

neglect their Parliamentary duty, which was distinctly undesirable. The object of the clause was to make it clear that by working on a public works committee they were not to neglect their ordinary public duty to their constituents. There was nothing to prevent them from holding a meeting to get information from other hon. members, but of course they could not draw fees for such meetings.

Mr. GEORGE: There was no danger of the committee holding meetings in the country while Parliament was sitting unless the occasion was of such great urgency that Ministers and Parliament desired that the committee should do so. Seeing that probably the whole programme of public works would be submitted to the committee, there was a chance of an undesirable delay taking place.

The Minister for Works: They have still three days in the week.

Mr. BOLTON: The succeeding clause pointed to the fact that most of the work would be done in recess, because it provided that before each session the committee should make a report to the Governor of their proceedings.

Mr. GEORGE: During a session members brought under notice of the Ministers works of more or less importance, and they would not tolerate any large work being left over for the committee to deal with in recess. However, the clause could be allowed to pass and then if it were found to operate badly the Act could be amended.

Clause put and passed.

Clauses 11 to 15—agreed to.

Clause 16—Assessors:

Mr. GEORGE: How far did these provisions go in the case of any officer of a Government department being required to give evidence before the committee?

The MINISTER FOR WORKS: The clause only permitted the committee to call experts outside the Government service. Officers in the departments who could give the necessary evidence would do so in the ordinary course of official duty, but this provision was inserted in

case it was necessary for the committee to obtain technical evidence which was not obtainable in the service.

Clause put and passed.

Clauses 17 to 26—agreed to.

Schedules (5)—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and transmitted to the Legislative Council.

House adjourned at 10.14 p.m.

Legislative Council,

Thursday, 18th December, 1913.

	PAGE.
Bills: Illicit Sale of Liquor, 3R.	4018
Bills of Sale Act Amendment, Assembly's message	4019
Traffic, Assembly's message	4022
Game Act Amendment, Assembly's amendments	4026
Initiative and Referendum, 2R., amendment, six months, carried	4029
Electoral Districts, 2R., Com.	4038
Plant Diseases, 2R., Com.	4056
Illicit Sale of Liquor, message	4059
Criminal Code Compilation, 2R., Com., 3R.	4060
Stamp Act Amendment, 2R., Com.	4060
Electoral Districts, 3R.	4062
Local Option Vote Continuance, 2R., Com., 3R.	4062
Railway Surveys, 2R., Com., 3R.	4062
Opium Smoking Prohibition, Assembly's message	4066
Flinders Bay-Margaret River Railway Purchase, 2R., Com., 3R.	4067
Public Works Committee, 2R., Bill defeated	
Electric Light and Power Agreement, 2R., Com., 3R.	4070
Loan, £2,000,000, 2R., Com., 3R.	4072
Stamp Act Amendment, Assembly's message	
Electoral Districts, Assembly's message	4077
Opium Smoking, Prohibition, Message	4079
Resolution: Railways Commissioner Re-appointment	4072
Adjournment: Close of Session	4079

The PRESIDENT took the Chair at 2 p.m., and read prayers.

BILL—ILLICIT SALE OF LIQUOR.

Read a third time and returned to the Legislative Assembly with amendments.

BILL—BILLS OF SALE ACT AMENDMENT.

Assembly's Message.

The Legislative Assembly having disagreed with four amendments made by the Council, the reasons for the same were now considered.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

No. 4, Clause 8—Strike out the Clause:

The CHAIRMAN: The Assembly's reason for disagreeing with this amendment was—"The clause passed by the Legislative Assembly embraces a principle recognised in other Acts, *e.g.*, Bankruptcy Act, and which is deemed advisable and desirable to embody in this Bill. Concrete illustrations were brought to the notice of the Assembly confirming the wisdom of the inclusion of this clause."

The COLONIAL SECRETARY moved—

That the amendment be not insisted on.

This clause provided that bills of sale should be voided against claims for wages.

Hon. M. L. MOSS: If the Assembly's reason was *bona fide*, and he must give members in another place credit for acting on the highest principles, it showed an ignorance which was most peculiar. There was nothing in the Bankruptcy Act in keeping with the rejected clause. The Bankruptcy Act contained a provision in regard to rates and taxes, and before the assets were divided among unsecured creditors, wages and salaries for a period of four months were protected.

Hon. W. Patrick: This is unlimited.

Hon. M. L. MOSS: It was not a question of a limitation to a day or a week or a month; the principle was wrong. A person who took a security after making the necessary search to ensure that the property was quite unencumbered might find afterwards that an additional remedy had been given to workmen in the shape of wages. This would be prejudicial to important mercantile communities and was quite indefensible. After 23 years legal experience he did not think he could

give three instances of men having lost their wages through these securities. Men working for wages were paid practically cash at the end of a week or a fortnight. Not only had workmen a remedy under the Masters and Servants Act, but there was a statutory provision dealing with the payment of wages at the end of a week, and the workmen's wages re-enactment enabled a man to attach moneys in the hands of a third party. The hon. Mr. Connolly had given an instance of a man who had teams worth £300 or £400 and who borrowed £200. No one would lend on such security if it was liable to be defeated under a provision of this kind. The clause would operate against the workmen. If a small contractor could not get these jobs, it would prevent men from getting work. The Committee should be careful before interfering with such mercantile instruments as bills of sale in this way. Men had to take such security when they could not get landed property, and to injure the security by allowing someone to come in with a claim over which the mortgagee had no control was inexpedient.

The COLONIAL SECRETARY: Would the hon. Mr. Moss explain whether it was not a fact that if money was owing to a landlord for rent and he seized the chattels, he took priority over a bill of sale?

Hon. M. L. Moss: Yes.

Hon. D. G. Gawler: There is a certain limit.

The COLONIAL SECRETARY: There should be some protection also for the workmen's wages.

Hon. M. L. Moss: There can be only one landlord and one lot of rent, and there might be 50 men and 50 claims for wages.

The COLONIAL SECRETARY: The amendment could not be accepted.

Hon. M. L. MOSS: The landlord's claim had been recognised from the earliest feudal times. Some people contended that distraint for rent should be abolished, but much had been done for the tenant. There was an exemption to protect his furniture up to an amount of £20.

Hon. D. G. GAWLER: The question of a landlord was not upon the same plane as the question of wages. The landlord was liable to be done out of his rent by a dishonest man removing his goods and clearing out in the night or even during the daytime, and unless the landlord could follow the goods and identify them within a certain time as having come out of his place and prove that they had been clandestinely removed his claim could not be established. On the other hand, a workman could insist upon being paid his wages weekly and had a summary remedy if they became overdue. Various forms of protection were given to the workman under various Acts. Exceptional advantages were given to the wage-earner, and if he did not make use of them one hardly saw what was the good of them. Under the Bankruptcy Act the wage-earner was protected against unsecured creditors, not against secured creditors. Here we were asked to give him a priority over security.

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

Ayes	..	..	..	4
Noes	..	..	..	14

Majority against .. 10

AYES.

Hon. J. Cornell	Hon. R. G. Ardagh
Hon. J. E. Dodd	(Teller).
Hon. J. M. Drew	

NOES.

Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. F. Connor	Hon. C. A. Plesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. E. M. Clarke
Hon. C. McKenzie	(Teller).
Hon. E. McLarty	

Question thus negatived: the Council's amendment insisted upon.

No. 6, Clause 11.—Strike out the clause:

The CHAIRMAN: The Assembly's reason for disagreeing with this amendment was as follows:—"It is deemed inadvisable and illogical, and a hardship on small borrowers, to fix a minimum amount to be covered by a Bill of Sale. No one should be excluded from the benefit of the Act."

The COLONIAL SECRETARY: The matter at issue was with reference to the £30 limit to a bill of sale. He moved—

That the amendment be not insisted upon.

Hon. M. L. MOSS: The reasons he had previously given why this clause should be struck out need not be reiterated as they were well known to everyone in the Chamber. In moving the amendment he had strong support from members of the Labour party in what he did. If we were going to give way to another place on this point then there ought, in order to protect the wearing apparel and bedding of people who had mortgaged their few sticks of furniture, to be against every man who lent money on one of these bills of sale an exemption similar to that given in Section 126 of the Local Courts Act. Where a person got judgment and put a bailiff in that section provided that the following goods should be protected from seizure:—

Wearing apparel of such person to the value of five pounds, and of his wife to the value of five pounds, and of his family to the value of two pounds for each member thereof dependent on him; bedding to the value of five pounds, and an additional sum of one pound for each member of his family dependent on him; implements of trade to the value of five pounds; family photographs and portraits.

If the proposal of another place went back into the Bill the position would be that when an unscrupulous mortgagee lent a small sum on a man's few sticks of furniture he would be able to sweep the bedding from underneath the wife who had possibly not been aware her husband had mortgaged the property. It was to be hoped that the Labour party who claimed to stand for humanitarianism would help him to prevent that kind of thing from happening. He would move later—That the following be inserted to stand as Clause 19:—"In the event of a grantee of a bill of sale exercising his power of sale the following personal chattels shall be exempt from seizure and sale:—Wearing apparel of the grantor to the value of £5, and of his wife to the value of £5, and of

his family to the value of £2 for each member thereof dependent on him; bedding to the value of £10, and an additional sum of £1 for each member of his family dependent on him; implements of trade to the value of £5; family photographs and portraits."

Hon. J. D. CONNOLLY: In his opinion the amendment did not amount to very much. If a proviso was put in protecting certain articles up to £30, and if a man had only £30 worth of furniture, under the amendment as proposed he could not get a bill of sale over that furniture. It would be very much simpler to say that a man should not have a bill of sale for less than £30.

Hon. H. P. COLEBATCH: No provision was more likely to help the petty-fogging little money lender than the clause which the Assembly sought to have passed, and it would operate to the detriment of women and children, as for every genuine case where benefit would be received through money raised under a bill of sale there would be 20 where a man would take out a bill of sale for £5, £10, or £15 to spend the money on the races.

Hon. J. CORNELL: The new clause moved by Mr. Moss would have his support. The proposal of the Government gave no protection. The Act as it now stood gave some protection. When a bill of sale was issued there should be the same protection as was given under the Local Courts Act in the matter of goods protected from seizure. Under the Bill a man might have a certain security, say a horse, worth £15, and it was necessary for him to raise it to £30. He lumped his furniture and other security together and borrowed £30, and then if the bill of sale was not met the furniture and other security could be held up, but under Mr. Moss's proposal a man might have a certain security on which he could borrow 1s. or £1, and they could seize that. If Mr. Moss's amendment was carried there would be very little lending on the furniture of the poor man. We should endeavour to prevent the lending of money under these circumstances, and if we did we would be protecting those persons who were unfortunately placed in such circum-

stances against the unscrupulous money lender.

Hon. D. G. GAWLER: The main arguments against this clause had now been wiped away. A man would now be unable against his wife's will to do away with what were her necessities of life.

Question (that the amendment be not insisted upon) put and passed.

Hon. M. L. MOSS: The amendment which he had already indicated could now be put to the Committee.

The CHAIRMAN: Consequent on the rejection by the Assembly of amendment No. 6, the proposed new clause moved by Mr. Moss could now be taken.

New clause passed.

Hon. M. L. MOSS: Would it now be necessary to draw up reasons for adding this new clause?

The CHAIRMAN: The Committee had acceded to the wish of the Assembly in regard to amendment No. 6, and a new clause having been moved it would not now be necessary to draw up reasons.

Hon. M. L. Moss: Look at Standing Order 231.

The CHAIRMAN: That schedule accompanied every Bill at every stage. It was the usual schedule.

No. 8, Fourth Schedule.—Strike out in line four the words "does not exceed £30—2s. 6d.," and strike out in line five "exceeds £30 but":

The COLONIAL SECRETARY moved—

That the amendment be not insisted upon.

Question passed.

No. 9, Fourth Schedule.—Strike out in lines 20, 21, and 22 "where the amount or value of the consideration or the sum secured does not exceed £30—1s. In any other case":

The COLONIAL SECRETARY moved—

That the amendment be not insisted upon.

Question passed.

Resolutions reported, the report adopted and a Message accordingly returned to the Legislative Assembly.

BILL—TRAFFIC.

Assembly's Message.

A Message from the Assembly having been received notifying that, in accordance with previous resolutions with regard to Messages in which requests were pressed, the Legislative Assembly decided to make the amendments requested by the Legislative Council in the said Message dealing with the Traffic Bill, the same was now considered.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Hon. C. A. PIESSE: As a country resident who knew the value of the Traffic Bill, he would like to place on record his belief that if this Bill which was in every way suitable for the country, was lost, the blame would rest on the Ministry of the day.

The CHAIRMAN: The hon. member could make his remarks on the adoption of the report.

The COLONIAL SECRETARY moved—

That the Chairman report the Message to the House.

Hon. J. F. CULLEN: The position was difficult to understand. The Committee had taken no action upon the Message.

The CHAIRMAN: No action could be taken in Committee.

Hon. J. F. CULLEN: How was it then that the Message was before the Committee.

The CHAIRMAN: Because under the Standing Orders, Messages, unless otherwise ordered by the House, were considered in Committee.

Hon. J. F. CULLEN: How then did the Chairman get this Message?

The CHAIRMAN: It was on the Notice Paper.

Hon. J. F. CULLEN: But how did it come before the Chairman of Committees seeing that the Message came to the House?

The CHAIRMAN: Under the Standing Orders every Message, unless otherwise ordered by the House, was considered in Committee.

Hon. J. F. CULLEN: Exactly, when referred to the Committee.

The CHAIRMAN: Without reference.

Hon. J. F. CULLEN: The position was that a Message from the other Chamber came to the President, who reported it. We could not go into Committee on it without an order.

The CHAIRMAN: We could go into Committee on it without an order; it was so laid down in the Standing Orders.

The Colonial Secretary: I moved yesterday that the matter be considered to-day.

Hon. J. F. CULLEN: But it had not been considered.

The CHAIRMAN: Standing Order 242 read as follows:—

All Messages in reply from the Assembly in reference to such Bills which do not completely comply with the requests of the Council as originally made, or as modified shall, unless otherwise ordered, be referred to the Committee.

Hon. J. F. CULLEN: This had been referred to us in Committee, but we had not dealt with it, and the Colonial Secretary had moved that the Chairman report—what?

The CHAIRMAN: If the hon. member wished to disagree with the ruling it was necessary that he should do so at once in writing. There was nothing in this measure which could be considered in Committee. His duty, therefore, was to report the Message to the House.

Hon. J. F. CULLEN: That was the first he had heard of that explanation. The Colonial Secretary had moved that the Message be reported. No reason was given for that. The Chairman had not ruled in the hearing of the Committee that there was nothing in the Message to consider in Committee. He was quite prepared to wait till the Message came before the House, but he was determined it should be discussed somewhere.

The CHAIRMAN: Already had he told hon. members that any discussion which might be necessary should take place in Council and not in Committee.

The President resumed the Chair. Message reported.

The COLONIAL SECRETARY
moved—

That the report be adopted.

Hon. J. F. CULLEN (South-East): I understand the Chairman has reported that the Committee has considered this Message. I take exception to that report. It is incorrect. The Committee has not considered the Message. The Chairman has taken upon himself to rule, and not audibly, that there is nothing to be considered; yet now he reports that the Committee has considered it. I think even the Chairman should be consistent. I do not object if he reports that he has ruled that there is nothing to consider. If he reports anything else I take exception to it.

Hon. W. KINGSMILL (Metropolitan): Very often it happens that owing to the fact that it is necessary to conduct the business of the House according to certain forms we have to violate questions of fact. You yourself will recollect, Sir, that on many occasions when the Committee has debated for some considerable time a clause in a Bill without coming to any definite conclusion, without any motion having been carried, it is my duty, as Chairman, to report to you by the order of the Committee that the Committee has considered the Bill, has made progress with the same and asks leave to sit again. That is quite wrong as a matter of fact but it is quite right as a matter of form. So with regard to this Message. Possibly the Message should not have been considered in Committee, but an order of the House should have been made that it should be considered in Council. I am inclined to believe that would have been the better course. But that would necessitate, as in the case of the consideration of a Message referring to the Rights in Water and Irrigation Bill, an order of the House that the Message should be considered in Council, and not in Committee. The custom of the House, as laid down in Standing Order 242, is that these Messages automatically go into Committee, unless otherwise ordered. I still maintain there is nothing for the Committee to consider in this Message, and that all the consideration they can give it is that it shall

be read to them, that they shall look at it so to speak, and I shall report to the House in the same way as I have often reported when no progress has been made, that the Committee has considered the Bill, made progress in the same, and asks leave to sit again. Matters of form sometimes necessitate our shutting our eyes to matters of fact, and matters of form are necessary if the business of the House is to be conducted in an ordinary manner. The right place in which to make any remarks on this Message is now, in Council, on the adoption of the report, or, better still, if the Message had been ordered to be considered in Council.

The PRESIDENT: I interrupt the hon. member's speech for the purpose of directing attention to the fact that when we are considering a matter in Council only one speech from each speaker is allowed; and so I remind hon. members that they will not be able to jump up and make three or four speeches. I wish them to say all they have to say in one speech.

Hon. J. F. Cullen: By way of personal explanation, may I ask if this Message is now before the House?

The PRESIDENT: It is not. The consideration of the report is before the House.

Hon. J. F. Cullen: Then may I ask, will this Message be open for discussion anywhere, at any time, or is it to be treated with contempt by this House?

The PRESIDENT: It might be recommended. That is one means of getting the matter back; but now Mr. Kingsmill has the voice. I only interrupted him to remind hon. members that only one speech will be allowed, and that I want them to concentrate their thoughts on that one speech.

Hon. W. KINGSMILL: Having endeavoured to put myself right with Mr. Cullen—

Hon. J. F. Cullen: Which you have not done.

Hon. W. KINGSMILL: I regret exceedingly that I cannot see eye to eye with the hon. member. My explanation is, at all events, perfectly satisfactory to myself, and I regret that it is not satisfactory to the hon. member. In regard to the adoption of this report, in order to support

the motion for the adoption, I have to refer to the substance of the Message. It seems to me a great pity that another place should continue to display an aptitude for striking a series of attitudes on this question of money Bills. We have had within the last day or two indications that three attitudes at least are to be taken up. In regard to the Fremantle Improvement Bill, pressed requests were accepted by the Assembly without comment. In regard to the Rights in Water and Irrigation Bill, I learn that it is the intention of the Assembly to waive what they call their privileges. On this Traffic Bill it appears they wish to exert those privileges to the utmost. I do not know where the Council is going to stand in relation to the Assembly. In relation to itself, undoubtedly it is still on the same firm basis which it has always stood upon, still acting within our own Standing Orders and within the four corners of Section 46 of the Constitution Act. I must say with regard to my ruling—which has not been disagreed with, although ample opportunity was afforded—I maintain I am perfectly correct. Unless otherwise ordered by the Council, we must of necessity go into Committee on these Messages. There having been no motion which the leader of the House could put forward in Committee, I take it the Message having been read and inferentially considered by the Committee, it was the duty of the leader of the House to act as he did, by asking me to report the Message. In reporting that the Committee had considered the Message I was acting in conformity with the rules of the House, and making no more serious breach of the conveniences with regard to matters of fact than is made every day time after time. Namely that the Committee has considered the clause, passed no motion, yet has reported progress and asked leave to sit again. In this case I reported that the Committee had considered the Message and made progress in the same, which is obviously incorrect; but at the same time it has to be taken as a matter of form, and therefore this is exactly on all fours with the position which so frequently arises. That is the situation as I see it, and it is in strict

accordance with the Standing Orders of debate in Committee and in Council.

Hon. J. F. CULLEN : On the former occasion I simply asked for information. I wish now to speak to the motion before the House. I am very sorry that the Chairman's interpretation of the Standing orders forces him into the false position in which he admits he is.

Hon. M. L. Moss : I rise to a point of order. I do not want to cut Mr. Cullen short, but this is one of those money Bills.

Hon. J. F. Cullen : No, it is not.

Hon. M. L. Moss : This is a Bill on which the Assembly could have asked for a conference and did not do so. We cannot ask for a conference, and my contention is that the Bill must end here. We can do nothing; we have come to the end of our tether, and therefore we can have no further discussion on the matter.

The PRESIDENT : The only discussion we can have is as to whether the report be adopted, and that discussion is futile.

Hon. J. F. CULLEN : I hold that this is not a money bill; that point is entirely disputed. The Chairman has fallen in with the false claim of another place to make this a money Bill, because when the Bill had advanced considerable stages the Minister chose by way of offering an inducement to the local governing bodies—

The PRESIDENT : The heading on the Bill is "This public Bill originated in the Legislative Assembly and the purposes for the appropriation of revenue were first recommended to the House by message of the Governor during the present session, and the Bill having been this day passed is now ready for presentation to the Legislative Council for its concurrence." So I maintain it is a money Bill.

Hon. J. F. CULLEN : I bow to your ruling.

The PRESIDENT : I am reading the heading of the Bill.

Hon. J. F. CULLEN : I do not attach any importance to headings, nor to many things that Ministers say. I want to

point out to this House that a most unpardonable attack has been made upon this Chamber in connection with the message on which we have the opinion of the Chairman of Committees. The Minister in charge of this Bill has in a most unwarrantable way called upon the electors of the metropolitan district—

The Colonial Secretary: Are you referring to me?

Hon. J. F. CULLEN: Certainly not; the Minister who is in charge of the Bill is the Minister for Works. The leader of the House acts for the Minister in charge of the Bill with regard to this House. The Minister in charge of the Bill has actually called upon the electors of the metropolitan district to deal with members who voted against this Bill. I say that it is not only a most undignified misuse of high office, but it is a line of conduct which, if adopted in this Chamber, would be ruled out immediately. It would not be tolerated in this House. A Minister of the Crown calls upon the electors to deal with members of this House who have dared, not to vote against the Bill, to support the principles of the Bill, but to take exception to one little clause in which the Minister claims to intrude into the local governing authority. There is a more serious charge against the Minister based on the report of his speech. If that report is correct he has taken another most unwarranted stand. He has practically said to the local governing bodies of this country, "Here is an inducement to you to back my claim to become the licensing authority. If you help me to pass this Bill I will give you a subsidy of £11,000." It is to my mind a degradation of high office for a Minister of the Crown to say "If you will vote for this Bill I will give you £11,000 by way of subsidy to the local governing bodies."

The PRESIDENT: I must draw the hon. member's attention to Standing Order 393 which says that no member shall allude to any debate of the current session in the Assembly.

Hon. J. F. CULLEN: It happens that exactly the same Bill as I am dealing with was dealt with by the Minister in

correspondence with the local governing bodies.

The PRESIDENT: The hon. member is on safe ground now.

