

Legislative Assembly,

Tuesday, 15th December, 1908.

	PAGE
Assent to Supply Bill	953
Papers presented	953
Pearling disaster, North-West	953
Questions: Bail money estreated	953
School Classification	953
Water pipes manufacture	954
Aborigine murders, Laverton	954
Coal miners, Collie	955
Orchards destruction, Report presented	255
Bills: Land and Income Tax, 3a., points of order	956
Upper Chapman Railway, 3a.	973
Nannine-Moekatharra Railway, 3a.	973
Fines and Penalties Appropriation, Com., point of order	973
Annual Estimate, general debate	985

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

ASSENT TO BILL.

Message from the Governor received and read assenting to the Supply Bill. £365,579.

PAPERS PRESENTED.

By the Attorney General: Papers relating to the absconding of Edward J. Simpson.

By the Minister for Works: 1. Metropolitan Waterworks Board—Annual Report 1907-08. 2. Report on rival routes on roads from Osborne Park to North Beach.

By the Premier: 1. Woods and Forests Department—Annual Report, 1907-08. 2. By-Laws of the Municipalities of Boulder and Subiaco.

By the Treasurer: Report of the Chief Inspector of Liquors for the year ending 31st December, 1908.

PEARLING DISASTER, NORTH-WEST.

The PREMIER (Hon. N. J. Moore): I have received the following telegram from the Resident Magistrate of Broome which may be of interest to hon. members:—

"Cyclone lasted three days; commenced seventh. Worse than one in April. Fortunately large number of boats were in and on their way to Broome. 'Sultan' left on eleventh and returned thirteenth towing schooner

'Eva': she could not have reached Broome without assistance. Schooner 'Kalendar Bux' total wreck; three white men (Charles H. Miller, P. E. Tillen, H. W. H. Young) and four coloured men drowned; Young's body recovered. Schooner 'Alto' stranded; chance of getting off remote. Lugger 'Tasmanian' and five coloured men lost. From news received fear lugger 'Alfred' lost and six coloured men. Luggers 'Pet' lost, three coloured men. Luggers 'Argo' and 'Welcome' wrecked; no particulars. About thirty boats arrived Broome minus a mast and more. About six boats unaccounted for. Coast being patrolled by land and sea; everything is being done to preserve life and property."

QUESTION—BAIL MONEY ESTREATED.

Mr. SCADDAN asked the Attorney General: 1. In what direction have the police, with the assistance of Messrs. McAuliffe and Boileau, made efforts to secure the absconder Simpson? 2. Have the bondsmen paid the expense of such efforts? 3. If so, what is the total of the payments made by them to date? 4. Does the Attorney General intend to apply the same rule to all bondsmen in the future?

The ATTORNEY GENERAL replied: 1. Inquiries have been made through the Police authorities throughout the Commonwealth and New Zealand, forwarding the offender's photograph and description, and asking that if identified he should be arrested. 2. Yes. 3. The total payment made was £25, and the disbursements to date are, for cost of postages and telegrams, £1 16s. 11d. 4. Under similar circumstances, yes.

QUESTION—SCHOOL CLASSIFICATION.

Mr. LAYMAN (for Mr. Daglish) asked the Treasurer: 1. What number of children are enrolled at the following schools:—(a), James-street Boys'; (b), James-street Girls'; (c), Subiaco; (d), Claremont; (e), Highgate; (f), May-

lands; exclusive of infants? 2, What is the total population served by the Claremont and Cottesloe schools? 3, What is the total population served by the Subiaco, Thomas-street, West Leederville, Jolimont, and Rosalie schools? 4, Is it proposed to establish a separate central school for each sex at James-street?

The TREASURER replied: 1, (a), 524; (b), 395; (c), 537; (d), 373; (e), 518; (f), 293. 2 and 3, It is impossible to say what population is served by any particular school. The population of Cottesloe, including Buckland Hill and Peppermint Grove, is 3,602; Claremont, including Claremont Road Board, 5,250; Subiaco Municipality, 7,681; Leederville, 4,415. But part of this is served by Leederville school, which is nearer to James-street than to Subiaco. Thomas-street serves part of Perth Municipality; those to the East of the school would be nearer to James-street than to Subiaco. 4, Yes.

