Legislative Council,

Tuesday, 27th November, 1906.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Returns presented under Section 60 of "The Life Assurance Companies Act 1889." 2, Return concerning the amount of expenditure on Public Works in the districts embraced in the North Province for two years ending 30th June, 1906, asked for by Mr. Sholl. 3, Annual Report of Central Board of Health, year ended 30th June, 1906. 4, Return to order of the House *re* Chapman, Hamel, and Narrogin Experimental Farms, asked for by Mr. Loton.

QUESTION—SEWER FOR STORM-WATER.

HON. J. W. WRIGHT asked the Colonial Secretary: 1, Is it a fact that the construction of the storm-water sewer now being carried out has resulted in causing considerable damage to roads and buildings by settlement? 2, Are the contractors responsible for such damage? If not, who is? 3, What is the estimated amount of such damage up to the present time? 4, Have the contractors in driving the headings kept the proper lines and levels as laid down in the plans on which the work was tendered for? 5, Do the contractors employ an engineer to supervise the work, or do the Government provide an engineer for this purpose free of charge? 6, Has the original design of tunnel, etc., been altered since the contractors started work? If so, in what respects was it altered and why? 7, When does the contract time for the completion of the work expire, and is it likely that the contractors will finish the work within the specified period, according to the conditions of the contract?

THE COLONIAL SECRETARY replied: 1, Yes: there has been settlement of the roads, and in two cases cracks have shown in buildings. 2, Clause 87 of Schedule to the Specification reads:—"All buildings, walls, fences, and works of any description met with on the site of the works that it is found necessary to remove or that may be disturbed shall be replaced or repaired at the sole cost of the contractor, and left, at the completion of the works, in their original order and condition." 3, Amount not yet assessed. 4, Yes. 5, The work is supervised by the officers of the Public Works Department, as provided for in the contract. 6, No. Slight modifications in execution have been allowed to meet circumstances. 7, 10th January, 1907. Should nothing unforeseen happen, there is no reason to doubt the contractor's ability to finish about the date given.

REPORT—LAND BILL INQUIRY.

SELECT COMMITTEE'S REPORT.

HON. J. M. DREW brought up the report of the select committee appointed to inquire into the Bill.

Report received, read, and ordered to be printed; also to be considered in connection with clauses of the Bill, at the next sitting.

BILL—PERTH TOWN HALL (SITE).

ASSEMBLY'S MESSAGE.

The Legislative Assembly having declined to make the Council's requested amendment, the Legislative Council having then insisted on its request (Message 27), and the Speaker of the Assembly having ruled such insistence out of order, the Assembly now returned the Bill with a message as follows:—

With reference to Message No. 27 of the Legislative Council relating to the Perth Town Hall Bill, the Legislative Assembly acquaints the Legislative Council that the Legislative Assembly is unable to consider the Message for the reason that Section 46 of the Constitution Acts Amendment Act 1899 gives no power to the Legislative Council to insist upon a request, and that a request so insisted upon would assume the nature of a demand, and thus violate the principle of the procedure prescribed.

The Assembly's Message was now considered in Committee.

THE COLONIAL SECRETARY: When the Bill went to the other House, our message insisting on our requested amendment was ruled out of order on the ground that under Section 46 of the Constitution Act we had no right to insist on an amendment in a Money Bill.

HON. G. RANDELL: Did the section say we could not insist?

THE COLONIAL SECRETARY was not defending the ruling; he was merely stating what was the case. The Assembly refused to receive our message as it was worded. To get over the difficulty he now moved:—

That a Message be transmitted to the Legislative Assembly in substitution for Message 27, again requesting the insertion of the amendment therein referred to.

