

table, so that hon. members can consult them.

ADJOURNMENT.

THE PREMIER (Right Hon. Sir J. Forrest): I move that the House at its rising adjourn till 4.30 p.m. to-morrow. If we are to be again represented at the Convention, it will be necessary for us to use all the expedition that is possible to enable us to get to Sydney in time. I think it may be impossible to get away next week. The week after would not be altogether too late. There are sure to be some preliminaries to settle after the Convention meets again. If this meets with the views of hon. members—of course I would not desire to press it unless it does—I beg to move that the House at its rising adjourn till 4.30 p.m. to-morrow.

MR. LEAKE: Have we to suspend the Standing Orders?

THE SPEAKER: That could be done by a motion.

MR. GEORGE: If the right hon. gentleman wishes to facilitate business, let him adjourn till Monday next; but at the tail-end of the week, men engaged in business have their mail to attend to and other necessary matters in connection with the winding up of their weekly business. It is unreasonable to spring this on us at so short a notice.

Motion put and passed.

The House adjourned accordingly at 10.35 p.m., until the next day.

Legislative Council,

Friday, 20th August, 1897.

Presentation of Address-in-Reply—Question: Goldfields Regulations—Question: Floggings in Fremantle Gaol—Police Act Amendment Bill: first reading—Hainault Gold Mine, Limited, Bill: first reading—Goldfields New Regulations: Commonwealth Bill: second day's debate; in Committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the Chair at 4.30 o'clock p.m.

PRAYERS.

PRESENTATION OF ADDRESS-IN-REPLY.

At twenty-five minutes to 5 o'clock the Council adjourned to present to the Governor the Address-in-Reply to His Excellency's Speech, and, members having returned,

THE PRESIDENT reported that the Address adopted by the Council on the 18th inst. had been presented to His Excellency, and that His Excellency had been pleased to make the following reply:—

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I thank you for your Address-in-Reply to the Speech with which I opened Parliament, and for the assurance that you will give the most careful consideration to all questions that may be submitted to you, so that your labours may tend to beneficial results and the welfare of this colony.

Government House, Perth, 20th August, 1897.

QUESTION—GOLDFIELDS REGULATIONS.

HON. A. H. HENNING, in accordance with notice, asked the Minister of Mines whether it was his intention to lay before the Council the regulations made pursuant to Section 99 of "The Goldfields Act, 1895."

THE MINISTER OF MINES (Hon. E. H. Wittenoom) replied that it was.

QUESTION—FLOGGINGS IN FREMANTLE GAOL.

HON. R. S. HAYNES, in accordance with notice, asked the Minister of Mines:—1. What number of floggings have been administered in the Fremantle Gaol during the last 12 months? 2. The name of the Magistrate by whom such floggings were ordered? 3. The offences for which the same were given?

THE MINISTER OF MINES replied as follows:—1. Five. 2. Mr. Fairbairn. 3. (a) Assaulting a warder; (b) Refusing to work; (c) Absconding; (d) Escaping from prison.

POLICE ACT AMENDMENT BILL.

Introduced by the HON. R. S. HAYNES, and read a first time.

HAINAULT GOLD MINE, LIMITED, BILL.

Introduced by the MINISTER OF MINES, and read a first time.

GOLDFIELDS REGULATIONS.

New Regulations laid on the table by the MINISTER OF MINES.

COMMONWEALTH BILL.

SECOND DAY'S DEBATE.

Debate resumed on the motion by the Minister of Mines, that the House resolve itself into committee for consideration of the Commonwealth Bill.

HON. R. S. HAYNES: I think before dealing with this matter I would be only doing right in congratulating the Minister of Mines upon the very able manner in which he laid this Bill before the House. It is a difficult Bill indeed, and inasmuch as the hon. member was not engaged in the drafting of it, but had to take it up afterwards, his explanation seemed to me all that could be desired. I regret to say, having listened to him, I cannot agree with him that we ought to join in the federation, or worse than that, I do not think we ought to waste the time of the colony and money by sending delegates over to Sydney for the purpose of considering the Bill further. It changes the whole government of our country, it interferes with our revenue, therefore it is only natural that we should first look at the object of the Bill and see how it will affect us, our political rights, and our finances, and if we find upon consideration that the return which we shall get for joining federation is not adequate to the loss and the privileges we have to give up, then I think it is open to doubt whether we should join this federation or tinker with it. That is what the hon. member suggests. He says, "True we are not going to join, but we should be there and tinker with it." In the first instance we are giving up the larger portion of our revenue. We are to give up the whole of the excise duties, and the revenue through the customs house, which in this

colony is our chief source of revenue. From what other source are we to derive revenue? Is it from the railways? [A MEMBER: There is no hurry to join yet.] If there is no hurry to join yet, there is no necessity to join at all. [A MEMBER: We must pave the way.] If it was to pave the way, then I would say at once, go on. Our revenue now is just sufficient to keep the colony together by paying the expenses of government. Federation will deprive us of our revenue because the object of the Act is intercolonial free-trade. Inasmuch as most of our wares are imported from the sister colonies and our revenue is derivable from the customs house, if we had intercolonial free-trade we would not get one-fourth of the revenue that we do at the present time. We would not get any because what we raised through the customs house would be carried across into the other colonies, and there put into a common fund, called a federal fund. By a system of book-keeping, which the Hon. Mr. Barton gave a good treatise upon, which he understood himself but which nobody else understood, after the Federal Government had done all it wanted to do with the money, it would hand us what was left. My impression is that the seat of government will be in the eastern colonies, and that the eastern politicians will be certainly the first members of the Government. By joining the federation we shall be giving up our revenue. What is our object then in joining? Have we not got sufficient government at the present time? Is our Government at the present time defective? Is it unable to cope with the requirements of the country? If it is, let us have a Federal Government if you will, but let us first have another Government. It is an acknowledgment by the Ministry that they are unable to carry on the Government—that they are unable to deal with the questions which necessarily arise in the colony—because they are going to hand the control of affairs over to a Federal Government, and they are going to give them the sinews of war. I do not know what the federation will cost, but the expenditure on the Governor-General alone is put down at £11,000. Altogether, I suppose it will cost from £200,000 up to half a million at first, and more afterwards. You will observe that we shall be paying for the establishment

of a Government which is not necessary. That is the point I desire to impress upon hon. members. You are making machinery for governing the colonies, and we have the machinery already. You are casting money away by forming a new Government to govern us, and we are well enough governed already. I would like to hear the hon. gentleman inform the House what the probable cost of the Federal Government will be, and I hope he won't cut the item down too low, and then we will find out what we are going to pay for this Federal Government to govern us. Although we are paying sufficient already to our own Government, yet we are asked to pay away still more to other people to govern us.

THE MINISTER OF MINES: £300,000 is to be the cost of the Federal Government, in the exercise of its original powers.

HON. R. S. HAYNES: That is only, I think, until Parliament otherwise orders. This is one of the trickiest Bills that has ever been placed before us. You can see in large type where the new words are introduced, and in nearly every instance where the powers of the legislature were curtailed in the old Bill these words have since been inserted: "until the Parliament otherwise provides." When the hon. gentleman said that all our rights were safeguarded, he was correct so far as the old Bill, drawn up in Sydney, was concerned; but all the safeguards are taken away by the insertion of the words quoted above. The larger colonies are trying to get the smaller colonies to join in the movement, and when we have once joined, they will deal with us as they like. What return are we going to get for joining? Let the hon. member (Mr. Crowder) point out to me one single advantage we will get by joining, and I will vote for the Bill. I do not want him to point out half-a-dozen advantages, but one single advantage. I challenge that hon. member to name one single advantage that we are to gain.

AN HON. MEMBER: In whose opinion is it to be an advantage?

HON. R. S. HAYNES: I have never heard anybody say that any advantage will accrue to us on joining; but, on the contrary, that we will lose at first.

AN HON. MEMBER: We will gain unity.

HON. R. S. HAYNES: Unity is all very well. We have it in certain cases now, but we do not want a Governor-General to regulate it. I challenge the Hon. J. W. Hackett, who was over at the Convention, to point out what advantage will accrue to us by joining, and if he can show that any advantage accrues, I will vote for the Bill. Is it not a fact that every hon. member in this House has said, and will say again, that we are not going to join the Federal Government? We are not going to join it—that is agreed by everybody. The Minister of Mines himself admits it.

THE MINISTER OF MINES (HON. E. H. WITTENOOM): I did not say so.

HON. R. S. HAYNES: The hon. gentleman must admit that what I am saying is correct. We are not going to join. I challenge contradiction of this. Every hon. member has said privately, if not publicly, that we cannot join.

THE MINISTER OF MINES (HON. E. H. WITTENOOM): I do not know the terms yet, but if the terms are advantageous we will join.

HON. R. S. HAYNES: I will come to that in a moment. I say that we do not intend to join and we all know it, and I ask why should we send hon. members over to the Convention when we are not going to join, and why should we postpone the business of the country for nearly two months so that those hon. gentlemen can go over and tinker with legislation, when we know very well that we are not going to join? By joining we lose, in addition to our revenue, the right of dealing with certain subjects. They are all enumerated in the Bill. The Federal Parliament will have exclusive power to deal with a number of subjects, and in dealing exclusively with them it will exclude these things from the operation of the State Parliaments hereafter. We are therefore giving up our rights: not only clothing the Federal Parliament with extra rights, but surrendering our own right of dealing with very important matters, and giving them over to other persons, and those persons to whom we are giving them over will not have the same interest that we have in dealing with them. Their interest will be in their own colonies, and we are not likely to get the same consideration from those who represent other colonies as from those whom we elect here. The gentle-

men here are responsible to the people here, whereas those others would not be. I come now to the object of the federal movement. What is that object? I pointed out a little time ago that the movement started in Victoria. That is the home of it. They are all in favour of federation in Victoria. It is the only colony in which there is any interest taken in it, because Victoria finds that all the other colonies have closed their doors to her, and she therefore wants to open them. There is no colony better able to compete with international freetrade than New Zealand, yet she stands out.

AN HON. MEMBER: Because she is a thousand miles off.

HON. R. S. HAYNES: We are two thousand miles off. New Zealand is three days' sail and we are five days' sail from the nearest centre.

AN HON. MEMBER: New Zealand is not a part of the continent.

HON. R. S. HAYNES: Then it is because we are part of the continent that we are to join, is it? New Zealand is quite as far distant from wherever may be the seat of Government, assuming it is somewhere near Albury, as we would be. Believe me, the reason why New Zealand will have nothing to do with the movement is that she can spend her own money herself. The people in New Zealand have been too often over to the eastern colonies, and there are too many eastern people in New Zealand already. Queensland will have nothing to do with federation. Queensland is more in our position than any other colony, and Queensland will have none of it. I see the larger colonies are angling for Queensland; doing their level best to get Queensland in. They will give any promise to get Queensland in. On business principles, it seems to me if you want to buy a thing you do not go to a seller and say, "I want to buy this; what will you sell it for?" You would rather say you did not want to buy it. Why not act like that in this case? If you say you do not want to join, they will make the terms easy. Queensland attends to her own business and her own domestic legislation, and calls her Parliament together and proceeds with the business of the country, while we send our members of Parliament over to the eastern colonies to play at federation. I

have no doubt that our delegates will have their photographs taken, and that their names will be handed down to posterity. A united Australia is the outcome of sentiment. I happened to be in Sydney and throughout New South Wales at the time of the federal elections. There was no interest whatever taken in them. You could not get the people out to attend a meeting. Hon. members there were addressing the people, but they could not get more than a few hundred people at the most to listen to them. At last Cardinal Moran stepped into the breach, and then everybody went in for federation. It was a mere party affair at the time, and now not the slightest interest is taken in the question. New South Wales will never join a Victorian federation. The proposal is that the colonies shall have intercolonial freetrade and be protected against the outside world. Looking at the history of New South Wales, I say positively that the latter will never consent to protection against the outside world. Sydney is a terminal port of call. All the various shipping companies make it their headquarters. The ships are kept there, and I did hear the amount mentioned that is poured into the coffers of Sydney from all those boats. It is also the head naval station. It is necessary that Sydney should be a freetrade port. With freetrade, Melbourne would be just as good a terminal port as Sydney. The New South Wales Premier would not hold his own if he advocated anything but freetrade.

