

the Mayor for the recovery of the same with costs."

No. 51.—Page 85, Schedule 7, line 14.—Strike out "the property" and insert "any property."

No. 52.—Page 87, Schedule 10, last line.—Strike out "Chairman of the council of the municipality of" and insert "Mayor."

C. LEE STEERE,

Clerk of the Council.

October 18, 1894.

Ordered—that the consideration of the foregoing message be made an Order of the Day for the next sitting of the House.

ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House, on its rising, adjourn until Monday, 29th October, 1894.

Question put and passed.

The House adjourned at 11:15 o'clock, p.m.

Legislative Assembly,

Monday, 29th October, 1894.

Fencing Bill—Auditor General's Annual Report—Supply Bill (£100,000): first reading; second reading; in committee: third reading—Goldfields Act Amendment Bill: first reading—Resolutions of (New Zealand) Postal Conference—Constitution Act Further Amendment Bill: third reading—Loan Bill (£1,500,000): consideration of Legislative Council's Message—Railways Act Further Amendment Bill: second reading—Insect Pests Bill: second reading—Roads Act Amendment Bill: consideration of Legislative Council's amendment—Municipal Institutions Bill: Speaker's Ruling upon Point of Order—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

FENCING BILL.

MR. PIESSE, with leave, without notice, asked the Premier whether it was

the intention of the Government to proceed, this session, with the Fencing Bill, which had passed its second reading, some weeks ago?

THE PREMIER (Hon. Sir J. Forrest) said he was not able to give the hon. member a definite answer, but he was afraid they would not be able to have the Bill passed this session.

AUDITOR GENERAL'S ANNUAL REPORT.

MR. RANDELL, with leave, without notice, asked the Premier whether before the session closed he would be able to lay on the table the annual report of the Auditor General on the public accounts of the colony, and the annual statement prepared by the Treasury, which, according to the Audit Act should be made up not later than three months after the end of the financial year (June 30)?

THE PREMIER (Hon. Sir J. Forrest) regretted to say that the annual statement, through some inadvertence or oversight, had not been furnished in time for the Auditor General to make his report in time to be presented to Parliament this session. The fault did not lie with the Auditor General; he regretted to say it was owing to an oversight on the part of the Treasury department. He would promise the hon. member it should not occur again, and that the Treasury accounts in future would be furnished to the Auditor General in time for him to make his report within the time required by the Audit Act, after the close of the financial year. He saw no reason why these accounts should not be transmitted to the Auditor General within three months after the financial year closed.

SUPPLY (£100,000).

A message having been received from His Excellency the Governor, recommending that provision be made to the extent of £100,000 towards defraying the expenses of the public service during the year ending 30th June, 1895,

THE PREMIER (Hon. Sir J. Forrest), by leave, without notice, moved that the House resolve itself into a Committee of Supply and of Ways and Means, and that the Standing Orders be suspended so as to permit of the reporting and adopting of resolutions therefrom on the

same day on which they shall have passed those committees, and also the passing of a Supply Bill through all its stages in one day.

An absolute majority of members of the House being present,

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that Mr. Speaker leave the chair, and that the House do now resolve itself into a committee of the whole to consider the supply to be granted to Her Majesty.

Question put and passed.

Mr. SPEAKER left the chair.

IN COMMITTEE.

THE PREMIER (Hon. Sir J. Forrest) moved that there be granted to Her Majesty, on account of the Service of the year 1894-5, a sum not exceeding £100,000 towards defraying the expenses of the various Departments and Services of the colony.

MR. LEAKE: Before this resolution is put—I do not want to raise any debate upon the subject, but I wish to ask the Government whether this sort of thing is likely to occur again?

THE PREMIER (Hon. Sir J. Forrest): I hope not.

MR. LEAKE: With the view of preventing it, will the Government consider the advisability of calling Parliament together earlier in the year than was done this session? We did not commence, practically, until August, and the result is that the business of the House will now, I am satisfied, be rushed through, and some of these little foundlings of the Government will be left to perish on the legislative doorstep. I trust the Government will see their way clear to summon Parliament to meet for the despatch of business not later than June, next year, in order that the business of the session may be proceeded with, and concluded, with a little more despatch, and less fear of interruption from adjournments, consequent upon the advent of the agricultural show season, as has been the case this session. I hope the Government will consider what I have said, for I believe I am voicing the opinion of many members in what I am now saying, and that they will be consulting the convenience of members generally if they call Parliament together earlier in the year.

THE PREMIER (Hon. Sir J. Forrest): I shall be very glad, if we can manage it—and I have no doubt we shall be able—to meet much earlier next year than we did this year. Owing to the necessity for the preparation of the new electoral rolls, and the dates of the general election, it was impossible to meet this year as early as we desired; but I hope we shall be able to meet much earlier next year—in June at the latest—which will give more time, as the hon. member says, before we get the busy season of the year for country members. As to these Supply Bills, I am afraid it will be impossible to do without them. As the House meets so soon after the financial year closes, before we have time to have the annual Estimates prepared and passed through the House, it is absolutely necessary for the Government to come to Parliament for these temporary supplies. They are very inconvenient, I know, to the Treasury and to other departments; still, the same inconvenience occurs in other colonies, and I do not see how it is to be avoided, under the circumstances.

MR. LEAKE: Certainly not.

Motion put and passed.

SUPPLY BILL (No. 2) £100,000.

Introduced by Sir JOHN FORREST, read a first time, and passed through all its stages without discussion, and forwarded to the Legislative Council.

RESOLUTIONS OF NEW ZEALAND POSTAL CONFERENCE.

MR. LEAKE: Sir, I have to move, for the consideration of the House, the resolution of which I have given notice, and which reads as follows: "That, in the opinion of this House, the Government should not assent to, or accept, any of the following resolutions, passed at the Postal and Telegraph Conference held in New Zealand in March last, namely:—(a) That strong representation be made to the Imperial authorities that the mail steamers be manned with white crews; (b) That it be a condition of the new ocean mail contract that the steamers should be required to afford conveniences for the carriage of frozen meats, butter, fruit, and other products of Australasia, at stipulated maximum rates for the same, and that tenderers should state

what cold storage space they will be prepared to supply, having due regard to the requirements of each colony; (c) That the hour of departure from Adelaide be Friday, if possible, or, if not, Thursday, not earlier than 2 p.m., reaching Albany in 72 hours." On the 10th of this month, sir, the resolution which I now propose was put in the form of certain questions to the hon. the Premier, and it was in consequence of the indirect answer which was given to those questions that I framed this resolution. The answers given by the hon. the Premier were as follows:—“(1.) The Imperial Government, with the concurrence of the contributing colonies, has arranged for the extension of the present service up to the 31st January, 1898.” (That was information I did not ask for.) “(2.) The Imperial Government has appointed a committee to consider the whole subject of the mail communication with the East, and at which the Secretary of State for the Colonies is represented, and this committee will carefully examine the cold storage question. (3.) The Agent General for the colony has been instructed to act in concert with the Agents General for the contributing colonies in conferring with the committee appointed by the Imperial Government. (4.) When the report of the committee is received the Government will consider it, and every effort will be made to provide for the steamers arriving and departing from Albany at times suitable to the colony.” As I said at the time, these answers were no answers at all to my questions; and, in submitting this resolution for the consideration of members I do not anticipate that there will be much opposition, if, indeed, any at all; in fact, I should be surprised if the members of the Government raised their voice against it in any way at all. The most important of these propositions is the third one, relating to the arrival and departure of the mail steamers from Adelaide and Albany. These resolutions were agreed to by the representatives of this colony at the New Zealand Conference, and this colony—unless the Government protests against their being carried out—will be led to an expenditure of money which I am perfectly certain it was never anticipated we should be called upon to do. The first resolution adopted by the Conference was

“That strong representation be made to the Imperial authorities that the mail steamers be manned with white crews,” instead of coloured crews. That was a proposition which came from the representatives of a neighbouring colony, where all the advantages and blessings of labour representation prevail, and no doubt the resolution was prompted by the idea that it was pandering to the wishes of that particular section of the community, which politicians in the Eastern colonies are bound to respect. But if we in this House adopt that resolution we shall, I submit, be going further than we really have any right to do. If we insist upon the employment in the P. and O. steamers of white instead of coloured labour, we are in the first place interfering in a very appreciable manner with the domestic economy and arrangements of that company, and in the next place, if it be insisted upon, it must increase the expense of working these steamers, and, as a consequence, will necessitate our share of the subsidy being increased. In considering this question we must remember that the employment of coloured labour on board these steamers does not in any degree interfere with our own domestic or local policy in regard to this class of labour; therefore, we need not really concern ourselves about what happens on the high seas, beyond our own territorial waters. The mere fact of these mail steamers coming to Albany manned with coloured labour does not affect us in the slightest degree. I do not think that the feelings of even the hon. member for East Perth (Mr. James) need be in any way shocked by the employment of other than white labour on board these steamers; and I do not anticipate any opposition even from that quarter to this proposition of mine. The second resolution relates to the question of cold storage on board these mail steamers. If anyone has taken the trouble to peruse the report of the Postal Conference at which this resolution was passed, he will have seen that the conference was divided as to the desirableness of passing such a resolution, and it was passed really in the interests, practically, of two colonies only—Tasmania and South Australia. It seems to me unreasonable that we in this colony should be forced to contribute our quota in the way of an increased subsidy,

in order to supply these two colonies with the additional space and conveniences they desire to have on board the mail steamers for the export of their raw products, of which they are to enjoy the monopoly. How our delegate came to vote in favour of such a resolution is a mystery. He seems to have taken a somewhat high political view of the matter, and regarded it from an Australasian or national point of view, rather than from the point of view of our own colony. Surely the question is not one of great importance to us at the present moment, when we are not in a position to supply even our own local market with these products, much less to require additional accommodation on board the steamers for exporting these products. Nor are we likely to require such accommodation during the continuance of any contract we are likely to enter into with these mail companies, during the next few years. Therefore, bearing in view the extra expense we should be called upon to pay, when there is no necessity for it so far as we are concerned, I do not see why this colony should assent to this resolution; and I hope the House will assist the Government in nullifying it. If it does become necessary for us to resort to an export trade, and cold storage becomes a necessity, I think we shall find that the trade will be sufficiently developed to justify some of these steamers in calling here, and taking away our products. The third item in this programme of the Conference to which I desire to call attention is, to my mind, the most important one, and that is the one regulating the hour of departure of the steamers from Adelaide and their arrival at Albany. I certainly hope this House will agree with me in saying that the Government of this colony should not accept this resolution, and that it is a matter for regret that our delegate at the New Zealand Conference ever agreed to it. In 1893, as members are aware, there was another Postal Conference held at Brisbane, and this colony on that occasion was represented by Mr. Sholl, the Postmaster General. The question of the departure of the mail steamer from Adelaide cropped up at that Conference, and it was at first proposed that the time of departure from Adelaide should be on a Thursday at 1 p.m., the steamer to

reach Albany in 72 hours. This would bring the steamers to Albany on Sunday. This proposition was brought to the notice of the Government here, and the hon. the Premier immediately telegraphed to the Postmaster General, who was then at Brisbane, in these words: "Do not like the idea of steamers reaching Albany on Sunday. It will be very inconvenient for trade in every way, and I hope it will be altered." In deference to this wish on the part of the Premier, our delegate got the Conference to reconsider the question, resulting in a compromise being finally effected, and in the following resolution being agreed to: "That the day of departure from Adelaide be Saturday, not later than 2 p.m., reaching Albany in 72 hours." That arrangement would have suited this colony very well, and it appeared to be a convenient arrangement for the other colonies also. But at the New Zealand Conference held this year an unexpected reversal occurred. A resolution was carried that the steamers should leave Adelaide on Friday, if possible, or, if not, on Thursday, starting not earlier than 2 p.m. This was simply going back to the original proposition agreed to at Brisbane, but subsequently altered at the request of the Government of this colony. A more unsatisfactory arrangement, so far as Western Australia is concerned, could not be imagined. Leaving Adelaide on Thursday, the boats will arrive at Albany on Sunday, or, if they left on Friday, they would arrive at Albany on Monday. In either case the result would be great inconvenience to this colony. If the steamers arrived on Sunday it would mean that the Albany people would lose their day of rest; they would also lose the chance of doing any trade or business with the steamers, and the post office officials would be kept on the stretch on Sunday as well as every other day. If the steamers left on Friday, arriving at Albany on Monday, it would be equally inconvenient for this colony, if not more so. It would necessitate all our mails to be made up on Saturday, and lie a day at Perth before being despatched, or it would compel all the trains with our country mails to be run on Sunday, and the post office as well as the railway officials would be compelled to work on that day. It would also ne-

cessitate a special arrangement with the Great Southern Railway to run a special train, through the day time, on Sunday, to connect with our own railway system. I do not urge this consideration upon the attention of members to test their Sabbatarian views, but I do think they will agree with me that the arrangement would be a highly inconvenient one, so far as this colony is concerned. Not only that; it is also admitted that none of the other colonies would gain anything by the proposed change of day. On the other hand, if the steamers left Adelaide on Saturday, as agreed upon at the Brisbane Conference, it would be no inconvenience to the Adelaide people, while it would suit this colony very well. There is another dangerous element in the arrangement arrived at by the New Zealand Conference. The resolution there arrived at was that the steamers should not leave Adelaide "earlier" than 2 p.m. on the day of departure. What will be the result of that? We shall be entirely in the hands of the Adelaide Ministry. They might not let the steamer start until very late in the afternoon, which would mean that they would arrive at Albany very late in the afternoon, or possibly at night, particularly if they met with adverse weather. According to the original agreement arrived at by the Brisbane Conference the steamers were to leave Adelaide not "later" than 2 p.m.; so that they would always arrive at Albany at a reasonable and convenient hour of the day. I think we are entitled to advance these considerations, and to press them; and I think the resolution I have submitted is one that will commend itself to members generally. It is important that we should strengthen the hands of the Government in making these representations, and in taking up this stand; otherwise—judging of their intention by the wording of the Premier's answer to my questions the other day—they will feel their hands more or less tied by the action of their representative. It will relieve them of what may possibly be an unpleasant predicament, if this House passes a resolution disapproving of the arrangement arrived at, at the Conference. I therefore trust that members on both sides of the House will support me on this occasion. I may state, for the benefit of members opposite,

who, rightly or wrongly, always regard with a certain amount of suspicion any resolution coming from this side of the House, that I have not brought this resolution forward in any factious spirit, or spirit of opposition; therefore, I trust that for once at any rate, to establish a good precedent, they will vote with the hon. member for Albany.