QUESTION—WATER PIPES MANUFACTURE.

Mr. LAYMAN (for Mr. Daglish) asked the Minister for Works: 1, What number of men is engaged on pipe-making at the Fremantle Works? 2, What numbers and sizes of pipes are being made? 3, Are the pipes being manufactured under order, or for stock, or both? 4, What quantities and sizes are already on hand there? 5, Is it intended to keep the works going by making stock, or will all available work of that description be made the subject of public tender? 6, By whom is the price fixed for pipes which already have been sold from stock? 7, Are the books and accounts in connection with the pipe manufacture kept separate from those relating to other branches of work done there? 8, Is it proposed to supply a balance-sheet to the House showing the results of the last financial year's operations when the Loan Estimates are submitted? If not, why not?

The MINISTER FOR WORKS replied: 1, 2, and 3, None. 4, 3 inch, 755; 4 inch, 6,372; 5 inch, 284; 6 inch, 2,458. 5, Before any further pipes are

made at these works present stocks will be considerably reduced. Since March, 1905, it has been customary to call public tenders (in which these Works competed) for any order over £25 for C.I. pipes, and this policy will be continued. 6, By the resident engineer and the works manager. 7, No. Suspense account only kept separate. 8, Instructions have been issued for a balance-sheet for year ending 30th June, 1908, to be prepared for submission to the House.

QUESTION—MURDER OF ABORIGINES, LAVERTON.

Mr. NANSON asked the Premier: 1, Is the hon. the Premier aware that on or about the 11th November last, the bodies of two female and six male aborigines were found murdered within a quarter of a mile of the Ida H. mine, near Laverton? 2, What ground is there for supposing that the murdered persons were speared in their sleep by a band of hostile aborigines as has been suggested in the report of Sub-Inspector Duncan, dated 12th November last, to the Commissioner of Police? 3, At the inquest on the bodies of the murdered persons was any witness called to prove that he or she actually saw hostile natives in the vicinity of the place where the murders were committed at or about the time when, from the condition of the bodies when found, the murders are believed to have been perpetrated? 4, Is it a fact that the attitude in which the bodies were found was such as to suggest death from poisoning? 5, Before the bodies were removed from the position in which they were found, were they photographed, or their position otherwise recorded so that evidence of the attitude in which they were found might be perpetuated? 6, In view of the fact that the medical man who examined the bodies could find no evidence of death having been caused instantaneously by spear wounds or other weapons, were any steps taken to have the contents of the stomachs of the murdered persons analysed with a view to ascertaining whether such contents showed traces of

poisoning? 7, If the contents of the stomachs were not analysed as described in the preceding question, why were they not so analysed? 8, Is it a fact that the bodies of the murdered persons had, when found, been partially eaten by dogs? 9, Is it a fact that three dogs were found dead near the bodies of the murdered persons? 10, Were any steps and if so, what steps, taken to ascertain how the dogs met with their death? 11, Is there anything to show whether the dogs had belonged to the murdered aborigines or were wild dogs, otherwise called dingoes? 12, After being buried by order of the coroner were the bodies of the aborigines disinterred and burnt to ashes, and if so, by whose order? 13, What are the names of the coroner and the jury at the inquest on the murdered persons, and of the doctor and the constables by whom the bodies were examined? 14, Do the Government propose to take further action in the matter, and if so, what action?

The PREMIER replied: 1, Yes. 2, The medical evidence given at the inquest. 3, Yes. Francis Banks, coach proprietor. 4, The medical evidence did not suggest any such possibility. 5, No. 6, The medical evidence attributed the death of two natives to spear wounds. The remains of the six were so decomposed that it was impossible to decide whether the holes in the bodies were caused by spears or otherwise. 7, No question arose suggesting the possibility of poisoning being the cause of death. 8, The Police report states that the bodies had been interfered with by native dogs. 9, The Police report states so. 10, No steps were taken. 11, It is supposed that the dogs belonged to the deceased. 12, No. 13, Campbell Shaw, J.P., coroner; W. H. Robins, foreman; A. N. Doyle and John McKechnie; Dr. Pitcher; P.C. Tuohy. 14, Yes. The police have been making the fullest inquiry, and the Chief Protector is proceeding to Laverton in connection therewith. Later in the sitting the Premier said: This morning I sent a telegram to the constable at Laverton, and a reply has been received addressed to the Commissioner of Police as follows:—"Dogs

which had belonged to natives killed, were shot by whites at Ida H. at the time the bodies were discovered.—Constable Malone."

