

reposed in us very great power, and anxious to do nothing which would lead this House for one moment to think that we had lost sight of its privileges, or of those principles which members here believe to be essential. I therefore beg to move that the consideration of messages from the Legislative Council relating to the Constitution Bill, the Redistribution of Seats Bill, and the Electoral Bill be made orders of the day for to-morrow. I will then place on the table the report of the Conference.

Question put and passed.

ADJOURNMENT.

THE PREMIER: It was intended to meet at 11 o'clock to-morrow forenoon; but I think now that if we meet in the afternoon at 3 o'clock we shall have ample time to dispose of the business of the session before the House rises in the evening. I fix 3 o'clock because I have at 2:30 an engagement with a deputation from a country district, which I wish to keep. I shall therefore be glad if members will support me in now moving that the House at its rising do adjourn until three o'clock to-morrow afternoon.

Question put and passed.

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

Legislative Council,

Friday, 15th January, 1904.

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THE PRESIDENT took the Chair at 11:20 o'clock, forenoon.

PRAYERS.

URGENCY MOTION—MINISTERIAL PROMISE, HOW MADE.

HON. J. T. GLOWREY (South): I wish to move the adjournment of the House, to discuss a matter of urgency.

THE PRESIDENT: To what date? Under Standing Order 89, any matter of pressing importance can be dealt with by moving that the House do adjourn until a certain date.

HON. J. T. GLOWREY: I move that the House at its rising do adjourn until to-morrow. Last Tuesday the leader of the House, speaking on the Redistribution of Seats Bill, the Electoral Bill, and the Constitution Act Amendment Bill, made a statement on behalf of the Government, and induced members of this House to send the Redistribution of Seats Bill to another place on a distinct understanding, and he made the statement clearly and distinctly.

HON. A. G. JENKINS: Can you give the words?

HON. J. T. GLOWREY: The hon. member will no doubt remember the words: they will be fresh to his memory as they are to every member of the House. The Colonial Secretary said that if we sent that Bill on to another place, the Assembly would ask for a Conference of both Houses, and that unless an arrangement was arrived at satisfactory to both Houses the whole three Bills would be dropped.

THE COLONIAL SECRETARY: No.

HON. J. T. GLOWREY: That is distinctly the statement made by the Colonial Secretary; and I should like to know if the hon. gentleman has any statement to make to the House, or whether he has any reason to believe that the arrangement will be carried out. Unless that arrangement is carried out, there will be a distinct breach of faith, and the hon. gentleman should not for one moment longer retain his position as leader in this House unless his promise is carried out. I feel sure many members of the House would have raised some objection to the Bill leaving this Chamber only for the statement made by the Colonial Secretary on that occasion. I felt some reluctance myself in accepting the statement, as I thought the Colonial Secretary was not only pledging the Government but the Legislative Assembly. However, we received the promise of the

Colonial Secretary, and we believed that it would be all right. There was the promise that a Conference would be held, and unless some arrangement was arrived at, the Bills would be dropped. I would like to know if the Colonial Secretary is still prepared to carry out his promise, or has he any statement to make on behalf of the Government?

THE COLONIAL SECRETARY (Hon. Walter Kingsmill): I am indeed sorry the hon. member has thought fit to take this course, and I am more sorry still that the hon. member should have held out such direful consequences in regard to myself. It almost seems to me that the hon. member wishes to make a personal attack on myself, and has taken this opportunity of doing so. With the object of clearly defining what I did say, I have availed myself of the courtesy of the *Hansard* reporters, and have now before me—not for the purpose of reading it, which would be against the Standing Orders, but for the purpose of refreshing my memory—the report of *Hansard*, which is correct. The words I used on the occasion are as follow:—

I can give this Chamber the assurance that if this Bill is forwarded to the Legislative Assembly, the Government in that branch of the Legislature will undertake to propose that a Conference on the three Bills shall be held; not alone that, but that the wishes of the Conference shall be expressed in the Bills as they leave Parliament, or that the Bills shall be dropped.

The Government have carried out the undertaking to propose a Conference being held; and in spite of the magnitude of the pledge alluded to, involving not alone the Government but the Parliament, the Government have carried out that portion of their pledge, and have not only proposed that a Conference be held, but the Conference has been held. Members know the result of the Conference. The result has been absolutely *nil*. The wishes of the Conference which have been alluded to have not been expressed. They have no wishes; the matter is therefore practically *in statu quo*. That is an accurate statement of the case. When the hon. member said I pledged myself that if a satisfactory solution of the difficulty was not arrived at the Bills would be dropped, he went farthe than I did.