THE PREMIER (Hon. Sir J. Forrest): I regret that the hon. member is not satisfied with the replies I gave him the other day. I admit, at once, they did not fully answer all the questions he asked, but I thought that they gave a good deal of the information he desired; and, as to any particulars that were omitted, I thought it was just as well not to deal with them at that moment. However, the hon. member apparently was not satisfied with the answer he received, and he now brings the matter forward in the shape of a resolution. The only matter which I think the House is called upon to deal with at the present moment—and really there is no necessity for that—is with regard to the time of the arrival of the steamers at King George's Sound. The Government are fully alive to the importance of the mail steamers arriving there on days that are convenient to the people of the town, and also that are convenient to the people of this part of the colony in the matter of the despatch and receipt of the mails; and we have already taken some steps with regard to that matter, and we propose to take further steps. As I said, in my reply to the hon. member's question the other day, the Imperial Government has appointed a committee to consider the whole subject of mail communication with the East, and the Agent General has been instructed to act in concert with the Agents General of the other contributing colonies in conferring with this committee appointed by the Imperial Government. Seeing that arrangements have already been made for the extension of the present contract up to the 31st January, 1898, there is plenty of time to deal with the matters referred to by the hon. member, before any new contract is entered into. With regard to cold storage, and the employment of white instead of coloured labour, I do not think that at the present moment—seeing that three or four years must elapse before this new contract will have to be

made—we need go into these matters. I think it would be much wiser if we left the whole question open until we have the report of this committee appointed by the Imperial Government to consider the whole subject of mail communication. The only matter in which we are really interested at the present moment is the time of the arrival and departure of the steamers at King George's Sound; and I am very much obliged to the hon. member for bringing that matter under the notice of the House, for it will strengthen the hands of the Government to know what the views of the House are—though I think we may take it for granted what those views are. We believe this House is of the same opinion as we are, that the mails should arrive at Albany on some other day than Sunday, and upon some day that will not necessitate the mails leaving Perth for Albany on Sunday. I think Saturday would be a very convenient day for the mail to leave Adelaide, as agreed upon at the Brisbane Conference—about as convenient a day as we could have. That would enable us to despatch our mails from Perth on Monday night, and allow the mail steamers to arrive at Albany some time on Tuesday. With regard to the question of the employment of coloured labour on board these mail steamers, I do not wish to speak on that subject at present, until we have the information which we are likely to have, in a short time, and the whole question may be discussed then. Of course I would prefer to see our own countrymen employed, if possible; at the same time I do not wish to discuss the question at the present moment. Nor do I think it was wise on the part of the hon. member for Albany to have brought it forward for discussion at the present time. With regard to cold storage, I am quite of opinion that it would be advantageous to us in the future to have cold storage accommodation provided on board these mail steamers. I hope to see this country a great fruit-producing country, and that we shall have the ocean mail steamers calling at Fremantle, and that we shall have our fruit pouring into them in hundreds and thousands of tons. I hope to live to see that day. But I do not think it is necessary at the present moment to make any definite hard-and-fast arrangement on the subject, seeing

that three or four years must elapse before any fresh contract is entered into. I do not know that it is yet actually settled that the present service is to continue until 1898; but I believe it has been practically arranged, and this Government has informed the other contributing colonies that, so far as we are concerned, we are agreeable, if they are agreeable, to extend the present contract until that time. Seeing that 1898 is yet so far ahead, I do not think it is wise to bring up these questions of cold storage and coloured labour at the present moment. With regard to the time of arrival and departure of the mail steamers, I shall have much pleasure in urging our claims in this matter upon the consideration of the other colonies and the Imperial Government. After other members have spoken, I will ask the hon. member to withdraw his motion, as I do not think there is any necessity for us to commit ourselves at present with regard to any of these matters. I think we shall be in a far better position to deal with them next year than we are at present.

MR. JAMES: I did not intend to say anything upon this motion, but as the hon. member has pointedly referred to me in the course of his remarks, I may say that that portion of his resolution referring to the employment of coloured labour on board these mail steamers does not meet with my concurrence. I do not see how we can consistently adopt legislation against the employment of this class of labour when it concerns ourselves, and not apply the same principle when it concerns others of our own race. We know there is a spirit abroad hostile to the employment of coloured labour in competition with men of our own race, and I think that so long as we subsidise these mail steamers we have a right to insist that they should not employ that kind of labour. I believe that on board the Orient steamers coloured labour is not employed to anything like the same extent as on board the P. and O. steamers; and I suppose the majority of vessels trading to Australia do not employ that class of labour. A resolution having been passed by a Federal Conference, at which this colony was represented, in favour of these mail steamers being manned by white crews, I do not see why we should pass a resolution of this kind stultifying

the action of our representative, and upsetting the agreement arrived at by the Conference. If we are going to have Conferences of the representatives of the various colonies, of a federal character, at which the conclusions arrived at must be decided by the majority, it seems to me somewhat of an empty farce for this colony afterwards to say it wants to stand out of the agreement. With regard to the arrival of the mail steamers at Albany, and the time of departure from Adelaide, no doubt the decision arrived at by the Brisbane Conference would suit this colony much better than the decision of the New Zealand Conference.

MR. RANDELL: After what has fallen from the Premier, I think the hon. member who has brought forward this resolution will see the expediency of withdrawing it. I quite agree with what the hon. member says as to the inconvenience of the steamers leaving Adelaide so as to time their arrival at Albany on Sunday, and I hope that very strong representations on the subject will be made in the proper quarter. Indeed we have the assurance of the Premier that this will be done. The Government seem to be fully alive to the necessity of seeing that the interests of the colony are protected in any new arrangements that may be made; and I trust that whatever may be the outcome there will be no necessity for Sunday work in connection with either the postal or the railway department. I believe there is no necessity for it, and that the arrival and departure of the steamers may be so fixed as to avoid it altogether. The only reason I have heard against the proposed arrangement is that it may interfere a little with the Saturday half-holiday of the Adelaide officials, which I think is a most frivolous reason indeed. I am very pleased to hear that the Government are quite alive to the inconvenience which it would cause this colony if the mail steamers arrived at Albany on Sunday.

MR. RICHARDSON: I think the hon. member who has brought this matter forward may feel satisfied that he has a very considerable amount of moral support in regard to the more important point referred to in his resolution, namely, the arrival and departure of the mail steamers at King George's Sound. But seeing that

the Government are fully alive to the importance of the question, and in view of the Premier's statement, that no fresh contract is likely to be entered into for the next three or four years, it seems to me rather premature for us to commit ourselves to this resolution in all its bearings. This Ministry and this House may have nothing to do with the question by that time. It may be that some other Government will be in office, and they would probably not consider themselves bound by this resolution, if we passed it. As to the class of labour to be employed on board these steamers, if we are going to worry ourselves about the working and organisation of these companies, and the kind of labour they shall employ in running their concerns, I am afraid we shall have a rather large contract on hand. I think we may very well leave these people to manage their own affairs in the best way they consider advisable.

MR. LEAKE: As I understand from the Premier that he has practically no objection to accept the suggestion I have thrown out with regard to the most important part of the resolution, and as the hon. member for East Perth has thought fit to draw a democratic red herring across the path, in the form of white *versus* coloured labour—a question which I have no wish to discuss at the present moment, and, as I have elicited from the Government and from the House an expression of opinion adverse to steamers being timed to arrive at Albany on Sunday, I think I am justified in expressing my gratification at the result of the debate, and in withdrawing the resolution.

Resolution, by leave, withdrawn.

CONSTITUTION ACT FURTHER AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

LOAN BILL (£1,500,000).

LEGISLATIVE COUNCIL'S MESSAGE.

The House went into committee for the consideration of the following Message received from the Legislative Council:—

"The Legislative Council having received a Message from the Legislative Assembly returning the Loan Bill with the suggestions of the Legislative Coun-

"cil, requests to be informed of the reasons which lead the Legislative Assembly to decline to accede to the suggestions of the Legislative Council."

THE PREMIER (Hon. Sir J. Forrest): I rise to move—

"(1.) That as there are no Standing Orders regulating the procedure to be followed in respect to *Suggestions* by the Legislative Council under Section 23 of "The Constitution Act Amendment Act, 1893," the Legislative Assembly cannot acknowledge any obligation to give reasons for being unable to agree to such suggestions. In this instance, however, but without any intention to establish a precedent, the Legislative Assembly has much pleasure in complying with the request of the Legislative Council.

"The reasons are:—

(a.) That the works in question are essential features in the policy of the Government for the development of the colony, as placed before the country prior to the general election.

(b.) That this policy, as a whole, has been approved by a majority of the Legislative Assembly, immediately after such general election.

"(2.) The Legislative Assembly suggests, for the approval of the Legislative Council, that the Joint Standing Orders Committee should confer together, and frame for consideration Standing Orders regulating the procedure to be adopted on all future occasions."

Sir,—I have given this matter, and the Government have given it, very careful consideration during the week we have adjourned. I am firmly of opinion, myself, that the Legislative Council should not have made any "suggestion" in regard to this matter; I do not consider that this was an occasion on which that House should have exercised its legal right to make a suggestion, and for the reasons which I have given in the motion that I have just read, that the works in question are essential features in the policy of the Government for the development of the colony, as placed before the country prior to the general election, and that this policy, as a whole, has been approved by the majority of the Legislative Assembly, immediately after such general election. For these reasons I

think the Legislative Council was not justified in making the suggestions which it did in regard to the omission of these two works from the Schedule of the Loan Bill. The country had been appealed to with regard to these works—[MR. R. F. SHOLL: No.]—as definitely as any people were ever appealed to, because they were placed before the country prior to the general election as part of the Loan policy of the Government, and I submit that the country, as represented by a majority in this House, approved of that policy as a whole. The Government went to the country on this Loan policy, and it appealed to the country definitely upon these as well as the other items included in that Loan policy. [MR. R. F. SHOLL: Question.] There is no question whatever about it. The hon. member may question it if he likes, but I should like to hear his reasons. I say there was never a policy placed more definitely before the country than were the principal items included in that Loan Bill placed before the country, on the 23rd of May last, at Bunbury, by myself; and I say further that these two items that have been the subject of the suggestion we have had from the Legislative Council—that they should be omitted from the Bill—were approved by a considerable majority in this House, immediately after that appeal to the country. That is the reason why I say—and I am sure the members who sit in another place will not mind my saying so; I say it with all deference—that this was not an occasion when they should exercise their undoubted legal right to make such suggestions, because, as I say, the country had been appealed to, and we who were straight from the country had, by a considerable majority, approved of these works as part of the declared policy of the Government. But we have to deal now, sir, not with what the Legislative Council, in my opinion, ought to have done; we have to deal with what they have done, and done in the exercise of their legal right—there is no question about that. Here it is in black and white. Under the 23rd clause of our Constitution Act they have an undoubted right to make these suggestions. Whether we think (as I think) that they ought not to have exercised this right on this occasion or not, we have to face the

position that they have exercised it, and that they had an undoubted legal right to do so, and to exercise their own judgment. But I do not admit that because you have a legal power to do a thing you are always justified in using that power. If we always exercised the power we legally possess, we might do some very foolish things. For instance, the Governor, representing the Crown, has a legal right to refuse to follow the advice given to him by his Ministers, but he does not exercise that right. It is not expedient, nor reasonable, nor constitutional that he should do so. There is a difference between what is legally right and what is constitutional. The argument which I have heard used a good many times—that the Legislative Council has a legal right to do this, that, and the other is not an argument that they should use that right unless they are justified in using it, by the surrounding circumstances; in other words that they are constitutionally right in doing so. However, as I have said before, we have to deal with these suggestions as they came to us from the Legislative Council, suggestions which they have a perfectly legal right to make, under our Constitution Act. Now, sir, in my opinion—and I think the case was very well put by the hon. member for Nannine the other evening—this power under the Constitution Act which was given by the Legislature of the colony to the Upper House, to make suggestions, was given in good faith. It also pre-supposed that the Legislative Assembly would treat such suggestions coming from the Legislative Council with all possible respect. It went even further than that, I think; it contemplated that not only should we treat their suggestions with respect, but also that, if possible, we should concur in the suggestions they made. That power was never given by the Legislature of the day to the Upper House in order that, when that House acted upon it, they should be treated with contempt, and their authority flouted. It was never intended, as it seems to me some members of this House think, that every suggestion that comes to us from another place in regard to a Money Bill should be at once indignantly cast aside, and the Council told “You mind your own business, and don’t interfere with ours.” That was not the object or the intention of the Legislature

in giving this power to the Upper House. It was given, as I say, in good faith, and with the intention that the power should be used, if the occasion for using it arose; and it pre-supposed that the Assembly would treat these suggestions with all due deference and due respect. If that were not so, if that was not the intention of the Legislature in giving this power, all I can say is, the power given by this clause is a most mischievous power, and it could only lead to trouble between the two Houses, and friction, and disaster, because you would be inviting that branch of the Legislature to make suggestions, in the exercise of their right and their judgment, and, when they made them, tell them at once you would not listen to their suggestions. I do not think anyone can argue here to-night that that was ever contemplated when this clause was added to the Constitution Act. Yet in that excellent speech made by the hon. member for Nannine, the other evening, as I understood it, the pith of the hon. member’s argument was that we should treat with contempt the suggestions coming from another place, as if they had no right to make them.