HON. G. RANDELL: The Bill was of little consequence. In fact, if it were dropped it would perhaps be a better course to pursue, because it would give the members of the Perth Council, who had been charged with not being able to make up their minds, an opportunity to do so. There would not be the slightest harm done to the negotiations now taking place between the City Council and the Government if the Bill were adjourned till next session. However, there was a question behind this of much greater importance, namely the privileges of the Legislative Council, which every member of the House, from the President to the youngest member, was anxious to maintain; and in this connection he would read something that took place in 1894. It bore out exactly what he had said the other day when speaking on the Assembly's attitude in regard to our amendments on the Land Tax Assessment Bill. Then he had not remembered what took place in 1894, but on looking back for the purpose of seeing whether the opinion he expressed was in accordance with opinions expressed previously and with the past procedure between the two Houses, he had come across this incident of 1894. We had not only the precedent of what took place in regard to the Electoral Bill, the Constitution Bill, and the Redistribution of Seats Bill in 1903-4, but we had also a precedent in 1894. In regard to the Electoral Bill and the other Bills, the word "insist," to which exception was taken by the Assembly, was, during the debates in both Houses, again and again made use of, and no exception was taken to it. In fact no other word would be quite so suitable; if we refused to alter our opinions we insisted on the amendment. What he would read from *Hansard* of 1894 would show how the privileges of the Legislative Council were maintained. At that time Sir John Forrest was Premier and the late Sir James Lee Steere was Speaker of the Legislative Assembly. The Legislative Council took exception to two items in a Loan Bill, the Collie Railway and the Bridgetown Railway; and sent back a message to the Assembly stating that it objected to those items. A message was returned by the Assembly without any reasons being given as to why a certain action was taken, and the Council sent back another message, as was done the other day in connection with the Land Tax Assessment Bill, to the effect that the Bill had not been considered in regard to its amendments and that it was necessary to furnish reasons. On that occasion the Assembly fell in with the Council's views, that it was right that reasons should be given for the action taken by the Assembly. He would read what the then Colonial Secretary (Hon. S. H. Parker) said, and possibly what Dr. Hackett said on that occasion. Mr. Parker said:—

It will be observed that there are two notices of resolutions to be submitted to the House. The notice which I have given is this: "That this House, having considered Message No. 22 from the Legislative Assembly, will not insist on its suggested amendments to the schedule of the Loan Bill." The message sent from the Legislative Council to the Legislative Assembly was a suggestion that it should omit from the schedule of the Loan Bill certain items relating to railways. I regret to see that apparently a good deal of misapprehension exists in regard to the powers of the Legislative Council. I think it has been conceded, in some instances, that the course that has been adopted by the Legislative Council is not altogether opposed to constitutional practice; that, in fact, by adopting this course the Legislative Council has invited a collision with the Legislative Assembly. It has been freely stated, I think, that this House is encroaching upon the province and privileges of the other House. But it seems to me this view is entirely incorrect. In the Constitution

Act of 1889 this House had all the powers and privileges of the other House, with only certain exceptions, one exception being that all Bills which imposed any taxation or impost upon the people must be originated in the Legislative Assembly. These Bills are termed Money Bills, and in regard to such Bills they must be first introduced into the Legislative Assembly by message from His Excellency the Governor. So far as the constitutional practice is concerned, which existed before the passing of the Act of 1893—

The section in the Act of 1893 was exactly the same as that in the Act of 1899, which was referred to in the message received from the Assembly—

this House, following the parliamentary practice of the House of Lords, had only however either to reject or assent to Money Bills, no power being given to amend. But the Constitution Act of 1893 gave power to the Legislative Council to return a Money Bill with a message suggesting omissions in any items, and the Legislative Assembly can make such omissions with or without modifications, or not accept them. Consequently, when the House thought proper recently to send suggestions to the Legislative Assembly as to the omission of certain items in the schedule of the Loan Bill, we were following the only constitutional, proper, and dignified course the House could adopt. I take it it is the duty of every member of the Council to uphold the privileges and rights of the House, and if it is the duty of hon. members to do so, it is still more incumbent on me, in virtue of the position which I occupy, to say that the privileges and rights of the House should not be invaded. Although I took an opposite view to the majority of hon. members in regard to the items, and still take an opposite view, I am not prepared to sacrifice the rights and privileges of the House to the mere temporary advantage of the Government or the party which it represents in the Legislative Assembly. It has been said on several occasions by persons, who I think ought to be better acquainted with the subject, that the privileges and rights given to the Legislative Council by the Amending Act of 1893 were not intended to be exercised in the case in which we have exercised them only recently. It has been said that they were not to be exercised when the items formed part of the policy of the Government; that they should not be exercised unless it were a matter of large and vast importance to the public generally, or to the colony at large; but I know of no such limitation in the section. Construing the section, as it is bound to be construed, according to the ordinary meaning of the English language, there is no limitation to the rights of the Council to make suggestions, however unimportant or insignificant the items might be. I may say farther, in South Australia this practice of making suggestions has prevailed for the last thirty years—

