers had made their station at the Canning Mills, and roads and tracks had been laid down to the Canning Mills. Now it was suddenly found that the very people who had been agitating for the Government to take over the line, considering it would lead to a better service for them than they had previously, were in a hundred times worse position than they were before. The line finished at a distance of four miles from the Canning Mills, and any one having acquaintance with the country could recognise the inconvenience for people to cut new roads and tracks to get to the place. The small amount required to purchase this line and put it in order would hardly be as much as would be required to build new roads and conveniences to the new terminal point. He was afraid he would be in

the unpleasant position of asking the Minister for a considerable grant for the building of these roads. The clearing of the roads would cost as much as the purchase of the remaining four miles of railway. If the Government were to complete the purchase at the present time they might be able to make some provision to run a train occasionally, say twice a week, to the terminus. He understood from the Minister the real reason the line was not taken over was owing to the fact that the line was considered by the railway officials to be somewhat dangerous, but for years the line had been safely worked without accident by the Canning Company. In the extraordinary circumstances surrounding the case the Minister might be induced to take over the rest of the line, and make temporary arrangements for working the traffic pending the time when there was sufficient money to put the whole line in order and make the service right throughout. Considering the tremendous amount of irritation amongst the people who were inconvenienced, the reasons for the non-taking over of the line should be made public and the position cleared. This would remove a great deal of the uncertainty which existed at the present time.

**THE MINISTER FOR WORKS** (Hon. C. H. Rason): There would be no objection on the part of the Government to laying the papers on the table, although some delay might possibly occur, for at present an arbitration case was proceeding between the Government and the former proprietors of the line, and the papers were required for that arbitration. However, as soon as possible the papers would be laid on the table. Already the member for the Swan had been given the full reason that actuated the Government in not taking over the whole line at once. To have taken the whole distance of some 18 miles would have necessitated shifting the mill, which would have rendered it very difficult for the working railways department to have conducted the traffic without a great amount of alteration and considerable delay. There was no question of effecting a saving in the amount voted by Parliament. It had been provided between the Government and the company that the balance of the line should be taken over, the company agreeing to sell and the

Government agreeing to buy on the same terms as the 14 miles were taken over upon, so that the whole length of the line to the mills would within a short period of time be taken over. [MR. JACOBY: Within six months.] He was not prepared at present to commit himself to actual dates. As to a spirit of false economy having actuated the Government, although £14,000 was spent in acquiring the 14 miles taken over, instead of £18,000 shown on the Estimates, yet it was anticipated that something like £5,000 would be spent in placing that portion of the line in keeping with the standard of the Government railways; therefore it was not a question of saving some portion of the £18,000. The desire of the Government was to take over the greatest portion of the line they could with convenience to the public and having due regard to safe running. The member for the Swan had said he would have to approach the Government for a large expenditure for the making of roads from Pickering Junction to the mills. It was to be hoped the member would not attempt anything of the sort, because having regard to the fact that the line would be acquired for the full length and would run to the mills, any expenditure of a great amount of money in making the roads in the meantime would only be regarded as money improperly spent, and he would have to resist any application in such a direction. As to giving farther conveniences in the meantime, he had already promised the member for the Swan that an endeavour would be made to arrange with the company to see if some facilities could not be given to the settlers who were now undoubtedly at some inconvenience through the line not having been taken over for the full length. It was anticipated that the company would meet the Government in a reasonable spirit, and the Government would do all that was possible to relieve some of the disabilities that the unfortunate settlers were still under.

Question put and passed.

#### RETURNS AND PAPERS ORDERED.

##### RAILWAY WORKSHOPS, MIDLAND JUNCTION.

On motion by MR. ATKINS, ordered: That there be laid upon the table of the

House a return showing: 1, The amount of work done at the Railway Workshops at Midland Junction. 2, The detailed cost of the detailed works to date.

#### LOCAL BOARDS OF HEALTH.

MR. WALLACE (Mr. Magnet) moved:

That a return be laid on the table of the House showing: 1, The total number of Local Boards of Health in the State. 2, The total amount of money given to the Boards for the year 1902-3. 3, The total cost for same period of the Central Board of Health.

If it was to be the recognised rule in the House in future that members should give reasons for moving these formal motions, then the procedure to be adopted would liken itself to the procedure of the Licensing Court. The magistrate asked the police whether there was any objection, and on receiving an answer in the negative granted the application. Later on there was a motion standing in his name which would be debated at length if any objection was offered on the part of the Government to it.

Question passed.

#### CATTLE IMPORTED, DUTY REMITTED.

On motion by MR. HASSELL, ordered: That all papers in connection with the remission of duty on cattle imported by Connor, Doherty, and Durack, Limited, and Forrest, Emanuel, & Co., be laid on the table of the House.

#### FORREST, EMANUEL, AND CO., AND STOCK DEPARTMENT.

On motion by MR. WALLACE, ordered: That there be laid on the table of this House all papers, correspondence, and documents in connection with the inquiry conducted by the Minister for Lands between Forrest, Emanuel, & Co. and the Stock Department.

#### LAND GRANTED IN LARGE AREAS.

On motion by MR. DAGLISH, ordered: That a return be laid upon the table, showing the consideration paid, or to be paid, in each instance by persons or corporations who have obtained the fee simple of land amounting in the aggregate to 5,000 acres or upwards.

#### PAPERS—PRISON TRADE INSTRUCTOR, RETIREMENT.

MR. DAGLISH (Subiaco) moved:

That all papers relating to the retirement of Mr. F. M. Behan from the position of Trade

Instructor at Fremantle Prison be laid upon the table.

As this motion would involve no labour and no cost, he anticipated there would be no objection to it.

THE PREMIER: Consent could not be given unless some reason was shown.

MR. DAGLISH: Sometime ago a man named F. M. Behan was employed as trade instructor at the Fremantle Prison; and the reasons which led to his retirement could be better given in a letter which he addressed on the subject immediately after the retirement to the Colonial Secretary. The letter was dated May 20th, and ran as follows:—

I have been interviewed by Mr. F. M. Behan, formerly Trade Instructor at Fremantle Prison, in regard to his removal from that position. I find that a charge was made against him by the wife of a prisoner to the effect that he offered to convey a letter secretly to her husband. From perusal of the papers—which you were good enough to place at my disposal—it appears that no complaint was made against Behan until a considerable time after the offer was alleged to have been made. When, finally, the matter was reported, a sort of inquiry was held by Mr. Lilly, J.P., who simply took the statement of accuser and accused. No oath was administered, nor was any cross-examination allowed. Mr. Lilly reported that the two statements were in direct contradiction of each other, but he believed the charge. A gentleman with the extended magisterial experience which Mr. Lilly possesses, usually acquires in court work a leaning towards the prosecution from the fact that he hears so many manufactured defences. But in a case like that of Behan, where both parties are equally reputable, it seems a very arbitrary proceeding to take away a man's livelihood because Mr. Lilly, J.P., thinks the accuser is telling the truth. Possibly the opinion of another justice who heard the same statement would lead to his accepting the story of the accused. I am unable to fathom any motive that would induce a reputable man like Behan to offer unasked to convey a letter to a prisoner. The question of his opportunity to do so—a vital point in any proper inquiry—seems to have escaped the attention of Mr. Lilly. In my view a grave injustice has been done in the summary punishment of Behan after a so-called inquiry which proves nothing. I would very strongly urge that a proper inquiry upon oath be made before some independent tribunal at which both accuser and accused can be represented; but until that is done, the hostile opinion of one man, even though he be a J.P., is not a sufficient ground for the dismissal of a public servant. Behan's resignation upon compulsion at a moment's notice cannot be regarded as anything but a dismissal.

In reply to that letter he received the following from Mr. North, Under Secretary, dated 27th May :—

Sir,—In reply to your letter of the 20th instant, addressed to the Hon. the Colonial Secretary, relative to the case of Mr. F. M. Behan, I have the honour, by direction, to inform you that Mr. Lilly, before whom the inquiry was held, is satisfied as to the justice of his finding, and that as he could watch the demeanour of the parties, he was in a better position to judge than one who only reads the written statements. I am also to state that the Inspector of Prisons agrees with Mr. Lilly, and that the matter cannot be reopened.

The position, as he viewed it, was simply that every man, even though in the past a convicted criminal, when a charge was preferred against him had the right to offer a defence and to cross-examine any person who gave evidence against him. If a man was in the Government service, and a charge was preferred against him, the mere statement of one witness was amply sufficient to damn him, if the procedure followed in this case was the procedure invariably adopted. This man, when his statement was taken—and it was taken from him without a moment's warning—desired to call a witness who, in his opinion, could give important evidence, or whose cross-examination by himself might lead to some important facts being brought out. The Justice, Mr. Lilly, told him it was unnecessary for him to get this witness, or that this witness could not give any evidence which was worth having. The witness whom the man desired to call was the husband of the person who made the complaint, and his object in calling him was to show, as he believed he could show, that the complaint was made by collusion with the husband, the prisoner, who had had some previous disagreement with the trade instructor. The man was denied the opportunity of calling that evidence. Neither of these parties was placed on oath, and they had not a chance of cross-examining one another. The man accused had no opportunity of bringing any corroborative evidence to bear out his statement. The professed inquiry was simply a sham. King Solomon had a case before him in which there was a direct contradiction on the part of two witnesses. With all his wisdom, he was unable to decide by the demeanour of the witnesses which was telling the truth, and as Mr.

Lilly, J.P., was not then available to come and watch the witnesses and give a decision on their demeanour, King Solomon had to resort to special means in order to determine which witness was speaking the truth. It seemed not only that the mere appearance of these two witnesses in this case enabled Mr. Lilly to give a decision, regardless of the question of evidence, but we were told that Mr. Burt, Inspector of Prisons, agreed with Mr. Lilly. Surely if Mr. Burt did not hear the two witnesses, he did not have an opportunity of judging of the truth of the two stories by the demeanour of those persons who told them, and he had no more right than he (Mr. Daglish) had to express an opinion on the matter. What one stood up for was not the individual involved in this case, but for the principle. Here was a man who was virtually dismissed from a position in the public service, after holding a number of other positions previously, as well as this one, with credit to himself and with an unstained reputation, and he was dismissed without any proof of the charge brought against him. It was a gross injustice. It was the duty of the House to prevent similar injustice taking place in the future, and when a case of this description was brought before it to satisfy itself by a further inquiry, so that it might see that justice was done. He understood that since this letter was written to the Colonial Secretary, instructions had been given that the same form of inquiry should not be adopted in the future; and this showed that the position he (Mr. Daglish) assumed had been recognised in regard to all future cases. But the fact remained that the man Behan was a victim. It was said that he should not be reinstated, even if found innocent, because there might be friction in the department as a result. It was, however, far more important that we should do justice than that we should prevent friction, especially as we had every reason to believe there had been friction for years past in the Fremantle Prison. So long as a grave injustice could be done in that prison, friction would occur. He trusted the House would agree to the motion, and that members would take the trouble to look into the papers. He was quite satisfied that if they did so

they would support a farther motion he intended to bring forward at a later date to investigate this case.