AN HON. MEMBER: He said he would give way on that point.

HON. R. S. HAYNES: That was in another colony. But what does he say when he faces the Parliament of Sydney? I am rather diverging from the course of my speech in showing that the colonies named cannot federate. If they do, we cannot federate with them because, if intercolonial freetrade is a thing they must have, we cannot have it. Are our farmers prepared to abandon protection? Most of the cereals come from Victoria, with a little from New South Wales. Are they prepared to open their ports for the chaff from Victoria to be dumped down on our wharves? The hon. gentleman who leads this House said that federation must be a good thing, because Canada and the American States have gone in for

it, and they had not gone back. No, because they cannot. Point me out a State that has joined since federation was established.

AN HON. MEMBER: The United States consisted of 13 States originally; all the others have joined since.

HON. R. S. HAYNES: I was under the impression, with the hon. member, that some of the States of America had joined after the establishment of federation, but I have since been informed by an eminent authority that it is not so. I say—subject to correction, but on most excellent authority—that no American State has joined since federation was established. Look at Canada. It requested one of the colonies to join, and she would not. St. John's, I think it was.

AN HON. MEMBER: St. John's is a town. I suppose you are thinking of Newfoundland.

HON. R. S. HAYNES: Yes; Newfoundland. I cannot see any reason why we should join. What we are giving up is too much for what we are about to receive in return. This is not a Bill which I would ask the Council not to discuss, because it is a proper and right thing to go on discussing it, and I certainly intend to offer no opposition whatever to its full discussion; but I propose to move, after the discussion is over, that the delegates shall not be allowed to go to Sydney. But first let hon. members discuss the measure and understand it. I know the hon. Minister of Mines thinks he has a good argument against me when he points out that we have already passed a Federal Enabling Act; but when we did that we could not know what kind of a Constitution was going to be prepared, and, therefore, it was impossible for anyone to say that we would be unable to join it. We had first to see what they proposed to do. We have their proposal now, and we cannot agree to it. [AN HON. MEMBER: Amend it.] It is no good amending it. If our delegates could not amend it before, I am sure they will be unable to amend it now. If Parliament could proceed with the business in the absence of the delegates, I would not object so much to their going, but I am afraid that if they go, Parliament will not sit till September or October, and will be compelled to continue its sittings into

January, which would be extremely inconvenient. If the Government are to let the country "go to pot" while the delegates have their photographs taken at Sydney, then I object to such a course being taken. I entreat the House, in all seriousness, that if we come to the conclusion that we can never join—not only now but at any future time—then, I say, do not let us send any delegates to Sydney.

HON. J. W. HACKETT: I think it is a pity that the Hon. R. S. Haynes has not given us the terms of his proposed motion. It might be more acceptable, and might bear a more reasonable interpretation than I am at present inclined to believe it does, judging from the hon. member's speech. I do not exactly understand how he proposes to prevent delegates, elected by this House in concert with another honourable House, from proceeding to execute the solemn charge with which they were entrusted some months ago. I do not believe that this House would ever issue such an order, and if they did forget themselves so far, they would find that they would receive no support from another place. We are called here to debate on a certain question, and not to listen to by-motions which lead to no good result whatever. It is a simple answer to the hon. member who spoke last, and who urged that we should not go to the Convention because we did not intend to join—it is a simple answer to him to say that months ago, or a year ago, an Act was passed by both these Houses, ordering delegates to go, and appointing delegates to carry out the instructions of the two Houses; and in the present instance it would be a matter of a peculiarly dishonourable character if hon. gentlemen, having gone to the Convention in Adelaide, forebore to go to the adjourned Convention in Sydney, and for this reason. Every member of this House is familiar with the fight that occurred in Adelaide between the representatives of the large populations on the one side, and the representatives of the small populations on the other. That the small populations made such a good fight and secured such good terms was due in the main to the stand made by Western Australia. That stand was made by the delegates from this colony with no idea of bringing special distinction to themselves, but from a sense of duty.

The Hon. J. H. Taylor will bear me out in saying that the Western Australian delegates agreed that there should be no speaking on our side whatever, but that business should be got through as soon as possible in order that we might return. Only two speeches, if I remember aright—[HON. J. H. TAYLOR: Three]—were made by members of this House, not one of which I may say came from me, on the question; while of the other delegations, in at least two cases—and I think three—every single member of the ten delegates aired his eloquence. A great deal depends on the delegates from this colony being represented at the forthcoming Convention. A member of the New South Wales delegation, who represents a large population, and who was determined to cut down the rights of the smaller States as much as possible, recently declared that federation was close at hand, because he was satisfied from what he saw in the Press that Western Australia would not send any delegates to the Convention. If it is any satisfaction to hon. members, I may say that I took immediate steps to send a communication to the public Press in that colony to the effect that Western Australia would be found at its post, the post of duty, when the next meeting of the Convention was held. With regard to the Commonwealth Bill, I am not here to urge the need or expediency of federation; I am not here to plead for an early acceptance of the Constitution, which was agreed to provisionally in Adelaide, and which, no doubt, will be amended in Sydney next month. I am here to explain its provisions as far as possible and give some account of my stewardship to the Houses which did me the honour of electing me. For my part I agree with a great deal of what the Hon. R. S. Haynes has said. There are dangers and difficulties before us which have to be carefully weighed before joining or throwing in our lot with the other colonies. But that is no reason why we should not try to make the best and most secure constitution for ourselves when we wish to come in. When this question was raised in the Federal Council, another place to which I was sent largely by the favour of this House—when this question was brought up—I am telling this to the Hon. R. S. Haynes, who having made his speech has disappeared

from the House, unwilling to listen to my reply. [A MEMBER: He is ill.] I am sorry to hear it; I suppose his speech was too much for him. I was saying when this question was brought up I saw so many pitfalls and traps laid in the path of the federal movement, as outlined by the resolution which afterwards culminated in the Convention, that I was one of those who was prepared to vote against accepting the Act which paved the way for the Convention. It was exposed to every kind of fire and crossfire that could be imagined. First there was to be a general election by the people; then it was to be beaten out and debated in the Convention; then to run the gauntlet of twelve legislatures—Queensland is standing out, now it has to run the gauntlet of ten legislatures—it had then to go to another Convention where it would receive a threshing out something similar to the other, only more minute and capacious; then to go to the people again, then once more to Parliament, and then to the Crown in England.

THE MINISTER OF MINES: To Parliament first and then to the people.

HON. J. W. HACKETT: I may point out to hon. members they may have no fear about precipitate steps being taken as to this colony joining. There is a provision in our Act of a special character, and it seems to me that its sense is carried out in the Acts of the other colonies, but, out of abundant caution, words were put in here which make it absolutely necessary that any measure agreed to at the Sydney Convention should come again to this House and be debated fully before being sent to the people for an expression of their opinion. It has to be approved of by this House definitely. For my part I think the same object is attained under the Acts of the other colonies. After the sanction of the people there has been obtained, no more can be done before bringing the Bill before Parliament, and the House can then forward it on by petition to the Crown in England. In our Act it is provided by Section 28 "That the draft constitution, as finally adopted by the Convention, and approved by Parliament"—that is the step additional to anything adopted in the other colonies—"shall be submitted for the decision of the electors for the Legislative Assembly of

Western Australia by their vote," &c. Now, sir, it is hardly necessary to say more to reassure the alarmists. But I do most cordially join with the Minister of Mines in his statement that it is our plain duty to be present at every kind of federal gathering, no matter what the object may be. We are a third of this continent, and whatever our intentions may be, in order to do the best for our country and see that its interests are properly guarded we must be represented. Surely for all of us the main consideration is this—is federation coming or not? Is there one in this House who doubts for a moment that he sees a glimpse of it, however distant or indistinct? It may be here in a moment; certainly it cannot be delayed for many years—not for the quarter of a century that the Hon. S. J. Haynes gives it. But when it comes we must be ready for it—which is another way of saying that the federal constitution must be ready for us. And how can it be made suitable to us and our conditions, unless we take our part as Australians in framing it according to the best of our ability and our desires? It is well to remember, in regard to this matter—I am sorry the Hon. R. S. Haynes is away—we are not the only persons afraid of this constitution, and if the hon. gentleman went to any one of the Parliaments of the other colonies and sat through the debates, or probably listened to any one speech in those Parliaments, he would find the same note of apprehension from the benches which has been sounded not only from my friend, but from every one in this country. There are two main classes of apprehension: one is political and the other is financial; and in these political grounds of alarm, primarily, are associated Victoria and New South Wales. Financially, the most striking instances of ground for fear as to the consequences of this federation are New South Wales and our own colony, Western Australia. The political difficulties may be easily explained. They really concern, first, the constitution of the Commonwealth Bill, and next the relation which it bears to Western Australia, to the inroads which it makes in the constitution of this colony, and the extent to which it will curtail those rights and privileges gained some seven years ago, and put to so much good use in the time that has

since elapsed. This Constitution Bill has been fully, and I think most lucidly, explained by the Minister of Mines; and after all, excepting the financial clauses, there is very little to explain. In a large measure it is a copy of our own constitution, as the hon. gentleman put it. The points at variance I will allude to later on. The Bill contemplates two Houses: a Government which may be Responsible, and probably will be Responsible, for many years. It gives the two Houses various powers, provides for a judiciary, and in most other respects closely imitates our own Constitution. But this constitution, which in its main and leading outlines follows the constitutions of all of the Responsible Governments of Australia, has one feature in it which entirely changes its aspect in one direction. It is intended not to be a unified constitution: the federal principle is brought in. If hon. members will allow me to explain federation, I would describe it as a surrender of certain powers by sovereign States. They will remain sovereign, save for the powers they have surrendered. These powers again are intended to act directly, not on the Governments of the States, but on the people. That definition is perhaps a little complex. There is another definition which makes it a little clearer. "A Federal State," as Mr. Dicey puts it, "is a political contrivance intended to reconcile national unity and power with the maintenance of State rights." That is to say, this federation is composed of sovereign States—it seems to be a contradiction in terms, it is a sovereign state but is composed of a collection of other sovereign States. It is opposed on the one side to a confederation, and on the other hand to unification. It is of the utmost importance to bear that in mind. There is a movement in some quarters in favour of a confederation, which proved a failure in America. In this case the laws and regulations of the confederacy are carried out and enforced by the Governments which comprise that confederacy. If a tax is imposed or a decree issued, the collection of that tax or the execution of the decree is entrusted to the Government of the State to which it is directed. That means that this Government may raise all sorts of difficulties. They may say: "We are unable to collect the money," or "We are too

poor to pay it," or "There are certain things you have not done, and we will hold the money as a pledge that you will do it." Again they may say: "We have not the power to do it" or "Our Parliament forbids us to do it." That was the first form of the American federation, but they altered it and made the laws and taxes of the federation apply directly to the people. A federation has its own officers to carry out its own measures, and it has a judiciary to enforce them. On the other extreme lies unification. So far as I understand the attitude taken in New South Wales and Victoria—certainly by the Right Honourable G. H. Reid and by other influential authorities, I will not be more precise—in those colonies what is aimed at is to give the sovereign voice in the Parliament to the large-populated colonies, to enable them to over-ride at their own will the smaller States. That is nothing more nor less than unification: it is just as we are at present, except that we take in New South Wales and Victoria, and become one State instead of being a collection of separate States. We are bound by every principle of honour and honesty, and every principle of convenience and even common selfishness to be present at the Sydney Convention, to fight against the men who aim at a dominating power for the two larger colonies. You will understand this in a moment. The lower House of the new federation is composed roughly of 72 members. Of these 72, I think—I am still speaking in very rough terms—26 or 27 will belong to New South Wales, and 22 or 23 will belong to Victoria. These two States will have 50 voices out of 72 in the House of Representatives, and all the smaller States can have will be 22 against the 50 for the two larger States. That means leaving the smaller States in a hopeless minority; and unless we have some power to appeal to, some protecting arm to rely upon, it seems to me to be impossible for this colony to join. This House, I am sure, will never pass a Bill of that character. By-and-by, no doubt, we may become the greater colony. I have listened to this argument, and when it comes up it can be answered; but I hardly think it will convince reasonable men. However, when it does come we will be able to deal with it. At the present time, I believe, it is the sense of this