This was twelve years ago, as members would recollect—

simply by a compact between the two Houses. In South Australia the Council formerly claimed the right to amend Money Bills, and by an agreement between both Houses it was arranged that the Legislative Council, instead of making amendments, should have the right to suggest; and when the National Australasian Federation Convention met in Sydney in 1891, the question arose, and was debated at considerable length, as to what power should be given to the Senate, which would be the Upper House, as to whether they should have the power of amending Money Bills, or whether they should have the power simply to assent to or reject, or whether the Senate should have power, as in South Australia, of making suggestions to the Lower Chamber. In speaking on the point, we find Mr. Playford, the well-known South Australian politician, and who now represents that Colony at Home, stated that the privilege had been in force in South Australia, and there had never been the slightest trouble as to the working of the compact; nor had he heard a member of the Legislative Assembly say it should be broken. I will read what he said:—"The Constitutional Committee have adopted precisely the mode adopted in the Colony of South Australia, where it has been in force for between twenty and thirty years. We have worked under that system for between twenty and thirty years. The Upper House have the right to make suggestions, and those suggestions have been as respectfully treated and considered by the Lower House as any amendment which has ever been made in connection with any Bill. They have been quietly and intelligently debated in the Lower House: they have been agreed to either with or without amendment, or disagreed to, as the case may be: and they have been sent back to the Legislative Council precisely in the same way as is proposed here. Ever since we made the compact, in consequence of the claim of the Legislative Council in South Australia to co-equal powers with the House of Assembly in dealing with Money Bills, except as regards initiation—ever since we entered into that compact, nearly thirty years ago, we have never had the slightest trouble with regard to the working of the compact. It has worked in the most harmonious manner, and, so far as the Legislative Council is concerned, I have never heard a single member of that body—and I have been in Parliament since 1868—utter a wish that the compact should be broken in any way. I do not see why the sections of the Act of 1893 should not work as harmoniously in this Colony as the similar provision, by virtue of the compact works in South Australia.

The Hon. F. M. Stone said:—

I move "That the Council having received a message from the Legislative Assembly returning the Loan Bill, with the suggestions of the Legislative Council, regrets that the Legislative Assembly has not adopted the more

parliamentary procedure of giving reasons why the Council should reconsider the Bill. The Council does not see how it can reconsider the Bill, unless it is possessed of the reasons of the Legislative Assembly for not agreeing to the suggestions of the Council." I do not propose to discuss the rights and powers of the Council; but I have no doubt that when the occasion arises for asserting these rights and powers, the Council will not be wanting in dignity in enforcing them. The Standing Order 313 of the Assembly lays down that when a Bill is returned from the Assembly to the Council with a message disagreeing with the amendments sent down by the Council. the reasons shall be given. I find that in 1857, when the Council of South Australia sent down a Bill to the Assembly with suggestions, the Assembly returned the Bill without giving any reasons for disagreeing to the suggestions made by the Council. The Council then returned the Bill to the Assembly, asking for the reasons of that House, and the reasons were then given.

That course appeared to have been followed in this case, and reading the remarks made by Sir John Forrest they were certainly to his credit and those who voted with him. Although the member for Nannine spoke as powerfully as he could in the opposite direction, trying to override the powers and privileges of the Legislative Council, only three others voted with him in the division later. The Hon. J. W. Hackett on that occasion said:—

I am prepared to support the amendment, with a modification. I have listened very carefully to the remarks of the Colonial Secretary, and although I agree with the Hon. Mr. Parker in wishing the House to assent to the two items to which exception has been taken, yet the course suggested by Mr. Stone commends itself more to my judgment than that proposed by the Colonial Secretary. I am not going to speak at length, because my mind is in a state of confusion as to what we are discussing. Are we discussing the Loan Bill or the reasons which induced us to send the Bill to the Assembly with the two items omitted? Are we discussing the action of the Assembly in returning the Bill, or whether the Assembly are following their Standing Orders in returning it unattended by reasons? I think that the message returning the Bill should have been accompanied by the reasons of the Assembly, because although it is perfectly true that a new condition of affairs has arisen since the amendment to the Constitution has been made, yet the circumstances are only different in name, surely not in principle. We have no Standing Orders on the question as to suggestions sent to the Assembly, but as reasonable beings we have to apply the rules we find in the Standing Orders, and to act in accordance with their spirit, if we have no clause dealing particularly with the special circumstance. Standing Order 297, referring to messages setting forth amendments sent to the Assembly by the Council, says nothing of attending the messages by the reasons of the Council for making the amendments; and I venture to say that the proposition to send down reasons from the Council on the first disagreement is one which the Colonial Secretary would be unable to discern any precedent for. In the absence of clear and explicit rules on the matter, we are bound to act in accordance with the spirit of the Standing Orders. But, according to the Standing Order 295, the Assembly should send up their reasons when they decline to agree with amendments of the Upper House. This may not be an amendment, but it is the next thing to it: it is a request for an amendment. I am not going to argue the constitutional question, but, if it should be necessary, I think we may be able to show that the right of amendment of the House is as strong and as valid as it had ever been. It is not a question of constitutional usage or parliamentary law, but the interpretation of a clause in the statute-book. I am, however, in a state of bewilderment why the Assembly have sent back the Bill, and I desire to ask for their reasons. I would ask that the amendment of the Hon. Mr. Stone be altered as follows:—"That the Legislative Council having received a message from the Legislative Assembly returning the Loan Bill with the suggestions of the Legislative Council, requests to be informed of the reasons which led the Legislative Assembly to decline to accede to the suggestions of the Legislative Council.