THE ATTORNEY GENERAL (Hon. Walter James): It was hardly necessary for him to make any observations in opposition to this motion. The hon. member had shown abundant reasons why it should not be agreed to. He told us that he moved the motion because he was actuated by a desire to see a very valuable principle consistently and rigidly observed. Doubtless if inquiries were made we should find that his anxiety on behalf of the principle was very largely due to the fact that this individual was an elector of Subiaco. Not for one moment did he say that that affected the hon. member's desire for justice. The hon. member was anxious, above all things, to have justice done. He told us that he wanted to have the papers produced because after their use we should have a select committee to consider the circumstances surrounding the dismissal of a public servant. If the question of the dismissal of a public servant was going to be brought up in this House every time on high grounds of principle, neither this Government nor any other Government could carry on the business of the country. To deal with the merits of this case, the Inspector General of Prisons was himself the man to deal with it. Outside the public service, if any complaints were urged against a man, the employer dealt with him in the way he thought best, and did not think it desirable or necessary to have an inquiry before a third person. He heard the statements on each side, and if he could make up his mind on them he did so, and acted accordingly. Here the Inspector General thought it inadvisable to hold the inquiry himself, having, he believed, on the statements made to him, roughly formed an opinion on the case, and that officer thought it fairer to the man that he should have the special privilege of having the case placed before a third party. Instead of suffering an injustice the man had a privilege which an employer would not give to an employee, and one saw no reason why that privilege should be extended to a person in the public service. The case was heard and evidence taken. We had the technical complaint that the statements were not

made on oath. His opinion was that there were just as many untruths told under the sancity of an oath as without an oath. Would any man in the House listen to an idle quibble like that as a justification for this motion? The case was heard by a man well known at Fremantle, and what right had the hon. member to make an insinuation that because a man happened to be a justice of the peace, and by virtue of his office was called on to sit on trials, he was always inclined to find against the accused? One thought that the magistrate discharged his duty in a conscientious manner. He heard the inquiry, he heard the cross-examination, he heard the woman, and he saw the demeanour of the witnesses, and, as every lawyer knew, the demeanour was sometimes more valuable than the accumulation of witnesses. It must not be thought that because one man had one witness and another ten, the man with ten deserved to win. The demeanour of the witnesses was far more important than anything else. In future, inquiries of this nature should be heard and determined by the Inspector General himself, who was the head officer. He controlled that department, and he was the person to see that complaints made were examined into in the ordinary way. This case was heard by a man occupying a responsible position, a man whose integrity could not be questioned; and to say now that we were going to have these papers placed upon the table of the House, this action being followed by the appointment of a select committee to see whether what took place was right or wrong, was simply intolerable.

MR. G. TAYLOR (Mount Margaret): On this occasion he rose to co-operate with the member for Subiaco. He failed to see the argument of the Premier that the papers should not be laid on the table because a select committee would follow. The member for Subiaco desired to move for a select committee, and the production of the papers would enable members to decide, in the event of the motion being opposed by the Government, whether they would record their votes for or against the appointment of a select committee. He (Mr. Taylor) had no desire that the Government should be hampered in any way in discharging Government servants

who they thought were not capable or competent; but he was of opinion there should be inquiry when a grave charge was laid against a person, as there had been against Mr. Behau, who acted as trade instructor—a charge for which one was punishable by the regulations of the prison—and that officer was dismissed. The Attorney General could enlighten them on the point. The evidence consisted solely of the unsupported statement of one lady, and the interests of justice to this particular man and to the general body of Government servants demanded that the papers should be produced. Something must lurk behind them when the Premier was against their becoming known to hon. members and the people generally. A somewhat similar motion, and one of a most deserving character, which he had moved last session, had been opposed by the Premier on the same elevated grounds as those advanced in the present instance. Notwithstanding the numerical strength of the Government hon. members should rise to the occasion and forbid such high-handed action.

MR. A. E. THOMAS (Dundas): Had the member for Subiaco moved for the appointment of a select committee, one would have felt bound to oppose the motion on the ground that the papers had not been laid on the table. However, the hon. member had only asked for the papers and accordingly one could with pleasure support him. We should think twice before opposing a member asking in his public capacity for papers which were the property of the public. He hoped the motion would be pressed to a division.

MR. DAGLISH (in reply): Nothing farther would have been said, but for one or two of the remarks by the Premier. He (Mr. Daglish) wished to emphasise what he perhaps had not made thoroughly clear, that the person concerned had not conveyed a letter to a prisoner, but was merely alleged to have offered to do so. The offer was stated to have been made in a railway train to an individual with whom this discharged Government servant had no acquaintance. According to the lady's statement this warder had offered, without fee, inducement, or reward of any kind, to convey a letter to her husband, who was in prison.

The warder had no means of access to the husband, even had he made such an offer and attempted to fulfil it. The husband did not come under the warder's supervision, and even had the fact been otherwise there remained the consideration that all prisoners were searched before being handed over to other warders. He (Mr. Daglish) strongly objected to the Premier's sneering remark that probably the interest shown in the case was due to the fact that the person concerned was an elector of Subiaco. The sneer was an unworthy one for the Premier to aim at any member of the House. The duty of a member was to bring forward any case of injustice, whether or not one of his constituents was concerned. The Premier had run away with the idea that his (Mr. Daglish's) morals were the morals of the legal profession. The Premier seemed to think that he (Mr. Daglish) would make such statements as he might be paid to make, regardless of their truth or falsity. However, that it was his duty to lie in the interests of any constituent, or indeed of any individual in the State, he did not recognise; and it was not right to infer that his interest in the matter arose from the circumstance that the person concerned happened to reside mostly in a particular locality. As a matter of fact, the person had lived in Subiaco, and because he had lived there, and because of an acquaintance with him (Mr. Daglish) prior to his election to Parliament, the grievance had been submitted to him. Before agreeing to move in the matter, he had seen the papers in the Colonial Secretary's office, which papers the Government were now so anxious to keep back from the House. A perusal of those papers had satisfied him that a wrong had been done. He was proceeding not on the statement of the man affected, but on the circumstance that the papers disclosed a grievous injury. To talk about the demeanour of witnesses furnishing a clue to any person sitting in judgment was utterly absurd. The Premier was using the argument to the House knowing that it would be ridiculed in any court of justice. Indeed, the Premier was endeavouring to mislead the House into confirming him in a wrong action. The Premier had said that the Government could not carry on if Parlia-

ment inquired into every dismissal of a public servant; and in that connection it was necessary to state that he (Mr. Daglish) had written to the Government asking that proper inquiry should be made by any person the Government chose to appoint. Only when that reasonable request had been refused did he ask that the Government should be forced to do what they ought to have done without any compulsion whatever so soon as the circumstances were brought to the knowledge of a member of the Ministry. For himself, he did not care whether under such circumstances it was possible or impossible for the Government to carry on. To him it seemed more important that justice should be done than that the Government should continue in office. No matter how humble a public servant might be, if a case of injustice done to him were brought to light, it ought to be righted at the expense of the Government rather than that the Government should continue to live by support accorded them in unjust administration. He hoped the House would carry the motion.

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

Ayes	...	...	...	19
Noes	...	...	...	15

Majority for ... .. 4

AYES.	NOES.
Mr. Atkins	Mr. Burges
Mr. Bath	Mr. Ewing
Mr. Butcher	Mr. Foulkes
Mr. Daglish	Mr. Gardiner
Mr. Harper	Mr. Gordon
Mr. Hastie	Mr. Gregory
Mr. Hicks	Mr. Hassell
Mr. Holman	Mr. Hayward
Mr. Holmes	Mr. Hopkins
Mr. Illingworth	Mr. James
Mr. Jacoby	Mr. Purkiss
Mr. McWilliams	Mr. Rason
Mr. Nanson	Mr. Smith
Mr. Oats	Mr. Stone
Mr. Pigott	Mr. Higham (Teller).
Mr. Reid	
Mr. Taylor	
Mr. Yelverton	
Mr. Thomas (Teller).	

Question thus passed.

#### RETURN—LAND HELD IN LARGE AREAS.

MR. H. DAGLISH (Subiaco) moved :

That a return be laid upon the table, showing:—1, The names of all persons or corporations holding land in fee simple of an aggregate area of 5,000 acres or more. 2, The area or areas held by each person or corporation, with particulars of the location in each instance.

3, The names of persons or corporations now acquiring the fee simple of such large areas.

Anticipating no objection on the part of the Government, he formally moved the motion.

THE MINISTER FOR LANDS (Hon. J. M. Hopkins): There was no particular objection to the passing of the motion; but members should not implicate two departments in one motion, as was done in this case. The Titles Office was administered by the Attorney General, and the Lands Department was of course administered by the Minister for Lands. Apparently, the hon. member moved for this return in order to base on it farther argument. It was to be hoped, therefore, that the hon. member would not object to adding the words "in one continuous area" to paragraphs 1 and 3 of the motion, since by this course the compilation of the return would be greatly facilitated and cheapened. He moved that "in one continuous area" be added to paragraphs 1 and 3.

MR. DAGLISH: There was no objection to adding the words.

Question (as altered) passed.

#### PETITION—RAILWAY TRAFFIC BILL, MIDLAND COMPANY.

MR. C. HARPER (Beverley) moved :

That the prayer of the petition presented by the manager of the Midland Railway Company, asking to be heard by counsel at the Bar of the House in opposition to the Railway Traffic Bill, be granted.

He said: I understand the Government are opposing this motion.

THE PREMIER: Yes.

MR. HARPER: But I understand that the petitioner believes that the Railway Traffic Bill seeks to injure them in a very material degree; and that being so, I hope the House, desiring at all times to see justice done, will give the company this opportunity of explaining to the House what portions of the Bill they consider injurious to them.