House that we must have another place we can fly to in time of danger and feel safe. That is found in the second chamber. It comes to us, fortunately, by the most obvious and natural channel. The protecting arm of which I spoke, we expect to discover in the second chamber—the Senate of the Commonwealth. The Senate consists of an equal number of representatives from each State. I may say, in passing, that this provision in the Commonwealth Bill was inserted in favour of Western Australia, and we are now counselled to leave our friends alone to fight for it and be beaten over it. That provision was insisted on by Western Australia, and that provision, I believe, may be the means of preventing the federation coming about. Information has reached me that the parties who really hold the reins of power in New South Wales and Victoria are absolutely determined that, unless unequal representation in the Senate is conceded by the smaller States, or an equivalent restraint put upon them, there will be no federation of Australia, at least for some years to come. We look on the Senate as the citadel of the federal power: it is the keystone of the arch resting on the States, holding the States together, keeping in their place all parts of the fabric. Therefore, if we are to enjoy the benefits of federation, if we are to feel any abiding sense of security, if we are not to nourish a fatal eruptive force within the heart of the Commonwealth, which is certain to burst out when danger shows itself from without or division within, if we are to avoid all these things we must take care, above all things, that we create a Senate which will be a powerful, permanent, and fearless body; and, above all, we must give it sufficient rights. That is our rampart. It must be remembered against this is applied the argument that population has its rights also, and ought to rule. But this federation is not to be a federation of people but of peoples: we join not as part of the people of Australia, but as a people by ourselves. And above all this is to be remembered—it may be forgotten—that the Senate will be the House representing not this House, but the Parliament, Government, and people of Western Australia. It is in the Senate that the Legislative Assembly of Western Australia will find its wishes mirrored, its desires carried into execution. In the

constitution of this Senate, we will have a one-fifth voice—of course when Queensland joins, that voice will become only one-sixth—still when we consider that we will have one-fifth part that is enough in most cases to turn a division, and our six votes ought often to hold the balance of power.

A MEMBER: Are we to have six representatives in the Senate.

HON. J. W. HACKETT: Yes; we would have six in common with the other States. But it is one thing to give a man weapons with which to defend himself, and another thing to tie his hands behind his back and call on him to use his weapons. This Senate may be emasculated. I do not think for a body of 160,000 people to have one-sixth of the whole voting power of the Senate, with the huge majorities in the other colonies against it, is too great. But we must see that the Senate is not made such a weak and feeble thing that its opinions can be disregarded, that its sword can be parried and its shield beaten down. The great fight in the Sydney Convention of 1891 and the Adelaide Convention of 1897 was mainly over the Second Chamber money clauses. There is no denying that point; and as things stand under the Federation Bill, with the prejudices and predilections of these colonies, the principles of Responsible Government are likely, at all events for a time, to be maintained. We must leave to the lower chamber the right of making and unmaking Ministries. The still greater power behind, on which everything else hinges, is the financial power, and there was a determined effort made to destroy the financial authority of the Senate, and we await further attempts when we get to Sydney, either to eliminate this clause or bring the States House into subjection to the population House by such expedients as both Houses sitting together, or by the referendum—sending the measure to receive its final sanction or disapproval at the hands of the greater number. There is no fear that our delegates will give way on that. The clause as to the Senate's powers has been altered to some extent in our favour. At the Convention we were compelled to give up the right of originating money Bills. They must be originated in one House or the other, and

it does not matter which, so long as the Senate has an effective voice in disposing of them under provisions as to money Bills. In the Bill of 1891 there was a clause which declared that all laws which appropriated any part of the public money must originate in the House of Representatives. We, in this House, have had experience of that. It practically means that nine-tenths of the legislation of the country must originate in the House of Representatives. In Adelaide we went so far as to have the words "having for their main object the appropriation of any part of the public revenue" inserted. That means that, excepting taxation bills, and revenue bills, and loan bills, every other kind of legislation can be originated in the States House. Then came the question of amendment of money Bills, and over that the fight raged fiercely. In the Sydney Convention a compromise was agreed to by which the right of absolute amendment was given up. We are still subject to the custom which forbids us dealing with money Bills in a crucial sense. I have very little hope that we will be able to amend the provision; the more so as I understand that the delegates of Western Australia are not united on the point. Yet the Senate will have the right of amendment, fully and completely, but not in its own chamber. The Senate can send down a Bill with a suggestion that an item be altered. It has the right not of amending it absolutely, but of ordering another place to make the amendment. The Senate can say: "If you do not do it the Bill will be shelved," or "If the amendment, which we order you to make, is not made, we will throw out the Bill." After the Senate has done that once or twice—it is strong enough to do it—the House of Representatives will understand the respective duties of the two Houses. This all depends on the composition of the Senate. A good Senate will insist, a poor Senate will give way. I think we may fairly give way on the right of amendment, if we get the right of suggestion. The right of amendment is taken away from the Senate Chamber, but is to be carried out on the other side of the wall. There is no limit to the suggestions they may involve any degree, matter, manner, or method. I think it is almost the same thing. It is the object of

certain gentlemen in the other colonies, and they are good friends to federation, to try and minimise the concession. Its utility and worth depend on the use the Senate chooses to put it to. A most important part of the Bill is that which deals with the relations of the Commonwealth to Western Australia.

HON. G. RANDELL: Speak about deadlocks.

HON. J. W. HACKETT: I cannot speak about them, as I do not believe in deadlocks. The British Constitution is full of dead points, as it has been put. Every branch may come into collision. A deadlock is possible between the two Houses, between the two parties, between the Houses and the Crown, between the Ministry and the Parliament, and between the Ministry and the Crown, and no provision whatever of any kind or description is made for removing, or even for minimising, their occurrence. What is trusted to is the sound common sense, the reasonableness, the political conscience of the English nation, whether in the old country of the race or in the new country of Australia. I have seen deadlocks—several deadlocks—in the other colonies, but I never found a deadlock that did not end satisfactorily. Each party admitted afterwards that if they had had their own way at first, wrong would have been done, and that the compromise effected in the end represented the best rights of the case. For my part, I do not see that there is any reason to anticipate serious deadlocks, and if they do occur, then we must come out of them, as all Englishmen do, as a man and his wife do—they agree to differ, or they must agree to compose their differences. First of all, with reference to ourselves, we are permitted a representation in the Lower House of five members. At present we are only entitled to three, but we shall be entitled to a good many more by the time this Bill comes into force. Again, with regard to the judicature—and it is the only reference I shall make to it—it is provided that there shall be a High Court of Appeal, to which all appeals shall be taken from our Colonial Courts. All appeals shall go from each Supreme Court to the Federal High Court of Appeal. Also there is a provision that the judges of a colony may exercise federal jurisdiction, if qualified by a special enact-

ment of the Federal Parliament. There is another point to which hon. members will give their best attention, and that is, the appeal to the Privy Council is virtually abolished. It no longer exists from a colony, and it exists only from the Federal High Court in cases in which the public interests of the Commonwealth, or of any State, or of any other part of Her Majesty's dominions are concerned, and even then an appeal must emanate by order of the Privy Council. A right of appeal seems to be preserved wherever the decisions trench in any degree on what are practically imperial questions; that is, regarding outside States and outside countries, or questions which are so declared to be by the instructions with which the Governor-General will be armed when he comes to these colonies.

AN HON. MEMBER: Or the rights of any single State.

HON. J. W. HACKETT: Yes. Lastly, we come to the question of powers. Hon. members may be under the impression that they are giving away a very great deal under the powers enumerated by the 52nd section, but these are not so important if you look into them. Principal among these powers are those which concern the levying of taxes and the borrowing of money. The other matters, taken from this colony, are few. I will take the total of the Acts passed last session by this Parliament. I find there are 44 public and two private Acts. Running my eye over them, I find there are not half-a-dozen of these at the most which would come under the federal authority, and they are in the main of only secondary importance, not half-a-dozen which would really fall within the purview of the Federal Parliament. First, there is a Federal Council Reference Act; that is nothing. Then there is a Customs Duties Repeal Bill, by which some duties are taken off machines; then there is a Manufactured Tobacco Duty Bill, which fixes the duty at 1s. 10d. in the lb; next you will find the Australasian Federal Enabling Bill appointing the delegates—that would go. There is one more short one in the list, and I believe that is all. Of the whole 44 Acts passed, all the important ones—the Railways, the Public Works, the various Acts concerning domestic legislation of all kinds—all these

would be dealt with by our State Parliament. This list will be jealously scrutinised by the members of the Legislative Council, but I think they will find very little to complain of, apart from giving up the levying of taxes to the Commonwealth. Many points will have to be dealt with by a federal authority, whether we have a Commonwealth or no. Our military arrangements are not unimportant, but they will be of no real good until we have power rapidly to transport our soldiers from one part of the continent to another, and can place them under one head. To be effective, there must be one control and one army. Our volunteers—I am not going to disparage them; on the contrary, I hope they will improve and increase, especially under our present efficient commandant—but does anyone suppose that they are worth a snap against a European invasion? Now with regard to finance. This is a question upon which much time has been wasted by committees, by members of the press, by different parliaments, by financial authorities of all kinds, by men who are experts in these questions, and by others, but all will have to admit that it has been, for the most part, time wasted, except that they have clearly brought out the difficulties involved. I am with those who believe that the true light has not yet been thrown into this matter. Nevertheless, I do not think it is so difficult to understand as some have asserted. I think that the paper of Mr. Barton,—if the Hon. Minister of Mines will pardon me for saying it—was of an exceedingly valuable character, but almost unintelligible when read out to this House.

AN HON. MEMBER: It was not the fault of the reader.

HON. J. W. HACKETT: No. Mr. Barton himself prefaced his reading of it by saying that he would lay the paper on the table of the House and have it printed for the use of members. I do not know whether there are sufficient copies to supply hon. members with them here.

THE MINISTER OF MINES: We expected it in the press this morning.

