

would, he understood, see that justice was done.

On motion by Mr. JACOBY, progress reported and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 11:37 o'clock, until the next Tuesday.

### Legislative Council,

Tuesday, 17th November, 1903.

|  | PAGE |
|--|------|
| Railway Bridge, William Street, Information ...                                  | 2107 |
| Bills: Audit, the procedure on amendments ...                                    | 2107 |
| Companies Duty Act Continuance, third reading ...                                | 2107 |
| Municipal Institutions Act Amendment, second reading, in Committee, reported ... | 2107 |
| Redistribution of Seats, in Committee resumed, progress ...                      | 2117 |
| Election of Senators, second reading ...   | 2123 |
| Supreme Court Act Amendment, second reading, in Committee, reported ...          | 2123 |

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

#### PRAYERS.

#### PAPERS PRESENTED.

By the COLONIAL SECRETARY: New Parliament House, plans of buildings now being proceeded with. Alterations in Railway Classification and Rate Book. Additions to gaol regulations. Coolgardie municipality, by-laws.

Ordered, to lie on the table.

#### RAILWAY BRIDGE, WILLIAM STREET.

THE COLONIAL SECRETARY, in farther reference to a question asked on the 13th October by Hon. G. Randell, presented the following additional information from the Railway Department: "The accommodation which has been provided, it is considered, will meet the case; and there will be no cause of complaint. It is out of the question to erect a bridge for foot passengers."

#### AUDIT BILL.

#### ASSEMBLY'S MESSAGE, PROCEDURE.

THE COLONIAL SECRETARY brought up the report of the Standing Orders Committee on Message No. 16 from the Legislative Assembly.

Report adopted, and a message accordingly returned to the Assembly.

#### COMPANIES DUTY ACT CONTINUANCE BILL.

Read a third time, and *passed*.

#### MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

#### SECOND READING.

HON. J. A. THOMSON (Central), in moving the second reading, said: This is a Bill of a semi-private character, the second reading of which the Colonial Secretary has allowed a private member to move, and I, as an old city councillor, have been asked to take the measure in hand. The Bill is very short, and from my experience of municipal work I think it is a necessary measure. I was one of the councillors who moved that the city council should purchase a quarrying plant, the reason being that it was considered necessary for the city council to have a quarrying plant of their own in consequence of the extraordinarily high price the council were being charged for road metal and also the scarcity of metal at that high price. Very often, when metal was required for an urgent work, it was quite impossible to obtain it from private sources. Therefore it was considered necessary in the interests of the city of Perth to have a quarry and plant established. That was in 1897. It has been found that the Municipalities Act, although giving permission to a council or a municipality to borrow money for the purpose of acquiring plant, does not give power to use the plant for their own requirements. Singularly enough the Act does not give power to the city council to employ men to work the plant or in any way to carry on the works. The council have power to purchase and erect works, and this short Bill is introduced for the purpose of giving power to the city council to enable them to work the quarry in the interests of the ratepayers at large.

HON. J. W. HACKETT: Is that the only object?

HON. J. A. THOMSON: It is the principal object. Another provision of the Bill, it will be noticed, is contained in Subclause 3 of Clause 2, which asks for permission to use the stone or other material obtained from any quarry for the purposes of the municipality, and to sell or contract for the sale and supply of the same to any other municipality, road board, or local authority. Surely members will allow that this is not asking too much. I will endeavour to point out that this quarry and the plant at the quarry are very necessary for the successful carrying on of municipal work. In order to make the quarry and plant a payable concern the Perth City Council are asking for permission to sell the stone obtained from the quarry to other municipalities and public bodies. In my opinion that is not asking too much, when we know that municipalities in older countries such as England and Scotland have municipal works of their own, perhaps not for quarrying, but they have gas works, electric lighting works, and tramways, and members who have studied municipal matters know that the corporations who sell gas and electric light and carry people on tramways do so for a fee. The Perth City Council only ask, that in order to work their quarries and make them a success they shall be able to sell stone to other public bodies. In 1887 the Government of the day gave to the Perth council the quarry at Parkerville. The Government made a gift of it to the city council, and if the council are permitted to sell the stone to other municipalities at a reasonable price—at a price which will just pay—it will stop other municipalities, such as Fremantle, pestering the Government for a similar concession.

HON. G. BELLINGHAM: You want to create a monopoly.

HON. J. A. THOMSON: The city council are not asking for a monopoly, but that the quarry shall be carried on at a profit, at any rate that it shall not be carried on at a loss. I think if members allow the Bill to go to the Committee stage I shall be able to adduce farther evidence that it is necessary in the interests of the corporate bodies of this State

that this Bill should become law. Clause 3 is inserted in order to protect the city council from the legal consequences of having worked their quarry. After the old Act had given the city council power to obtain their quarry and erect a plant, it was found that the city council were not permitted to work it; and this provision is necessary to prevent the city council from being penalised for doing what they have done in the interests of the citizens of Perth. I need not read to members the clause; they can read it for themselves. Clause 4 is also a very important one, but it is more a Government provision than anything else. I move the second reading of the Bill.

HON. J. W. WRIGHT (Metropolitan): I am sorry the hon. member has not told the House another reason why the Bill has been brought in. It is not for the purpose of protecting the municipality so much as to defeat the ends of justice, to defeat the law. The city council having permission to purchase quarries or obtain quarries, purchased plant and machinery, and I do not think any living soul would have debarred them from employing labour to work the quarries. But what do we find? That not only were the Perth council supplying themselves and other municipalities with metal, but they were supplying private contractors with metal. They have been unfairly competing with private quarry owners. For instance, the Parkerville Roads Board called for tenders for stone. The tenders were sent in, and some time afterwards an officer of the city of Perth obtained the price from the tenders which had been put in and tendered at a penny a yard beneath the tenders which had already been submitted, and consequently obtained the contract. I call that unfair interference with private enterprise. For that reason I oppose a Bill of this kind. One particular company went to the Supreme Court, and at considerable expense obtained an injunction against the city council from trading with the ratepayers' money. That is the trouble, and the city council do not know where the matter is going to end. They are afraid the case will be gone on with and the city will be penalised. There is no intention, so far as I know, to do that, the desire simply being to stop the unfair competition. The

city council have a quarry ; they have no rent to pay : they have a siding which has cost hundreds and hundreds of pounds to put in, but which has been no cost to the city. The quarry belonged to the Government and the city council have no rent to pay for it. A private quarry owner has not only to pay rent, but has to pay royalty on the stone obtained. A private owner has also to pay £800 or £1,000 for a siding to be put in, also a yearly rental on the siding. If municipalities can compete against private owners there is a considerable handicap. We may as well give the Perth City Council leave to open up stores under the town hall. They would have no rates or taxes to pay or anything else, and could unfairly compete with jewellers or other tradesmen. Under the Municipalities Act the city council have enough power without going farther. Under the Municipalities Act of 1900, Section 366, Subsection 14, the council have power to purchase stone quarries and construct or erect machinery and plant in connection therewith. And by Section 167, Subsection 15 of the same Act, the council may make by-laws for regulating and controlling quarrying and blasting operations. Therefore the new clauses are unnecessary to enable the council to work the quarry. When the council have the right to purchase a quarry and plant they must know, as reasonable men, that they can employ labour to do the work. On the 18th June, 1897, Reserve 1444 was gazetted as a quarry for the Government and Perth municipality jointly. There is in the *Gazette* notice nothing entitling the council to do more than use the quarry for municipal purposes ; and when they attempt to interfere with private trade I think we should prevent their making of this House a catspaw for the purpose of frustrating the ends of justice. I think the House should be above being made use of for such a purpose. To show that the Bill has not originated with the Municipal Conference, but simply with the Perth Municipal Council, I will read an extract from a report of the council's proceedings :—

In the City Council last evening Cr. T. W. Hardwick raised a question as to the authority on which the city solicitor had prepared a Bill for presentation to Parliament giving the council authority to trade as quarrymen.