Members would see the rights and privileges of the House were then fully protected by some of the leaders, who carried with them all but four members in forwarding their reply setting forth their reasons. The ultimate issue of the controversy between the two Houses was that the Government promised to bring down two separate Bills for the two railways objected to by the Legislative Council, and the Legislative Council accepted that position of affairs. As to what happened to the two railways, he thought they were deferred for a considerable time. He felt gratified to be in accord with the member (Hon. J. W. Hackett) and Mr. Parker, although Mr. Parker said he did not attempt to pose as a constitutional authority, yet he as a lawyer, and the Hon. J. W. Hackett too, having been trained to examine into these matters, their arguments should appeal forcibly to the Committee. Members would see we were within our rights entirely in sending the Bill back to the

Legislative Assembly requesting the reasons to be given. Referring to what took place in 1904, the word "insist" was used on several occasions when the messages were sent backwards and forwards. He noticed that on three occasions during the discussion in the Legislative Assembly the word "insist" was used. We were justified in assuming that after the first message had gone from the Council or the Assembly on any Bill—and he did not know that there was anything more important than a Loan Bill—the matter was dealt with in the farther stages on exactly the same principle and in the same way as dealing with amendments to any other Bill. He hoped he had discharged his duty in looking up the records. The Council were within their proper position in the step taken in regard to these Bills, and now with regard to the Perth Town Hall Bill. How anyone who read Section 46 of the Constitution Act could say we were prohibited from insisting on a request he could not understand. He hoped the House would not accept the dictum laid down in the message from the Assembly.

THE COLONIAL SECRETARY: The cases quoted by Mr. Randell were perhaps not on all-fours with the present case. In connection with the case referred to in 1894, Section 46 of the amendment of the Constitution, which had been quoted, was not then in force.

Hon. G. RANDELL: A similar provision was in the 1893 Act.

THE COLONIAL SECRETARY was not anxious, far from it, to give away any of the privileges of the House, and if he thought the motion which he had moved would give away the privileges he would ask leave to withdraw it. The section of the Constitution Act stated:—

> In the case of a proposed Bill which according to law must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications.

The word "request" was there, and if we said that we insisted, that could scarcely be ruled as requesting. It seemed we were scarcely within our rights in saying that we "insisted," as the word in the Act was "request." The motion he had moved was that a message be sent to the Legislative Assembly in substitution of Message No. 27, again requesting the insertion of the amendment therein referred to. The message had said "requesting" instead of "insisting." It was slightly different in the wording. If members thought we were giving away any privileges he was first of all a member of the Council and was not going to be a party to give away any of our privileges, and if in the opinion of members we would be giving away privileges in passing this motion he would certainly withdraw it and return the original message.

HON. M. L. MOSS: Members would do well to take up the same position that was taken up in 1894. Before referring to Section 46 of the Constitution Act let him say he thought this measure from another place was the splitting of straws. He presumed the Assembly would have been perfectly satisfied if we had stated in our message that we again insisted on the request being complied with.

THE COLONIAL SECRETARY: That was what we had said.