Hon. J. F. CULLEN: But I will get there just the same. The Minister caused the whole of the local governing bodies to be notified that he was going to earmark a certain part of the Government subsidies to local governing bodies, and attach it to this particular Bill.

Hon. J. D. Connolly: Are you supporting the adoption of this report.

Hon. J. F. CULLEN: If the hon. member will listen to my remarks he will find out. It is not my fault that I have had to take up a few minutes; it is the fault of the misuse of the high office by a Minister of the Crown. When this Bill was first introduced there was no mention whatever of a subsidy connected with it; that was entirely an afterthought. The Minister found that certain members of this House were against Clause 23 of the Bill, and he conceived the idea that he would bring to bear on all those members the pressure of their electors through the local governing bodies, and he sent circulars to them to this effect. "I am going to attach part of the subsidy which is given to the local governing bodies to this particular Bill, and if you will help to pass the Bill there will be a certain subsidy based on the licensing fees." I say it is a misuse of high office to offer what is a palpable bribe to the electors in order to bring pressure to bear on their members. And it had that effect. I had a deputation from a certain local governing body. By some means it had been conveyed to those people that Clause 23 was the Minister's darling in the Bill, and that if it was not carried he would hinder them from getting their subsidies. The deputation said to me—"We want you to vote for that Bill." I asked "Have you read the Bill?" "Yes." "What are you going upon?" "Information from the Works Department that this Bill must be carried, and if so we will get a share of the license fees collected by the city council." Do you know how much they are?" "There is a lot of money, and the Minister will

add to it by way of subsidy a considerable sum." The Minister started with £2,000, and step by step has got up to £11,000, a wretched bribe that would amount to about sixpence per chain on the main roads of this State, and on the effect of that he is asking the local governing bodies to bring pressure on their members. It is a monstrous misuse of Ministerial office, and I hope Parliament will not be again degraded by a spectacle of this kind. The Minister says—"I will give you £11,000 to get this Bill passed, and I hope the electors will deal with members of the Council who oppose it." I feel grieved to have to refer to such an abuse of Ministerial office.

The PRESIDENT: The hon. member must consider the report. I must exercise a little restraint. The question is that the report be adopted.

Hon. C. A. Piesse: If the Bill is lost the Minister in another place, responsible for it, will have to take the blame, for it is a good Bill for the country.

Question put and passed; the report adopted.

BILL—GAME ACT AMENDMENT.

Assembly's Amendments.

Schedule of five amendments made by the Legislative Assembly now considered.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

On motions by the COLONIAL SECRETARY amendments Nos. 1. 2. and 3—agreed to.

No. 4.—Add new clause to stand as Clause (4):—Insertion of new section after Section 6:—Native game deemed property of Crown: The following section is inserted in the principal Act after section six thereof, that is to say:—6a. For the purposes of this Act all native game, until lawfully taken or killed, shall be deemed the property of the Crown. Provided that, subject to the provisions of this Act, any person duly licensed may take or kill native game for the purpose of sale or the disposal thereof for gain or reward. Provided also that, subject as aforesaid, any person may, without license, take or kill native game if not for

the purpose of sale or the disposal thereof for gain or reward:

The COLONIAL SECRETARY: There was strong objection in another place to the payment of license fees in connection with the destruction of native game, and in accordance with the wishes of the Assembly the Government had eventually decided to substitute a royalty. The Bill had been amended accordingly, and in order to enable the Crown to demand a royalty a declaration had to be made in this Bill that all native game should, for the purposes of this measure, be deemed to be the property of the Crown.

Hon. Sir E. H. WITTENOOM: Clause 4 of the Bill was most important as it affected every farmer in the State.

The CHAIRMAN: The hon. member must discuss the provisions of the new clause proposed by the Legislative Assembly to be added to the Bill.

Hon. M. L. MOSS: This was an amendment of the principal Act and not of the Bill, and in discussing this surely the hon. member could discuss how the public interest would be affected?

The CHAIRMAN: It was impossible to allow a discussion on Clause 4.

Hon. Sir E. H. WITTENOOM: It was the most important clause in the Bill as it would do harm to the farmers.

The CHAIRMAN: The opportunity was open to the hon. member when the Bill was in Committee. It was regrettable that he had missed his opportunity, but hon. members must now confine their remarks to the proposed new clause.

Hon. Sir E. H. WITTENOOM: Then he felt like moving that the Bill be read a second time this day six months.

Question put and passed; the Assembly's amendment agreed to.

No. 5.—Add a new clause to stand as Clause 10, providing for the insertion after Section 23 of provision for a royalty on marsupial skins:

Hon. J. F. CULLEN: It was not his desire to spoil the Bill, but the Government had made a blunder by going in for a royalty instead of a license. This would involve an enormous amount of trouble. Who was the collector referred to?

The Colonial Secretary: He cannot be appointed until the Bill is passed.

Hon. J. F. CULLEN: There was no provision in the Bill for the appointment of a collector.

The Colonial Secretary: It means an officer of the Fisheries department.

Hon. J. F. CULLEN: That was not in the Bill. Hundreds of collectors would be needed. If a trapper came in with a few skins they would have to be checked. By whom would they be checked? It would be a simple thing for the trappers to take out licenses. How could an official of the Fisheries department deal with all the trappers? The Government must have been influenced by an argument that a man who shot a few marsupials would have to pay as much by way of a license as a man who shot thousands. The system of royalties would cost ten times as much as a system of licenses.

Hon. M. L. MOSS: The exportation of skins from Western Australia was a very important industry. Skins had lately gone up in value tremendously, and there was no limit as to the royalty which the Government might charge. The Government might fix the royalty at such a figure as to make the exportation of skins, which was an industry assisting the struggling man, almost an impossibility. The royalty would be fixed by regulation. Under the principal Act there was no provision to enable this House to disallow any regulation made, and we were thrown back on the Interpretation Act under which regulations could not be disallowed unless both Houses agreed to the disallowance. Therefore the royalty might be fixed at such a rate as would interfere with the industry, and this House would lose its opportunity to revise the scale of royalties.

Hon. J. W. Kirwan: Should not any Government be trusted in regard to that?

Hon. M. L. MOSS: These remarks were directed against all Governments. Was the House prepared to surrender to any Government the right to fix the royalty without having the opportunity to revise it unless the other House was agreeable?

Hon. C. A. PIESSE: The amendment ought not be agreed to. Amendment No. 5 proposed that every skin had to be branded. An army of men would be re-

quired to give effect to it. A man might be proceeding to the collector to pay the royalty and the skins might be seized and a penalty imposed on the man. The present Government were known as the penalty Government. Fancy a £50 fine for an offence against this provision!

The COLONIAL SECRETARY: There would be no difficulty in collecting the royalty. Every man who bought a skin would take good care that he deducted the amount of the royalty. The Government would frame regulations to deal with the matter. Exporters would be asked to pay the royalty. It might be 3d. or 6d. a skin; he did not know, but whatever it was the purchaser who exported them would deduct it from the price he paid the trapper. An officer of the Fisheries department would probably be appointed collector, and would keep in touch with the exporters. No difficulty was anticipated to give effect to the measure. No doubt unlimited power was given as regarded the amount of royalty to be fixed, but surely the Government could be trusted? If the royalty imposed was too high, it was certain that both Houses would protest. The objection taken in another place was that the industry would be penalised too greatly by the imposition of a license fee.

Hon. Sir E. H. WITTENOOM: Did this Bill apply entirely to Crown lands or also to freehold lands?

The Colonial Secretary: All native game on all lands become the property of the Crown.

Hon. Sir E. H. WITTENOOM: Then it might be possible to go on to any land.

The COLONIAL SECRETARY: It would be impossible to go on to any land because the pastoral leases afforded ample protection. In order to do this it would be necessary to amend the Lands Act, but even so that could not interfere with existing pastoral leases.

Hon. Sir E. H. WITTENOOM: I am talking about freehold.

The COLONIAL SECRETARY: Under the present law no one could go on to freehold land, or on to pastoral leases.

Hon. C. A. PIESSE: The amendment would interfere with freehold land be-

cause all native game was to be deemed to be the property of the Crown.

The Colonial Secretary: But people cannot trespass on freehold land.

Hon. A. SANDERSON: How could any hon. member not acquainted with the business take an intelligent interest in the matter? There was evidently a strong feeling in regard to it, and if the amendment was pushed to a division how could such members make up their minds which way to vote? It was impossible at this stage to try and drive this thing through.

The COLONIAL SECRETARY: Definite advice had been obtained by him to the effect that any man who went on a pastoral lease without the permission of the holder committed an offence, and could be prosecuted by the holder of the pastoral lease; any man who went on freehold to shoot kangaroos also committed an act of trespass. This Bill made native game the property of the Crown only for the purpose of assisting to carry out the measure, but nothing was done granting permission for persons to go on pastoral leases, conditional purchase land, or freehold; Crown lands were the only lands anyone could enter upon for the purpose of shooting native game without permission.

Hon. C. A. PIESSE: The clause took away from the owner of the land the right to the native game.

The COLONIAL SECRETARY: A man could not shoot kangaroos now on his own land without license or permit from the Government.

Hon. J. F. CULLEN: The clause would never work, but he was going to leave that to the Minister, who could bring down an amending Bill next session.

Hon. M. L. MOSS: The position was that the freeholder or pastoral lessee would not be able to shoot kangaroos on his own property unless he got a license; but the Government could not license anyone to go on his property. If the Government granted a license it must be in respect of waste lands of the Crown.

Hon. C. A. PIESSE: Native game could become most destructive, yet we had to get a license to shoot it on our land.

The day was coming when we would have to have a license to kill our own sheep and every skin would have to be branded.

Hon. F. CONNOR: The action of the Government in proposing royalties might come into conflict with the Commonwealth proposition as it was an export duty.

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

Ayes	..	..	..	19
Noes	..	..	..	6
				—
Majority for				13
				—

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. H. P. Colebatch	Hon. J. W. Kirwan
Hon. J. D. Connolly	Hon. R. J. Lynn
Hon. F. Connor	Hon. M. L. Moss
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	Hon. W. Patrick
Hon. J. E. Dodd	Hon. C. Sommers
Hon. J. M. Drew	Hon. Sir E. H. Witteboom
Hon. D. G. Gawler	Hon. C. McKenzie
Hon. V. Hamersley	(Teller).

NOES.

Hon. E. M. Clarke	Hon. G. A. Piesse
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. E. McLarty	Hon. A. Sanderson
(Teller).	

Question thus passed: the Assembly's amendment agreed to.

Resolutions reported.

Report Stage.

The COLONIAL SECRETARY (Hon. J. M. Drew) moved —

That the report be adopted.

Hon. W. KINGSMILL (Metropolitan): I desire to say a word or two upon the adoption of this report as I do not have the opportunity when the House is in Committee. I want to support the adoption of the report because I consider that the provisions contained in these amendments are essentially good ones. As there appears to be a misunderstanding on the part of some hon. members, it is as well to say that a license issued by the Crown could not give any holder of that license the right to trespass, as has been thought by hon. members; it would simply give the right to take or kill game on waste lands, the property of the Crown, and on other lands with the con-

sent of the owners or holders, nothing further. The owners of land cannot at present kill game without a permit. That involves the vexed question of domestic animals and *ferae naturae*, which is plain enough in this State, for no one has yet, so far as I know, succeeded in the conversion of native game into domestic animals. While the distinction is so plainly drawn by nature I do not think there can be any two opinions about the value of the Bill. There is another thing I wish to refer to. I think these royalty provisions will be essentially good. They will be little trouble and will be productive of a fair amount of revenue to the department, more so I think than if license fees were imposed. What I regard as unwarranted attacks have been made outside this Chamber on the gentleman administering the department; and he has been described as an idiot. I have had a good deal of intercourse with that gentleman and my opinion is that he is one of the most painstaking, obliging, and brainy officers in the civil service, and the service is to be congratulated upon the possession of such an officer. I myself have been accused of talking sentimental piffle in this connection and having as my only claim to distinction the fact that I am a member of the Acclimatisation Committee. Be that as it may, I hope my claim to distinction will never rest on the coarseness of my speech, or on the blatancy of a tedious and absolutely unjustified egotism which renders me a haunting terror and a standing menace among my acquaintances.

Hon. Sir E. H. WITTENOOM (North): I rise only to say one word in connection with Clause 4. I think the whole trouble would have been removed if it had been said it was restricted to Crown lands only.

The Colonial Secretary: What is the objection??

Hon. Sir E. H. WITTENOOM: This is so monopolistic; it is not restricted to Crown lands. There are many people in the Geraldton district who have farms of from, perhaps, 1,000 to 5,000 acres. There

may be only 20 kangaroos on each of these farms. These men are trying their best to breed first-class horses, cattle, and sheep. If a license can be given as in the manner provided we will have boys and other people shooting about among the horses or rams—

Hon. W. Patrick: They would not be allowed to.

Question put and passed; the report adopted, and a Message accordingly returned to the Assembly.

BILL—INITIATIVE AND REFERENDUM.

Second Reading—Amendment (six months) carried.

Debate resumed from the previous day on the motion "that the Bill be now read a second time," to which an amendment had been moved by Hon. D. G. Gawler, that "now" be struck out and "this day six months" added to the motion.

Hon. F. DAVIS (Metropolitan-Suburban): It would be a most important circumstance if the original motion were carried. After the somewhat heated debate we have had on the Game Bill it is quite a pleasant transition from that to the question of the initiative and referendum. This is of far-reaching importance and will probably live in the memory when Game Bills have been dead for many years. I propose to point out some of the more important aspects of this great question. In considering this it is well to take the opinions of those who have had practical experience of the effects of the referendum, and see how they view the question, and from that to deduce a view as to what the effect will be in this State when the Bill passes into law. Senator Jonathan Bourne of the United States, in a speech delivered before the Senate, said—

The initiative and referendum is the key-stone of the arch of popular government; for by means of this the people may accomplish such other re-

forms as they desire. The initiative develops the electorate because it encourages the study of principles and policies of government, and affords the originator of the new ideas in government an opportunity to secure popular judgment upon his measure. The referendum prevents misuse of a power temporarily centralised in the Legislature.

In Wisconsin, one of the States of America which has had experience of the initiative and referendum, the Governor Francis E. McGovern, in his speech to the Legislature said—

The great task of the time is how to make and keep the Government fully representative of the people. Powerful forces are constantly at work to prevent it. This is the initial problem which must be solved before real progress along any other lines is possible.

He is not alone in his opinion formed of this measure. We find that Governor John Burke of North Dakota, in his message to the Legislature in 1911, said—

If we believe in the theory that this is a government of the people there ought not to be any objection to this legislation (the initiative and referendum), for it places the power of governing right in the hands of the people, where it belongs.

We have also another who has made a special feature of giving his views on this question, no less a person than George W. Donaghey, of Arkansas, who sent a special message to the Legislature in 1910. He said—

For many years I have pondered over the question how to make our government more pure, more effective and more business-like. Long ago I came to the conclusion that the most practical means to this righteous end was to increase the power of the people over the affairs of government, and that this could be best accomplished through the initiative and referendum.

I have one more American authority to quote in the person of Governor Hiram

W. Johnson of California, who is an ardent lover of reform. In his inaugural address before the Legislature he said—

I commend to you the proposition, that, after all, the initiative and referendum depend upon our confidence in the people and their ability to govern. The opponents of direct legislation, however they may phrase their opposition, in reality believe the people cannot be trusted. We who espouse these measures do so because of our deep-rooted belief not only in the right of the people to govern, but in their ability to govern.

These are taken from an excellent periodical entitled *The Equity Series*, issued in Philadelphia in the United States. I have here also a book taken from our own library, written by Deploige, a confidential author, and dealing with the movement in Switzerland. On the evolution of the referendum he states—

In the United Kingdom the referendum has been advocated by writers of more or less eminence as a substitute for the House of Lords, and as a corrective for all the evils of party and parliamentary government. The referendum has been extensively used in the British Trade Union world, and has existed for over a century in many of the States of America in the form of a popular vote on constitutional changes. A Direct Legislation League was formed there in 1894 to secure the introduction of the referendum and initiative in the Swiss form, not only in all the American States and municipalities, but also in the Federal Government, as a remedy for the prevalent corruption of political life. The expediency of direct legislation by the people is, therefore, more than a question of speculative interest; it has become a question of practical politics.

That we know, in connection with our own State of Western Australia and in connection with Australia, is a fact, because we have taken part as citizens of the State in referendums, controlled by the Government, but none the less referendums in every sense of the term. It is

not merely academical but enters into the realm of politics at the present moment. Representative government as we understand it has not yet reached its final state. It has passed through a long series of evolutions, beginning possibly at the time of the Saxons in their own country and passing through the periods of Alfred the Great, Edward I., and many prominent kings of England, who initiated various forms of advanced government methods, until we have it as we know it at the present. But even yet, although it has evolved and become the best we have had so far, there is still room for improvement in our form of representative government. It is still incomplete and it may be truly said that with the introduction of this Bill we are still evolving and progressing. I have here, taken from the *Sovereign People* a book written by Henry Demarest Lloyd, an excellent statement on representative government as we understand it at the present time. The author states:—

The underlying supposition of representative government is that the people are neither able nor willing to give the requisite time and trouble to weigh the merits of concrete acts of policy, often intricate and far-reaching in their effects, but that they are able and willing to choose persons competent to consider and pass judgment on their behalf, the representatives being chosen, not because of their peculiar fitness to deal with some specific issue, but because of their general capacity and good judgment in dealing with the whole range of legislative work.

Hon. D. G. Gawler: You want to put the representatives aside and go back to the people.

Hon. F. DAVIS: Representative government can be said to roughly approximate the wishes of the people; it does not give an absolute reflex of the people's will as we have it at present. In the *Social Reform Encyclopaedia* an American writer gives a definition of "direct legislation," which, I think, should commend itself to every one who has studied the question. He states—

There is a radical difference between a democracy and a representative government. In a democracy the citizens themselves make the law and superintend its administration; in a representative government the citizens empower legislators and executive officers to make the law and carry it out. Under a democracy sovereignty remains uninterruptedly with the citizens, or rather a changing majority of the citizens; under a representative government, sovereignty is surrendered by the citizens for stated terms, to officials. In other words democracy is direct rule by the majority, while representative government is rule by a succession of quasi-oligarchies, indirectly and remotely responsible to the people.

I think that definition well sets out the situation as we find it to-day. To my mind the difficulty of our system of government is largely one of geography. We have so long been accustomed to making certain areas of land the first consideration in the definition and allowing for representation that we are in danger of being ruled by area and not by people. Some areas a good deal distant from the seat of government are large as compared with the areas returning members to represent the metropolitan districts. That one hundred years ago could be well understood because a century ago, or perhaps a century and a quarter to a century and a half ago, before the introduction of machinery and steam, the conditions were altogether different, and the population was small comparatively, and the means of communication and transportation was inferior to what they are at the present time. People travelled but little, there was no sharp, clear divisions of class between the people that there are now, and consequently they had to an extent wants in common, and one man was able to fairly accurately estimate the wants and desires of the people in a given area, so that it came about in that time that that method was adopted; but during the last century conditions have changed very materially as everyone must admit who thinks over the question. There have been very sharp class distinctions drawn,

brought about by the industrial evolution. Men and women travel much more than they did then; thought has advanced; education has multiplied exceedingly, and men are in a different position to-day from what they were a century ago. Therefore we find the need for variation and change in the form of government to that which obtained a century and a quarter to a century and a half ago. That is the reason why I say the basis of representative government is largely geographical in nature and certainly needs alteration at the present time. It has been contended that our form of government allows the people to speak with no uncertain tone on questions at election times. Very little thought will convince most people that while it is possible that an election may decide one or two or a few great issues, it absolutely breaks down when it is asked to define every issue or a number of issues placed before electors at a general election. The reason is obvious; there are so many side issues that enter into the calculations of the people when choosing a representative. There are many burning questions of the day, that a candidate may be elected on very different grounds altogether from those which are placed before the people. This was borne out only yesterday by a statement made in his Chamber. In dealing with the Local Option Bill, Mr. Connolly stated that he objected to the vote being taken on the day of a general election because it would confuse the issues. He is quite correct; there is no doubt it would. Our representative form of government does not allow great questions to be decided by means of a general election. There are too many issues involved to allow a clear and calm expression of the will of the people being obtained. I have here a quotation from the *Social Reform Encyclopaedia*, dealing with representative government. It states—

Representative government carried to its logical conclusion as in the United States leads to rigid party machinery. The will of the "machine" politician is pumped down the machine to the very bottom and comes back with the falsely formed brand of uniformity and ap-

proval on it. . . . The interest and will of the people are those of a multitude of scattered amateurs confronting the interest and will of close corporations of professional experts. With optional referendum in operation this is impossible.

We all know the deplorable state America has got into in connection with her machine politics, and it is to be hoped, and sincerely hoped, that such a condition of affairs will not arise here.

The PRESIDENT: Would it not be well for the hon. member to direct his attention to the Initiative and Referendum Bill before the House?