The Mayor : Instructions were given on my authority for the preparation of a Bill to allow the city council to conduct quarries.

Cr. Hardwick : Has the council by resolution authorised this proceeding?

The Mayor : No. On looking through the Act recently, I ascertained that we had no authority to spend even a farthing for a plant to quarry with. This Bill is simply to place us in a legal position. On seeing that the matter had been discussed by the Chamber of Commerce, I wrote asking to be allowed to attend with the town clerk and explain my reasons for bringing forward the Bill, and also the treatment which different bodies have had from the Greenmount Quarrying Company.

In 1897 the council were unable to get stone. Members will recollect the shortage of trucks in that year, and the impossibility of getting goods trucked from almost anywhere. I have known timber companies to have timber lying at their sidings for ten weeks without being able to get it down, so I am not at all surprised at stone not being procurable :—

Subsequently Cr. Molloy secured the suspension of the standing orders, and moved that the Bill be amended to give the council the power to quarry for its own purposes only. He pointed out that if the council could compete with private firms in quarrying, they might just as well enter into hotelkeeping, theatres, or any other businesses.

If we are to give them leave to compete with private quarry owners, we may as well allow them to go into other trades, which they can carry on in shops under their town hall. They can undercut everybody ; for the shops will be free of rent and rates. The report continues :—

Cr. Cavanagh, chairman of the works committee, expressed the conviction that it would be a mistake for the council to compete with private companies in supplying metal to other municipalities.

It is the mayor alone who has brought forward this Bill, and he has not done it at the wish of the council.

Cr. T. W. Hardwick did not think that the council would be justified in becoming a general supplier ; and besides, he could not see that the quarry would pay.

Cr. Brebber deprecated the council being influenced by any false sentimental regard for contractors.

He is the only man in favour of the Bill. He said :—

The contractors, if they had the chance, would grind the last penny out of the municipality. He contended that the quarries would pay the council handsomely ; and it would be

folly on their part to allow a large and valuable plant to lie partially idle.

The council appear to have bought a plant larger than they needed; and, if so, that is no fault of the House. Why should we be made a catspaw to bring in this Bill to defeat the ends of justice? I read that extract simply to show that the Bill was brought in solely by the man who went in an underhand manner to the Bayswater Roads Board, and was able to tender at a lower price than those other contractors had tendered. Had he done that in any respectable office, he would have been kicked out. Had he attempted it in my office, he would have been shown to the stairs, and that pretty quickly. This Bill is unreasonable; and I shall oppose it, and this clause especially. I certainly object to allowing the Perth council to sell or contract for the sale and supply of goods; and I have an equal objection to allowing any other municipality or roads board to do likewise.

HON. W. T. LOTON (East): The Bill seems to have raised the ire of some members, who seek to show that it is intended to interfere materially with private enterprise, by giving the Perth council the right to utilise a quarry, and to utilise machinery which the council were empowered to purchase and put on the quarry, and which they are not empowered to employ labour to use. It is of course for the House to consider whether they think private enterprise will be interfered with to any extent by our giving the municipality the right to quarry the stone and to supply itself and kindred municipalities at the lowest possible price. It is not intended that the Perth council or any other council which engages in crushing stone shall be allowed to supply the product to anybody except another municipality or roads board. The material is needed for public purposes only. And who are the gainers by the use of a quarry and machinery for such purposes? Surely the rate-payers and the public at large, not only in Perth but in any municipality or roads board district outside, which may use the product. The public benefit and no one else; and the men engaged to work the machinery will be paid at the rate of wages paid by private employers. If not, the men can bring a case before the

Arbitration Court, and get redress. There can be no sweating, and there is no intention to sweat the labour employed; so I think it would be a gross injustice to tie the hands of the municipality, and prevent their dealing in this article for the public good.

HON. J. W. WRIGHT: They have been supplying private customers. There is no objection to municipalities dealing among themselves.

HON. W. T. LOTON: By the Bill, municipalities are limited to dealing with public bodies.

HON. J. W. WRIGHT: But they can supply road contractors and footpath contractors.

HON. W. T. LOTON: Not unless such men are engaged on municipal works. Whether, as the hon. member states, ordinary private customers have been supplied in the past, I do not know. I should like to give the House the benefit of my experience in this matter. I was mayor of Perth for some 15 months, up to the end of last year; and a deputation waited on me in reference to this matter, from one or two private stone-crushers. By making inquiries, the information I gained was that the Perth council could not procure the material they needed to make the roads; and no progress had been made by private enterprise, which employed the same puny stone-crushing plant in use five or six years previously. The result was that the year before last the Perth municipality found the plant they had in use obsolete, and decided to have a better plant on a larger scale, and imported this at a cost of nearly £3,000. It was erected during my term of office. I considered it was undesirable in the public interest to have that machinery lying idle at the port of Fremantle or at Perth, piling up wharfage dues and all sorts of charges; so I got it to work as soon as possible, with the result that we saved money, and supplied stone to Perth, and I believe to the municipality of Fremantle, at a cost of something like one shilling a yard less than the price charged by private crushers. Moreover, the Perth municipality and other local bodies got the quantities ordered. If a yard of stone was ordered it was delivered; and that was never the experience when dealing with private crushers. I should be

among the last to interfere with private enterprise; but I maintain that this is not interference at all. Whatever is done is for the benefit of the public at large; and there is plenty of scope for the energies of private stone-crushers if they like to get improved plant and tools. Even last year the supply of stone was unequal to the demand; so we are not in any way stopping the works of private persons.

HON. J. W. WRIGHT: Why have they shut down?

HON. W. T. LOTON: I do not know that they have shut down.

HON. J. W. WRIGHT: I say they have.

HON. W. T. LOTON: There must be an occasional lull. Even the city council quarry had to shut down sometimes, because at certain times all requirements were filled. But look at what will be required for the next two years. A loan of £35,000 has been raised for expenditure on the roads of Perth. Who is to supply the stone? The council have a plant; and why should it not be allowed to be utilised?

HON. J. W. WRIGHT: There is no objection to their supplying their own wants.

HON. W. T. LOTON: But there are times when they can supply more than they need for use. The hon. member knows that perfectly well. If machinery can be kept going, the product is much cheaper than if the machinery is working at half time. If it can be kept going Fremantle and other municipalities will get the benefit. There is no desire to make a profit for the benefit of the city of Perth. The desire is to save money for the ratepayers of Perth and of municipalities generally. To that extent I shall support the Bill. Of the other clauses I know nothing; but I trust members will see their way to support the Bill to the extent I have indicated.