HON. M. L. MOSS: Or again "requested," leaving out the word "insist." Under Section 46 of the Constitution Acts Amendment Act, which he understood was an absolute transcript of Section 23 of the Constitution Act Amendment Act of 1893, the Council could at any stage return to the Legislative Assembly a Money Bill with a message requesting the omission or amendment of any items or provisions. If we had that power, what could there be wrong in saying we insisted on that request being complied with? The very fact of sending a request to another place was insisting that some alteration should be made. Under Section 46 we had in relation to Money Bills all the powers we had with regard to any ordinary Bills introduced into Parliament, except that Money Bills could not originate in the Legislative Council, but must originate

in another place. That there should be any quibble raised because we said we insisted on these amendments seemed to him to be a regular juggling with words. Under the Bill as it left another place we might have half a dozen different pieces of land subjected to the consideration of the ratepayers at a referendum, and there was no machinery for that. By restricting the referendum to the question of whether or not there should be an exchange of the Irwin Street site for the present town hall site, we were not only acting within the powers given under Section 46, but were making the Bill workable, whereas it would be absolutely unworkable in the form in which it reached the Council. If Clause 4 of this Bill were to remain, a lot more machinery clauses must be provided to enable the referendum to be taken. It would be extremely difficult to frame a sufficient number of machinery clauses to take a referendum on a number of sites in an intelligent way. However, that was somewhat beside the question. As Mr. Randell had pointed out, the privileges of the House were now threatened to a certain extent exactly as they were in 1894, and although this might be a trivial measure it was a matter of the greatest importance to this Chamber to know that in regard to a money Bill we could retain practically the same right of veto and the same right to ask for omissions or amendments as we could in relation to any other class of Bill. He moved an amendment that the following words be inserted :—

That the Legislative Council cannot alter the language in which its Message No. 27 is couched, and still insists on the request made being complied with.

THE CHAIRMAN suggested as to the amendment, that the words after "Assembly" in the original motion be struck out, and the words read by Mr. Moss inserted.

THE COLONIAL SECRETARY was willing to withdraw his motion in favour of the amendment; but there should be a committee to draw up reasons, or the message should be made fuller.

HON. M. L. MOSS also added the following to the amendment :—

—as the Legislative Council does not consider that its message assumes the character of a demand, nor does it violate the provisions laid down in Section 46 of the Constitution Acts Amendment Act 1899.

THE COLONIAL SECRETARY withdrew his motion in favour of the proposal by Mr. Moss, which was further altered, and ultimately read as follows :—

That a message be sent to the Legislative Assembly, informing them that the Legislative Council cannot alter the language in which its Message No. 27 is couched, and still insists on its request made therein being considered, inasmuch as the Legislative Council does not consider that the message assumes the character of a demand, or that it violates the provisions laid down in Section 46 of the Constitution Acts Amendment Act 1899.

HON. J. W. HACKETT: We must thank Mr. Randell for bringing this matter up, though undoubtedly the question would have been raised by one or other member of the House, as each member was animated by a sincere desire to loyally support the privileges and rights of the House, and to retain what the Constitution had given us until they were taken away from us in a constitutional manner. With regard to the question before the House, he was not sure that the procedure advocated by Mr. Moss would not lead us into some difficulties, unless it had the effect, which he for one would not be sorry to see take place, of getting rid of the Bill altogether either in this House or in the other place. With regard to the extracts Mr. Randell read, it was well to point out that there were two different questions in the one that was then before the House and the one we were now discussing. The whole point in 1894 was whether reasons should not be asked for in a message sent to the Council by the Assembly disagreeing to certain amendments made by the Council, and the whole debate turned on that point; and in the course of the debate those expressions to which Mr. Randell drew attention were given utterance to, and the rights and liberties of the House were freely discussed and emphasised. But in the present case not only did the message differ from that of 1894, but it did so to a remarkable degree. Its language was very unusual. It was not that our message had been considered and dissented from, or