MR. ILLINGWORTH: No.

THE PREMIER (Hon. Sir J. Forrest): I do not wish to misrepresent the hon. member; I rather wish to support him. But he seemed to me to think that a great constitutional question had arisen, and that the members of the Upper House were trying to take advantage of this House, and to exercise a right they did not possess, and that we should treat their suggestions with contempt, or ignore them, or send them back without assigning any reason whatever for doing so.

MR. ILLINGWORTH: No.

THE PREMIER (Hon. Sir J. Forrest): Members will recollect that, on the part of the Government, I moved that we should give our reasons for not accepting those suggestions, but my resolution was altered because there was a general wish that the resolution should be one which would meet with unanimous support. Still I think no one can fairly object to give a reason for the action one takes, especially when that action is guided by constitutional usage and constitutional precedent. I think the rules that have been laid down for our guidance in these matters are very reasonable and fair rules,

and calculated to lead to satisfactory results. I refer to the rules with reference to the procedure to be observed between the two Houses with regard to Bills. The House that initiates and passes the Bill—say it is this House—sends it to the other House, and, if they amend it, they send it back asking us to concur in their amendments; or, if it is a Bill which they cannot amend, they return it with their suggestions, and ask us to accept those suggestions. They are not required by the rules to give any reasons for their suggestions. The other evening I complained, and said I thought they ought to have given us their reasons for making these suggestions; but, since then, I have changed my opinion on that point. I think it is wiser they should not give their reasons, at that stage, and I will tell you why: because when we come to deal with these suggestions and to give our reasons for not agreeing to them, and to send them back to the other House, that House would be much more likely to be influenced by our reasons than they would be if they had backed up their suggestions in the first place by their own reasons for making them. It is very much easier for them to deal with the reasons we give them for our action, if they have not given us any reasons why we should accept their suggestions, than if they had given those reasons, which they would find very difficult or impossible to go back upon, having once given them. Therefore, I think now, it is a wise provision of our Standing Orders; and, we may depend upon it, these Standing Orders, which have come down to us through a long period of time, and after very careful and matured consideration, offer the wisest solution of the difficulty and the best way of attaining the object in view. Members will recollect that I proposed the other day, when this House sent back the suggestions of the Council with reference to this Loan Bill, that we should give our reasons for not accepting their suggestions, this House having been the initiator of the Bill. I still think, after a week's consideration over the matter, that was the proper course for this House to have followed; and it is the course which I propose, on behalf of the Government, to ask this House to adopt this evening. I regret we did not do so on the former occasion,

because I feel sure it is the constitutional course for us to pursue. There is no one who feels more strongly than I do with regard to the undesirability and inexpediency of there being any dual control in connection with the finances of the country; and our constitution does not intend there should be any dual control. Here, as in the other colonies, and in the mother country, the House which is the popular representative Assembly must be primary responsible for the control and management of the finances of the country. Although we have given the other House the statutory right of making suggestions, that does not in my opinion increase the power of that House in any way whatever. It merely gives it, by statute, the same right as two of the other colonies, South Australia and Tasmania, have given their Upper Houses, not by statute, but by mutual agreement between the two Houses.

MR. LORON: A very different thing.

THE PREMIER (Hon. Sir J. Forrest): I don't know but that it would have been better if this clause were not in our own Constitution Act. That is a matter of opinion. However, it is there, and we have to deal with it. It is no use saying, now, it is a bad clause or a good one. There it is; and we have to deal with it. Having given them the right to make suggestions, I think that when that right is exercised, we must deal with their suggestions as sensible and reasonable men. The course taken up to the present time in regard to this Loan Bill, as members are aware, is this: the Bill having passed this House was forwarded to the Legislative Council, and the Council suggested that two items included in the schedule should be omitted. We returned it, and said we could not agree to their suggestions, and they have asked us the reason why? I do not think that is an unreasonable request, coming from men who are actuated by the same desire as we are to do their duty. Is it reasonable we should turn round to them and say: "You mind your own business; we will give you no reason; you can throw out the Bill if you like, but you will get no reasons from us." I do not think that is a proper way to treat reasonable men who are actuated by the same desire as we are to do what they think is right. I think we should only be too anxious, if we can

properly do so, to give them the reasons which actuated us in not accepting their suggestion, which they had a legal right to make, under the statute law, that certain items should be omitted from the Bill. The only possible excuse that I can imagine for not giving them our reasons would be that we had no good reasons to give. I think I have shown that we have good reasons to give them why their suggestions should not be accepted in this instance. I hope that so long as I am in the House, and so long as the present Constitution exists, we shall always be able to give a good reason for everything the Government propose. In the present case, I think no Government ever had such strong reasons to urge why the suggestions of the other House should not be agreed to—the reasons set forth in this resolution—that these works are essential features of the policy of the Government, as placed before the country a few months ago, at a general election, and approved by a majority of this House. I am sure that when members in another place are in possession of these reasons, and consider them in the light I have endeavoured to place them, they will see at once that they have no good ground for objecting to these two items, approved by the country, and approved by this House fresh from an appeal to the country. We shall never have stronger and more convincing reasons to urge if we live here for the next fifty years. We shall never have stronger ground to stand upon than we have in this instance. These works are not works that have been sprung upon the House or upon the country, and with regard to which the country has had no voice. The country, as I say, has been appealed to with regard to them, as essential features of the policy upon which the Government went to the country, for a renewal of the country's confidence; and the country I say approved of that policy, and this House, immediately afterwards, approved of it by a considerable majority. No House ever had a stronger case to put than this House has in this instance, and I feel sure the other House when they come to consider these reasons will admit the force of them. With regard to the second part of the resolution, I think most members will agree with me that it is desirable we should have some standing

orders dealing with the procedure to be followed under this clause of the Constitution Act, in order to prevent friction and difficulty in the future. With the standing orders to guide us, we shall have a straight path to go upon, and the course will be cleared of difficulties. The only reason that I can think of why anyone should object to this is that they do not want any standing orders to guide them, but that we should be free to adopt any course we liked. I say let us bind the two Houses together by a rule and a procedure which both must respect. Let us have joint standing orders to enable us to deal with the procedure under this clause, as in all other cases. Coming back to the difficulty that has arisen between the two Houses, I hope and believe that the reasons given in this resolution will prove irresistible and convincing, and that members in another place will accept them loyally and in a spirit of conciliation, which I believe they are desirous of doing. I think they will see at once that this House stands on a firm footing with regard to this matter, and that we are not wavering about, without any ground to stand upon. We say we take our stand upon the mandate we have received, straight from the country, and that we carry the country with us in this matter. When members in another place realise the position, I have no fear whatever, myself, as to their ultimate decision. The Upper House, as it is called, have great powers. They have the power of absolutely rejecting the measures of this House, and what greater power can any House have than that of setting aside or sweeping away a whole Bill if they like, whether it be a Money Bill or not. That is a much greater power than the power to make suggestions. They have absolutely a legal right to set aside the whole Bill, which is a great power,—a power which I hope they will always exercise constitutionally as well as legally, for I make a great difference between the two. In the exercise of their legal power they are guided by statute law, in the exercise of the other they are guided by constitutional usage. A legal power may not always be constitutionally exercised. Far be it from me to say one word that would be in any way disrespectful of members in another place. I believe that as time

goes on they will use the immense powers vested in them wisely, and moderately, and cautiously. According to the way in which they exercise these great powers will they be judged and valued. Their reputation must depend largely upon the wise use they make of these powers. As I said before, and I say it again, and I would say it before the members of that House themselves if I had the opportunity, I think they have made a bad start. But I do not mind that. If they have erred, they have erred, I am sure, with the best intention, and with an honest desire to do their duty to the people of the country. Still, I say this is not an occasion for the exercise of the power they are entrusted with, seeing that we have a direct mandate from the country in favour of these works. Sir, I have said all I have to say on this occasion. In moving this resolution I do so with a feeling of confidence that members will follow the Government in this matter, and that in the action we are now taking we shall obtain the approval of the people of the country. It will be said of us that we have acted reasonably, and moderately, and wisely, and with no desire to curtail in any way the powers of the other House or to flout their authority in any way, and that our only desire is to work harmoniously with them, and to act constitutionally, and in accordance with the wishes of the people whom we represent, as expressed at the recent general election. I beg to move the resolution.

MR. ILLINGWORTH: Mr. Traylen,—I rise with very great regret and also with a deep sense of the responsibility which rests upon this House on the present occasion. I would like to begin my speech this evening with a quotation from a recent utterance of the hon. the Premier when, in replying to a deputation, referring to this very question, he said "We are making history." That is just the attitude I desire to impress upon this House, and it is the attitude in which I desire to approach what I feel to be the most important crisis that has happened in the history of our West Australian Parliament. Verily "we are making history." It is an occasion in which for the first time we are called upon to act under this special clause—Clause 23—which, in my judgment, has un-

wisely and dangerously given to the Legislative Council a power which for all time is likely to give trouble to this House and be a menace to this country. I must say I feel very deep regret that a motion which, in my judgment, is calculated to further extend this dangerous power has been proposed by our first Premier, at this date, before the Constitution Act itself is four years old. It seems to me that to carry the resolution now before the House would practically be to mutilate the Constitution which has been granted unto us, and throw ourselves back again into a worse position than we were in before this Constitution was granted to us. Then we had an opportunity to appeal to the British Parliament for a Constitution which should guide us in the future; but now we have obtained that Constitution, and we have unwisely placed within it a clause which can only be productive of danger and difficulty. When we look at the position which has been taken up by the hon. the Premier, we find ourselves in a very grave and serious difficulty indeed, because he asks us to give reasons and to argue the point at a time when we should be absolutely of one mind. The moment we begin to debate the question, necessarily a division of opinion arises. Now it is of the highest importance that in questions of this kind the House should be, if possible, absolutely unanimous, that this House should speak with one voice, and that its utterances should go forth to the country, as representing the principle upon which it is intended to act for all time, in every instance in which it is called upon to direct the finances of this country. It is utterly impossible to gain that unity in the resolution which the hon. the Premier has moved. Take the clause itself, as it stands, under which the Council has been pleased to act. I contend that the clause itself is bad, and ought never to have been put upon the statute book. But it is there, and I agree with the Premier we have to deal with the question as it now stands before us. There is no possibility of altering the conditions. The clause is there, and there it will remain, for although we may be pleased to pass resolutions adverse to the clause itself, we cannot reasonably expect the Legislative Council will ever agree to yield up

that power. Yet I contend that the power which has been given to that chamber is altogether adverse to the true principle of Constitutional Government. The very thing which has taken centuries to produce, the principle for which our fathers contended, the very basis of parliamentary practice in the old country and in all the Australian colonies, the very foundation of the principle that the power of granting supplies to Her Majesty shall rest solely in the people's House—the representative House—that principle has been to a large extent sacrificed by this clause which has been introduced into our Constitution Act. The hon. the Premier says it is there. We admit it is there, and we admit we have to deal with things as they are; but, constitutionally, we have, in this Parliament, to be guided by the principles of the British Constitution, and if we have made one mistake it is certainly not necessary, and I argue it is not desirable, we should make another. If we have gone wrong once, that is no reason why we should go wrong again; and what we ought to keep clearly before our minds, in dealing with an important question of this kind, is the constitutional position in which this House stands. Now, if we turn to the best authority we have—viz., May on "Parliamentary Practice," we find this statement, on page 630:—

The legal right of the Lords, as a co-ordinate branch of the Legislature, to withhold their assent from any Bill whatever, to which their concurrence is desired, is unquestionable; and, in former times, their power of rejecting a Money Bill had been expressly acknowledged by the Commons, but, until the year 1860, though the Lords had rejected numerous bills concerning questions of policy in which taxation was incidentally involved, they had respected bills exclusively relating to matters of supply, and ways and means. In 1860, the Commons determined to balance the year's ways and means by an increase of the property tax and stamp duties, and the repeal of the duties on paper. The increased taxation had already received the assent of Parliament, when the Lords rejected the Paper Duties Repeal Bill, and thus overruled the financial arrangements voted by the Commons. That House was naturally sensitive to this encroachment upon their privileges; but the Lords had exercised a legal right, and their vote was irrevocable during that session. The Commons, therefore, to maintain their privileges, recorded upon their journal, 6th July, resolutions affirming that

the right of granting aids and supplies to the Crown is in the Commons alone; that the power of the Lords to reject bills relating to taxation "was justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the supplies, and to provide the ways and means for the service of the year," and "that to guard, for the future, against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame bills of supply, that the right of the Commons as to the matter, manner, measure, and time may be made inviolate."

In accordance with these resolutions, during the next session, the financial scheme of the year was presented to the Lords for acceptance or rejection, as a whole. The Commons again resolved that the paper duties should be repealed; but, instead of seeking the concurrence of the Lords to a separate Bill for that purpose, they included in one Bill the repeal of those duties with the property tax, the tea and sugar duties, and other ways and means, for the service of the year; and this Bill the Lords were constrained to accept.

The point I want to make is this: the Lords took a legal and proper course; but, although that course was legal and proper, and although its legality was not disputed, the House of Commons felt there was so much danger involved that they passed a resolution and recorded it as a protest against the action that had been taken. When we come to view the position in which we now stand, we find the hon. the Premier moving certain resolutions, and in these resolutions he emphasises the fact, or rather endeavours to do so, that these resolutions are not to be taken as a precedent. That statement is just worth as much as the paper it is written upon, and no more. Certain it is that if we pass these resolutions, if we concede the position taken up by the Legislative Council, we shall *make* a precedent; and all the statements we put into the resolutions will not alter the fact.

MR. HARPER: It is done under protest.