HON. J. T. GLOWREY (South): I did hope that I should be able to afford this measure some little support; but after hearing Mr. Loton's remarks I fear my support will be very slight indeed. I certainly object to the Perth city council becoming a trading corporation; and I think that is what they desire to do, and will do if we pass the Bill. I am quite prepared to render the Perth council any assistance with their quarries,

plant or machinery, so far as legitimate legislation can assist them, and provided they confine their operations to supplying their own wants; but I do not think they should have a right to go beyond that, and to compete with private traders. I cannot support the Bill unless it is considerably amended.

HON. G. RANDELL (Metropolitan): I am not much in favour of competition by public bodies with private enterprise; but we must admit that the Australian States are engaging extensively in that sort of thing, and this is especially true of their Governments, who are probably setting bad examples to municipalities. However, although I hold that Governments and municipalities should, as far as possible, abstain from so competing, I shall most certainly not do anything to interfere with the operations of the city council as determined by this Bill. It has already been stated that the object they have in view is a good one, to reduce the price to the city council of Perth, and therefore to the ratepayers, for the stone required. I have not the slightest doubt that the city council had trouble in securing stone, and I am disposed to believe, as it has already been stated, the council did not always get their measure. I have knowledge of some of those little tricks of trade some years ago, more especially in reference to the stone supplied to the city council and the Government. I think the Perth council could work this machinery, which is an up-to-date machinery I understand of the latest kind, with advantage to the city. Although some members object, and I am disposed to think there is something in their objection, to selling to other municipalities or roads boards or local authorities, there are only two local authorities as far as I know.

THE COLONIAL SECRETARY: A health board may be a local authority.

HON. G. RANDELL: Generally speaking a health board is the municipal council. Mr. Loton has put the case very concisely, and he says that by keeping the machinery in full operation a much cheaper article can be produced, and it is very essential if the council have this machinery that it should be kept in full operation as far as possible, barring breakdowns and stoppages for necessary repairs. I shall therefore support the

Bill as it stands. I hope members will not go to the length of rejecting the measure, because it certainly provides that the municipality of Perth shall provide their own stone at a reasonable rate, and be able to provide that stone when they want it. The main object of the members opposed to the Bill (Mr. Glowrey and Mr. Wright) would be met by striking out the last sentence of Subclause 3. I am not disposed to go so far as that; I am disposed, as a citizen of Perth, to give the municipality all the assistance I can. I would like to say a few words as to the legal aspect of the question, and I hope members will take their law from me, for there are honourable and learned members in the House who can contradict me if I am wrong. Section 366 with its subsections, I may say in passing, is a repetition of what was enacted in the Municipal Institutions Act of 1899; it is worded I think as it existed then, and with these subsections I had something to do; also a late member of this House (Mr. R. S. Haynes) was to a large extent, with the late town clerk, Mr. Petherick, responsible for the matters contained within the four corners of the Act. It will be found on referring to Section 366 that the city council are empowered to construct and purchase tramways, motor-cars, gasworks, and electric light plant, or any other works of a like character; to provide baths and wash-houses; to erect lamp-posts and all necessary connections for lighting a municipality with gas or electricity or otherwise; to construct, purchase, or erect plant, pans, and appliances for the removal and treatment of nightsoil and refuse, or the application thereof to land for the purpose of manuring it; and then we come to the matter under discussion, to purchase stone quarries and to construct or erect machinery and plant in connection therewith. The whole of these subsections stand exactly on the same basis, and if the municipality have no legal power to work stone quarries, neither have they legal power to employ persons to carry on the works which are mentioned in the various subsections which I have read. I do not know if a ruling has been obtained on this section; I do not think the Supreme Court has given a ruling; but if it has, I should be sur-

prised to learn that the Supreme Court says that the city council may purchase stone quarries and machinery to work those quarries, but are not entitled to employ people to work the machinery to crush the stone. That is ridiculous on the face of it. I do not know if the city council have obtained a legal opinion, but we are assured by Mr. Thomson the Bill is necessary. I think Mr. Wright has said that the city council cannot work the stone.

HON. J. W. WRIGHT: Yes, they can; the injunction obtained is to prevent them from trading.

HON. G. RANDELL: As far as the hon. member is concerned then he does not contend that the city council are not able to work the quarries. If the Supreme Court has given a ruling to that effect I am surprised. I stand in the presence of members of the legal profession who are members of this House, and if I am altogether at sea in this matter they will be able to put me and the House right on the matter. That removes one difficulty which has been stated by Mr. Thomson on behalf of the municipality of Perth. It seems that the object of the Bill is to secure them the right of supplying other municipalities and roads boards with the surplus stone the city council may have. That is a question which may commend itself to the common sense of members of the House; they may consider that a municipality should have that power. We have it stated by Mr. Loton that this Bill will enable that to be done, and it is commended to the common sense of us all that by turning out a larger quantity of stone than is required by the city council for themselves the municipality will be able to produce the stone cheaper for the benefit of the citizens. The citizens desire that that should be done. We do not want a monopoly by the city council or any one else; we certainly do not want to see too much interference with private enterprise on the part of public bodies or by the Government. As a general rule I do not think public bodies can utilise the labour they employ so advantageously for the production of articles at a lower price than private people can. It will be admitted by all members who have watched the working of all institutions connected with the

Government, and I may go so far as to say in connection with municipalities—I say it in plain words, and in plain English—that municipalities and the Government do not get so much out of their servants as a private contractor or private enterprise can. I hope members will not hamper the city council in their desire in this respect. Whether Clause 3 is needful or not, I do not know; I am not acquainted with the circumstance, but as a general rule I do not like an Act of Parliament to interfere with legal actions which are pending between two parties. This has been done sometimes on very good grounds; and on other occasions it has been done on flimsy and most improper grounds.

HON. Z. LANE (Metropolitan-Suburban): I am surprised to hear the hon. member, Mr. Randell, say he does not know exactly the intention of Clause 3. I think I am perfectly right in telling him that Clause 3 is introduced for the purpose of defeating the ends of justice. We all know perfectly well that an action is pending in which the Supreme Court has granted an injunction against the city council for doing exactly what they are asking power to do in Subclause 3. I am perfectly in accord with the remarks which have fallen from Mr. Wright as to Subclause 3; I cannot see why any municipality or public body should enter into competition with private enterprise. We know perfectly well that three years ago the city council should have come to the proper quarter to get sanction for what they are asking the power to do now. There is no doubt that if one was to follow out these laws, a municipality which has in the past been lighting its streets with kerosene could establish a kerosene works and sell kerosene to consumers in this State. Mr. Thomson has referred to other cities in the world: probably he did not know what happened in the city of Glasgow. There, tramways were run by the municipality and the electric light was also supplied by the corporation, but the whole of the profits put forward to the people of Glasgow were fictitious and not realised. I do not know how it is possible for a municipal council to make up its estimates for a year. How will it estimate what stone will be supplied, or what the profits will be for the

following year on the production of its quarries. At the same time I have no hesitation in saying from my actual experience extending over many years that I think private enterprise will always supply such material as is required by a corporation a great deal cheaper than it can supply itself. I am totally opposed to granting any municipality or corporation power to compete with private enterprise.