QUESTION—COAL-MINERS, COLLIE.

Mr. A. A. WILSON asked the Minister for Mines: 1, Who authorised the Inspector of Mines at Collie to insist on the immediate discharge of Messrs. Sottroi and Darriz (2 foreigners) from the underground workings of the Cardiff Mine in June, 1908? 2, Did the Inspector of Mines act on his own initiative? 3, Was he incited to take such action by the secretary of the Coal Miners Union?

The MINISTER FOR MINES replied: 1, The Inspector has authority under "The Mines Regulation Act, 1906," section 42. 2, Yes. 3, No.

ORCHARDS DESTRUCTION, WEST PERTH.

Report Presented.

Mr. DRAPER brought up the report of the select committee appointed to inquire into the destruction of orchards in West Perth.

Report received.

Mr. DRAPER moved—

That the report be printed.

Mr. Scaddan: Was it not intended to read the report?

Mr. DRAPER: If it was the wish of members he would move accordingly. He moved—

That the report be read.

Motion passed; the report read.

Mr. DRAPER moved—

That the report be printed.

Mr. SCADDAN: Was it necessary for a report of this nature to be printed? On many occasions there had been discussions on these reports and they were not printed; and on one occasion there was a report of considerable moment, but the Minister considered it was only necessary to have it typewritten. This was a matter that could be left in the

hands of the Printing Committee to arrange at the end of the session.

Mr. SPEAKER: It was for the House to decide.

Mr. DRAPER: It was desirable to have the report available in case further action be necessary; but a typewritten report was quite sufficient for his purpose.

Mr. JOHNSON: Typewriting would be as costly as printing. It was not even necessary to have it typewritten. The hon. member could move that the consideration of the report be made an Order of the Day.

The Attorney General: How can we discuss a report if it is not printed?

Mr. SPEAKER: If the report was to be considered at a subsequent stage it must be printed.

Motion passed; the report ordered to be printed.

BILL—LAND AND INCOME TAX.

Third Reading.

The TREASURER (Hon. Frank Wilson): I move—

That the Bill be now read a third time.

Point of Order.

Mr. Walker: Mr. Speaker, you may think I am persistent, but I object to this Bill being read a third time on the point of order I submitted previously that this Bill was not brought down in Committee. Our Standing Orders instruct us, in fact they are compulsory on the point, to originate money Bills in Committee; and you having ruled so, I submit there is no discretion allowable to you. We have had *Blackmore* quoted a number of times, but here is another work of his called, *Blackmore's Speakers' Decisions*, and in it on more than one occasion the law is distinctly laid down as being imperative. This is what the volume says on page 23:—

“Railways (Ireland) Bill. Leave. First reading. When the Bill above referred to was introduced and read a first time Mr. Monk rose to order to know if the Bill, being a money Bill,

ought not to have originated in Committee. Mr. Speaker said that if it was found the Bill had not been introduced in accordance with the forms of the House, the order for its further progress would be discharged.” There are a number of decisions by Speakers of the House of Commons on that score. Even an amendment affecting an alteration in taxation must originate in Committee. Here is another example:—

“An amendment affecting an alteration in taxation must originate in committee. Artizans’ and Labourers’ Dwellings Bill. Consideration. Adjourned debate. Schedule A. Amendment proposed.

Mr. Speaker said it seemed to him that the amendment would have this effect—that improvements beyond the city of London would, after the alteration proposed, affect the taxation of the city of London. In that case it would effect an alteration of taxation, which should have originated in a Committee of the whole House, and could not be proposed on consideration of the report.”