HON. J. T. GLOWBEY: No.

THE COLONIAL SECRETARY: I can only bring in as evidence my own memory and the report of *Hansard* which I referred to, and which I can assure the House is correct; that is so far as the assurance I gave to this House. The Conference has been held, and although we have not had a formal report, yet I think I am justified in saying the wishes of the Conference still lack expression. They have no expression because the Conference could not agree, and the matter therefore is merely in the same state as it was originally. That is the assurance I gave to the House in asking members to forward the Redistribution of Seats Bill to the Legislative Assembly. I think members will bear me out in that. If members wish to see the proof copy of the *Hansard* report to which I have alluded, for the purpose of refreshing their memories, I shall be glad to hand it to them; and I say that this report is correct. I can vouch that the assurance I have spoken of was neither more nor less than that made to the House. I can vouch for that also. There has been no breach of confidence. I do not know how the other Chamber is going to deal with the Bills. I have heard that the Bills as a whole will receive a fairly rough handling; but how the Assembly will deal with the Bills I know not. So far as I am concerned, and so far as the Government which I represent are concerned, we have loyally and faithfully carried out the assurance which I gave to the House on Tuesday afternoon.

HON. J. W. HACKETT (South-West): I should like to say a word or two on this matter, and I must say in the first instance that my recollection does concur with the words which the hon. gentleman opposite has read out as conveying his meaning, and I think as far as my recollection goes those are the very words *verbatim* that were used. At the same time no doubt there was a very strong impression in this House that the three Bills ought to be treated as one, at all events two of them, the Redistribution of Seats Bill and the Constitution Act Amendment Bill; and I am satisfied that if at the time these Bills were introduced there was any strong fear on the part of members that these two Bills would not be treated as one, to move together and

be withdrawn or dropped together, if it was thought that one would become law without the other, in such a case I am certain this House would not have consented to the course it did agree to in breaking up the Constitution measure of reform into two Bills. For my part I deeply regret that the Government did not see their way to agree to the almost unanimous wish of this House and not have the Constitution Act broken into two, that at the time they sought to give legislative sanction to that course the Government did not remain firm in their determination to deal with the Bills as a whole. We may assume that the Bills will receive very rough handling in another place. There is a strong likelihood that the Redistribution of Seats Bill and the Electoral Bill will receive legislative sanction, that is the approval of the Governor, but that another measure is in the utmost jeopardy. I desire to say nothing at this moment that will interfere with the chance of that measure being adopted in another place. I wish to put on record that, throughout, this House has endeavoured to act with absolute fairness and with a full sense of the responsibilities of its duty, and that the House has placed, and has desired throughout to place, implicit confidence in the Government. If this House has erred, it is through excessive trust and over-confidence. I say no more, except to hope that as little as possible will be said in this House until we know the fate of the two measures. Let us say nothing which will endanger the possibility of the three Bills passing into law. If a mistake has been made, the last word I shall say is that it has been through the over-trustfulness and over-confidence of the Legislative Council.

HON. C. E. DEMPSTER (East): I regret very much the course which has been taken. I considered, with other members, that these three Bills were so dovetailed together that one could not be carried without the other; that the three Bills should go together, and that if one were rejected the whole should be rejected. I regret that a compromise was not effected in the interests of the country; but I feel sure the country generally will uphold this House in the attitude which has been taken throughout the whole of the proceedings. This House has acted

in a way which was considered essential in the interests of the country. I regret there has not been a stronger wish on the other side to settle the matter in a way which would be desirable in the interests of the country.

THE PRESIDENT: This matter having now been ventilated, perhaps the member who moved the motion will withdraw it.

HON. J. T. GLOWREY: I am willing to withdraw the motion; but it is a question of urgency whether this House, if another place does not pass the Bills, should not take some farther action.

THE PRESIDENT: We have not heard what the other House has done. The report has not been made to another Chamber yet.

HON. J. T. GLOWREY asked leave to withdraw the motion.

Motion by leave withdrawn.

CONFERENCE ON CONSTITUTION BILLS (3).

REPORT OF MANAGERS.

HON. J. W. HACKETT brought up the report of five managers appointed by the House to meet five managers for the Assembly in Conference on the Constitution Act Amendment Bill, the Electoral Bill, and the Redistribution of Seats Bill. He moved that the report be read.

Question passed, and the report read, as follows:—

To the Hon. the President and Members of the Legislative Council.