MR. ILLINGWORTH: We are absolutely establishing a precedent if we agree to these resolutions. This particular clause says the Legislative Council may make "suggestions." I take it if the Legislative Council possesses power to make suggestions, this House has power to say, "Yes, we approve;" and, if this House has power to say, "Yes, we

approve," it has power also to say, "No, we disapprove;" and there is no injunction laid upon us to give reasons for our action. The hon. the Premier seems to think there is something undignified in our refusing to give our reasons. That depends on who asks for the reasons. When this House gives reasons, let it give reasons to its masters; let us give our reasons to the constituencies who returned us here. When this House is called upon to give reasons for imposing taxation upon the people—a right which belongs to this House alone, and which has belonged to it for generations—let us give our reasons to those who sent us here to conduct the business of the country in these particulars. Now when we come to the nature of the reasons themselves, where do we stand? The hon. the Premier asks us to say that the items in question are "essential features of the policy of the Government." Now, is that true? I ask the Premier if that statement is accurate?

THE PREMIER (Hon. Sir J. Forrest): Yes, certainly it is.

MR. ILLINGWORTH: Then if this motion is carried against the Government will they resign? [MR. LEAKE: Not they.] If I understand Parliamentary language, it is not an accurate statement.

THE PREMIER (Hon. Sir J. Forrest): We have carried them through this House.

MR. ILLINGWORTH: Clause (a) says that the works in question are essential features of the Government policy. The motion before the House is a Government motion, and what I want to know is, if this motion is carried adversely, is it one of those questions upon which the Government are prepared to fall? The hon. the Premier shakes his head. Then he has used language, wittingly or unwittingly, which he ought not to have used in this clause.

THE PREMIER (Hon. Sir J. Forrest): Not at all.

MR. ILLINGWORTH: If the Premier says yes, he places us in this strange predicament, that, at the dictation of the members of another place, a Ministry that possesses the confidence of this House may be called upon to resign. That is a position which, as long as I have the honour of a seat in this House, or any other, I must for ever

oppose. I will not suffer that, at the dictation of the Legislative Council, any Ministry possessing the confidence of this House shall be called upon to resign.

THE PREMIER (Hon. Sir J. Forrest): Certainly not. Who said so?

MR. ILLINGWORTH: The language itself is historical. If the Premier does not know the meaning of the words he is using it is a pity, and is not my fault. It is just the kind of language that is used in resolutions tabled in any other Legislative Assembly in the world, when the Government intend making their motion a party question upon which they intend to stand or fall. Then, we have this statement: not only that these works are essential features in the policy of the Government, but also that this policy was placed before the country prior to the general election. I ask the hon. the Premier to carefully consider this point: is he prepared to send these reasons from this House to the Legislative Council, as stated here, and as stated by himself in the speech we have had to-night,—that this House has come direct from the country, and that, carrying out these resolutions, we are carrying out the mandate of the country? Is the hon. the Premier prepared to put that forward, and send it to another place, as the reason why this House will not accept the suggestions of the Legislative Council? If so, where does he place himself? What are the facts? Before the Premier's celebrated speech at Bunbury, on the 23rd May, in which the policy of the Government was first unfolded, no less than 17 seats were decided, and all the important electioneering speeches of nearly all the members returned to this House had been delivered. Those few hon. members who had the privilege of speaking to their constituents after that speech all spoke against these two Southern railways; therefore, if that proves anything, it proves that those members were pledged against these railways. I personally spoke against both the railways, and it was not until I got additional evidence in this House that I in any way changed my views in reference to one of them. The hon. member for Geraldton, I know, spoke in the strongest possible terms against them; and other members spoke definitely, positively, and absolutely against both railways. Yet

they were returned; which, I say, proves, if it proves anything, that the country rejected these railways.

THE PREMIER (Hon. Sir J. Forrest): You are arguing against yourself now.

MR. ILLINGWORTH: Wait a little. I will argue all round the question directly. If the voice of the country is to be given as our reason for passing these two railways, and we send that reason to the Legislative Council they will reply: "We, too, are a representative House, and at the present juncture we are in this unique position: all the members of this Council have only just been elected, we have come from the country later than you have, and we have all come from the country since the celebrated declaration of the 23rd May." The Legislative Council, fresh from the country, has rejected these two railways. Therefore, if there is anything in the voice of the country, the voice of the country is against these railways. It seems to me it will be a most dangerous thing to send back these resolutions to the Legislative Council, because in sending them back you supply them with a hatchet with which they will chop off the Premier's hand. Therefore, as to reason (a), I say it is not true that this House, fresh from the country, has a mandate from the country to construct these two railways. But if this House, in its wisdom, as representing the people, chooses to pass a Bill for borrowing and expending money upon certain public works, to our own masters we stand or fall, and not to the Legislative Council. That is the ground I take to-night, in all seriousness and in all earnestness, and with a consciousness of the gravity of the situation. This House has no right to give reasons or to give an account of itself in money questions to the members of another place, and they have no right to ask us to do so. Then coming to paragraph (b) of the resolution, which says that this policy as a whole has been approved by a majority of the Legislative Assembly immediately after a general election.

THE PREMIER (Hon. Sir J. Forrest): You say that paragraph (a.) is not true; but that paragraph does not say that the country approved of anything.

MR. ILLINGWORTH: The Premier said so in his speech to-night; he said

the policy of the Government was a mandate from the country, and the Government were going upon it. I say the people knew nothing about these railways when they chose members to this House. Hence I say it is not true that we have a mandate from the country to construct them. So that if the argument of the Premier proves anything it proves too much. I should be sorry, for the credit of this House, and the constituencies we represent, to send reasons like these to another place, reasons that may be simply turned against us to our destruction. Now we come to paragraph (2), which to my mind is the greatest mistake the hon. the Premier has ever made since he has been Premier (and that is saying a good deal). Does the Premier really recognise what he is doing when he proposes this resolution? I venture to say he does not. I know the hon. the Premier is as jealous for the rights and privileges of this House as any member sitting here, and I feel persuaded he would not knowingly or intentionally give way any privilege that this House possesses. He surely regrets, as we all do very much, that such an unwise clause as this Clause 23 was ever placed upon the statute book; yet here he asks us to extend the influence and power of that clause by making regulations for its operation. Is there anything more dangerous than that? Not only to take up the position that we have got a bad thing, but we are going to make that bad thing work. The object of this House should be to show that it won't work, and that we won't let it work. We say that there can be no dual control of the finances of the country, and this clause ought never to have been in the constitution.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): How are you going to get rid of it; that is the question.

MR. ILLINGWORTH: What I propose is that the power under it should not be extended. I spoke at some length on this question before, and I do not intend to go over the same ground again. The gist of the whole matter is this: here is the clause, and the very first opportunity the Legislative Council has had to use its power under it, it has used that power. That it has the power is certain. But a great writer has said, " 'Tis good

to have a tyrant's power, but not a tyrant's will." I do not suggest that there is anything tyrannical in the action of the Legislative Council in this matter. Even if it were admitted that the clause was useful, and that it was a good thing to have this power, it is not always wise to use it. As hon. members know, I do not admit that this clause is good—I think it is hopelessly bad—but admitting that the power itself might be permissible under certain circumstances, and that in the history of the colony there might arise circumstances when it might be serviceable for the Legislative Council to have power to make suggestions to this House on monetary questions; yet I say that, in the present instance, it is neither good nor wise for the Council thus, upon the very first occasion that has presented itself, to use this power. Is the situation of so grave a character that the Legislative Council should use this power? Hon. members must say no. Every hon. member in this House must say no. If hon. members in another place have unwisely or unwittingly used their power, like a child uses a new toy, just to see how it works—if that House has used this power so, are we to bow down and worship it in the manner proposed? I ask this House to say whether this is an occasion in which we would expect the Legislative Council to exercise the power given to it under Clause 23? Was it anticipated, when that clause was passed, that in a Loan Bill, practically a Bill dealing with ways and means and a Money Bill, the Legislative Council should take the schedule of such a Bill and say "We agree with this, and disagree with that, and we ask you to take those items out of the schedule?" I think hon. members will agree with me that in passing that clause it was never intended that hon. members in another place should use their power for this purpose. If Parliament had nearly run its course; if this were the third or the fourth session; if hon. members in another place wished to delay the matter with a view of the country being consulted, they then might have exercised their power. But this is not suggested. The House has only been three or four months in existence, and to that extent, it may be said, it is fresh from the country. Yet they say "We

want you to take these two railways out of the schedule;" and when, after considering their request, we say we cannot agree to do so, they turn round and demand our reasons for not agreeing. My answer would be "We are not called upon to give reasons." I do not think the Premier or the Ministry has considered this question fully. The stage at which we have arrived is this: up to this point everything has been in perfect accord with the Standing Orders of the two Houses; but, now, is it in accordance with the Standing Orders for the Legislative Council to ask for our reasons? Is there anything in their Standing Orders or in Parliamentary practice that calls upon this House to give reasons for declining to accept the suggestions from another place? Yet the hon. the Premier wants us to lay down a precedent. He wants us to begin here, and "make history" (to use his own term). At the dictation of another place, this House is to be called upon to review and discuss the whole question, and give reasons to the Legislative Council for exercising our pre-emptive right to deal with monetary questions. In my opinion, the honour, the independence, and the undoubted rights and privileges of this House preclude us from accepting the Premier's suggestion. Without occupying the time of the House longer, I wish to propose an amendment. I move that all the words after the word "That," in the first line of the Premier's resolution, be struck out, and that the following words be inserted in lieu thereof:—"This House has (by Constitutional right and by British Parliamentary practice) the absolute control of all financial legislation; which may be rejected as a whole, but which cannot be altered by the Legislative Council. (2.) "This House, while willing at all times to carefully consider any suggestions made by the Legislative Council under the provisions of Clause 23 of the Amended Constitution Act, 1893, does not consider itself bound to give reasons for declining to agree with such suggestions." In moving this amendment, I am asking members to do precisely (as I have already pointed out from *May*) what the British House of Commons did in 1860, under very similar circumstances. I do ask this House, and

I ask the Ministry, in all earnestness to endeavour, if possible, to secure a unanimous vote on this question. I am not speaking with any other desire than to defend the honour, the integrity, and the privileges of this House. It is impossible, as I have already pointed out, for us to unite upon the Premier's resolutions, and I hope the House will accept this amendment, or some other, upon which we can all agree, in order that it may go forth from this House and go down on the records of the Parliamentary proceedings of this country as a declaration of the absolute right of this House to fully and completely deal with all financial questions affecting this country, from this time forth and for evermore.

MR. R. F. SHOLL: I cannot agree with the proposal of the Government, nor with the reasons given, because, in the first place, I do not think that these two lines of railway are an essential feature of the Government policy, and, in the next place, I do not think that they have met with the approval of the country. I do not think, if the Government went to the country on these two railways, that a majority would be returned in favour of them. Therefore I cannot agree with the reasons given by the Premier. Nor can I agree with the amendment of the hon. member for Nannine, for this reason: he says that the Legislative Council has a right to reject a financial measure as a whole, but has no right to send it back with an amendment. I think that by the 23rd clause of the Constitution Act they have the power to alter a Bill. The clause says: "In the case of a proposed Bill, which, according to law, must have originated in the Legislative Assembly, the Legislative Council may, at any stage, return it to the Legislative Assembly, with a message requesting the omission or amendment of any items or provisions therein." I think the simplest way out of this difficulty is to agree with the suggestion of the Council, and omit these two items out of the Loan Bill. The hon. member for Nannine has quoted some authorities, and no doubt those authorities would apply were it not for this clause in our Constitution Act. But I do not think they carry any weight in the face of that clause. The British Constitution is an unwritten Constitution;

ours is laid down by Act of Parliament, and the Act makes it very clear what the power of the Legislative Council is in dealing with Money Bills. The hon. member for Nannine admits that the voice of the country is against these two railways, and yet he argues that the Council has no right to reject them. I say, if the Council believed that the country is not in favour of these two items, it was their duty to reject them. I do not intend to labour this question any further, but, for the reasons I have given, I cannot agree with the proposals of the Government, nor can I agree with the amendment, as I have already said. I do not think it is the duty of this House to give its reasons for adhering to the Bill, which was passed by a majority. The proposed alteration in the Bill emanated from the other House, and if any reasons are called for, they ought to come from the other House and not from this.