THE PREMIER (Hon. Walter James): I am somewhat astonished to find a motion of this unusual nature supported by such a short argument. I think it a very serious step to move a motion giving a person a right to be heard at the Bar of the House; for if in connection with any Bill members think farther light should be thrown upon it by the taking of

evidence, they may give effect to their desire by moving for the appointment of a select committee; and I do not think the claim is strengthened in this case because it takes the form of a petition for the granting of a prayer. This is a public Bill, involving a question of policy affecting not only this particular private railway, but all the private railways which come within the purview of the Bill. [MR. TEESDALE SMITH: Ruination.] It may or may not be ruination. I hope members will adopt an ordinary common-sense attitude, and wait till they have heard the Bill explained before forming an opinion on it. The Bill applies not only to one private railway, but to all which come within its purview; and therefore, as it is a Bill dealing not with one private railway company but with all, it is like a great many other Bills that go through this House which involve questions of policy—it affects private companies or private persons in the application of that policy. What special reasons are given in this case for allowing the Midland Company to come to the Bar of the House by themselves or by counsel to discuss the question of policy? I must say that the company have throughout the whole of their career in Western Australia been supplicants. I make the statement that no company in Australia have received more generous consideration from any State than have the Midland Railway Company from the State of Western Australia. From their very inception they have received the kindest possible treatment from successive Governments; and now in this particular case, when we seek to pass an Act of Parliament dealing with a question of policy on which we are surely fully competent to decide without calling on the manager of the company or his counsel to hear their views, why should we depart from the rule always observed in the past of dealing with such questions ourselves? Or if the Bill be one upon which additional light should be thrown by the collection of evidence, why should we not refer it to a select committee, if the House think that course advisable? If the motion be passed, I believe this will be the first instance in which the practice suggested has been adopted; and I hope members will not agree to it. I say we are fully

competent to decide questions of policy; and for myself, I should decline to discuss any question of policy with any individual who appeared at the Bar of the House in person or by counsel. What would be the position? Those gentlemen would come here and argue with us on a question of policy—the question whether it is wise for us to pass a Bill of this nature. I submit that a principle of that sort is capable of very serious extension; and we should be extremely careful before agreeing to the course suggested. If the majority of members think, when the Bill has passed its second reading and we have affirmed the principle, that there are details which may press harshly or unduly on any particular company, the Bill can be referred to a select committee; but in determining whether the policy of the Bill is good or bad in principle, I hope the House will themselves decide that question, and not wait for light to be thrown upon it either by the company or by gentlemen who are paid to put before the House their particular views from their particular aspect. I submit that in dealing with this question we desire to do what is fair in the interests of the State; and having once determined on the question of policy, it then rests with the House to say whether there shall or shall not be a select committee to ascertain the particular facts which apply to this particular company.

MR. S. C. PIGOTT (West Kimberley): As this motion deals with a petition from the manager of the Midland Railway Company—a petition which refers to a Bill copies of which are not yet before us—I suggest that the debate be adjourned until after the second reading of the Bill. If the Premier can see his way to accept that suggestion, then in all probability, when the Bill has been read a second time, a good many of the clauses objected to by the petitioner will be found to be eliminated.

THE PREMIER: Oh, they will object to everything. They objected to our Roads Bill of last year.

MR. PIGOTT: But I think the Premier would show a want of tact if he forced this motion to a division.

THE PREMIER: I am willing to have it adjourned.

MR. PIGOTT: Then I move that the debate be adjourned.

Motion passed, and the debate adjourned.

#### ADDRESS-IN-REPLY.

THE SPEAKER informed hon. members that His Excellency the Governor would be prepared to receive the Address-in-reply on the next afternoon.

### CONSTITUTION ACT AMENDMENT BILL.

#### SECOND READING.

Resumed from the previous sitting.

MR. S. C. PIGOTT (West Kimberley): I was slightly surprised, and I may say disappointed, on reading the Bill now before us. I am disappointed because the Bill is almost a *fac simile* of that passed here last session, but so treated in another place as absolutely to take away its life. I was hoping that the Premier would take his cue from the suggestion thrown out last session in this House, and would during the recess appoint a commission to go into the matter of constitutional reform. It appears to me that the fate of this Bill is in great doubt. I cannot help thinking that when sent to another place the Bill will be handed on by the gentlemen in that place to a farther place, probably the waste-paper basket. But it may be said, in what way could the difficulty have been got over? In what way might a Bill have been framed so that it would have had a reasonable chance of going through the Upper House? Well yesterday, when speaking on this Bill, the Premier said all members of this House would agree that their chief wish was to amend the Constitution of the Lower House. If that be so, I think the Premier has admitted that the right of reforming the Lower House should be left in the hands of the electors of the Lower House. If that argument is sound, surely he might have dealt similarly with the reform of the Upper House. He might easily have said that the proper reformers of the Legislative Council are the Legislative Council electors. He might have known. [MR. DAGLISH: Why limit them?] If the argument applies to this House, that the people

who held the key of reform of this House are the electors, the same argument applies in regard to another Chamber. If the Bill had been brought into this House, leaving out any reference at all to the second Chamber, the object of the introducer of the Bill, if he were honest in introducing it, would have been brought about. If all mention of a second Chamber had been omitted, the Bill would have passed this House and would have been approved by the public of Western Australia. It would have been said that we, as members of the Lower House, were honest in our intention to bring about some reform. If the Bill had been drawn as I suggest it would certainly have been passed by this House, and when it reached the second Chamber and was before that body, the representative of the Government in that House would have had a perfect right to suggest additions necessary to bring about a reform of the other Chamber. Then the position would have been reversed: instead of members of that Chamber saying "Why should the members of the Lower House dictate to us and lay down the conditions on which we should be reformed?" we could say, "We show you by the passing of a Bill reforming our own House that we are honestly trying to bring about reform, and we throw the onus of reform of the Upper House on the members of that place."

MR. DAGLISH: Who is your constitutional authority?

MR. PIGOTT: There is no occasion for any constitutional authority. The constitutional authority in this case is common sense. The hon. member knows the Constitution Bill was thrown out last year, and if he were a betting man he would bet a hundred to one the measure will be thrown out again. I would like members to turn to Clause 4 of the Bill. This is the first provision dealing with the Legislative Council, and it distinctly provides that within three months of the passing of the Bill the Legislative Council shall be dissolved. Is it within reason, is it to be expected, that the members of the Upper House will accept that clause.

MR. DAGLISH: Are you favourable or unfavourable to it?

MR. PIGOTT: I most certainly advise leaving the reform of the Upper House in the hands of the members of that body.

They have the power, and why should we dictate to them? They have the right of throwing out the Bill: why not give them a chance of showing what they will do? The hon. member twits me with—[MR. DAGLISH: Crawling]—crawling to the other House. If reform is to be brought about in the other House, it will never be done by that Chamber except pressure is brought to bear by the public at each election of members to the Council. The hon. member knows that the only method that can be used is for this House to work up the public and to fight each election for the Upper House as it comes along, and to send into that House members pledged to a reform of that House. I do not think it necessary to say more with regard to a large proportion of the Bill dealing with the Council. [MR. BATH: It is just as well.] It may be as well as the hon. member says; I think so, or otherwise I should have something to say about that. With regard to the reform as proposed in the Bill relating to the Assembly, there is very little that was not in the Bill of 1902. The first new provision that I see is contained in Clause 41. That is undoubtedly a good provision. It refers to the election of a member of this House to the House of Representatives or the Senate. But I think even this clause may be improved. I think we might alter it to the effect that a member shall vacate his seat on the date of his election being declared. In that way we should make it a better clause. I do not think it advisable—which might occur under the clause—that a member of the Federal House should be a member of this House for four or five months of the year. I do not think such a contingency is likely to arise, and I do not think any member of this House, if elected to the Federal Parliament, would be likely to retain his seat in this House. Still, it is not right to pass a clause which makes such a contingency possible. The Premier, in his remarks yesterday, said that he considered the present was a good time for bringing forward this Bill. I think we are all agreed on that, because whether the Bill be passed or not, this is the last session of the Parliament. With regard to Clause 49, giving power to Ministers to speak in either House, this is a clause that may be adopted very largely; but

while a lot may be said in favour of it, certainly there is a lot to be said against it. The clause might be worded a little differently so as to make it more fair. As it reads at present there is not the slightest doubt many members object to a power being given to the Ministry without a similar power being given to their opponents. Power is not given to a private member who introduces a Bill to see the Bill through another House, whilst the clause gives power to a Minister to do so. I suggest that if any member of this House is allowed to sit and speak in another Chamber and *vice versa*, the words "responsible Minister of the Crown who is" should be eliminated from the clause, and we should insert instead the word "member." Then I suggest another alteration. Instead of a member being allowed to speak in another Chamber with the consent of the House of which he is not a member, I think we should insert the words "at the invitation of that House." If members of the Upper House have a Bill before them and they require any particular knowledge given to them on that Bill, they should have the right to consult amongst themselves and choose a man whom they consider most able to give them that information. I hope in Committee that clause will be gone into fully. The next important clause is No. 51. This, as the Premier said, differs slightly from the clause in the Bill of last year; but this clause was the cause of disagreement between the two Houses. It provides that if a Bill is passed by this House and fails to pass the Upper House the Governor may, I suppose with the advice of his Ministers, dissolve the Lower House on that Bill. Then after a new Assembly is elected that Bill is to be brought up and passed again, and if for the second time the measure fails to pass the Council, the Governor may dissolve both Houses of Parliament, and after a general election has taken place, the two Houses are to sit together and discuss the Bill. To my mind this is a very cumbersome clause. I do not think it can be used, and if passed, advantage will not be taken of it very often. I think it is our duty to make the clause less cumbersome than it is, if that is possible. I am in favour, if we are to have a joint sitting, of the arrangements in regard to disagreements

between the House of Representatives and the Senate being adopted here. Those provisions are that a Bill may be sent, after it has been rejected by the Upper House, back again after three months. Then if that Bill is again refused the Governor may dissolve both Houses of Parliament. I think if we adopt that clause we would be saving the country the expense of one election; certainly we would be saving the pockets of members. There is another point about that. If any particular Bill brought in by the Government is considered to be a policy Bill, and it is refused by the Upper House, the Ministry at the present time have practically the power to demand a dissolution. I consider that the clause as proposed in the Bill places a great power in the Council, and for this reason. We may pass a Bill to which we attach importance, and when it goes before the Council members of that body may consider it is a trivial matter, and refuse to pass it. They may say, "If the Lower House consider it an important measure, let them dissolve and go to the country: we will not bother our heads about it until the country decides what action to take. When the Bill is returned to us by the new Assembly, we will give every consideration to it and probably pass it." I ask, will not that occur in most cases? Members must consider that point. Is it right we should place in the hands of the Upper House a power that practically forces us to dissolve or sacrifice any Bill brought before us. That is the point I wish to make, and that is the reason I will move later on when in Committee that the conditions laid down in the Commonwealth Constitution be inserted in the Bill in place of the clause as it stands.

At 6-30, the SPEAKER left the Chair.

At 7-30, Chair resumed.

MR. PIGOTT (continuing): I have very few more words to say in relation to this Bill. There is one thing I would like to point out, and I hope the Ministry will be able to give us some guidance with regard to this question. Last year, when this Bill was brought in, it was

considered at the same time as the Redistribution of Seats Bill. As a rule, if a Constitution amendment of this kind is brought in, a schedule is attached to the Bill which states the particulars of the different electoral districts that are to be proposed. Here we have nothing of that kind. We have no idea as to what proposals the Government intend making in this regard; therefore I should like—and members on this (Opposition) side are with me—the Government to postpone passing this Bill through Committee until they have laid before us their proposals concerning the allotment of seats. I think that members as a whole will agree in that proposition, because it would be rather an unfair thing to ask members to accept this Constitution Amendment Bill before we have seen the proposals which the Government wish to make in relation to redistribution of seats. I do not think there are any other portions of this Bill which require any farther mention this evening, and all I can say is that I am sorry the Government were not able to bring in a Bill that would have allowed the Council to institute their own reforms, and thus have given the Bill a very fair chance of being brought into effect. I can only close by saying I sincerely hope that this measure will meet with a better fate than the measure of last year.