The managers appointed by this honourable House to meet in Conference the five managers appointed by the Legislative Assembly in connection with the Constitution Bill, the Redistribution of Seats Bill, and the Electoral Bill, desire to report that the Conference sat at the time and place agreed, but after a long and anxious consideration of the questions raised, lasting from 11 a.m. to 9 p.m., were not able to arrive at an agreement on all the points in difference. The managers desire to place on record their appreciation of the courtesy shown by the managers of the Legislative Assembly during the long and trying sitting of the Conference.

HON. J. W. HACKETT: In moving that the report be adopted, I will add a very few words. It is to me a disappointment, and a sharp disappointment, that a more satisfactory conclusion to our sittings did not take place. I cannot say the fault is that of any member of

the Conference. On the contrary, I believe there was an endeavour to, if possible, arrive at an arrangement satisfactory to all sides; but the usual difficulty with conferences intervened—each party of managers felt that it was permissible for it only to go to a certain extent, that the interests and the privileges of their Houses respectively were held in trust and in guardianship by them; and the result was that in each case there was an apprehension that they might be going beyond what the position or the wishes of their Houses respectively would justify them in doing. The result is that we have to bring in a report which is of a wholly negative character. It conveys practically no information, because there is no information to be conveyed. There was a large number of matters in dispute, as may be gathered from the journals of the House. We discussed them, but in hardly any case could it be said that a definite conclusion was arrived at. Nevertheless up to the last hour I myself indulged strong hopes that a harmonious adjustment of the difficulties, which would not involve too serious a surrender of rights on the part of either side, might be secured. That hope has not been fulfilled; and the result is that we have to place before the House, and I do it with deep regret, a record that our meeting in Conference was entirely abortive. As to other questions which may spring out of this matter, I desire to say nothing at present. I desire to express—and I am sure I do so on the part of the managers—a strong feeling of disappointment that something more satisfactory, more calculated to introduce peace and harmony into the relations of the Legislature and into the relations of the country, something which would stop all agitation and excitement in a constitutional direction for some time to come, has not been secured. I beg to move

That the report be adopted and entered upon the minutes.

HON. C. E. DEMPSTER (East): I have great pleasure in moving a vote of thanks to the managers.

THE PRESIDENT: The hon. member cannot move a vote of thanks. The question before the Council now is the adoption of the report.

HON. C. E. DEMPSTER: I wish to express our thanks to the managers for the way in which they performed their duties. I am told those gentlemen performed those duties in a reasonable and gentlemanly way, and in a way which I am sure will give satisfaction. At the same time we all regret their work was not attended with more satisfactory results. However, we know that was not their fault.

HON. J. W. LANGSFORD (Metropolitan-Sui-urban): I should not like the session to close without giving sound to my own voice, and I rise to express to the managers for this House in their Conference with the managers for the Assembly my appreciation of the extreme care they have taken in this matter. I with other members was hoping that a happy solution of our difficulties would be arrived at, and one that would set at rest for some time at any rate the alteration of our Constitution, which I think should not be altered unless under pressing and urgent necessity. That solution has not been achieved. There were one or two matters which made themselves prominent in my election campaign. I do not know whether I am quite in order in referring to this, but as I have found the utmost difficulty in picking up the scattered threads of legislation since I entered this House, I may inform members that there were two main features which were prominent in my election campaign, one being my strenuous opposition to anything that would affect the welfare of this House, that would result in the abolition or the destruction of this House, and I should like my statement on that question to be on record. One other matter was that I supported the lowering of the qualification of voters for this House, and I thought by that we should strengthen rather than weaken the powers and the position of this House with the country at large.

THE COLONIAL SECRETARY: Hear, hear; undoubtedly.

HON. J. W. LANGSFORD: With these few remarks, I beg to support our expression of appreciation to the managers for the great care in their endeavour to arrive at a happy solution of the difficulty which at present obtains.

Question passed, the report adopted.

STANDING ORDERS SUSPENSION.

THE COLONIAL SECRETARY (Hon. Walter Kingsmill) : It is possible we may receive messages from another place before the prorogation, and I wish to take this opportunity of moving :

That so much of the Standing Orders be suspended for the rest of the session as will enable this House to deal immediately with messages on their receipt from the Legislative Assembly.

I think it would be advisable so to do in case there are any messages to receive from the Legislative Assembly, although it is improbable that there will be.

THE PRESIDENT : I myself think it is necessary that this portion of the Standing Orders should be suspended. I drew the attention of the Colonial Secretary to the fact that we may have messages, and under our Standing Orders we could not deal with them until another day.