HON. J. W. HACKETT: It would take up some columns at least. The scope of these financial clauses is exceedingly simple. With such masters in finance as drew them up, and such masters in drafting as framed them, we had a right to expect that they would be

clear. The tenor of these clauses is as follows:—Within two years after the establishment of the Commonwealth, uniform duties may be imposed. After federation is formed, each Parliament will be at liberty to pass all the Customs laws it likes. It may tax the products of all countries by 100 per cent., or the products of one country by 100 per cent., and let all the rest in free; but there is this proviso, that all the Customs have to be collected by federal officers, and have to be paid to the Federal Treasury. The State will have no advantage from the laws it passes until the money is paid away to the Federal Treasury and comes back to it. Then there will be deducted from that the cost of the collection and of the services that are transferred, such as posts and telegraphs. All goes into the Federal Treasury at first, after which the deduction is made. The original cost of carrying on the Commonwealth is then subtracted. This is not to be more than £300,000, and has been estimated at £250,000. The cost to the State for carrying on the Commonwealth is calculated at so much per head of population. That is, everybody in the Commonwealth is supposed to pay an equal amount for being governed, no matter in what colony he resides, and an equal proportion of the general expenses, as well as for the expense of collection and other services. That goes on for two years, and it really is adopted right through. At the expiration of two years, uniform duties are to be imposed, and thereafter the process proceeds as before; that is, as the money is collected it is paid into the Treasury, accounts being kept between the different States. Custom houses are not abolished; they have still to be kept up, only they are federal houses, but a full account is to be kept of what is done. After the moneys are received, a deduction will be made per head for the cost of the Commonwealth, the cost of carrying on the services and of the collection of duties, and the remainder will be returned to the different States. That is very simple. All the sub-sections except No. 5 of clause 92 deal with that, and this is what has caused so much trouble and so much fuss. On the first year, which Mr. Barton calls the "basic" year, all calculations are to be based. The "datum"

year seems to be a better word for it, since from it we take all our data. That 5th sub-section reads as follows:—
 “Where the amount credited to any State during such first year is in excess of the amount of the average so ascertained, there shall in each of the next four years be deducted therefrom one-fifth part of the excess; and where the amount so credited is less than such average, there shall be added to the amount one-fifth part of the sum by which the amount so credited is less than the average; and the sum so ascertained shall be the estimated amounts to be repaid in each of the four years to the States respectively.” That means that, after the second period of five years begins—we have dealt with the first period of two years—we are to strike an average. There are two averages required. The first is obtained by putting all the contributions from the different States together and dividing that by the population of all the States—that is, the population of the Commonwealth. That will give the Commonwealth average as we may call it. Then we take a further average, taking the contribution of each State and dividing that by the people in the State. That will give the State average. You compare these two averages together. The Federal authorities will take the average of the first year and calculate whether the average in that year is less or more for the State than the Commonwealth average, and a deduction of one-fifth or an increase is given. Supposing we contribute £5 per head and suppose Victoria contributes £2 per head, then the State average in our case would be £5, and in Victoria's case it would be £2. For the Commonwealth you would find, possibly, that the average for the datum year would be £3 per head. That is, we give £5 per head as against £3, which is the Commonwealth average, while Victoria gives £2 per head as against £3, the Commonwealth average. It is provided in the second year that one-fifth of the excess, where it exists, shall be deducted, and where it is less than one-fifth shall be added. The difference between £5 and £3 is £2. We are in excess, so they would take a fifth off us for each year. That is put into the common fund. We would be reduced 8s. a year and Victoria would be raised 4s., and that is the whole problem.

HON. J. H. TAYLOR: So that we should give £2 per head to join the Federation, and Victoria would gain £1 per head.

HON. J. W. HACKETT: Yes. Of course these are only assumed cases, but that is the principle which is involved. Where the State average varies from the Commonwealth average, a deduction or increase is made.

AN HON. MEMBER: How about loans?

HON. J. W. HACKETT: Power is given to the Commonwealth to take over loans in a ratable proportion. My hon. friend Mr Randell pointed out that the Bill of 1891 was one in which the consent of the State was required, but it was not considered necessary in this case to require the consent of the State. All these debts will be taken equally from all; that is, more will not be taken from this State than from that. With reference to the word “ratable,” it means ratable in regard to population. So much for finance. But how will all this affect us? When we go into committee it will be easy to point out objections. The question of finance is one on which we shall have to stand or fall. If the figures supplied by the Government Actuary are correct—if they represent facts, of course federation is at an end for us for some time to come; but when these figures are looked into it will probably be found that the Government Actuary has taken into consideration a great deal of the losses without the corresponding advantages. His figures amount to this startling conclusion, that by joining the Commonwealth we should lose the following amounts, viz.:—1897-8, £13,920; 1898-9, £386,865; 1899-0, £411,847; 1900-1, 433,975; 1901-2, £452,560; or a total in five years of £1,699,167. Of course that would be blocking federation at once, but the figures require a great deal of examination, and I only hope our hon. friend, the Minister of Mines, will get that intensely valuable return made by one of the most reliable actuaries in Australasia, printed and furnished to the House. Sir Philip Fysh, Treasurer of Tasmania, has made a somewhat lower estimate in the excellent paper which he has prepared. His figures are: Loss in the first year, £57,927; second year, £95,854; third year, £143,771; fourth

year, £191,708. That, of course, would be entirely beyond our means. But we have no reason to expect that the Customs revenue with which we have been familiar will continue in its present inflated state. I must now apologise to the House for having taken up so much time, but I thought it was advisable to put as much information before members as possible. I dare say hon. members have arrived at a great many of my own conclusions, and enough has been said to show how extremely cautious we must be in taking any step forward, and how still more important it is to be on the spot to watch our own interests. There is no need for alarm that federation will come too soon—on the contrary, there are too many brakes on the federal chariot already, and it is apparent that it is dragging somewhat heavily at present. I do not think that anybody believes now that it will be less than years before federation is an accomplished fact; but I do hope that whatever obstacles are presented, they will not come from this House. My view, in spite of what my learned friend on my left (Hon. R. S. Haynes) said, federation seems incomparably the grandest movement in which men of Australian birth, or who have made their home in Australia, have engaged since that great achievement of first settling the desert wastes of this great continent. To my mind, federation is the crown and completion of those efforts—efforts which won such great results, achieved by great privation and unselfish endeavour, which were won by and for the men of the English race. Let us therefore be careful, lest we do anything unwisely and unreasonably to obstruct the path of the federation of our people.

At 6-30 p.m. the PRESIDENT left the chair.

At 7-30 p.m. the PRESIDENT resumed the chair.

HON. S. J. HAYNES: I did not intend to speak on this Bill. According to my inclination, I would much have preferred to listen than to have spoken; but having regard to the very great importance of the measure, I feel constrained to say a very few words on the subject. I think this House may be congratulated on the very able and lucid manner in which the

Minister of Mines has explained the Bill, and I think as regards his explanation we may congratulate ourselves that it is about his masterpiece. The bill was very fully and carefully explained to the House, and matters personally were brought under my notice and came to me as valuable information. We have also been favoured by a very able speech from the Hon. J. W. Hackett, and between these two speeches I think this House has been fully put into possession of the main features of this very important Bill. I listened, I cannot say with pleasure, to the remarks of the Hon. R. S. Haynes. I can scarcely think—he is not present; I am sorry he is ill—that that gentleman thoroughly and seriously is in earnest. One of the remarks he made was that the Ministry of this colony, by supporting federation, was tantamount to admitting that it was not capable of governing the colony. I do not take that view. I take it the Ministry of this colony, as well as the Ministries of the other colonies, are prompted by broader motives than that. What will federation do for us? I may say it may turn the present position of the smaller States or parishes into what might be termed a nation, and we would gain in prestige and respect with those who are now entitled to that great name. I do not agree with the Hon. R. S. Haynes in casting reflections on the motives that prompt many of the leaders of this federation movement in the other colonies. We are, all of us, imbued with an amount of selfishness; but I believe that all those who have taken up the federation movement desire to forward the true national greatness of Australia. I think we should approach the Bill in a broad spirit, and give all those who are trying to forward the movement credit for proper motives, and do what we can through our delegates, whom I hope will be sent, to arrive at a Constitution which will be suitable to this as well as the other colonies. On looking through the Bill, it seems to me that the part which contains the clauses in reference to the judiciary could be accepted by the whole of the colonies. It seems to us all that the great stumbling block against this Bill, or against our joining in the federation, is the financial clauses. There are many things that I desire to draw attention to. With respect to

the privileges of the Senate, according to the Bill as at present drawn, the Senate has similar powers to what we have in the Upper House in this colony; but I do think strongly that the Senate should have power to amend money Bills. The franchise of the Senate is the same as that for the popular House, and therefore why they should not have co-ordinate powers, I fail to see. One thing has struck me with reference to this very important Bill, and it is what I have already referred to—the financial provisions. These provisions have certainly been explained very clearly indeed, both by the Minister and the Hon. J. W. Hackett; but at the same time when we find clause after clause in the financial portion of the Bill so regarded by such a gentleman as Mr. Barton, that he is afraid to trust himself unless in print, some means might be devised to render these clauses more simple—they are certainly very involved. When this gentleman, for the sake of safety, thinks fit to put his views in writing, I think the Convention should revise these clauses. I do not propose to say much more. I shall reserve any further remarks I have to make for the debate in committee; but I do trust this House will, and am sure it will, look at each section seriously, and do what it can for the protection of this colony. Judging by the remarks made by hon. members so far, perhaps I might modify what I formerly said, that federation seems a quarter of a century off. On the figures given by the Hon. J. W. Hackett, which were provided by Sir P. Fysh, of Tasmania, I do not think that this colony could join in the federation. These figures and the figures of Mr. Owen show that a great loss would accrue to the colony by joining the federation; but whether we join in the federation or not, it is the duty of this House to send over delegates at the approaching Convention. Indeed, I think if this colony did not send delegates to the Convention, it would be dishonourable and a gross breach of faith. Last session we passed the Enabling Bill, and our delegates went over to South Australia, and although only three speeches were made, a great amount of light was thrown on the subject; and in again going to the Convention I am sure further light will be thrown on the matter. Whatever subsequent meetings take place,

for the honour of the colony we should be represented at every one of them, so that such a constitution may be devised as would be acceptable to the colony, should we join in at some later period. I trust that the day is not far distant when federation will be a fact indeed. I think this Convention will tend to hasten that day, and certainly the reasons given by hon. members why we should be represented are so strong. I cannot imagine any opposition to them. As a matter of sticking to the weaker States, we are bound to go. As far as federation is concerned, it has my hearty sympathy. Every man who is an Australian by birth or adoption must look forward to the day when Australia will be reckoned in the category of nations. I think we should, as far as this House is concerned, do everything in our power to assist every meeting and Convention that may tend to throw light on this subject, so that that day may be hastened as speedily as possible.