MR. F. ILLINGWORTH (Cue): I hardly think it is necessary to occupy a great deal of time on the second reading of this Bill. For practical purposes the Bill is the same as the one we discussed last session. The main objections taken against the Bill on that occasion have been remedied to some extent, and possibly now that we have had time to think over the Bill—when I say "we" I mean the country as a whole—and realising the fact that we are now approaching a general election, it is a fitting time to make any change in the Constitution which is deemed desirable. I quite agree with the remarks of the Premier when he spoke upon the principle upon which this Bill is based. In some respects it is most desirable that population should be considered, and largely considered, in each redistribution of seats Bill. The anomalies which have existed in this State for many years are extreme, but we must not allow the fact of these extremes in certain dis-

tricts so to influence us as to cause us to go beyond sound judgment. The first proposal of the Government in dealing with the Bill previously was to simply reduce the number of members. On that occasion I said—and I see no reason to alter the position which I then took up—that it was undesirable to reduce the number of members in this House to any very large extent. Somewhere about 50 is, in my judgment, the irreducible minimum, because this State is so large, its interests are so diverse and so important, and in some cases so vast, that it is almost impossible for us to get representation on the basis of population. I would like to point out that in this State of Western Australia, with a handful of people, some 220,000, we have not only some of the interests of the Commonwealth, but practically all the interests of the Commonwealth; we have nearly everything that can be found in Australia as a whole represented in this State. Our mines hold the prior position, our timber is superior to that of any other individual State, our agriculture bids fair to compete very strongly with that in any of the other States, our fruit will surpass that in any of the other States as time goes on, and the pastoral industry is on a sounder basis in Western Australia than it is in any other part of Australasia. [MEMBER: What about rabbits?] That is perhaps one difficulty we have to deal with. However, I have done my duty in respect to rabbits since 1894, and if there is any blame attachable, certainly it will not lie at my feet or the feet of the member for Plantagenet (Mr. Hassell). He was the very first to speak on this question, and he spoke strongly in 1894. But if we have to compete with the pest, we have at any rate taken some steps in order to arrest an advance of that pest, and I hope the Government are continuing their efforts in that particular direction. I have made inquiries, and I believe they are. But I was about to observe that in all classes we have all the interests that are possessed in Australasia. A point which I have always kept clear in my own mind, though perhaps I may not have conveyed it clearly to others, is that next to population interests are the question we have to consider in a redistribution of seats Bill. We have a great work to do in this State.

We are laying foundations, and we ought to lay them broad and deep. We have in this State a territory and resources sufficient for many millions of population; and we must have those interests so watched and so conserved in this House that no industry will be misrepresented and no industry must be unrepresented, and it must be represented in so much strength that we shall have that development which we ought to have in a State of this magnitude. Consequently I have always held that the House ought not to be made too small. I still hold that from 48 to 50 is the irreducible minimum. Members who have watched the Constitution debates will know that I have always maintained that the Legislative Council should have only half the number of members that this House has. I am glad to say the Government have come to that decision. When it was proposed some time since—in fact in the last Reform Bill—to raise the number of members in the second Chamber, I opposed it strongly in the firm conviction that the true ratio should be two to one. Now the Government propose this. Taking then the population, and taking interests, we have the true basis of redistribution. I do not know that from 48 to 50 is going to make any material difference, or is going to assist the Government much in their redistribution of seats Bill; but the main principles of this Bill were so fully debated that I think it is not necessary to occupy time in second-reading speeches, and I hope it will not be necessary to occupy much time in Committee. To my mind the blot on this Bill is Clause 49. It strikes me that the Premier must have visited Athens. The object of the Athenians was to find some new thing, and I have noticed on a great many occasions that the Premier, no matter where he sits in the House, has always a strong partiality for some new thing. The mere fact that it is new is a sufficient recommendation. The less support it has in the world, the more support it will get from the Premier. Here is a proposal that has had its trial in years gone by. The British Constitution, which has grown up, which is the admiration of the world, the admiration of statesmen in all parts of the world, which is the product of the best minds the world has ever seen——

MR. FOULKES: There are 100 Irish members in the House of Commons.

MR. ILLINGWORTH: The Irish members need not complain, because the strongest commendation that has ever been made in favour of the British Constitution was made by Edmund Burke. I say that a Constitution of this character, which has stood the test of time, which has been imitated as far as possible by all free nations, is one that we at any rate, as a part of the Empire, ought to respect. I hope and believe we do respect it; but, somehow, in his voyages the Premier got away to South Africa and there found a little section, probably inserted during the time of the Boers just before the war. I have a notion that the Boers had two Houses sitting together. We know what happened. We got this experimental clause dug up from the British Constitution of 200 years ago. The provision has been tried and condemned, but it has been revived in Natal. As the clause reads, what does it amount to? If the Legislative Council or the Legislative Assembly would like to hear the Minister who introduced a Bill in the other House, the Council or Assembly can by request, or at all events by motion, permit that Minister to visit the House of which he is not a member. I venture to assert that unless the Legislative Council change very materially, such consent will never be granted by it. Certainly, permission would not be granted with my vote in this House; because we have to realise the fact, whether we like it or not, that the very principle on which the British Constitution is based is that of a popular House with a check House, whether the latter be a House of Lords or a Legislative Council, whether it be a nominee House or an elected House. The principle is that this House, under the impulse and under the guidance of the will of the people for the time, legislates, and that the duty of the Legislative Council is to act as a check on hasty legislation. If we want to do away with the Legislative Council altogether, there may be some reason in the clause; but to say that Ministers are to go from this House to the other in order to make speeches in defence of Bills is to destroy the very principle on which the Constitution is based by bringing to bear on another place the same influences which have been

brought to bear on this. The proposal is simply to change the venue for an hour in order that the Government may carry a Bill. Now, I contend that there is something more to be considered than merely the Government of the day. The Government of the day may be very anxious to pass a Bill, but the country may not be equally anxious. The voice of the country may be better heard in another place, or *vice versa* as the case may be, than in the place where the Bill is first introduced; and to carry influences from one House to another is to destroy utterly the very idea of two Houses. I know, of course, that there is a growing feeling in many respects—I do not sympathise with it, but I know that it exists—to do away altogether with the second Chamber. I am against such a step, so far as I see at present; but still, if that were the argument, the intent to have only one House or to have both Houses sitting together, then I admit we go somewhat in that direction by this clause. I am not disposed, however, to take such a step. This Bill will go to another place, and I shall be greatly mistaken if the clause passes there. However, it is more the concern of the Council than ours, and members of another place are the better judges. We can send five Ministers under this clause to bring influence to bear on another place.

MEMBER: No; one at a time.

MR. ILLINGWORTH: We can send five responsible Ministers to bring influence to bear on another place, under this clause.

THE MINISTER FOR WORKS: Only one Minister at a time.

MR. ILLINGWORTH: Even in this House we can have at a time only the influence of one Minister from another place. Of course I understand the position and appreciate the meaning of these interjections. I say, however, that this is putting too much power in the hands of any Ministry. It is a power which, were I Premier, I should not seek for myself; it is a power I am not prepared to concede to any Ministry or to any Premier. Let the power of the Government be manifested in the proper domain of Ministers. They are represented in another place, where they must have one Minister and can if necessary have

two. They occasionally secure two Ministers by appointing an honorary Minister, but under the Constitution they must have one. The Constitution demands that the Government shall have one Minister in another place; and Ministers, being concrete, ought to understand the main principles of the Bills which they present. Indeed I take it, that if a Ministry is doing its duty, the whole Ministry will consider each Bill and every member of the Government will know, at all events, the principles on which each Bill is based. Thus, the Minister representing the Government in another place is quite capable of putting the main facts on which a Bill stands before that place, without any outside influence being brought to bear. I should resent it if a Minister came here from another place. If a Bill were introduced in the Legislative Council, and a proposal were then made to bring the Colonial Secretary (Hon. W. Kingsmill) to this Chamber, I should be indeed glad to see him personally—he is perhaps the most cordial and gentlemanly man that has ever sat in this House—yet I should resent his official appearance in this Chamber. I hope that the Government will see their way in Committee to strike out this clause. I know that it is very dear to the Premier, because it is new; the newness of it makes it so dear.

MEMBER: You said just now that it was very old.

MR. F. CONNOR: You mean, it is fashionable.

MR. ILLINGWORTH: It is old, but it is also not old: it is out of place in this Bill, anyhow. I hope the Government will see their way to allow this clause to be struck out; but if the House does not take my view of the question and the Government do not follow the suggestion I make, there is little doubt that another place will do its duty in this respect: I am quite satisfied as to that. I am not sure whether the Government intend to take the extreme position of standing by the Bill, the whole Bill, and nothing but the Bill, and are prepared to resign their positions on the Treasury bench if Clause 49 be not carried. At all events, I wish Ministers a long life and a merry one; but I cannot understand the position of Ministers as a Ministry. I can understand the Premier's

position; because, as I said just now, any new thing is most attractive to him.

THE PREMIER: I am always accessible to new ideas.

MR. ILLINGWORTH: Yes; the newer the better.

THE PREMIER: There is a great deal of force in that.

MR. ILLINGWORTH: For the reasons I have stated I cannot speak at any length on this Bill. I say again, however, that in my opinion the Government will be well advised in striking out Clause 49. One other suggestion I want to make is that if the clause be retained we should be consistent. Why should the clause be confined to Ministers?

MR. JACOBY: Hear, hear. What about the Opposition?

MR. ILLINGWORTH: Any member introducing a Bill should be allowed to visit the other House. For example, I might at some date introduce a Bill dealing with the direct veto, and it would be a matter of great interest to me to speak in another place on that measure and influence the views of some people there, especially if they hold shares in breweries. I should be indeed greatly interested to speak in another place on the direct veto.

MR. JACOBY: It is safer to stay where you are.

MR. ILLINGWORTH: Now, if the Government really desire to make this a practicable clause—of course, in nine cases out of ten it would be Ministers who would go but, in the tenth case why should not a private member be permitted to go? Why should the benefit of the clause be confined to Ministers?

THE PREMIER: You mean a member in charge of a Bill?

MR. ILLINGWORTH: Yes. If the Government are prepared to make that alteration—

THE PREMIER: Will you accept the clause then? Because, if you think the clause inadvisable, the less extensive it is made the less the evil. Is not that so?

MR. ILLINGWORTH: There are some evils which will bear a little extending.

THE PREMIER: Shall I secure your vote by extension?

MR. ILLINGWORTH: Extension in this case would mean nullification. If the clause were passed in that form, the Government themselves would abandon

it; and as I am against the whole thing on principle, I am prepared to support the amendment indicated in the hope of causing the abandonment of the whole provision. I think, however, that most of the work on this Bill will be done in Committee; in fact, I do not think there is much work to be done even in Committee. The question was so thoroughly fought out last session that there does not seem to be much room for discussion this session. The country, I believe, is prepared for some change in the Constitution. Whether it is prepared for these particular changes, we can tell only by the representation here after an appeal has been made to the electors. I trust that the Bill will soon pass this House, and that any little amendments which are desirable the Government will be prepared to accept.