HON. J. W. HACKETT : Perhaps the hon. gentleman will make a statement as to what he thinks is likely to take place to-day and to-morrow.

HON. J. D. CONNOLLY : Why cannot the Standing Orders be suspended when the messages come down ?

HON. J. W. HACKETT : One of the reasons that occurred to me for a more definite explanation was that I learnt with a certain amount of anxiety that the hon. gentleman does not expect farther messages from another place. Does that mean the opinion of the hon. gentleman is that two of these three measures will be assented to with our amendments, and that the third, the main bone of contention, will be dropped ?

THE COLONIAL SECRETARY : The reason why I do not expect more messages from the Assembly is that the Bills which have come down to this House are absolutely in their last stage.

HON. W. T. LORON : The hon. gentleman is mistaken.

THE COLONIAL SECRETARY : I do not see how any Bills in the hands of the Assembly now can be sent back to this Chamber.

THE PRESIDENT : One is the Government Railways Bill.

THE COLONIAL SECRETARY : Quite so. I take it we shall receive a message with regard to that, but it will be purely formal and will not need consider-

ation. The amendments which the Government Railways Bill had introduced into it when last before this Chamber were Government amendments, which did not involve any matters of policy and were purely formal. The method, therefore, we should adopt with regard to that Bill would be that the Legislative Assembly accepting the amendments of the Legislative Council, they would not require consideration from us. With regard to the point raised by Mr. Connolly as to my reasons for moving now that the Standing Orders should be suspended, I shall be most happy to take that hon. member into my confidence and tell him I move that now because I see in the House an absolute majority, which it is necessary to have to suspend Standing Orders, and it is always well to make hay while the sun shines. Possibly we may not afterwards have an absolute majority, and that is why I move it now. With regard to the course which is likely to eventuate in another place; Dr. Hackett must know very well that it lies very largely in the hands of the House itself. I had a conversation a few minutes ago, since the House met, with the Premier, who gave the Conference the information now asked for.

HON. J. W. HACKETT : There was nothing on that point which could be reported.

THE COLONIAL SECRETARY : With regard to what may be the outcome of events in another place, that is indeed a very hard thing to say.

HON. J. W. HACKETT : I refer rather to the intention of the Government. The hon. gentleman is a Minister.

HON. G. BELLINGHAM : The conversation as well.

THE COLONIAL SECRETARY : As a matter of fact the conversation was this. I asked the Premier whether he expressed any intention when present at the Conference. He said he did. That was the conversation which took place. It was rather hurried. Members will realise that I wished to get back to this Chamber as quickly as possible because of the proceedings on the motion of Mr. Glowrey for the adjournment of the House. I may say I have not discussed the matter with the Premier, but I notice in a report in the *West Australian* newspaper he is said to have expressed the

opinion that the most likely thing to happen will be that the two Bills, the Redistribution of Seats Bill and the Electoral Bill, will be passed, and the other one dropped.

HON. J. W. HACKETT: Has he not consulted his colleagues on the matter?

THE COLONIAL SECRETARY: Not yet. There is still time before three o'clock. That is the only statement I have to make.

HON. J. D. CONNOLLY (North-East): I only wish to say I protest against our being asked before to-morrow for a suspension of the Standing Orders. As I said by way of interjection, if it is necessary to suspend the Standing Orders, that can be done to-morrow. It is extremely unfair to ask this House to suspend the Standing Orders when some message which we do not expect now may be brought down and hurried through, whereas if members had notice they would perhaps take a different course or make an effort to be present. I do not think there is the remotest possibility of there not being an absolute majority here to-morrow, more particularly if it is known that it will be necessary to suspend the Standing Orders. For these reasons I hope the House will not agree to suspend the Standing Orders now. They can do it just as well to-morrow.

THE PRESIDENT: The only point I would draw the hon. member's attention to is that several members have told me they will not be here to-morrow. There must be 17 members in the House before the Standing Orders can be suspended.

HON. J. W. HACKETT: It is unusual to refuse such a proposal on the part of the leader of the House. I think we have acted fairly stringently by the hon. gentleman in regard to the suspension of the Standing Orders, and now in the last few hours we may safely agree with him, as he cannot do much harm.

Question put and passed (an absolute majority of members present).

ADJOURNMENT—REMARKS ON BUSINESS.

THE COLONIAL SECRETARY moved:—

That the House at its rising do adjourn until half-past two o'clock to-morrow afternoon.

HON. J. W. HACKETT: When will the prorogation take place?

THE COLONIAL SECRETARY: The Government hope to be able to prorogue at three o'clock to-morrow.