On former occasions I was met by the statement that our Constitution did not provide for these matters. Now, we have two Acts of Parliament dealing specifically with our privileges, and more particularly as affected by our Standing Orders. In the Parliamentary Privileges Act, which was assented to on the 26th February, 1891, we had it distinctly laid down that our privileges, our rights, our procedure, and our practice shall—at that date—be the practice of the British House of Commons. I think you have agreed to that in a previous ruling. I refer you now to Section 1 of the Parliamentary Privileges Act, which says:—

“The Legislative Council and Legislative Assembly of Western Australia respectively, and the Committees and members thereof respectively, shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as, and the privileges, immunities, and powers of the said Council and Assembly, and of the Committees and members thereof, respectively, are here-

by defined to be the same as are, at the time of the passing of this Act, or shall hereafter for the time being be, held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland, and by the Committees and members thereof, so far as the same are not inconsistent with the said recited Act or this Act, whether such privileges, immunities, or powers are or shall be held, possessed, or enjoyed by custom, statute, or otherwise: Provided always, that with respect to the power hereinafter more particularly defined by this Act, the provisions of this Act shall prevail."

And our Standing Orders declare:

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

This is the point I wish distinctly to lay before your Honour. Section 34 of the Constitution Act reads as follows:—

"The Legislative Council and the Legislative Assembly, in their first session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such Rules and Orders——"

This is the point I would lay emphasis on,

"and all such Rules and Orders shall by the said Council and Assembly respectively be laid before the Governor, and being by him approved shall become binding and of force."

That is the point I especially wish to in-

sist upon. The Standing Orders are binding. They cannot be varied. We cannot say, "We will let it go this time and have the change next time." The Standing Orders are binding and of force, by our Constitution Act. We cannot mitigate, alter or waive them except by specific resolution of the House. Mr. Speaker has no power to alter or waive them. He must carry them out and as an authority upon that I will again refer to the procedure of the House of Commons as laid down by Redlich on *The Procedure of the House of Commons*, 2nd Vol., page 6.

The Minister for Mines: On a point of order. Is the member speaking to the third reading or to a point of order?

Mr. Walker: A point of order.

Mr. Speaker: The member would be quite in order to speak to the third reading, but as to the point of order raised I have already decided upon that.

Mr. Walker: Mr. Speaker decided the point in a direction that justifies me in taking the stand on this Bill I am now doing. I am raising this point now.

The Attorney General: If the hon. member wishes to dissent from the ruling of Mr. Speaker there is a way provided. It is necessary that he should take that step within a certain prescribed time. He has not done so, and therefore he is clearly out of order now. I submit that his remarks are now, in effect, challenging Mr. Speaker's ruling. If he does that it must be in the form set down by the Standing Orders.

Mr. Walker: The Attorney General is generally very ready to speak when he does not know what he is talking about.

The Attorney General: I ask for an immediate withdrawal of that, and I ask Mr. Speaker to decide upon the point raised before the member presumes to continue.

Mr. Walker: What have I to withdraw?

Mr. Speaker: If it is the same point I must rule at once, as I have already done, but I understand the member rose, as he had a right to, in order to speak to the third reading of the Bill, and is availing himself of the opportunity to deal with something that has arisen since then. I

am prepared, however, to adhere to my previous decision.

Mr. Walker: The present is an entirely distinct point of order.

Mr. Speaker: Well state it.

The Attorney General: May I interrupt a moment?

Mr. Walker: He cannot.

The Attorney General: I rise to a point of order. The hon. member has questioned a former ruling at a later stage than that provided for in Standing Order 141 which says, "If any objection is taken to the ruling or decision of the Speaker such objection must be taken at once."

Mr. Speaker: That is so. But there is another point the member has raised.

Mr. Walker: I am raising a new point. It is this, and I will put it succinctly. Mr. Speaker has ruled that our Standing Orders and the practice of the House make it necessary for money Bills to originate in Committee.

The Attorney General: Mr. Speaker ruled the very opposite.

Mr. Speaker: Does the hon. member refer to Thursday's ruling?

Mr. Walker: I am referring to the ruling given when Mr. Bath raised the point. That was a distinct ruling. Now I am raising the point that Mr. Speaker has not the power to waive that ruling. He has not the power to vary, alter, waive or suspend the Standing Orders.

Mr. Speaker: Under what section of the Standing Orders do you raise that point?

