

New Schedule :

The MINISTER FOR WORKS moved that a schedule be inserted defining the Metropolitan Sewerage and Drainage Area.

New Schedule—agreed to.

Title—agreed to.

Bill reported with amendments, the report adopted.

Third Reading.

Read a third time and transmitted to the Legislative Council.

ADJOURNMENT—PROROGATION ARRANGEMENTS.

The PREMIER moved—

That the House at its rising adjourn to 10.30 a.m.

Question passed.

House adjourned at 6.33 a.m. (Saturday).

Legislative Council,

Saturday, 6th February, 1909.

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The PRESIDENT took the Chair at 10.30 a.m., and read prayers.

PAPER PRESENTED.

By the Colonial Secretary: By-law, Fire Brigades Act.

BILL—LIMITED PARTNERSHIPS.

In Committee.

Bill passed through Committee without debate. Reported.

Hon. E. M. CLARKE: In Clause 2 was it not necessary to alter the date on which the Bill should come into force? The clause provided that it should come into force on the 1st January.

The CHAIRMAN: That question cannot be considered now.

The COLONIAL SECRETARY: We might recommit the Bill to alter the date.

Bill reported without amendment; the report adopted.

Recommittal.

On motion by Hon. M. L. Moss, Bill re-committed for further consideration.

Clause 2—Commencement.

On motion by the Colonial Secretary, in line 1 the word "January" was struck out and "May" inserted in lieu.

Bill further reported; the report adopted.

Third Reading.

Read a third time and returned to the Assembly with an amendment.

BILL—APPROPRIATION.

All Stages.

Received from the Legislative Assembly and read a first time.

(Sitting suspended from 10.45 to 11 a.m.)

Second Reading, Postponement.

The COLONIAL SECRETARY moved—

That the second reading be postponed until after the consideration of the Legislative Assembly's Message transmitting the Metropolitan Sewerage and Drainage Bill.

He did this because the Metropolitan Sewerage and Drainage (Temporary) Bill was a new measure. He intended to move the second reading of that measure, and then further postpone it until after the consideration of the Appropriation Bill. This would give members the opportunity to consider it.

Hon. J. W. KIRWAN desired to make a few remarks that might be of assistance to the Chamber, and also to another place, and perhaps to the Government. When the second reading of the Appropriation Bill came before us, he intended to ask whether any reply had been received to a Message sent from this Chamber on the 16th of December. The Appropriation Bill had reference to the matter concerning which a Message had been sent asking the concurrence of the Assembly in the proposal that the consideration of the Fremantle dock should be postponed; and in accordance with the ruling the President had given that it was necessary that replies should be received to Messages sent to the other Chamber before the matters contained in them could be dealt with in the Council. He intended to move an amendment in the event of the Colonial Secretary bringing forward the Appropriation Bill without our having previously received a Message in reply to ours.

The PRESIDENT: The hon. member was not in order now in introducing that phase of the question. The House was simply dealing with the arrangement of the business to be placed before it.

Hon. J. W. KIRWAN: Possibly if he explained this matter it might prevent delay. He desired, if the House would grant him the indulgence, to make a short statement.

The PRESIDENT: Is it the pleasure of the House that the hon. member proceeds with his statement now?

Leave granted.

Hon. J. W. KIRWAN: It was pleasing the House allowed him to make a statement, because it was a matter virtually affecting the privileges of the House and he did not wish to be accused, in any way of subsequently detaining the other branch of the Legislature when he took a stand in this matter that he was sure every member of the Chamber would support him in. When a Message was sent from this Chamber it claimed respect.

The COLONIAL SECRETARY: No good could be served by the hon. member discussing this matter.

Hon. J. W. Kirwan: It will save time later.

The COLONIAL SECRETARY: It would not, because the Assembly stood adjourned until noon and a Message, if not already sent, could not be sent until then; and if the hon. member intended to discuss the Appropriation Bill, the same discussion would come on again when we reached the Bill.

Hon. J. W. KIRWAN: The House might allow him to intimate that if the Bill came without a Message from the other Chamber with regard to our motion as to the Fremantle dock, he intended to move the following amendment:

"That in view of the following facts (1) that a Message was sent from this House on the 16th December asking for the concurrence of the Legislative Assembly in a resolution of this Chamber, that the further construction of the Fremantle dock be postponed, and (2) that the Bill now before the House intimates that it is the intention of the Government to proceed with the work notwithstanding that no reply has been received to the Council's Message, either announcing the Legislative Assembly's concurrence or stating reasons for not concurring, or for declining to entertain the Message sent by this House, that this House is of opinion that the further consideration of this Bill should be postponed pending the receipt of the reply to the Council's Message."

The reason he announced this was to give the other Chamber and the Government an opportunity of sending a reply to the Message sent from this House before the Bill was considered by this Chamber. He intimated this in order to save time.

Motion put and passed; Order postponed.

Second Reading.

At a later stage—

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: It will not be necessary for me to speak at any length on the second reading; nor is it at all usual on the Appropriation Bill for the Minister in this House to make any lengthy remarks. Hon. members, of course, had

the full information in regard to the finances when the Treasurer delivered his Budget speech a few months ago. This is the usual Bill appropriating the revenue for the year and hon. members will get details as to how the expenditure is distributed by looking at the Estimates of expenditure for the year ending the 30th June, 1909.

Hon. W. Kingsmill: What about the Loan Estimates?

The COLONIAL SECRETARY: They are all there. The first portion of this Bill deals with the revenue for the current year. Schedule B sets out exactly how that revenue is to be expended. For more detailed information in regard to the departments hon. members will turn to the Estimates. Schedule D deals with the Loan Appropriation up to the end of this financial year. I do not know that at this stage it is necessary for me to say anything further. It has never been the custom of this House during my membership for a set speech to be made on the second reading. Any further information that may be required I will be pleased to give in Committee. I move—

That the Bill be now read a second time.

Hon. J. W. HACKETT: I second the motion.

Hon. J. W. KIRWAN (South): I have no desire to make a speech on the second reading of this Bill, but there is a matter I wish to bring forward. It affects the privileges of this House, and I am sure I will have the concurrence of every member of this Chamber in my attitude, more especially in view of a recent action taken in the Legislative Assembly. This Bill I understand—there have been so many money Bills before the Chamber this morning, that it is rather difficult to know which is which—this Bill is to apply a sum out of Consolidated Revenue Fund, and from moneys to the credit of the Trust Fund and the General Loan Fund to the services of the year; and that one of the schedules to this Bill contains the details of the estimated expenditure from General Loan Fund. I wish to point out in connection with

this matter that on the 16th December this House passed a resolution. I do not wish to discuss the merits of that resolution here. I do not wish for one moment to say whether the majority of this House were right or wrong in that matter. I think that in here considering this matter, the wisdom of passing the resolution has nothing whatever to do with the question. The resolution expressed the opinion that the construction of the Fremantle dock ought to be postponed, and that resolution was sent to the Legislative Assembly asking for the concurrence of that Chamber. Now, I understand that no reply has been received to that message. The position has been rendered all the more important in view of what took place in connection with the Health Bill only a short time ago. And it is rendered doubly important by reason of the very weighty opinion expressed by you, sir, as President of this Chamber—an opinion that I am sure is endorsed by every member of this Chamber; an opinion indeed that was endorsed by the Leader of the House inasmuch as he adopted a certain course for no other reason than to have the position of this House asserted. It will be remembered that a Bill was sent from this Chamber dealing with an amendment to the Health Act, and that a message accompanied this Bill. No reply was received to that message, but another Bill was sent down. You, as President of this Chamber, on that occasion took a stand that I am sure every hon. member must admire. What you said was this: "It appears to me that if this hon. House sends a message to the Legislative Assembly asking for concurrence in any Bill, motion or resolution, this House has a right to expect of the Legislative Assembly a reply to such message, either announcing their concurrence or giving their reasons for non-concurrence, or, as in this particular case, for declining to entertain the Bill, motion or resolution sent by this House." If my memory serves me right, you went on to say that, otherwise it would be open for the Assembly to treat every message from this House with contempt, and by ordering the discharge of the measure

from the Notice Paper, to prevent all discussion thereon.

The Colonial Secretary: It is done every session.