Hon. F. DAVIS: I am directing attention indirectly by quoting the views of various people. If I have not kept to the Bill I regret it. My reason for advocating that the Bill should pass its second reading, and that the expression of the will of the people should be given effect to by this form is that the referendum enables the will of the people to be shown in a clear and calm manner. As we know by the two federal referendums, taken some time ago, they were taken on days, or rather the first one was taken on a day which was not the day of the general election, and no doubt the will of the people was clearly expressed and deliberately expressed by means of that referendum taken, and unless that is done it is difficult, as I have pointed out, to find just what the will of the people is on certain points. I had an experience in my own case, in the absence of the provision of this Bill being put into effect, which shows the possibility of a member of the Legislature being called on to exercise his judgment on matters which were not dealt with by him during the election campaign. When before the electors I stated that I favoured certain principles, and strange to say the first vote I was asked to give in this Chamber was on a question that had not been considered by either myself or my opponent during the campaign, and that was on the question of divorce. My experience is not singular, it is one that is common to all members of the Legislature. In the absence of some provision such as we have in this Bill, to give ex-

pression to the will of the people on any question they may be asked to decide, it is possible for a member to vote without knowing how his constituents wish him to vote, and possibly in direct opposition to the majority of those who have elected him to this or any Chamber of the Legislature. To my mind it would be possible if this Bill is carried to make it a process for obtaining the will of the electors on any subject without undue difficulty. I quite recognise the percentage as outlined in the Bill, ten per cent. in the one case and 15 per cent. in another, in order to ensure that any particular measure shall be submitted to the people, may not seem a very large number to require, but those who have had experience of obtaining signatures to a petition will admit it is a difficult matter to get a large percentage such as this would mean in a population of 329,000 souls. It would mean a fairly large number to obtain in order to ensure a Bill or a measure being referred to the people for their acceptance or rejection. Nor do I think the objection raised during the debate that unions and trades unions as such would make a point of running riot with this particular part of the Bill or the methods outlined in the Bill because my experience is that members of trades unions have other work to do which takes up the greater portion of their time and leaves them little time to enter on a wholesale canvass of principles when their day's work is done. Having to work all day they are not at all desirous in the evening of canvassing for signatures to a petition, especially in the heat which we have in this State which causes physical exhaustion. It is not to be wondered at therefore that the provision of 10 per cent. and 15 per cent. before a Bill can be submitted to the people, is a reasonable one and one, I think, somewhat on a par with that obtaining in other States and other lands where the referendum does obtain. It has been stated that there is a fear if the Bill becomes an Act and is given effect to that there will not be representative, or the best people rule, but that there will be mob rule; that is an objection which is often raised to the initiative and referendum. The experience of other lands

where this system is in operation does not give warrant to the statement. In Switzerland in connection with one measure, it was submitted to the people on three different occasions before it finally became law. On the first two occasions the measure was rejected by the people but on the third occasion it was accepted by them and eventually became law. Judging by that experience there is no need to fear that if the Bill is given effect to we would be deluged by requests for the referendum; the experience of other lands is contrary to that. Possibly one of the strongest objections that will be urged against the Bill is that it would reduce members to the position of delegates from being representatives—they would become delegates simply sitting here doing what those who sent them here wished to be done. I do not know that that would be a very great hardship, or in any way reduce the capacity of this body to effectively make laws. At the present time we are practically delegates, to the extent that we state the views we hold before the electors and on those views to an extent, although not altogether, we are elected and we are in honour bound to give effect to those views by our voices and votes. Even if it were so that members of the Legislature became practically delegates instead of having a free hand to use their own judgments on any matter before the House, I do not see that would be in any way derogatory to the status of members or their usefulness, because it must be admitted that the people who make the law-makers are greater than their representatives, whom they send here to make the laws on their behalf. Otherwise it would be a reversal of what is the correct position. If that were not so, we might say that man is greater than the Deity, but no one would be so foolish as to argue that the Deity is not greater than man. If, therefore, people have sent us here as their delegates they have the right to ask us to act in the capacity which they think best.

Hon. D. G. Gawler: You would not deprive them of their judgment altogether.

Hon. F. DAVIS: No. There is a fear that if the Bill be carried and the provisions of it taken advantage of, we should have not much work to do, and we should not have the opportunity as legislators to exercise judgment. But it is not intended that all measures shall be submitted to the referendum. In fact I think it will be found in practice that when the opportunity is given to the electors to ask for referenda, not nearly so many will be asked for as is feared by those who are opposing the measure. In Switzerland where the principle has been in operation for 30 years, 246 laws have been passed, and of that number a referendum was only asked in the case of 53. It leaves ample opportunity for the legislators to exercise their judgment on other measures which are not the subject of the referendum.

Hon. D. G. Gawler: Does that not show that the Bill is not wanted?

Hon. F. DAVIS: No.

Hon. D. G. Gawler: Not much use is made of it.

Hon. F. DAVIS: You might apply the same remark to the defence system. Although it might not be used in regard to all the laws, this Bill should certainly be passed to enable the people to express judgment on any particular law. I merely point out this to show that it is not likely that the people will rush the provisions. They will not take undue advantage of the Bill, but will exercise the powers contained in it with reason and commonsense. That is why I think the Bill will be in the interests of the community as a whole. It will be seen towards the end of the measure that there are some exemptions from its operations. For instance, taxation will be exempted, and that is only right because the Government must have power to carry on the business of the State, and they must be in the best position to know the intricate details regarding the revenue and expenditure of the State. Usually there are certain phases of legislation which are exempted from the operations of a measure like this. There is ample scope for every legislator to exercise his judgment and show his powers

of discretion in dealing with measures which are left to him to discuss. It has also been claimed that although the principle may work well in some lands, it will not work well in this State because of difficulties which are in the way. The difficulties in this State are not so great as obtain in some other lands. May I point out that distance is no great bar to the effective administration of a measure such as this. Switzerland is a small country compared to a State like ours, and there they have difficulties in the way of transit which we have not. The people there for many centuries have been isolated and are naturally more or less what we know as clannish. There are differences in religion which are sharply defined. There are no fewer than three languages spoken there, and the Government have to print their decrees in these three languages to make them understandable to the people. There are difficulties by reason of the fact that some of the cantons are exclusively industrial and some are purely pastoral. The habits of the people are different and yet with all these difficulties they are able to carry out this principle admirably. Therefore I see no reason why we who speak the one language and who have not the disabilities which are experienced in Switzerland cannot carry out this measure with admirable results, and it is for that reason that I have urged for many years that this principle should be given effect to. Even now it should be given effect to in this State. There is no measure which has been brought in by any Government which will act so beneficially in the interests of the people as a whole as the Bill under discussion, and it is for that reason that I have much pleasure in supporting the second reading.

Hon. J. E. DODD (Honorary Minister, in reply): If the importance of this measure is to be gauged by the attention that has been paid to it, in comparison with the question of whether or not license fees or royalties should be collected on the destruction of kangaroos, I think it must indeed be an unimportant measure. To my mind the very fact that there is such a lack of atten-

tion displayed towards a measure of this kind is one of the greatest arguments that can be used in its favour. The fact that any measure which has found favour among so many thousands of people throughout the world, and which is going ahead by leaps and bounds, should be discussed in such a thin House, is to me the greatest argument that can be advanced in favour of transferring some of the power from Parliament to the people. I only desire to say that in order to try and conserve the time of the House I cut my speech on the introduction of this measure as short as possible; but I find that that consideration was not reciprocated by members of this House. While I have been trying to conserve the time of the House, by dealing as shortly as possible with this and other important measures, very much more time than is necessary has been taken up in discussing comparatively insignificant and unimportant clauses in much less important Bills than this.

Hon. J. F. Cullen : And the Minister is the worst offender of all.

Hon. J. E. DODD (Honorary Minister) : An attempt has been made by Mr. Gawler in dealing with this Bill to show that there is a dissimilarity in the legislative methods of those countries where the initiative and referendum are in force. That is not the best argument that can be used against the measure, and it is not a fact, because the referendum is as much needed in Australia as it is in those countries to which hon. members have drawn attention. But the point I want to emphasise is why is it that in those countries where that dissimilarity exists, they are not seeking to bring about the legislative methods which we have here? If, in those countries, they are dissatisfied with their legislative methods, which we think the aim of perfection at the present time, why do they not seek to assimilate our methods, why do they not seek to bring about an alteration of their systems? I have said before that the initiative and referendum will not destroy representative Government, and I have quoted one or two authorities in support of my contention. It is certainly an

addition to representative Government, and not the exorcism an hon. member said it was. Mr. Gawler quoted Lecky on "Democracy and Liberty." I also quoted that authority in my opening speech, but I desire to make a further quotation from the chapter dealing with the referendum. Lecky says—

The foregoing arguments seem to me, at least, to show that the referendum is not a question to be lightly dismissed. It might furnish a remedy for great and growing evils which it is very difficult to cure, and it would do so in a way which is in full accordance with the democratic spirit of the time. Further than this I should not venture to go. To carry out successfully a scheme so widely diverging from old English modes of thought, to foresee and guard against the possible evils connected with it, would need the experience and discussion of many minds.

The main argument to my mind against the referendum, which the hon. member has not emphasised.

It is obviously much easier to apply such a system to a small and sparse population like that of Switzerland, than to a dense population like our own; and the ascendancy of party has been so long supreme in England that it is not likely that the referendum could withdraw questions wholly from its empire. It is probable that the vote would often be taken under the glamour of a great name; its result would be looked upon as a party triumph, and for some time it would not be easy to persuade the British public that a ministry should remain in power when its capital measure had been defeated. The experience, however, of Switzerland and America shows that when the referendum takes root in a country, it takes political questions, to an immense degree, out of the hands of wire-pullers and makes it possible to decide them mainly, though perhaps not wholly, on their merits, without producing a change of government or of party predominance.

Again dealing with the matter, Lecky writes—

It would be a great gain to English politics if a capital question could be decided by the electorate on its own merits, on a direct and simple issue. If the nation is moving towards revolution, it should at least do so with its eyes open, and with a clear and deliberate intention. It would probably be found that such a vote would prove the most powerful bulwark against violent and dishonest change. It would bring into action the opinion of the great silent classes of the community, and reduce to their true proportions many movements to which party combinations or noisy agitations have given a wholly fictitious prominence. It might restore in another form something of the old balanced Constitution which has now so nearly passed away. The transcendently important function of the House of Lords in restraining the despotism of the Commons, and referring great changes to the adjudication of the people, is now rarely exercised and violently assailed.

I would commend the chapter on the referendum by Lecky in the book I have quoted to the attention of hon. members. They will see there the matured opinion of perhaps one of the greatest historians of the time, and that opinion is in support of the principle of the initiative and referendum. It has been stated that to submit a law to the people in detail would be ridiculous, that the people would not be able to express an opinion upon a matter containing a large number of details. Provision is made in this Bill that a law containing details need not be sent to the people, that only the project containing the principle should be sent to them, and therefor the people would vote only on the project and not on the details. Certainly provision is made for measures to be submitted containing details, but I think that after a few years' experience of the initiative and referendum in the majority of cases the project of the law only would be sufficient; that is, that the principle of any proposed measure would be submitted by referendum to the people. That reserve power of the initiative and referendum would also be used where elec-

tors are not satisfied with the drafting of any particular measure. If they thought that an effort was being made to mislead the people by faulty drafting they would have the right to demand a referendum, and to express an opinion on the Bill. Mr. Gawler has also quoted the leader in the *Melbourne Age* as reprinted in the *Daily News*, in support of the principle of an elective Legislative Council, and saying that the Legislative Council in this State is nearer to the people than a good many of the other Legislative Councils of the Commonwealth, and consequently the need for a referendum is not so apparent here as elsewhere. I think that is a fallacy. To my mind it is a question whether or not a nominee council would not be nearer to the people than the present form of an elective council, but I do not wish to follow that subject up. Mr. Gawler in referring to the difference in the legislative methods of the United States and our legislative methods, stated that the presidential powers were very much greater in America than they are in British Dominions. That may be so, to some extent, but the President of the United States is subject to the will of the people just the same as the King of England is subject to the will of the people, and I have an interesting quotation in that regard from one of the English historians who wrote on the British Constitution. I will quote this passage from Rugeley for the information of Mr. Gawler—

But the division of the sovereign authority in the American Constitution is far more complex than this. The part of that authority left to the Federal Government is itself divided and subdivided. The greatest instance is the most obvious. The Congress rules the law, but the President rules the administration. One means of unity the constitution does give; the President can veto laws he does not like. But when two-thirds of both Houses are unanimous (as has lately happened) they can over-rule the President and make the laws without him; so here there are three separate repositories of the legislative power in different cases; first,

Congress and the President when they agree; next, the President when he effectually exerts his power; then the requisite two-thirds of Congress when they over-rule the President.

So that the President is not altogether supreme even in America. He certainly has a great deal of power, but, as Bagehot says—

Against the united will of the American people a President would of course be impotent.

This is not the opinion of some socialistic writer, but of a man who is recognised as one of the authorities on the British Constitution. Then again Mr. Gawler stated that Switzerland only used the referendum in the case of constitutional amendments.

Hon. D. G. Gawler: The initiative.

Hon. J. E. DODD (Honorary Minister): I understood the hon. member to say that it was in reference to the referendum. At any rate I may just say that in the *Direct Legislation Record* I find the following—

Although the American people were the first to employ the referendum on State constitutions, the Swiss were the first to extend the principle to statutes, and to establish the initiative.

One or two interesting remarks were made by Sir Edward Wittenoom. The hon. gentleman certainly made a reflection upon the people of the State when he said that they were not qualified to express an opinion on the various matters that came before them, and he concluded with the abolition of the Legislative Council bogey, saying that the referendum was to deal with that and nothing else. But the principle of the Initiative and Referendum is not only to deal with the Legislative Council. The Legislative Council can exist as it is now, despite the fact that the Initiative and Referendum may be in operation. It is a source of satisfaction to us to know that there are some members of the Legislative Council who believe that the people cannot be trusted. If I thought the people could not be trusted in connection with the attitude of the Legislative Council on some legislation, it would be a sorry day indeed for

Western Australia. I am glad to know that we are supported in this view by Sir Edward Wittenoom, one of the oldest members of the Council, and one upon whom we can look as an authority. He is satisfied that the Legislative Council cannot trust the people, and he says that by giving the people the right to say what they think of the legislation rejected by this Council the Council itself might suffer. Holding the views I do, it is indeed pleasing to me to know that there are at least some members of the Council who hold those opinions. Then again the hon. member said the people were not qualified to express an opinion upon these matters, and yet, when dealing with the Bill the other day, the hon. member said that members were often elected through some consideration other than ability, that they were often elected because of their personal attractions. Mr. Cornell asked whether that was why the hon. member was elected, and Sir Edward Wittenoom replied that the hon. member showed great discrimination. Sir Edward Wittenoom practically admitted that some personal attraction on his part was responsible for his being elected. There is a good deal of truth in that statement. Very often men are elected to the Legislature, not because of their ability or knowledge of the functions they will have to perform, but because of some personal attraction, or because some financial influence has helped them into power. I do not hold out much hope of the Bill being carried, but I think it will be sent up session after session until it is carried. The time will come when the people will recognise that something in this direction is necessary, and the more reactionary Parliament is the better it is for the advocates of such legislation as this. Mr. Gawler has asked what this reform will effect. I believe the very fact of the power of reference being in the hands of the people will make legislators very much more careful of the legislation which they pass. It will make them much more careful to see that their legislation is passed in a way in which it will be in the interest of the whole of the people—not legislation that is framed

in the interests of one-third of the people. If the people have the reserve power, I am very certain we shall get very much better legislation than we have had hitherto. I hope members will carry the second reading of this Bill.

Hon. F. CONNOR (North): I am not going to discuss the Bill in detail, but I am going to vote against it. It is current property that another place is accusing this House of wasting time and of carrying on debates and blocking the legislation passed by the Assembly. I have had to sit in my seat for the last hour and a half listening to what we can only call air-sparring. If it is the wish of members to finish the business of the session to-day it rests, not with those in opposition to the Government, but entirely with the Government supporters, to see that the business is not delayed.

Amendment (six months) put and a division taken with the following result:—

Ayes	..	..	..	18
Noes	..	..	..	6
Majority for				12

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. C. A. Piesse
Hon. W. Kinsmill	(Teller).
Hon. R. J. Lynn	

NOES.

Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(Teller).
Hon. J. W. Kirwan	

Amendment thus passed; Bill rejected.

BILL—ELECTORAL DISTRICTS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill seeks to secure the Parliamentary representation of the people of this State under a more equit-

able system than now obtains and at the same time to remove from the sphere of party politics the question of fixing electoral boundaries whenever the necessity arises for the redistribution of electorates. These briefly are the objects of the Bill. The first mentioned objective is sought to be achieved by establishing the representation in Parliament so that there shall be a reasonable uniformity in the matter of the number of persons in the different electorates. To this end it is proposed that a quota shall be fixed and the obtaining quota shall be the first consideration in delineating the boundaries of the constituencies. Under Clause 4 Subclause 2 provision is made for a larger or smaller quota but in no case shall the quota be departed from to a greater extent than one-fifth more or less. For the purposes of ascertaining this quota and for the second purpose, namely, the removal of this work from political influence, it is proposed that the Governor shall appoint three commissioners whose duty it shall be to divide the State into 50 electoral districts in the manner prescribed by the Bill. Of these 50 electoral districts, the present electoral districts of Kimberley, Roebourne, and Pilbara shall constitute three. The reason for this is that the special conditions of the North-West are such as to merit special treatment in the matter of Parliamentary representation. Having ascertained the quota in the remaining 47 districts the commissioners are to define the boundaries of the districts having regard to the following in the order of their sequence: Firstly, means of communication and distance from the capital; secondly, physical features, and thirdly, community or diversity of interest. Having done this the commissioners are to report their division to the Attorney-General, specifying the quota fixed, the names and boundaries attached to the different districts and the number of electors in each. The report shall be accompanied by a map having delineated upon it the proposed boundaries of the districts and also by a recommendation for the adjustment of the electoral boundaries of the Council pro-

vinces accordingly. That report is to be submitted to Parliament and thereupon a Redistribution of Seats Bill in accordance with the proposal is to be submitted for the consideration of the Legislature. If this Bill be passed, the new Act will come into operation not later than 31st October next.

Hon. Sir E. H. Wittenoom : Why do you want to cut Carnarvon out ?

The COLONIAL SECRETARY : We will come to that during the Committee stage. I spoke just now of the commissioners recommending the adjustment of the province boundaries in accordance with their recommendations for the redistributed electoral districts. This will not in any way, however, affect the present representation of the provinces in this House notwithstanding the fact that the boundaries may be altered or that a suggestion may come for their alteration from the commissioners and be approved by Parliament. Provision is also made in the Bill for future redivisions from time to time as occasion arises from altered conditions or by reason of an increase or decrease of population in certain districts which may affect the quota. This Bill I may say is submitted in accordance with the pledge made by the present Government before the last general election. I do not think it will be rejected by this House. It seems to me to be essentially a Committee measure and I hope that the House will pass the second reading as speedily as possible in order that we may get on with the business. I beg to move—

That the Bill be now read a second time.

Hon. H. P. COLEBATCH (East) : I intend to support the second reading of this Bill, but I must express my regret, and I think it will be echoed by every hon. member, that this measure has been so long delayed. This is a too important matter to be placed before us on the last day of the session. It has been on the Notice Paper since last Tuesday week and repeatedly during the last six sittings of the House this particular Order of the Day has been reached and has been passed over in favour of matters which

to my mind at all events—I speak subject to correction by those members who hold different opinions—in favour, I say, of matters of infinitely less importance or matters such as the one which we disposed of a few moments ago, and which it was obvious this House had no intention of passing. I commend the general purposes of the Bill. It may be a rather obvious thing to say, but I cannot help congratulating the Government on their candid recognition of the obvious need for the better representation of the people in Parliament. I think the House will support this or any other Bill which is calculated to bring about this result. It is right that commissioners should be appointed to do this work, men who will be free from party influence and who will do their duty well. It is necessary that these commissioners should be instructed as to the policy to be followed. These instructions are given in the Bill and it is on this point that I join issue with the framers of the measure. The instructions to the commissioners are that they shall take the electoral districts of Kimberley, Roebourne, and Pilbara and treat them on a separate basis from the rest of the State. I would like to remind the House that this would mean reducing by one the membership of the northern districts. Gascoyne is to be merged into a portion of the State which I think would have very little sympathy with the people of that district. I doubt very much if it is a wise policy for this House to do anything to reduce the representation of that portion of the country which, if not very thickly populated, is now and should in future be of vast and increasing importance to Western Australia. In the past the North-West has been given special treatment, and if the provision in this Bill does not interfere with that special treatment as the hon. Mr. O'Brien has just suggested by way of interjection, if we give the other three districts their representation and bunch Gascoyne with the northern goldfields and this is considered just in the minds of the representatives of the north, all well and good. But I think the four electorates should be maintained in the north. The next

provision is that the commissioners shall take the whole of the other seats and ascertain the number of electors in them and they shall form the quota of electors. There is provision for a margin of one-fifth, but it is not clear in the Bill that this margin of one-fifth shall be deliberately exercised. Rather does it appear that this margin has been inserted because it would be impossible for the electorates to be framed in such a manner that the number in each district would be identical. The margin is placed in the Bill, I take it, for very much the same reason as a similar provision is made in the Federal Act, because it is impossible to be exact and there must be a little to come and go on. Therefore, the idea is that there shall be absolute equality in the electorates, but this one-fifth may be exercised to give a little more representation where means of communication and distance from the capital suggest that such should be done. I am entirely opposed to the principle of absolute equality of representation, particularly in a country like this. It seems to be utterly unfair that huge districts with great interests and scattered population should be put in the same position as closely congested and settled communities. It is not fair and it will not make for the development of this State. We already have too much centralisation in Western Australia and this Bill would mean the centralising of political power in the metropolitan area and in the more thickly populated districts on the goldfields. The effect of this would be to increase the number of members for the metropolitan area from 12 to 17. I am assuming that the commissioners would divide the electorates as closely to the quota as possible. It may be argued that they will not do that, but will give more representation to the country and less to the City, but dividing the electorates as closely to the quota as possible it will give the metropolitan area 17 instead of 12 seats. It will give to the Golden Mile five seats instead of four seats, and it will reduce the representation of country districts from 21 to 19. That is a loss of two. It will reduce the representation in the outlying

goldfields from nine to six. They will lose three seats, and in the North-West it will reduce the number of seats from four to three. Therefore, the net effect will be to take six members from the country districts and outlying goldfields and the North-West and give them to the metropolitan area and the Golden Mile. This is a policy entirely foreign to the best interests of the country and one which I will not support. In the city of Perth, and I am not counting Subiaco or any of the suburbs, there would be six members and for the whole of the territory including Swan, York, Beverley, Pingelly, Wagin, Narrogin, and Katanning, from Armadale almost to Albany, there would be only six members also. A scattered community endeavouring to develop a large area of country must be given more representation per head of the population than a congested area like the City. That is what I believe in and that is what I am going to vote for.

Hon. J. E. Dodd (Honorary Minister): It is given under the Bill.

Hon. H. P. COLEBATCH: No. A margin of one-fifth is allowed and there is a sort of suggestion that the commissioners may adopt a margin of allowance—it does not say they shall—and in making this margin they shall consider means of communication and distance from the capital. But in any event the one-fifth margin of allowance is not sufficient, and even if exercised to the utmost limit would result in the country having less representatives than at the present time, and the metropolitan population having more. If we are going to alter the position at all the contrary policy should be pursued and we should give even greater representation to the country districts. From the point of view of members themselves it must surely be admitted that it is a very simple thing for a man to represent one portion of the city of Perth, compared with another member having to represent a territory covering possibly hundreds of miles, with no more people than there are in the part of the city of Perth referred to, but far greater interests and far greater needs. In every part of the world, I might venture to say, con-

sideration is given to this point. In Victoria lately a Redistribution of Seats Bill was under discussion and their quota to the country was fixed at 8,000 and that of the city at 13,000. I propose to amend the Bill before us in a way which I think will be acceptable to a majority of members in this House. An amendment I propose to make is that in Clause 4, Subclause 1, there should be substituted for the words "and the quotient shall be the quotient of electors" the following, "the quotient shall be the basis for the division of the State into electoral districts." Then I propose to insert a new clause as follows:—

In the areas covered by the districts of Perth East, Perth, Perth North, Perth West, Canning, Claremont, Guildford, Leederville, Subiaco, Fremantle, Fremantle North-East, Fremantle South; and Boulder, Brown Hill-Ivanhoe, Hannans, and Kalgoorlie, the quota of electors shall be $33 \frac{1}{3}$ greater than the quotient ascertained in the manner prescribed in the preceding subsection, and in the areas covered by the districts of Albany, Bunbury, Geraldton, Avon, Beverley, Collie, Forrest, Greenough, Irwin, Katanning, Moore, Murray-Wellington, Nelson, Northam, Pingelly, Sussex, Swan, Toodyay, Wagin, Williams-Narrogin, York, Coolgardie, Cue, Kanowna, Menzies, Mt. Leonora, Mt. Magnet, Mt. Margaret, Murchison and Yilgarn the quota shall be 20 per cent. less than such quotient.