that a message was returned lacking reasons, but it was that the Assembly declined to consider our message *ab initio*, and refused even to give our message a place on the table because it believed that our message was an invasion of the constitutional rights and privileges of the Assembly. Therefore it would be seen that two totally different issues were raised in 1894 and now, though constitutionally they might verge in the same direction. As to this question, it seemed particularly unfortunate that the matter should have been brought up in this shape. The word "insist" which had been used, by a strain of language was made to imply that the Council intended to stand upon its bare constitutional right—by which he meant a right which had been, so far as he knew, never acted upon, but which undoubtedly was in reserve for any great occasions—to alter as it pleased all Loan or Money Bills or reject them, or even to go to the length of putting out Ministries. There was a bare right existing in the Constitution for the Council to do that. [HON. M. L. MOSS: It was more than a "bare right."] It was a right that had never been exercised or acted upon, so far as the history of this State and its constitution was concerned, at least to his recollection. The whole difficulty arose over the word "insist," and he could not take it that another place was altogether well advised in making so much out of the fact that the Council used the word "insist," because, as Mr. Randell pointed out, in the debates in 1894 the word "insist" was used over and over again. [HON. G. RANDELL: And very much more in 1903-4.] The word was in continual use, was in the mouth of every member; and in using it members did not mean that they insisted in a paramount sense that their requests should be carried out at all hazards, but were merely adopting a word in current use with a perfectly conventional meaning, and a word which was used throughout the Standing Orders with the same significance as Mr. Randell gave to it. That being so, it was to his mind exceedingly unfortunate that another place insisted on standing upon what it believed its rights, and sent forward a message declining to consider our message in any terms. Had he had the power of making a suggestion in another place he would have adopted the course which was not adopted by the Council a few days back, that of seeking a conference on the matter, and more so because of the stress which the Assembly imported into the matter, something very different from what was in our minds and to what was in the Standing Orders, and, he ventured to say, to what was the current constitutional phraseology of all who had considered the question. Had that conference taken place, each side would have expressed its own view, and certainly the final issue would have been one more argument, and this time an overpowering one, for altering the Standing Orders, or rather for framing Standing Orders to apply to this peculiar procedure, which would have been unanimously adopted by both Houses. The present procedure under Section 46 was wholly unknown to any British House of Parliament. Even in South Australia when it was first introduced, as members would recollect, it was merely a joint standing agreement between the two Houses. [HON. G. RANDELL: It was an understanding.] It was next adopted by the National Australasian Convention of 1891, with the difference that instead of the word "suggest" a much stronger word "request" was used, as being a sort of half-way house between the mere proposal and the intimation of a desire. However, that Convention came to nothing. Our own Constitution was amended a few years afterwards, and he had the honour of moving the clause which was now Section 46 in the present Constitution Act. To his mind it provided a perfectly safe, simple, workable and constitutional way of getting over the whole difficulty. Of course in agreeing to that clause the Council surrendered what had always been theoretically claimed by every second Chamber in Australia, and even by the House of Lords, namely the right to amend absolutely. When we surrendered that right, the Assembly gave way on its side to a certain extent,

and jointly both Houses accepted the compromise which allowed the Council to "suggest amendments," which after all was only "making amendments" in another form of words. [HON. M. L. MOSS: Quite correct.] And that was really the case now. If, however, the word "insist" was objected to, the more courteous and certainly not less effective way would have been to draw our attention to it by means of a conference, and certainly not to have made it the basis for absolutely declining to consider our message sent without the slightest suspicion on the part of any member that we were overstepping the constitutional bounds of procedure. We had no notion whatever of attacking the rights and privileges of another place, but unfortunately "insist" lent itself to two meanings. What we now needed, and what another more important Parliament the Federal Parliament required also, was a Joint Standing Order defining the procedure to be adopted when Section 46 came into use. Until that was done we should have these difficulties recurring again. Though wishing to deal in a most courteous and constitutional manner with another place, he thought it would be more within the dignity of the Council and with the position in which it was placed if we simply laid aside the Bill for the remainder of the session. Though declining to consider our message the Assembly had not even adopted the expedient of meeting us in a friendly conference to consider a point which was charged with something more than difficulty—without using any words of menace—if either House pressed it to its logical constitutional extreme. He was quite prepared to move that the Bill be laid aside. He did not think that the country, or the statute-book, or the city, or hon. members, or the community in general would suffer by that course. In the meantime he hoped steps would be taken by the President and the Speaker, and by those responsible for the conduct of the proceedings of both Houses, to see that such a position should never occur again; that Standing Orders should be framed which, if drawn up with prudence and reason, would form a standard for this House and for another place, and be acceptable to both Houses of Parliament. Things could not be permitted to continue as they were. He could not suggest any word that might have suitably taken the place of "insist." The Colonial Secretary had suggested certain words which, after all, were only a clumsy repetition of the same phrase that "we again request." Another place might take these words as equivalent to "insisting;" he could not see any difference. This House merely desired to ask another place to make certain amendments. If the other place declined to make them, then the representatives of each Chamber should meet in conference. Assuredly, if ever a message had the appearance of being intended to be provocative, it was this one. He entirely acquitted members of another place of any intention in the matter; but he ventured to say that the outside world would read the message in that sense. If the suggestion that the Bill be laid aside commended itself to the Committee, he was prepared to move it; and in his opinion that would be the wiser course, in order to avoid litigation between the two Houses as to constitutional rights. The Bill stood condemned, and was of no use; it would not do what it purported to do. If the Bill were laid aside now it would be a suitable way for the House to express its opinion on the question, and would make it clear that the matter must be settled one way or the other, so that the seed of discord in the relations of the two Houses might be removed. He was willing to move to that effect.

