

Legislative Council,

Tuesday, 6th October, 1896.

Eucla telegraph line: duplication of—Mines Regulation Act Amendment Bill: first reading—Statutory Declarations Bill: third reading—Perth Park Streets or Roads Closure Bill: third reading—Judges' Pensions Bill: second reading—Registration of Firms Bill: first reading—Colonial Passengers' Bill: first reading—Evidence Amendment Bill: first reading—Criminal Evidence Bill: in committee—Loan Bill (£3,500,000), 1896: second reading—Agricultural Lands Purchase Bill: Legislative Council's suggestions—Adjournment.

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

EUCLA TELEGRAPH LINE— DUPLICATION OF.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): If I am in order, I should like to make a statement to the House on a subject which I am sure all hon. members are interested in. I have received a memorandum from the Postmaster-General which reads:—"I have much pleasure in reporting the completion of the telegraph line from Coolgardie to Eucla, which is now working splendidly."

MINES REGULATION ACT AMENDMENT BILL.

This Bill was introduced and was read a first time.

STATUTORY DECLARATIONS BILL.

THIRD READING.

This Bill was read a third time and passed.

PERTH PARK STREETS OR ROADS CLOSURE BILL.

THIRD READING.

This Bill was read a third time and passed.

JUDGES' PENSIONS BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The position occupied by the judges of this colony is a peculiar one, and the desire of the Government is to secure the services of gentlemen of independence and integrity of purpose for the positions, and this has influenced

them in bringing in this Bill. It will be within the recollection of hon. members that lately an effort has been made to increase the emoluments of the judges, and in order to make the positions still more lucrative this Bill has been brought in. The very position of a judge prevents him from engaging in the ordinary money-making affairs of life, such as land syndicates, mining companies, or share buying. If a judge were to enter into businesses of this kind confidence in him would at once be lost and doubts would arise as to his impartiality. In these circumstances a judge is not in the same position as an ordinary individual to make provision for his declining years, and unless we can offer some inducement beyond that which now exists we shall never be able to get first-class men to accept seats on the judicial bench. Clause 2 provides that a judge, after serving fifteen years and having attained the age of 60 years, shall be entitled, on resigning, to demand payment of a pension to the extent of half his yearly salary. It may be said that a judge, after serving 15 years, might take his pension and then engage in other business, but there is a provision against that. If a judge, after obtaining his pension, practices as a barrister, solicitor, or proctor in any of Her Majesty's dominions, the pension becomes at once forfeited. Although the Government ask hon. members to deal liberally with the judges, the pensions are hedged round by such conditions that the country will not have to pay without getting a certain amount of value. In all walks of life, if we wish to secure talent, industry, and integrity, we have to pay for them, and we cannot expect to obtain these qualities on the bench unless we pay for them. I move that the Bill be now read a second time.

THE HON. J. W. HACKETT: In seconding the motion for the second reading of this Bill, I may say I have nothing to add to the remarks of the hon. the Minister for Mines, but I desire to ask whether the object of the second clause is that a judge shall have served 15 years in any case, or whether, having attained the age of 60 years, he is entitled to a pension. In the latter case a judge might only be appointed for one day and then become entitled to half his salary for the rest of his life. I might

point out, also, that this Act will be construed by the judges, and it is not probable that they will construe it against the interests of their own order. If this matter is made plain, then I have no objection to the Bill.

THE HON. R. S. HAYNES: I take it that the Government would not appoint a person if he were just about to attain the age of sixty, and thus become at once entitled to draw his pension. It seems to me this Bill is sufficiently hedged round, because the whole matter rests with the Governor-in-Council. Even if a judge is incapacitated, a certificate to the satisfaction of the Governor-in-Council must be forthcoming, otherwise the pension cannot be drawn. At the same time I should like to see the Bill amended by striking out those words which relate to a judge attaining the age of 60 years. I cannot see why one judge should be compelled to serve 15 years and another 21 years. Surely if a person serves 15 years he should be entitled to a pension. As the Bill stands, a person who was appointed at the age of 40 years would have to serve 20 years, while another person who was appointed at the age of 45 would have to serve only 15 years.