Roughly, the total number of electors in the State, after the northern districts have been subtracted, is 141,000, and the quotient would be 3,000. If the amendment I suggest were adopted it would mean that the quota for city and suburbs and for the Golden Mile would be 4,000 and the quota for the country districts and outlying goldfields would be 2,400. I do not propose that there should be a quota for the North-West, which should be given the seats it is entitled to because of its peculiar circumstances. The quotient is 3,000. If my amendment is carried we add $33 \frac{1}{3}$ per cent. to that for the metropolitan area and the Golden Mile, which brings the quotient up to 4,000. We

provide that in country districts and outlying goldfields the quotient would be 20 per cent. less, which would make the quota for country districts and outlying goldfields 2,400. Assuming that the present rolls are right the effect of that would be that instead of reducing the outlying goldfields and the North-West by four, as is proposed in the present Bill, they would only be reduced by two. Let the Golden Mile have their four members, the North-West four members, and the outlying goldfields, instead of losing three seats only lose two, and the country districts instead of losing would get one seat which they are absolutely entitled to. These figures are simply based on the present rolls and if in any particular place the population has increased these people are undoubtedly entitled to have the extra representation. I suggest that an addition be made to Subclause 2 as follows:—

The commissioners may adopt a margin of allowance, but in no case shall such quota be departed from to a greater extent than one-fifth more or one-fifth less. In districts outside the metropolitan area and the Golden Mile the commissioners may, within the limit of this margin, increase the quota for towns and decrease the quota in scattered areas.

That is to say in the country districts the quota will be 2,400, but in big towns like Northam, Geraldton, and Bunbury, it would be competent for the commissioners, within a margin of five per cent. to increase the quotas. I do not think there are any other points I need to stress. It would be entirely dangerous and destructive of the best interests of the community to pass this Bill in its present form, but if hon. members agree to amend it in the way I suggest we shall have a fair distribution and a legitimate recognition of the interests of the North-West, the country districts generally, and the outlying goldfields, which I wish to class alongside the country districts in this respect.

Hon. J. W. KIRWAN (South): I feel great reluctance in speaking at this stage of the session. I will be brief. I have

a bad cold and it prevents me saying more than a few words, and it is so late in the session that one must cut what one wants to say very short. I agree with the hon. Mr. Colebatch that it is regrettable that a Bill of this nature should be brought forward on the last day of the session, but it is only right to point out to those who make criticism of this kind that this is not a fault of the present Government more than any previous Government. All members of this House who have been in Parliament for any length of time know it is the ordinary thing that happens, that during the last few days of the session measures of the greatest possible importance are brought forward and rushed through. Therefore, in what has been done the present Government are only following precedent and after all, this House would, I presume, uphold precedent. Precedent is almost as much recognised as law, and unfortunately it is a precedent which is very well established indeed. With what Mr. Colebatch has said regarding the North-West I have a great deal of sympathy. I believe the representation of the North-West ought not to be reduced, at any rate. I have always got a great deal of sympathy for all the northern portion of this State, because I believe it is the biggest problem we have in Western Australia, to decide how best to people and develop that vast empty area of the North. My friend the hon. Mr. Connor and others who represent the North have not always sympathised with us who hold the same view towards the South, but we are not going to be narrow-minded in the matter, and if we can now, or on any future occasion do anything in reason to help the North, the hon. member can rely on our vote, irrespective of the inconsistent attitude he or any other members may adopt towards the southern portion of the State. I, like Mr. Colebatch, am opposed to equality of representation. I consider that in a country such as Western Australia, with its very vast area, equality of representation in the matter of the numerical strength of electorates is quite out of place. Where Mr. Colebatch makes a very great mistake is this: that one of the chief matters to

be considered in the question of representation is the question of distance from the capital. That is to me of all importance. The people who live near the seat of government in any country in the world can immediately have their wants brought under the notice of members. Every member of Parliament may be practically regarded as a member for the capital. He must, at any rate, know two portions of the State. If he comes from a country district he knows well his own particular district, but he must also know the capital and know its requirements, because he lives in the capital and he is constantly brought into touch with the people living in the capital, and the environment of the capital cannot fail to have an influence on him. Mr. Colebatch's scheme practically ignores distance from the capital. In the scheme he proposes the metropolitan and Fremantle areas are treated in exactly the same way as he would treat the Boulder or Kalgoorlie areas. Is that fair? Consider the Golden Mile, which is nearly 400 miles from the seat of government. It takes a journey of almost 750 or 800 miles to travel backwards and forwards between the Golden Mile and the capital. It is almost impossible, at any rate it is extremely difficult, for any member of Parliament to attend to his business on the goldfields and to his duties in Parliament here. It necessarily follows that the members from the goldfields must live in Perth. They become influenced by the environment they are subjected to, and sooner or later some of them succumb to those influences and, from our point of view, become as much in favour of centralisation as some of those who represent metropolitan constituencies. It would be grossly unjust to altogether ignore that point of distance from the capital, and to my mind this Bill in the instructions it gives to the commissioners is very fair in asking them to take into account the means of communication with and distance from the capital, physical features, and community or diversity of interests. If I have any quarrel with the Bill it is that it allows for only one-fifth margin more or less. It means there may be a discrepancy,

between the highest and lowest quotas, of two-fifths. To my mind that is scarcely sufficient. However, the Bill, taking it all in all, although it is not quite on the lines which I would like to see, still is worthy of support. I would like to remind hon. members that when the last Redistribution of Seats Bill was before the House I was one of four members who opposed it. We had an animated debate on the question both in the House and in Committee, and one of the arguments advanced by those who supported the Bill was that it concerned the Assembly. They said, "This is for a redistribution of the Assembly seats. True, it may to some extent affect the Council provinces, but in view of the fact that it is essentially a Bill for the redistribution of the Assembly seats it is not for us to interfere with it." That was practically the position taken in regard to it. As the Assembly was satisfied with the measure the Bill was passed through this House without amendment. I trust that a similar attitude will be taken towards this measure. I trust the Bill will pass and that the wise provision made therein in the way of instructions to the commissioners to take into account the distance from the capital will not be departed from. It would be monstrously unjust to make the quota for the Golden Mile the same as that for Perth. There is on the goldfields a feeling—and certainly some of the actions of this House would seem to support it—that a section of the people down here are strongly opposed to the goldfields. The goldfields people have not any quarrel with the people of Western Australia and will have no quarrel with them in the future. They feel that the people of Western Australia are with them heart and soul in their desire to make the State great and prosperous. The democracy of the goldfields want to join hands with the democracy of the coast to push this State ahead and further its prosperity; but they feel that, because of certain political opinions expressed by certain persons upon the goldfields, there is an influential section of the people of Western Australia, certainly not the democracy, strongly opposed to the goldfields. They say that

was evidenced in the refusal to take measures to prevent accidents upon the mines. They say it was evidenced in the refusal to grant the Esperance railway—the only agricultural railway ever opposed in this State. They say it was evidenced by many other actions in this House; and if this proposal made by Mr. Colebatch to place the quota of the Golden Mile on an equality with the quota for the capital and Fremantle be carried, then it will be a further argument to support those who say the Chamber is hostile to the goldfields. I hope the House will not support Mr. Colebatch; that they will be consistent and take the same stand as they took when the last Redistribution of Seats Bill was before the Chamber and say that the Assembly have agreed to a system of redistribution and that it is not for this Chamber to interfere.

Hon. F. CONNOR (North): I intend to support the second reading, but in Committee I shall deem it my duty to propose certain amendments, the principal one of which will be that the original four constituencies of the North be reinstated. In support of that I ask hon. members to remember that when Western Australia was not quite so important a State as at present there were more than four members for the North. There were two for Kimberley, the late Mr. Alex. Forrest representing West Kimberley while I had the honour to represent East Kimberley. That has since been taken away, of course not without a protest having been entered by the people of the North; but in all justice, perhaps, the representation in the Assembly was reduced to four. *Just the same, 27 years ago, when the population of the State was very small and the importance of Western Australia was comparatively nothing, the far North was helping to keep the State alive, the far North was producing the gold that was exported and was helping the State along with other important industries and thus keeping the revenues of the State up to a healthy level. During the last two years I have had reason to refer to the manner in which the North is treated by the present Government. If they continue to reduce

the representation of the North in Parliament the time will come when the North will get nothing at all. Apart from that representation the North gets practically nothing now. There is nothing on the Loan Estimates for the North.

The Colonial Secretary: Did you ask for anything?

Hon. F. CONNOR: Oh, yes, I had the privilege of making a speech in the House nearly two years ago in which I placed the requirements of the North before the hon. member. He has not, nor have his colleagues, refuted the arguments I put forward. I showed that they were doing an injustice to the North by neglecting her. If we take away the Gascoyne seat—which under the Bill is to be excluded from the North and attached to the southern part of the State—if we take away that seat from the North we will be piling injustice upon injustice. A member of another place made a good suggestion some time ago which is worthy of consideration. He contended that the North, having been almost abandoned, as it has been from a financial standpoint, and having been rooked of a quota of taxation, as it has been, that in the interests of the whole of Western Australia it would be a good thing if a new department were created for the North. If that were done we would not be asking the House to give us the original four members, but, having regard to the importance of the position we would be moving for six members to represent the North in another place. That is just about what the representation was originally, and what it should be now. I do not want to take up time, but, so far as I am concerned, I shall fight in Committee for these four members for the North. Mr. Kirwan was right in saying that the proposition of Mr. Colebatch was rather drastic. I am with him in this. It is a question of degree. I do not know what the percentage would be, but I do agree that it would not be a fair proposition that the same quota should apply to the goldfields and to the metropolitan seats. It is only a matter of working out the percentage. I am going to vote for the second reading, but in Committee I

shall endeavour to insert certain amendments.

Hon. J. CORNELL (South): I cannot let the opportunity pass without a few words. I have a task to do which may be unpleasant. It has been said that we should never remind the dying of their sins. I am going to remind the living of their sins. I am pleased that Mr. Colebatch, who has taken charge of this measure, is in the position of being one of those living who have not committed sin. I think it is generally accepted that in all countries where responsible Government is in operation that from time to time there must be a redistribution of seats, and in that redistribution of seats somebody is going to get hurt; it is not to be for the benefit of everybody. In a redistribution of seats that has appertained in previous Parliaments, Parliament itself has fixed the electoral boundaries and Parliament has fixed the quotas. The Government on this occasion has endeavoured to depart from the principle of Parliament doing that work and from Parliament being accused of gerrymandering. This is not the first Government that has done this. Other Governments have brought in similar legislation, not in Western Australia, but in the other States. The Bill aims at Parliament prescribing certain portions of the State that are under exceptional conditions and ending there and then, and they proceed to fix the quota that should entitle a section of the country to have a representative in Parliament. They have also fixed the quota on a sliding scale, that is to say, a margin of one-fifth over and a margin of one-fifth under. After that has been done commissioners will be appointed to divide the State and fix the electorates together with the communities on the basis of paragraphs a, b, and c of Schedule 3 of Clause 4. Mr. Colebatch is desirous of getting Parliament to do this.

Hon. H. P. Colebatch: Not at all. I have made no such suggestion.

Hon. J. CORNELL: You have got very close to it.

Hon. H. P. Colebatch: Not any nearer to it than the Bill itself.

Hon. J. CORNELL: You have got very close to it, but it is not worth arguing, and I do not intend to argue the point with the hon. member. We have to consider the question that has been raised, the one question that another place has dealt with—the North-West. They have set out that the boundaries of three present seats are to remain as heretofore, that is in connection with the position they now occupy. It has been decided that Gascoyne shall be thrown in with the other 46 electorates, making 47. All the arguments that can be applied that Gascoyne shall go on as heretofore equally applied to the retention of the Dundas and Ivanhoe seats when the last redistribution took place, and also the taking away of one seat from Fremantle. The same argument that applied in connection with the last redistribution and the taking away of those seats would apply now.

Hon. H. P. Colebatch: Do you mean to say Fremantle and Gascoyne?

Hon. J. CORNELL: They had to lose a seat. The 1911 Bill lost two seats to the goldfields and one to Fremantle. There was a noise kicked up over it and a noise will be kicked up over the loss of Gascoyne. The number of electors on the roll in September for Gascoyne was 1,771, but taking the least quota under the proposal of the Bill that would be 2,435. That is as low as the commissioners can go, and that means that Gascoyne must have just about 700 electors added to it before it can reach the last quota. I do not think anyone can argue that if the Bill is agreed to the commissioners can do other than give the last quota to Gascoyne. Why should Gascoyne have a greater quota than Mount Margaret, for Mount Margaret takes in more territory than Gascoyne does? The ramifications of Mount Margaret electorate extend for a greater distance from the capital than Gascoyne.

Hon. H. P. Colebatch: I propose to reduce the quota for Mount Margaret.

Hon. J. CORNELL: The North-West has lost a seat and Gascoyne is going to get hurt. It is well perhaps to stress the point that another place thinks that all that is necessary to do is to fix the quota on the sliding scale and allow the commis-

sioners to do the rest, and if that is done we remove the redistribution to a very large extent from party politics and party engineering. I personally believe that all a representative can do in Parliament is to represent the opinions of the people of the State and not broad acres, that is, that a scheme of equal redistribution is altogether impossible, and the various other phases that enter into all similar electorates has entered into this. The determining of the electorates has to be left to the commissioners, who, I take it, will be good men and not domineered by Parliament. It may be as well to make a contrast of this measure with a similar measure. A similar measure was introduced into the Legislative Assembly in 1910, and we find that the Labour party who then occupied the Opposition benches were in the position of fighting for their lives, and it was asserted that the Bill was a gerrymandering proposition and that it was brought in to give a longer political existence to those responsible for the framing of it. One of the chief arguments used against the measure in another place was that the boundaries were altered very materially. I believe the boundaries of the Collie electorate were made like a diamond; it was cut in all directions, taking away seats from other parts of the State. That was the work of the Cabinet of the day, and it came before the Assembly with the hallmark and approval of the Government of the day. We find that measure was considered on its second reading in another place on five sitting days. One day from 5 o'clock p.m. until 9.14 a.m. on another day. I find that 28 members spoke, and it took 206 pages of *Hansard* to record the debate. I find that during the passage of that Bill when it reached the Committee stage it took from 4.30 p.m. on 11th January, 1911, to 10.2 a.m. on 12th January, 1911. There were 112 pages of *Hansard* taken to record the debate and 40 divisions were taken, and about half of the divisions was on the question, "That the House do now divide," which is known as the gag. The Bill was practically gagged through the Assembly, and several members were suspended.

Hon. H. P. Colebatch: I hope that will not happen here.

Hon. J. CORNELL: I find that the third reading and the report stage took from 11 a.m. to 5.55 p.m. on the same day.

Hon. J. W. Kirwan: And then the whole of the Opposition withdrew in a body.

Hon. J. CORNELL: I find that 22 pages of *Hansard* were taken up in reporting the third reading, and eight divisions took place. There were 55 divisions taken on the Redistribution of Seats Bill in another place, and what do we find when it comes down here? Though it is claimed that this is not a party Chamber the Government of the day were represented here, and I find that on two sitting days the Bill was considered on its second reading. Twelve members spoke and 45 pages of *Hansard* were taken up in recording the debate. There was one division which was necessary under the constitution. The Committee and third reading stages were taken on one day, and six pages of *Hansard* were taken up in recording the debate. Two divisions were taken, one on the appointment of a select committee, and the other because it was necessary under the constitution. When the Bill was brought to this place after a prolonged and stringent debate in another place, the Bill passed through, only four members rising to oppose it. It may be as well to remind the living of their sins, because on the occasion of the transmission of the Bill through this place in 1911 members availed themselves of speaking on the second reading, but on the second reading of this Bill the excuse is urged, that time presses and we ought to get on with the work. Hon. members, whether they preface their votes with remarks or not, are going to vote on this measure, and they are going to take up in Committee a diametrically opposite position to that taken up on the 1911 measure. I will give the remarks of the hon. member, Mr. Connolly, in introducing the Bill. Mr. Connolly, in moving the second reading in this Chamber in 1911, said—

It may be argued by some hon. members that it is not necessary to debate the Bill at any length in this House, or that it is not necessary for me to introduce it at any great length, because it is a Bill essentially dealing with the boundaries of the electorates of another place. Therefore, it may be justly argued by some hon. members that there is no need for a long discussion. I do not say for one moment that by agreeing to this the House waives any of its rights to give the fullest consideration and discussion to any Bill that may come before it. The House will give away none of its rights in that respect. But, it may be argued it would be etiquette on the part of this House not to interfere too much, or we may contend there is no need really to discuss it at any great length, for the reasons I have mentioned.

The leader of the House took up the attitude at that stage that because the Bill had run the gauntlet and received the sanction of another place, there was little need to discuss it here. I might say in passing that I do not intend to refer to Mr. Moss. I have looked up that gentleman's remarks, and I find they are fairly satisfactory. On page 3074 the then Colonial Secretary in concluding his remarks said—

I have explained the main points of the Bill; the only portion in regard to which I have not gone into detail is that relating to the boundaries of the Assembly, and I do not think in that connection detail is necessary.

Mr. Connolly does not take up that attitude on this occasion. I do not intend to apologise for reading these extracts because I think hon. members at times need to be reminded of what they have said on previous occasions. I want to come now to one hon. member who on almost every conceivable occasion takes up a prominent attitude on important Bills, but who on this occasion, has refrained from speaking; I refer to Sir Edward Wittenoom who in 1911, according to page 3083 of *Hansard*, said—

This is a Bill that deals exclusively with the constituencies of the Legis-

lative Assembly and surely we might leave it to them. We should think that they had sense to settle the matter among themselves as to how they would like to have their constituencies made up; therefore, under these circumstances, if they carried the Bill containing the constituencies and carried it by a majority, I think it is hardly right for this House to interfere, not that I say we have no right to interfere, but it would not be wise, and it would not be politic to interfere with them in fixing their constituencies as they think fit.

The hon. member did not think it was unwise then to speak, but on this occasion he thinks it is unwise to speak. I doubt very much whether he thinks it will be unwise to vote. The hon. member on the same page said—

When we come to look into a Bill like this and read all the points of it, we naturally ask, on what grounds are the objections to this Bill made? We have a Bill with five or six clauses and a large schedule. There was not a single amendment to the schedule, and all will agree with me that the schedule is the most important part of the Bill. If the schedule is so unfair and so unjust as the hon. member who spoke last said it was, surely some amendment would have been moved to it, surely some attempt would have been made to readjust matters in the way they wanted them, but what do we find, not a single amendment was made to it.

That is exactly what has happened on this Bill: not a single amendment was made in another place.

Hon. H. P. COLEBATCH: That is incorrect; there were amendments made to this Bill.

Hon. J. CORNELL: Yes, one amendment was made in regard to the North-West. Sir Edward Wittenoom went on to say—

We all know that the duties of this House principally are to see that Bills are not rushed through and are not improperly considered and even if they are rushed through, that they meet

the approval of the public. I do not think the worst enemy of the Bill can think that it was ill-considered.

I agree with him there.

I think it had the greatest consideration, so much so, that such an amount of heat was engendered into the debate that some of the scenes were absolutely disgraceful.

There is no need for me to remind the hon. member that there have been no disgraceful scenes in connection with the Bill on this occasion. No one has been ejected for the simple reason that the Opposition in another place just remained where they were. That reminds me of the biblical story of Salome—there they stood waiting for the head of John the Baptist. That is the difference between the position in 1911 and the position in 1913. There is another quotation I would like to make, and then I will let the hon. member go—

If there had been a narrow majority it would have been a different matter altogether; but it was passed not only with a substantial majority of the sitting members, but with an absolute majority of the members of the House. The hon. member was quite correct. In a House of 50 it was necessary that there should be a statutory majority, and we find that the number of members who voted for it in that House of 50 was 26.

Hon. J. W. KIRWAN: All this is very unpleasant for the hon. member.

Hon. J. CORNELL: Sir Edward Wittenoom then went on to say—

and therefore this House must give it consideration as being the wish and desire of those people who have to make up their own constituencies. This Bill was passed in that House with a majority of something like six or more. As I have already pointed out, 26 members voted for it; that constituted the statutory majority—

and we all agree that majority rule is the principle of Parliament.

Time does not alter or wear the hon. member, but the majority in Parliament on one occasion suited him, yet a majority and a greater majority, where the Bill was carried by 34 to 16, does not

suit the hon. member, and he proposes to perform one of those feats of contortion, that so characterise him, on the Bill now under consideration. There is another member to whom I would like to refer, and he is noted for his impartiality, absolute fairness and persistency; I refer to Mr. Cullen.

Hon. W. Kingsmill: What a pity these members are not here.

Hon. J. CORNELL: Mr. Cullen, in the course of his remarks, reported in *Hansard*, page 3084, said—

I agree with the Colonial Secretary that this Bill is primarily a question for another House. It mainly concerns another place, and only incidentally touches our constituencies; but at the same time, both as a House of Legislature and as a number of electors, we are deeply interested in the Bill, and whilst it is not a measure for long set speeches

the hon. member has altered since I came into the House.

it is one on which we ought to express, in the shortest possible way, our views. That is what he proposes to do on this occasion, by voting and not speaking. Mr. Cullen also said, on the same occasion—

I make bold to say that if a commission of angels drew up a Bill there would be hon. members of some legislatures—I do not say the hon. member—who would lift their wings to try and find some black feathers under them.

The hon. member, I judge by his remarks in 1911, said that angels could not give satisfaction, and now he expects the legislature, with so many conflicting interests, and so many selfish interests, to be able to give satisfaction. The hon. member expended his powers of imagination almost entirely upon that sentence. There is yet another quotation from his speech which I should like to make—

I hope that this House will show its interest in this question by voting intelligently upon it and I am satisfied that the decision will be that the Assembly Bill, as far as we can judge, was the best that could be framed on

the data available. I hope this House will endorse it.