Hon. J. W. KIRWAN: I can understand it where Bills are crowded out; but this is a totally different case. The Assembly have acted in direct opposition to this Chamber, and have not favoured the Chamber with a reply. Furthermore, as the Assembly is now in session, I took occasion this morning, with the indulgence of this House, to point out what I was going to do. I was hoping that a Message might have been sent down. We know what the reply would be. But this is not the point for I do not wish to discuss the merits of the resolution at all; but I claim that this House has certain rights and privileges and I think most members in this Chamber know my position. I claim this House has certain rights and privileges, and though most members of this Chamber know that my views regarding the Legislative Council may not be in accordance with those of the majority, still I say that if these rights and privileges are to be infringed they should be dealt with in a constitutional way. I object to another branch of the Legislature abrogating to itself rights that should belong to the people. If the Chamber is to be deprived of its usefulness let it be done in a constitutional way, and that is a totally different question, but I strongly object to its being done in this way. If we are to pass resolutions and are not to receive the courtesy of a reply, but have sent to us a proposal of this kind in direct defiance of our request, then if we are to submit to that kind of thing I am inclined to agree with the remarks made by members of this Chamber and others that the sooner the Chamber is abolished the better.

The PRESIDENT: Perhaps the hon. member will put himself in order. The question before the House is "that the Bill be now read a second time."

Hon. J. W. KIRWAN: I purpose concluding by proposing an amendment embodying the exact words of the ruling given by you the other day. A gentleman has been extremely kind to put the

matter in what he considers the better form, but I prefer to adhere to my original proposal, because it embodies the exact terms expressed by you to the Chamber and agreed to by the Leader of the House. The proposal I shall make is, perhaps, rather involved. I propose this amendment:

That in view of the following facts —1, that a Message was sent from this House on the 16th December asking for the concurrence of the Legislative Assembly in a resolution of this Chamber, that the further construction of the Fremantle dock be postponed, and 2, that a Bill now before the House intimates that it is the intention of the Government to proceed with the work notwithstanding that no reply has been received to the Council's Message, either announcing the Legislative Assembly's concurrence or stating reasons for not concurring or for declining to entertain the Message sent by this House, that this House is of opinion that the further consideration of this Bill should be postponed pending the receipt of the reply to the Council's Message.

Hon. J. W. HACKETT: Is that a motion for an adjournment?

Hon. J. W. KIRWAN: No, because it contains statements other than the simple motion for adjournment, and consequently it can be discussed. However, what I intended to point out is this. If the Council pass this amendment I do not see that it need delay the sitting of Parliament for more than perhaps a few minutes. Everyone knows the opinion the absolute majority of the Legislative Assembly have on this particular question.

The Colonial Secretary: Is there not likely to be a long discussion on it?

Hon. J. W. KIRWAN: I do not think so; but that has nothing to do with it; it is a question that affects the rights of this Chamber. I was going to say that in all probability it would take only a few minutes, but if it takes a few months, or a few years, I still maintain that we had better shut up this House and not go on with any of our business if we do not insist on our rights, the ordinary courtesy that the Assembly should say whether

they agree to, or disagree to, or decline to discuss our resolution. If it provokes long discussion, what is that? It affects the rights of the House, a question on which the House took a strong attitude a week ago, and a stand in which the Leader of the House concurred.

The Colonial Secretary: How?

Hon. J. W. KIRWAN: You agreed to the motion for adjournment, and that is all I ask on this occasion. I am sure members, whether they favoured the former resolution we passed or not, will agree with me on this particular question.

Point of Order.

Hon. M. L. Moss: I rise to a point of order. According to Standing Order 410 a debate may be adjourned to a later hour on the same day, or to any other day, which means that such a motion as the hon. member has moved must stipulate precisely the hour to which it is moved or some subsequent day. There has been a great deal of latitude given to the hon. member. The hon. member has made a speech on a motion for adjournment that he has no right to make.

The President: If the hon. member rises to a point of order I would like to hear him.

Hon. M. L. Moss: It does not need much discussion. The effect of the hon. member's speech is that he wants this matter adjourned, and in doing that he must stipulate the hour to which the adjournment is made, and must do it without making a speech. He has made a long speech on the question and is entirely out of order.

Mr. Kirwan: Sir—

The President: I have to reply to Mr. Moss's point of order first.

Mr. Kirwan: Sir, would you permit me to point out in reply to what Mr. Moss has said—

The President: You can make a short statement in reply.

Mr. Kirwan: I think the Standing Order contains a different interpretation. I may also point out, as I have already pointed out, that this is not a mere motion for an adjournment, but contains statements which go further than a mere motion for adjournment.

The President: In reply to Mr. Moss I draw attention to Standing Order 186 which, dealing with the second reading, says that no other amendment, except the ones before specified, may be moved to such question except in the form of a resolution strictly relevant to the Bill. I rule this is strictly relevant to the Bill.

Hon. J. W. Hackett: Can the hon. member move the adjournment after speaking?

The President: No. Some other member must move the adjournment.

Hon. M. L. Moss: That is just what the hon. member did.

Hon. J. W. Kirwan: I simply mentioned what my proposal was.

The President: I think the hon. member was rather lengthy, but I took it simply as an amendment. The House previously gave the hon. member indulgence and I allowed him to make a very lengthy speech, but I think it would be better for someone else to move the adjournment. Such motion is not open to debate.

Hon. J. W. Kirwan: With all due respect to you, sir, I hope you will pardon me for expressing the opinion that it is rather a novel procedure in Parliament for the President to express an opinion concerning the length of a speech. Of course as to the relevancy of the speech or not, that is another matter, and possibly that is what you referred to when you were speaking of the length of my speech. I am quite confident that with your knowledge of parliamentary procedure and practice you would be the last to intentionally curtail the length of my speech on any subject so long as it is relevant to the subject before the House; and I express my regret if I have been irrelevant and can only say it arose out of a desire to uphold the rights and privileges of this Chamber. Notice of my amendment was given on the only opportunity I had. I went out of my way to give notice of this matter, and I sincerely trusted the Government would see their way to the mere formal matter of acknowledging our request, and would have in the meantime passed it through the Legislative Assembly. After what was done by us only a

few days ago when we agreed to the adjournment of a debate, and after the strong stand taken by you, sir, in that matter, the Government saw the error of their ways, of their discourtesy and want of tact towards this Chamber.

The Colonial Secretary: On a point of order. Do I understand the hon. member is moving a motion for the adjournment? If so, he is making a speech, and if he is allowed to make a speech will other members be enabled to make a reply, or will the motion be put without anybody else speaking?

Hon. J. W. Kirwan: Can I say a few words?

The President: Will the hon. member be seated? I take it the hon. member is not moving the adjournment of the debate but is moving an amendment to the second reading under Standing Order 186. This is open to debate.

Hon. M. L. Moss: Have you the amendment?

The President: Yes.

Hon. M. L. Moss: Will you kindly read it?

The President: Will anyone second this amendment?

Hon. J. W. Kirwan: Will you excuse me, I have not finished my speech.

Hon. M. L. Moss: On a point of order. Would you be good enough to read the proposed amendment, and if it is relevant I will say nothing, but if it is irrelevant I am going to ask you to rule it out.

The President: read the amendment.

Hon. M. L. Moss: I submit that is not relevant to the question for this reason, that under Standing Order 185 it is provided that an amendment may be moved to the question by leaving out "now" and adding "this day six months." Then Standing Order 186 states that no other amendment may be moved to such a question except in the form of a resolution strictly relevant to the Bill. It cannot be relevant to the Bill to do what the hon. member proposes. The only way to shelve this Bill is to move as provided in Standing Order 185, either that the previous question be put or that the Bill be read six months hence. If this is not done the hon. member must vote against the Bill.

Whoever heard of an amendment of that kind being moved?

Hon. J. W. Kirwan: Where is the irrelevancy?

Hon. M. L. Moss: It does not say as it should say, this day six months. It is the only way to do it, otherwise, as I have said, the hon. member must vote against the Bill. Has anyone ever heard of such a thing as the hon. member proposes?

The President: I have ruled that the amendment is relevant to the Bill.

Hon. M. L. Moss: I bow to your ruling, Mr. President; I do not want to move that it be disagreed with.

Hon. J. W. Kirwan: I have only a few words to add.

The President: The hon. member has made his speech and moved his amendment.

Hon. J. W. Kirwan: But, Mr. President, I had not finished when I was interrupted.

The President: I thought the hon member had finished. He may now proceed.

Debate resumed.