Mr. Walker: Under the Constitution Act. I will give the express words which I am relying on. Section 34 of the Constitution Act says:—

"The Legislative Council and Legislative Assembly in their first session, and from time to time afterwards as there shall be occasion shall each adopt Standing Rules and Orders, joint as well as otherwise."

This House has to adopt Standing Orders. The section of the Act continues:—

"For the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence

of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such Rules and Orders shall by the said Council and Assembly respectively be laid before the Governor, and being by him approved shall become binding and of force."

They are the laws for the regulation of this House. Mr. Speaker has not the power in any way to alter them, suspend or waive them. He is bound by the Standing Orders as much as any member of this House is bound. Being so he cannot say he will let the matter go on one occasion, although it is not in accordance with the Standing Orders, but that the next time it must be in proper order. Mr. Speaker has no option but to order that this Bill be discharged. He has no discretion in the matter. I will read from the authority, Redlich, I have already quoted, in which it is said—

"The mark which distinguishes orders of the second kind is their laying down general rules which are conceived as more or less permanent. Such orders, each of which is at first quite independent and revocable at any moment, after the ground they covered has reached a certain extent, constitute a connected body of formulated laws upon matters of procedure. As we have already seen, from the beginning of the seventeenth century the House of Commons has shown considerable activity in this kind of autonomous legislation. In the course of time the constant repetition of certain well-tried orders, as opposed to special, temporary regulations, has led to the recognition of Standing Orders as a separate class of rules. Standing Orders are regulations which have been expressly declared to be intended to bind all future Parliaments; although the right is reserved of repealing them at any future time by a simple decision of the House." Until, however, such an express decision is come to, the House as a whole and the

Chair and every individual member are bound just as firmly by the terms of the orders as ordinary citizens are bound by an Act of Parliament."

That is the position. The Chair is bound. The rule cannot be waived and that is the point I am now raising. Once Mr. Speaker's attention is drawn to the matter he is bound to decide, not according to the exigencies of the moment, but according to the Standing Orders and the rules that govern this House. Mr. Speaker has already assured us that a Bill of this description must originate in Committee of the whole. That being so, the Standing Orders provide that Mr. Speaker has no liberty upon the question. I would ask Mr. Speaker to read the section I have quoted and to pay particular attention to Section 34 of the Constitution Act which says that once our Standing Orders have received the approval of the Governor they are binding and of force. Our Standing Orders have received the approval of the Governor. They are absolute law, and are not open to any further argument. They must be obeyed and they are as much law to Mr. Speaker as to anyone else. In those circumstances how can the difficulty be averted? We cannot waive the Standing Orders as it is illegal by the Constitution Act to do so. There is no loophole, no room for exercising discretion. We have the power to repeal the Standing Orders, but the whole House must do so by resolution in the proper form. We can do that, but these Standing Orders are not repealed, and until such an expressed decision is given to the House as a whole the Chair and every individual member are bound just as thoroughly by the terms of the order as ordinary citizens are bound by Act of Parliament. Could there be any thing stronger than that. In these circumstances I submit my point is unanswerable.

The Minister for Mines: You started on wrong premises.

Mr. Walker: Help me out of the position then. What are the right premises?

The Attorney General: I do not think you can argue on a point of order.

Mr. Walker: It is allowable for me to place my point before the Speaker. I certainly would not take the Attorney General as an authority.

The Attorney General: If the hon. member persists in wasting the time of the House, I shall have to call your Honour's attention to the practice in *May*, I would ask you, is he entitled to proceed with the same argument over and over again.

Mr. Speaker: No, he is not entitled to proceed over and over again with the same argument.

Mr. Walker: I think I am entitled to place this point before you. I rely upon the 34th Section in our Constitution Act, which says that our Standing Orders are binding; and upon the authority that this has been the custom in British Parliaments. I could bring other authorities but I think these are quite sufficient. I quote what I have already read from the proceedings of the House of Commons, page 6. I hope you will consider it well.