THE HON. F. M. STONE: I shall support this Bill, but, when we get into committee, I shall move to strike out the word "and" in the second clause and substitute "or" in lieu thereof. The Bill will then provide that a judge who has served 15 years, or has attained the age of 60 years shall be entitled to a pension. If we do not make this change some gentlemen will have to serve until they are 70 years of age before becoming entitled to a pension. In most cases a man is well up in years before he is placed upon the bench, and it is well known that judges, although they may be entitled to pensions, do not at once retire, but continue to occupy their positions as long as their health permits them.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I take it that the provision contained in the Bill is to prevent a young man appointed, say, at the age of 30, retiring at the age of 45, just when he is in the prime of life, thus depriving the country of the most valuable part of his services.

Question put and passed.

Bill read a second time.

REGISTRATION OF FIRMS BILL.

This Bill was received from the Legislative Assembly and was read a first time.

COLONIAL PASSENGERS BILL.

This Bill was received from the Legislative Assembly and was read a first time.

EVIDENCE AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

CRIMINAL EVIDENCE BILL.

IN COMMITTEE.

Clause 1—Persons charged may give evidence:

THE HON. R. S. HAYNES: I move that this clause be struck out. Although some judges are of opinion that this provision is a good one, others hold a strong contrary view. From my own experience I think it a bad provision to introduce into the higher courts, although I admit it may be useful in the inferior courts.

THE HON. C. A. PIESSE: I was absent the other day when this Bill was under consideration; but, thanks to the fact that the debates are now being published, I was able to see what had taken place. I noticed that no hon. gentleman was strongly in favour of the Bill, and I hope that steps will be taken this year, as they were last, to throw it out. If we are going to adopt the principle I do not see why we should except cases of felony, because a man charged with a more serious offence is just as much entitled to give evidence as a person charged with a trifling offence. I hope the committee will agree to strike this clause out, and will follow it up by striking out the next clause also.

Question put and passed.

Clause struck out.

Clause 2—Wife or husband may be compellable witness:

THE HON. R. S. HAYNES: I move that the words "and the wife or husband of the person so charged" be struck out. I do so because I do not think we should alter the old laws unless there is a reason for it. After a considerable amount of practice I have never known the mere fact of a wife or husband not going into

the box being productive of harm, but I have known many good reasons why a defendant in a summary case should give evidence. As this Bill stands, if a man were charged with an offence, his wife could be subpoenaed by the prosecution to give evidence against him. I do not think that should be allowed. I may say that the Attorney General is quite in accord with the principle of the clause, but he does not agree with the retention of these words.

THE HON. C. E. DEMPSTER: It appears to me that it is necessary a defendant should be allowed to give evidence in order that he may obtain justice. A police constable may bring a charge against a person, and if that person is not able to give evidence he may be convicted on the bare word of one man, without having an opportunity of saying anything in his own behalf.

THE HON. F. M. STONE: I am in favour of the clause but not in favour of the amendment. I have often found parties making a rush for the court so as to be first to take out a summons, and then the only way for the other side to be heard is by the issue of a cross-summons. If the evidence can be obtained in this way, why should we not allow it to be given without putting the parties to extra cost, and taking up the time of the court unnecessarily in hearing two cases instead of one? If my hon. friend will permit me, I would suggest to him to strike out the word "compellable," thus leaving it that the wife or husband is competent to give evidence, but is not a compellable witness. I know of a case where a woman swore that she was the wife of a man, and as the man could not give evidence he was convicted, whereas if he could have gone into the box he could have shown that he had not been married to her.

THE HON. R. S. HAYNES: I am quite in accord with the amendment suggested by the Hon. Mr. Stone, but I thought it better not to alter the law as it at present stands, if such could be helped. However, I will withdraw my amendment.

Amendment, by leave, withdrawn.

THE HON. F. M. STONE: I move that all the words after "competent" be struck out, and the word "witness" inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

The remaining clauses were agreed to, the Bill reported with amendments, and the report adopted.