Hon. J. W. KIRWAN: I must thank you, sir, for overlooking the misunderstanding. I wish to point out that it is rather unfortunate that this matter should have arisen in connection with the motion in which I have been personally concerned. It is a most unfortunate thing indeed, because it might be thought by some members of this House that it is for that reason that I have taken this action. I would point out that it is not so. It was a motion of this Chamber which was sent to the Legislative Assembly. After it leaves this Chamber it ceases to belong to a private member; it is in exactly the same position as a motion of the Government, and as such, I take it, this House will maintain the position which you, sir, with such dignity took up the other day in connection with the Health Bill, a position which was recognised by the House which supported it. If we do not take a similar stand on this point this will be taken as a precedent. What happens to one member may happen to anyone. It is a case for the whole House, and I look with confidence and with hope to the

members, irrespectively of what views they may have on the subject of the original resolution; I say I look with confidence for their support in maintaining the stand I have taken in the interests of the rights and privileges of this House.

Hon. M. L. MOSS (West): The amendment moved by the hon. member clearly indicates exactly what the effect of passing it will be, the shelving of the Loan Bill. It does not say that it shall be postponed for one or two hours or to Monday or Tuesday but it means postponing it to some indefinite period; that is to say, if the Notice Paper of another place is in such a congested condition that the matter cannot be considered during the present session of Parliament no Loan Bill can be passed. Will hon. members say that is not what Mr. Kirwan is attempting to do? I stated when the hon. member moved the resolution about which no answer has been received from another place, that the Legislative Council was attempting to dictate to another place as to the works policy of the Government. No self-respecting Government would permit this Chamber to dictate as to what works should be undertaken. When we know that by more than an absolute majority in another place that this work has been passed—

Hon. A. C. Jenkins: How do we know?

Hon. M. L. MOSS: The hon. member has probably read this morning's *West Australian*, but perhaps the hon. member does not read that journal. My point is this. This House has brought this trouble upon itself. The Government went to the country some few months ago and made this, and certain other works part of their works policy, and they were returned to Parliament with a majority to carry out their programme.

Hon. J. W. Kirwan: That is not the point. The point is that this House has been treated with contempt.

Hon. M. L. MOSS: If the House had been true to itself and not asked for this snub and slap in the face they would not have received it. I can well tell the hon. member what I told him before, and I tell him so again, that he has brought all this trouble upon the House. The House has interfered with something it had no

right to interfere with. This Chamber can keep itself strong and will remain an important part of the Legislature of Western Australia while it minds that part of the business it is intended to look after, but when it commences to dictate to the Government as to what its works policy should be, and particularly a part of that policy which forms a portion of the scheme which the Premier indicated at Bunbury and which was in the Governor's Speech at the beginning of the session—

Hon. J. W. Kirwan: Why did we not get an answer to that effect?

Hon. M. L. MOSS: Why should they answer; why should they deal with a matter in which we have no concern. If it is in the best interests of the country that the works should be gone on with, a fair inference to draw is that the Premier would not have been returned to power with a majority to carry out his works programme. What better proof does the hon. member want for the early necessity to start this work than the fact that more than an absolute majority in another place has agreed to it, and when one makes an examination of the division list one cannot but be struck with the importance of it. We find a large section of the Labour party strongly supporting the Government, and two of the most eloquent speeches made on the question were delivered by members of the Labour party. The hon. member is entitled to his opinion. I complimented him on the speech he made in moving his motion, and I want to respect his opinion, but I hold a different opinion and I told him he was doing a wrong thing. We are asking the Legislative Assembly to give us a snub, and I do not wonder at this House having received it. The position to-day is this, not whether we did wrong in the past but are we now going to make one of the most fatal blunders that the House can make and which will do more to destroy its usefulness in the country than anything else has ever done.

Hon. J. W. Kirwan: Then are we to have our Messages ignored?

Hon. M. L. MOSS: The question is past that. It is a much greater point now, and the aspect to be considered is

that if the amendment moved by the hon. member is carried the effect of it will be that the Legislative Council is going to prevent this Loan Bill from going through.

Hon. J. W. Kirwan: Not at all.

Hon. M. L. MOSS: I will show that it is, for until an answer comes to that Message this Bill is to be postponed, and as the Legislative Assembly says it has nothing to do with the question and it will not answer it, the responsibility will be thrown on this Chamber of preventing that Loan Bill passing and of preventing the Loan Estimates passing and tying up the public works policy of the State. Is that a responsibility hon. members in this House want to assume? It will be most detrimental to the best interests of the State. There is quite a sufficient number of complaints about bad times in Western Australia without wanting to tie up the works policy and preventing the necessary works going on. The result would be most disastrous. The Legislative Council should be careful. There is no member in this Chamber more anxious to stand up for its rights and privileges than I, and no one wants to see this Chamber remain strong more than I do, and I admit we are not treated with that amount of respect from another place to which we are entitled. This, however, is not the occasion to discuss that aspect of the question. With regard to the Health Bill, if we had thrown that out and if we failed to reinstate it the effect of doing so would have been nothing; the effect of preventing this Bill and these Estimates going through will be very far-reaching.

Hon. J. W. Kirwan: There is a principle involved.

Hon. M. L. MOSS: The hon. member is trying to get a principle affirmed. If in attempting to do that he is going to imperil the position of this House and ask the House to assume a position it is not justified in taking up, he is doing something detrimental to the Chamber and which will be disastrous to the country. The Government will then be no longer entitled to make disbursements; it will not have Parliamentary authority at its back. The question of

the Health Bill is a different matter; if the Bill had not been reinstated it would not have been a matter of much moment. I will go with the hon. member to this distance, that when the occasion arises so that there can be no reflection on this Chamber, I will go with him to the extent of insisting that proper respect shall be paid to this Chamber. But this is an unfortunate occasion for the hon. member to invite this House to do what he proposes, principally because this subject of the dock was the subject matter of the motion.

Hon. J. W. Kirwan: That is not fair.

Hon. M. L. MOSS: The hon. member did not wait until I got to the end of my sentence, and he does not know what I was going to say. I will tell him this, that the fact that the dock is concerned in this is nothing to me in regard to this question. If it had been another work, the effect of which would be to hold up the Loan Bill, because it was considered that the privileges of this House were not properly respected, I would not be prepared to do it, I would have sought another and a different opportunity. I think hon. members with vast Parliamentary experience will agree with me that it is a most indiscreet action. I agree that the House has not been treated with sufficient respect, but this is not the only occasion on which such a thing has been done. The hon. member should have singled out another opportunity and not taken the present one. There are persons in the State and in another place also who want to see this Chamber destroyed, and this is an excellent opportunity to play into the hands of those people, because they will say we are interfering with something with a result that will be disastrous in its effect upon the State. You have ruled, sir, that the hon. member is in order. I bow to that ruling, although I hold very strong views in another direction.

Hon. W. MALEY (South-East): I believe it is well that this House should let the country as well as another place know the position which it holds. Numerous resolutions have passed here which should have received in another place more consideration than they have

received. One resolution which had a tremendous effect in the country, and which revolutionised the working of our railways, was a motion carried calling for a Royal Commission to inquire into the working, construction, and management of the railways.

Hon. M. L. Moss : The hon. member is not in order.

Hon. W. MALEY : On pretty well every occasion when this House comes into conflict with another place, it is generally admitted outside that this House is right. Still, we have no confirmation nor have we had that attention from the Government which a resolution from this House demands. If we were to hold up the Loan Bill, it would not be a very serious matter. It would teach the country and another place a salutary lesson. It is amusing to hear some people talk about millions of pounds as if they were shillings, and assist in the raising of loans for expenditure on works in parts of the country with which they are unfamiliar. Many of these members who talk so glibly—and I think those who talk most glibly are the least informed as to the value of the work and its effect upon the country—would not be quite so eager to pile up borrowed money if they were to get such a lesson as is contained in the hon. member's amendment. We have been borrowing money pretty heavily, and if we were to hold up the Loan Bill it would cause the electors of this State to take the matter in their own hands and put men in Parliament who would dip less into the pockets of the people and be less extravagant in their expenditure on experiments which are dangerous at the present time.

The PRESIDENT : Is the hon. member directing his remarks to the question before the House?

Hon. W. MALEY : Yes. There are hon. members who are seized with the constitutional aspect of this question. I would like to hear them on the subject. I certainly will give my earnest support to the amendment.

Hon. V. HAMERSLEY (East) : I beg to move—

That further consideration of this matter be postponed until 2.30 this afternoon.

The Colonial Secretary : I would point out that prorogation takes place at 3 o'clock.

The PRESIDENT : The motion is not seconded, therefore it lapses.