THE COLONIAL SECRETARY (Hon. Walter Kingsmill): It is my intention to support the second reading of the Bill, not so much as regards the clauses which have already been alluded to by members, but because the Government desire to add a clause or two to the measure. Members will see Clause 4 has been added to the Bill. This was done in another place, and by that clause it is proposed to get over what is an extremely cumbersome undertaking under the Municipalities Act, and I cannot congratulate Mr. Randell on some of the provisions of that measure. The municipalities of Broad Arrow and Paddington wish to amalgamate.

HON. G. RANDELL: I do not remember having anything to do with that.

THE COLONIAL SECRETARY: I am glad to hear it, because that portion of the Municipalities Act is enough to drive anyone mad who has to administer it. The provisions dealing with the annexation of outlying parts of municipalities or the junction of municipalities is most cumbersome.

HON. G. RANDELL: Was the hon. member referring to the passing of the Bill?

THE COLONIAL SECRETARY: Yes.

HON. G. RANDELL: Oh, I had to do with that.

THE COLONIAL SECRETARY: It is a difficult and tedious process, and the clause has been inserted to quicken the process. The people of Broad Arrow and Paddington are anxious to amalgamate their municipalities as far as it is possible, and it will be an eminently desirable act. I would like to see municipalities made as large as possible. I am perfectly satisfied it will tend to good Government, and careful and saving administration; and the process of joining municipalities will be quickened by the amendment in Clause 4. Again, it

will be my somewhat painful duty to move an amendment, which will be found on the Notice Paper as Clause 5, providing for the dissolution of the municipality of Gingin. I am sorry to say that municipal affairs in Gingin have not prospered. The council grew "small by degrees and beautifully less," until at last it consisted only of the mayor and the town clerk; and then, sad to say, the mayor resigned. So this measure contains provision for the dissolution of the municipality; and I maintain that it is questionable whether such a municipality should have ever been created, because I do not think it at any time mustered 40 ratepayers. It would be impossible to create such a municipality under the existing Act. In order to clear up affairs and definitely to put an end to the municipality, and to create a body which will be able to take over the assets and the liabilities of the old council, concerning which the Government are continually receiving annoying letters, it is proposed to insert in the Bill a clause providing for the dissolution of the municipality of Gingin. With regard to Clause 2, giving the Perth council the power to work quarries, to defray the cost and expenses of quarries, to use the stone and material obtained from them, and to sell the same to local authorities only, I intend to give it my support. That seems to me power which a municipality should have. I have heard a rumour, which I hope is and think must be incorrect, that what people object to is the fact that the Perth council were selling stone at a price which could not possibly pay. I believe that statement to be incorrect. If it is true, the action of the council has been very wrong; for they were using the ratepayers' money to make up a deficit which should never have been created. But if they sold at the ordinary market price and to local authorities only, I cannot perceive any just reason or impediment why they should not continue to do so.

HON. J. A. THOMSON (in reply as mover): I have a written statement from the town clerk, wherein he says:—

It has been stated that the mayor and certain councillors or others have made lower quotations on behalf of the council after the receipt of tenders by a municipality or roads board.

This, however, can be proved to be absolutely false.

I have also the town clerk's statement showing that this quarry plant was not being run at a loss, but on the contrary at a considerable profit to the ratepayers of Perth. Members should do all they can to assist the corporation, who are a representative body. If their scope is not quite so wide as that of members of this House, the city councillors are still representative men, and are determined to do the best they can in the interests of the Perth ratepayers. The mayor and councillors of Perth are imbued with as high a sense of their responsibilities to the public as is any member of this House with regard to his constituents; so I say this is not a private but to all intents and purposes a public Bill; and considering the modest nature of the Perth council's request, I am sure that members who are altogether opposed to allowing municipalities or other public bodies to compete with private enterprise must admit that the Bill does not in the least infringe that principle. I hope members will allow the Bill to go through Committee and to pass into law.

HON. J. W. WRIGHT: What is to become of the injunction from the Supreme Court?

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

HON. J. A. THOMSON in charge of the Bill.

Clause 1—agreed to.

Clause 2 — Power for municipal councils to quarry stone, etc.:

HON. J. T. GLOWREY moved as an amendment:

That all the words after "municipality," in line 2, be struck out.

HON. T. F. O. BRIMAGE opposed the amendment. Members' second-reading speeches failed to show why the Perth council, after purchasing expensive machinery, should not have the right to make it pay. Private contractors could buy similar machinery and open quarries. The municipality should have the right to supply other municipalities and roads boards. The work done in Perth during the last six or seven years was creditable to the management; and the council were



to be congratulated on buying good machinery in order to supply cheap metal. The machinery was far in excess of the city's requirements; and power should therefore be given to sell stone. The more we municipalised works the better. The experience of Glasgow was all in favour of municipal trams and municipal lighting.

HON. S. J. HAYNES supported the amendment. Doubtless the Perth council bought machinery suitable to their requirements; and he objected to municipalities exceeding their proper functions. Let them attend to the business practically within their own boundaries. In Australia we knew from experience that public bodies which became trading concerns generally came to grief. Suburban and country municipalities and roads boards could look after their own affairs; and if not satisfied with private enterprise, could open quarries of their own.

HON. W. MALEY: It did not appear that the Perth council were qualified to undertake more responsible duties than they were now performing. Some years ago the council advertised in Adelaide for chaff, though large quantities of chaff of the highest quality were procurable in our own agricultural districts. The city councillors might not know that bubonic plague was sometimes introduced through chaff; and some of the chaff indented from Adelaide might be infested, like some members, with rats.

HON. W. T. LOTON: If the clause were passed as printed, it would enable the Perth Council to supply stone to adjoining municipalities and roads boards. One of the greatest users of stone was the Government, and the municipality of Perth under the clause would not be able to supply the Government with stone. Seeing that the Government was excluded and all other private users were excluded, the limit to which the Perth municipality could go was small.

HON. C. E. DEMPSTER: Large municipalities having acquired the necessary machinery for crushing stone, it was unfair and unwise not to allow them the privilege of disposing of stone. If municipalities could not produce their material as cheaply as other persons could then the stone would not be disposed of, for people would go where stone was to be obtained cheapest.

HON. R. LAURIE: The municipality of Fremantle, of which he had been a member for five years and treasurer for two years, had regularly purchased stone from the Perth city council, and it was found advantageous to do so. Tenders were called for the supply of stone. Why should not municipalities combine together and get stone from the Perth city council? If there was to be municipalisation, why not have it in its proper sense? Stone obtained from the city council was cheaper, if not better, than the stone which would be obtained elsewhere.

HON. J. A. THOMSON: An endeavour had been made to show that the city council were unable to conduct their own business, and that they had obtained foodstuffs for their horses from the other States. Not a ton of foodstuffs was brought from the other States. A resolution was carried in the city council that foodstuffs should be obtained from outside this State because it was thought that there was a ring amongst the produce merchants to keep the price up; but when it was discovered that the high price was caused by the scarcity of feed, the resolution was rescinded and no foodstuffs were obtained for the council horses from the other States.