LOAN BILL (£3,500,000), 1896.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I rise with some reluctance to introduce this Bill, because the Government have the greatest possible objection to increasing the indebtedness of the colony. At the same time, there is some satisfaction in the feeling that there is a necessity for it. All enterprises in their initial stages require a certain amount of financial assistance, and it often occurs that according to the amount which is obtained so the result is either success or failure. Our industries are in the position that they want assistance, and it all depends whether the assistance which is afforded is wise or not what the future results will be. The Government have come to the conclusion that it is their duty to render what assistance is required, and to furnish our goldfields with rapid means of transit and enable them to get their food and produce carried as cheaply as possible. We also consider that they should provide jetties in other parts of the colony, and enable people in the towns to live in greater comfort. It is for these purposes that the present Bill has been introduced. The title of it speaks for itself, and it would be superfluous on my part to say any more in regard to it were it not that we are about to incur so large an expenditure. The indebtedness of the colony at the present time is about £4,500,000. Recently a Bill was passed authorising the Government to raise £2,500,000 for providing the Coolgardie goldfields with a water supply. This made the indebtedness about £7,000,000. Now we ask for £3,500,000 more, making a total of £10,500,000, and the Government further propose, if their proposals are accepted, to ask the House to consent to the raising of a further sum of £1,100,000 for the purchase of the Great Southern Railway. This will make a total indebtedness of £11,600,000. When we bear in mind what is the present population this seems

a large amount, but I take it that our population is increasing every day, and the Government are justified in looking back and taking the average of the past few years as a basis for the future. By the time this money is expended the population will have increased to at least 200,000, which will make the indebtedness of £11,600,000 about £52 a head, a sum which cannot be regarded as heavy, when compared with the indebtedness of the sister colonies. We must bear in mind also that this money will be expended on reproductive works, and even if in the future it becomes necessary to further borrow, it will show that the colony is continuing to prosper. Seeing that our goldfields are only partially developed, an indebtedness of about £50 per head cannot be said to be excessive, and I do not think hon. members will be backward in strengthening the hands of the Government, and of helping them to further develop the resources of the colony. The Government do not look on this Bill as a great triumph. It has caused them great anxiety, and efforts have been made, without success, to see if any item could not be left out without doing harm. If hon. members will look at the items they will see that each one is absolutely necessary. The first item is development of goldfields and mineral resources. £200,000 is set apart for this, and the money will be expended on finding local water supplies, constructing dams, tanks, and wells on the roads, and in numerous other ways. The amount, I feel sure, is little enough. Then comes water supplies for towns. There is not an hon. member who will say that these are not necessary. Even if we look near home we find how anxious each individual is to obtain a good water supply, and if hon. members will only be a little unselfish they will not begrudge giving to their brothers in the country towns that which they possess themselves.

THE HON. S. H. PARKER: Can you tell us the towns?

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): There is Geraldton, and other towns. I am not aware of all the details at present.

THE HON. R. S. HAYNES: They will not give a supply to Geraldton.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I am not prepared

with the details at the present moment, but it is intended that if any town desires to obtain a water supply the Government will lend the money on payment of the interest and sinking fund if the scheme is approved of. On several occasions the Government have been requested to provide water supplies, but they have felt that they could not do so for any particular town. It is now proposed by this scheme to lend to any municipality that will undertake to pay the interest a sufficient sum with which to construct waterworks. The next item is almost a national one. £150,000 is provided for a dock and slip at Fremantle.

THE HON. F. T. CROWDER: They ought to be put at Albany.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): These will no doubt prove of great convenience to the shipping community. Hon. members are aware how awkward it is for ships not to have a place in which they can be repaired if anything goes wrong. At present if a ship sustains any damage the cost of repairing it is enormous. If we have a dock it will no doubt be an inducement to owners to send a better class of vessels here. The amount, I feel sure, has been cut down as much as possible. Item 4 provides £250,000 for the Fremantle Harbour Works, this being the third instalment of the original estimate of £800,000, the first and second instalments having been £150,000 and £200,000 respectively. In three years time, the date at which these works will be completed, we shall see the P. and O. and Orient vessels inside the basin, and we shall then be able to look with pride on the fact that the residents of Western Australia have carried out this great work. Item 5 is £135,000 for dredges and barges. These will be useful for all parts of the colony, and they will save money in the future, for instead of the Government extending the jetties they will be able to deepen the approaches to them. £150,000 is put down for sewerage works for Perth and Fremantle. So much has recently been said about the condition of health in Perth that it has become absolutely necessary for some scheme of sewerage to be undertaken, and when it is completed I feel sure Perth will become a more popular place to live in than it is at present.