MR. R. HASTIE (Kanowna): I think all members are agreed that it would be well if we discussed the various provisions of this Bill in Committee rather than at this the second-reading stage; for the measure is one which the House has already adopted in theory, and we are not asked to judge of the various points now. One thing that strikes me, and on which I desire particularly to congratulate the Government, is the early stage of the session at which the measure has been brought forward. Last year the principal objection to the Bill in another place was that the measure had come before that place only two or three weeks before the date at which it was known Parliament would prorogue. The Government have, however, pushed this measure forward as the very first thing of the session; and I think the Ministers can depend on it that the House will improve the Bill considerably and send it to another place in pretty good time, so that at all events the excuse of want of time will not remain a good one. I desire to speak generally on the principal amendments suggested, seeing that we are all agreed on the necessity for amendments. I shall indicate one or two points in connection with which discussion is likely to arise. First, however, I wish to mention that last session an allegation was made, particularly in this House, that those who brought forward the measure were not in earnest; in fact, that contention was advanced over and over

again; and whenever a member of the Opposition was speaking and had to pause for some new idea, he always told us in a loud voice that none of us here were in earnest, that all of us were particularly anxious to keep our seats as long as we could. I do not think any member of the Opposition could seriously bring that charge against those who sat on this side of the House when he remembered the earnest manner in which almost every member here supported the measure. [MR. CONNOR: Supported the Government.] So far as I recollect, the Government did their utmost to get the measure through, and they were blamed by many of the hon. member's friends for allowing themselves to be dictated to by the House, so that alterations were made in the measure. At that time everything possible was done to get the measure on the statute-book: this year I hope we shall meet with greater success.

MR. THOMAS: It was allowed to go by default in another place.

MR. HASTIE: Yes; when there was no other course to pursue. One thing in particular the Government might have done which would, I believe, have been beneficial to them and to a lot of us. They might have talked very loudly and pointed out what wicked persons their critics were, both in this and in another place. Had they done that they would have secured much applause, but I am doubtful if they would have been any farther forward.

MR. THOMAS: Why did they not call for a division in another place?

MR. HASTIE: One reason, I am absolutely certain, was the absence at that time of a provision by which a Minister who was familiar with a Bill could go from this to another place to direct affairs there. Had there been such a provision, I am certain a division would have been called for. This Bill provides that the Assembly shall consist of 48 members; and the Premier has told us he is not particular whether the number be raised to 50. I admit with the leader of the Opposition that it is difficult to define a reasonable number unless we have before us the Redistribution of Seats Bill; but except for that reason I do not think it advisable that we should discuss the Redistribution of Seats Bill while we discuss this Bill; for

if we do, then every member who is likely to be affected by the Redistribution of Seats Bill will unconsciously be influenced by the proposals in that measure. I take it that we all wish to make this Bill apply as fairly as possible. If so, then do not let us know exactly how we shall be affected by the passing of the other measure also. This Bill, unlike the other Constitution Bill introduced by the present Government, does not contain the electoral qualifications, these being left for the Electoral Bill, upon which we shall have much to say. This Bill provides for the continuance of two Houses of Parliament. For that I am particularly sorry. I do not agree with the argument of the member for Cue, that the British and many other Constitutions in the world have two Houses, and that therefore we should continue the practice. I rather think—as he represents the Premier to think in another case—that if a new notion appears, and one that looks particularly good, we ought to adopt it. However, that matter we shall have an opportunity of discussing on the clauses governing the other place; and when we are on those clauses we shall have to discuss the advisableness of the country being divided for the purpose of Legislative Council elections into eight provinces. Last session, in Committee we came to the conclusion that it would be fairer, better, and easier for members of the other House if it were divided into 10 provinces instead of eight. A member says 12. Well, I do not think we should go far wrong if we made it 12, for I think 12 infinitely preferable to the eight suggested by the Premier. Reference has been made to Clause 51, by which we are empowered to hold a joint sitting with another place; and I much regret the course taken by the Premier in making this provision much less liberal than that in the Bill of last session. If an alteration had to be made, surely it would have been better to make the provision more instead of less liberal. The clause provides that before a joint sitting can take place there must be two dissolutions of the Legislative Assembly. The Premier cheers us by saying that one of them is not a penal dissolution; but if it is not a penal dissolution I do not know that it will give us less trouble than the first one, or that it

will be less expensive or less discouraging to the country and to the members affected. If we are to continue to have two Houses of Parliament, it seems to me we are showing far too much respect for the other Chamber. Apparently they are frightened to meet us in ordinary debate. Apparently we ought to have to go to the country once at least before we can approach the august presence of the gentlemen in another place. Surely the experience of the world is that when people disagree they can invariably come to terms far better by meeting together than by sending messages from one to the other, each side standing on its dignity and not exactly comprehending what the other side wants. If joint sittings were easy to bring about, I cannot for the life of me think that members here believe we should not come to an agreement far sooner than if such sittings were difficult. Then comes the question on which the member for Cue has spoken at length—that of Ministers leaving this House to speak in the other. But that member, though he opposes the proposal, has not shown what particular harm can arise therefrom, except that it would be an indignity to the other place. It is a matter of dignity from beginning to end. I have heard the objections of the member for Cue and the member for Claremont (Mr. Foulkes), and nothing else is ever suggested. In such cases surely dignity is not always the only consideration. Where does the dignity come in? I should like to hear some explanation; none has been given. For instance, last year we passed in Parliament 49 different measures. Beside these, we considered quite a number of Bills which did not pass both Chambers. Is it conceivable that one Minister—a busy man and a member of the Government—will be able to make himself conversant with the provisions of all those measures? I scarcely think it possible. And surely, if one member succeed in passing a Bill through this House, he will be sufficiently conversant with it to show even the great intellects in another place some new views of the Bill. The provision seems to me particularly useful. Then the member for Cue suggested that if Ministers had this power, private members who introduced Bills should have the same privilege; and he thought that was an

extension of the provision which would practically kill the whole scheme, but he did not tell us why. I agree with him that it would be advisable for a member who proposed a measure to have an opportunity of explaining its provisions in another place; and surely we can so provide in this Bill without the dignity of the other House being in anywise compromised. Because this measure does not say that the other place must receive the member proposed, but provides simply that he may get the consent of the other House to explain in it the provisions of his Bill. He has no power except the persuasive power he may happen to own. The provision will save time, and I hope the House will agree to it, and that if possible we shall go a little bit farther, and not make its adoption entirely dependent on the will of the other House. I shall not farther criticise this Bill, but should like to say a word or two on some remarks of the leader of the Opposition. His first complaint is that a commission was not appointed to sketch out this Bill. I could have understood that objection to the Redistribution of Seats Bill; but I do not see how a commission on an amendment of the Constitution would have been useful.

MR. PIGOTT: The two are practically one Bill.

MR. HASTIE: I think the hon. member has mixed up the two in his objection. Then the hon. member said we ought to reform this House only. And why? Because he says this House is best conversant with the sort of reformation it needs; and we should leave the other House to do the same thing for itself. But we cannot reform this House save with the consent of the other place; and last year, when the other House could have agreed to reform this House, it absolutely refused to do so. The excuse given was that this House did not wish for its own reformation; but we know that was simply an excuse. The other House had in its power to strike out the provisions it did not want; and it might if it liked have sent back to us a Bill thus mutilated. That has been done in other States, even in Victoria, a place to which the leader of the Opposition frequently refers. Besides, we surely cannot leave the constitution of the other House entirely in its own hands.

We have to remember that every measure passed here has to be agreed to by the other place. The constitution of the other place is just as important to us as the constitution and the *personnel* of this House.

MR. PIGOTT: Let it send us its suggestions.

MR. HASTIE: And how often is it likely to send down suggestions which will suit this House? I am not aware of any second Chamber in the world which has ever yet attempted to reform itself; and no member, not even the leader of the Opposition, for a moment thinks there is any likelihood of members of another place declaring that they are not absolutely perfect. We have to try our best to reform that Chamber, if we cannot persuade people to do without it altogether. But the hon. member seems to have a particular monopoly of common-sense; and if he will apply his common-sense to some of the provisions of this Bill when in Committee, he can be very useful. I hope the House will agree as soon as possible to the second reading.

MR. T. H. BATH (Hannaus): I feel impelled to make a few remarks on the question before the House, chiefly because members in speaking on the Address-in-Reply and in dealing with the second reading of this measure have advised us to approach the question gingerly, because any amendment or reform we propose to make in the constitution may annoy members in another place, and cause them to cast the Bill into outer darkness. As far as the member for West Kimberley is concerned, I think the wish is father to the thought; because representing as he does such an influential constituency, he is only anxious that the members of another place may cast the Bill out and prevent our carrying any reform in the shape of a redistribution of seats. I have heard many opponents of the Upper House refer to the members of the Upper House in terms the reverse of complimentary; but I do not think any worse insult could be offered than for members to say that members in another place seem to be so peevish and childish that they will reject any proposals to reform the Upper House because they have been made in this Chamber. I give the members of the Council credit for a

greater amount of common sense than that. I feel sure they may possibly regard it from a certain point of view ; but we should give them the credit of honest intention, and we should give them the credit of being in possession of some common sense in dealing with measures from their point of view. If we as members of the Assembly have views on this question, and if we are sent here by our constituents to put forth certain views, I do not think the fact that members in another place are opposed to it should influence us in the discussion of this measure. We should recognise that we are dealing with the Legislature as a whole, of which the Legislative Assembly and the Legislative Council are but component parts, and that we are sent here not as members of the Legislative Assembly with the idea of reforming the Legislative Assembly only, leaving the members of another place to do the work of reforming there, but we are here to review the Constitution as a whole and put forward our views for members of another place to express their views upon and deal with the Bill in a manner they think fit, and then to allow the verdict to rest with the electors as a whole. It is said we should allow the Council to initiate legislation in their own House for the reform of that Chamber ; but we must recognise it is possible for them through their representative Minister to initiate legislation of this kind and send it down to us for our review. So I think we, on the other hand, have a perfect right to initiate legislation and express our views on it, and then send it to another place for members to deal with as they think fit. I do not intend, in expressing my views on this question, to indulge in abuse of the other Chamber ; but representing as I do the views of a large number of constituents, the majority of whom are in favour not only of reforming the Constitution and reforming another place, but are in favour, and overwhelmingly in favour, of the abolition of another place, I think as their representative here I would be wanting in my duty if I did not give expression to my views on the second reading of the Bill. Those who justify the existence of a second Chamber do so for several reasons. In the first place they say, for the good government of any State or nation we should have a

second Chamber which is exclusively representative of property. These persons really seem to imagine there is some special virtue in the possession of property which qualifies its possessors to become electors in an exclusive House. I do not know what special advantage is conferred on any person or elector of any State by the possession of property. No doubt there are many worthy men who possess property, but if we excluded from the councils of any country those who do not possess any large amount of property, we would be doing a great amount of injustice to that State. As far as I know, many of the brightest statesmen who have graced the councils of lands other than Australian States have been those who have died comparatively poor. We have heard it said by members in this House that workmen, those who do not possess a certain amount of property to entitle them to a vote for the other Chamber, have no stake in the country. We have heard members times and times again in this House in referring to the working population, the great bulk of the population in this State, when it comes to a question of enhancing the value of the State in the minds of the people, refer to them as the backbone of the country, on whom the State relied to open up the country. But when it comes to a question of giving them a vote for the election of members of another place, we are told they are not qualified, they are not sufficiently interested in the country, therefore are not entitled to a vote, which is exclusively confined to those who possess property. Such an idea is absurd. It reminds me of a ballad by G. R. Sims, in which he says :—

Working men are duffers,  
And never worth a groat ;  
But it's " British bone and sinew,"  
When they want your blooming vote.