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

|                  |     |     |    |
|------------------|-----|-----|----|
| Ayes ...         | ... | ... | 13 |
| Noes ...         | ... | ... | 12 |
| Majority for ... |     |     | 1  |

| AYES.                  | NOES.                    |
|------------------------|--------------------------|
| Hon. G. Bellingham     | Hon. A. Dempster         |
| Hon. E. M. Clarke      | Hon. C. E. Dempster      |
| Hon. J. D. Connolly    | Hon. J. M. Drew          |
| Hon. J. T. Glowrey     | Hon. W. Kingsmill        |
| Hon. J. W. Hackett     | Hon. R. Laurie           |
| Hon. S. J. Haynes      | Hon. W. T. Loton         |
| Hon. A. G. Jenkins     | Hon. B. C. O'Brien       |
| Hon. W. Maley          | Hon. G. Randall          |
| Hon. E. McLarty        | Hon. Sir George Shenton  |
| Hon. C. Sommers        | Hon. J. A. Thomson       |
| Hon. F. M. Stone       | Hon. Sir E. H. Wittenoom |
| Hon. J. W. Wright      | Hon. T. F. O. Brinage    |
| Hon. Z. Lane (Teller). | (Teller).                |

Amendment thus passed, and the clause as amended agreed to.

Clause 3—Provision for legal proceedings:

HON. A. G. JENKINS: Why was this very dangerous clause inserted in the Bill. Unless good and sufficient reasons were shown the Committee should not support retrospective legislation.

HON. J. A. THOMSON: This clause was simply to protect the city council,

or rather the ratepayers of Perth, from legal proceedings which had or were about to be taken, by reason of the city council having supplied stone from their quarries to other public bodies, and perhaps to some private persons. If this had been done it was in all good faith and in the interests of the people of Perth. The Committee ought to support the city council and not allow the funds of the city to be taken and paid to the legal fraternity.

**HON. C. E. DEMPSTER:** Being against the principle of retrospective legislation he would vote against the clause.

**HON. G. BELLINGHAM:** As legislation was pending between the city council and some other people, it was not right to pass a clause of this nature for it would stop litigation which was going through the courts.

**HON. W. MALEY:** The member in charge of the Bill should explain the principle underlying the clause, otherwise he (Mr. Mahey) would look with disgust on any measure coming from another place with the word "municipal" on it. He was surprised that this Bill was introduced bearing on it the name of the member for Perth, who was a solicitor.

**HON. E. M. CLARKE:** If any municipality were doing its work straight and above board, and were keeping within the four corners of the Act, there was no reason for such a clause as this. We could not tell where such a provision as this would lead us. There appeared to be something behind the provision.

**HON. J. A. THOMSON:** An interim injunction had been obtained against the city council preventing them from supplying metal to private persons. That portion of the clause asking for permission to supply stone to other bodies had been defeated, therefore all that the clause now asked for was that the ratepayers of Perth might be protected against people who were seeking to obtain damages from the city council for doing what the city council considered to be in the interests of the ratepayers. In the past the House had passed legislation validating acts which had been performed through inadvertence. To strike out the clause would be an injustice to Perth.

**HON. J. T. GLOWREY:** None desired to do injustice to Perth. He moved that progress be reported in order to give Mr. Thomson, who had ably conducted the measure, an opportunity of giving farther explanation to-morrow. No reason had been afforded for legalising the illegality committed by the Perth council.

Motion (progress) negatived.

**THE COLONIAL SECRETARY:** Similar validating clauses had been placed in other Municipal Institutions amending Bills, notably in the Bill to validate the collection of certain rates without sufficient warrant, by the Coolgardie municipality.

**HON. J. W. HACKETT:** And in the Perth Building Fees Validation Bill.

**THE COLONIAL SECRETARY:** There were thus two precedents for the clause.

**HON. G. RANDELL:** As we had deleted the power to sell stone to outside bodies, he would vote for this clause, which injured no one, and might possibly afford some protection to the city against litigation, by providing that no action should continue in respect of anything done before the passing of the Bill which might have been lawfully done if the Bill had not passed.

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

|              |     |     |     |    |
|--------------|-----|-----|-----|----|
| Ayes         | ... | ... | ... | 15 |
| Noes         | ... | ... | ... | 9  |
| Majority for |     |     |     |    |
|              | ... | ... | ... | 6  |

| AYES.                   | NOES.               |
|-------------------------|---------------------|
| Hon. A. Dempster        | Hon. G. Bellingham  |
| Hon. J. M. Drew         | Hon. E. M. Clarke   |
| Hon. J. W. Hackett      | Hon. J. D. Connolly |
| Hon. S. J. Haynes       | Hon. C. E. Dempster |
| Hon. W. Kingsmill       | Hon. J. T. Glowrey  |
| Hon. R. Laurie          | Hon. A. G. Jenkins  |
| Hon. W. T. Loton        | Hon. Z. Lane        |
| Hon. E. McLarty         | Hon. W. Mahey       |
| Hon. B. C. O'Brien      | Hon. J. W. Wright   |
| Hon. G. Randall         | (Teller).           |
| Hon. Sir George Shenton |                     |
| Hon. C. Sommers         |                     |
| Hon. F. M. Stone        |                     |
| Hon. J. A. Thomson      |                     |
| Hon. T. F. O. Brinage   |                     |
| (Teller).               |                     |

Clause thus passed.

Clause 4—agreed to.

New Clause—Dissolution of Gingin municipality:

**THE COLONIAL SECRETARY** moved that the following be added as Clause 5:—

The municipality of Gingin is dissolved, and the district thereof is included in and

shall henceforth form part of the Gingin road district; and all the property, assets, and liabilities of such municipality are hereby vested in and shall attach to the board of the Gingin road district.

For two reasons he regretted the necessity for the motion. First, that Gingin had not prospered, so that it might retain its status as a municipality; and second, that our Municipalities Act did not contain machinery for performing this unpleasant function. The clause must be passed so that the municipal accounts might be closed and a settlement arrived at. Without disrespect he must say that the existence of so small a municipality was really absurd. The few ratepayers could not get a council together.

HON. J. D. CONNOLLY: Why not dissolve Beverley and others?

THE COLONIAL SECRETARY: Beverley had the requisite number of ratepayers, kept up a council, and complied with the Act. But Gingin did not; for the council dwindled till it consisted of the mayor, and then the mayor resigned. It now only remained to perform the last rites. The municipality had been lawfully created; for in the old days there was no condition that municipalities should show a rating of £300 per annum at a shilling rate, and that the requisition should be signed by 50 ratepayers *in futuro*. This municipality had died from atrophy, and if it again became sufficiently prosperous it could be revived.

Question passed, and the new clause added.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

#### REDISTRIBUTION OF SEATS BILL.

##### IN COMMITTEE.

Resumed from 11th November.

First Schedule:

THE CHAIRMAN: An amendment had been moved to strike out the word "Swan" from the South-West Province.

At 6:20, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

SIR E. H. WITTENOOM: As to the Central Province and Mr. Connolly's contention that it was an agricultural con-

stituency, the fact remained that whatever the hon. member's figures showed, none but mining members were returned for that province. No one could maintain that Mr. Thomson, Mr. Drew, and Mr. O'Brien were agriculturists.