There he agrees entirely with the views of the Legislative Assembly in 1911; but immediately we drop the curtain over the past and the scene is changed, no majority or no body of men can satisfy the hon. member. The views which were applicable in 1911 are equally applicable to-day.

Hon. R. J. Lynn: Another Joseph has arisen.

Hon. J. CORNELL: The hon. Mr. Cullen is wearing Joseph's coat. Mr. Gawler also made a few remarks. I would not quote this hon. member's remarks only I do not pose as a prophet. I can, however, be one on this occasion. Mr. Gawler was fairly short in his remarks. In his concluding statement, on page 3088, he said—

This measure undoubtedly affects the seats of members of another place; if those members wished to amend this Bill surely they would have done it. As they have not done so is it for this House to do it? I submit it is not.

That was Mr. Gawler in 1911. I am quoting these speeches with a certain amount of reluctance. There is an old biblical story that the last shall be first, but on this occasion I am reserving the last hon. member who made his remarks on the select committee stage. I have not followed out the biblical order and I paid him a tribute the other day that I thought at all times he was absolutely fair-minded and generous in his judgment and remarks. I hope in that tribute I paid him on that occasion I shall in no way be disappointed. I refer to Mr. Kingsmill. On page 3154 Mr. Kingsmill said—

The principal reason why he supported the second reading was because he did not consider it was within the province of the Legislative Council to materially interfere with the Bill.

That is the only sin I can find against the hon. member, and I think members will recognise that on that historic occasion he was just as correct as he is to-day, but he committed himself to a certain extent, that the Bill having met with the approval of the Assembly there was not

much for members to say in this Chamber. I have no desire to further delve into the past of hon. members. I have only the desire to remind them that to be a successful contortionist takes many years of practice and to pose to the public as contortionists, to be successful and to win the popular plaudits one has to be very accomplished indeed. I do not think the *volte face* of hon. members will commend their acrobatic accomplishments to the approbation of the general public of this State. I have nothing much to say in regard to Mr. Connor. Accidents often do good to people. I knew a man who once missed a train, and had he caught that train he would have been involved in an accident and probably lost his life. I believe that while this Bill was under discussion in this House in 1911, Mr. Connor was not present. As a consequence of his absence he cannot go forth in the grand army of contortionists I have referred to. But the item will come when the hon. member will have an opportunity, and I hope that if ever he does commit an act of contortion, he will commit it a little more gracefully than some hon. members I have mentioned. I have very little further to say. I think that by adopting the attitude this House is about to adopt, that is, to agree to the second reading without comment and then go into Committee and split up the Bill, is doing something foreign to what was done on the Redistribution of Seats Bill in 1911, and whether it be for their weal or their woe, all I can say is that such action will only savour of party bias and will for ever remove, so far as I am concerned, the absence of party feeling within this legislative hall.

Hon. M. L. MOSS (West): I am not going to say one solitary word for or against this Bill. The object of my rising is simply to reply to one phase of the speech delivered by Mr. Cornell. It is quite true that a number of the hon. members he referred to have not spoken and do not intend to speak during this debate, and the reason is this: the Colonial Secretary to-day made a request to me that we should if possible wind up the

session to-day, and I promised him I would use such influence as I possessed with hon. members to endeavour to curtail the discussion on this and other Bills. I told the Colonial Secretary then that Mr. Colebatch would make a speech and then the Bill would go into Committee. That is the reason why Mr. Cullen, Mr. Connor and a number of others took no part in the debate. I make this explanation because it would not do to allow the remarks of Mr. Cornell to go uncontradicted. No doubt the hon. member was unaware of the conversation and the arrangement that had been made between the Colonial Secretary and myself.

Hon. J. Cornell: That does not alter the effect of the voting.

Hon. M. L. MOSS: I do not know what the voting will be. I suppose that when in Committee members will vote in the way they think best in the interests of the country, but it is due to the hon. members concerned that as I have been instrumental in inducing them to refrain from speaking, I should make known in this House and elsewhere the reason for their not taking part in the debate.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.7 to 7.30 p.m.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Quota, and matters to be considered:

Hon. H. P. COLEBATCH moved an amendment—

That after "Roebourne" in line five, the word "Gascoyne" be inserted.

The object of the amendment was to restore four districts to the North. In giving the four districts to the North these four districts would have a quota of about 1,700 electors. When the general quota was 3,000 a quota of 1,700 for the remote North was a very fair thing indeed.

Hon. J. W. Kirwan: Would you apply it to Dundas?

Hon. H. P. COLEBATCH: What he proposed was to apply to Dundas the

same rule as he would apply to agricultural districts and outlying goldfields. It had been the policy of Parliament for many years past to give exceptional treatment to the North-West. Dundas might be as far away, but it was connected with our railway system. Norseman was probably the largest centre in the Dundas district.

Hon. J. W. Kirwan: It includes Eucla.

Hon. F. CONNOR: In 1897, when there were fewer members of Parliament than at present, the North had seven members. To-day four represented it, and yet we found that we were asked by the Bill practically to take away another member, as there was no doubt about it, if the Bill was carried in its present form, Gascoyne would revert to the southern part of the State, as against the Northern. For the welfare of the State, and to do justice, instead of taking away representation of the North we should add to it. Rather than that three members only should represent the North, when it was entitled to at least four or five, he would move that the whole of the State should be put on exactly the same basis as the goldfields and as Perth, entirely on the basis of the number of voters there were for each electorate. If he thought there was any chance of carrying it he would move that there should be five representatives instead of four for the North. If Gascoyne was not restored as a northern constituency he would move that the whole of the representation be placed on a population basis.

The COLONIAL SECRETARY: The attitude taken in regard to this Bill was surprising. There was no doubt that the Seaddan Government had extended exceptional treatment under this measure to the North-West. In Mr. Colebatch's remarks we would have expected some argument in justification of his amendment, but he submitted to the Committee not one argument in support of his attitude. If hon. members considered the matter impartially they must come to the conclusion that there was no more justification to treat Gascoyne in a special manner than there was to treat the constituency of Geraldton. Gascoyne was only two days

steam from Fremantle. There was frequent steamship communication, and it was very easy indeed for those interested in the district and living in the district to reach the seat of Government. If the hon. member had moved an amendment to the effect that Esperance should be included for special treatment, there would be some strong ground for the position he would have taken up. Esperance was practically as remote from the seat of Government as Roebourne or Kimberley. Gascoyne was not in the tropics as Roebourne and Wyndham were. It was a seaport town within easy reach of the metropolis, and should be classed with Geraldton.

Hon. Sir E. H. Wittenoom: Gascoyne is decidedly tropical.

The COLONIAL SECRETARY: Mt. Margaret was more remote from the metropolis than Carnarvon.

Hon. J. CORNELL: Some hon. members who were putting up a fight for the retention of Gascoyne as a North-West seat had fallen over one another to destroy the seat known as Dundas in 1911. The Dundas electorate at that time was just as remote and worthy of consideration as Gascoyne was to-day. The only conclusion one could come to was that the old maxim held good that might was right.

Hon. F. Connor: Caucus.

Hon. J. CORNELL: Caucus was ruling the hon. member on this occasion with a rod of iron.

The CHAIRMAN: The hon. member must speak to the amendment.

Hon. J. CORNELL: No case had been put up for the addition of Gascoyne to the clause. If we set out to make special consideration for any portion of the State we should have a well defined line of demarcation as to where these conditions were to begin and end. What had prompted the Government was the line of demarcation known as the Tropic of Capricorn.

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

Ayes	..	..	..	17
Noes	..	..	..	5
				—
Majority for	..	..	..	12

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. C. A. Plesse
Hon. R. J. Lynn	(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. F. Davis
Hon. J. E. Dodd	(Teller).

Amendment thus passed.

Hon. H. P. COLEBATCH moved a further amendment—

That the words "forty-seven" in line six be struck out, and "forty-six" inserted in lieu.

Amendment passed.

Hon. H. P. COLEBATCH moved a further amendment—

That after "shall" in line seven the words "be the quota of electors" be struck out, and "except as hereinafter provided be the basis for the division of the State into electoral districts" inserted in lieu.

The purpose of this was that instead of the quotas arrived at by the method indicated being the quota of electors, it should be the basis for the division of the State in the electoral districts.

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

Ayes	..	..	..	17
Noes	..	..	..	6
Majority for	..	..	..	11

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. M. L. Moss
Hon. R. J. Lynn	(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davis	Hon. J. Cornell
Hon. J. E. Dodd	(Teller).
Hon. J. M. Drew	

Amendment thus passed.

Hon. H. P. COLEBATCH moved a further amendment—

That Subclause 2 be struck out and the following be inserted as Subclause 2: "In the areas covered by the districts of Perth East, Perth, Perth North, Perth West, Canning, Claremont, Guildford, Leederville, Subiaco, Fremantle, Fremantle North-East, Fremantle South; and Boulder, Brown Hill-Ivanhoe, Hannans, and Kalgoorlie the quota of electors shall be 33⅓ per cent. greater than the quotient ascertained in the manner prescribed in the preceding subsection, and in the areas covered by the districts of Albany, Bumbury, Geraldton, Avon, Beverley, Collie, Forrest, Greenough, Irwin, Katanning, Moore, Murray-Wellington, Nelson, Northam, Pingelly, Sussex, Swan, Toodyay, Wagin, Williams-Narrogin, York, Coolgardie, Cue, Kanowna, Menzies, Mt. Leonora, Mt. Magnet, Mt. Margaret, Murchison, and Yilgarn the quota shall be 20 per cent. less than such quotient.

In order to satisfy the objection raised by Mr. Kirwan and others, he desired to state that he did not propose to interfere with the instructions contained in Subclause 3, but would leave those instructions, which were that the commissioners should exercise a one-fifth margin and take into consideration the question of means of communication and distance from the capital. He did not propose that the quota for the Golden Mile should be the same as that for the metropolitan area.

Hon. J. W. Kirwan: Well, why include them at all?

Hon. H. P. COLEBATCH: Because it was necessary to make a distinction between the thickly-populated area of the Golden Mile and thinly-populated areas in other centres the same as it was necessary to make a distinction between the metropolitan area and country districts. He proposed to leave in the Bill the instructions to the commissioners directing them to use their powers in regard to the one-fifth margin in the interests of places distant from the capital and having relatively inadequate means of com-

munication. He did not propose to strike out the one-fifth provision at all, but proposed that instead of the quota being uniform all over the State it should be $33\frac{1}{3}$ per cent. greater in thickly populated centres and 20 per cent. less in scattered districts.

Hon. J. W. KIRWAN: The amendment was that the instructions to be given to the commissioners would practically amount to this, that the quota for the Golden Mile should be $33\frac{1}{3}$ per cent. greater than was the quota for a populous place such as Northam. If that was not so it was pretty difficult to understand the long amendment, of which he had no copy at all.

Hon. H. P. Colebatch: I am not responsible for the late production of the Bill.

Hon. J. W. KIRWAN: The hon. member had proposed a $33\frac{1}{3}$ per cent. greater quota for the goldfields areas than for the remainder of the State.

Hon. H. P. Colebatch: Subject to a reduction of one-fifth in places remote from communication.

Hon. J. W. KIRWAN: The hon. member was giving practically no consideration to the fact that the Golden Mile was 400 miles from the capital. He might turn and twist but he was putting the two places on the same basis. He did not know whether it was with the direct intention of killing the Bill as the majority of the Bills which had come before the Chamber during this year had been killed.

Hon. J. F. Cullen: The hon. member should not say that.

Hon. J. W. KIRWAN: If the amendment was carried and was sent to another place it would be fatal to the Bill.

Hon. J. F. Cullen: Certainly not.

Hon. J. W. KIRWAN: It would mean that there would be no redistribution of seats. It would mean that this House did not approve of the redistribution on the basis of appointing commissioners, but approved of a scheme which included a blot on the map such as Collie.

Hon. H. P. COLEBATCH: The amendment would give to the goldfields one more member than they would obtain

under the Bill. At present the Golden Mile had four representatives and the outlying goldfields had nine, a total of 13. Under the Bill the Golden Mile would gain one and the outlying goldfields would lose three, so that they would have 11 instead of 13 members. If the amendment was carried the Golden Mile would retain their present number of four, and the outlying goldfields instead of losing three would lose only one. If the Bill was rejected by another place the responsibility would not rest with us.

Hon. J. E. DODD (Honorary Minister): There was a great deal of difference between the treatment of this Bill and that meted out to the redistribution of seats measure two years ago. It was then held that this House had no right to alter the Bill. It was almost impossible to grasp the purport of the amendment merely from hearing it read.

Hon. H. P. Colebatch: You must admit that that is not my fault.

Hon. J. E. DODD (Honorary Minister): That was so. Under the Bill there was a range of 1,200 votes between the thickly populated and outback centres. The hon. Mr. Colebatch thought that was not sufficient to meet the exigencies of the representation. The highest quota would be 3,600 and the lowest 2,400. Were districts like Mt. Margaret, Dundas, Menzies and others to be compared with Sussex, Katanning, Wellington and Toodyay? Were places three or four days travelling distance from the capital to be compared with places which were only one day's journey away? The hon. member knew this amendment would kill the Bill. The provisions of the clause were as fair and equitable as in any similar Bill he had known. They had been copied largely from the Queensland measure, and surely it must be admitted that a range of 1,200 was sufficient to provide fair and equitable representation for all parts of the State.

Hon. J. CORNELL: The hon. Mr. Colebatch was not fair because he included Hannaus as one of the thickly populated centres of the goldfields. Those responsible for the Redistribution of Seats Act in 1911 made the same error. Speak-

ing from memory there were 2,500 electors on the Hannans roll in 1911, whereas Kalgoorlie, Boulder, and Ivanhoe had over 4,000. On 30th September of this year the Hannans roll contained 2,475 electors. The hon. member now proposed to bring Hannans into the same category as the metropolitan seats, and that would mean that Hannans must have 4,000 electors. The Hannans electorate extended to the South Australian border. The hon. member was trying to do a further injustice to the fields on top of the injustice done in 1911. It was ridiculous to argue that the proposal would give the goldfields more seats than the present Bill. Though the population had increased since 1910 by 33,259, the rolls showed a decrease of 5,815 electors, and there were 32,954 more electors on the Federal rolls for Western Australia than on the State rolls.

Hon. H. P. Colebatch: The hon. member forgets that we carried a resolution that new rolls should be prepared before this should be undertaken.

Hon. J. CORNELL: The hon. member also forgets that he had not waited until they were compiled to give authentic figures.

Hon. H. P. Colebatch: How could I wait?

Hon. J. CORNELL: Then why suppose, when it was impossible to arrive at how many electors were on the roll. It would be fair to assume, when the rolls were ready, that they would be fairly close to the figures of the Federal rolls.

Hon. J. W. KIRWAN: When speaking he made a remark which Mr. Colebatch corrected. Mr. Colebatch was right in correcting that remark, but the position was much worse than he had been able to gather from the hon. member's reading of the position. The exact position was that there was a proposal that the metropolitan and goldfields seats should have the quota of electors $33\frac{1}{3}$ per cent. greater than the quota mentioned in the preceding clause which had been passed. Then he (Mr. Kirwan) made a comparison between the position of the Golden Mile, Kalgoorlie and Boulder, and the electorate referred to by Mr. Cornell

which stretched to the South Australian border. He made a comparison between the electors in those districts and the electors in Northam and said—and he was corrected at the time—that the electors of that particular district would have a quota $33\frac{1}{3}$ per cent. greater than the quota for the electors of Northam. Now he found that whilst the quota was $33\frac{1}{3}$ per cent. greater than the quota we had already passed in the preceding clause, the electors of Northam and a number of other places would have a quota which would be 20 per cent. less than the quota mentioned in the preceding clause. As a matter of fact the position was much worse than he had represented it, and it was grossly unfair considering that the particular portions of the goldfields which had been referred to were such a long distance from the capital.

Hon. F. Connor: What do you propose?

Hon. J. W. KIRWAN: The Bill as it was. He was opposed to the striking out of Subclause 2, and if it was struck out he would move an amendment on that which Mr. Colebatch proposed to submit.

The COLONIAL SECRETARY: The purport of Mr. Colebatch's amendment was that there should be no fewer than 4,000 electors in a Kalgoorlie constituency, and it would be essential in country constituencies that there should be 2,400 electors. That was an amusing proposition, and in addition, it was a proposition that was sternly disapproved by the electors in 1911. It would be a farce to give every man a vote, if we afterwards nullified the effects of that vote by cutting down his representation in a collective capacity. There might be instances where it would not be wise to conform to this principle. The North-West was a case in point. The Government gave the matter consideration and extended special treatment to the North-West, and again to districts far remote from the capital where it was difficult to get into touch with the seat of government. That would afford good ground for interfering with representation on a population basis. For the same reason the metropolitan area should

not have representation on a population basis. It was the seat of government, and Ministers resided in it, as well as several members of Parliament representing the country districts and other members who had their seats in the city. None of the objections which would apply to Perth and the metropolitan area could possibly apply to the Kalgoorlie goldfields or the Golden Mile. The Golden Mile represented a body of producers and represented an industry which had been responsible for Western Australia's first bound forward on the path of prosperity. The continued development of that part of the State was essential to the welfare of every industry in Western Australia, and the fact that at the Golden Mile there was a larger and denser population than in other centres was no argument why it should be deprived of a fair measure of representation. The Government could not possibly accept such an amendment as was proposed. It would mean the defeat of the Bill, and the Government would have to go before the electors empty-handed so far as the redistribution of seats was concerned, and they would have to tell the electors that they were prevented from carrying out their policy by the Legislative Council which in 1911 readily accepted the Redistribution of Seats Bill sent down to them at that time.

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

Ayes	..	..	..	15
Noes	..	..	..	8
				—
Majority for	..			7
				—

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. R. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Plesse
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. V. Hamersley	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. R. J. Lynn	(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. F. Connor	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. Sir E. H. Wittenoom
Hon. F. Davis	(Teller).
Hon. J. E. Dodd	

Hon. H. P. COLEBATCH moved an amendment—

That the following be inserted in lieu of Subclause 2 struck out:—In the areas covered by the districts of Perth East, Perth North, Perth West, Canning, Claremont, Guildford, Leederville, Subiaco, Fremantle, Fremantle North-East, Fremantle South; and Boulder, Brown Hill-Ivanhoe, Hannans, and Kalgoorlie the quota of electors shall be $33\frac{1}{3}$ greater than the quotient ascertained in the manner prescribed in the preceding sub-section, and in the areas covered by the districts of Albany, Bunbury, Geraldton, Avon, Beverley, Collie, Forrest, Greenough, Irwin, Katanning, Moore, Murray-Wellington, Nelson, Northam, Pingelly, Sussex, Swan, Toodyay, Wagin, Williams-Narrogin, York, Coolgardie, Cue, Kanowna, Menzies, Mt. Leonora, Mt. Margaret, Murchison and Yilgarn the quota shall be 20 per cent. less than such quotient.

The intention was not only to leave in the instructions in regard to the way in which the one-third margin should be exercised, but to add an instruction that it should be used in favour of the scattered communities distant from the capital and against the big towns. Consequently, to state that he proposed to make a quota of 4,000 for Kalgoorlie and 2,500 for places like Northam, was entirely incorrect, because the instruction to the commissioners would be to give the 20 per cent. they were allowed in favour of the distant places and to use it against a town like Northam.

Hon. J. W. KIRWAN moved an amendment on the amendment—

That the following words be struck out:—"and Boulder, Brown Hill-Ivanhoe, Hannans, and Kalgoorlie."

What Mr. Colebatch was proposing was that the electorates of the metropolitan and Golden Mile districts should have a quota $33\frac{1}{3}$ per cent. above that arranged in the preceding clause, whilst in electorates like Northam it was provided that the quota should be 20 per cent. less. There might be a difference of 50 per cent. between Northam and the Golden

Mile constituencies. When the hon. member had referred to giving consideration to the towns, he had not mentioned the words which he proposed to subsequently add, namely, "in districts outside the metropolitan area and the Golden Mile the commissioners may, within the limit of this margin, increase the quota for the towns and decrease the quota in the scattered areas." Why did the hon. member leave out the Golden Mile, which included an electorate extending right to the South Australian border?

Hon. F. CONNOR: Could not some compromise be arrived at by dividing the difference in the quotas?

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

Ayes	..	..	..	7
Noes	..	..	..	16
				—
Majority against	..	..	..	9
				—

AYES.

Hon. R. G. Ardagh	Hon. J. E. Dodd
Hon. F. Connor	Hon. J. M. Drew
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	(Teller).

NOES.

Hon. E. M. Clarke	Hon. C. McKeuzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. E. Cullen	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hammersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. A. Plesse
	(Teller).

Amendment on amendment thus negatived.

Hon. J. CORNELL moved a further amendment on the amendment—

That after the word "Hannans" the word "Northam" be inserted.

Mr. Colebatch had taken into the same category as the metropolitan electorates the towns of Kalgoorlie and Boulder. Northam, which was a large and growing town, situated within 60 miles of the capital, as against Kalgoorlie which was 387 miles from the capital, was given special consideration. Doubtless the hon. member wanted the special consideration for Northam because it was not represented by a Labour man.

Hon. H. P. COLEBATCH: If your amendment is carried it never can be represented by a Labour man.

Hon. J. CORNELL: If the amendment was carried it would be represented by a Labour man. If the large towns were to be considered on the same basis as the metropolitan area all the large and progressive towns should be included. Geraldton, which had not as many electors as Hannans, was not held up on the altar of sacrifice. It was a significant fact that all the seats in the metropolitan, Fremantle, and Kalgoorlie districts were, with the exception of two, held by the party in power, and it was generally recognised that if the districts remained as heretofore the same party would still hold them, and that if three more seats were added to those districts the Labour party would catch them also. All he could liken this proposal to was that it was following the good old doctrine that the first law of nature was self-preservation.

Hon. H. P. COLEBATCH: If he were looking at this matter from a party point of view he would heartily endorse the hon. Mr. Cornell's amendment, because in the case of both the electorates of Northam and Geraldton, so long as they were confined as they at present were it was almost always a toss-up as to which side would win an election. If he accepted the hon. member's amendment it would mean that it would be necessary to add about 1,000 electors to each of these constituencies. These electors could only be obtained in the surrounding farming districts and they would make Northam and Geraldton impregnable strongholds of Liberalism. As he wanted to deal with the question on principles and not on party lines he hoped the hon. Mr. Cornell's amendment would be rejected, although if it was carried it would make an absolutely safe Liberal seat of Northam, whereas it was at present and had been for years past one of those seats which were always in doubt.

Hon. J. E. DODD (Honorary Minister): It was his intention to stand by the Bill every time, as he contended it provided a method for fair and equitable representation being given. Whichever

way he voted in divisions he wanted it to be understood that he was standing by the Bill every time. He considered the Bill fair and equitable and any attempt to amend it an attempt to amend it on party lines.