MR. MORAN: When this question was before the House on a former occasion I did not say anything, but I hope that the speech we have just heard from the hon. member for Nannine will have no effect upon members, in widening the breach between this House and the other chamber, and so jeopardising the passage of the Loan Bill. I hope, for the sake of the country, whose hopes have been raised, that there will be no check placed on the public works policy of the Government, in the development of our goldfields, and the other great works included in that Bill. I trust the House will agree to the resolution put forward by the Premier, and that we shall give the other House our reasons for not accepting their suggestions, and that those reasons will appeal with irresistible force to members in another place. The hon. member for Nannine says we are making history. But what kind of history or record shall we be putting up if we accept the hon. member's advice and assume the arrogant position he suggests, by sending back the Council's message without giving them any reason at all, and absolutely ignoring them? We must acknowledge they have a perfect right to make these suggestions as to Money Bills, and, that being so, even the commonest courtesy due to one gentleman from another would be violated, if we absolutely refused to give them our

reasons for not accepting their suggestions. What would be the result? The whole Loan Bill would be thrown out. Is that a contingency which this House can face with equanimity? If I were a member of the Upper House, and this Assembly acted in the arrogant manner suggested by the hon. member for Nannine, I think I should be inclined to resent such treatment. I should consider that as a member of the other branch of the Legislature I was entitled, at any rate, to be treated with the commonest courtesy. When that House sent back a Message to us asking us for the reasons why we did not accept their suggestions, it showed a desire on their part to arrive at a solution of the difficulty, and that they at any rate were prepared to do their duty. They have asked us to give them our reasons for scouting their suggestions—suggestions which they have a legal right to make—and, if we decline to give them our reasons, the responsibility will rest upon our shoulders if this Loan Bill is thrown out, and the progress and development of the colony are brought to a standstill. I should be sorry myself to take part in any movement which would imperil the passage of that Bill, and check the development of that great industry upon which the progress and prosperity of the colony are now hanging. The spirit of progress is abroad, and the hopes of the country are centred upon the early execution of these great public works, and, for my part, sooner than imperil the passage of this Loan Bill, if they asked for fifty reasons, I, for one, would be only too glad to give them what they asked for. I do not see how, by giving these reasons to the other House, we are in any way interfering with the pre-emptive right of this Assembly to control the financial affairs of the country. The members of the other House absolutely hold out to us the palm of peace, and why should we arrogantly refuse to accept it. We have given them the power to make these suggestions, and, having refused to accept their suggestions, they ask us to give them our reasons for refusing them. I venture to think that, notwithstanding the counsel of the hon. member for Nannine, the common sense of the majority of this House will reject his counsel, and to throw such a slight upon the Upper

House, which may lead, as I say, to the Loan Bill being cast aside altogether, all for the sake of a paltry £140,000—not the amount of the capital of one mining company at Coolgardie or the Murchison. Shall we for the sake of this trifling sum endanger the development and the progress and prosperity of these great goldfields? Since this Loan Bill has passed this House, and we have shown the faith we ourselves have in our goldfields by voting nearly a million of money for their development, upwards of twenty companies have been floated in the English market. I venture to say that the confidence we have ourselves shown in the resources of our colony has inspired the outside public with the same confidence, and induced them to invest so largely in mining undertakings in this country. We have raised the hopes of the country, and directed the attention of the whole world to this colony. We have a large increase of population coming to our shores, and a large portion of these people will naturally expect to find employment upon these great public works which this Loan Bill has provided for. I should be sorry to see the hopes of these people disappointed, and the principal great industry of the colony receiving a blow which it would take years to recover. I hope this House will pause before it commits itself to a line of action that may bring about that disastrous result. The railways and other works which this Loan Bill is to provide for will furnish employment to a large number of people, pending the development of our mines, when the labour can be profitably absorbed on our goldfields. But let the Loan Bill be thrown out, and what would be the result? With the present dry season, and the state of the roads to the fields, and the prospect of these fields being unable to absorb what labour they would otherwise absorb, and with public works at a standstill, what would be the consequences? One of the consequences would be that we should have the streets of our towns full of unemployed, crying out for bread, and crying out for work.

MR. LOTON: And find it for them out of loan money.

MR. MORAN: Certainly. What are public works for? These works will enable the colony to tide over the initial stage of the difficulties attending a large

influx of population, until our mines are sufficiently developed to absorb their labour. This loan money will enable the colony to tide over the difficulties of the next three or four years, and by that time there will be employment on our goldfields for ten times the number of people there are now on them. I hope the majority of members will support the Government in this matter. No possible harm can come from our giving the other House our reasons for not agreeing to their suggestions, and I hope that neither this House nor the other is going to unhinge the whole progressive machinery of the country for the sake of £140,000, which is one-tenth of the amount of this Loan Bill now in dispute.

MR. RICHARDSON: I do not want to prolong this debate to any great length, but I should like to offer a few remarks. It will be remembered that when this question was debated before, I took up this ground: I said I thought we were setting up a constitutional bogie before we had really been brought face to face with one, and that we were raising difficulties just for the sake of knocking them down again, and that it would be better to accompany our message to the other House with our reasons for declining to entertain their suggestions. Very probably, if we had adopted that course, and given some sensible reasons for our action, this present debate would have been avoided. I think the other House was not only acting within its legal rights, but also doing its duty to the country, when they asked us to give our reasons for declining to accept their suggestions with regard to these two railways. It is said that the country had been appealed to, and that we in this House were fresh from the country. I would point out that the members of the other House were still more fresh from the country than we were, and had a fuller opportunity than we had, or the majority of us had, for consulting the feeling of the country with regard to this loan policy of the Government; and if they considered, according to their lights, rightly or wrongly, that these two items included in that policy were not justifiable items of loan expenditure, or were not necessary, nor required in the interests of the country, they were simply discharging their duty to the country in rejecting them,

and were taking the only constitutional course open to them when they sent a message to this House suggesting that they should be omitted from the Bill. I do not see anything to frighten us in that. I see nothing in it to justify us in raising this constitutional scare, as if our powers and privileges were seriously menaced, or in danger of being encroached upon. It was simply the business-like course for the other House to adopt, and they adopted it. I think that rather too much has been made by the hon. member for Nannine about our having granted dangerous powers under the Constitution Act to the Upper House in regard to amending Money Bills. As a matter of fact, we have given them no power to amend Money Bills; we have only given them the power to suggest alterations. They have no right to amend. If there is no power to enforce their suggestions, what harm can there be in empowering them to suggest? Anybody may make a suggestion, but if he has no power to insist upon his suggestion being carried out, where does the advantage come in? On the other hand, even this power to make suggestions may have a very useful and beneficial effect, if only in affording this House an opportunity for further consideration, which may lead to its taking another view of a question. It might have that effect; I do not say that it always would, but it might cause this House, upon a review of the whole question, to modify its views. I do not profess to be a great expert in these constitutional questions, but it has occurred to me whether the other House should not have a good deal more power in regard to amending Loan Bills than it has. It is admitted that they have the right to reject the whole Bill, or throw it out, but, at the same time, they must not interfere with any particular item in the Bill. A Loan Bill is looked upon in the same light as a Money Bill, or a Supply Bill, or a Bill imposing taxation, and that, therefore, the Legislative Council has no right to interfere with any part of it, though it can reject the whole Bill. In this case, apparently, the mathematical axiom that the greater includes the lesser does not hold good. But I cannot help thinking that a Loan Bill is a Bill of quite a different nature from what is generally called a Money Bill, or a Supply

Bill, or a Bill for providing ways and means, or for imposing taxation. A Loan Bill is more a question of policy than a question of ways and means. It is simply a question of policy, for the development of the country. It is only a contingency that money is required to carry out that policy. And it is upon this question of policy that the Legislative Council take their stand. They do not wish, so far as I can understand, to interfere with our right to deal with the finances of the country, or with the taxation of the country. All they say is they do not consider it is wise or expedient at the present time to undertake these two lines of railway, which they think are not justified by the requirements of the country. Furthermore, sir, it appears to me that if you deny the Council the right to reject any particular item in a Loan Bill, you may attempt to get through that House some item which the country may not care to see passed, by simply tacking it on to other items which both the House and the country consider necessary; and, in this way, rather than jeopardise the other items by rejecting the Bill, the Council may be induced to accept the obnoxious item in the shape of what is called a "tack." We have seen it done in the other colonies. We know how in Victoria the Darling grant was tacked on to a Supply Bill, and the trouble there was over it there. It seems to be somewhat anomalous to give the Council the greater power of rejecting a whole Bill, while you deny them the lesser power of rejecting any little item in the Bill which they may consider unnecessary or inexpedient to pass. However, in this particular instance, it is admitted that the Council, in sending these suggestions to this House, have acted strictly within their legal rights, and it is admitted that they have acted, according to the best of their judgment, in the interests of the country, which I hope they will always do. I entirely disagree with the hon. member for Nannine that there is always a dangerous element in our Constitution Act so long as this clause stands, giving the Council the right to make suggestions. I think it is a very useful clause indeed, and that it will a great deal oftener be productive of good than of evil. Who can say it has not done so in this case? It has led to the question being threshed

out more thoroughly, and to a great deal of additional light being thrown upon it. With regard to the terms of the Premier's resolution, I do not see anything particularly wrong about it, except that it contains some words which are calculated to lead to a division of opinion, and, possibly, to a division of the House; and, if by omitting these words, we can arrive at a unanimous decision, I think it would be better to omit them. I do not think their omission would take away from the effect of the resolution itself, while at the same time they would do away with a lot of debateable matter, with regard to which there may be a considerable difference of opinion. For instance, among the reasons given for not accepting the Council's suggestion, it is said that the works in question are "essential" features of the policy of the Government, and that they were placed before the country prior to the general election. The Premier also told us that we in this House came here, fresh from the country, pledged to support the Government Loan policy. Now, sir, I do not think anyone can stand up here and fairly say that these two particular items have been before the electors of the country, and that the majority of the electors of the country have approved of them.

THE PREMIER (HON. SIR J. FORREST): The majority of the representatives of the electors in this House have.

MR. RICHARDSON: The Loan policy as a whole has been before the country, but, if you came to pick out these two minor items, and were to refer them by themselves to the electors of the country, would any one venture to say that, if a *plébiscite* of the people of the colony were taken, these works would be approved by a majority, on their own merits? I do not think there is any necessity at this stage of the question to consider whether they would or not. We cannot say whether they would or not, unless the question were put to the test, and what is the use of introducing into this resolution any debateable points, with regard to which we know there is a divergence of opinion? The probability is that some of the electors approved of some items in the Loan policy of the Government and disapproved of other items; it cannot be said that the country, as a whole, is in favour of the entire policy,

Some of the electors may not have believed in the Mullewa railway, some of them did not believe in the Fremantle harbour works; I do not suppose you would find a great many who believed in each and all of the works included in the Government policy; and the question is, whether we have a right to say in this resolution that we believe the country, as a whole, has approved of all these items.

THE PREMIER (Hon. Sir J. Forrest): We do not say anything of the sort.

MR. RICHARDSON: It says "That 'this policy, as a whole, has been approved by a majority of the Legislative Assembly immediately after such general election.'" If that is not an inference that at the general election the country had approved of these two lines, I do not know the meaning of words. If they do not mean that, they do not mean anything at all. I think it would be gracious on the part of the Premier to accept the amendment which I suggest, and omit these words, which introduce what you may call debateable matter, and deliberately challenge opposition or criticism, without at the same time adding any force to the resolution. I respectfully place this amendment before the House as a reasonable solution of the difficulty, —That the word "essential," in line one of paragraph (a) of the original resolution, be struck out, and that the word "important" be inserted in lieu thereof; that all the words of paragraph (a), after the word "colony," be struck out, and that all the words of paragraph (b), after the word "Assembly," be struck out. The reasons would then read thus: "(a) 'That the works in question are important features in the policy of the Government for the development of the colony; (b) 'that this policy as a whole has been approved by a majority of the Legislative Assembly.'"

MR. LEAKE: Confident of success, the Government have proposed a resolution in the sure and certain hope of carrying it. I think that the very audacity of the wording of the resolution we have been asked to consider illustrates that proposition. The question, as I understand it, is this: shall we give our reasons for certain steps that we have taken? If I may be permitted to advise members, I should say "No, distinctly no"; and for

the simple reason that it is not incumbent upon us to do so. If we look at the resolution we will see that the first part of it says this: "That, 'as there are no Standing Orders regulating the procedure to be followed in respect to suggestions by the Legislative Council, under Section 23 of 'The Constitution Act Amendment Act, 1893,' the Legislative Assembly cannot 'acknowledge any obligation to give reasons for being able to agree to such suggestions.'" If the resolution had stopped at that, I would have given it my support, but when it goes on to give reasons, after affirming that we are not bound to give any, I say we want some stronger argument than we have heard to-night to convince us that we are doing our duty in giving our reasons. It is no argument to say that either by analogy or inference we may find that in the case of ordinary Bills, when this House disagrees with the Council's amendments, reasons have to be given for such disagreement. The Standing Orders provide for that, and those Standing Orders, I would point out, merely provide for the ordinary constitutional practice. But there is no reason why we should go out of our way to draw inferences in the direction the Premier would have us do. If we can draw such inferences from the Standing Orders, we are in this position: the Council have been the first offenders, they first took exception to what we did, and, in sending their message to this House they did not give their reasons. Then, what constitutional right have they to demand from us our reasons for not accepting their suggestions? If members will refer back to the minutes of our proceedings of the other evening, they will see that this question of giving our reasons for disagreeing with the Council's suggestions was then before the House; and on that occasion, upon my motion, the Government assented to striking out of the resolution that portion of it which gave certain reasons for our not accepting the Council's suggestion. Yet they now ask the House to stultify itself by affirming to-night what we distinctly negatived or refused to do the other evening, the Government themselves assenting to the course then pursued. Why should we so stultify ourselves?

There is no constitutional precedent for asking us to assign our reasons. If there is, unfortunately it has not been quoted to us this evening.

THE PREMIER (Hon. Sir J. Forrest): They have not got this section anywhere else in their Constitution Act.

MR. LEAKE: Yet we are asked to allow the other House to establish a precedent for us. I do not propose to follow the argument of the Premier through all its intricacies, and I do not propose to be misled by his dictum that what is legal may not be constitutional. If we follow that out, we shall find that we are led away into a labyrinth of doubt. Let us see what this resolution says. We first of all affirm that we are not bound to give our reasons, and in the same breath we say we have much pleasure in complying with the request of the Legislative Council, and proceed to give our reasons. Is not that blowing hot and cold? Is it not, as the hon. member for Nannine has pointed out, really stultifying ourselves? The insertion of the words "without any intention of establishing a precedent" really carries no weight at all. One hon. member, a little while ago, interpolated the remark: "It was done under protest." I think that is a childish position to take up. We are either right or wrong. If we are right, let us assert ourselves; if we are wrong, let us give way, and let there be no more said about the subject. If we are to follow the line of argument or the line of thought expressed on a previous occasion, we cannot, I say, without stultifying ourselves, and without blowing hot and cold, go back from the position we then took up; and I am more than astonished to think, after the emphatic manner in which the Premier addressed the House on that occasion, that he should now ask us to go back upon what we then did. Is it that he is frightened, or that he wishes this House to be frightened, at the threats of the Legislative Council? I hope not. I hope we shall not be bounced into doing anything which we do not think we ought to do, by the action or attitude of the other House. I say no precedent has been established, or quoted, at any rate, though I believe that in another place somebody did say that there was a sort of precedent among the records of the South Australian Parliament. But it was not a real precedent, and I do not

think we need go to South Australia for precedents. If we are to have precedents let us either establish these precedents ourselves or let us draw upon the British Parliament for them. Do not let us be led astray in this way, and by a body that really has no more authority for establishing a precedent than we ourselves. I am sorry to say I cannot compliment the Government upon the stand they have taken up to-night. It seems to me really that the Premier's position in this matter finds a parallel in poetic fiction. Members will recollect the words in which one of England's wittiest poets describes a somewhat rapturous if not idyllic situation—

A little still she strove, and then repented,
And whispering she would ne'er consent, consented.