HON. J. T. GLOWREY: In view of the unfortunate misunderstanding as to the three Bills, which misunderstanding I referred to in my last speech, I think it only right that this House should have some opportunity of expressing an opinion as to those Bills before they receive the assent of the Governor. If we meet at 2:30 to-morrow and prorogue at three, we shall have no such opportunity, for the Bills will have been assented to; and considering how this House has been misled, it is quite within its rights—

THE COLONIAL SECRETARY: I object to the word "misled."

HON. J. W. HACKETT: He did not say by whom.

THE COLONIAL SECRETARY: No; but the inference is clear, and members understood the allusion. I am pained and surprised that such an expression should be used; because as a fact I am the leader of the House, and am made out by the hon. member's words to be a misleader. The word "misled" can have only one construction, and it points to misconduct on the part of the leader. I protest against the use of the word by the hon. member. He has not even taken the trouble to read the proof of the speech which I delivered—the report which I vouched for as accurate.

HON. J. T. GLOWREY: Where did you get it?

THE COLONIAL SECRETARY: I sent to *Hansard* for it.

THE PRESIDENT: I think the word "misled" is rather too strong.

HON. J. T. GLOWREY: I certainly think it expresses the opinion of a great many members of the House.

THE PRESIDENT: I think the hon. member should withdraw the word.

HON. J. T. GLOWREY: If that is your wish, Mr. President, and I am bound to withdraw what I believe to be true, I shall have to do so.

THE COLONIAL SECRETARY: Is that a proper mode of withdrawal?

THE PRESIDENT: I think the hon. member is going too far. The word "misled," used as he used it in reference

to one who has charge of this House, is a rather strong expression.

HON. J. T. GLOWREY: I cannot say "deceived." That would be stronger still.

THE PRESIDENT: You can speak of a misunderstanding.

HON. J. T. GLOWREY: With great respect I bow to your ruling. I still think the House should have some opportunity of expressing an opinion as to the action of the Government on the three Bills; and it will be too late to do so after the Governor has assented to the Bills.

THE PRESIDENT: The hon. member is wrong. The House meets at 2:30; and any communication from another place can then be made before prorogation.

HON. J. T. GLOWREY: But the leader of the House says there will be no communication as to these Bills.

THE PRESIDENT: We cannot tell. The other House has not yet discussed them. It may discuss them and again communicate with this House.

HON. J. T. GLOWREY: My desire is to protect this House against a repetition of the action of the Government as to these three Bills. I do not think the Government had any right to treat us in this manner. I think many members would have raised some objection to sending the Redistribution Bill to another place, had it not been for the Minister's statement, so earnestly and sincerely made.

THE COLONIAL SECRETARY: And carried out.

HON. J. T. GLOWREY: That is a matter of opinion. But before those Bills are assented to the House should be afforded an opportunity of discussing the situation.

THE COLONIAL SECRETARY (in explanation): The hon. member will have half-an-hour's opportunity. If he likes to condense his speech, he can say a great deal in that time, attacking the Government, defending their action, or making general remarks. From 2:30 till 3 o'clock will be ample time for criticising the action of the Government, whatever that may turn out to be.

HON. W. MALEY: I should like to say a word to express the opinion of most members of the House, and to some extent to support Mr. Glowrey. Members when parting with the Redistribu-

tion Bill had a distinct promise from the Colonial Secretary that the Government would embody in the three Bills before the Assembly any amendments decided on by the Conference, and that those Bills would again be submitted for revision in this Chamber. That is the impression I had, and I believe I can say the same for other members. I do not say we were misled. It may have been a case of the blind leading the blind; but we were not fully informed of the position, of which we obtained but a one-sided view. As to the Conference, I hope it will be the last between the two Houses. I hope there will not be occasion for another; and that if there is such occasion some better means will be devised. I regret exceedingly that this House, at the beginning of the controversy, did not firmly put down its foot and dispose of at least one of the Bills without giving the other House a chance to play as it has been playing with this House. I regret also that I shall not be here to-morrow, in order, if anything crops up, to be able to support Mr. Glowrey should he take any farther action. It is little use the hon. member's doing anything to-morrow. It is distinctly understood that the prorogation will take place at 3 o'clock; the hon. member's speech on a subject of such importance might well occupy an hour; hence it is idle to say that full opportunity for discussion is being given him. However, the question will no doubt be set at rest. I thought it would be unfair for me to sit idly by, and not to support to a large extent the hon. member's remarks.

Question put and passed.

The House adjourned accordingly at nine minutes past 12 o'clock noon, until the next afternoon.