HON. G. BELLINGHAM: That the Central Province was agricultural was shown by the fact that each of its three members was returned by a majority of agricultural and pastoral votes. Dr. Hackett said Mr. Connolly's figures could be made to tell any tale; but on what figures had Dr. Hackett and the select committee based their redistribution of provinces? How could this be done equitably without reference to the number of voters engaged in each industry? Dr. Hackett's statement that the goldfields had always opposed agricultural and coastal interests was uncalled for and unjust, as was his assertion that goldfields members were always flaunting before the House the Esperance railway. Dr. Hackett, on his way home from a federal convention, had said at Albany that Western Australia wanted the Esperance railway, which was a necessity for the State, and that he would use his vote and the influence of his newspaper to carry the railway through. In every division upon the question of the construction of the Esperance railway, Dr. Hackett had voted for the line; but in the heat of debate the other evening the hon. member accused the goldfields members of opposing the agricultural and other industries of the State, and on every possible occasion bringing forward the Esperance railway. Dr. Hackett, as one of the oldest members of the House, had the compliment paid him of the Swan electorate being included in the South-Western Province. This had caused a great deal of commotion. If the Swan electorate had been introduced into a goldfields province the goldfields members would have been glad to take it. In the schedule as amended by the select committee the mining industry had not been sufficiently protected. Sir Edward Wittenoom had stated that the three members representing the Central Province were mining members, but figures contradicted that. These members were returned on the votes of agriculturists and pastoralists. The goldfields should have fair and equitable representation.

HON. C. E. DEMPSTER: Agricultural members should stand up for the rights of their industry on which the country depended for meat and bread. In the future agriculture would be the principal industry of the State. He would always vote against representation on a population basis, for the mining people did not know the requirements of the country. The mining industry would always be well represented, as members returned for non-mining provinces were interested in mining. No alteration should be made in the boundaries of the provinces at present. After the next general election it might be advisable to make certain alterations, but with the insensate desire to continually alter boundaries members did not know where they were. The alterations had been made to please certain electorates. He would support the amendment of the select committee who had worked in the interests of the country.

HON. W. T. LOTON: The arguments put forward by the representatives from the goldfields were that the mining industry had not a fair and full representation in the House. He joined issue on that point, for the mining industry in the House had extremely full representation. We were told that the mining population numbered 70,000 people, or one-third of the population. Members might take it that the mining provinces had returned direct mining men to represent their industry, and there were two mining provinces returning six members. Then the Central Province returned two direct representatives of mining—Mr. Thomson and Mr. O'Brien. The Metropolitan-Suburban Province returned three direct mining representatives—Mr. Brookman, who when in the House always voted in the interests of mining; Mr. Lane was a distinct mining representative, for he had been connected with that industry ever since he had been in the country; and the leader of the House, until he occupied the position of Colonial Secretary, was a mining man. That gave eleven representatives for mining; but there were other members in the House who were connected with the mining industry besides these direct representatives. He had several thousand pounds invested in that industry, and other members were interested in mining. Fully one-third of

the representation in the House was mining representation. It was to be regretted that the mining industry had been pitted against the other interests of the State. Members representing agriculture and other industries were not against mining. Take the expenditure of about three millions of money on the Coolgardie Water Scheme; that was for mining, and was voted for by the members representing other interests besides mining.

HON. G. BELLINGHAM: The goldfields were paying dear for it.

HON. W. T. LOTON: The general revenue of the State was responsible for over £100,000 for interest on the Coolgardie Water Scheme. Miners only paid a certain price for the water consumed, and if they did not take the water they did not pay for it. A very large liability was incurred by the country simply and solely in the interests of mining. It was time that this antagonism between mining and other industries was ended. In this House the mining industry was better represented than any other. The select committee had taken the best possible course in replacing the Swan district in the Eastern Province; and he intended to support the committee's recommendation.

HON. T. F. O. BRIMAGE hoped the schedule would stand as printed. More representation should be given the goldfields. On the second reading he had disapproved of a fresh redistribution, seeing that seats were redistributed about three years ago; but the large population of the goldfields justified a change. He disagreed with this and some other recommendations of the select committee; for were they made law the goldfields would be so split up that their representation in this House would be altogether lost, and possibly members not interested in the industry returned. Mr. Dempster would find on reflection that the goldfields had always supported agricultural interests; and neither the Government nor agricultural members need fear on that score. Mr. Loton referred to the large public expenditure on the Goldfields Water Scheme; but goldfields residents had been debited with the cost and the interest. All that could be said on the other hand was that the Government backed the scheme.

**THE CHAIRMAN:** Did the hon. member think he was illustrating the question before the House?

**HON. T. F. O. BRIMAGE:** Yes; he was arguing for more goldfields representation in order that the goldfields might be fairly taxed. He supported the Bill as printed, and trusted that the goldfields would be rewarded with another province.

**HON. J. W. HACKETT:** No doubt members had made up their minds as to how they would vote. This should be taken as a test vote as to whether there was to be another mining province. If the Swan were left with the South-West, then the Eastern Province would be united with the South-Eastern; and that would leave a province free to be constituted a mining province for the Eastern Goldfields. After careful consideration the select committee made a proposition that there should be practically three mining provinces—the present South, the present North-East, and the Central. Anyone who considered the representation would be satisfied that the Central was a mining province. Mr. O'Brien was returned by the mining vote against the agricultural; so with Mr. Thomson, who as a single-tax advocate would be unanimously repudiated by his agricultural constituents. The remaining member, Mr. Drew, would feel himself secure at the next election if he had the mining votes only, and very insecure without them. At last Wednesday's division on the adjournment of the debate all knew who constituted the majority against the adjournment, when there was a certainty of a majority in favour of the new mining province. Mr. Jenkins's supporters, with perhaps one or two exceptions, represented the mining vote; and his opponents were in favour of the agricultural province. The Central Province, the North-East, and the South-East being mining provinces, how did the matter stand? For these three provinces the number of Legislative Council electors was 5,725. Divide that number by four—the three existing provinces and the fourth which it was proposed to add—and we had a quota for each province of 1,431 votes. The four provinces were the South (Coolgardie), the North-East (Kalgoorlie), the Central, and the fourth province it was proposed to add. Com-

pare that quota with the quota for Perth. Perth had a quota of 4,538 against 1,431 for the four mining provinces. The Metropolitan Province was therefore entitled to more than three provinces on the same basis as the four mining provinces. The Metropolitan-Suburban Province had 3,389 Council electors, and would be entitled on that basis to two provinces; Fremantle, with 3,372 Council electors, would be entitled to more than two provinces. So that altogether, these were entitled to more than eight provinces instead of the three provinces returning nine members, which we had consented to give them. From these figures two lessons were to be derived. First, that if Mr. Connolly's suggestion were carried out, we should be face to face with four mining electorates returning 12 members out of a working House of 29, for there were always two or three members absent; and those 12 members, so far from being fairly representative of the mining districts, would absolutely command on all ordinary occasions a majority in the House, and could practically do what they pleased with the State. That was an undesirable state of things, and one to which the Metropolitan Province would never submit. The Metropolitan Provinces had consented to part with more than half of the property qualification, but the Metropolitan representatives would not subordinate the interests of the State to any one interest in it. If members passed the schedule as proposed, it was not an act of reform but an act of revolution, and they would commence an agitation for farther redistribution upon a population basis. Let all work for the State as a whole. In order to constitute a fourth mining province, should they run into all kind of dangers and agitations, with revolution ahead? The agricultural representation of which there was any certainty was to be reduced to one province and part of another. The proposal was to merge the East Province—this followed naturally from the suggestion of Mr. Connolly—into the South-East Province, which would give one almost truly agricultural province, and the only other province that could by any stretch of imagination or argument be called agricultural was the South-West, which contained no less than three labour con-