That seems to me to be the position which the Premier has thought fit to adopt on this occasion. The hon. gentleman did not simply whisper the other evening that he would not consent to give any reasons; if my recollection serves me rightly, he really bellowed forth against the Council on that occasion. Is it fair on his part now to ask us to go back upon our proceedings of only a few days ago. This House, having deliberately adopted a certain course, and I submit a constitutional course, is it fair to ask this House to retire from that position? I say this House and the Government should adhere to the position which they then took up. The hon. member for Nannine has criticised this resolution in a very forcible manner. He has pointed out that the reasons which the Government now put forward, as worded in paragraphs (a) and (b), are practically the constitutional way of putting before the House the fact that the Government would stand or fall by this resolution; and the hon. member pathetically appealed to the Government, and asked them would they really resign if this resolution were carried against them. Resign? No. The Forrest Government resign? Nothing but a charge of dynamite would dislodge this Government from their position on those benches. That is how it is they are able to play ducks and drakes with constitutional and parliamentary practice. Of course the hon. member for Nannine knew perfectly well they would not make this question one of resignation or not. No. Were it to go against them, they would still be

there [pointing to the Treasury bench], and there they intend to remain. The hon. member for Nannine has amply shown that the reasons here given by the Premier do not really and truly represent what is the real feeling of this House with regard to the Loan policy of the Government. They are not actually true. I do not use the term in anything like an offensive sense, but they are really not true. The first one is: "That the works in question are essential features of the policy of the Government for the development of the colony, as placed before the country prior to the general election." Literally speaking, perhaps, they were before the country at the general election, but, as has been pointed out, they were not before the country in time for candidates and for the country to express an opinion upon them; and more than half of the members of this House were returned unopposed, or it was known that they would be returned unopposed, before the Government policy was declared by the Premier at Bunbury. It was then too late to organise anything like opposition as against the Government policy, assuming, for the sake of argument, that the then candidates were supporters of the Government.

THE PREMIER (Hon. Sir J. Forrest): Everyone knew the elections were coming on.

MR. LEAKE: Yes, and you knew it too, and took good care to keep the Government policy up your sleeve until the last moment. That is what we complained of, and what we complain of now. That is how it is you are able to play ducks and drakes with this House, and how it was you were able to get these two items passed through this House.

THE PREMIER (Hon. Sir J. Forrest): You promised to support one of them yourself.

MR. LEAKE: On one condition.

THE PREMIER (Hon. Sir J. Forrest): You broke your pledge, at any rate.

MR. LEAKE: We have argued that out long ago. The resolution goes on to suggest—whilst not acknowledging any obligation on the part of this House to give reasons for being unable to agree with the Council's suggestions, and without any intention to establish a precedent, it goes on to suggest that the joint com-

mittee of both Houses should confer together and frame Standing Orders regulating the procedure to be adopted on all future occasions. What does that mean? In one breath we say we won't establish a precedent, and in the next breath we are asked not only to recognise the course now proposed to be adopted as a precedent, but we are also asked to frame a Standing Order, in compliance with that precedent, to meet all future occasions.

THE PREMIER (Hon. Sir J. Forrest): Why not?

MR. LEAKE: Why not? What is the necessity for it? Why should you blow hot one minute and blow cold the next? I say the Government seem to be afraid to meet the Legislative Council in this matter. They are afraid to take their stand upon constitutional grounds. They are afraid to say, "We will give no reasons, as there is nothing in the rules of Parliament requiring us to give reasons." Why should we go out of our way to give reasons? They have given us no reasons for *their* action. Does any member of this House believe for one moment that, if we do not give these reasons, the Council will throw out that Loan Bill? No! They dare not do it, and everyone here knows it, and that, if we refuse to pass this resolution and decline to give our reasons, the Council will pass that Bill. They dare not do otherwise. They are an elective body, and as susceptible to criticism as members on the opposite benches or on these benches are. They are as sensitive to adverse criticism as anybody else, and I say they dare not throw out that Bill. Therefore do not let us have it said of us that we have been afraid to take our stand upon our constitutional rights. If there is any responsibility to be taken by anybody in the event of any heroic remedy having to be applied, let those who seek to have that heroic remedy applied take the consequences; and if the Council chooses to throw out this Bill because we decline to give our reasons for not agreeing to their suggestions, the responsibility is theirs, and we have nothing to blame ourselves for. We say to them: "We will not give you reasons, because we are not compelled to do so; you cannot quote a single precedent from any Parliamentary authority in support of your position,

and we therefore will not allow you to establish a precedent which upon future occasions will place us in the wrong, and give you an opportunity of putting the screw upon this Assembly whenever you think fit." I say if we assent to this resolution we shall be stultifying ourselves, and we shall be establishing that precedent, and giving the Legislative Council a power which they have no right to claim, and which they cannot claim, and which, if they did obtain it, they dare not use. For these reasons I oppose this resolution, and I support the amendment which has been put forward by the hon. member for Nannine. Those members who voted before, against giving any reasons, will, if they are true to themselves and true to their legislative instincts, also vote against this resolution, and will be guided by the precedent which we have already established.

MR. LOTON: The question now before us has been referred to as one of serious and great importance. I am inclined to think, myself, that a little more importance than necessary has been attached to it; at the same time, I fully recognise that from one point of view, the constitutional one, it is an important matter. It has been debated from that point of view very fully, and I do not propose to say much on the question at all myself. We have before us a clause in the Constitution Act which gives the Legislative Council the right to make suggestions in regard to Money Bills; and up to a certain point the Council, according to my view, were entirely within their rights. They had a perfect right to send down a suggestion to this House to omit these two items from the Loan Bill. That suggestion was duly considered by this House, and it was not agreed to; and it appears to me, sir, that the proper course, and the constitutional course, for the Council was to have been satisfied with the reply they received from the Assembly. It is true they have also the power to reject this Bill altogether, if they like; but we know they have no intention of doing that. I do not suppose it has ever dawned upon them seriously to adopt any such course. But they have a less heroic remedy than that. They can hereafter deal with these two particular items in the special Bills that will have to be introduced before the works can be

proceeded with, and they have the power, if they choose to exercise it, to throw out those Bills. I think they should have been satisfied with the assurance given to them by the representative of the Government, in their own House, that these works would not be proceeded with until the special Bills authorising their construction had been passed. I say they ought to have been satisfied with that assurance; and, if they have the courage of their opinions—and there is no reason that I am aware of why they should not have the courage of their opinions—when those Bills come before them they will have an opportunity then of giving effect to their opposition to these two items, by rejecting those Bills. I cannot, I am sorry to say, support the resolution put forward by the Premier on this occasion. I maintain that the Council, at this stage, are not justified—they have no right whatever—to ask this House to give any reasons for not agreeing to their suggestions; and I do not think it is desirable that this House should establish a precedent, which would justify them hereafter in insisting upon our giving them our reasons. They have certain powers given to them, under the Constitution, with regard to Money Bills: they can reject them, but they cannot amend them, though they can make suggestions with regard to them. Those suggestions, when they come before this House, can be agreed to or rejected; and there is nothing in the Constitution Act, nor in the rules of the House, which requires us to give any reason for whatever course of action we take in regard to these suggestions. The point, to my mind, resolves itself into this: are we prepared to give the other chamber any further powers than they already possess in respect of Money Bills? If not, what is the use of suggesting that the privilege which they already enjoy under this 23rd section should be further extended? In dealing with Money Bills, they already have the right to make suggestions; is it intended also to give them the right to amend? If not, what practical good is to be gained by inferentially giving them a further right than they already possess?

THE PREMIER (Hon. Sir J. Forrest): We do not do so.

MR. LOTON: Then why do you propose that we should give them our reasons,

when they have no right to ask for any reasons? Supposing those reasons do not satisfy them; what then? They can do nothing. Their hands are tied—unless they throw out the Bill altogether. I am opposed to giving reasons, on the grounds I have stated. We are not required to do so by the Act or by our Standing Orders, or by established precedent. Therefore, I do not, myself, see that there is any discourtesy on our part in declining to do so. They have no right whatever to ask us for our reasons, and I do not see why we should go out of our way and give them our reasons.

MR. RANDELL: With regard to the statement which has been made by the hon. member for Albany, that there is no precedent for this House giving its reasons for not agreeing to an amendment suggested by the other House, or in not accepting their suggestions if they appear to infringe in any way upon the privileges of the Assembly, I do not think that statement is quite accurate, for I find it stated in *May* that "if otherwise unobjectionable, the Commons usually accept amendments by the Lords which, though not strictly regular, do not materially infringe the privileges of the Commons; and they justify their conduct by an entry inserted in the journal, 'under direction from the Speaker, explaining the motives of the agreement.'" On the present occasion, I am in favour of adopting a common sense and conciliatory course in dealing with the action of the other House. I think they are within their rights in asking for our reasons for declining to accept their suggestions. I think the practice in these cases should, in the absence of a special rule, be governed by Clause 313 of our Standing Orders, which says: "In any case when a Bill is returned to the Legislative Council with any of the amendments made by the Council disagreed to, the message containing such Bill shall also contain written reasons for the Assembly not agreeing to the amendments proposed by the Council." Arguing from analogy, that is the course that should be pursued with regard to "suggestions." I do not see what other mode could be adopted for adjusting the difference between the two Houses, in the absence of any special rule. I am not at all inclined to follow

in the view taken by the hon. member for Nannine, that this is a very dangerous power to give the Legislative Council. I believe it may turn out to be a very useful one. Possibly I may be wrong, and the hon. member may be right; but, until we have had some experience of the working of the clause, I think we should not dogmatise on either side. I think if the power is exercised with proper consideration and good common sense, it will be found a most useful provision in our Constitution. Instead of rejecting a Bill, it enables the other House to suggest an amendment, and, if this House cannot accept their suggestion, it seems to me it is only natural, and according to our own rules, that they should ask us our reasons for declining to accept it. I was not present when this question was put the other evening, but I must say I was not satisfied with the reasons then put forward, and I was rather pleased that they were withdrawn. But I do think the other House have a perfect right to ask for reasons; and I can only express a hope that the reasons now formulated will be satisfactory to them, and that they will accept them. I find, on a reference to *May*, that they have adopted something like the same course in England. It says: "When the Lords' amendments necessitate an assertion of the Commons' privileges, the disagreement is made on the ground of privilege, and, in the message to the Lords from the Commons, communicating the reasons for their disagreement, the assertion of this claim usually takes the form of a statement—that the amendments would interfere with the public revenue, or affect the levy or application of rates, or alter the area of taxation, or otherwise infringe the privileges of the House; and that the Commons consider it necessary on their part to offer any further reason, hoping the above reason may be deemed sufficient." *May* says this hint is generally accepted by the Lords, and the amendment is not insisted upon by that Chamber. I think we are following very nearly the same course now. We are hinting here that the Loan Bill being an important feature of the Loan policy of the Government, it is inexpedient for the other House to interfere with it, which is very much akin with the statement that it would interfere with the public revenue;

and we are told that a hint of this kind from the Commons to the Lords is generally accepted. The Government in this case say that the omission of these two lines would interfere with their public policy in regard to these Loan undertakings; and I think we may reasonably expect that this statement, and the other reason given, will be accepted by the Council. I think it is our duty to respect the action of the other Chamber in asking for some reasons for our declining to act upon their suggestion, and I must say I see no danger in adopting this course, or that it will establish a precedent that will prove injurious or curtail the privileges of this House. I think that as reasonable men, who desire to promote the best interests of the country, and to maintain a friendly feeling between the two branches of the Legislature, we should endeavour to meet the other House in their reasonable request that we should give them some reason for disagreeing with their proposals. I do not think this House will suffer any loss of dignity by giving its reasons; and I trust that these reasons, in their amended form, as suggested by the hon. member for the De Grey, will commend themselves to the good judgment of the other House. We may reasonably suppose that they have arrived at the conclusion they did, with regard to these two lines, from proper motives; we must not think for a moment that they were actuated by any unreasonable prejudice, or a desire to embarrass the Government, or any other unworthy reason, but that they concluded, from the evidence before them, that the works were not necessary at the present time. Being of that opinion, they adopted the only constitutional course open to them, in suggesting to this House that these two items be omitted from the Bill; and I, for one, am inclined to treat them with that respect which is due to them as a co-ordinate branch of the Legislature, whose opinion we should value, and whose advice we should recognise, in all important matters connected with the welfare of the colony. The hon. member for the De Grey has expressed my views very much on this question, and I do not intend to enlarge upon them. I shall support his amendment, in the hope that the reasons there set forth will be satisfactory to

the other House. At any rate, it will show them that this House is inclined to treat them with the courtesy which they are entitled to; and, realising the position they occupy, I feel sure they will accept these reasons in all good faith.