HON. F. T. CROWDER: In rising to speak to the motion before the House, I join in congratulating the Minister of Mines for the extremely lucid way in which he placed this intricate Bill before hon. members. He is all the more to be congratulated in not having had the great advantage that some other hon. members of this House and of another place had, that of being at the two Conventions which have already been held. As far as the Bill is concerned, I have had it for the last three or four weeks, and I admit it has been a nightmare to me; but after the able way the Bill has been explained by the Minister and the Hon. J. W. Hackett, several matters which I could not in any way grasp or get at the bottom of have been made clear to me. It is not my intention this evening to weary hon. members by going through the details of the Bill. There are several amendments that it strikes me are necessary to make in the Bill, to safeguard the interests of Western Australia. These amendments will be moved by myself at the proper time. My intention this evening is, in as few words as possible, to give my opinion as to whether it is desirable under present circumstances and under the present Bill to join in a federated Australia, or whether it is proper that Western Australia should be represented

at the Convention to be held in Sydney. To come to an opinion on that point, I have, to the best of my ability, gone through all the surrounding circumstances as to the past and present of this colony and all the other colonies, and looked at it in a broad sense and in every way as it strikes me to look at it; and I can come to no other conclusion than that it is not a sound policy on the part of Western Australia to become part and parcel of federated Australia. For years this colony, under a sound Government, has gone ahead by leaps and bounds, both as regards wealth and population. The great want in this colony from the very start has been population. In order to secure that population to settle on the land, and to cultivate it, the Government has by every means in its power passed liberal land laws, and has established an Agricultural Bank to help the farmers. Owing to the inducements held out by the Government hundreds, I may say thousands, of people have settled on the land, and are producing what has never been produced in the colony before. I am convinced that this year we shall produce in the colony sufficient chaff over and above the requirements of Western Australia; not only that, but in this colony we shall produce a good quantity of wheat, which will be turned into flour, and will supply a great portion of the demand for breadstuffs. I am convinced from my knowledge of the colony that within five or six years Western Australia will produce all its requirements in regard to chaff and breadstuffs. [Hon. E. T. McLarty: In less than that.] In looking at the prosperity that has been achieved, I think it will strike hon. members, as it has struck me, that this prosperity is mainly due, not to the liberal land laws, nor to the Agricultural Bank which the Government have in their wisdom seen fit to establish, but it has been produced by the Government fostering the industries and imposing taxes on imported articles of this class. Farmers have come here to settle on the land, believing in the policy which was endorsed by Parliament, and to my mind it would be manifestly unfair at the present time to throw open the ports in this colony to intercolonial free-trade. If this is done, no doubt it will kill this industry. We must always re-

member that industries such as this are the backbone of any country. Gold may be lost, but the products of the soil always remain with us; and I think myself it would be a great pity, seeing all that has been done by both Houses of Parliament, to attempt to kill this industry. It is argued that the cost of bringing the articles to the country should be sufficient protection to the farmers. I should like hon. members to say whether they would like the farming population to sink to the state the farmers of South Australia are in at the present day. They are living in poverty, which to my mind is worse than slavery. These men, week in week out, working night and day, last year had to depend on the Government to till their ground and to give them the seed to crop it. It is rather the desire of members in this House to see the farming community enjoy that same happiness and prosperity which they like to see every other industry enjoying. I would like to ask whether it is probable under intercolonial freetrade that these large industries, which spring up wherever goldfields spring up, are likely to be started in this colony. I think not. It will be said we have no industries here; no large industries such as I have referred to. No, and under freetrade we never will have. We must always bear in mind that these large industries in Australia have been brought to perfection by a system of bonuses and heavy protective duties, until to-day they stand on their own bottom. Here we have in this colony I think what I may describe as the largest goldfields in the world. We have at our door a magnificent supply of coal, and this colony fostering these industries, the same as is done in the sister colonies, will, I maintain, in five or six years' time turn out hundreds and thousands of pounds of machinery, which are now obtained for the different industries on the goldfields from the other colonies. If we have not a protective duty, Victoria, New South Wales, and South Australia in a few months may swamp the whole of the requirements of this place. The same argument applies to viticulture and all large industries. We have in this colony, as all are aware, or most of us are aware, thousands of acres of the best wine producing country that there is to be

found in Australia, and I have heard remarks made by people who have visited these lands, showing they are enthusiastic about their worth. As far as their worth is concerned, we have no conception. Literally the ground has not been scratched. The same thing applies to the lands of the colony in regard to fruit production. There is nothing that the land in this colony will not produce. I am certain that in five or six years, if the industries are fostered, the whole of them will be able to stand alone. There is no doubt as to what the future prosperity of the colony will be, and when that day comes we shall be prepared to federate. Unless we get different terms from those to be found in the Bill before us, I cannot see that we can federate at present. The hon. Minister of Mines says the Bill can be amended. Still it is of the utmost importance that we should be represented in the Federal Convention to be held in Sydney. I have come to this conclusion because we have already attended two conferences, we have passed an Enabling Act, and surely it is unfair at the last moment to draw back before we know exactly and thoroughly on what grounds we can enter federation. But the strongest point to my mind is this, that after carefully reading the different speeches that were made at the Convention held in Adelaide, it has been brought to my mind that had it not been for the action of the delegates of this colony, we should not have had a Bill half as liberal as this. Withdraw the support of the smaller States, and we shall have such a Bill as we shall not be able to accept. We have put our shoulder to the wheel, and should not attempt to draw back; and I think every member of the Council thoroughly coincides with the remarks made by the Hon. J. W. Hackett, that every Australian looks forward to the day when the Australian colonies shall become a federated Australia. It is a great scheme that everybody hopes to see one day consummated, and the only way by which we can hope to push it on sooner than it would otherwise go, is by attending all conferences that are held on the question, and endeavouring by our weight to bring about a Bill such as this colony can join in without loss to herself. I have much pleasure in supporting the motion moved by the Minister of Mines.

HON. H. G. PARSONS: I had scarcely intended at so early a stage in my career as this to speak on such a subject, but I feel it advisable, at all events, to say a few words on federation. I think I have never seen, since I have had anything to do with public life, a question on which more striking unanimity was noticeable in all parts of the community. I have never been more struck with such unanimity than during the last few days, both inside and outside this House. It seems to be the universal opinion that federation is an aspiration to which we must all look forward in the interests of the colony. At the same time we are also fairly well agreed, I think, that our delegates must go round to the other side, and must add their views to those of the others, as we and they and the colony are pledged to be present at the deliberations to be held on September 2. But I think there is almost an equal unanimity on the other point, namely, that the time is not ripe for joining. Candour is not out of place, because the other colonies are pretty well aware of the general trend of public opinion in this colony. I think that federation is advisable for the whole of Australia, and I think it is particularly advisable in the interests of the goldfields, because they want to get intercolonial freetrade for the sake of obtaining cheaper produce; but it is equally obvious that it is not a matter to be hastened in this colony, for the simple demonstrable reason that we have a larger proportion of adult males than any of the other colonies, and therefore we are more a consuming colony than the others. If we were to go into federation now, the figures would work out to our disadvantage, as the statements placed before the House plainly show. Enthusiasm has been often pleaded on the side of the immediate federationists, but I say that those who are concerned in governing a colony or State are failing in their duty to their constituents or their country if they permit enthusiasm to qualify their judgment. They are bound to consider to the best of their ability and judgment the business interests of the people. It may be flattering to one's self-vanity to be called enthusiastic, and to have it said of us that we disregard sordid or paltry considerations, but those are matters which we are bound in the first place to

consider. The State exists, and those who govern the State should run it for the benefit of the citizens. In these days first we have to consider the material elements, and this loss of £300,000 or £400,000 mentioned by hon. members is not to be faced by us at the present time. However, even if that difficulty were to be overcome, I think we are agreed on the third point, namely, that the colony has pledged itself to send its delegates to Sydney, if only to keep the door open. I think that Section 114, to which our attention has been drawn by the Minister of Mines, puts the whole thing in a nutshell. In 1891 the door was left open in the draft Bill which was then framed. In 1897 that door was shut. It is our business to send round delegates to keep the door open. In 1891 there was a clause left standing, which provided that if the Constitution were adopted—I am quoting from memory—any State, say Western Australia, would be at liberty to enter at any time thereafter into the federation on the basis of that Constitution. In 1897 they crossed out that clause, and they left it in such a way that if Western Australia chose to join the federation on the establishment of a Commonwealth, well and good, but if not she should join thereafter on any basis which might be agreed upon by the Federal Parliament, and under any penalties which might be imposed by the Federal Parliament. I have no doubt myself that by the time we are ready to join that federation—and it will not be many years before we are—we shall be in such a position that the Commonwealth will be only too glad to have us. We shall still be a community of producers, levying certain duties on the other colonies. We shall have something to give away, in the Bismarckian phrase, and we should be given a hearty welcome. Our duty at the Convention in Sydney will be to keep that door open. I do not think the debate on this question does very much good; we have had too much talk already; the time of the colony is being unwarrantably wasted. I do not say only in this House. We are thoroughly agreed on the course we propose taking. I do not think that business men have anything to fight about; but we are suffering from a great feeling of unrest throughout the colony, and therefore

I think that this House had better attend as soon as possible to the urgent matters of internal reform which are so much required. No doubt the finances are in a perfectly sound condition; still there have been largely, I think, in banking circles and among the new-comers, many remarks circulated about the supposed bad condition of our finances. Certain reforms ought to be made. The fields are agreed that certain reforms are necessary. These have been delayed owing to the amount of time which has been spent on a matter which does not concern us, much as we are agreed about it. But in the meantime we are suffering in our public and private credit, and in a crucial period like this we should attend to our own business first. Our own business I contend is first of all to get as soon as possible ahead with the ordinary public business of the colony; to get hold of the Financial Statement and to put through the necessary mining reforms. If the Mining Commission can report before three months it will be all the better. The sooner we have that report and the sooner we carry out the necessary reforms, the better. We shall be putting money in circulation on the fields and throughout the colony as a whole. In the meantime, let us send our delegates to Sydney in order to keep the door open.

HON. C. E. DEMPSTER: I feel very reluctant to speak on this matter, but I recognise that in bringing this Bill into law we should be injuring permanently the very best interests of the colony. I take it that the question now principally before the House is as to whether we are committed to sending delegates to further consider the amendments of this Bill at the next meeting in Sydney. If the House considers we are bound to do so, in accordance with the resolutions passed at our last meeting, then we should be obliged to send representatives; but I hope and sincerely trust that those representatives will be fully alive to the very great responsibility that will rest upon their shoulders. It is hardly likely that the other colonies would adopt any suggestions that would emanate from this or the other House, but I do not hesitate to say that if this Bill were adopted in its present form, it would bring about ruin and consternation throughout the whole country, and that it would be per-

fectly unworkable. We are getting used to the machinery of the present Government, and everything is working in a satisfactory manner; but entering into federation in accordance with this scheme would necessitate a complication of affairs very unlikely to conduce to the proper carrying out of the business of the country. While our revenue would suffer to a fearful extent, can it be desirable for this colony to rush into such a state of affairs in this stage of its existence? The interests of the other colonies are fully developed, but here it is different. Our interests—the best of them—are quite undeveloped. I think the result would show that we are not very far wrong in the form of Government under which we are working at present. I maintain that it is perfectly unnecessary for us to rush into this federal Government, for some time to come at all events. It might ultimately bring about a feeling of goodwill between the colonies, which might not otherwise exist; but I do not see why we should be excluded from joining at some other time, even if we do not join now. We might then be better suited for federation than we are now. I do not see how the colony would benefit by joining at the present time. We should have all to lose and nothing to gain. I consider that the Hon. J. W. Hackett deserves the thanks of the whole of this House for the very lucid and statesmanlike way in which he put the matter before us; but even he warned us of the dangers which exist in the way of federation, and he did not hold out the slightest hope of the Bill becoming law; but he endeavoured to impress us with the great importance of it in the future. He said that to make a Bill which would suit us in the future, it will be necessary to send our delegates to Sydney now. Is it necessary to do so? Are we pledged to such a course? I do not think that, because we sent delegates to the Conference at Adelaide, we are therefore obliged to send delegates to the Convention to be held at Sydney. If the House thinks otherwise, no harm would be done by sending them. Of course, whatever the result of their deliberations might be, they would have to come again before us before the Bill could become law. In considering this matter for a long time I have thought that surely we

were capable of paddling our own canoe, and that our best policy would be to leave this scheme to the other colonies. If this question had cropped up before the discovery of the goldfields, the other colonies would hardly have recognised us. I must say that in discussing this matter I do not feel that I have sufficient knowledge of the whole question to justify me in forming an opinion as to what the cost and the difficulties would be that would accrue from the introduction of federation. Still I am willing to give the question that amount of credit which perhaps it ought to have, and to admit that in the future it may be a very praiseworthy and deserving mode of procedure to enter into federation, but certainly not under existing circumstances. I am quite sure that it would be very unwise on the part of this colony to enter into the arrangement proposed by this Bill.