stituencies specially carved out for labour representation. If members looked at the numbers they would see that one-third of the electors on the Legislative Council roll for the South-West Province were contained in the mining district of Collie, the semi-mining district of Nelson (containing Greenbushes, which he was glad to say was reviving), and the timber district of Forrest. These electorates contained between them just one-third of the electors of the South-West Province. In order to satisfy the mining interest, which had already got a large vote in the House—and all were more or less directly interested in mining—in order to placate that industry we were asked to reduce the agricultural representation to one probable province, the South-East. That was a position to which he was not prepared to accede, and while we desired to see all industries and occupations fairly represented, and their wants fairly considered in the House, it would be undesirable to give the preponderating influence to one interest, and that not even the metropolitan. He understood that Mr. Bellingham had made some reference to remarks of his (Dr. Hackett's) in regard to the goldfields. Publicly and privately, written and unwritten, in Parliament and in his office, the history of his connection with reference to gold-mining would answer any attack. He was among the few supporters of the railway when only four voted for the steps that would lead to the Bill being introduced, the President being another. When one remembered the history of the reservoirs, the public buildings, and above all the Coolgardie Water Scheme, he did not appeal to words but to deeds. He asked members to pause before they gave any one industry a preponderating voice, which would breed a general and just dissatisfaction amongst other industries.

HON. C. SOMMERS: After listening to the remarks of Dr. Hackett, one would think that some great calamity was about to overtake this country. The goldfields had not been disloyal to the other interests of the State. On every occasion when necessity demanded the votes of the mining members were given in the interests of the State generally, also for agricultural interests. Mining members had always been loyal to the country.

The fact that men who had large mining interests were returned for other than mining provinces was a compliment to the broad-mindedness of the electors. Members not only represented mining but a variety of other interests. It was to be hoped electors would continue to be broad-minded and to send such representatives to the House. The State could not prosper on mining alone; all interests must go hand in hand. That feeling which was supposed to exist between the coast and the goldfields had disappeared. A good many people on the goldfields had considerable interests in agricultural and pastoral matters. If he desired to take advantage of the agricultural representatives he need not have accepted the pair which Mr. C. A. Piesse had asked him to consent to. He had expressed his views because he did not intend to vote, having paired.

HON. B. C. O'BRIEN: In spite of what members had said he would endeavour to show that the Central Province was an agricultural province. When he was elected the Legislative Council roll for the Central Province contained over 1,300 votes. It was a by-election, and not a great deal of enthusiasm was displayed. Over 600 persons voted. At Nannine, which was a mining electorate, 44 votes were recorded, at Cue 109 votes, another mining electorate, and at Mount Magnet 31 votes, also mining. In these votes there was a small proportion of agricultural and pastoral votes. That gave 184 mining votes from the country between Peak Hill and Nannine. At Geraldton there were 346 votes recorded, Northampton 42, Greenough 44, and Irwin 10, giving a total of 422 votes from the agricultural portion of the province. How in the name of reason could it be claimed that he had been elected by the mining community? According to the latest arrangement a portion of the Moore electorate had been added to the Central Province, making it a still stronger agricultural province.

SIR E. H. WITTENOOM: Did the hon. member pose as a squatter now?

HON. B. C. O'BRIEN said he knew as much about pastoral and agricultural interests as he did about mining.

HON. J. D. CONNOLLY: The argument that the Central Province was a mining province had been answered by

Mr. O'Brien. Dr. Hackett would like the Committee to believe that a great calamity would befall the country if an additional mining province was added to the Bill, for that member had stated that it would be a very sad day for the country when a majority of members were elected to represent one industry. With that sentiment he (Mr. Connolly) agreed. Would it not be calamitous to accept the select committee's report, and give agriculturists and pastoralists five provinces while the mining industry had only two? The Central Province was pastoral and agricultural. Take Moore as defined in the Bill. The present Moore electorate had 144 votes, of which by the Bill at least 100 would be added to the Central Province, putting agricultural and pastoral votes in a majority. The South-West, the East, the Central, and the North provinces would be agricultural and pastoral; yet the mining industry was accused of extravagance because it asked for three provinces. The goldfields contained over one-third the total population, and one-half of the total adult population, yet would be satisfied with one-third of the Council membership.

SIR E. H. WITTENOOM: The two preceding speakers must recognise that it was no use talking of figures when we had facts. To call the Central Province agricultural was absurd. Who would take Mr. Thomson, Mr. Drew, and Mr. O'Brien for agriculturists? They represented nothing but mining. Mr. R. S. Haynes and Mr. Dryer stood for the Central Province as agriculturists, and were beaten.

HON. J. A. THOMSON: The only purely agricultural district in the Central Province—Greenough—gave him a substantial majority, and in each of the mining divisions he received a very small majority. He was returned purely by the agricultural and the coastal votes. He was not a mining man, nor had he a shilling invested in mining in this State, though since he had come to the country he had invested in agricultural and pastoral industries. He hoped the time would never come when his personal interests would interfere with his political duties. He was not pledged to redistribution on a population basis, for this he did not think fair in a country of such magnificent distances; but in justice,

mining was entitled to one other province.

HON. J. T. GLOWREY: The House were much indebted to the select committee, and to Dr. Hackett for his clear presentation of the committee's report. The hon. member objected to the inclusion of Swan in the South-West province. But why? No reason was given. The argument about the Central Province proved nothing in reference to the South-West. He (Mr. Glowrey) would support the retention of Swan in the South-West, and for this one could not have better evidence than the demonstration by Messrs. Thomson, Drew, and O'Brien that the Central Province was agricultural. It was for them, the members for the province, to declare whether in it agricultural or mining interests predominated. The Central Province was purely agricultural and pastoral, which was proved by the members who were elected for that province. It was to be hoped members would see that justice was meted out to every part of the State. This was a serious matter affecting the future welfare of the country.

HON. G. RANDELL: The goldfields had no cause to complain of the actions of the Chamber since he had been connected with it. Members had supported every measure of any importance having for its object the advancement and welfare of the goldfields districts, and if there were not direct mining members in the House the result would have been the same. It was only fair to say that whenever called upon the members representing the mining industry had voted in favour of agricultural districts. There were other interests to be considered, and members should see that no industry dominated. It was perfectly unjustifiable to take the Swan electorate from its natural connection with Northam, Toodyay, and York. The arrangement made by another place was not fair. It was to be hoped the Swan electorate would be struck out of the South-West Province and placed where it had been for a number of years and where it was placed by Sir John Forrest, who knew more about the country than any member of the House. The only reason for the Swan electorate being placed in the South-West Province was to enable a new province to be created for the gold-

fields. Mining representatives need not be anxious to increase the number of their representatives. It would be a great misfortune to have a preponderating influence from the goldfields, or from agricultural centres, or from any other interest in the House, as the Council was supposed to represent the general interests of the State. That had been the result so far as he knew; the House had always approached large subjects from a disinterested standpoint. An act of gross injustice would be done to members elected to represent the South-West Province if the Swan electorate was included.