Amendment (Hon. J. Cornell's) on amendment put and negatived.

Amendment (Hon. H. P. Colebatch's) put and passed.

Hon. H. P. COLEBATCH: In the Bill as it stood there was a Subclause 3 following upon the proviso. He proposed to insert a new subclause 3 preceding the proviso with a view to making what was now subclause 3 subclause 4. He moved an amendment—

That the following be inserted to stand as Subclause 3—The Commissioners may adopt a margin of allowance, but in no case shall such quota be departed from to a greater extent than one-fifth more or one-fifth less. In districts outside the metropolitan area and the Golden Mile the Commissioners may, within the limit of this margin, increase the quota for towns and decrease the quota in scattered areas.

Amendment put and passed.

Hon. H. P. COLEBATCH: It was now his desire to deal with the proviso as he had previously explained.

The CHAIRMAN: It would not be competent for the hon. member to do so at this stage. He would have to move for the recommittal of the Bill.

Clause as amended put and passed.

Clauses 5 to 8—agreed to.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Hon. H. P. Colebatch Bill recommitted for the purpose of further considering Clause 4.

Hon. H. P. COLEBATCH moved an amendment—

That the following be inserted at the end of Subclause 3: Provided that the quota shall not apply to that portion of the State included in the present Electoral Districts of Kimberley, Roebourne, Gascoyne, and Pilbara, but such

portion of the State shall be divided into four electoral districts.

Amendment put and passed.

Bill again reported with a further amendment, and the report adopted.

Read a third time and returned to the Assembly with amendments.

BILL—PLANT DISEASES.

Second Reading—Amendment, six months.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The scope of the Insect Pests Amendment Act of 1878 has been widened in this Bill, mainly in the direction of providing machinery to check the spread of disease by giving power to deal with neglected or abandoned orchards. Under the Insect Pests Amendment Act, 1898, the department had no power to deal with a neglected or abandoned orchard unless the trees in such orchard were infected with a specific disease. Instances could be given of neglected orchards where dead and dying trees still remain in their original positions in the land. These places need constant inspection, and this takes up the time of the orchard inspectors which could be spent to better advantage in attending to other orchards. As soon as a specific disease infects the trees the department has power to take necessary action, but power is sought under this section of the new Bill to deal with neglected and abandoned orchards without waiting for disease to appear. Power is given to take steps to prevent orchards from becoming infected. Under the Insect Pests Act Amendment Act the department has no power to compel orchardists to clean up their orchards unless the fruit is actually infected with a specific disease. Careless growers allow over-ripe fruit to drop on the ground and remain there until it has rotted. Power is sought under Clause 2 to enable the department to compel orchardists to gather up all fallen fruit. Power is also sought to enforce the stripping on a date to be fixed of fruits which may be termed non-

commercial, so as to prevent them from acting as a carry-over for the fruit fly during the winter months. Clause 3 gives power to prevent the use, storage or carriage within the State or part of the State of second-hand cases or boxes. Hon. members will recognise that this is a very necessary provision, for fruit cases constitute a very great source of dissemination of disease. Power is also provided to control and prohibit the use of second-hand cases, either in the whole State or in specified parts of the State. Under Clause 4 the destruction of prunings is made compulsory. Many growers allow the prunings from their orchards to remain in heaps for a considerable time, with the result that diseases are spread. To give an instance, scale has been carried on to a rubbish tip and allowed to remain there, although orchards free from scale were in the vicinity of the tip. In Clause 5 the growing of nursery stock for sale amongst orchardists is prohibited. Clause 8 is new. It prohibits the export of fruit infected with San Jose scale. Under Clause 10 power is sought to include the owner of an orchard as well as the occupier in any notice relating to the eradication of pests in a leased orchard. Under the Insect Pests Act the occupier is the responsible person, and in small town properties this procedure has been found wanting. The clause will be of great assistance to the department in dealing with small orchards leased to Chinese, and used for vegetable gardens. Clause 17 is new. It will give the officers of the department the right to question vendors as to the stalls where they obtained infected fruit. Clauses 30 and 30A provide minimum and maximum penalties. Clause 34 provides for the registration of fruit shops, markets, and auction rooms, in addition to orchards and nurseries as provided for in the existing Act. The shops, markets, and auction rooms have been included so that the department may have a record of these places, and carry out inspections if desired. Sub-clause 5 is new, and provides a safeguard in the matter of obtaining reliable spraying materials. I beg to move—

That the Bill be now read a second time.

Hon. E. M. CLARKE (South-West): There is no member of the House who realises more than I do the necessity for bringing in a Bill for the eradication of these diseases, and I say nobody would have welcomed such a Bill more than I had it come in time for us to in any way consider it. This afternoon was the first time I had seen the Bill, but I want to say, provided the Bill had come in time for me to consider it, I would not only have gone fully into it, but would have moved certain amendments to it. As a fruitgrower, I claim that nobody knows what is wanted better than I do. To point out what is being done in this respect I will quote to you a report of the proceedings of the Fruitgrowers' Association. They asked for certain regulations to be made. A short time ago the growers of the State were quite willing that certain powers should be given, but recent events have awakened them to the great danger of giving unlimited powers without appeal from the official. The Federal authorities were asked by the Fruitgrowers' Association to prevent the export to Germany of fruit infected with San Jose scale. On the advice of the experts of the respective States they proclaimed a regulation that prevented the exportation of fruit grown in an infected orchard, or which had travelled or been stored with infected fruit. Had this been enforced it would have stopped the export of more than one half of the total exportable fruit grown in this State, worth from 12s. to 15s. a case. That will let you understand how careful we should be before we pass such a measure as this. These people themselves suggested something, and then took fright at it. I feel that on me rests, to a great extent, the responsibility for asking the members of this Chamber not to pass the Bill. I have had very little time to consider it, and there are some very objectionable clauses in it. I look upon this as a non-party question absolutely, and the Bill, when next it comes before us, must be framed on such lines as will make for the eradication of diseases and the betterment of

the Fruitgrowers' Association. I promise the Minister that if he will bring in a Bill in time for us to consider it next session, I shall assist him in every way. There are several objectionable features in the Bill. Take, for instance, the definition of "orchard." It says "orchard used as an orchard." That is not sufficient. Out in a field there may be an old tree carrying sufficient disease to destroy the orchards in the whole of a district. I merely point that out as showing how careful we should be. I move an amendment—

That "now" be struck out, and "this day six months" added to the motion.

Hon. J. F. CULLEN (South-East): I will not detain the House more than two minutes. As I have a number of orchardists in my province who have communicated with me in regard to the Bill, I must say a few words upon it. The Bill was promised as one of the first of the session, and everybody would have been glad to go into it thoroughly with the Government and their experts at the proper time. But how can the House deal with the Bill in the last few hours of the session? It is a most drastic Bill, conferring enormous powers on the Government officials. Everybody believes that they would use those powers to the very best of their ability, and their honest judgment. But there are very grave interests at stake, namely, the orchards of the State. And there is a consideration outside that which I want all hon. members to bear in mind. All who desire the welfare of their own country would like to see everybody on the land growing some fruit. The big orchardists, I know, are not anxious about that at all, but, as a citizen of the State I say it is a good thing for everybody who has a bit of land to have his own vine and fig tree, to have a few fruit-trees. The Government officials would not hesitate about wiping all these people out. They are going for the commercial consideration wholly and solely. I hate to vote this day six months in respect to a Bill of this sort, but what is one to do? It is impossible to pass the Bill as it stands, but I would very much rather that the leader

of the House would look at the matter and weigh this: Is it possible to make the Bill safe in the time at our disposal? Is it possible for the interests of all concerned to be heard and weighed? Of course it is not possible. I would much rather see the leader of the House consent to nicely shelve the Bill till next session by presently letting us pass the second reading, and move the Chairman out of the Chair. I would much rather do that than take this guillotining process, about which there is more or less contumely. I would be quite willing to pass the second reading and go into Committee *pro forma*, and then get the matter held over for further consideration.

Hon. H. P. COLEBATCH (East): I have only a few words to say. I want to confess at the outset that I know practically nothing about the question. It has been suggested at times that members are swayed by opinions expressed outside, and I want to confess that I am in that position. The Bill is put before us, and very few members have had an opportunity of even reading it. The only point I wish to make is this: The Bill arises very largely out of a conference of fruitgrowers held in May last. There was a promise made. I want to emphasise the fact that I am only speaking from what has been told to me. A promise was made that the Bill when drawn would be submitted to the council of the Fruitgrowers' Association. I am informed that owing to some misunderstanding that promise has not been kept. There may be good reason why it was not done, but I am informed that the council of the Fruitgrowers' Association have not had an opportunity to consider the Bill. I have also been approached by representative members of the council who have written to me and urged, for reasons stated at great length that this Bill should be thrown out. I have not had time to consider these reasons or the Bill, but in view of the fact that the measure arises out of a recommendation of a conference held in May last, and that at that conference a promise was made that the Bill would be submitted to the council of the Fruitgrowers' Association, and that that promise, probably for good reasons, has

not been kept, and that the Bill is placed before us at a late hour of the session when it is impossible for us to give it full consideration, I intend, whether rightly or wrongly, to act on the request of the representations of the Fruitgrowers' Association and vote for the amendment with a view to defeating the Bill.

Hon. A. SANDERSON (Metropolitan-Suburban): I do not think the hon. Mr. Cullen will hesitate to vote for the amendment. The hon. Mr. Clarke is closely in touch with the fruitgrowers, and speaking from my knowledge of the subject this is the best thing we can do; it will save time. As to sparing the feelings of the leader of the House or the Minister in another place, I am certain that there is no party feeling in connection with this measure. No one knows better than the Minister that it is quite impossible to deal with the Bill at this hour. When it is brought forward in another session, no doubt it will be passed. I hope the House will save the time of the country and its own time by supporting the amendment.

Hon. E. McLARTY (South-West): I regret that this Bill has been brought in at such a late hour because I fully recognise that some legislation is necessary to cope with the diseases so prevalent in the various orchards. At the same time inspectors have considerable powers in the present regulations, and if those powers were exercised they would be able to deal with most of the questions contained in the Bill. I have had no opportunity to study the Bill, and I fully recognise that it is impossible in the short time at our disposal to deal with it as fully as it deserves. This is a very important measure. It places great powers in the hands of the inspectors to destroy orchards without paying compensation. A tremendous amount of money is involved in preparing land and getting orchards into bearing, and it would be rather arbitrary action for an inspector to be able to order the destruction of trees without any compensation being paid. With some amendments I think the measure would commend itself to every hon. member, if we had time to consider its provisions. Under the circumstances

I can see no alternative but to vote for the amendment. I regret having to do so, because I know how important it is, but, like Mr. Colebatch, I have received communications from people largely interested, and they are not satisfied with the Bill. They express the opinion that the Fruitgrowers' Association should have had time to fully consider the matter. I am not in any way opposed to the Bill, and I commend the Government for taking action in the matter, but I can see no alternative at this late hour of the session than to vote for the amendment.

The COLONIAL SECRETARY (in reply): This Bill is very necessary indeed. I am advised, in the interests of the fruit industry, and hon. members instead of making some attempt to consider its provisions have decided to reject it. They admit that they have no knowledge of the contents of the measure, and they have made no attempt to examine the Bill, and yet they are content to destroy it on sight. A little time should be given to an examination of the measure. Let us pass the second reading and see what can be done.

Hon. J. F. CULLEN (South-East): Yes, and then in Committee report progress.

Amendment put and negatived.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Repeal:

Hon. J. F. CULLEN moved—

That progress be reported.

Motion passed.

Progress reported; the Bill shelved.

BILL—ILLEGAL SALE OF LIQUOR.

Message from the Legislative Assembly received and read notifying that the amendments made by the Council had been agreed to.

BILL—CRIMINAL CODE COM- PILATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is simply to re-enact in one statute what is already the law. It is introduced pursuant to the Statutes Compilation Act, which was passed some time ago. Amendments made after the preparation of the compilation have also been embodied pursuant to the Criminal Code Amendment Act, 1913, which was recently passed. The provisions of the Secret Commissions Act have also been included by virtue of Section 31 of the last mentioned Act. Certain alterations have been made in the text of the compiled Acts. These are set out in the memorandum which accompanies the Bill. A reference to the Statutes Compilation Act and the Section 31 referred to above will show that it is not competent for the House to amend the compiled statute in Committee except as regards the alterations which have been made as before mentioned. These, certainly, may be amended; but I do not think that there is anything in them to which exception can be taken. Nearly all of them are obviously necessary. If any further information is required I have some notes on the Bill. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and passed.

BILL—STAMP ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is necessary to sup-

ply omissions in existing legislation, to remedy defects and to bring the law into line with the Imperial Acts and the Acts of the different States of the Commonwealth. A few principles have been introduced into the measure which have not been adopted elsewhere, but they are such, I think, as must appeal to the common sense of hon. members. There is a provision in the principal Act for the payment of ad valorem duty where property is sold. Where, however, a deed is not necessary, such transactions escape ad valorem duty. Under the present law a deed must bear ad valorem duty, but in many cases a duly completed sale of property can take place without the necessity for a deed and in such circumstances ad valorem duty would be avoided. The Imperial Act provides that in these cases the contract shall be charged with the same duty as a conveyance on a sale. This also is the law in New Zealand and has been so for many years, and it was recently enacted in Queensland. We also make provision that documents held in escrow shall be charged with stamp duty as if the transaction had been completed. For instance, if a property is sold on terms now the full amount of the stamp duty is not placed on the document until the sale is completed and the Treasurer in some instances has to wait as long as 10 years before enjoying the balance of the stamp duty, but there is already provision in existing legislation to permit of a refund if the transaction should not be completed and if the conditions have not been complied with in regard to the sale of the property. There is also a provision making everyone give a receipt for payments of over £2 and that the person who receives the payment is liable. I move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): I am not going to take up a very adverse position with regard to this Bill. I regret that a measure of this kind has not been brought down before the last day of the session,

but it is obvious what is intended. This is a measure to collect some more taxation, and no doubt the Government require it. On first looking at the Bill I thought that a great hardship would be inflicted upon members of the public selling land and other property on terms by the provision that an eserow would have to be duly stamped as if it were a completed instrument, whilst no provision appeared to be made for a refund of the duty in a case where a transaction is annulled or subsequently rescinded, but I think the last provision in Clause 7 will meet the case. Evidently that is the intention of the Government, and I have listened with some satisfaction to the statement made by the Colonial Secretary in that regard. One of the main features of this Bill is the alteration made in regard to the receipts for money. Up to date it is not compulsory on a person paying money to take a receipt or on the person receiving money to give it, but it is evidently the clear intention of the Bill to compel the giving and taking of receipts after the Bill comes into force. The amount of stamp duty that it is intended to put on these receipts is very heavy indeed. I suppose the Government have had their attention directed to a circular issued by the Perth Chamber of Commerce in connection with this matter. The Perth Chamber circularised hon. members to say that they had given hurried consideration to the measure—

Unfortunately, it has been sprung upon the public so suddenly that it has been impossible for due consideration to be given to it. The strong opinion of the chamber is that the inconvenience which is likely to be caused by this proposed legislation to the community generally in its ordinary trading operations, would be so serious as not to be in any way compensated for by the comparatively small amount of revenue which is likely to be raised under it.

I do not agree with that. I think a very large amount of revenue will be received, and I am informed that in connection with one sale that takes place at a certain market in the metropolitan area two days in the week the transactions run into

£5,000, and the duty on that alone would amount to £20 per week as against something like £1 under the present system. The circular continues—

The present 1d. duty stamp upon all receipts for payments of £2 and upwards is already sufficiently burdensome, and any graduated scale would be increasingly inconvenient and costly.

I am inclined to agree that that is so, but the Government are reaching out to get more revenue and I am quite prepared to recommend the House to deal with this question of stamp duty on those lines. The proposal is that from £2 to £25 the duty shall be 1d.; from £25 to £50, 2d.; from £50 to £100, 3d.; and for every £100 or fraction of £100, 6d. I believe the Government are prepared to accept a modification on the following lines: from £2 up to £50, 1d.; from £50 to £100, 2d.; and for £100 or fractional part of £100, 3d., just one half the amount in the Bill. There is one other matter I wish to draw attention to. Where documents are unsealed or insufficiently stamped the only penalty imposed under the Stamp Act is that the document is not admissible in evidence until stamped with the proper duty, and a fine imposed by an officer of the court before whom the document is submitted in evidence is paid. I am drawing the attention of the House to Clause 9, for in addition to that fine now, there will be a further fine not exceeding £10, which will be recovered on prosecution against the person failing to stamp. I have no complaint against that. I think it is unfair that large numbers should stamp their documents and pay duty whilst others do not stamp them and run the risk of paying the small or large amount of penalty as the case may be if the document is required to be produced in evidence. In the case of any taxation measure all sections of the community should pay the duty, and, therefore, I have no complaint about the additional penalty that is sought to be put on persons who seek to evade payment of this duty. I am only drawing the attention of members to the alteration in case there are some who do object to it. Subject to the alteration as to the

duty on receipts, I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1 to 8—agreed to.

Clause 9—Penalty for omission to duly stamp instruments :

Hon. J. F. CULLEN: There would be lots of oversights and the penalty of £10 was rather a severe one.

Hon. M. L. MOSS: It is a penalty not exceeding £10.

Hon. J. F. CULLEN: As this was an innovation, there would be many omissions and every one was to be treated as an attempt to defraud.

Hon. M. L. MOSS: This was a prosecution that could not be instituted by a private person or the police; there must be a prosecution by the Colonial Treasurer.

Hon. J. F. Cullen : Then I am satisfied.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Amendment to schedule to Act No. 20 of 1905:

On motion by Hon. M. L. MOSS clause amended by striking out of line 33 the words "twenty-five" and inserting "fifty" in lieu; also by striking out of line 34 "twenty-five" and inserting "fifty" in lieu; also by striking out of line 35 "fifty" and inserting "one hundred" in lieu; also by striking out lines 36 and 37; also by striking out of line 40 the figure "6" and inserting "3" in lieu.

Clause as amended put and passed.

Schedule, Title—agreed to.

Bill reported with amendments, the report adopted and a Message accordingly returned to the Legislative Assembly.

BILL—ELECTORAL DISTRICTS.

Read a third time and returned to the Legislative Assembly with amendments.

BILL—LOCAL OPTION VOTE CONTINUANCE.

Second Reading.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said: This is a short Bill having for its object the postponement of the local option poll from 1914 to 1915. The existing Act provides that a poll may be taken in April, 1914, but the only resolution upon which a poll can be taken is on an increase of licenses. The cost of taking the poll would be £8,000 and the Government have thought it advisable to incur that expenditure next year and have brought forward this Bill to postpone the poll until 1915.

Hon. J. F. Cullen: Until the other fellows come in.

Hon. J. E. DODD (Honorary Minister): Until we can get time when we come back to bring in another local option Bill. It would be quite competent to postpone the poll until 1920.

Hon. J. F. Cullen: That is the proper thing to do.

Hon. J. E. DODD (Honorary Minister): I do not know whether it was an oversight or what it was, but provision was simply put in the Bill to postpone it from next year until 1915. What I have said is really all there is in the measure. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and passed.

BILL—RAILWAY SURVEYS.

Second Reading.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said: The Bill before us provides for a departure in reference to the construction of agricultural railways from what has

hitherto been followed by Parliament. Usually it has been decided that a line shall be built and the Government shall decide the actual route to be followed, but the Government have not been prepared to continue this system. They are of opinion that Parliament should have an opportunity of deciding first whether a particular line should be surveyed and then when the survey is completed Parliament should be called upon to pass a Bill for the construction of the line upon the survey that has been made. For this reason the Bill has been introduced. If hon. members will look at the schedule they will notice that it is fairly comprehensive, inasmuch as it deals with no fewer than eight railway propositions. As a matter of fact it deals with most of the railways necessary for the general development of the State outside the extreme South-West. Members from that part of the State might claim that some consideration should be shown to them in regard to railways in that part, but we have only to point out to those members that for some considerable time past survey parties have been plotting out where timber areas may be found so that they may be properly reserved for the purpose of exploiting the timber mills. Until that work is completed it is impossible to come forward with any practical suggestions for the construction of railways in the extreme South-West. The Government cannot do that until the land is thrown open for selection, and a large area of land is not open for selection because it is necessary to decide where the timber areas are located. The Bill is mostly one of information and I propose to give that information as carefully as I can.

Hon. J. F. Cullen: I do not think we need it.

Hon. J. E. DODD (Honorary Minister): If I thought the House did not need it I would not give it. I have heard here often in connection with railway Bills and proposed surveys that sufficient information has not been given.

Hon. J. F. Cullen: If we need it we will ask for it in Committee.

Hon. J. E. DODD (Honorary Minister): I will be only too glad to fall in

with the wishes of the House. The Colonial Secretary and I do not desire to speak any more than is absolutely necessary this evening. The schedule is to be found on page 2 of the Bill. There are surveys provided for in it and if the House is satisfied with the schedule as it is, well and good. All I have to do is to move—

That the Bill be now read a second time.

Hon. F. CONNOR (North): I am going to support the second reading of the Bill. At the same time I wish to reiterate the fact that, as usual, all these railways and all these works are to be constructed in the southern portion of the State, and there is not a word about the North-West.

Hon. J. F. Cullen: That is coming.

Hon. F. CONNOR: I will support anything that is fair and reasonable in connection with the development of the State, but it is my duty, as a representative of the northern part of the State, to enter my protest against the treatment which is being meted out to the North. That portion of the State is being neglected. It is a disgrace to the Administration of the State that one of the best provinces and the best parts of the State is absolutely neglected. My friend, Mr. Piesse, is looking at me. If I were in his position I would not talk as I am doing now, because he has everything he wants. Even my friend Mr. Kirwan has been given £70,000 with which to build roads and motor tracks for a wheat harvest which has not yet eventuated in the Esperance district. I was pleased to support that item in the Loan Bill, but what I do take exception to is the fact that one of the most important parts of the State is neglected and thrown out of consideration. I want members to understand what I am saying and what I believe in. I believe that an absolute injustice has been done to the North-West. Let me hope, as a pioneer of the north of Australia, as a pioneer politician, as a man who has always tried to support what he thought was right for the people, and who has never yet refused to support railway Bills—

Hon. R. G. Ardagh: What about the Esperance Railway Bill?

Hon. F. CONNOR: I supported the £10,000 which appeared on the Loan Bill for the Esperance district, and while the Esperance district gets that sum of money we find that the more important part of the State, the far North, gets the large sum of £200 for water conservation. Will Mr. Kirwan tell me that the Esperance district is to be compared, or is in the same street, with the two Kimberleys?