Mr. Jacoby: Will you permit me to read from *May*? The hon. member relies upon the Constitution Act, or that portion of it which makes our Standing Orders binding. Well, our Standing Orders provide that in all cases not provided for hereafter recourse shall be had to the rules, forms, and practice of the House of Commons. If we pass this Bill without strict conformance to the rules, forms, and practice of the House of Commons, it might afterwards be said that the Act as it will then be is invalid. I ventured the other night to point out that that was not good in law, and I venture to draw your attention to the practice of the House of Commons regarding irregularities. This practice is binding upon us under our own Standing Orders, which are binding under our Constitution Act. In *May*, 10th Edition, page 486, the following occurs:—

"The forms commonly observed by both Houses in the passing of Bills having been explained, it must be understood they are not absolutely binding though founded upon long Parliamentary usage. Each House

may vary its peculiar forms without question elsewhere and without affecting the validity of any Act which has received in proper form the ultimate sanction of the three branches of the Legislature."

Member: "In proper form."

Mr. Jacoby: May proceeds—

"If an informality be discovered during the progress of a Bill the House in which it originated will either order the Bill to be withdrawn or will annul the informal proceeding itself and all subsequent proceedings; but if irregularities escape detection until the Bill has passed no subsequent notice can be taken of them as it is the business of each House to enforce compliance with its own orders and practices."

I say that if the House concurs in any irregularity the House sanctions that irregularity, and unless the House passes a resolution forbidding that irregularity, that irregularity has received the sanction of the House.

Mr. Walker: Unless discovered.

Mr. Scaddan: You ought to revise May.

Mr. Jacoby: In the House of Commons there are no Orders which forbid the passing of public Bills with unusual expedition.

Mr. Walker: That is when they pass two stages in one night.

Mr. Jacoby: May goes on to say—

"But though a departure from the usage of Parliament during the progress of a Bill will not vitiate a statute, informalities in the final agreement of both Houses have been treated as if they would affect its validity. No decision of a court of law upon this question has ever been obtained; but doubts have arisen and in two modern cases Parliament has thought it advisable to correct by law irregularities of this description."

The irregularities which it has been found necessary to correct by law are irregularities, as May goes on to explain, where an amendment has been made in the Lords and a Bill has not been returned for the concurrence of the Commons. Those are the irregularities which have been made good. In some cases these

Bills have been sent on to the Queen for her assent, and even in such cases Judges have ruled that the Queen having once given her assent the Bill is a good one.

Mr. McDowall: That is not the point at all.

Mr. Jacoby: You have ruled, sir, that the procedure we have always adopted shall be the procedure to be adopted in connection with this Bill. The House has sanctioned that ruling, because no adverse motion has been carried. In the circumstances I submit that as we are bound by our own Standing Orders—first of all we are bound by the usages of the House of Commons, and the usages of the House of Commons clearly show that in this case there has been no irregularity in the procedure.

Mr. Bath: We are bound by our own Standing Orders first.

Mr. Walker: What does the member for Swan say as to the binding force of our own Standing Orders? That is the point.

Mr. Speaker: I would like to hear the Attorney General again on this point.

The Attorney General: If your Honour asks me to add anything to the matter before you, I would draw your Honour's attention to the record of the proceedings on Thursday the 10th December. The member for Kanowna having raised an objection that according to constitutional practice a Bill then before the House should originate in Committee of Supply, Mr. Speaker ruled as follows:—

"The question how far the principles of the British constitution overlap the Constitution Act and Standing Orders of this State is open to argument. It is to be presumed that our Constitution Act embodies all of those principles that were thought applicable to our conditions and that such as are not mentioned are not binding. The provision of taxation Bills originating in Committee cannot therefore be held to carry legal obligation. The only point in the objection taken by the hon. member for Kanowna is Standing Order 361. 'Matters affecting finance shall be discussed only in a Committee of the whole House.' This is to my mind not sufficiently definite to make me declare

the procedure of this Parliament from its beginning to be wrong. Standing Order 387 though implying the existence of this practice cannot be held to definitely prescribe it. 'It shall not be competent for a private member,' etc. I consider the practice of our predecessors in this Parliament to carry too much weight to be set aside except by definite prohibition in the Constitution Act or Standing Orders. I therefore rule that the Bill should be proceeded with."