That seems to be the point of view from which members view this question when we urge a wider franchise in the elections for another place, or that the second Chamber should be abolished altogether. There might be some argument if we had not consummated the Constitution of the States and if each State was responsible for the Government of it ; but we have relegated to the Commonwealth Parlia-

ment a great portion of the legislation that at one time we were called on to deal with, and seeing that we have in the Commonwealth Parliament two Houses which are elected on a popular franchise, I think the time has come in the interests of the State, in the interest of the Legislature, and in the interests of economy, that the Upper Chamber should be abolished. In this connection I am strengthened by the views of one of the greatest statesmen that the Australian colonies has ever seen. I refer to Sir George Grey, who, in speaking on the question of the second Chamber in New Zealand, said:—

But there remains this remedy: Abolish them; do away with them. That is the remedy I propose. I say the Provincial Councils in New Zealand were conducted admirably; they made admirable laws, laws well drawn, models of legislation, laws which produced great benefit to the country. They did that without a second Chamber existing. I say that we can achieve the same ends here; and that the people of Canada, who had second Chambers given to them, have now already, in four instances out of seven, done away with the Legislative Councils, and their legislation is proceeding better than it ever did before. Why should we incur this vast expenditure which we have to bear? Because the expenditure of Parliament is in great part made up by the cost of the Legislative Council. Why should we submit to have men put over us chosen by ourselves, possessing no peculiar qualities for office and not tested or tried in any way? Why should we submit to have a body of men taken out from amongst us who may be taken in such a manner as has been done in this instance, and say that they, with no peculiar right, with no peculiar knowledge, and with no claim that I can understand, should be superior to us and to the whole inhabitants of New Zealand, and should have the power of preventing us from making any law that the majority of that House does not approve of? Why should we be met by difficulties of that kind? Difficulties which extend not only to the laws which they stop, but to every law that we make; for of every law, almost, that comes before us we hear this said: "What will the other Chamber say of it? We must alter it in such a way. We must make such changes in it in the hope that perhaps they will let it through." And the result is that we make no law which is entirely our own, which represents our own minds, our own wishes, our own aspirations; but we modify it in order to please and to win those who are lords and rulers over us. We cannot but feel that we are not free men, nor do we represent free men, nor can we really make laws such as we think this country ought to have. Well, now we have only to will that we will rise free men—we have only

to pass a law which shall say that henceforth there shall be no second Chamber.

THE PREMIER: He is referring to the old Provincial Councils, is he not?

MR. BATH: The old Councils existed in New Zealand for the separate portions of New Zealand before the federation was accomplished.

THE PREMIER: He was referring to them by way of commendation.

MR. BATH: I am taking the opinion of Sir George Grey, and I accept Sir George Grey, who lived at that time and had a great deal of experience, as a better authority. He says the Provincial Councils did good work.

THE PREMIER: I am judging them by their fruit.

MR. BATH: When Mr. John Ballance came into power he found opposition from the second Chamber as constituted, and the only method available for him to influence that House and make it come more within the wish of the people was to appoint his nominees there so as to pass his legislation through. We have here a House elected on a property franchise. While the members only represent a portion of the country they may say they, having been elected, place their authority and influence in defiance of another place; and we have not the same remedy to our hand which John Ballance had in New Zealand, to appoint nominees to accomplish our purpose. The only way of reforming another place is to express our views here in public. I feel sure, although we pass the Constitution Bill as the Premier has placed it before us providing for a certain amount of reform, we will still have the total abolition of another place cropping up at the general election; and I feel sure if the opinion of the electors of the State is taken, an overwhelming majority will be found in favour of the abolition of another place. I am satisfied this will be one of the burning questions at the next general election. I feel sure members who oppose it now will find themselves in conflict with the views of their constituents when they go before them. I expect it is hopeless for those who do favour the abolition of another place to have such a clause provided in the Constitution Bill, and I suppose it would be hopeless to expect another place to pass it; but I do say that members of this House who are in

favour of such a proposal should lose no opportunity in the discussion of the Bill in giving expression to their views, and that without having any fear that we are offending the susceptibilities of members in another place in so doing. I support the second reading, and if no other member moves an amendment in accordance with the views I have expressed in relation to the abolition of another place, I shall do so.

MR. J. L. NANSON (Murchison) : Referring to this Bill when it was introduced last session, I made a remark to the effect that it was not a measure calculated to excite enthusiasm. I think that remark will hold good of the Bill in the form in which it was introduced this session by the Premier. The only commendation that we can bestow upon the measure is that it reflects very accurately that conservative temper which is at the present time the predominant temper in this Assembly. I can imagine that if some five years ago, when my hon. friend the Premier was in Opposition instead of leading the Government, it had been predicted of him that he would introduce to this House a Bill of this description, he would have indignantly repudiated the suggestion. I do not quite know what is the precise complaint with which the hon. member is afflicted. I think, however, that it may be called ossification of the political tissue, and it would seem to be a complaint that persons assuming office are peculiarly prone to. I can well remember—although at the time I had not the honour of a seat in this House—how the hon. member who now leads the House, some years ago was the hope of the Radical and the progressive party. But if we take his record to-day, if we listen to the speeches and the arguments that he uses, one would say that instead of being the hope of the Radical party, instead of being the hope of the progressive party, he has become the hope, and more than the hope the fulfilled anticipation, of the stern unbending Tories of this House. The Bill is intitled “A Bill to amend the Constitution;” but so little amendment is proposed, so twopenny-halfpenny are the alterations suggested, that it is almost difficult to find where the amendment comes in. It is true that in Clause 51, and a couple of succeeding clauses,

we have a provision for dealing with deadlocks; but that provision is so safeguarded by that magic word “if” that I am very much afraid it will not be availed of. It is a most admirable provision from a lawyer’s point of view. It is an admirable provision with which to arouse debate, no doubt; but when we remember that we have at present and are likely always to have now a paid Legislative Assembly, a House that may not under any circumstances welcome a dissolution, I venture to think that the kind of deadlock which is likely to arise, likely to be of a sufficiently serious nature to be considered to warrant a dissolution, may be regarded as belonging to a state of political society that we are never likely to see in our lifetime.

THE PREMIER: Surely you do not think that payment of members makes members afraid of a dissolution?

MR. NANSON: Unfortunately, members of Parliament are not different from the rest of the human species, and however much members of Parliament may like to risk for the sake of their principles, yet human nature is as strong in their bosoms as in the bosoms of other people. And if we wanted an example of that fact, we have only to look at the Treasury benches, and see how members who now occupy those benches are prepared to sacrifice almost any principles rather than to vacate them and return to what are called the shades of Opposition. It is conceivable that a deadlock of a serious nature might arise between the two Houses where some great constitutional principle was at stake; but as if to provide against Clause 51 being made operative, and in the only instance where it would be likely to become operative, a provision is, we find, specially inserted: “Any Bill by which an alteration may be made in the Constitution Act shall not be within the operation of the foregoing provisions of this section.” That is to say that the Premier limits the operation of this section to measures like one that we had last session prohibiting the smoking of cigarettes by small boys. But when we get a great question, a question not of class legislation; or sentimental legislation, but one affecting the people as a whole, where it is pos-

sible; that there may be a very great or vital conflict of opinion, this clause is not allowed to operate. If members look back into political history, whether of the mother country or of these Australian States, they will find that all the great questions, all the questions that have aroused public opinion almost to boiling pitch, have been questions affecting the Constitution, questions affecting in the highest degree the political rights and privileges of the people.

THE PREMIER: Not questions affecting the Constitution at all. Very few of them have been questions affecting the Constitution.

MR. NANSON: The hon. gentleman is endeavouring to refute this statement?

THE PREMIER: The deadlocks have not been on constitutional reforms.

MR. NANSON: I am glad the hon. gentleman will have an opportunity later on of using all his legal acumen and legal ability to make my arguments look weak; but if we take the greatest political struggle of the last century, the struggle for the passing of the Reform Bill in the United Kingdom in 1830—and there has been no struggle comparable with it since—we shall find that it was a question of alteration of the Constitution. I should be the last to deny that great questions may arise which are not concerned with an alteration of the Constitution. I still, however, at the risk of being annihilated by the Premier at a later stage in this debate, maintain that the most vital questions, the greatest questions that have occupied the political thoughts of a community, are those dealing with the Constitution of the country.

THE PREMIER: May I point out to the hon. member that under this Bill we can deal with the question of the franchise, which would involve a Reform Bill, without amending the Constitution.

MR. NANSON: As the Premier has been discovering something in the Bill, no doubt later on there will be an opportunity of bringing that measure more into consonance with popular feeling. This Clause 51 begins with the word "if." It supposes that the Assembly passes a Bill and the Council rejects it—not a very unfamiliar experience, unfortunately, dur-

ing the life of the present Parliament. Then we have another "if": "if thereafter the Assembly dissolve." That is a very big "if." We have not found the present Government anxious to dissolve Parliament because Bills have been thrown out. It is not a solitary experience; it is not an exceptional experience. The members of the Upper House last session seemed to have been mainly occupied in throwing out the Bills sent to it by this House; and we do not find that on that occasion there was any eager disposition manifested by the Government to dissolve Parliament and appeal to the people. I venture to think that if they had felt secure of the support of the people, if they had felt that they had remained true to those progressive principles which they were put into office to maintain, they would perhaps have been a little more eager to meet the electors than they were. But whatever may be the cause, the fact remains that they showed a not unnatural reluctance to leave the ease of that comfortable Treasury bench and go to the country and battle for their political existence. I think members will find that even when this Clause 51 is passed, there will be the same reluctance so long as those hon. gentlemen occupy the Treasury bench. They have been there sufficiently long to find that those chairs are comfortable, and I do not think they will leave them any sooner than they can help. One would have thought that if the Premier were anxious to avoid deadlocks, he would have adopted a very common-sense and very ordinary suggestion; that is, when a dispute arises between two parties, we should try at the earliest possible moment to bring those two parties together. I should have been perfectly willing to support an amendment of Clause 51, having the "ifs" to which I have referred eliminated from it, and providing that in the event of differences of opinion between the two Houses, the two Houses should come together and endeavour to settle their differences. That might not have been the constitutional course, as some members regard the word "constitutional" very much as that sacred word "Mesopotamia" used to be regarded by other people, that if a thing is not strictly constitutional it should be absolutely tabooed; but we

know that in ordinary life if two bodies cannot agree and they are ordinarily sensible people, they take the earliest opportunity of coming together. And why, in the name of common sense, if there were a desire for the two Houses to adjust their differences in constitutional procedure, did not the Premier provide that in the event of disagreement the two Houses should meet and have the matter at issue decided with the greatest possible despatch? I believe that in nine cases out of ten if that course were followed it would be found that the differences between the two Houses would be very capable of settlement.