THE PREMIER (Hon. Sir J. Forrest): Although in our opinion the reasons proposed by the Government are absolutely correct; at the same time, as the words quoted by the hon. member for the De Grey—"as placed before the country prior to the general election"—do not affect the substance of the motion in any way—for the fact remains that the policy was placed before the country at the general election—I shall be glad to fall in with the view of the hon. member on that point. Again, as regards the words "immediately after such general election," of course it is a notorious fact that a majority of this House did approve of the policy of the Government, as a whole, immediately after the election. But, if it will conduce to unanimity, or nearly so, by leaving out those words, I shall be glad to meet the view of hon. members in that respect also. As to adjourning the debate, I am quite prepared to take the sense of the House in regard to it; but most hon. members have now spoken, and I think we have made up our minds on the matter. It seems to me desirable that we should have a procedure laid down, with reference to suggestions which may come from the other House. The hon. member for Nannine does not want any procedure at all; but if we are to have these suggestions, as we shall have from time to time, it is better that we should have a procedure, rather than be always quarrelling as to what course should be pursued. I have no doubt the procedure will always be what we are doing now. I am not particularly wedded to that part of the proposal, and shall be glad to excise it in order to meet the views of hon. members. So I shall propose that sub-section (2) of the motion be struck out, as by doing so it will only cause a little more trouble at the end of the session to frame the suggested regulations. On the whole, I am glad indeed to be able to fall in with the views of hon. members, and I am glad that they generally approve of the action taken by the Government. Those members who object to the course which the Govern-

ment have taken are also opposed to any suggestions coming from the Legislative Council at all. The hon. member for Nannine, in particular, objects to any suggestions from the Council. But the Council has a right to make suggestions to this House, and at the same time it is our duty to deal with them in a proper and conciliatory way. I have much pleasure in accepting the amendment of the hon. member for the De Grey, and I beg leave to withdraw the reasons in my motion so far as they are affected by the amendment, and to withdraw sub-clause (2) of the motion.

MR. LOTON: I should be glad to support the motion of the hon. member for the De Grey, except that I cannot agree that the Council have any right or justification to expect reasons to be given, under our present Constitution.

THE PREMIER (Hon. Sir J. Forrest): The motion states that.

MR. RICHARDSON: As an act of grace.

MR. LOTON: I am quite in accord with the view of the majority of the Council, that these railways should both be struck out; and when the special Bills come before them next session, if the Council have then the courage of their opinions, they will show it by rejecting the Bills. On the present occasion, I feel bound to disagree with the Premier's motion, because, unless we are prepared to give the Council further powers in the direction of amendment in regard to Money Bills, we had better remain where the Constitution leaves us at present.

THE CHAIRMAN: In putting the question, I have to do it in such a way that, if there be a majority of the committee in favour of the amendment proposed by the hon. member for Nannine, they may be able to vote accordingly.

Amendment (MR. RICHARDSON'S) put and passed.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) moved, as a further amendment, that sub-clause (2) be struck out of the motion.

Put and passed.

Further amendment (MR. ILLINGWORTH'S) put, and division taken, with the following result:—

Ayes	4
Noes	18

Majority against ... 14

AYES.
Mr. Illingworth
Mr. Keep
Mr. Loton
Mr. Leake (Teller).

NOES.
Mr. Clarkson
Sir John Forrest
Mr. A. Forrest
Mr. Harper
Mr. Marmion
Mr. Monger
Mr. Paterson
Mr. Pearce
Mr. Piessie
Mr. Randell
Mr. Richardson
Mr. R. F. Sholl
Mr. H. W. Sholl
Mr. Solomon
Mr. Throssell
Mr. Venn
Mr. Wood
Mr. Burt (Teller).

Amendment therefore negatived.

Motion, as previously amended, put and passed.

THE CHAIRMAN reported that the committee had agreed to the following Resolution:—

That as there are no Standing Orders regulating the procedure to be followed in respect to suggestions by the Legislative Council under Section 23 of "The Constitution Act Amendment Act, 1893," the Legislative Assembly cannot acknowledge any obligation to give reasons for being unable to agree to such suggestions. In this instance, however, but without any intention to establish a precedent, the Legislative Assembly has much pleasure in complying with the request of the Legislative Council.

The reasons are:—

- That the works in question are important features in the policy of the Government for the development of the colony.
- That this policy, as a whole, has been approved by a majority of the Legislative Assembly.

Report adopted.

Ordered—That the foregoing Resolution be transmitted by message to the Legislative Council.

RAILWAYS ACT FURTHER AMENDMENT BILL.

SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn), in moving the second reading, said: The object of this Bill is to do away with a condition in the principal Act, which necessitates a very considerable expenditure, for no particular advantage or benefit; inasmuch

as the Act necessitates the department to provide duplicate plans and specifications of the railways, and to lodge them in the office of the Resident Magistrate through whose district the particular line is to run. This is an expensive formality, and there is no great necessity for it so long as the plan showing the route, together with the book of reference, is in some office in Perth. Section 10 of the principal Act will then read as follows:—

A map or plan, showing the course to be taken by the railway, together with a book of reference in the form A in the Schedule to the Principal Act, certified as correct under the hand of the Commissioner, shall be deposited and kept at the office of the Commissioner in Perth; and in case any material deviation from the said line indicated in such map or plan shall at any time afterwards be determined upon by the Commissioner, he shall forthwith mark, or cause to be marked, the same on such map or plan. Such map or plan and book of reference shall be open to inspection at all reasonable hours by any owner of land affected by the railway.

(2). A compliance with this enactment shall be held to be, and to have been, in all cases which have hitherto arisen, a sufficient compliance with the enactment hereby repealed.

This amendment of the Act and the addition of the second sub-section are necessary, inasmuch as the labour has been so great, and the cost has been such a waste of public money, that this provision was not carried out in the case of the South-Western Railway; and there is a consequent necessity to make that course legal. Clause 3 deals with goods or animals left or found on railway premises, and the owners of which cannot be ascertained; and it applies especially to luggage left unclaimed at railway stations. We are troubled with a great quantity of baggage and articles found in the stations, the owners of which we cannot discover; and under this Bill we shall have power to sell these things after a certain time has elapsed. Some of these packages and things are a source of danger when left in the station premises; and it is believed that the fire which occurred in the Perth railway station a few days ago originated in some unclaimed goods, on which there was no address. A fire igniting in this way might burn down the station. Sub-section (a), which gives a power of sale after one month's public notice, is intended to enable us to deal with these

things in a manner which has become necessary.

Question put and passed.

Bill read a second time.

INSECT PESTS BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: This is a Bill which I have introduced at the request of the Bureau of Agriculture, in order to arm that body with power to carry out the purposes for which the Bureau was appointed; that is to say, among other things, the eradication of insect pests. An Act very similar to this, and in many of its provisions identical, was passed about the year 1883, its operation being limited at the time to five years. The Act was not much used, and it lapsed. This Bill enables the inspectors of the Bureau to enter upon gardens, orchards, and vineyards in order to ascertain what diseases there may be detrimental to them and to other like places; and if any disease is found to exist, the Bill provides that a report must be made to the Bureau. Notice will then be given to the occupier of the garden or vineyard so affected, that he is required to take measures for the eradication of the disease; and the Bill provides that "if it is reported to the Bureau by an inspector that any fruit tree, vine, or other vegetation is infected with insect pests, or diseased or disordered, to such an extent as is likely to render all attempts to eradicate the same ineffectual," the Bureau may order the destruction of such fruit tree, vine, or other vegetation. A privilege of appeal is given to the Resident Magistrate of the district, so that the owner or occupier may show cause why the order for such destruction should not be carried out. The Bureau, upon deciding to cleanse a garden, may give instruction to the occupier, directing him to do certain things, and instructing him how to carry the remedial measures into effect; and if he neglects or refuses to do so, the Bill proposes to empower the Bureau to carry out the necessary measures, and to charge the occupier with the expense. Section 8 provides that, in case there is no occupier, the Bureau may, without notice, take such measures as may be necessary for eradicating the pest,

disease, or disorder, and may direct an inspector to destroy any tree, vine, or other vegetation. I think the provision enabling an owner or occupier to appeal to a Resident Magistrate for preventing the destruction of a garden, or for protecting any tree in it, will be most useful to the country generally. It seems to me quite impossible that this colony can attain to the position of a fruit exporting country if we neglect to prevent the spread of disease, when the disease can be crushed out by the simple means provided in this Bill, and at a small expense. I think it would be much appreciated by the owners of gardens if the Bureau were to publish in some journal, or in local newspapers, the constituents of the different washes recommended by the Bureau for the cure of particular diseases; because the mode of mixing or applying the different washes would not be understood readily by cultivators and farmers without specific instructions. Owing to these details not being properly pointed out, a great number of persons in the country who have gardens or vineyards have not taken the action they might have done, and have not used the various washes for curing diseases in their gardens, orchards, and vineyards. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

ROADS ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. S. Burt) said the amendment set forth in the message from the Legislative Council (see *ante*, p. 1154) merely related to the holding of meetings of Roads Boards. Under the clause, as it left this House, the meetings must be held within the district of the Board in each case; but he believed that the Geraldton Roads Board often held its meetings outside the actual district, for the greater convenience of members, and probably other Boards did the same occasionally. There was no necessity to confine the meetings within the Board's district if the members could conveniently arrange to meet outside. He, therefore, moved, in accordance with the Legislative Council's amendment, that a new clause, to stand as Clause 11, be added to the

Bill, as follows:—"Section 9 of 'The Roads Board Act, 1888,' is hereby amended by omitting the words 'within the district,' in the first line thereof."

Put and passed.

Resolution reported.

Report adopted.

Ordered—That a message be transmitted to the Legislative Council, informing them that the Assembly had agreed to the amendment made by them in the Roads Act Amendment Bill.

MUNICIPAL INSTITUTIONS BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

THE SPEAKER'S RULING.

The Order of the Day for the consideration of the Legislative Council's amendments (see *ante*, p. 1165), read.

MR. TRAYLEN: Before you leave the chair, sir, I desire that you rule on the question of the right of the Legislative Council to amend this Bill, being a Bill dealing with local rates.

MR. SPEAKER: In giving a ruling on this question, it is as to whether the Legislative Council has power to alter a rate that has been agreed upon by this House; a local rate, levied for local purposes. In giving my decision on this point, I shall be guided entirely by Standing Order No. 1 of our own proceedings, which applies also to the Legislative Council, and the members of the Council cannot get away from this; and I consider it is one of the most valuable Standing Orders we have. It is as follows:—

"General Rule for Conduct of Business.--In all cases not provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms, and practice of the House of Commons of the Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they can be applied to the proceedings of this House."

I think that entirely disposes of the question of an elected Upper House having greater powers than the House of Lords, because the Legislative Council in this colony must be guided by the practice of the House of Commons in England, and this Assembly must be guided by the practice of the House of Commons. We must not be guided by the practice of any other Legislature, nor of any other Legislative Assembly. I am aware that some of the Legislative Assem-

blies in other colonies—and I regret to see it—do depart from the practice of the House of Commons, and do allow amendments to be made. I regret that I shall have to be rather lengthy, in dealing with this question, because I shall have to read to the House a number of extracts from books bearing on this question. I will first refer to two books which are the foundation of May's "Parliamentary Practice," and these books are Bramwell's "Proceedings on Bills in the House of Commons," and Hatsell's "Precedents of Proceedings in the House of Commons." Firstly, Bramwell, in dealing with "What Amendments Interfere with the Commons' Privileges," says, at page 152:—

"In bills imposing pecuniary burthens on the people *directly*, the Lords cannot make any amendment relative to tolls or rates, or in the appointment of the commissioners or collectors, but verbal mistakes in designating them may be rectified. The Lords cannot begin bills, or make amendments which *indirectly*, or in their consequences, may be a charge on the people."

I think that every hon. member of this House will agree that imposing rates on the people is imposing a pecuniary burden on the people. The next quotation I will make is from Hatsell's "Precedents." At page 152 he says:—

"The first instance that has occurred, where the Commons expressly took exception to the Lords inserting pecuniary penalties in a Bill is in the year 1690. The ground and principle upon which this objection was made, and has been since maintained, is to prevent the Lords from evading (under pretence of imposing a pecuniary fine or penalty) that rule so distinctly laid down by the Commons, in several conferences which have been held upon these subjects: 'That all charges or burthens whatsoever upon the people ought to begin with the Commons, and cannot be altered or changed by the Lords.'"

Then another instance is given by Hatsell, at page 154, as follows:—

"That in bills which are not for the special grant of Supply, but which, however, impose pecuniary burthens upon the people, such as bills for turnpike roads, for navigations, for paving, for managing the poor, or for re-building churches, &c., for which purposes tolls and rates must be collected—in these, though the Lords may make amendments, these amendments must not make any alteration in the *quantum* of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it." I think that is pretty clear. Now we come down to May's "Parliamentary

Practice," the book which is founded on the two earlier books to which I have referred. At page 437 of the sixth edition, May says:—

"As a general rule, bills may originate in either House; but the exclusive right of the House of Commons to grant supplies, and to impose and appropriate all charges upon the people, renders it necessary to introduce by far the greater proportion of bills into that House. Bills relating to the relief and management of the poor, for example, involve, almost necessarily, some charge upon the people, and generally originate with the Commons. Two bills only, relating to the poor, have been sent to the Commons by the Lords, during the present century. The first, in 1801, was laid aside, *nem. con.*, when Mr. Speaker called attention to it. The second, in 1831, was received but not proceeded with, the first reading being postponed for three months. But amendments involving the principle of a charge upon the people have frequently been made to such bills by the Lords, which on account of the extreme difficulty of separating them from other legislative provisions to which there was no objection, have been assented to by the Commons. Such amendments, however, ought not to interfere with regard to the amount of the tax, the mode of levying or collecting it, the persons who shall pay or receive it, the manner of its appropriation, or the persons who shall have the control and management of it."

Again, at page 538, May says:—

"In bills not confined to matters of aid or taxation, but in which pecuniary burthens are imposed upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of rate or charge, whether by increase or reduction, its duration, its mode of assessment, levy, collection, appropriation, or management; or the persons who shall pay, receive, manage, or control it; or the limits within which it is proposed to be levied."