Hon. G. RANDELL: I understand that some hon. members wish to reserve what they have to say on this question and on the general features of the Bill until Tuesday next. I was hoping myself that we could see our way clear to get through the general remarks on the Bill to-night, so that we could go into committee when we met again. However, I trust that hon. members who are desirous of speaking on the subject may make up their minds to keep up the discussion to-night, so that we can come to the conclusion to go into committee on the Bill at our next meeting. The course before us is pretty clear. Whether rightly or wrongly, we agreed to be represented at the Adelaide Convention. We sent our members there and they spoke in our name, and arrived at certain conclusions which commend themselves generally to the whole colony. I have heard nothing in opposition to that, at any rate. I think, perhaps, that the decision on the part of the Government to be represented at the Convention was arrived at rather hastily; but having committed ourselves, I see no alternative but to continue to send our delegates until such time as the Bill is fixed up ready to be presented to the Parliaments of the country. There are many reasons why we should be represented at Sydney. They have been touched on by almost all who have spoken, and they commend themselves to the general sense of the

community at large. I mentioned one or two of them myself, and that will release me from the obligation of saying very much to-night on the measure, especially as I desire to see the general discussion of the Bill got through with, and the Bill taken into committee. I must express my thanks to the hon. members, the Minister of Mines and the hon. J. W. Hackett, for having assisted us very considerably in the consideration of this Bill, consisting as it does of so large a number of clauses. They have thrown considerable light on the topics dealt with therein, especially to those who have not been very well acquainted with the history of the constitutions referred to again and again in the debates in the Convention. They have removed perhaps some of the difficulties which were present in my mind, at any rate, with regard to some of the clauses of the Bill. There are a great many things for us to consider in connection with the Bill, and its final drafting. We know very well that at Convention after Convention there were men—real statesmen, some of them—who were thoroughly acquainted with the working of similar institutions, more or less similar in various parts of the world, and the mass of erudition which they brought to bear on the subject was exceedingly instructive, but the reports are so exceedingly voluminous that to retain in the memory even the main features of their arguments is so difficult as to prevent me from making use of them to-night; yet I am satisfied that such careful enquiry was made into all the circumstances connected with the several States of Australia, that every possible way in which the various clauses would affect the different States was considered. I am afraid the lawyers, who were much in evidence at the Convention, had a great deal more to say than was necessary, and that they were fighting straws, to use a common expression. Alterations will doubtless be made by the Parliaments of the different colonies; some of which alterations, should they find their way into the new Bill or the amended Bill when it comes from the Convention—if the Bill is amended in the way proposed by the various Parliaments—will be entirely unacceptable to us, and we should not think of entering into a federation such as would be provided for if the

wishes of the Parliaments of some of the other colonies are to be carried out. I regret to find that some members who were at the Adelaide meeting are now unable to give their attendance at the Sydney Convention, and I think it is to be deplored that they cannot go. It would be highly desirable that the members who were at the first Convention should be at the second; but if that cannot be the case, I hope a good selection will be made in their room, and that we shall be represented there. Remembering that this constitution has been arrived at very much on the lines framed in 1891, we cannot reasonably expect, I think, that any more concessions, at any rate of any magnitude, will be given to the smaller States. I quite agree with the Hon. H. G. Parsons, that we should keep the door open, although that may not be a good expression to use, and may furnish material for remarks on the other side. They may say that Western Australia is not sincere in the cause of federation, but I take it that the hon. member does not mean it in any sense of that kind, but feeling that the conditions of the colony at the present time are so different from those prevailing in the other colonies, there is no possibility of federating on lines of equality or beneficial to ourselves, and we have to look after our material interests. We may safely leave it in the hands of the delegates appointed to see that nothing is consented to by them which will be derogatory to the advantages and good of this colony. But we want them there; we want their voices to be heard. One thing in particular, I think, makes it very desirable that our delegates should go, and that is, they would support South Australia and her claim with reference to the rivers which find their rise in New South Wales, or between New South Wales and Victoria and pass through South Australia. I have read the arguments used on both sides on that question. We have great interests, and though it may at first sight seem undesirable to give the entire States permission to use the rivers which have their rise in one colony, when we remember that to South Australia it is almost a matter of life and death, that her commerce depends to some extent on them, it appears only right that the rivers should not be interfered with to deprive her of a valuable

highway. From what I gathered from the speech delivered by the Right. Hon. G. H. Reid, there was the intention implied, expressed almost, that New South Wales had a perfect right to use the rivers for her own advantage without considering what effect it may have on the commerce and progress or interests of another colony. That is to say, they might find fresh channels for the river, divert the waters, use the water for irrigation purposes, and deprive South Australia of the only great natural highway in Australia—the River Murray—of a large portion of the waters, and render it unnavigable in South Australia. That would ruin the trade on the river in South Australia. Therefore I trust our delegates will bear this in mind, and if they are of the same way of thinking as myself, they will give earnest support to the views of South Australia. We have to remember the many changes that will take place in regard to federation with reference to our officers who become federal officers, and a large number of other subjects on which federal authority may be exercised, inasmuch as they may be exercised to the detriment of the smaller States, very likely. I will not, however, particularise them, but I say I am entirely in favour of the delegates attending the next Convention, to do their best to secure for ourselves and the other colonies such a Bill as will permit of our entering now, or later, on equal terms. It has to be borne in mind what the Hon. C. E. Dempster said. This federation cannot take place immediately; even supposing all the circumstances are propitious, and the way is open to West Australia to join, it cannot take place for some time. It will not take place this year, or even next, under any circumstances. For these reasons and others, which it is not necessary for me to mention, I think our delegates should go to Sydney. I agree with the Hon. H. G. Parsons that time is of great importance. I believe the affairs of this country require careful and prompt attention; and it is unfortunate that the events which have transpired within the last few months—the election of the new Parliament, the voyage of the Premier to England, and the meeting of the Federal Convention—have to a certain extent prevented us from giving that early attention to many important affairs requiring at-

tention. The sooner the Convention meets, and the sooner it has finished its business and reported to Parliament, the better, at any rate, it will be for us: therefore I trust we will get on with the Bill as quickly as possible, and give it careful attention when in committee, which is better than discussing the Bill generally. Those members who have not spoken I hope will see their way to speak to-night, and allow us when we meet again to go into committee on the Bill.

HON. A. B. KIDSON: I do not intend to prolong the debate to any undue length; but I cannot help expressing my opinion, and disagreeing with the hon. gentleman who has just spoken, and the hon. gentleman who preceded him, that in discussing the Bill we are perpetrating a waste of time. I fail to see that. I am sent here to do my duty, not only to my constituents, but to the colony as a whole. I would like to learn from the hon. gentlemen, or the House, whether this subject is of great importance to the colony or not. It is with mingled feelings that I join in the debate in endeavouring to do my small part in rearing this great national fabric—this great and noble constitution which it is the endeavour of the leading statesmen of the colonies to erect. There are many points in connection with the Bill: indeed the Bill is so complex in numerous sections that it is almost impossible to deal with them in a debate like this, except at very great length. The most salient points have been dealt with by the Minister of Mines and the Hon. J. W. Hackett, in such a manner as must have enlightened us who hitherto were not so well enlightened as we might have wished. I had not intended to speak to-night; indeed I was not prepared, because I had not the time to devote in getting up a subject like this so as to make a speech which I think would be worthy of the subject. This, as I stated in the debate on the Address-in-Reply, I consider to be the most important subject that has ever come on for discussion in the Parliament of Western Australia. We are now engaged on what? We are engaged in taking our small part in framing a constitution which, if the Federal Constitution of the Australian colonies comes to pass, is to be a federation, not for a day, but for years. There is to be no departing or seceding from it

when it comes about; therefore, it is important that the greatest care should be taken in framing a constitution of this kind. Honourable gentlemen have stated that it is sufficient that the matter has been debated in the other colonies, and it is sufficient for us to send our delegates to represent this colony on this great subject. That is not sufficient. It is necessary for us to express our feelings, as well as the delegates from Western Australia. There are many principles which require our attention, and no doubt these will be debated when we get into committee. I have studied the subject a little bit, but not as much as I should have liked. There is one point I should have liked to have heard the Hon. J. W. Hackett upon. He spoke with great effect on it at the Federal Convention of 1891. The point I refer to is, what is going to be the effect—I think it is a most important point—of Responsible Government on the federation. It is said that Responsible Government will either kill federation, or federation will kill Responsible Government. That proposition was put forward in 1891, when it was taken up by a great statesman on the other side—Sir Richard Baker—who also spoke of it at the last Federal Convention. When he spoke he gave great food for reflection by the Convention. None of the delegates speaking in Adelaide expressed any opinion on the point submitted by Sir Richard Baker and by the Hon. J. W. Hackett at the previous Convention. We are one of the smallest of the colonies, and if Responsible Government is to kill federation or federation is to kill Responsible Government, it may mean that we will be absorbed in the larger States. Another point that is worthy of consideration by the House is that it is necessary for every clause of this Bill to be considered not only as a clause, but that each clause should be considered almost word by word. This Bill has been drafted and drawn up by the most astute lawyers in the Eastern colonies; and lawyers on occasions may twist and turn a word in such a manner as to give it a very different meaning from that which it bears on its face. Not that I say this has been done intentionally, but these little errors do creep in, and we must remember that those learned gentlemen who framed the Bill in the Eastern colonies did not repre-

sent Western Australia. I cannot agree with what the Hon. R. S. Haynes stated. I cannot understand any gentleman occupying the high and honourable position that that gentleman occupies, making the speech he did on the subject. I should say the same thing if the honourable gentleman was here. I cannot imagine any gentleman in the House making such a speech. It shows such a narrow provincialism. I always thought he took a broad and comprehensive view of things; but he spoke of the delegates selling Western Australia to Victoria or New South Wales. I could hardly believe my ears when I heard the honourable gentleman. He also spoke in a paradoxical way, because he said if Western Australia went in for federation, she would be swamped; and he told us also that New South Wales would not join. If New South Wales does not join, practically there will be no federation. That was a peculiar view for the honourable gentleman to take, and I do not quite understand it. There is one other point I wish to express my opinion upon, and that is in regard to the federal judiciary. There was a great deal of debate in the Convention on this, and I would like to express my view. I cannot agree that it is an advisable thing to do away with the appeal to the Privy Council. It has been an opening for appeal from time immemorial, that every subject in a British dominion should have the right to appeal home to the Privy Council. I should be very sorry indeed to see that link—and I consider it a link—that binds these colonies to the mother country, torn asunder. It is a good thing to have a judiciary in Australia, but I do not think I should compel every litigant to go to that court without allowing him the right of appealing, if he chooses, to the Privy Council.

THE MINISTER OF MINES: There would be no finality.