MR. STONE: They would be swamped by this House.

MR. NANSON: Undoubtedly they may be swamped by this House, but that is a question I will deal with later on. There was one point of the Premier's speech which I welcomed, and that was with reference to the probable abolition of the Upper House, or perhaps it would less hurt the feelings of members in another place if one referred to the adoption of a single-chamber Constitution. There can be no question—even if those of us who advocate a single-chamber Constitution at the present time are somewhat in advance of current opinion in this House—that sooner or later, and probably sooner rather than later, we are bound to see the triumph of our principles.

MR. ILLINGWORTH: Might not the electors send the same men here? What advantage should we have then?

MR. NANSON: Possibly the electors might send the same men here, but the different franchise on which they were elected might make some difference in the views of those members sent to this Chamber. The only reason for which one can welcome even in a very modified way this Clause 51 to which I have already referred is that at any rate it recognises that in cases of disagreement the two Houses should come together; and once we have recognised that principle, if this House indorse it it goes a long way towards establishing the case of those who believe that a single-chamber Constitution is ample for the State of Western Australia; because if when a dispute arises you are

to bring two Houses together and the difference is to be ultimately settled by a majority vote, then why in the name of all that is sensible should we not have one House sitting permanently to settle all questions that may arise—not only those on which there are differences of opinion, but also those on which there are no differences? I am aware of the difficulties which confront the Government generally in introducing a Bill of this description. There can be no question that if we do embody in the Bill a proposal for a single-chamber Constitution, the measure will not be passed in another place. I am inclined to think, however, that the Government would have done wisely to take at any rate this public and prominent opportunity of testifying to their faith in the single-chamber Constitution, by embodying the principle in the Bill; leaving it for another place to reject the provision, when we could, if necessary, bring the measure into line with the opinion of another place. When last session I spoke on the subject of a single-chamber Constitution, the member for Cue (Mr. Illingworth), who followed me, took exception to my quoting the experience of the Canadian provinces in favour of the single-chamber Constitution. I regret that the hon. member, when dealing with the subject, had not enjoyed the opportunity of fully posting himself in its most recent developments. Unfortunately the sources of information in the library attached to this House are not of the most recent description. In passing, one might mention, for the information of the gentlemen who control the National Public Library, that the sources of information in that institution are little if any better. It is not a little remarkable that the literature regarding the great Dominion of Canada, a subject of special interest to us since we entered federation, should be of so scanty and so inadequate a character.

THE PREMIER: You should mention that to the Library Committee.

MR. NANSON: I mention it merely in passing; I throw out a hint in the hope that the Premier may save me some trouble. The mistakes made by the member for Cue in dealing with the subject arose from the fact that he quoted from a little handbook written 15 years

ago. Canada, unfortunately for the accuracy of the hon. member's facts, has not stood still during that period of 15 years. In Canada, as in Australia, 15 years have produced a good many developments. The hon. member told us, for example, that the majority of the Canadian States enjoy two-chamber Constitutions. The statement was perfectly true at the time when the authority quoted by the hon. member was writing, that is to say in 1888; but at this day, out of seven States forming the Canadian Federation only two do not enjoy a single-chamber Constitution. I am perfectly aware of all the so-called weighty constitutional objections which can be brought to bear against the adoption of a single-chamber Constitution. We have that most eminent conservative gentleman who wrote a book on Constitutional Government in these States, Mr. Alpheus Todd, telling us that it is necessary in these democratic communities to have two Chambers. With a candour delicious to my mind, he tells us that it is necessary to have a counterpoise to the democratic tendencies of the popular and more powerful Assemblies. In other words, it is necessary in a democratic community—a community in which by a pleasing fiction it is assumed that the majority rule—to have a body which shall prevent the majority from ruling. [MEMBER: From misruling.] Then we are also told that the existence of an Upper House affords some protection against hasty and ill-considered legislation. Undoubtedly our Upper House has thrown out some Bills which may have been hasty and ill-considered; but I have not yet found that so long as the Lower House remains obdurate in support of legislation of the first importance, that legislation has not been ultimately passed, no matter what the Upper House might do. Any measures of the first importance which have been passed by the Lower House and rejected by the Upper House have ultimately always been passed by the Upper Chamber. It is true that some small and trifling measures may have been rejected through the insistence of the Upper Chamber—some little matters of not very vital importance.

THE PREMIER: Like the Factories Bill.

MR. NANSON: Like the Premier's anti-cigarette legislation.

THE PREMIER: Keep to the Factories Bill.

MR. NANSON: I will take the Factories Bill, the Premier's own instance. I have listened to his interjections, though he does not listen to mine. Let us suppose, for the sake of argument, that the Factories Bill, which the hon. member introduced last session, was all that political wisdom could desire. [THE PREMIER: Hear, hear.] Does the hon. gentleman or does any hon. member maintain that the existence of an Upper Chamber will prevent that legislation from becoming law? All the Upper Chamber can do is to hold legislation back for a time, and so to irritate, but not to serve any other purpose.

THE PREMIER: That was what you urged in favour of the existence of an Upper House—delay for farther consideration.

MR. NANSON: The hon. gentleman is perfectly accurate.

THE PREMIER: You ought not to be ungrateful, you know, to the House which followed your advice.

MR. NANSON: I am glad to observe that the hon. gentleman occasionally shows political wisdom. What I would suggest in regard to this particular Bill, however, is that if there had been no other place to send it to, members of this House would have shown a greater sense of responsibility, and certain members who cannot by the wildest stretch of imagination be regarded as Radicals would not have been found again and again at the behest of the Government trooping into the Ministerial lobby, not because they had taken the trouble to understand the clause which was being divided on, not because they agreed with the clause, but simply because they wanted to save the face of the Government, knowing perfectly well that when the Bill was sent elsewhere the clause would be rejected. The argument which the Premier has attempted to throw in my face is one of the strongest arguments that can be used in support of the abolition of the Upper House. The argument to which I refer is this. The abolition of the Upper Chamber would imbue members of this House with a far greater sense of their political responsibility, and legislation here would be infinitely better considered. I do not altogether despair

of yet being able to convert the Premier himself. I believe that if we had in this country a single-chamber Constitution, we should wean the Premier from the error of his ways; that we should not find him at the beginning of the session bringing down to this House a huge programme of legislation, a programme which it is utterly impossible for this Chamber to digest. Why is it that ill-considered and hasty legislation sometimes leaves this House and goes to another place, there to be incontinently consigned to the political dust-heap? The only reason is that we are so gorged, so satiated with legislation that we cannot find opportunity for thoroughly mastering and thoroughly examining that legislation. The Premier, as he gets on in political years, will learn the virtue of moderation. If he will but learn that the legislative digestion of the House is limited, and will confine us to a reasonable amount of legislation each session, not subjecting us to an inordinate amount, he will never have cause to complain of hasty and ill-considered legislation going from this House to another place.

THE PREMIER: I cannot prescribe for political dyspeptics, you know.

MR. NANSON: I can but regard the extravagant appetite of the hon. gentleman for legislation as the very worst symptom of that political dyspepsia of which he complains in others. One argument in opposition used by hon. members whenever the adoption of a single-chamber constitution is urged and the case of Canada is cited, is that the circumstances of Canada are not at all analogous to our own. We are told that the Australian States are sovereign States, and that the Canadian States are not sovereign States but little more than provinces. If, however, one compares the status of the Canadian provinces with the status of our own States, one finds that although there are differences, yet when the whole thing is boiled down, where differences do exist they are of a minute and trivial character so far as the argument which I am labouring is affected. One statement frequently made is that the Dominion Government has extensive powers of veto. I am not quite sure, but I fancy that statement was made by the member for Cue in dealing with the matter last

session. Would it surprise hon. members to learn that the powers of veto enjoyed by the Governor General of Canada in regard to the legislation of the provinces is precisely the same, in every jot and particular, as the power of veto at present enjoyed by the Imperial Government over legislation passed by this House, over legislation passed by the Parliament of any other State of Australia? In case it be thought that the Governor General-in-Council of Canada is mainly occupied in rejecting and vetoing legislation of the provincial Parliaments, I may point out to hon. members that out of 8,000 Acts passed by the provincial Parliaments of Canada only 40 have been vetoed by the Governor General.

THE PREMIER: Eight thousand Acts have been passed by seven Parliaments?

MR. NANSON: Yes; but those Acts extend over a long series of years. Very probably the provincial Parliaments of Canada contain some members like the hon. gentleman. I am sorry to have to furnish him with precedents, because he does not need precedents of the kind. The fact remains, however, that the seven provincial Parliaments during a period of 15 or 20 years passed 8,000 Acts, and that out of those 8,000 Acts only 40 were vetoed. If one looks to the character of the measures vetoed, it is found that almost without exception they were Acts of a purely private nature dealing with the rights of private individuals. In the rare exceptions when they did affect great questions of public policy, they were vetoed by the Governor General of Canada only because the policy of the provinces, as expressed in such Acts, was in direct conflict with that of the Dominion Government. I can hardly expect hon. members to regard me as an authority on this question of constitutional law. The member for West Perth (Mr. Moran), who is absent, is regarded as the constitutional authority on this side of the House, just as the Premier and the member for Cue are on the other side. However, there are numbers of authorities which I might quote in support of my contention, were I not afraid of wearying hon. members. I shall quote merely one from a *Manual of the Constitutional History of Canada*, a little book which was quoted by the member for Cue (Mr.

Illingworth), and which I am, therefore, particularly pleased to bring forward this evening. The manual states:—

As regards the Dominion Government's power of disallowance, it has been laid down that the course of local legislation should be interfered with as little as possible, and the power of disallowance exercised with great caution, and only in cases where the law and generally the interests of the Dominion imperatively demand it.

MR. ILLINGWORTH: Remember, the Houses there have very limited powers.

MR. NANSON: I am coming to that point, and the hon. member will be surprised to find how very wide are those powers. I can understand his remark, because he said last session, when comparing the States of Australia with the provinces of Canada, that the positions were not equal, because the provinces have not now to legislate on questions upon which our own State has to legislate. (*Hansard*, Vol. 22, page 1917.) Let us see how far that little statement will bear investigation. Any handbook will show that the Canadian provinces have an exclusive power of legislation in regard to a great number of matters. First, the amendment of the Constitution Act: That is a very big order to begin with. They have precisely the same power to amend their State Constitutions as we have, with the one exception that they may not interfere with the status of their Governors; and as they have already locally-elected Governors instead of Governors appointed by the Imperial authorities, I do not think the Canadian people are very anxious to have that power.

MR. FOULKES: The Governors are appointed by the Dominion Government.