Hon. J. W. Kirwan: Has the hon. member been in that district?

Hon. F. CONNOR: I hope not.

Hon. J. W. Kirwan: Then how can the hon. member express an opinion?

Hon. F. CONNOR: Will my friend suggest to me for a moment that the Esperance district is as important from a national standpoint as the two Kimberleys?

Hon. J. W. Kirwan: I have not been to the Kimberleys.

Hon. F. CONNOR: The Kimberleys form the most magnificent estates the world possesses. We find there competition from America, from London, and from the Eastern States. It should be understood, as far as I am personally concerned, that I will not sit in this House any more until some measure of justice is done to the North of this State, which up to the present has suffered severely through neglect on the part of Administrations.

Hon. C. A. PIESSE (South-East): This will probably be my last opportunity of speaking in this House, as I shall have to appear before my electors in the course of the next few months. I am pleased to be able to give my support to a measure such as this, which provides for the survey of so many proposed railways, and I could ask for no better testimonial with which to appear before the electors than this measure. In the schedule of the Bill there are no fewer than five proposed surveys for extensions from the Great Southern. At one time I used to work very hard in the hope of bringing about these extensions from the Great Southern and very often I was not quite understood. If any proof is re-

quired that I was right in my contention for the construction of these railways, we have it now in the Bill which is before us, and I am glad to have the opportunity of supporting it. The five projects to which I have referred are the extension of the Wagin-Kukerin railway to Lake Grace, the extension of the Katanning-Nyabing railway to Pingrup, the extension of the Yillimining-Kondinin railway to Merredin, the extension of the Pinjarra-Dwarda railway to Narrogin, and the extension of the Armadale to Pinjarra-Dwarda railway, which goes to Narrogin. These are all railways which I have had in my mind for a long time past and have always taken the opportunity of advocating. I want to draw hon. members' attention to the fact that the Great Southern embraces an enormous district and the Government, with all due respect to the propositions they have put before us, have left out—I am sure it is only because of shortness of funds—four important projects which must sooner or later be constructed, namely a railway from Franklin River to junction with the Great Southern railway, a railway from Mount Barker westward, a railway from Ongerup via Needilup towards Ravenshorpe, and a railway from a point on the Great Southern railway to serve the Dale River settlers.

Hon. C. Sommers: We do not want them all in one year.

Hon. C. A. PIESSE: Yes, if necessary, because these people have waited for them so long. The construction of these railways would mean the opening up a tremendous area of country. Any way it is my pleasant duty to be able to congratulate the Government on introducing this Bill. It is a splendid arrangement to have these surveys made. They will set at rest all doubts as to where the railways are to go. I give the Bill my heartiest support.

Hon. J. CORNELL (South): Whilst I am prepared at all times to support surveys and propositions for the construction of railway lines, I do not think that that is the spirit with which many hon. members in this Chamber are imbued. I desire to join

issue with Mr. Connor in his reference to the North-West. I was a resident of the North-West for two years and I think there is no portion of this State which has been so neglected, and there is no place where the possibilities are greater. The North-West has been neglected not only by this Government but by almost every other Government which has preceded it. The mere building of jetties has not done much to advance that part of the State. We must be prepared to do something beyond attending to such matters on the seaboard. I venture to say there is no part of Western Australia which is so capable of great possibilities in the near future as the North-West of that State. And if the same conditions prevail in future as prevailed in the past it would be infinitely better if the portion of the State north of the tropic of Capricorn were separated from the State and handed over to the Commonwealth. The Northern Territory languished for years on the hands of the South Australian Government; it was looked upon as a white elephant.

Hon. C. A. Piesse: It is very much like that now.

Hon. J. CORNELL: The northern portion of this State is also looked upon as a white elephant, but from my knowledge of the North-West it is not so. Twenty-five or 30 years ago the North-West was the backbone of the State, and it must be taken into consideration that we, the people of Western Australia, have a duty to perform to help in peopling the far north of this country. If the North-West remains as it is in conjunction with the Northern Territory there is not the slightest doubt that some other people will put it to use and take all that northern portion from Australia. Unless the Government of the day are prepared to do something for the North-West and make it more attractive, we have something to be afraid of in the future.

Member: Your party is responsible.

Hon. J. CORNELL: I admit that my party has to take its share of responsibility. They built a railway up there and it is a failure. The South Australian Gov-

ernment built a railway to Oodnadatta and that has been a failure, and the Federal Government are building a Transcontinental railway which will be a failure for many years to come. But although the Port Hedland to Marble Bar railway may be a failure to day, the time will come when it will not be so. In any case there are other railways in the State which are equally as much a failure. Mr. Connor has pointed out that £10,000 has been given to the Esperance district on the Loan Estimates. I think that £10,000 is justified, but I will be kind enough to say that if the £10,000 is justified for Esperance a similar sum is equally justified for the far north of this State.

Hon. J. E. DODD (Honorary Minister, in reply): I desire to say a few words in reply. I thought the Bill we are discussing was a Bill for a survey of certain railways, eight in number, and I see nothing about the North-West in it.

Hon. W. Kingsmill: They are discussing the omission.

Hon. J. E. DODD (Honorary Minister): I desire only to refer to a few words uttered by Mr. Connor. On almost every occasion during the session the hon. member has risen with a good deal of fervid oratory to speak in favour of the North-West, and one would conclude that he had been an enthusiastic advocate of the North-West all the time he has been in the House. Yet, if I remember rightly, the hon. member has been very little in his place in Parliament during the last two years. But now he comes into the House, and no matter what Bill is under discussion he draws attention to the North-West.

Hon. J. F. Cullen: Let us get into Committee.

Hon. J. E. DODD (Honorary Minister): I desire to have a say sometimes; it is not very often. The hon. member is on his feet perhaps more than any other member in this House. Let me now and again have a few words to say. Mr. Connor prates about what he has done for Esperance, but the hon. member only voted for Esperance when he knew he could do Esperance no good. When he had the chance of doing good for that

district he voted on the other side. I think it is time to tell the hon. member that in spite of his enthusiasm for the North-West, others, as well as he have enthusiasm, and it seems to me the height of political hypocrisy—

Hon. F. Connor: Mr. President, is that Parliamentary?

The PRESIDENT: If the hon. member used the word hypocrisy he must withdraw it.

Hon. J. E. DODD (Honorary Minister): The words I used were "political hypocrisy."

The PRESIDENT: That need not be withdrawn.

Hon. J. E. DODD (Honorary Minister): I will even withdraw the words "political hypocrisy." I did not say "uncouth." I desire only to say again that the hon. member's vote was given in favour of Esperance when he knew it would do Esperance no good.

Hon. F. Connor: On a personal explanation. The only time I gave any intimation that I was in favour of the Esperance railway was when two years ago a very large and important deputation came down from the goldfields to put before the people of Perth the case for that railway. They cadged round and asked—

Hon. J. Cornell: On a point of order. As the hon. member has stated that a deputation—

The PRESIDENT: What is the point of order?

Hon. J. Cornell: The word "cadged" was used.

The PRESIDENT: I do not consider that unparliamentary.

Hon. F. Connor: I will try to be as brief as I can, but it will take some little time to explain.

The PRESIDENT: I cannot allow the hon. member to continue a long personal explanation.

Hon. F. Connor: I am only pointing out that a deputation came down to Perth to recommend this scheme and cadged round and could not find anybody to take the chair. They asked me as an old member of Parliament to take the chair at a meeting in the town hall, but that did not

commit me in any way. I did not say I was in favour of the Esperance railway. Because I did that, on the next day when there was a deputation to the Premier they asked me to attend. I said "Yes," but I never once said I was in favour of that proposition. I was the one man in a public position who was game to take the chair for them, and this is all the thanks I get, and I do not appreciate it.

Hon. J. E. DODD (Honorary Minister): I regret that my observations have caused so much time to be wasted. I have nothing further to add.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate and reported without amendment.

Report Stage.

Hon. J. E. DODD (Honorary Minister) moved—

That the report be adopted.

Hon. E. McLARTY: It was surprising to find that no mention was made of the proposed railway to open up the lime deposits at Lake Clifton. Several deputations had waited on the Premier and promises had been made which were quite omitted from the schedule of this measure. The lime was of excellent quality and was recommended by the agricultural experts as very necessary for the southern districts. He regretted the Lake Clifton railway had been omitted.

Question passed, the report adopted.

Bill read a third time and passed.

BILL—OPIUM SMOKING PROHIBITION.

Assembly's Message.

A Message having been received from the Assembly declining to make amendment No. 2 made by the Legislative Council and agreeing to amendment No. 1 subject to a further amendment in which the Assembly desired the concurrence of the Council, the same was now considered.

No. 1, Clause 6.—In lieu of striking out the clause, add the following pro-

viso:—Provided that it shall be a defence to any proceeding for an offence against this section to prove that the opium was kept solely for the medical treatment of man or animal:

The COLONIAL SECRETARY moved—

That the modification made by the Legislative Assembly in regard to amendment No. 1 be agreed to.

Question passed; the Assembly's modification agreed to.

No. 2, Clause 7.—Strike out the clause:

The CHAIRMAN: The Assembly's reasons for disagreeing to amendment No. 2 were as follows:—The deletion of Clause 6 would render the Bill practically worthless, and would mean that opium which might be rendered suitable for smoking could be held by anyone and disposed of. The proviso now suggested and accepted by the Legislative Assembly as an addition to the clause gives ample protection for use of opium for legitimate purposes. It is absolutely necessary if the Act is to be carried out that Clause 7 should be retained. Any objections to it are met by the proviso above referred to under Clause 6.

The COLONIAL SECRETARY moved—

That the amendment be not insisted on.

Hon. M. L. MOSS: If this motion was carried and Clause 7 was reinstated, would it be competent for him to move another clause providing that nothing in the Bill should apply to a registered chemist in connection with the compounding and dispensing of medicines containing opium?

The CHAIRMAN: Certainly.

Question passed; the Council's amendment not insisted upon.

New clause:

Hon. M. L. MOSS moved—

That the following be inserted to stand as a new clause:—"Nothing contained in Sections 6 and 7 of this Act shall apply to a pharmaceutical chemist registered in Western Australia in connection with the compounding and dispensing of medicines in the ordinary course of this business."

In connection with medicines sold by pharmaceutical chemists it would be quite impossible for them to carry out the provisions of this Bill. Laudanum, paregoric and Dover's powder contained opium and they were imported into the State. Chemists would not know the quantity of opium in them and could not comply with Clause 7 of the Bill unless they had an analysis made. A chemist ought not to be called upon to do an impossibility. Subject to the new clause going in there would be no harm done by the reinstatement of Clause 7.

New clause passed.

Resolutions reported, and the report adopted.

BILL—FLINDERS BAY-MARGARET RIVER RAILWAY PURCHASE.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill proposes to authorise the purchase by the Government of the railway line from Margaret River to Flinders Bay. This railway was built several years ago by Millar Brothers and operated in connection with their timber mills. The company also at the same time carried the produce of the settlers. The proposal is by no means a new one. It was first suggested in 1909. Sir Newton Moore when Premier of Western Australia approached the company, supported by the settlers, to take over this line. The reasons given was that the timber was being cut out and the company foresaw the necessity for the removal of the mill. It was consequently deemed a fitting opportunity to approach the Government with a view to the purchase of the undertaking. Besides the area held by the company under timber concession they also hold some 30,000 acres under freehold. The area under timber concession was cut out in 1911 and the land reverted to the Crown, that is the land under timber concession. The settlers became alarmed at this as they realised that the company were closing down milling operations and a

petition was presented to the Government requesting the purchase of the line. Mr. Tindale, engineer in the Works Department, was sent down to report on the proposal and estimated the value, including the jetty at Flinders Bay at £27,300. There was a deputation to the Premier early last year and Mr. Scaddan said that the Government would purchase if the price was reasonable. The company at the time had actually started to lift the rails and in reply to representations from the Government they stated that they expected to have the whole of the rails removed by March of this year. The Government then asked the company what price they would require for the line and the company offered to sell the railway, mill, and land. Mr. Properjohn, superintendent of the State sawmills, was sent to inspect the mill. He reported that it was not a business proposition to remove the plant and that the Mill could not be successfully worked by the Government in view of the fact that all the marketable timber had been cut out. The Government also considered the proposition as to whether we should buy the land. They decided to limit the proposal to the purchase of the railway. The company fixed £34,310 as the price for 34 miles 24 chains of railway and £4,000 extra for the jetty. The engineers of the Works Department reported that certain sidings included in the offer were not required. These were cut out, reducing the length of the line to 30 miles 15 chains. Mr. Tindale and the Engineer-in-Chief again inspected and as a result the Government decided to buy the railway, jetty and moorings and fix the price at £31,000. Details will be found in the schedule of the Bill.

Hon. M. L. Moss : We do not want the details, we are satisfied.

The COLONIAL SECRETARY : I move--

That the Bill be now read a second time.

Question passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and passed.

BILL—PUBLIC WORKS COMMITTEE.

Received from the Legislative Assembly and read a first time.

Second reading—Bill defeated.

Hon. M. L. MOSS : The Standing Orders are suspended and I would like to save the Colonial Secretary a little trouble. Let us take a test vote on the Bill. I will move that the second reading be made an Order of the Day for the next sitting.

Hon. W. Kingsmill : No, that would be taking the business out of the Minister's hands.

Hon. M. L. MOSS : The Minister does not object; he knows what is before the Bill.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said : This Bill has been twice before hon. members. It is not necessary for me to say much, and I intend to compress my remarks into as small a compass as possible. The two principal objections to the Bill on the previous occasions on which it was before the House were in regard to the cost of administration and also that it would practically mean the appointment of more Cabinet Ministers. I submit that there were no grounds for such contentions, and I hope that on reconsideration hon. members will find that it is so. Under the Bill the total amount of fees is limited to £1,000 a year, and the works to be considered by the Committee will be limited to those of an expenditure of £20,000 and upwards. There will not be a large number of public works the estimated cost of which will exceed £20,000. The fees are to be one guinea a day, which would be very poor pay for Cabinet Ministers. The

public works committee in New South Wales consists of seven members who are paid two guineas a day, while the chairman is paid three guineas. Under the Bill we are to have four members who will be paid one guinea a day, while the chairman, who will be a Minister of the Crown, will receive no additional payment. The cost in Western Australia would be four guineas a day as against fourteen in New South Wales. That would mean that the amount to be paid away in fees would be only one-third in Western Australia as against New South Wales. The whole cost of administration in New South Wales is £6,200, which includes printing. The sum of £4,500 is placed on the Estimates each year, but the total expenditure is £6,200. The returns show that the public works carried out in Western Australia represent only about one-fifth of those carried out in New South Wales; thus, with one-third of the fees and one-fifth of the works to be investigated the cost should not exceed much more than £500 a year. It has been law in New South Wales for 13 years—actually for 20 years, but it was re-enacted 13 years ago and there has been no suggestion of its repeal. Victoria has adopted the principle to the extent that all railway propositions estimated to cost £20,000 are submitted to a Parliamentary committee. South Australia has followed also, and the Liberal party in the Federal Parliament have adopted the principle. I was much interested the other day in reading a speech delivered by Mr. Connolly in 1901 in which he showed that he was a strong advocate of the principle. In New South Wales the Act has been the means of saving the State many thousands of pounds. It should be given a trial in Western Australia. I beg to move—

That the Bill be now read a second time.

Hon. J. D. CONNOLLY (North-East): For the reasons previously given I do not intend to support the Bill. The Colonial Secretary has mentioned that I supported a Bill of the sort on a former occasion. I notice in this morning's paper that the Premier, in his usual manly

way, referred to this in a place where I had no opportunity of replying, and stated that I had voted for this Bill at that time because it was introduced by a Liberal Government and that I had voted against it since because it was introduced by a Labour Government. That is just about as manly as the action of his colleague, the Minister for Mines, who went out of his way to make a personal attack upon me this evening in a place where I could not reply. These are manly actions for gentlemen occupying the positions of Ministers of the Crown. I did support a Bill of this kind twelve years ago. It is strange indeed if one cannot support a Bill, and in twelve years find reason to alter one's mind. There is no great principle involved in the supporting of the appointment of a public works committee. Circumstances alter cases, and I have no doubt the circumstances at that time warranted me in supporting the Bill. The Bill on that occasion was of an entirely different nature from the Bill now before us. The committee proposed in that Bill consisted of five members, three to be elected by another place and two by this House. That was a fair proportion, but, in this Bill, of the five members, three are to be elected from another place, only one from this House, and the Minister for Works is to be chairman. That is a very different proposition. Is it not sufficient for me to say that I have since had twelve years' Parliamentary experience. That is sufficient justification for changing my mind on this question. Let me repeat that there is no question of political principle in one supporting a Bill now and opposing it twelve years afterwards. So much for the manliness of the Premier in imputing improper motives to me, which is as manly as the action of his colleague to-night.

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

Ayes	..	..	..	7
Noes	..	..	..	16
				—
Majority against	..			9
				—

AYES.

Hon. R. G. Ardagh
Hon. F. Davis
Hon. J. E. Dodd
Hon. J. M. Drew

Hon. W. Kingsmill
Hon. J. W. Kirwan
Hon. J. Cornell
(Teller).

NOES.

Hon. E. M. Clarke
Hon. H. P. Colebatch
Hon. J. D. Connolly
Hon. J. F. Cullen
Hon. D. G. Gawler
Hon. V. Hamersley
Hon. A. G. Jenkins
Hon. R. J. Lynn
Hon. C. McKenzie

Hon. M. L. Moss
Hon. C. A. Plesse
Hon. A. Sanderson
Hon. C. Sommers
Hon. T. H. Wilding
Hon. Sir E. H. Wittenoom
Hon. E. McLarty
(Teller).

Question thus negatived, the Bill defeated.

BILL—ELECTRIC LIGHT AND POWER AGREEMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is introduced for the purpose of ratifying an agreement made between the Government and the mayor and councillors of Perth, relating to electric light and power. The Government found that after the purchase of the Perth trams it was essential to make provision for further electric current. We called to our assistance Messrs. Merz and McLellan, who were in Australia to advise the Victorian Government on matters connected with electric power, and they advised that owing to the fact that the Perth City Council, who had certain rights conferred upon them were in the same position in the matter of requiring further electric power, one power station should be erected to supply the requirements of both the Government and the city council. The Perth Gas Company's Act of 1886 conferred on the company the right, though not exclusive right, to supply gas within the city of Perth and at any place within a radius of five miles of the general post office. The company's private Act of 1893 further extended their powers and privileges to the supply of electricity and motive power. These Acts conferred on the Perth City Council the option to purchase the company's works and undertaking, which option was

exercised. By the Act of 1911 all rights and powers conferred by the above mentioned Acts on the company were vested in the Perth City Council. The city council therefore acquired all the works and all the plant of the company, and the right to supply gas and electricity within a radius of five miles of the general post office. The last mentioned Act, which conferred these powers on the city council to supply gas and electricity within five miles of the post office, does not affect the right of the local authorities under the Municipalities Act of 1906 to establish lighting works within their own districts, notwithstanding that their own districts may be within, or partly within, the five miles radius. I think it is scarcely necessary to explain all the details of this transaction.

Hon. J. F. Cullen: The City is bound to supply at cost price.

The COLONIAL SECRETARY: Yes, it has come to that now, that the City is bound to supply at cost price to the outside municipalities. If any further information is required in Committee I will be prepared to supply it. I beg to move—

That the Bill be now read a second time.

Hon. D. G. GAWLER (Metropolitan-Suburban): In regard to the position of Leederville and Subiaco under the operation of this agreement, they are in the unfortunate position of having plants of their own already erected. Subiaco has invested something like £22,000 and Leederville about £8,000. Their position originally was that under agreement with the tramways syndicate the syndicate were to supply them with electric light. The syndicate agreement was subsequently taken over by the tramway company, and again in turn by the Government, and both the Leederville and Subiaco councils were under the impression that their rights to take current now exist between them and the Government. I think they are wrong in that, because the rights which they claim to possess under this agreement appear to have been extinguished by the Tramways Purchase Act of 1912, and therefore they cannot take up a stand on

the agreement which would otherwise give them the right to take their supply from the Government. Their position is an exceedingly hard one because, under the agreement which is attached as a schedule to this Bill the Government cannot supply anyone else than the Perth City Council. The hardship to Subiaco and Leederville is that they have invested money in the past, and in that they have now interpolated between them and the Government the Perth City Council, and are to be compelled to buy from the city council. Although they have to be supplied at cost price they will be assisting to pay interest and sinking fund on the expenditure for the plant which the Perth City Council went in for and which now has to be scrapped. The city council claim that under the old agreement entered into with the Perth Gas Company they were entitled to supply within a five miles radius of the general post office. That was subsequently extended to include electric light, and the agreement and the rights under it have now vested in the Perth City Council. This is how the council now claim to be able to extend their operations to the local bodies within a radius of five miles, and to be able to compete with them. It is a great question legally whether such a right has come down to the city council, and exists as against the rights given to local authorities under the Electric Lighting Act of 1892. If the matter were tested it is questionable whether these rights would prevail against the rights of the local authorities under the 1892 Act, to make contracts with any person or company to supply them with electric light within their boundaries. The Act of 1892 distinctly gives them that power, but it is claimed that this privilege to supply within the five miles' radius which has come to the Perth City Council prevails against the rights of the local authorities under the Act of 1892. It is questionable whether this privilege can stand, and I believe that legal leading authorities have also expressed this opinion. We, however, are confronted with the agreement and it has been recognised in this schedule, and I question whether I can do any more than offer a

strong protest on behalf of Leederville and Subiaco.

Hon. W. Kingsmill: Hear, hear!

Hon. D. G. GAWLER: Unfortunately this measure comes to us in the last stages of the session, and it is difficult now to frame amendments to protect the rights of the local authorities I have referred to, but should any amendment be proposed in that direction I shall be only too happy to support it. A conference has been held and terms have been agreed to by a majority of the local authorities which embraced the two I have mentioned; but Leederville and Subiaco, I think rightly, are strongly protesting against being forced to buy from the city council. It may be said we are not precluding them from supplying themselves, but they point out it is impossible to compete with the city council, and I think there is every reason for what they say.

Hon. A. SANDERSON (Metropolitan-Suburban): I endorse all that has been said. It is certainly very difficult to know what to do at this stage. One's duty is to one's constituents and to the country as well. To me this is a very difficult question. It is no use the Minister coming down here and saying everything is all right and that we mean well. We have seen, especially in the gas business, that it has not been all right, and also in connection with the tramways. It seems to me very likely that our action to-night in rushing this Bill through will be very much regretted, if not by the Minister, then by his successor. It seems to me that Leederville and Subiaco councils are perfectly justified in putting up a strong protest, and I endorse it. It is a most unsatisfactory way of conducting the business of the country. I am not going to take on myself the responsibility of trying to block the thing. It is too much to ask me to do, so, like my colleagues, I shall have to content myself with entering the strongest possible protest against this kind of procedure.