THE HON. S. H. PARKER: Would the hon. gentleman tell us what the total estimate for the works is?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am unable to do so just now. The next item is £270,000 for the Menzies railway. Without saying where it is to start from, there is no question as to where it will end, but wherever it starts from the cost will be about the same. We are all aware that in order to enable our goldfields to be developed, there must be cheap carriage, otherwise only the richest mines can be made to pay. The next item is £45,000 for a small railway from Kalgoorlie to Kanowna. There are some thriving mines in the neighbourhood, and six or seven miles beyond there are some rich lodes which will speedily be developed. The Government have every confidence that these railways will pay as they have done in the past. The last two items are large ones. £1,000,000 is provided for land and works in connection with opened railways, and £1,200,000 is required for additional rolling stock. Our railways have become so extensive and the demand for rolling stock is so great, that no smaller sum than that stated will be sufficient to satisfy the requirements of the department.

THE HON. F. T. CROWDER: How is it that £60,000 is required under the heading of "departmental" for ordering £1,200,000 worth of rolling stock?

THE HON. S. H. PARKER: And how much for land and how much for works?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): These are details I cannot supply now, but perhaps I shall be able to give them in committee. I may say that £3,500,000 is as small a sum as the Government can ask hon. members to agree to, in view of the enormous and urgent requirements of the colony. As I have said, the Government feel reluctant about increasing the public debt, but, at the same time, if we are to advance and progress we must have some financial assistance. I move that the Bill be now read a second time.

THE HON. S. H. PARKER: I move that the debate be adjourned until Thursday next.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have no objection to this adjournment, but I might point

out that the work is being postponed, and I hope hon. members will not blame the Government if, at the end of the session, it is found there are a number of Bills before the House at the same time.

Motion put and passed.

Debate adjourned accordingly.

AGRICULTURAL LANDS PURCHASE BILL.

LEGISLATIVE COUNCIL'S SUGGESTIONS.

Consideration in committee of Legislative Assembly's Message, No. 33, *vide p. ante*.

THE HON. S. H. PARKER: Would you mind, Sir George Shenton, telling us what is the present position of this Bill. I was under the impression they were amendments and not suggestions that the Hon. Mr. Stone moved. If they were suggestions, we have passed the Bill and thus we are in a difficult position. As I understand the position, the Hon. Mr. Stone moved amendments, and subsequently you proposed that they should go to the Assembly in the form of suggestions. If they were suggestions we should not have proceeded with the Bill, but should have sent them to the Legislative Assembly and have waited for a reply.

THE PRESIDENT (Hon. Sir G. Shenton): There has been a little irregularity in connection with this matter. At the time the Hon. Mr. Stone moved his amendments, section 23 of the Constitution Act Amendment Act was overlooked. There is no doubt that the proper procedure was, after the suggestions had been agreed to, to have moved that progress be reported, and that a message be sent to the Legislative Assembly. In these circumstances we made a mistake, as did the Legislative Assembly in connection with another Bill, which we were asked to return. There is some little difficulty in regard to Bills which come under section 23 of the Act, and I think it is necessary that we should have Standing Orders framed clearly setting forth the procedure.

THE HON. F. M. STONE: I may say I moved the amendments in view of your ruling, supported as it was by the opinion of Mr. Blackmore, that this Council was quite within its rights in making amendments to a Money Bill. It was late at

night when you said that it would be better to send the amendments down as suggestions. I fell in with that, not recollecting for the moment that my idea in passing them as amendments was to carry out your ruling. It appeared to me that letting the message go in that form would do no harm, but I quite forgot that we had passed the Bill.

THE CHAIRMAN (Hon. Sir G. Shenton): The procedure as laid down by section 23 is that amendments to a Money Bill must be by way of suggestion.

THE HON. S. H. PARKER: Not must be.

THE CHAIRMAN (Hon. Sir G. Shenton): This was clearly a Bill which came within the scope of section 23, because it was preceded in the Legislative Assembly by a message from the Governor, and, in my opinion, any amendments desired by this House we should request the Legislative Assembly to make.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The point is: What position are we in, having passed the Bill with the amendments in it?