The COLONIAL SECRETARY (on amendment) : With other hon. members, and as Leader of this House, I am quite prepared to take a stand for the rights and privileges of this House. But I think this is a most extraordinary innovation, to say the least of it, that the hon. member should seize this occasion for preserving the rights and privileges of this House. I regret that a certain amount of heat has been introduced into the debate. On an occasion like this, hon. members should put aside all the little feelings which they have had over the circumstance that they carried a resolution in this House which was lost in another place. They should consider the matter exclusively from the point which the hon. member speaks of, that is, are the privileges of this House in any way infringed? I would ask hon. members who believe in this House just as firmly as I do myself to consider, are they by carrying a motion of this kind improving the position of this House? I say without hesitation they are not. If there is a stand to be taken, whether I am Leader of this House or not when the occasion arises, I will not hesitate to take a stand; but I want to pick a better battle ground than this. A resolution was certainly forwarded to the Legislative Assembly in regard to the Fremantle dock, together with a message asking for concurrence therein. Notwithstanding what the hon. member has read out in regard to the President's ruling, no one goes strictly on the wording of a ruling. That ruling, as the hon. member read it out, was that all messages and Bills should receive a reply. But one has only to cast one's mind back to the last session, and to previous sessions, and reflect how many resolutions have been passed by this House, affirming some principle and asking for concurrence—resolutions to which we did not receive a reply, not out of any discourtesy, but simply because the business has to take its order and is put on the bottom of the Notice

Paper, and in a short session is never reached. Although no formal message has been returned from the Legislative Assembly, the resolution was considered and an excellent opportunity was afforded for the consideration of that question last evening.

Hon. J. W. Kirwan: We have no knowledge of that.

The COLONIAL SECRETARY: Yet the hon. member with his own eyes watched the division. I think we ought not to go on small grounds. We ought to have something better than this when we raise a question of this kind with the other House. The hon. member says he has no knowledge. Yet he saw the division, and other members are perfectly well aware of it. If this amendment is carried, it means the hanging up of the whole of the Appropriation Bill, appropriation of revenue and of loan, for an indefinite period; and why? Simply because time did not permit before prorogation of formally sending a reply to a certain message forwarded from this House. The subject of that message was certainly considered. It was considered, and fully debated, although not on the message itself. The result of that debate is within the knowledge of hon. members. After a full debate the vote pertaining to that message was carried by 26 votes to 16. Not allowing for those who, we know, would have been in favour of the item there was an absolute majority of the House.

Hon. J. W. Kirwan: What has that to do with it? The question is, was a reply sent to our message.

The COLONIAL SECRETARY: Let me say that the hon. member intimated only a very short time ago his intention of moving such an amendment; and before that time, the resolution had been discharged from the Notice Paper of the Legislative Assembly, as were all outstanding motions.

Hon. J. W. Kirwan: How could I give notice until the schedule was before the House?

The COLONIAL SECRETARY: If this amendment is carried, then the Upper House will have to take the responsibility of hanging up the Esti-

mates, Loan and Revenue, for an indefinite period. Let me say I am as anxious as any other hon. member to retain the privileges of this House. But on this occasion I do not think the privileges were interfered with in the least, and if we take this stand, we must be prepared to abide by it. I know that hon. members have the good of this House at heart, and that their consideration on an occasion like this will be as to whether they are injuring the House by carrying an amendment of this nature. Every hon. member will agree that an amendment of this kind will not do this House any good. I think if any protest were necessary, which I do not admit, then a sufficient protest has now been made.

Hon. J. W. Kirwan: Why should we abandon the position we took up, and succeed in maintaining, in connection with the Health Bill? The position now is exactly identical.

The COLONIAL SECRETARY: The position is entirely different. It does not come on all-fours at all. If there is a protest necessary I think a very good protest has been made from this Chamber to-day on this particular question, and also on the further question of the Health Bill a day or two ago. Even if it be that the Assembly has interfered with the privileges of this House—and I do not think they have—a sufficient protest was made I think, first on the Health Bill, and secondly, in the discussion that has taken place this morning. I trust the good sense of hon. members to see that it would do no good to go any further. Members have made a strong protest indeed, and one that I think will be listened to by the other place, and one that will prevent any repetition of this kind of thing in the future.

Hon. W. KINGSMILL (Metropolitan-Suburban): I think the speeches made on this subject have dealt to too great an extent on the effect this amendment, if carried, would have on the ultimate destiny of this House. I feel inclined to consider the effect it would have on the country. I have never been afraid to take responsibility as a member of this House or in any other way; and if the

time allowed us a little more latitude, I think the House would be quite justified in carrying Mr. Kirwan's amendment to-day; but there are other ways of attaining the object the hon. member aims at. As pointed out by Mr. Moss and the Leader of the House, the effect of the amendment if carried would be to hang up not only the Loan Estimates, but the Revenue Estimates.

Hon. J. W. Hackett: All our salaries?

Hon. W. KINGSMILL: As Dr. Hackett has so eloquently—

Hon. J. W. Hackett: Feelingly.

Hon. W. KINGSMILL: As the hon member has so eloquently and so feelingly remarked, we would have to go without our salaries in common with all others who are trying to do the State good. I think that is an extreme course to achieve the object which several of us are aiming at—the suspension for an indefinite period of work on the Fremantle dock; and it would be better if, when the Bill is in Committee, the hon. member moved a request for an amendment to that effect, though I must say the fact that the Fremantle dock occupies any position in this Bill is somewhat hard to realise. I think that Mr. Kirwan having ventilated with a considerable degree of latitude the grievance this House is labouring under through the non-receipt of a reply to its Message, he would achieve the object aimed at just as well if an amendment were made in Committee to reduce the item by £500. At all events that amendment if carried would not have the effect of hanging up the whole of the business of the country, such as the present amendment of the hon. member would do if carried. As to the opinions that have been expressed regarding the relevancy of the amendment, I think it is most thoroughly relevant; in fact I think it is the relevancy of the amendment that forms the greatest grievance of those opposing it.

Hon. G. RANDELL (Metropolitan): I do not wish to say much on this important matter. I need hardly remind the House that I voted against the motion of the hon. member when the resolution was sent to the Legislative Assembly. I thought at the time it was a breach of

public faith, because an Act had been passed for the construction of the Fremantle dock, and I thought we were not justified in sending the resolution to the other House. However, I do hold the opinion strongly, as strongly as Mr. Kirwan does, that we should have received a direct Message from the Legislative Assembly in reply to the Message which went from this House, and I can see no circumstances extenuating their action in this regard. With regard to the relevancy of the amendment, I think any one can vouch that it is relevant. You, Mr. President, have given your ruling, and I hope you will not think it is impertinence on my part to sustain it. Standing Order 186 says:—

“No other amendment may be moved to such question except in the form of a resolution strictly relevant to the Bill.” There is in this Bill an appropriation for the Fremantle dock. Therefore the amendment moved by Mr. Kirwan is in strict relevancy to the Bill which contains in it an item concerning the dock. I do not think anyone could reasonably and justly controvert this for a moment; but I think perhaps the hon. member having taken up the stand he has, and knowing the effect which will follow from the suspension of this Bill, or the action that will have to be taken—

Hon. J. W. Kirwan: Why anticipate delay on the part of the other House?

Hon. G. RANDELL: There is another method of dealing with the question, that is to move to strike out the item referring to the Fremantle dock. But here is another instance of the hasty legislation we are asked to pass. We have had no time to consider the Bill and the items therein, and there has been no opportunity of doing it in the course of an hour or two since we got the Bill this morning. It is a disgrace to the Government that they should allow the affairs of the country to get into such a state. We have been waiting about for days and adjourning for weeks for the convenience of our friends in another place, and delays have taken place so that at the last moment we are urged to pass these very important measures, several of them at a moment's notice as it were. Before I sit down, I must

say that I dissent altogether from the doctrine enunciated by Mr. Moss, because it is quite contrary to the position he generally takes up in this House and when boiled down comes to this, that the privileges of this House are to be insisted upon only when it happens to be most convenient. I voted against the original resolution, because I thought it was an improper one; and in consideration of the great issues at stake, I am sorry I cannot vote for the hon. member's amendment. I have just learnt that it is intended to prorogue Parliament this afternoon.

The Colonial Secretary: I mentioned it when we were voting on the sewerage Bill.

Hon. G. RANDELL: My desire in rising was to express myself as clearly as I possibly could on the general position before the House, and to support you, Mr. President, in the ruling which you have given to the House, and which I think, is quite correct.