Hon. F. DAVIS (Metropolitan-Suburban): It had been my intention to move an amendment, but after reading the tramway purchase agreement there certainly is

no doubt that that gave the right to Leederville and Subiaco councils to obtain supplies direct from the Government. It is most unfortunate that such should be the case in view of the expenditure they have incurred, and still more unfortunate that not only they, but other local bodies within the five miles radius were not allowed the opportunity to join in the agreement with the city council and obtain current at the same price as the city council are getting it. The Premier told the deputation the other day that it was possible for them to join in the agreement if they desired, but unfortunately the local bodies were not aware of that fact. If they had known it they would certainly have joined the city council so as to obtain current under the same terms. The Colonial Secretary has said that the right given to the Perth Gas Company was not exclusive. In view of that fact it seems reasonable that the local bodies, who now number 13 instead of only one when the other Act was passed, should be given some consideration. As a result of the deputation to the Premier they have since met the city council representatives, and an agreement has been arrived at which is better than the original position, but which is not all it ought to be. At this late stage it is difficult to frame an amendment which will meet the situation adequately. Therefore, we must accept the Bill as it stands.

The COLONIAL SECRETARY (in reply): I am very much surprised at the treatment the Bill has received. What is plain is that the city council are prepared to supply electricity at cost price.

Hon. D. G. Gawler: The Government have bound themselves to no one but the city council.

The COLONIAL SECRETARY: The Government are in the position of erecting a large power house, and they can produce electricity cheaply, and the city council offer the local authorities electricity at cost price, but even then they have grounds for complaint; they want it for even less.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and passed.

RESOLUTION—RAILWAYS COMMISSIONER, RE-APPOINTMENT.

Assembly's Message.

Message received from the Assembly asking concurrence in the following resolution :—“That the re-appointment of Mr. J. T. Short as Commissioner of Railways, on the terms specified in the Executive Council Minute laid upon the Table of the Legislative Assembly on Thursday, 13th November, be approved.”

On motion by the COLONIAL SECRETARY resolved, that the resolution be concurred in.

BILL—LOAN, £2,000,000.

Second Reading.

Debate resumed from the previous day.

The COLONIAL SECRETARY (in reply): Mr. Colebatch in his remarks on this Bill commented somewhat adversely on the expenditure in connection with the electric power station which the Government propose to build in Perth, but I would point out to the hon. gentleman that although the work will involve a very heavy expenditure it will mean in the end a very considerable saving to the State. It will enable the trams to be run at a greater profit than is the case now and it has led to this partnership, as it were, between the city council and the Government for the supply of cheaper electricity to the city of Perth. The hon. member also referred to the fact that a considerable amount of money was being lent in connection with the Workers' Homes Act. That is quite correct, chiefly because the Workers' Homes Board are administering the Act. The amount of money spent in this direction is a severe strain on the financial resources of the Government but I dare say that after the lapse of some

time the demand for money for the erection of these homes will not be so great. Mr. Cullen warned us not to discourage freehold applicants. There is no need for him to give us that warning. A considerable amount of money lent in connection with the workers' homes scheme is to persons who have freehold property and desire to erect their homes thereon. Mr. Connor said that the North had been neglected, but if the hon. member had perused the Loan Estimates he would have found that the North has not been neglected. If it has been neglected the hon. member should be prepared to accept some portion of the blame. The Minister for Works tells me that months ago he wrote to the hon. member asking him to put the requirements of his constituency before him and he was not given the courtesy of a reply.

Hon. F. Connor : I placed them before you in this House.

The COLONIAL SECRETARY : The hon. member neglected to reply to the invitation of the Minister for Works and yet he complains that the Government have neglected the North. I was surprised at the attitude taken up by Mr. Jenkins. It appeared to be entirely foreign to his nature. I have known him for many years, and generally he is very level headed and carefully considers any action he proposes to take, but the hon. gentleman on this occasion made an insinuation which must reflect seriously on the Government and will be read as conveying an imputation that the Government have done something dishonourable, if not worse. The plain facts of the case are these : the Government desired to make an arrangement for the conveyance of sleepers to Port Augusta. They got one of their officers to approach the whole of the shipping people and ask for quotes. They did not call for tenders publicly, for the reason that they were afraid that the shipping combine would put their heads together and tender at a high figure. They sent round word quietly and got the whole of the shipping people to put in quotes. The hon. gentleman said that

we should call for tenders. This is not a matter that comes within the province of the Tender Board.

Hon. A. G. Jenkins : The Minister should have called for tenders.

The COLONIAL SECRETARY : It is not the practice of Ministers or of private firms to call for tenders when quotes for freights are desired. The various persons who can supply the freights are approached and the thing is fixed up without delay. The member did not suggest that any firm had been overlooked. He practically admits that every one had a show to put in a quote, and the position is that he has not been able to show that anyone secured the contract except at the lowest tender submitted in good time.

Hon. A. G. Jenkins : I do not agree with you.

The COLONIAL SECRETARY : The person whose tender was accepted may have been a dummy. We do not know whether he was or not, but the Government do not care. He was the lowest tenderer and his tender was accepted, and it has been a great saving to the State. Then it was stated that this particular dummy did not put up a deposit. As a matter of fact, none of those who were approached was asked to put up a deposit. No one put up a deposit until this gentleman was notified that he was the lowest tenderer. Surely no person going round and asking a firm to quote freights would ask them to put up a guarantee until their tender was accepted. When Mr. McArdle was asked for a deposit it was put up forthwith. Instead of making this attack and confining himself to insinuation why did not the hon. member make a direct charge against the Government or some officer of the department ? He imputes corruption and indulges in innuendo, but he does not indicate who is at fault. If there is corruption it is necessary in the interests of the State that that corruption should be exposed.

Hon. A. G. Jenkins : Put the file on the Table.

The COLONIAL SECRETARY : If there is corruption the hon. member as

a responsible man should say who is the guilty person.

Hon. A. G. Jenkins: The file will show.

The COLONIAL SECRETARY: The hon. member should say whether it is the Minister or whether it is an officer of his department who was responsible, and I challenge him to do so. He should not make charges as he has done, apparently with the object of forcing the Government to put the papers on the Table. But if the hon. member will make specific charges against the Government, against any Minister or against any officer in the department, we will probe the matter to the bottom, not by a departmental inquiry but per medium of a Supreme Court judge. I challenge the hon. member before the House adjourns to-night to rise in his place and make his accusations in specific form and not in the vague and incomplete manner he made them last night.

Hon. J. F. Cullen: Why were not the papers tabled?

The COLONIAL SECRETARY: I gave the reasons on a previous occasion. They are confidential.

Hon. A. G. Jenkins: There is not a confidential document on the file.

The COLONIAL SECRETARY: Would any business people submit confidential files for the perusal of the Press?

Hon. J. F. Cullen: How can tenders be confidential?

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to raise money for certain purposes:

Hon. A. G. JENKINS: This stage of the proceedings afforded him an opportunity to reply to the speech of the Colonial Secretary. It was not his intention to withdraw one word of what he said last night. As he had mentioned last night, he first of all used every conceivable effort to get the Government to lay these papers on the Table of the House. He interviewed the Minister for Works and asked him to take off every confidential

paper on the file, and then he (Mr. Jenkins) would be satisfied if the papers were laid on the Table of the House, so that the whole of the proceedings in relation to the calling for tenders for this contract and the acceptance of the tender of P. McArdle and Bell and Company might be investigated. For some reason or other, he did not know what the reason might be, but the reason given by the Minister that the papers were confidential was absolutely a ridiculous one; it was absurd to tell that to any business man or any man who had any sort of brains at all, that he was not producing the papers because communications with the tenderers were confidential. Apparently he (Mr. Jenkins) was in a difficult position. He had had a private inspection of the file and he did not know whether he was in order now in saying to the Committee what he himself had observed from a private inspection. It was not his desire to in any way break any confidence, but if the Minister was willing he would say what opinion he had formed.

The Colonial Secretary: If you saw anything indicating corruption say so.

Hon. A. G. JENKINS: What he saw was an indication that the lowest tender on that file was not a genuine tender, it was a dummy tender; he saw an indication that that tender had no right to have been accepted in the way it was without proper investigation. He saw also that James Bell and Company who had tendered at 24s. 9d. were apparently allowed to come in as a tenderer at 24s. after tenders had closed. He saw also P. McArdle, whose tender was accepted, was not the person who tendered. The person who tendered was P. McArdle for McArdle Brothers. He saw also that when this tender was received the Under Secretary wrote across it that he thought it was a hoax. There was no firm of McArdle Brothers registered. He saw also that McArdle Brothers gave an address at Fremantle where they had no office. He saw also that a letter purporting to have been written on the 7th November at Fremantle was not received by the Public Works Department until the 10th November. If all this did not constitute a highly suspicious set

ister to go upon, he did not know what did. If this was not enough for the Minister to go upon, he did not know what was. He had challenged the Minister to make this file public and the excuses made for not making it public were practically valueless; they were not excuses which hon. members could accept and his only regret was that the session was closing so that he could not call for a select committee to investigate the whole transaction. The whole of this trouble might not have arisen had the file of these papers been produced. The whole of this trouble might have been avoided had proper investigation of that file been allowed, but this House had been denied it; this House had been practically defied. His endeavour had been to try and force the Government to make known to the Press and public of the State the whole of this transaction. The fact of the Government calling for tenders for a £60,000 contract privately was in itself a wrong thing to do. The fact of calling for such an immense contract without getting deposits from tenderers was wrong and was not business-like. For some reason or another the House had been denied access to this file; the reasons given that the papers on it were confidential were absolutely valueless, as he had told the Minister to take off the confidential papers. As a result of perusing that file, he said there was nothing whatever in these confidential papers that could have any bearing in connection with the calling of these tenders and the acceptance of them. He had seen that file and from a hasty glance he was quite certain that all he had said was correct. He did not withdraw one single statement he had made last night.

Hon. J. F. CULLEN: Private information was not wanted by him, but why on earth should the Government surround this matter with mystery and secrecy. Why did they not, as business men, call for tenders? Why did they not insist upon a deposit where such an enormous sum of money was concerned?

The Colonial Secretary: They did insist on a deposit.

Hon. A. G. Jenkins: They did not.

The CHAIRMAN: Order!

Hon. J. F. CULLEN: The proper business course was to call for tenders and to insist on a deposit in keeping with the magnitude of the contract. All business firms did that and the Government did it in connection with their ordinary business. Why did they not do it in this case? Having got the tenders in and having been asked to lay them on the Table of the House, the Government had no right to treat these public documents as confidential. He did not say the Government might not get private information and treat it as confidential, but tenders for public work were not confidential and the documents should not be surrounded with mystery. The Minister had said it was no concern of the Government whether the lowest tenderer was a dummy or not. Was not that a monstrous thing for a responsible trustee of Government funds to say to a House of the legislature—that it did not concern the Government whether the lowest tenderer was a dummy or not?

The Colonial Secretary: So long as he put up his deposit.

Hon. J. F. CULLEN: Would the Government deal with a dummy?

The Colonial Secretary: His money is not a dummy.

Hon. J. F. CULLEN: Did the Minister mean it seriously?

The Colonial Secretary: He does.

Hon. J. F. CULLEN: Well, the Minister's statement was unworthy of a Minister of the Crown.

The Colonial Secretary: That is your opinion; it is not worth much.

Hon. J. F. CULLEN: The Government said they did not care whether or not the lowest tenderer was a dummy. It was a monstrous statement. The Minister would sign a contract with a dummy. There never had been such a monstrous statement made by a Minister of the Crown before. It it were not the last night of the session there would have to be an inquiry into this.

The Colonial Secretary: There is no necessity to make it the last night of the session if that is your wish.

Hon. J. F. CULLEN: For some time the Minister had had charge of the State Steamship Service, and the Minister said

he did not care whether he was dealing with a dummy or not. The country would say it was just about time all large matters were put in safer hands. There never had been such a monstrous statement made by a Minister of the Crown.

The COLONIAL SECRETARY: Mr. Jenkins had made a big climb down from the position the hon. member occupied last night.

Hon. A. G. Jenkins: Nothing of the sort. I have repeated all I said.

The COLONIAL SECRETARY: The hon. member had made charges of corruption last night, but the sum total of the hon. member's statements to-night was that a dummy tender had been put in. It was no concern of the Government so long as the dummy was backed up by the £5,000 required.

Hon. A. G. Jenkins: By another tenderer.

The COLONIAL SECRETARY: None of the others quoting had been asked to put up a deposit. The conditions were that before acceptance a deposit should be put up, and the successful tenderer, whether a dummy or not, had complied with those conditions. What did Mr. Cullen mean when he said that we should not do business with a dummy? Were we required to read up the family history of the dummy? As soon as the deposit was demanded it had been put up. The Government had accepted a dummy tender accompanied by £5,000. The hon. member had said that Bell & Co. had quoted 24s. 9d. and come in eventually at 24s. At any rate there was a great saving to the State.

Hon. A. G. Jenkins: Why not have let the other man come in at 23s. 9d.?

The COLONIAL SECRETARY: Because the other man had not submitted his quote until after the decision had been arrived at. Mr. Jenkins had referred to the fact that the word "hoax" was written across one of the papers. That had been written by one of the officers of the department who had thought it was a hoax because he could not trace the name. But it was not a hoax, because the tenderer had put up £5,000. Another statement was that a letter posted in Fremantle on the 7th November did not

reach the Public Works Department until the 10th November. He had himself received on the 14th June letters posted on the 4th June, but because there had been three days delay in a letter from Fremantle to Perth it was counted something to hang a charge of corruption upon.

Hon. H. P. Colebatch: Was that letter posted at all?

The COLONIAL SECRETARY: Unfortunately he could not say, but he did not see that it had anything to do with the case. No tenders had been called at all, but simply quotes. If they had been advertised all the shipping combine could have put their heads together and the State would have had to pay thousands more.

Hon. J. F. Cullen: That is a fairy story.

The COLONIAL SECRETARY: Nothing of the sort. The State had made money through this transaction, but certain persons had not been able to fleece the Government and that was the sole grievance. A saving had been effected to the State.

The CHAIRMAN: The discussion was quite out of order, and had gone far enough.

Hon. J. F. CULLEN: The question was were we to give these powers to a Minister who was dealing with dummies? It was a vital question. He had the highest regard for the Minister, and had started by asking why did the Minister create an air of mystery about a business of the sort? Why did he try to shut off debate by saying that any man could tender if he could bring forward his money? The Minister did not mean us to understand that the dummy had brought forward his money. Someone else came along and said, "I will father that dummy and put down the money," and if that was so the Minister should have stated it. This was a dangerous transaction. The higher tenderer was used to dummy the lower tenderer, and if it was found that there were others between them he must back up the dummy. Otherwise the dummy would never have appeared and the Government would have fallen back on the higher tenderer. Surely any business man knew

these practices. A man tendered at a high price and put a dummy up at the lowest he could quote, and if no one else came between, the lower one dropped out and the higher man took the contract. If the Minister was not concealing facts which the House ought to know he was declaring himself an absolute simpleton, and he (Mr. Cullen) refused to believe that the Minister was a simpleton. The House was not composed of simpletons and there were many people in the country who were not simpletons, and until the facts of the case were made public the people would hold that it looked as if the Minister had something to conceal.

Clause put and passed.

Clauses 3 to 6—agreed to.

Schedules, Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and *passed*.

BILL—STAMP ACT AMENDMENT.

Assembly's Message.

Message received from the Assembly notifying that the amendments requested by the Council had been made.

Bill read a third time and *passed*.

BILL—ELECTORAL DISTRICTS.

Assembly's Message.

Message received from the Assembly notifying that amendments Nos. 1 and 2 had been agreed to, but that amendments Nos. 3 to 7 inclusive had been disagreed to, now considered.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

No. 3—Strike out the words "be the quota of electors" and insert "(except as hereinafter provided) be the basis for the division of the State into electoral districts":

The COLONIAL SECRETARY moved—

That the amendment be not insisted upon.

12 midnight.

Hon. H. P. COLEBATCH: This amendment was with reference to the difference in the quota and he hoped it would be insisted upon. The Legislative Assembly apparently had agreed to certain of the Council's amendments and disagreed with others which were consequential. In the Message sent back some of the amendments disagreed with were those which were intended to restore the four electoral districts of the North-West. The Council should insist on this, the effect of which was to give greater representation according to population to the scattered districts, no matter where they were situated, than to the congested populations in the City or on the goldfields.

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

Ayes	..	..	..	8
Noes	..	..	..	15

Majority against .. 7

AYES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. F. Connor	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. J. Cornell

(Teller).

NOES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Plesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. A. Sanderson
Hon. R. J. Lynn	

(Teller).

Question thus negatived, the Council's amendment insisted on.

No. 4.—Strike out Subclause 2 and insert in lieu thereof the following:—(2.) In the areas covered by the districts of Perth East, Perth, Perth North, Perth West, Canning, Claremont, Guildford, Leederville, Subiaco, Fremantle, Fremantle North-East, Fremantle South; and Boulder, Brown Hill-Ivanhoe, Hannans, and Kalgoorlie, the quota of electors shall be $33\frac{1}{3}$ per centum greater than the quotient ascertained in the manner prescribed in the preceding subsection, and in the areas covered by the

districts of Albany, Bunbury, Geraldton, Avon, Beverley, Collie, Forrest, Greenough, Irwin, Kataning, Moore, Murray-Wellington, Nelson, Northam, Pingelly, Sussex, Swan, Toodyay, Wagin, Williams-Narrogin, York, Coolgardie, Cue, Kanoona, Menzies, Mt. Leonora, Mt. Magnet, Mt. Margaret, Murchison, and Yilgarn, the quota shall be 20 per cent. less than such quotient:

The COLONIAL SECRETARY moved—

That the amendment be not insisted on.

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

Ayes	..	..	..	8
Noes	..	..	..	15

Majority against .. 7

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	Hon. F. Connor
Hon. J. E. Dodd	(Teller)
Hon. J. M. Drew	

NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. A. G. Jenkins
Hon. C. McKenzie	(Teller)

Question thus negatived, the Council's amendment insisted on.

No. 5.—Strike out Subclause 3 and insert the following in lieu:—(3) The Commissioners may adopt a margin of allowance, but in no case shall such quota be departed from to a greater extent than one-fifth more or one-fifth less. In districts outside the metropolitan area and the Golden Mile the Commissioners may, within the limit of this margin, increase the quota for towns and decrease the quota in scattered areas:

The COLONIAL SECRETARY moved—

That the amendment be not insisted on.

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

Ayes	..	..	7
Noes	..	..	16

Majority against .. 9

AYES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. R. G. Ardagh
Hon. J. M. Drew	(Teller)

NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. F. Connor	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. J. F. Cullen
Hon. R. J. Lynn	(Teller)
Hon. C. McKenzie	

Question thus negatived, the Council's amendment insisted on.

No. 6.—Clause 4.—In the proviso strike out the words "Situated North of the tropic of Capricorn" and insert the words "Included in present electoral districts of Kimberley, Roebourne, Gascoyne and Pilbara."

The COLONIAL SECRETARY moved—

That the amendment be not insisted on.

Hon. H. P. COLEBATCH: This reminded one of the saying, "When the Greeks bring gifts" Another place had agreed to amendments 1 and 2, which had for their purpose the giving of four seats to the North-West, and had disagreed to this amendment which was consequential.

Question put and negatived; the Council's amendment insisted on.

No. 7, in line 17 strike out the word "three" and insert the word "four":

The COLONIAL SECRETARY moved—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

Resolutions reported.

BILL—OPIUM SMOKING.

Assembly's Message.

Message received notifying that the Assembly had agreed to the Council's amendments.

Sitting suspended from 12.20 a.m. till 1.20 a.m.

ADJOURNMENT—CLOSE OF SESSION.

The COLONIAL SECRETARY (Hon. J. M. Drew) : I move—

That the House at its rising adjourn until Thursday, the 29th January, 1914.
Question passed.

House adjourned at 1.22 a.m. (Friday).

Legislative Assembly,

Thursday, 18th December, 1913.

	PAGE
Papers presented	4079
Questions : Select Committee, Captain Hare's retirement	4079
Suspension of Hon. Frank Wilson	4079
Electoral, Kalgoorlie seat	4080
Bills : Rights in Water and Irrigation, Council's message	4082
Mines Regulation, Council's message	4112
Illicit Sale of Liquor, Council's amendments	4121
Bills of Sale Act Amendment, Council's message	4122
Game Act Amendment, Returned	4123
Criminal Code Compilation, Returned	4123
Electoral Districts, Council's amendments	4123
Stamp Act Amendment, Council's amendments	4129
Railway Surveys, Returned	4129
Opium Smoking Prohibition, Council's message	4129
Local Option Continuance, Returned	4129
Loan £2,000,000, Returned	4130
Electoral Districts, Message	4130
Bills Returned from the Council	4130
Discharge of Orders	4130
Complimentary Remarks, Close of session	4130

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier: 1, Papers in connection with State trading concerns, together with a minute relating to the same by the Acting Under Treasurer. 2, Comments by Departmental accountants and other officials on the remarks made respecting the Government trading concerns in the report of the Auditor General.

QUESTION—SELECT COMMITTEE, CAPTAIN HARE'S RETIREMENT.

Mr. GILL (for Mr. Holman) asked the Attorney General: 1, Whether his attention has been drawn to the evidence tendered by Captain Hare to the select committee appointed by the Legislative Council? 2, Whether he will issue instructions to have proceedings taken against the above-named person on a charge of giving false evidence in accordance with Section 16 of "The Parliamentary Privileges Act, 1891"?

The ATTORNEY GENERAL replied: 1, Yes. 2, Section 16 of the Parliamentary Privileges Act, 1891, has been repealed but re-enacted by Section 57 of the Criminal Code. In the absence of evidence that a false answer was "knowingly" given a prosecution could not be sustained, but should proof be forthcoming that false evidence was given, knowing it to be false, action will be taken.

QUESTION—SUSPENSION OF HON. FRANK WILSON.

Mr. FOLEY asked the Premier: 1, Has his attention been drawn to the report of a speech by the leader of the Opposition at Fremantle, and published in the *West Australian* of 16th December:—"He could say in very truth that evening that he felt "uncouth" because of the fact that he had suffered expulsion from the Legislative halls of the State merely because he had used that word "uncouth" without due thought as to its terribly offensive meaning"? 2, Will he take steps to correct the false impression which Mr. Wilson's remarks are calculated to convey to the public?