THE HON. A. B. KIDSON: Are the amendments made shown on the minutes?

THE CHAIRMAN (Hon. Sir G. Shenton): Of course they are.

THE HON. A. B. KIDSON: Then we have passed the Bill subject to the amendments, and we cannot now get rid of them.

THE HON. J. W. HACKETT: Supposing the Governor assents to the Bill? We have passed it.

THE HON. S. H. PARKER: No; we are in possession of the Bill at present.

THE HON. R. S. HAYNES: What was the nature of our message to the Legislative Assembly?

THE CHAIRMAN (Hon. Sir G. Shenton): In accordance with the provisions of section 23 the Legislative Council returns the Bill and requests the Legislative Assembly to make the amendments.

THE HON. R. S. HAYNES: As I understand the position, the Bill went to the Assembly with the message that we had agreed to it, but suggested certain amendments.

THE CHAIRMAN (Hon. Sir G. Shenton): Requested certain amendments. They made one and declined to make the other. We did not say we had agreed to the Bill.

THE HON. R. S. HAYNES: Then the message did not correctly set forth what had taken place in this House. I think in the circumstances the message of the Legislative Assembly was a proper one.

THE HON. S. H. PARKER: Although I am not going to dispute your ruling, I think we are fortified by Mr. Blackmore's opinion that ours being a written Constitution the only difference between the powers of the Council and the Assembly with respect to Money Bills is that such Bills must be first introduced into the Legislative Assembly. The Bills having been introduced and passed and having been sent to this House, we have equal powers of amendment with the Legislative Assembly. Section 23 does not take away our powers of amendment; it only gives additional powers. In effect it says that in addition to our powers of amendment we may make suggestions. I do not know that I can take exception to the course followed by the Legislative Assembly in declining to give reasons. There is no Standing Order requiring them to give reasons, but, by analogy, if we send suggestions which are in the nature of amendments, they should give reasons. The question is, what is to be done now? Apparently we have passed the Bill with certain amendments, and I cannot help thinking that it will be better for us to treat them as amendments duly made and then consider whether we shall adhere to them or not.

THE CHAIRMAN (Hon. Sir G. Shenton): I think this matter should be referred to the Standing Orders Committee. I have made inquiries on the point from the colony whose procedure is nearest to our own, and I find that, although they have no joint Standing Orders on the subject, some years ago a compact was made between the two Houses and an understanding arrived at. We have no such compact, and I think that an arrangement shall be made regulating the procedure in regard to these bills.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I was going to propose that we endeavour to enter into some arrangement of the kind. As the Hon. Mr. Parker put it, the whole question is in a nutshell. The question is, did we make suggestions or amendments? It is carefully laid down by

Standing Order No 295, that, if the Legislative Assembly shall return such Bill (that is a Bill of this kind), with any of the amendments made by the Council disagreed with, together with written reasons for disagreeing with any such amendments proposed by the Council, the message returning the Bill shall be ordered to be printed and a day fixed for considering it. If we made amendments it is clear that the Legislative Assembly should have returned reasons. By Section 23 of the Amending Constitution Act it is provided that, in case of a proposed Bill, which 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 of the items or provisions therein, and the Legislative Assembly may, if it thinks fit, make such omissions or amendments or any of them, with or without modifications. Therefore, whatever omissions or amendments we might wish to make, we must ask the Legislative Assembly to make them. This being a Bill which comes within this section, I think we can hardly contend that we made amendments. Still there is so much difference of opinion that I think some effort should be made to get the matter settled. The Assembly, I feel sure, have not intended any discourtesy. They consider they have acted within their rights. I therefore move the following resolution:—"That a message be sent to the Legislative Assembly in connection with their Message No. 33, asking that a conference on the Standing Orders Committee, of both Houses be held for the purpose of passing a Standing Order regulating the procedure to be adopted in dealing with suggestions made by the Legislative Council under Section 23 of the Constitution Amendment Act," and to report to both Houses. Hon. members will see that this will have the effect of enabling us to agree upon a Standing Order which will guide these matters in the future.