Hon. A. G. JENKINS (Metropolitan): I should like to explain my position in regard to the matter. When this amendment was first moved, I had intended to support it for reasons which then appeared to me good and valid, but after hearing the arguments adduced and the reasons which I think most excellent why the amendment at this stage should not be supported, I have decided to vote for the second reading of the Bill. The position is this. If we do adjourn this debate to a subsequent stage are we going to be in a better position? If we would be, I would support the amendment; but I believe we will not be in a better position, because I understand that another place has practically adjourned until prorogation time and will not be in a position to consider any further Messages. I give way to no other member of this House in my assertion in the privileges of the House, but I think a sufficiently strong protest has been made by various members. Therefore, seeing that the adjournment would have no practical good effect, and that we would gain nothing, I intend to support the second reading.

Hon. E. M. CLARKE (South-West): I am entirely in accord with Mr. Kirwan in this matter. We have repeatedly protested against being kept absolutely idle,

as it were on the list of the unemployed, to the eleventh hour, and then there is a mass of most important work run upon us, and time and again we are told, "This is not the opportunity to protest against it." I would ask the Leader of the House: What opportunity have we had of protesting before this? There has been nothing before us. We have been kept in practical idleness. I want it to be particularly understood that there is a mandate that a big majority of the House is in favour of the vital question; and though I would never be one to hang up the work of the State, the question arises: When is our opportunity to arise; when shall we have a chance of doing something? It may be a bold statement, but I venture to say that the very position in which we are now thrust, if anything, is lowering our dignity. Important work is continued on the assumption that the Legislative Council is going to swallow everything without any consideration whatever. What greater mark of disrespect can you show to a person than not to listen to him, or allow him to consult his different partners, or allow him even to read a Bill? Here is a mass of stuff we have not the opportunity of reading; and I say: What could lower our dignity more than to place us in the position we are now in? I wish it to be clearly understood that I am not going to vote for the measure. Mr. Kirwan has taken up a position that I admire, and I do not want to see him left alone. I am pleased to see he will not. Time and again, we have waited for an opportunity to show the country that we are alive, but that opportunity never occurs until the last few hours of a session. I am not going to hang up the business of the country; far be it from me; but as a matter of courtesy we should have had an answer to our Message; and we can get it, and now is the time to make ourselves heard. Let us insist and see whether in future we shall be treated with due courtesy and given sufficient time to consider important measures and important business of this kind.

Hon. V. HAMERSLEY (East): I feel this was undoubtedly an opportune occasion to bring a matter of this kind before this House. I am pleased it has been

brought prominently before the Council, because it was only within the last day or two that there have been remarks from every corner of the House to the same effect, that we should have more time to consider Bills brought before us, and that we should at least look out for ourselves. And we also feel that the Leader of the House should be the first to stand up for the rights and privileges of the House, and to look after the dignity of the House, even if some of the minor members fail in that respect. It is ridiculous to ask us to deal with measures of this kind so hurriedly. I was always under the impression that this House was portion of the Legislature, and that we had something to do with the government and control of the country; by the action of another place it seems to me, however, that we are not. Half an hour ago we had not the faintest idea of what was coming before the House. What is before the House now?

The PRESIDENT: The question before the House is, "That this Bill be now read a second time."

Hon. J. W. Kirwan: On a point of order. This is a money Bill, and I understand that in a discussion on the second reading of money Bills members may discuss a wide range of topics so long as they have a general bearing on the question before the House.

The PRESIDENT: What does the hon. member want to ask?

Hon. J. W. Kirwan: I rose to a point of order?

The PRESIDENT: What is the point of order.

Hon. J. W. Kirwan: That the remarks of Mr. Hamersley need not be restricted in the discussion on this Bill.

The PRESIDENT: I made the remark I did because the hon. Mr. Hamersley said he hardly knew what question was before the House. I told him the question was the second reading of this Bill. I spoke merely to assist him and did not want to check him in any way; I had no idea of doing so, but simply spoke in order to direct his attention to the question under discussion.

Hon. J. W. Kirwan: I beg your pardon for misunderstanding you.

Hon. V. HAMERSLEY: It is only right that the fullest discussion should be allowed on the second reading of a Bill for the expenditure of some three millions of money. We know there has been much discussion in the State recently as to whether many of the salaries provided for in the Bill should be paid. I have not had an opportunity of going through these Estimates. We should be given an opportunity of saying whether, in our opinion, so much of this money should be spent in salaries. Ample time has been given by another place to discuss the question of the Fremantle dock, which was sent from this House in the form of a Message, and I regret that Message has not been returned. These matters are now being sprung upon us and no time is given for their discussion as prorogation is to take place this afternoon. There are one or two other matters we are asked to consider also. If the amendment is pushed to a division I intend to support it even although I would be the only one to do so, but I think it is my duty to the House to take that action. It would be with no idea of hampering the work of the country that I would vote for the amendment, but in order to protest against the manner in which this House is being treated. I suggested that the debate should be adjourned until 2.30 o'clock, in order to give another place an opportunity of sending a Message with regard to the Fremantle dock back to this Chamber.

Hon. S. J. HAYNES (South-East): In view of the remarks which have fallen from the Leader of the House that prorogation is supposed to take place at 3 o'clock I will be as brief as possible. I am entirely in sympathy with the amendment moved by Mr. Kirwan. I also voted with the majority on the motion concerning the Fremantle dock which was sent to another place. To that Message we have received no reply. While I sympathise with this amendment I do not think it is expedient for Mr. Kirwan to do more now than he has done, and that is to enter a strong protest against the treatment to which

we have been subjected. From a constitutional point of view there is no doubt we should receive an answer to all Messages which we send to another place. We are justified in practically postponing the Estimates, but because the issues would be so serious if there were a fight between the two Houses over the Consolidated Revenue and Loan Estimates, I will not support the amendment although I am in absolute sympathy with it. The protest we have entered by the discussion on the amendment will have a good effect in the future. Looking at the question from its higher constitutional aspects, we should not put the country to great trouble by a serious dispute arising between the two Houses over the Estimates. I join with other hon. members in protesting against the way in which matters are rushed through at the end of the session. Unfortunately there has been the same cry in this Chamber for many years past. In the interests of this House, and so that we may maintain its dignity, power, and position, we shall in the future see that there is proper time given for the discussion of all Bills. That decision rests with this House. It seems there is not a disposition now to take that stand. The Government are to be blamed for not bringing down measures earlier. I join strongly in the protest as to the way in which Bills are rushed through without being properly discussed, for the result of this has been so often proved by it being necessary one session to amend a Bill passed the previous one. I shall oppose the amendment.

Hon. F. CONNOR (North): I will be very brief on this question. The strongest point I wish to put before members is what the effect would be if we carry Mr. Kirwan's amendment; it would mean no Loan Bill and no Estimates passed through the Parliament of this country this session. I have received an opinion as to this from a fairly reliable source, and there would be a series of Black Wednesdays and no salaries in connection with the civil service. Unless the Estimates are carried no salaries can be paid unless in an illegal manner.

Hon. J. W. Kirwan: Why anticipate discourtesy on the part of another Chamber.

Hon. F. CONNOR: The hon. member knows my reputation, and knows that although I do not without necessity trail my coat, still I was never one to "take it" lying down. If he does not know that he does not know my reputation in the Parliament Houses of this State. All I can say now as I think his remark was unnecessary. The position I have stated is the one we shall be in if the amendment is carried. I admit I should like to carry it and would like to be on the same fighting side with the hon. member who, in the debate on this question, has shown he is a credit to the nationality to which he belongs. One objection I have to passing the amendment is that the result would be altogether too serious. We have only until three o'clock to deal with the matters before the House, and if the amendment is carried we cannot put the Appropriation Bill through, everything will be hung up, and moneys paid away will be paid illegally; we cannot face that position. I like other hon. members, am in entire sympathy with Mr. Kirwan, and were it not for the fact that the circumstances do not warrant it and that we cannot afford to take the risk, I would like to fight it out on his side, but the result would be too harmful to the country.

Hon. J. W. Kirwan: It would not be this House that would be responsible, but another place.

Hon. F. CONNOR: There is only one excuse for voting with the hon. member, and that excuse is that the time has come when we want to face another place and tell them that the existence of this House does not depend upon their good will. We find that this motion before the House now hinges not so much upon privileges or constitutional question, but upon the fact that a section of this House is opposed to a vote contained in the Estimates. I hold that should not be so.

Hon. J. W. Kirwan: A number of members who are the best friends of the dock are voting with me.