HON. A. B. KIDSON: I do not say that a litigant should be at liberty to go to the Federal Court and then to the Privy Council: he should go either to the Federal Court or the Privy Council. That is a view that has been taken up by many distinguished and learned gentlemen who have debated the question fully in the other colonies. There is another point, and I am not alone in this, for the

opinion is held by most distinguished men. The effect of forming this federal judiciary in Australia would, I think, be to lower the dignity and position of our own State judges. This is an opinion that has been held and presented by a learned judge in Tasmania. He had sat on the bench for forty years, and he should know what he was talking about. So strongly did he feel on the subject that he wrote a letter—an interesting letter I believe—to some of the leading members of the Federal Convention of 1891. I quite agree with it. I cannot help saying to some extent if a federal court is established in Australia, the dignity of our own judges will be lowered. At the present time they are supreme in the sovereign States in which they reside, but if this Federal Appcal Court is established, we shall find another form of judiciary in Australia which is above them. There is one point which perhaps the Hon. J. W. Hackett can give me some information upon. At present I am not quite clear upon Section 88, which says that "Uniform duties of customs shall be imposed within two years of the establishment of the Commonwealth." I would like to know whether or not it is intended that these duties of Customs shall always be uniform: there is nothing in the Act that I can see that shows it? There is nothing to prevent the Customs duties from being altered. I do not quite follow what it means, whether it is to be uniform for all States, or uniform duties.

HON. J. W. HACKETT: It means for all the States - one customs duty in each of the States.

HON. A. B. KIDSON: I should like to know whether, once having formed these uniform duties, they can be altered?

HON. J. W. HACKETT: Oh, yes.

HON. A. B. KIDSON: Then they can frame uniform duties, and the next day alter them into something else. Are they always to be uniform, or are the several Parliaments to have the power to impose what duties they like? It is absurd to say that these duties shall be uniform in two years' time, and in two years and a day they can be altered into something else. It may be all right, but I am not quite clear on the subject. It appears to me to be vague. [A MEMBER: There must be uniform alterations.]

That means that these duties must always be uniform.

HON. J. W. HACKETT: What is charged in one State must be charged in all States.

HON. A. B. KIDSON: It says uniform duties shall be imposed in two years, but it does not say they shall always be retained.

THE MINISTER OF MINES: Retained at the pleasure of Parliament.

HON. A. B. KIDSON: Has the Parliament the right to alter them?

THE MINISTER OF MINES: Certainly.

HON. A. B. KIDSON: Then I think it is wrong.

HON. GEORGE RANDELL: I will direct the hon. member's attention to sub-section 2 of section 52.

HON. A. B. KIDSON: I am glad the hon. member has pointed that out to me; that was the point that I was doubtful about. There is one other question I will ask the Hon. J. W. Hackett, because the Hon. G. Randell asks me to again put the question to him: whether this Government, proposed to be constituted a Federal Government, is a Responsible Government. I have little doubt about it myself.

HON. J. W. HACKETT: It is not intended that it should be defined; it is not stereotyped in the Bill.

HON. A. B. KIDSON: I think the Government stereotyped in the Bill is Responsible Government.

HON. J. W. HACKETT: Oh, no; it is left open.

HON. A. B. KIDSON: It seems uncommonly like it. There is another point of interest in discussing the Bill: personally I am not competent to deal with it, but in the debates I could not help seeing that the question of the railway rates was an important one. It is proposed to give the Federal Government the power and right to appoint a Commission for the control of the railway rates in the colonies. I can see the force of that, that something of the kind should be done. What is the use of sweeping away the Customs duties and allowing the Government to make differential railway rates? There is another point that occurred to me, and it is this. Of course if it is practically decided upon there is not the slightest possible chance of its being altered, but it is somewhat unfair that each of the

colonies should be represented in the federal House of Representatives on the basis of population. That seems unfair, for this reason, and in fact it seems to be rather farcical—I am talking about the Lower House—it seems to be farcical that we should be represented in that House by five members, when we see that another State has twenty-seven. Taking the principle of the constitution in this colony, the representation is by no means on the same basis. Here we represent in this colony certain interests—the pastoral interest, the agricultural interest, and so forth, but by no means is it based on population; therefore it seems somewhat farcical that this colony should be represented in the Federal Parliament to the extent of five votes. All I can say is that Western Australia has a long run in front of it before it has the chance of leading a Government, or being represented in a Government, in the Federal Parliament. How can Western Australia get a following in the Federal Parliament, when it has five members and New South Wales has twenty-seven members? Are the New South Wales members going to follow a West Australian Premier? That is just as likely as the West Australian members following a New South Wales Premier. There is no doubt that that point does crop up. If there is anything else against federation, that is one point that should have weight with us. One thing should not be forgotten in regard to the sending of delegates to attend the Convention. I say we should send delegates, if what I read in the debates is correct. The other colonies say, "All right; don't join, but we shall federate and you will have to come in." They seem to take a very independent stand on the point. If they do federate, and there is any truth in what these gentlemen say, does it not make it necessary, if at some later stage we have to join, that we should have a voice in the construction of the constitution? I do not look on the gentlemen in the other colonies in the same light as the Hon. A. H. Henning does. I look on them as actuated by a great feeling for the strength and, not unification exactly, we do not want that, but for the strength of a federal nation; but at the same time one point must not be forgotten in form-

ing this Australian nation, in taking away in the slightest degree from the sovereignty of the States. The Hon. J. W. Hackett said that the sovereignty of the States should not be taken from us either directly or indirectly. There is another point. The sovereignty of the States must be preserved. One clause seems to militate against that. I refer to sub-section 1 of Clause 31, which gives the right to any man who has resided in the Commonwealth for a certain specified period, of representing practically any State. That is to say, any one who has resided in the Commonwealth for a specified time, no matter whether he is a West Australian or not, whether he has resided here or not, has the right to come here and represent us in the Federal Parliament. [AN. HON. MEMBER: He would not get in.] But men do get in under very extraordinary circumstances; sometimes upon a ticket. It seems to me that the uniformity of States must also be preserved. However little this particular clause may affect the question, there seems to be no doubt that this clause does detract from the point which it is desired to attain.

AN HON. MEMBER: Don't strike it out; you might get in for Sydney.

HON. A. B. KIDSON: I have no ambition to get in for Sydney. I am quite satisfied to get in for Fremantle. The hon. member (Hon. H. G. Parsons) seems to think that the salvo for everything is the 114th clause of 1891. He expressed himself as being quite satisfied so long as that clause was in the Act. According to him, so long as our delegates kept the back door open, that was all we wanted. I contend, on the contrary, that we want to keep every door open, and not only open but secure. It is impossible for us to teach our delegates anything—some of them, at all events—on this subject, especially the Hon. J. W. Hackett, who gave us one of the most lucid and convincing speeches I have yet heard on the subject. He is a master on federation, and so he ought to be. I do not know how many federation Conventions he has attended, but they must be several, and he has made a study of the question for years. But anyone can see that he is thoroughly conversant with the subject, from the masterly speech he has just delivered in this House. Clause 114 was

touched on by the hon. member (Hon. H. G. Parsons). I think, myself, that that clause does undoubtedly require mending. The words "may upon admission" apply to existing colonies quite as much as to new colonies. The clause reads as follows:—

"The Parliament may from time to time admit to the Commonwealth any of the existing colonies (*name the existing colonies which have not adopted the Constitution*), and may from time to time establish new States, and may upon such admission or establishment make and impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit." The terms which the federal Parliament may upon such admission impose, include the representation in each House. That is a most important point. In the first Bill the representation, so far as the Senate was concerned, was to consist of six members for each colony. Unless at the moment that the other colonies decide to federate we also decide to federate, this clause would enable the federal Parliament to say to us, if at some subsequent period we wanted to federate, "Instead of having six members in the Senate you shall only have three." That is not a position in which we want to be placed. The hon. gentlemen who carried that clause were very astute.

HON. J. W. HACKETT: It was carried after we left.

HON. A. B. KIDSON: It is fatal. If this clause remains in the Bill, I do not see the slightest chance of our federating.

AN HON. MEMBER: There is an amendment already tabled dealing with that.

HON. A. B. KIDSON: I did not know that. I have not had the time to get up the subject as I should have liked. It is a most deep subject. It should have taken this House a couple of months to thresh it out properly.

AN HON. MEMBER: In committee?

HON. A. B. KIDSON: I am talking about debating the subject both before committee and in committee. It is a most important Bill, and I do not think we are acting wisely if we leave everything to the delegates, nor do they desire us to do so. Their desire, I believe, is that hon. members should express their opinions freely, whether they are worth

anything or not. The delegates will be able to judge as to their value. They will take the cue from us, and if they understand what the views of this House are, they will be all the better able to represent us in the matter.

AN HON. MEMBER: The delegates want the House to make the amendments which they consider advisable.

HON. A. B. KIDSON: There is another point I want to allude to. I think that the post and telegraphs of this State, at any rate so far as the internal communication is concerned, should not be placed in the hands of the Federal Government. What is the object of placing them under federal control? I fail to see it. What has been the state of affairs during the last three years? The colony has been expanding by leaps and bounds. Nobody knows that better than the hon. Minister of Mines, since he had the control of the department at the time. You could not get up the posts and telegraphs quickly enough. He had more abuse showered upon him than anybody else. How is a Government, residing perhaps in Sydney, to cope with it? It should be altered to intercolonial posts and telegraphs. The Federal Government should have nothing to do with the posts and telegraphs in the internal parts of the colony. The telephones are also mentioned as being placed under the control of the Federal Government. What in the name of fortune do the Federal Government want with them? I never heard of such a thing. Clause 52 gives them the power of controlling telephonic communication. What does the Federal Government want with the control of telephonic communication in Fremantle? If there is any complaint to be made at Fremantle, shall we have to cable to Sydney? It is absurd. I am sure it will work much better in the hands of the local Government.

AN HON. MEMBER: You might just as well complain to Sydney as here.

HON. A. B. KIDSON: I cannot altogether agree with the hon. member. My complaints have been numerous, and frequently couched in strong language, but I can say that the gentlemen in charge of that department have always been courteous, and have always been willing to rectify errors, although they have not always done so. I am sure it would be a

good thing in committee to scrutinise very carefully all the clauses referred to by the hon. member, Hon. R. S. Haynes. There is no doubt that he was quite right in much of what he said with reference to the phrase "until Parliament otherwise provides." We must remember that we should have only five members in the Lower House against 25 for New South Wales. I have no doubt the delegates will take care to see that every word in every one of these clauses is carefully weighed, even after hon. members have considered them carefully. If we are compelled to join the federation, whether we like it or not, then the best thing we can do is to see that every clause in the Bill is carefully scrutinised, and to remember, in doing so, that once the Bill is passed, and, once we join in, we shall never be able to alter it again. I do not think Western Australia will ever be able to alter it again, because she won't have the power to do so. I have not spoken as fully as I should have liked, nor was I as fully prepared to speak as I should have liked. It is a subject which should be most deeply studied before speaking to it. It deserves the very gravest consideration on the part of every hon. member, and I feel confident it will receive that consideration, as far as time will permit, when the Bill goes into committee; but I repeat again we have not had sufficient time. I speak for myself at all events, in which to study it. The Bill has only been in my hands a short time; and to think that anyone can master the contents of such a Bill as this, especially the financial clauses, in a short time is absurd. I do not know much about finance, and do not particularly want to; but after I heard the very lucid explanations made by the hon. the Minister of Mines, the Hon. J. W. Hackett, and the very able report prepared by the Hon. E. Barton, I can say I understood as much about it at the finish as I did at the start. I do not believe there is one hon. member of this House who could explain the tenor of the clauses in question after he had heard the speeches to which I have referred. The financial question was the most difficult and complex subject with which the Convention had to deal. Many of the hon. gentlemen present at the Conventions were learned in finance. The greatest financiers in Australia were pre-

sent. Every one of them had a scheme of his own for the solving of this difficulty, and yet after all their trouble we find that it does not suit Western Australia. We have to put forward a scheme of our own, and that scheme, I take it, is embodied in the amendment on the notice paper. That scheme, whatever it is, should be very carefully scrutinised, or we shall be making a rod for our own backs. I do not say we are, but I do say that any alteration that we may make should be very closely scrutinised by the leaders of the House. It seems to me, at the present time, if Western Australia goes into federation on the lines laid down by the Federal Bill, Western Australia will be putting her neck into a noose; but we can make such amendments as may, if adopted by the Convention, make the Bill more workable so far as we are concerned. Equal representation in the Senate was a point on which there was a big fight, and the delegates of this colony, led by the Premier, fought hard, and they succeeded to a certain extent, and I think satisfactorily to this colony, because we obtained an equal representation in the Senate with the larger States. In fact in the Senate the smaller States will, in proportion to population, be more strongly represented than the larger States. Under the Bill as it now stands the Lower House can amend a money Bill, but the Upper House can only suggest an amendment, and if the suggestion is not adopted the Senate has the option of rejecting the Bill altogether. The Premier of New South Wales (the Right Hon. G. H. Reid), when discussing this point, said that if the Upper House made a suggestion which was not approved by the Lower House and refused to pass the Bill in consequence, the onus of refusal would rest with the Upper House, whereas if the suggested amendment were adopted the whole of the onus would rest with the Lower House. As representing one of the larger States, he preferred to see that the whole of the onus was thrown on the Upper House. There was a great deal in what he said. In conclusion, I hope the very greatest care will be taken in the consideration of every clause of the Bill, that every word will be carefully scrutinised by every member of the House, so that we shall have done our best in constructing a federal government which shall be lasting

and satisfactory, not only to us but to the whole of Australia.