THE HON. A. B. KIDSON: Will the decision of the committee be reported to the House?

THE CHAIRMAN (Hon. Sir G. Shenton): Of course. The Standing Order will have to be approved by the House.

THE HON. F. M. STONE: I might point out that if we adopt the course suggested by the Hon. Mr. Parker we shall get into a worse muddle than ever. He proposes that we shall treat these matters as amendments. If so, we must send the Bill back to the Assembly and wait for their reasons for disagreeing with them.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): As to giving reasons, that is only a matter of form, because we all know what they are.

THE HON. F. T. CROWDER: We are not supposed to know.

THE HON. R. S. HAYNES: I do not see that it is incumbent on the Assembly to send back reasons. The Standing Order does not say they must give reasons; it only says if the Bill is returned, together with written reasons, then a day shall be fixed for their consideration.

THE CHAIRMAN (Hon. Sir G. Shenton): The hon. member is forgetting that by the Standing Orders of the Assembly reasons must be given.

THE HON. C. E. DEMPSTER: I think the wiser course for us to adopt is that proposed by the hon. the Minister for Mines. As I understand the position, the Bill was approved with certain suggestions. One of them has been accepted and the other not. I take it, therefore, that we have passed the Bill with suggestions.

THE HON. F. M. STONE: No; with amendments.

THE HON. C. E. DEMPSTER: But we cannot make amendments until the Legislative Assembly has agreed to them.

THE HON. S. H. PARKER: Oh, yes we can.

THE HON. C. E. DEMPSTER: At all events, I consider it should be the wish of both Houses to work in harmony, and I think the proposal of the hon. the Minister for Mines will bring that about.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The point now is, what position is the Bill in? As far as I can see, the Bill has been passed with certain suggestions. I should like to know whether these suggestions have been printed in the Bill.

THE HON. F. T. CROWDER: They are in the Minutes at all events.

THE HON. S. H. PARKER: When the Bill was read a third time our amendments were in it. We have passed the Bill, therefore, with our amendments in it.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Illegally.

THE HON. S. H. PARKER: I do not think so. Section 23, as I have already pointed out, does not take away our powers of amendment, but only gives additional powers. The powers we possess of making amendments can only be taken away by express statutory enactment. All there is in the statute with respect to Money Bills is that they must originate in the Legislative Assembly; but when they come here we may treat them as we treat other Bills. The question now is, what are we to do with this Bill? I have no objection to a conference, but that does not get over the difficulty with regard to the Bill. I cannot help thinking that we should place ourselves in order if we informed the Legislative Assembly that we had passed this Bill with amendments, and not with suggestions.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): But we have no power to make amendments by Section 23.

THE HON. S. H. PARKER: We have the same power in regard to these Bills as we have with other Bills. That section does not say we cannot amend a Money Bill.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It says that we must send a message requesting the omission or amendment of any item.

THE HON. S. H. PARKER: We do not make amendments under that section. We make them under the Constitution Act and the Standing Orders. That section only gives an additional power of suggestion.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Section 23 gives no power of amendment.

THE HON. S. H. PARKER: At all events we have made amendments. We made them in the Crown Suits Bill and in the Municipal Bill.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): But the Assembly did not agree to them.

THE HON. F. M. STONE: I think your ruling, Sir, was on these Bills. We

sent down amendments and the Speaker ruled that we could not make them. Your ruling was that we could amend, and you were supported by Mr. Blackmore. Mr. Blackmore said that we had a right under the Constitution to amend.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Under the compact they have in South Australia.

THE HON. F. M. STONE: Under the Constitution. He says we have the right to amend a Money Bill. The only difference between a Money Bill and any other Bill is that a Money Bill cannot be introduced in this House. To put the matter right, I move that a message be sent to the Legislative Assembly stating that this Council sent its previous message in error, and that the Bill was passed with amendments, and not suggestions.