Hon. F. CONNOR: I am talking about whether we are not going to do something for which we will be very sorry after-

wards. It is not the time on the second reading of this Bill to introduce such a question. It is not the privilege of any member to bang up the second reading of a Bill like this, because he is opposed to a certain item. Unless he is opposed to the expenditure of the whole of the money in that Bill he should not have moved this motion. I am sorry I cannot vote with the hon. member because I am with him in spirit.

Hon. C. SOMMERS (Metropolitan) : I am in entire sympathy with Mr. Kirwan, and I protest against the discourteous way another place has treated this House. The motion sent from this House has been put at the bottom of the Notice Paper in another place, so that it should not be considered. A discussion, however, has taken place there in connection with the same subject on the item in the Loan Estimates. This House took a constitutional way of protesting against this particular work, and it is entitled in all courtesy to an answer to its Message. I protest that the Government have no right to anticipate that the business of this House will be concluded by 3 o'clock this afternoon. The Government put this amount of legislation before us and says, "because we have asked the Governor to meet you at 3 o'clock you will be discourteous to him if you are not then prepared to meet him." The same thing has happened on a previous occasion, and I protest that it is not a fair way to treat this House. If it were not for the fact that the works would be hung up I would go further than the hon. member is prepared to go with his amendment. At present I intend to vote with Mr. Kirwan, but on the other hand I do not want to see the Government put in a false position. I cannot give my vote without expressing my disapproval of the proceedings, more particularly at the way the Government have treated this Message in not giving the Assembly the opportunity of discussing it apart from any other Bill. The question discussed by the Legislative Assembly last night had some effect, but there was no necessity to treat us with discourtesy. The motion to postpone the consideration until 2.30, moved by Mr. Hamersley, might have been accepted so as to give the Assembly

the opportunity of discussing the question of sending a Message to us; that would have been the proper procedure to follow.

Hon. R. D. McKENZIE (North-East) : I intend to support the amendment which has been moved by Mr. Kirwan. I think the time has arrived when this House should assert its rights and privileges in some other way than by protesting. For instance, I have been in the Chamber on the last day of the session for some years, and it has been customary for a good many members to rise and protest against the number of Bills brought down on the last day, and against the amount of business we are expected to swallow and rush through; and then after having protested they calmly go to sleep and await the next session to enter another protest. The time has come when we must assert the rights and privileges of the House. Only the other day we asserted our rights and privileges by voting a certain measure out, and on that occasion we did not have the justification we have now, because then we had a Message from another place intimating that they had received the Bill, and owing to it being out of order they passed it out and substituted another Bill in its place. On this occasion a Message has gone down from this House asking for the concurrence of another place, and it is put deliberately at the bottom of the Notice Paper, and for all we know it is there still. No courtesy has been given to this House by replying to that Message. If this amendment is carried the responsibility rests with the Government. I quite agree with Mr. Sommers when he says what right have the Government to anticipate that we are going to close the business of the session by 3 o'clock. The Assembly finished their business at about 7 o'clock this morning and they jump to the conclusion that we can put everything through in the short space of two or three hours. In spite of the state of affairs that may be brought about if this amendment is carried this House should assert its rights and privileges. I take it there are some means by which the Government can postpone the prorogation

of Parliament, consider this Message and send us a reply to-day; at all events it is a remarkable thing to me that hon. members can get up and state they are in accord with the amendment which has been moved, but that they are going to vote in an opposite direction. The effect of this amendment may be somewhat serious to the country, but it will certainly be a lesson to the other House to treat us in a different manner in the future. If we are going to take insults from the other Chamber I quite agree with other hon. members that the abolition of the Upper House is within measurable distance. There will be no justification for our existence, if we go on as we have been going during the last two or three years. The occasion is one when we should insist on the other House giving to us some reply to our Message. As I have said the responsibility will be with the Government if this amendment is carried. I shall vote with the hon. member who moved the amendment, and if it is carried I claim there will be no responsibility on my shoulders for the serious difficulties that might follow.

Amendment put and a division taken with the following result:—

Ayes	6
Noes	14

Majority against .. 8

AYES.

Hon. T. F. O. Brimage	Hon. W. Maley
Hon. V. Hamersley	Hon. C. Sommers
Hon. J. W. Kirwan	Hon. R. D. McKenzie
	(Teller).

NOES.

Hon. E. M. Clarke	Hon. J. W. Langsford
Hon. J. D. Connolly	Hon. R. Laurie
Hon. F. Conaor	Hon. M. L. Moss
Hon. J. W. Hackett	Hon. B. C. O'Brien
Hon. S. J. Haynes	Hon. G. Randell
Hon. A. G. Jenkins	Hon. G. Throssell
Hon. W. Kingsmill	Hon. S. Stubbs
	(Teller).

Amendment thus negatived.

Question (second reading) put and passed.

Bill read a second time.

In Committee.

Clauses 1, 2—agreed to.

Schedules A, B, C—agreed to.

Schedule D:

Hon. J. W. KIRWAN: A statement had just come to his knowledge which seemed to demand from him a personal explanation. It was in reference to the item "Fremantle dock and slipway." He had been asked before the House met whether he would proceed further in the Council concerning the Fremantle dock, the question having been directed to him as one interested in having brought forward the discussion on the resolution. He had incidentally mentioned that so far as the dock was concerned nothing would be done by him.

The CHAIRMAN: I would point out to the hon. member that he is speaking on an item not in the Bill.

Hon. J. W. KIRWAN: It was in the Loan Estimates which we were told went with the Bill. However, it was really more by way of a personal explanation that he was speaking. He merely wanted to say that this morning he had been careful to avoid the dock question, as such, and was merely referring to the resolution on a point of principle. He had recognised that there was an absolute majority in the Legislative Assembly in favour of proceeding with the dock and that Chamber would have to take the responsibility. He had made these few explanatory remarks in order to avoid misunderstanding.

Schedule put and passed.

Preamble, Title—agreed to.

Bill reported without amendment; the report adopted.

Third reading.

The COLONIAL SECRETARY moved—

That the Bill be now read a third time.

Hon. V. HAMERSLEY: For want of time to look more closely into the matter he was very much mixed over these money Bills. Were the Estimates of Revenue and Expenditure for this year included in this Bill?

The Colonial Secretary: Yes.

Hon. V. HAMERSLEY: Was the impression a correct one that a large number of road boards were cut out from

any chance of obtaining any funds during the year? According to the Revenue Estimates a large number of these boards which had received supplies in 1907-8 were not down for anything in 1908-9.

The COLONIAL SECRETARY: Perhaps the hon. member would defer the point until a better opportunity should arise in a few minutes, when the Excess Bill was before the Committee.

Question put and passed.

Bill read a third time and *passed*.

ASSENT TO BILLS (5).

Message from the Governor received and read notifying assent to the following Bills:—

Land and Income Tax.

Bridgetown-Wilgarrup Railway.

Upper Chapman Railway.

Midland Junction Municipal Boundaries.

Fines and Penalties . Appropriation.

BILL—METROPOLITAN SEWERAGE AND DRAINAGE (TEMPORARY).

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly): in moving the second reading said: This Bill, as I explained in an early part of the sitting, I have brought forward before the other measures because it is an entirely new Bill. It has not previously this session been before the House, and as it is somewhat lengthy in one sense, for it contains some 40 clauses, I thought I would afford members an opportunity, if I move the second reading now, to read the measure during the adjournment, and allow the second reading to continue after the other Messages have been considered. Although the Bill is apparently a lengthy one it really only consists of a number of machinery clauses, sufficient to enable the Government to deal with house

connections in connection with the metropolitan sewerage now under construction. It will be remembered there was a Metropolitan Water and Sewerage Act passed in 1904, which gave the necessary powers in connection with the sewerage scheme now being carried out. By that the Works Department were given the power to enter and make connections as might be deemed necessary when the sewerage scheme was complete. That sewerage scheme is not completed yet, but it is advanced sufficiently to allow connections to be made to the houses, that is in the districts of Perth and Fremantle. That Bill, however, has not been proclaimed because it was passed somewhat hurriedly at the end of a Parliamentary session, and the promise was given by the Government, of which Mr. Kingsmill was a member, that it should not be proclaimed until Parliament had been given a further opportunity of considering it. There was not time to reconsider the whole question this session, but in order to afford the necessary powers to make entry and make connections, this Bill has now been introduced. The measure, as will be seen, is limited in its operation to the end of this year. It is not the same Bill that was originally introduced to the Legislative Assembly for all the controversial matter has been cut out. If members have any doubt that it goes beyond the scope of a machinery measure they have the safeguard that it will only be in operation until the end of 1909. One reason why it is only made operative until the end of this year is that a comprehensive measure, covering this matter, will be brought down in the coming session, and the House will have an opportunity of dealing with it. Part 2 of the Bill defines the area over which the Minister may exercise control. That area comprises Guildford, Midland Junction, Perth and its suburbs, Claremont, Cottesloe, and the Fremantles. The area is exactly the same as that defined in the Schedule of the 1904 Act. It is not proposed during the currency of this Bill to commence sewerage works either in Midland Junction, Guildford, Claremont, or Cot-

tesloe. Part 3 deals with the construction and maintenance of works. It enables the Government to enter upon land for the purpose of constructing main drains or subsidiary drains for reticulation or house connections. It provides that in the course of construction any damage done to any streets shall be repaired. It imposes upon the Government the necessity for keeping sewers properly cleansed. Clause 14 enables the Minister to call upon the owner or occupier adjacent to each sewer to connect. If this Bill is not passed the sewerage works, so far as they are constructed to-day, will be idle; money spent up to date will be giving no return. Connections cannot be made unless the Minister has power to enter. The works are sufficiently advanced to enable these connections to be made.