THE CHAIRMAN: Such motion would scarcely be in order, unless an amendment on the present motion were moved to strike out all the words after "that" with a view to inserting the words "in view of Message No. 30 from the Legislative Assembly, the Bill referred to therein be laid aside."

HON. M. L. MOSS would withdraw his motion to make room for an amended form. The reasons now given for laying the Bill aside, as set out by Mr. Randell, Dr. Hackett, and himself should be recorded in the pages of *Hansard*. It

mattered little whether the Bill were sent back to the Assembly or laid aside, so long as full expression was given for taking this course as a means of maintaining the constitutional privileges of this House.

Motion by leave withdrawn.

HON. J. W. HACKETT moved a motion for laying the Bill aside, in the form suggested by the Chairman.

HON. W. MALEY would prefer a vote taken to show that this was practically a unanimous decision of the Council. From the fact that Dr. Hackett's motion would be carried on the voices, there would be no clear evidence in the pages of *Hansard* that the opinion was unanimous; and in the absence of such proof it might be taken that the House was more desirous of defeating the Bill on its merits than of laying it aside as a protest.

HON. G. RANDELL: At first he had thought it would be necessary to again deal with the Bill at this stage; but he now thought no ill-results would accrue from its being laid aside. He trusted, however, that the remarks made would be recorded, and the position put that in taking this course the House was asserting its privileges in the most emphatic way. It was in the public interest that the Bill should be laid aside, because Clause 4 as amended by the Assembly was not in consonance with one of the schedules; and while it was permissible to amend a preamble of a Bill in similar circumstances, he could not say whether it was permissible to amend a schedule. In other States two questions had been submitted to a referendum—one, Bible reading in public schools, the other the liquor question (he believed); and because of the peculiar way in which those questions were put to the people, no decided opinion was obtained. This would probably be the result here as to the site for a town hall, in consequence of the amendment of another place increasing the number of proposed sites to be submitted to the choice of ratepayers. In the interests of proper legislation, and also in the interests of the ratepayers of Perth, who should be afforded opportunity of more carefully inquiring into the question, it would be as well to allow the Bill to lapse.

THE COLONIAL SECRETARY: It might be assumed that this motion had been supported simply because the House desired to lay the Bill aside; therefore he desired to make it clear that it was not the desire of a majority of the House to lay the Bill aside, but merely to maintain the privileges of the House. In the circumstances, probably the best course had been adopted in proposing to lay the Bill aside; for had a farther message been sent to the Assembly and a deadlock arose as a result, a ruling would not thus have been obtained on the question of the privileges of this House.

Question (to lay the Bill aside) put and passed.

BILL—LAND TAX (TO IMPOSE A TAX).

Order read for resuming debate on the second reading, and on Mr. Dempster's amendment (six months).

HON. V. HAMERSLEY (who had moved the previous postponment) moved that the consideration of the Bill be farther postponed for a week.

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

Ayes	..	13
Noes	..	9
Majority for	..	4

AYES.	NOES.
Hon. V. Hamersley	Hon. G. Bellingham
Hon. W. Kingsmill	Hon. J. D. Connolly
Hon. Z. Lane	Hon. J. M. Drew
Hon. J. W. Langsford	Hon. J. T. Glowrey
Hon. W. T. Loton	Hon. J. W. Hackett
Hon. W. Maley	Hon. R. Laurie
Hon. R. D. McKenzie	Hon. E. McLarty
Hon. M. L. Moss	Hon. C. A. Piesse
Hon. G. Randell	Hon. J. A. Thomson (*Teller*).
Hon. R. F. Sholl	
Hon. C. Sommers	
Hon. J. W. Wright	
Hon. F. Connor (*Teller*).	

Question thus passed, the debate postponed.

ADJOURNMENT.

The House adjourned at seven minutes past 6 o'clock, until the next day.