HON. D. MCKAY: I look at the question from a national point of view, and I quite realise the necessity of sending delegates to the Sydney Convention.

HON. A. H. HENNING: In supporting the motion tabled by the Minister of Mines, I do not intend to speak to the draft Bill submitted, or to the amendments that have been tabled by the Minister, but to show what, in my opinion, is the real reason why the delegates must go to the Convention about to be held in Sydney. It has been said in certain quarters that as Western Australia cannot advantageously join in the Commonwealth, therefore her delegates should not go to Sydney, and it has been said also by others that if the delegates did not go there, it would be a breach of faith. I contend that if the delegates do not go, they will be backing down, and treating unfairly all the States who have joined in the past in an attempt to frame a Constitution to be submitted to the Imperial Parliament. It appears to me that it is the bounden duty of the delegates already elected to go to the Convention in the early part of next month. I take it for granted that the hon. members in this House will not be a party to any instruction which may run counter to the fulfilment by the delegates of the statutory duty imposed on them by a solemn Act of Parliament, so long as that Act remains on the records of Parliament. Neither, I hope, will they be a party to the obstruction by the Government of the administration of such an Act. By the Enabling Act it is provided that seven delegates should be appointed for a specific object, and it charges them with the imperative duty of proceeding to the Convention which was to be held in Adelaide, there to take part in the deliberations, and to carry out the purposes declared in the schedule to the Act, and that schedule charges the members of that Convention with the duty of framing a Constitution to be submitted to the Imperial Parliament. The Act also provides that in certain cases and emergencies the delegates shall vacate their office; and one of these instances is that if any delegate fail to attend any five sittings of the Convention without the leave or permission of the Convention, he shall vacate his seat,

and that thereupon immediately a fresh election shall be held to fill the vacancy. Now, if this House does not pass the draft Bill which has been submitted to it, or prevents the delegates by a resolution from proceeding to the Convention, I am sure that the Convention will not grant such leave; and, even if any of the other representatives at its meetings apply for leave to be granted to the delegates of this colony, such leave will not be granted. Immediately on the expiration of the five days, all the delegates who have been restrained by such resolution from going to the Convention will vacate their office, and the Government will be bound under the Act to immediately proceed to a fresh election. That will stultify this Chamber, and will make it look ridiculous and contemptible. The motion which has been tabled by the Minister has, to a great extent, been lost sight of, owing to certain speeches with which we have been favoured. Some hon. members have not confined themselves to the motion or to the draft Bill, but have spoken on the advisability of this colony joining in the federation, and altogether lost sight of the subject which we have to debate. The Minister in tabling his motion has simply fulfilled the imperative duty cast upon him by the Act, and it is just as much our duty under the Act that this Bill should be immediately considered, and remitted to the Convention in Sydney through our delegates. Section 23 of the Federal Enabling Act, in accordance with which this motion is tabled, is absolutely conclusive on this point. I submit to hon. members that so long as the provision remains on the statute book, it is our bounden duty to assist the Minister in complying with the conditions of that section. As I said, I do not intend to deal with the Bill, but one argument used by the hon. member (Hon. R. S. Haynes) struck me as singular. He first of all said that he intended to vote against the motion, and further on that he would, at a subsequent time, table a motion restraining delegates from proceeding with their duty; and thereafter he said that if the Government or the Parliament now sitting would go on with the business of the country without adjourning during the meeting of the Convention, he would withdraw his objection. But his only objection appeared to be this, that by

an adjournment during the months of September and October we would be compelled to sit in the month of January next, and therefore, as that would be inconvenient to him, he would have no federation. That was the argument with which the hon. member endeavoured to induce the House to obstruct the delegates from proceeding to the Convention.

HON. A. P. MATHESON: In rising to support the motion I would like to say that, after the very able way in which the Hon. J. W. Hackett explained the nature of the Bill, and the reasons why it was essential that we should send our delegates to Sydney to discuss the general terms of the measure, I fancied it would be unnecessary for me to express any individual opinion on the wisdom of such action; but it seems to me that hon. members hardly yet realise the danger that might arise, not only to this colony, but to the other smaller colonies, if we failed to assist those other smaller colonies in getting such a Bill drafted and approved of as would eventually suit all of us. I would like, therefore, to call the attention of the House to some remarks which fell from the Right Hon. Sir George Turner in Adelaide. In speaking of Tasmania and the attitude that the representatives of Tasmania were taking up at that Conference, he spoke as follows:

If Tasmania sees fit to stand out at the initiation of federation because there is a small loss, she may find in five years' time that the Federal Parliament will say, "You chose to stand out at the beginning, and if you desire to come in you will have to contribute something to make up for the loss we have sustained, and which you have not lost because you stood out." My hon. friend will see that Tasmania will not be able to walk into federation like that.

It seems perfectly clear that although this sentiment of Sir George Turner was spoken in reference to Tasmania, it applies with equal force to this colony: to my mind it is incapable of dispute. We must be represented at the Convention in Sydney. There is only one other question to which I should like to allude, and that is to the statement which fell from the Hon. A. B. Kidson, to the effect that he failed to see why the post and telegraphs should be handed over to the Federal Government. Apart from any constitutional question that may be involved in the control of the post and telegraph de-

partment, I should like to point out, after reading through the figures prepared by the actuary, that I find the cost of running the department has exceeded the revenue by £104,863.

HON. A. B. KIDSON: It is not a question of cost.

HON. A. P. MATHESON: I think it is. It seems to me if we dispose of this department to the Federal Government, it would be a good commercial transaction.

HON. G. RANDELL: We should be charged with the deficiency.

HON. A. P. MATHESON: The deficiencies with which we shall be charged are those arising in other directions.

HON. A. B. KIDSON: I think that amount includes buildings.

HON. A. P. MATHESON: It includes the necessary repairs to lines.

THE MINISTER OF MINES: And it includes steamer contracts also.

HON. A. P. MATHESON: I should be inclined to assume that this debt would increase year by year instead of decreasing, and by handing over this department to the Federal Government year by year we shall gain and not lose.

THE MINISTER OF MINES: I have listened very carefully indeed to the various remarks that have fallen from hon. members, and I think I may fairly congratulate the House on the careful deliberations brought to bear on this very important question. There is no doubt it is a matter of the most far-reaching importance, and requires all our best energies and best knowledge, and careful consideration. It has, however, been debated by some hon. members from not quite the standpoint it should have been considered from. The Hon. A. H. Henning has touched upon some of the points to which I was about to refer, and in a clear and concise speech he has placed the legal aspect before hon. members, which relieves me from referring to it; but to those hon. members who think there is some chance of the colony adopting federation at once, and seem to think that a trip to the Convention means that we are going to adopt this amended constitution, I would point out that there are one or two stages yet at which we shall have an opportunity, not only of further considering the matter, but of entering any objections. According to

the Act quoted by the Hon. A. H. Henning, it is distinctly stated we are now bound to make the necessary amendments; that the Parliament of each of the colonies make the necessary amendments they think fit, so that these may be submitted for consideration at the further meeting of the Convention. After that Convention has dealt with these amendments, and after the Bill has been revised in such a manner as the States may think fit, this draft Bill is again to be submitted to the Parliaments of the various colonies, and we shall be again in the same position as we are tonight. Then we can finally state whether we are prepared to adopt the constitution or not. It seems to me to be premature to say whether we shall do this or that. Supposing our representatives were able to secure terms distinctly to our own advantage, how foolish it would appear to us then to have said we will not attend the Convention. I think our bounden duty is to allow our delegates to consider the question in connection with the delegates of the other colonies. I feel sure they will give it that careful attention they have bestowed upon it in the past. Some honourable members stated there was not much chance of altering this draft Bill. Well, every Parliament is sitting at the present time altering it, and there will be a very difficult matter to reconcile the different amendments made by the different colonies. The money clauses seem most difficult. The Hon. A. B. Kidson seems to be hopeful that the difficulty will be got over in committee.

HON. A. B. KIDSON: I was not hopeful.

THE MINISTER OF MINES: Then you will not be disappointed. This subject has baffled the most experienced men. The money clauses were drafted by three or four of the Treasurers of the colonies, and the subject having baffled them, it is not likely we can frame something to get over the difficulty. Those clauses we are not satisfied with, we can strike out, and leave our delegates a free hand, to some extent, after having heard our views, as to what they will adopt; also after having heard the views of men of far greater experience than any of us. I need not detain honourable members longer; but before sitting down I would like to say one word in regard to what the Hon. A. P. Matheson said about the

post and telegraphs. It may seem that to a small colony the loss of one hundred thousand pounds a year on post and telegraphs was a terrible piece of prodigality. Last year when I had the honour to control this department, the loss was sixty thousand pounds, and when I tell honourable members that the expenditure of this department is distributed all over new goldfields for the facilities of the people, when we have post offices hundreds of miles away from railways, and we have to send men with large salaries up there, rather than this being a matter for reproach it ought to be a matter of compliment that the Government has been so liberal as to give these facilities.

HON. A. P. MATHESON: I did not mean to reproach you, sir.

THE MINISTER OF MINES: I do not attribute any motive to the hon. member. I simply use the expression. The hon. member said we ought to be glad for the Federal Government to take over this expenditure, and I am only explaining in all fairness how this expenditure is incurred. A little while before I joined the Government, the post and telegraph department was accused of making the department pay. The people said that sufficient convenience was not given to them, and that is how we made it pay. Now we do not make it pay, and we are abused.

HON. A. P. MATHESON: No abuse.

THE MINISTER OF MINES: I only use that form of expression. I did not mean abuse. The Government pays five thousand pounds to one firm alone for carrying the mails, and all that is charged against the post and telegraphs. I make this explanation, although I do not think it has much to do with this matter.

Question put and passed.

IN COMMITTEE.

Clause 1—Short title:

Progress was reported, and leave granted to sit again on Monday.

ADJOURNMENT.

THE MINISTER OF MINES moved that the House, at its rising, adjourn until Monday afternoon at 4-30 p.m.

Agreed to.

The House adjourned at 9-45 p.m. until the next Monday.