Hon. C. Sommers: If the sewers are a mile from the residence will the occupier have to pay for the considerable cost of connecting up with the sewer?

The COLONIAL SECRETARY: He will have to pay for connections if the sewer passes along the street in which he resides.

Hon. C. Sommers: Clause 14 says that as soon as a sewer is ready for use the Minister may order the owner or occupier to construct drains and fittings to connect with the sewer.

The COLONIAL SECRETARY: With regard to this matter I will give the hon. member detailed information when we are in Committee on the Bill. It is purely a machinery measure, and I feel sure I shall be able to satisfy members in Committee that there need be no alarm of anyone being unjustly treated. Clause 16 apportions the cost of the connections as between the owner and the occupier, the former paying the capital cost and the latter paying, in addition to the arranged rent, eight per cent. for the expired portion of his tenancy of such expenditure. Part 4 gives power to the Minister to make regulations dealing more especially with the control of sewers and drains, regula-

ting the nature of house connections, and the licensing of plumbers. It is necessary the Minister should have this power. Part 5 comprises certain clauses dealing with officers, notices, offences, and proceedings necessary to ascertain the ownership of land. These provisions have been taken word for word from the 1904 Act, and there are certain amendments arranged after conference with the representatives of the Perth City Council. I understand this Bill is quite acceptable to that body. It has also been shown to and accepted by members of the metropolitan area over which the Bill operates.

Hon. W. Maley: Do you propose resuming a site for a sewage farm?

The COLONIAL SECRETARY: No. I beg to move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): During the last few sittings it seems to have been in consonance with the fitness of things that there should be a protest entered against the methods adopted in getting us to agree to legislation at the last moment. In ordinary circumstances I should never permit a second reading to be passed without ample time being given to examine the provisions, but I can readily see that what the Minister says in this case is practically correct, and that is that it is necessary to get this legislation through so that the work can be proceeded with. The only complaint I have to make is this, that it must have been foreseen long ago that this House has been adjourning from time to time, because there has been no work to go on with and that this measure might have been sent down while the other House was considering the Estimates. We must look at it from the standpoint of the work itself, and if it is so far advanced that it may be necessary to enter private property to make connections, I for one shall not raise any further protest against the measure. In all probability Parliament will meet again in June or July next, and no doubt a proper and comprehensive measure dealing with this matter and particularly the rating aspect will be

submitted to us for consideration. I am therefore going to support the Minister on the second reading and through the other stages of the Bill, but it is necessary that one or two things shall be pointed out where I think greater consideration could be given to the more comprehensive measure when it comes down. In the first place, the last proviso of Clause 5 states that the Minister shall do as little damage as possible in the carrying out of the powers vested in the Minister under this Bill, and compensation must be given under the Public Works Act, 1902. I hope the Government will recognise that they are morally bound to see that the provisions of that proviso shall extend to damage already done in connection with the works. I am not satisfied that the public around Perth have been treated on a fair basis as far as the work has progressed. Up to date the only satisfactory authority for the construction of these works is provided by the Public Works Act, Section 11 of which says: "The Governor, by Order in Council, may authorise the Minister to undertake, construct, or provide any public work subject as to railways to Section 96 and such authorisation shall be deemed an authority to such Minister by and under this Act." Pursuant to the power contained in that section, by the mere publication of an Order in Council the Minister for Works is vested with the proper statutory authority to carry on the works, but there is no word in the Public Works Act compelling the Government to give compensation for entering property. It was intended in the Water Works and Sewerage Act of 1904 to give compensation to people, but that Statute was never brought into operation, because the second clause provided that it was to be brought in by Government proclamation which was never published. Although it was intended to give full compensation to people I regret to say there is not that fairness and equity shown by the Government which I think we should reasonably expect. It is only a fair proposition if, in the carrying out of a public work individuals

are injured that the country should assume the responsibility and compensate those people. It does not affect my district but it has affected seriously some people in Perth and although I always regret having to mention matters which I have been connected with especially,—I happen to know what I am speaking about—it is only two or three months since that a question of law was raised in two cases in the Supreme Court that under an Order in Council published under this section of the Public Works Act, the Government were not liable to pay for what damage was done. I hope the Minister will tell the House that although this proviso only applies from the time the Act comes into force, the Government will recognise the equitable and just liability to compensate those people in Perth whose property has been injured in the carrying out of these works. If time permitted I would move an amendment to make that perfectly plain but I will be satisfied with the Minister's assurance. The Bill has come to us very late, but that is no reason why we should prevent it going on the statute book. The speedy completion of these works is a matter of great importance to Perth and Fremantle, especially as it has advanced to that stage when it is necessary to go on private property. I agree that Clause 14 may act oppressively against owners of property. I do not know whether there are tenements as far as a quarter of a mile from a sewer but it would nearly ruin an individual to shoulder the responsibility of making a connection over such a distance. No person should be compelled to have his property connected with a sewer unless that sewer was within a reasonable distance. If the distance was great, then another sewer should be put down in a convenient place. I recognise, and every member must recognise, that this legislation has come late in the session, but it is an absolutely necessary measure, though temporary in its character and can only remain in force until next year. It is one's duty to support the Minister in endeavouring to get the Bill on the statute book.

Hon. J. W. KIRWAN (South): I feel very sympathetic towards those members in this Chamber who have protested strongly against this Bill being brought forward without having been given sufficient notice previously, and without having been given time to sufficiently study its provisions. The measure we have here is very lengthy; it contains 43 clauses. Some of its provisions are no doubt familiar to some of the members representing the metropolitan district, but to a member such as myself, the whole thing is absolutely foreign, and it would be utterly impossible for any member who had only received a Bill of this character a very short time, to be able to master its provisions and give an intelligent vote upon it. The only thing we can do under such circumstances, is to recognise the extraordinary position in which the country is placed at the last moment, and that it seems to be absolutely necessary to bring forward a measure of this kind. We have to accept the personal assurance of the Minister on this matter. I have spoken to some of the Ministers on this Bill, but at the same time I wish to protest as strongly as I can against the method that is adopted, and a method which, wherever it is possible, should be avoided. It is farcical to be a member of a Chamber, and to have to vote upon a measure, the details of which it is utterly impossible for one to grasp, because sufficient time has not been given to study it. I am in sympathy with Mr. Randell, Mr. Hamersley, Mr. Stubbs, and other members in their protest against legislation of this kind being brought forward without previous notice. The Government should take steps by which measures of this nature should be sent to us much earlier, so that we may be able to go through them, and thoroughly master their details, before passing an opinion on them. I am glad to hear Mr. Moss speak as he has done, because he seems to know something concerning the details. He no doubt has had a longer time to consider the matter. It is more on the personal assurance of the Minister that one is inclined to vote for the second reading. I wish to add to what has already been said, that this kind of thing can go too far,

and one of these days we shall be compelled to take a strong stand.