The Leader of the Opposition then moved that the debate be adjourned; but the debate was continued. On the following day when the Treasurer moved, "That Mr. Speaker do now leave the Chair for the purpose of considering this Bill in Committee" the Leader of the Opposition raised the point raised on the previous day, and your Honour again ruled. I am quoting from the records of *Votes and Proceedings*—

"Mr. Bath having requested Mr. Speaker to review his ruling on the previous day on the procedure to be adopted with regard to this Bill, on the grounds that there were several examples in the Journal of taxation Bills having originated in Committee, Mr. Speaker stated that he saw no reason to depart from the decision which he had already given, as the fact remained that there were many examples to show that such procedure had not been considered necessary in the past, but expressed his opinion that the question of adopting it in future was worthy of consideration."

Mr. Bath : That was not the ruling at all.

Mr. Walker : That is a misreport.

Mr. Bath : I intend to take exception to that as being absolutely incorrect.

The Attorney General : I am reading from what I am entitled to read, and I am reading it correctly. It is on page 92 of the records of our *Votes and Proceedings*, and I have not left out a single word. It is now argued that your Honour ruled one way one day and another way on the next following day. But assuming for a moment that there was anything in that argument, the ruling which

you gave on a specific point, and not as something in the nature of an *obiter dictum*; the ruling which must be taken is that given on the occasion when your Honour had the responsibility cast upon you of deciding a specific point. Our records are the only records we can go by, and these records do not in any way sustain the assumption that your Honour did in fact differ from your former ruling. Had you differed from it, it would only have been by way of *obiter dictum*: for your Honour was not ruling on the point at issue; consequently anything your Honour might then say could not in any sense be binding upon the House. Moreover, immediately after your Honour delivered that opinion which I have just quoted, and which was not a ruling, the question, "That the Speaker do now leave the Chair" was put and passed. I do not propose to go any further. It is not necessary to go back to the argument then before your Honour, that under the Constitution Act we were fully entitled to adopt the practice which has been in vogue. But it is beyond all bounds that a member should from day to day bring up the same point.

Mr. Bath : I rise to a point of order. The Attorney General is arguing the point.

The Attorney General : I am not. I say it is highly disorderly to again and again bring up the same point.

Mr. Bath : I again rise to a point of order. The Attorney General is arguing the point.

Mr. Speaker : I asked the Attorney General to express an opinion on the point raised by the member for Kanowna.

Mr. Bath : I say that the Attorney General in giving that opinion is giving it as a statement in the *Votes and Proceedings* which is not correct. It is entirely incorrect, and to show its incorrectness I may remind you that you said it would not do for you having given one ruling on the one evening to give another on the next.

Mr. Speaker : No, no.

Members : Yes, yes.

Mr. Speaker : The point now before the House is the question raised by the member for Kanowna, and I contend

that I was justified in the decision I gave, because it is intended, I take it, that the procedure of the House of Commons as prescribed by *May* is our guide, and we ought to use the form prescribed by *May*. I see no reason to depart from the ruling which I gave on Thursday last. I may add, although I am not supposed to take any notice of these words, that the member asked if I used these words. I did not use the words, but I intimated to the Minister that on any future occasion—in fact, I have already taken steps to have attention drawn by the committee to what we shall adopt. For the time being that ruling holds good. All these matters should be preceded by Message, subject to the ruling I have given.

Mr. Walker: That is not my point. Are you bound by the Standing Orders, Mr. Speaker?

Mr. Speaker: I have stated the interpretation I have put on No. 1. It gives us power to do as we have been doing.

Dissent from Ruling.

Mr. Walker: I move—

That the House disagree with your ruling.

The Minister for Mines: I rise to a point of order. From what I can gather from the debate I am under the impression that the member has revived the same point of order that he raised the other day. It is almost exactly similar, and on that occasion, when you delivered your ruling, the hon. member had an opportunity of dissenting from that ruling.

Mr. Speaker: I have already ruled, and I rule again. I have given the ruling on the point raised by the member; I cannot see any distinction.

Mr. Walker: I asked the question as to whether you are bound by our Standing Orders, you have given a ruling on that now, from that ruling now given I move that the House dissent.

Mr. Speaker: I have stated I adhere to my former ruling.

Mr. Walker: Your former ruling did not involve the point I have raised when

you ruled on that. The point I raise now was not raised then, and the ruling given now I dissent from.