HON. E. McLARTY (South-West): No argument had been advanced for including the Swan electorate in the South-West Province. That electorate rightly belonged to the Eastern Province, and should be included in it. As to the representation of the goldfields, Mr. Loton had clearly shown that the mining industry had a very large representation in the House at the present time, and Mr. Loton could have gone farther and included other members with those mentioned as being interested in gold mining. Many members, although not directly interested in mining, had an interest in it. There was no reason why agricultural representatives should not faithfully represent the interests of the goldfields. During the time he had been in the House, and when the goldfields interests had been at stake, he had given the mining industry his hearty support, and he would continue to do so.

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

|       |     |     |     |    |
|-------|-----|-----|-----|----|
| Ayes  | ... | ... | ... | 11 |
| Noes  | ... | ... | ... | 11 |
|       |     |     |     | —  |
| A tie | ... | ... | ... | 0  |

AYES.  
Hon. E. M. Clarke  
Hon. A. Dempster  
Hon. C. E. Dempster  
Hon. J. W. Hackett  
Hon. S. J. Haynes  
Hon. W. T. Loton  
Hon. E. McLarty  
Hon. G. Randell  
Hon. Sir George Shenton  
Hon. Sir E. H. Wittenoom  
Hon. W. M. Maley (Teller).

NOES.  
Hon. G. Bellingham  
Hon. T. F. O. Brimage  
Hon. J. D. Connolly  
Hon. J. M. Drew  
Hon. J. T. Glowrey  
Hon. A. G. Jenkins  
Hon. W. Kingsmill  
Hon. B. C. O'Brien  
Hon. J. A. Thomson  
Hon. J. W. Wright  
Hon. Z. Lane (Teller).

THE CHAIRMAN gave his casting vote with the Noes.

Amendment thus negatived, and "Swan" left in the South-West Province.

HON. J. W. HACKETT moved that progress be reported.

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

|      |     |     |     |    |
|------|-----|-----|-----|----|
| Ayes | ... | ... | ... | 12 |
| Noes | ... | ... | ... | 11 |

Majority for ... .. 1

| AYES.                    | NOES.                 |
|--------------------------|-----------------------|
| Hon. E. M. Clarke        | Hon. G. Bellingham    |
| Hon. A. Dempster         | Hon. T. F. O. Brimage |
| Hon. J. W. Hackett       | Hon. J. D. Connolly   |
| Hon. S. J. Haynes        | Hon. J. M. Drew       |
| Hon. W. T. Loton         | Hon. J. T. Glowrey    |
| Hon. W. M. Maley         | Hon. A. G. Jenkins    |
| Hon. E. McLarty          | Hon. W. Kingsmill     |
| Hon. G. Randell          | Hon. Z. Lane          |
| Hon. Sir George Shenton  | Hon. B. C. O'Brien    |
| Hon. C. Sommers          | Hon. J. W. Wright     |
| Hon. Sir E. H. Wittenoom | Hon. J. A. Thomson    |
| Hon. C. E. Dempster      | (Teller).             |
| (Teller).                |                       |

Motion thus passed.

Progress reported, and leave given to sit again on the next Thursday.

#### ELECTION OF SENATORS BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): In moving the second reading of this Bill, I would ask members' attention for a few minutes. It is purely a machinery Bill, and is necessitated for the election of senators by Section 9 of the Commonwealth Constitution, which provides that the Parliament of the Commonwealth may make laws prescribing the method of choosing the senators for all States; that subject to any such law the Parliament of each State may make laws prescribing the method of choosing the senators for that State, and may make laws for determining the times and places for election of senators for the State. At the last election of senators the local laws were followed in their entirety. It is now proposed—and this State is the second which has fallen in with the proposition—to adopt a uniform system for Australia. The State of Victoria has already passed an Act exactly similar to this Bill; and we are now asked to pass this Bill to regulate the times and methods of electing senators to represent us in the Federal Parliament, and the places at which elections are to be held. The Bill contains absolutely no matter of policy, and nothing but certain clauses giving the Governor power to fix places and dates, specifying the limits within which dates



may be fixed, providing that the dates shall be specified on the writs, fixing the time for nomination, polling places, hours of polling, giving the usual power to extend the times, and providing that the telegraph may be used in lieu of the post. I beg leave to move the second reading.

Question put and passed.

Bill read a second time.

# SUPREME COURT ACT AMENDMENT BILL.

## SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): Under the Supreme Court Act there has grown up a difficulty which is not advantageous to the State. As members know, one of the Puisne Judges, Mr. Justice Burnside, has for some time, owing to illness, been absent from the State. This necessitated the appointment of a Commissioner of the Supreme Court; and practically the whole of that Commissioner's duty is to travel on circuit. One of his functions is to hear appeals from decisions of justices, either in minor criminal cases or in the local courts. It has been ruled by the Supreme Court that the Commissioner does not possess power to hear such appeals; and it is to vest this power in him that the Bill is brought down. As this is a matter of considerable urgency, I should like to see the Bill passed as soon as possible, because there are several appeals pending in the Kalgoorlie circuit, which should be disposed of by the court which commences to sit on Monday next. The Bill consists of only two clauses. One member complains that Clause 2 seems rather involved; but I can assure members that its only object is to bestow the power of which I have spoken—and a very proper power, too—on the Commissioner. There is considerable doubt in the minds of some legal men as to whether the Commissioner has not this power already. His commission endows him with all the powers of a Supreme Court Judge. But apparently there is a doubt in the minds of the Supreme Court Judges; because they have ruled that the Commissioner cannot without special legislation have the power it is now sought to bestow upon him. I beg leave to move the second reading.

Hon. G. RANDELL (Metropolitan): I do not wish to oppose the Bill; but I

must congratulate the Minister if he is able to understand Clause 2. I think the Bill may be characterised as "howsoever, heretofore, and hereafter."

Question put and passed.

Bill read a second time.

## IN COMMITTEE.

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

## ADJOURNMENT.

The House adjourned at 12 minutes past 9 o'clock, until the next day.

## Legislative Assembly.

Tuesday, 17th November, 1903.

|   | Page |
|---|------|
| Questions: Rabbit Department, Appointments                                | 2124 |
| Rabbit Exterminator   | 2124 |
| Bills: University Endowment, second reading                               | 2124 |
| Roads Act Amendment, second reading                                       | 2133 |
| Land Act Amendment (private Bill), second reading                         | 2136 |
| Boulder Tramways, second reading  | 2155 |
| Collie-Narrogin Railway, second reading                                   | 2157 |
| Government Railways, in Committee resumed, progress                       | 2167 |
| Annual Estimates, Lands and Surveys, general discussion resumed, progress | 2168 |

THE DEPUTY SPEAKER took the Chair at 2-30 o'clock, p.m.

## PRAYERS.

## PAPERS PRESENTED.

By the PREMIER: Royal Commission on Public Service, ninth Progress Report. By-laws of Coolgardie Municipality. Gaol Regulations, Additions and Alterations.

Ordered, to lie on the table.