Hon. C. SOMMERS (Metropolitan): As one of the members representing the metropolitan area—this Bill affects my constituency—I am not at all satisfied that the works are sufficiently forward in the district proposed to be drained to warrant us rushing this Bill through. I would like more information on that point at any rate. With regard to the question of compensation, it is well known that action has been taken, particularly in regard to properties in Beaufort Street where a considerable amount of damage was done by the construction of a sewer, and where the Government refused to pay compensation. It is a very serious matter that damage through the construction of public works should fall so heavily on an owner. In view of the fact that Parliament will meet again in June or July, I do not think it is wise that this Bill should be passed at this late stage of the session. I intend therefore to oppose the second reading of the Bill. I presume the area about to be connected can only be a small one in the vicinity of the Claisebrook drain. However, as far as one can see, the works are not sufficiently forward to warrant putting householders to the expense of paying the costs of these connections. Nor do I think that the necessary fittings for the connections are in the State ready for use. At a recent meeting of the manufacturers with the Premier, complaints were made that no plans and specifications were in existence, whereby these manufacturers would have the opportunity of getting in a plant to manufacture these fittings in the State. The meeting was an important one indeed, and, I suppose there were 100 contractors present, and they expressed their dissatisfaction in no unmeasured terms. Seeing that the question is so important and that there are so many empty houses, and owners of property are in such distress in many instances, I do not think it is a work we should press forward at this juncture. I am not satisfied that the area which can be connected warrants our passing the Bill at this stage. I shall reserve to myself the right to oppose the Bill later on.

Hon. G. RANDELL (Metropolitan) moved—

That the debate be adjourned until Tuesday.

The Colonial Secretary: But we prorogue this afternoon.

Hon. G. RANDELL: Then I think it is indecent, that is all I have to say. To test the feeling of the House I will press my motion.

Hon. S. STUBBS: I second it.

Motion (adjourned) put, and a division taken with the following result:—

Ayes	15
Noes	7

Majority for .. 8

AYES.

Hon. T. F. O. Drimage	Hon. W. Oats
Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. V. Hamersley	Hon. G. Randell
Hon. S. J. Haynes	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. S. Stubbs
Hon. W. Kingsmill	Hon. G. Throssell
Hon. J. W. Langsford	Hon. R. D. McKenzie
Hon. W. Maley	(Teller).

NOES.

Hon. J. D. Connolly	Hon. R. Laurie
Hon. F. Connor	Hon. M. L. Moss
Hon. J. T. Glowrey	Hon. J. W. Kirwan
Hon. J. W. Hackett	(Teller).

Motion thus passed, second reading postponed.

BILL—EXCESS 1907 and 1908.

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: It is only necessary for me to say that this is the usual Excess Bill brought down each year.

Hon. G. Randell: Unfortunately.

The COLONIAL SECRETARY: It cannot be avoided. Lately this Bill has been brought down each year, but during the session before last I introduced a Bill covering some four or five years. In the Revenue Estimates you will see an item for Treasurer's advance. That is given to the Treasurer to pay sums which he cannot foresee. When he pays these sums you will see the way the money has

been expended. Although that amount has been passed it has not been appropriated by Parliament, and so this Bill is in accordance with the Audit Act to legalise the expenditure which Parliament has already authorised. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and passed.

BILL—LOCAL COURT ACT AMENDMENT.

Assembly's Message.

Message from the Legislative Assembly giving reasons for not agreeing to two of the amendments made by the Council now considered.

In Committee.

On motions by *the Colonial Secretary* the amendments were not insisted on.

Resolutions reported, the report adopted.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Amendment.

Amendment made by the Legislative Assembly now considered.

In Committee.

Clause 2, Strike out the clause.

The COLONIAL SECRETARY moved—

That the amendment be agreed to

This was not a material amendment.

Hon. S. STUBBS: The Leader of the House was probably correct in saying that this was a small amendment, but it was a farce our rushing through all this legislation in a few moments.

The CHAIRMAN: These remarks had better be made on the report stage.

Question passed, the Assembly's amendment agreed to.

Resolution reported; the report adopted.

(Sitting suspended from 1.45 p.m. to 2.30 p.m.)

CONGRATULATORY REMARKS, CLOSE OF SESSION.

The COLONIAL SECRETARY (Hon. J. D. Connolly): As our labours for the session are now ended, it only remains for me to once more congratulate you, Mr. President, on the able and dignified manner in which you have carried out your duties as President of this House, and to express to you on behalf of hon. members, and on my own behalf, our best thanks for the forbearance you have always shown to us in carrying out those duties; and in doing so I may also be allowed on behalf of the House to express our best thanks to the Chairman of Committees, to congratulate him on the very able and efficient manner in which he has carried out his duties, and to thank him on behalf of the House for the kindness he has shown throughout this and former sessions to hon. members. I also desire to thank the officers of this House for their kind consideration during the past session.

Hon. J. W. HACKETT (South-West): With great pleasure I second the remarks of the Colonial Secretary, though perhaps not in regard to the use of the word "forbearance," because we have had a session almost without friction.

The PRESIDENT: I thank the Leader of the House and the hon. member for their kind expressions of compliment.

His Excellency the Governor entered the Chamber at 3 o'clock, and commanded the attendance of members of the Legislative Assembly, who accordingly arrived with their Speaker.

ASSENT TO BILLS.

Mr. SPEAKER presented the annual Appropriation Bill, to which His Excellency assented.

HIS EXCELLENCY also gave assent to the following Bills of the Session, in addition to Bills assented to previously:—

An Act to amend the Wines, Beer, and Spirit Sale Act, 1880.

An Act to authorise the construction of a railway from Nannine to Meekatharra.

An Act to enable the purposes of Reserve, York Town Lot 211, to be changed.

An Act to enable the purposes of certain Permanent Reserves to be changed.

An Act to vest certain lands in the Municipality of Fremantle in the Trustees of the Fremantle Cemetery.

An Act to constitute the Bunbury Harbour Board; to regulate the appointment of the members of the Board; to define their powers and authorities; and for other purposes incidental thereto.

An Act relating to Vermin Fencing and the destruction of vermin, and for other purposes incidental thereto.

An Act to further amend the Fire Brigades Act, 1898.

An Act for the Closing of certain Roads or portions thereof, and to validate the Closing of certain Roads.

An Act to further amend the Health Act, 1898.

An Act to apply out of the Consolidated Revenue Fund and from moneys to credit of the General Loan Fund, the sum of Four Hundred and Ninety-two Thousand seven hundred and Forty-seven pounds to the service of the year ending 30th June, 1909.

An Act to amend the Fremantle Municipal Tramways and Electric Lighting Act, 1903.

An Act to authorise the raising of a sum of One million four hundred and forty-five thousand pounds by Loan for the construction of certain Public Works and for other purposes.

An Act to establish Limited Partnerships.

An Act to confirm certain Expenditure for the years ended the 30th day of June, One thousand nine hundred and seven, and the 30th day of June, One thousand nine hundred and eight.

An Act to amend the Local Court Act, 1904.

An Act to amend the Workers Compensation Act, 1902.

PROROGATION SPEECH.

His EXCELLENCY, in closing the session of Parliament, was pleased to speak as follows:—

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY—

It gives me pleasure to be enabled to release you from your arduous duties, and in doing so I trust that the result of your deliberations will be productive of good to all sections of the community.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY—

I thank you in the name of His Majesty for the liberal Supplies which you have voted for the administration of Public affairs.

I also thank you for approving of the financial proposals of my advisers, and trust that the passage of the Loan Act, by which the necessary funds will be raised for important public works, will lead to the development and prosperity of the State.

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY—

The Legislation which you have passed this Session—in particular the authorisation of the construction of Railways between Nannine and Meekatharra, Bridgetown and Wilgarrup, and along the Upper Chapman Valley—should materially assist the development of the Mining and Agricultural Industries of the State.

I note also, with pleasure, that you have passed an Act constituting Vermin Boards, to deal with the danger of a rabbit invasion; the Bunbury Harbour Board Act, constituting a local governing body for the Port of Bunbury; the Limited Partnerships Act, enabling those who are willing to support any co-partnership venture to limit their risk; and other measures of an urgent and useful character.

I now declare this First Session of the Seventh Parliament of Western Australia

prorogued until Wednesday, the 30th day of June, 1909.

The Session then closed.

Legislative Assembly,

Saturday, 6th February, 1909.

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The Speaker took the Chair at 10.30 a.m., and read prayers.

BILL—MUNICIPAL CORPORATIONS ACT (1906), AMENDMENT.

Introduced by *the Premier* and read a first time.

BILL—ROADS ACT (1902), AMENDMENT.

First Reading.

The MINISTER FOR WORKS (Hon. J. Price): The object of bringing down this Bill at this stage was in order that during the recess it might be circulated among the various roads boards of the State. The Bill contained several provisions which he thought to be an improvement on those in the existing Act. They were largely the result of the experiences of the department in dealing with these roads boards. For instance, the Bill gave the boards power to declare a special area inside their respective districts for the purpose of striking a special rate within