THE HON. A. B. KIDSON: The matter seems to me to be in a nutshell. First, we must decide whether we passed amendments or suggestions. If they were amendments, then they must stand; if not, then the Bill is passed. I understand you, Sir, have given an opinion on several occasions, in which you have been fortified by Mr. Blackmore, that this House has the power to amend. If we have the power to amend, these amendments must stand, and the Bill cannot be assented to unless the Legislative Assembly agrees to them, because the Clerk cannot give his certificate to the Governor that the Bill has passed both Houses. It seems to me there is no other course than that suggested by the Hon. Mr. Stone—namely, to send this Bill back to the other House, and inform them that we made a mistake in saying that we made suggestions, and that we really made amendments.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I would like to point out that, although hon. members make a great deal of allusion to Mr. Blackmore, it must be remembered that there is a compact between the two Houses in South Australia on this question.

THE HON. A. B. KIDSON: Mr. Blackmore gave his opinion on our Constitution Act.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not think it was ever intended that this Council should have control over Money Bills, or that the two Houses should have co-equal

powers in respect to them. As I understand the position, the Council has the power to throw out the Bill, or to make suggestions. I cannot understand anyone arguing that we have the power to send back a Money Bill with amendments.

THE HON. J. W. HACKETT: I have listened with great attention to this discussion, and I think the committee is under an obligation to the Hon. Mr. Parker for bringing up this matter. It appears to me that we are approaching a somewhat perilous position, for we seem to have made a double mistake. In the first place, the Hon. Mr. Stone's amendments were represented as suggestions. If they are suggestions, we are in the position that we have passed the Bill, and the Governor can give his assent to it. On the other hand, if they are amendments, we are in the awkward position that we have represented to the Legislative Assembly that they are suggestions. The Hon. Mr. Stone asks us to take a course which I am sure would not be advantageous or add to the dignity of this House when he suggests that we should inform the Legislative Assembly that we have made a mistake, and ask them to rectify it. It is hardly likely that the Assembly would agree to such a course, especially as the only reason that could be given for it would be that it would place us in a better position to fight them upon the point. It seems to me that the best course is that suggested by the Hon. the Minister for Mines, namely, to refer this matter to the Standing Orders Committee for report. If we do this, and consult with the Standing Orders Committee of another place, I believe it will be the means of committing the Assembly to our view—that the Bill has not yet been passed by Parliament, and is not, therefore, fit to receive the Governor's assent. Our best course is to proceed steadily, and not take any hasty step which will enable another place to obtain a position of advantage.

THE CHAIRMAN (Hon. Sir G. Shenton): There is no fear of the Bill being passed, because the Clerk, in the circumstances, cannot put his certificate on the back.

THE HON. J. W. HACKETT: In view of the importance of the question,

and the necessity for further time in which to consider the position, I move that you do now report progress.

Motion put and passed.

Progress reported accordingly.

ADJOURNMENT.

The House, at 6:30 o'clock, p.m., adjourned until Wednesday, 7th October, 1896, at 4:30 o'clock, p.m.

Legislative Assembly,

Tuesday, 6th October, 1896.

Proposed Purchase by Government of the Great Southern Railway, and approval by shareholders; also, Message from the Governor—Menzies Railway and Starting Point—Question: Extension of railway and telephone to Owen's Anchorage—Question: Excess Bill and time of introduction—Registration of Firms Bill: third reading—Colonial Passengers Bill: third reading—Evidence Amendment Bill: third reading—Waterworks Bill: re-committed—Bills of Sale Bill: re-committed—Street Watering in Perth: Legislative Council's resolution—Loans Consolidation Bill: second reading—Sale of Liquors Amendment Bill: second reading—Provident Societies Bill: second reading—Petition for Railway Platform, Thomas Street, Perth—Crown Lands Timber Bill: second reading moved—Railways Bill: order discharged—Australasian Federation Enabling Bill: in committee—Public Works Bill: order discharged—Return showing Free Railway Passes—Motion: Blocker System of Land Settlement—Want of Quorum.

THE SPEAKER took the chair at 4:30 o'clock, p.m.

PRAYERS.

PROPOSED PURCHASE BY GOVERNMENT OF THE GREAT SOUTHERN RAILWAY, AND APPROVAL BY SHAREHOLDERS.

THE PREMIER (Hon. Sir J. Forrest), before the commencement of business, said: I have pleasure in informing the House that the shareholders of the Western Australian Land Company, in England, have passed a resolution, yesterday, approving of the proposed sale of the Great