Now in the latest edition of *May*, the tenth edition, the passages I have just read to the House are pretty well summarised, as follows:—

"*The Commons' Privileges and Legislation by the Lords.*—By the practice and usage based upon that resolution, the Lords are excluded, not only from the power of initiating or amending bills dealing with public expenditure or revenue, but also from initiating public bills which would create a charge upon the people by the imposition of local and other rates, or which deal with the administration or employment of those charges. Bills which thus infringe the privileges of the Commons, when received from the Lords, are either laid aside or postponed for six months. It follows, accordingly, that the Lords may not amend the provisions in bills which they receive from the Commons, dealing with the above-

mentioned subjects, so as to alter, whether by increase or reduction, the amount of a rate or charge—its duration, mode of assessment, levy, collection, appropriation, or management; or the persons who pay, receive, manage, or control it; or the limits within which it is leviable.”

As an illustration of this ruling in “May,” I have quoted a ruling of the Speaker of the House of Commons, with reference to that; and this ruling was given by Mr. Shaw-Lefevre on the Municipal Corporations (Ireland) Bill, as follows:—

“The Speaker said, that if he correctly understood the question, it had reference to those clauses in the bill which transferred certain powers of taxation held under the existing law by the Grand Juries of the several counties in Ireland to the newly created councils in the proposed municipal boroughs, the Lords’ amendment upon which, he did not think, the House of Commons could agree to. It had always been most jealous of any interference on the part of the other House in cases of this description; it did not even allow the House of Lords to change the name of a single trustee in a turnpike bill; if a bill passed the Commons for the collection of rates, it never consented, and never would consent, to any alterations being made by the other House. Respecting the body which was to have the control of those rates, he apprehended, therefore, that the Commons having decided that these powers of taxation were hereafter to be exercised by the new municipal councils, and the House of Lords having so amended the Bill as to re-transfer those powers to the Grand Juries of the counties in Ireland, that the House of Commons could not, consistently, with the proper maintenance of its privileges, agree to that amendment.”

That was an amendment made only with regard to the management of a rate, and not with regard to the amount of it. The House of Lords would never have thought of interfering, nor has it for hundreds of years interfered, with the amount of a rate. But the Legislative Council in this colony have now proposed to interfere with the amount of a rate. In the case of the Irish bill, mentioned by May, the House of Lords proposed to interfere only with the management of it; and Mr. Shaw-Lefevre said, in his ruling, that was an encroachment on the privileges of the House of Commons; and no doubt it was. I scarcely like to refer to what took place in the other House, last week, with reference to this matter, because I think I almost ought to apologise to this House for trying now to prove that the ruling which was given

in the Legislative Council, the other night, was one which I cannot take seriously. I do not like to speak too harshly of it; and that is all I need say. In that ruling, the President of the Council said he disagreed with the intimation I had conveyed in writing, as Speaker of this Assembly, to the Minister in charge of the Municipal Councils Bill then before the Upper House; and the President said he relied on what was stated in page 547 of May’s “Parliamentary Practice” (tenth edition). Well, I refer to page 547, and what do I find? I find these words, which apparently the President relies upon:—

“And the Commons also agreed to another Standing Order, whereby they surrendered their privileges so far as they affected private and provisional order bills sent down from the House of Lords, which refer to tolls and charges for services performed, not being in the nature of a tax, or which refer to rates assessed and levied by local authorities for local purposes.”

That passage relates to private bills and provisional order bills; and if that is what the President relies upon, I reply that this Municipal Institutions Bill is not a private Bill, in any sense. Our own Standing Order No. 258 completely disposes of this contention. The idea of calling this Municipal Institutions Bill, which was mentioned in the Governor’s Speech at the opening of Parliament as one of the important Bills of the session—the idea of calling it a private Bill is an abuse of terms. Here is one of the measures of the session, introduced by the Government as a public Bill; and for the President to rule that such a measure is a private Bill, is a ruling which I cannot comprehend. That was the ruling of the President, given to the other House, in reference to my written intimation to the Minister in charge of this Bill, in which I endeavoured to convey to him that if the Bill came down to the Assembly in the shape the Council had then amended it, I should have to advise this House that a certain amendment in the Bill was an infringement of the privileges of the Legislative Assembly. I will now quote from the New Zealand Parliamentary *Hansard* certain proceedings which are therein reported, and which tend to confirm the correctness of my ruling. I should not allude to what occurred in the Parliament of New Zea-

land were it not that the Legislature of that colony follows the practice of the Imperial Parliament, and is in accordance with our Standing Order No. 1. In a book containing the decisions of the Speakers of the House of Representatives (Sir Maurice O'Rorke), one of the most capable Speakers that has ever occupied that position, decided that the Legislative Council could not amend a rating clause of a Bill though not a money Bill; and reference is made, as instancing the application of this decision, to the proceedings on two Bills in the New Zealand Legislature during the session of 1886. One of these Bills empowered a harbour board to levy a rate for local purposes not exceeding two shillings per ton on all ships using the harbour. The Legislative Council returned this Bill with an amendment reducing the rate to a sum not exceeding one shilling. The Lower House refused to agree to this amendment, and a committee was appointed to draw up reasons for disagreeing, which were to the following effect:—"The amendment proposed by the Legislative Council is an infringement of the privileges of this House, and this House trusts that this will be a sufficient reason to induce the Legislative Council to waive their objections to this clause." On the report of this committee being brought up for adoption, the Speaker was asked to give a ruling on the point which had been raised as to this amendment being one that infringed the privileges of the House of Representatives, and Mr. Speaker said:—

"It is very clearly laid down in 'May':— 'In Bills not confined to matters of aid or taxation, in which pecuniary burdens are imposed upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction, its duration, its mode of assessment, levy, collection, appropriation, or management; or the persons who shall pay, receive, manage, or control it; or the limits within which it is proposed to levy it. Neither will they permit the Lords to insert any provisions of that nature in Bills sent up from the Commons, but will disagree to the amendments, and insist on their disagreement.' And, again, the rule is thus laid down:— 'The Lords may amend Bills for the relief of the poor, if the amendment does not in any way amount to an interference with the amount, disposition, or collection of the rate to be

levied, or with the persons who have the control or management of the rate.' I am perfectly clear that the other branch of the Legislature has no power to interfere with the rating clauses inserted in this Bill. It is for the House, if it does not think the matter sufficiently serious to enforce their privileges, to waive them on this occasion; but, in my opinion, we should maintain our privileges."

The House of Representatives in New Zealand, acting on the Speaker's ruling and his advice, decided not to agree to the amendment made by the Legislative Council, and a message was sent accordingly acquainting the Legislative Council of this decision. A conference was then held between the two Houses, the result of which was that the Legislative Council, for the reasons stated by the House of Representatives, agreed not to insist on its amendment. The other instance in New Zealand was in reference to a Municipal Corporations Bill, introduced in the same session. That Bill, when it was passed by the House of Representatives, contained a clause empowering the levying of rates not exceeding 1s. 3d. in the £. This clause was amended in the Legislative Council by reducing the rate to 1s. in the £. When the Bill so amended was sent back for the concurrence of the House of Representatives, and the amendment came on for discussion, Sir Robert Stout, the Premier, said:—"The amendment in Section 135 altered the rating clauses by reducing the maximum of rate, and, after what had been laid down by Mr. Speaker, he proposed to object to that amendment because it was an invasion of the privileges of the House of Representatives." The amendment was accordingly disagreed with, and the Legislative Council was, by message, informed of this. A conference was demanded, as in the previous case of the Harbour Bill, and with the same result; the managers agreeing that the amendment made by the Legislative Council, in Section 135, should not be insisted on by the Legislative Council. I am of opinion that the conference on the Harbour Bill, having agreed that the Legislative Council should not insist upon its amendment altering the rating clauses of a Bill, this second conference on a similar question would not have been demanded, except for the fact that several other amendments in the Municipal Corporations Bill had formed

matter for discussion between the two Houses. I think this Assembly will see by these precedents which I have quoted from the New Zealand Parliamentary *Hansard*, that they bear an exact analogy to the case on which I am called to give a ruling; and it will also be seen that the Legislative Council of that colony acted in accordance with Parliamentary and Constitutional practice by agreeing not to insist upon an amendment in a rating clause, when it was pointed out that such an amendment would be an invasion of the privileges of the House of Representatives. I will say very little more. Hon. members, of course, will have seen in the public press the tenor of the letter which I wrote to the Minister in charge of this Bill in the Upper House, intimating to him that if the Bill came to this Assembly, with the alteration which the Upper House had then made in it, I should have to advise this House that the particular alteration was an infringement of the privileges and an encroachment on the rights of this House, and that it was an amendment which the other House could not make. When I wrote that letter it was with no intention whatever that the letter should be read in the Legislative Council; and, in writing to the Minister in charge of the Bill, I was merely following a precedent of the Speaker of the House of Commons. I certainly did afterwards, at the request of the Colonial Secretary, consent that my letter to him should be read in the Council. I am very sorry now that I gave that consent, because I think it would have been as well that the letter should not have been read in the Council. But what I had stated in that letter was merely for his private information, in order that he might endeavour to get the Bill so framed in that House that I should not have to make an objection to any amendment in it when it came down again to this Assembly. Hatsell's "Precedents" comprise 98 instances of Bills which were not money Bills, and yet which the House of Commons either rejected or laid aside for several months, because the House of Lords had altered some of the financial clauses. Not one of those Bills so treated was a money Bill. Therefore, it is a misapprehension on the part of many persons to think that it is only money Bills which the Upper House

cannot alter. The case I am going to allude to now was that of a Divorce Bill; and who would think of calling a Divorce Bill a "money Bill." In this case, the House of Lords inserted a provision in a Divorce Bill that the proctor, who had to carry out some of the provisions, should be enabled to make certain charges for the work performed. That Bill, I may explain, was an amending Bill; and when the Bill was sent down to the Commons, with the alteration for enabling the proctor to make certain charges, the Speaker of the House of Commons was asked to rule as to whether this was an amendment which it was competent for the House of Lords to make. The Speaker's ruling is recorded in *Hansard's "Parliamentary Debates,"* Session 1860, page 1734, as follows:—

"Notice taken that the Bill, as brought from the Lords, contained a provision that Her Majesty's proctor shall be entitled to charge certain costs as part of the expenses of his office; and that, as such expense, by virtue of the Act, 20 and 21 Vict., c. 55, is to be defrayed out of moneys to be provided by Parliament, such provision was an infringement of this House. Whereupon Mr. Speaker explained that, since 1854, provisions of this character had been admitted in Bills brought from the Lords; but that, as it appeared to him that such a practice was open to serious objections, that it was liable to misconstruction, and that it was calculated to break down the broad line of distinction between the duties, attributes, and powers of the two Houses, he had already intimated that any such provisions would hereafter be objected to by himself, on behalf of the House, and that he should advise the House not to receive them. Mr. Speaker further stated that the intimation of his opinion had since been attended to, and all similar provisions had been omitted by the Lords from bills sent to this House."

It was acting on that ruling of Mr. Speaker Denison's, and the intimation he refers to as having been given by him to the House of Lords, that I thought I was justified in making an intimation to the Minister in charge of this Bill in the Legislative Council, that if the Bill came back to this Assembly with the amendment in it to which I directed his attention, I should have to advise this House not to receive it. I should like this House to take note of the conduct of the House of Lords, in reference to the intimation which was given by the Speaker of the House of Commons, of his objection to certain amendments, as compared with the conduct of the Legis-

lative Council in this case, when the intimation I had made to the Minister in charge of the Bill, of my objection to a certain amendment made by the Council, was communicated to them. When my intimation was made known to the Council, it was received with the utmost discourtesy. The Council immediately passed the Bill with the amendment in it, and sent the Bill down to this Assembly, to force us to agree to it. I can only say, now that the Bill is before this Assembly, that I advise the House not to consent to agree to this amendment. I consider the amendment made by the Council is an infringement of the rights and an infringement of the privileges of this Assembly; and I advise that it be not agreed to for the following reasons:—As such amendment alters the amount of rate in a municipal Bill, imposing local taxation for local purposes; is an infringement of the privileges of the Assembly; and is contrary to the practice of the House of Commons, which the Standing Orders of both Houses prescribe shall be followed as far as they can be applied to the proceedings of the Legislative Council and the proceedings of the Legislative Assembly. I think these reasons are incontrovertible; they cannot be denied; and I feel confident that no precedent can be found of the House of Lords being allowed to alter or amend a rate for local taxation.

ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House, at its rising, do adjourn until 4:30 p.m. on the next day, and do sit, if necessary, until 6:30 p.m.; and, if requisite, from 7:30 p.m. onwards.

Put and passed.

The House adjourned at 11:45 o'clock p.m.

Legislative Council,

Tuesday, 30th October, 1894.

Dentists Bill: third reading—Agricultural Bank Bill: committee—Police Act Amendment Bill: committee—Supply Bill (No. 2): first reading; second reading: committee; third reading—Constitution Act, 1889: Further Amendment Bill: first reading—Loan Bill: Message from the Legislative Assembly—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

DENTISTS BILL.

This Bill was read a third time, and passed.

AGRICULTURAL BANK BILL.

IN COMMITTEE.

Clauses 1 to 9 passed.

Clause 10—Surplus to be annually carried to redemption account:

THE HON. E. H. WITTENOOM: I should like to know where the expenses are to come from if the amount lent is only £30,000?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Out of the general revenue.

Clause passed.

Clauses 11 to 21 agreed to.

Clause 22.—Mode of repayment of loan:

THE HON. E. H. WITTENOOM: I am not prepared to offer any opposition to this clause, although I think it is impracticable. It will take 30 years to repay the loans, and I think if the term were limited to 15 years it would be ample. As the whole Bill is an experiment, I am not prepared to offer any objection to it.

Clause passed.

Clause 23.—Securities may be enforced in name of manager:

THE HON. S. J. HAYNES: I agree with the Hon. Mr. Wittenoom that this Bill will turn out a fiasco. I would ask whether it would not be better to say that all mortgages and other securities under the Act shall be made out in the name of the manager?

THE COLONIAL SECRETARY (Hon. S. H. Parker): It might be better, but I do not know whether it is worth while