MR. NANSON: Yes; they are appointed for Canadians by Canadians, which is the point I have been contending for on this and other occasions. The provincial Parliaments have power in regard to direct taxation also. They can also legislate in order to raise loans for the provinces, in regard to the State civil service, the lands, the municipal institutions, the licensing law—the whole of the drink question for instance, the incorporation of companies, matrimonial causes—all the marriage laws; and I believe, though I am open to correction, that as regards the marriage laws, they have, if not more, certainly as much

power as we have, and almost an undesirable power, because we all admit it is desirable to have one uniform marriage law throughout the Federation. They can legislate with regard to property and civil rights within the province, the administration of justice, public works, and matters of a local or a private nature in the province. And yet the member for Cue (Mr. Illingworth), in the innocence of his heart, told us last session that the positions were not equal, because those provinces have not now to legislate on questions concerning which our own State can legislate. [MR. ILLINGWORTH: It is true all the same.] I regret that I followed the hon. member this evening; for if I had not, he could have enlightened us as to what powers are left this State which are not already enjoyed by the Canadian provincial Parliaments. The hon. member says in a somewhat low tone of voice that I advisedly spoke after him. I deny the soft impeachment; but he will have another opportunity of telling us, and a man of his experience will not lack an opportunity of getting even with me if he desires to do so. Well, having established, as I think I may claim to have established, that in all essential respects the power of the provincial Parliaments of Canada is equal to if not co-ordinate with that of the State Parliaments of Australia, I now ask members to examine what has been the effect in Canada of the abolition of the dual-chamber Constitution. As I have already pointed out, the dual-chamber Constitution has been abolished in five provinces out of the seven; and that abolition is not of yesterday: it was effected some considerable time ago, and we should therefore have heard had it been attended with evil results. It is not for me to show that no evil results have followed the adoption of the single-chamber Constitution in Canada. I have diligently sought to ascertain, before I made up my mind on this subject, whether any evil results have followed; and I have been utterly unable to find any opinion which carries any weight at all showing that the revolutionary, the disastrous consequences predicted by some people have followed in the case of the Canadian provinces. In a matter of this kind I think we are justified in arguing by analogy. The Canadian people are in all

essentials the same as our own people. The provinces in which the Upper Chambers have been abolished are the most democratic provinces in the Canadian Dominion. The people are quite as vigorously and furiously democratic as those of Australia; they are quite as intelligent—

**THE PREMIER:** Tell me the acts by which they have denoted their democracy.

**MR. NANSON:** They take quite as close an interest in politics; and if the Premier wishes to learn something about the political characteristics of the Canadian people, I would refer him to the book by Professor Goldwin Smith, himself a very eminent radical, in which he discusses the political characteristics of the Canadians.

**THE PREMIER:** I wish you to save me the trouble of reading it.

**MR. NANSON:** I had some extracts, but not expecting to speak to-night I am not able to put my hand on them; therefore I cannot read them here. But if the Premier will take my word for it now, he will find that Goldwin Smith, in the work to which I refer, strongly emphasises the democratic spirit of the Canadians. The very words he uses would apply in the most minute detail to the people of Australia; and I have yet to learn that there is such a distinction between the two peoples, that the democracy of Canada is more pliable or less flighty than the democracy of Australia. The Premier may be unwilling to trust the democracy of Australia. Well, I do not envy him if that be his frame of mind. Personally, I believe the political intelligence of the people of this country is quite as high as that of the people in any of the provinces of Canada; and I think it is a perfectly fair assertion and sound argument that if the experiment has answered, as it has answered admirably, in the Canadian provinces, we are entitled to assume that it would answer equally well in Western Australia. There is one other point I should like to refer to before I resume my seat, and it gives me pleasure to do so because in regard to it I am to some extent in agreement with the leader of the Government. I refer to Clause 49, which provides that any responsible Minister of the Crown may,

with the permission of the other House, address the members of that House even if he be not a member of it himself. I believe the member for Cue (Mr. Illingworth) has pointed out in the course of a very learned constitutional argument that this is a terrible blow aimed at the Constitution, that some of our most cherished institutions will totter and fall if these revolutionary designs of the Premier are allowed to be effected. My only regret is that in this Bill the Premier is not a little more revolutionary. But for once he has decided—it is only a small matter—for once he has made what is to a lawyer the great sacrifice of wrenching himself away from precedent, and has struck out a line almost of his own, because the experiment is, comparatively speaking, novel. It was followed elsewhere some centuries ago, but that has doubtless been long since forgotten, and it has recently been tried in Cape Colony. It seems to me to be a commonplace expedient, and I think we may well go farther, as was suggested by the leader of the Opposition, and give the same power to any member, so long as the House to which he does not belong wishes to listen to what he has to say in regard to a Bill. However, I do not anticipate that the provision will be very widely availed of. I am inclined to think that members in another place prefer to listen to their own eloquence instead of importing eloquence from this House. In that respect, whatever may be their fiscal views, they are very strict protectionists; and they consider their own political intelligence quite sufficiently keen not to need instruction from members of this House. However, we must make this Bill something like an amendment of the Constitution. [General laughter.] One can remember the enthusiastic beating of the political tom-toms—if I may again use a somewhat worn-out metaphor—one can remember the excitement and the fervour with which the amendment of the Constitution was advocated on the hustings some two years ago; but none of us, not even the most case-hardened politician among us, can go back to his constituents and say, “See here, we have carried out some of our pledges; we have brought you back an amendment of the Constitution.” I do not envy the member who makes that statement, for he will be subjected to the heckling of a

particularly intelligent constituency, because it will puzzle him very much to show how by the new Act the Constitution is amended—that is, by the time this Bill is finally passed. Certainly two seats will probably have been knocked off in the Assembly: I believe my own is to be one of them, and I endeavour to contemplate the prospect with resignation. The seat of the member on my right (Mr. Hassell) is also to be slaughtered, and we are two of the most inoffensive and most useful members of the House. However, we can feel at least a glow of satisfaction at the thought that if we are slaughtered, we enable other members to go before their constituents and show that the Constitution has been “amended”—that they have got rid of the unspeakable Nanson and the little-speaking Hassell. As to other amendments, we shall have given the Legislative Council a privilege which they do not intend to use, and would not use on any account, and have made a provision against deadlocks of which this House is equally determined it will not avail itself. That is the sum total of the democratic ideas embodied in the Bill. The members of the Government have changed and altered by experience of office. Why, what a disappointment for the country, what a disappointment to the political well-wishers of those gentlemen, when we consider the ardour with which they expressed their views some two years ago on the hustings! What a falling off is there in this Bill now submitted! True, an attack is made on the Upper House; an attempt to lop off some of its members; and with that we are all, of course, in sympathy. It is easy to reform the other place, even if we cannot do much to reform ourselves. But no one supposes that the Upper House will prove very amenable to our arguments when we show so little disposition to reform ourselves; and I do not know what are the Premier’s feelings on this point, but personally I cannot honestly say that I feel very sanguine that the portions of the Bill dealing with another place are likely to be passed. If they are not passed, of course we know exactly what we have to do. We cannot go before the electors again saying that after three years the cause of constitutional reform

stands exactly where it did when we were advocating it some three years ago. Even if we have done substantially nothing, even if the whole three sessions so far as that particular question is concerned have been wasted, we must go to the country with the shadow, with the simulacrum of a Bill, even if there be nothing in the pages of that Bill worth fighting for or contending for. Therefore, while it must be a source of disappointment to some members to feel that this Parliament which was to accomplish so much has accomplished so little, I venture to think that at least some of us can acquit ourselves from blame. The major portion of the blame for so little having been done lies with those who occupy the Government benches. If last session they had introduced their Constitution Amendment Bill at an earlier stage, if they had not cumbered their programme with a great deal of other legislation for which the country was not crying, if they had made reform of the Constitution the one vital question, the question on which they were prepared to stake their political existence, the question upon which they are prepared to go to the electors, members of this House would not be in the humiliating position in which they find themselves to-day. The major portion of the blame belongs to the Government, and some portion, a very large portion, unfortunately belongs to the members opposite who on every occasion supported the Government, and have not demanded in this case that the Government should carry out their pledges and the mandate of the people by whom they were returned to Parliament. Is there any member in the House, when he looks at the Bill and the trivial nature of the amendments to the Constitution, will say that in carrying the measure we are carrying out the mandate delivered to us by the electors? All that members can do under the unfortunate circumstances is to show what we individually have done, to show whether individually we have done our best to carry out the mandate of the people; and I must confess I am most curious to learn how those members who have supported the Government through thick and thin will explain their actions when they have to go before the electors with this niggardly result of the amendment to the

Constitution only in name, and which does not advance in one jot or tittle the cause of constitutional reform.

**THE PREMIER** (in reply): I just want to say a few words to answer the question put by the member for the Murchison, when he asks what will happen at the approaching general election when those who supported the Government are asked to explain the attitude they have taken up in supporting this Bill. I want to answer the member so that the electors will know what the hon. member advocated last year and what we advocate now. I am now dealing with the hon. member as reported in *Hansard*. [**MR. THOMAS**: I think the Premier had better drop *Hansard*.] I particularly desire to see these observations as recorded side by side with what has just been said, because last year the leader of the Opposition took up such an extreme attitude that if he could find a stone to throw at the Government, he would throw it, and he was not particular what size of stone it was. Some of the stones were pretty large, and sometimes he picked up mud also. In reply to the observations this evening of the hon. member, I cannot do better than use the hon. member's own words. Last session he said:—

I am glad to be able to congratulate Ministers, in no grudging manner, on having introduced a Bill which to my mind has been conceived in no party spirit, but has been drawn, generally speaking, on broad lines, and discloses in almost every word and sentence a desire to render equal justice to every one of the great interests of the State, and to maintain the balance even between those conflicting interests—conflicting at least in some respects—which go to make up the sum total of every community.

I desire no more eloquent words than those with which to justify the Bill which the hon. member just now so severely attacked.

Question put and passed.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at 9:20 o'clock, until the next day.

## Legislative Assembly,

Thursday, 6th August, 1903.

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**THE SPEAKER** took the Chair at 4:30 o'clock, p.m.

#### PRAYERS.

#### ADDRESS-IN-REPLY—PRESENTATION.

At 25 minutes to 5 o'clock **MR. SPEAKER**, accompanied by hon. members, proceeded to Government House to present the Address-in-Reply to the opening Speech of His Excellency; and having returned, **MR. SPEAKER** reported that:

His Excellency had been pleased to reply as follows:—

**MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—**

I thank you for your Address-in-Reply to the Speech with which I opened Parliament, and for your expression of loyalty to our Most Gracious Sovereign.

**FRED. G. D. BEDFORD,**  
Government House, Governor.  
Perth, 6th August, 1903.

#### MR. SPEAKER AND THE ASSEMBLY.

**THE SPEAKER**: With the permission of the House, I wish to express to hon. members my great thanks for the kind and considerate manner in which so many of them have spoken of my restoration to health, and my reoccupation of the Chair of this Assembly. I can only say that I deeply feel the remarks made, and that they will be an additional incentive, if possible, to me to preside over this House as long as my health may enable me to do so. (General applause.)

#### INQUIRY, AUDIT MATTERS.

##### SELECT COMMITTEE'S REPORT.

**HON. WALTER H. JAMES** brought up the report of the Select Committee.