The Attorney General: I wish to be informed by you, Mr. Speaker, as to what is the matter before the House; and the point of order. It appears some ruling you gave last Thursday was challenged in another form; you say you adhere to that ruling. That is the only substance before the House. Now the hon. member asks are you bound by the Standing Orders; we know you are, and the whole House knows it. I ask whether any point of substance raised by the member was not put before you last Thursday and decided by your Honour on that date, and, therefore, there is no ruling to dissent from. Under any guise can any motion be made to dissent from your ruling?

Mr. Speaker: I cannot see any difference in the point raised, therefore, the hon. member is out of order in proceeding further at this stage.

Mr. Walker: Your ruling is in these words, that you cannot see any difference between the point raised now and the point raised then; that is the ruling I dissent from. There is a great distinction, and on that I move that the House dissent from your ruling. There is a vast difference between the two rulings. In speaking to the point of order—

The Attorney General: I ask your Honour to pronounce a decision on the point of order raised. If you decide that you stick to your ruling given, is there any point on which the House can dissent?

Mr. Speaker: Certainly not; I have given my ruling.

Mr. Walker: I stand upon my rights in this House according to the Standing Orders of the Assembly, which are binding and in force, which are prepared for our use, which neither the Attorney General nor anybody in the Assembly can deprive me of. I move to dissent from your ruling.

Mr. Speaker: Under what Standing Order?

Mr. Walker: The Standing Order which says—

“If any objection is taken to the ruling of the Speaker such objection must be taken at once.”

That is why I have given notice of it now.

Mr. Speaker: What is the ruling you take exception to?

Mr. Walker: The ruling you have just given. The ruling is this, that there is no difference between the point of order I raise now, namely, that you are bound—that is the point—by our Standing Orders, that you cannot waive, alter, suspend or dispense in any form the Standing Orders of this House, which have the force, to us, of law. That is my point of order.

The Attorney General: We all know that. We know the Standing Orders apply to everybody.

Mr. Walker: I wish the hon. member would study them. The hon. member admits they are binding; if they are binding, your ruling is incorrect, Mr. Speaker.

The Attorney General: The ruling of last Thursday?

Mr. Walker: The ruling of Mr. Speaker, when he says the Bill can be proceeded with is incorrect under that. Under the point I have raised now, your ruling, that is to say the evading of my point, is incorrect.

Mr. Speaker: The hon. member cannot raise a point which I have decided already. I say now distinctly I stand to my previous ruling. I am not here to answer questions, and the hon. member has no right to ask the Speaker questions under the Standing Orders.

Mr. Walker: I am not asking you questions. I wish to bring the Standing Orders to your notice. This is the position, that you gave a ruling—

The Attorney General: When?

Mr. Walker: Not only on Thursday, but also on Friday. Permit me to read what you did rule on Friday by *Hansard*:—

“I find that in 1903 and 1899 the Administration and Dividend Duty Bills had the same procedure applied

to them as has been adopted in the present case. This precedent we have been following since then. I gave my ruling last evening, and I admit that in doing so I was in error in so far as I said the practice had been in existence since Responsible Government. It is due from me to the member for Kanowna to say that I am of opinion that I cannot alter my ruling at this stage. I have ruled, but I think it is advisable that in the future we should adopt the procedure of every other Parliament. It would be out of place for me, having given my ruling last evening, to give another this evening. I have already intimated to Ministers that the procedure adopted in other Parliaments should, in the future, be adopted here.”

On the first occasion, since that ruling, a Bill has come before the House—I am bound to compare the two rulings, and ask you if you are not bound by the Standing Orders of this House. It is no argument that because you ruled wrongly, admittedly wrongly, on one occasion, that when your attention is drawn to it again that you rule that you cannot alter your decision. You must reverse your decision; certainly you are not in a position to do otherwise. If it is wrong, you must retrace your steps however disagreeable that may be. My point is that your attention having been brought to the law on the subject, you are bound—is it not possible for you to go back on the ruling of Thursday night? Your error having been discovered, and the point having been made clear, it is your bounden duty to-night to order that the Bill be discharged.

Mr. Speaker: Let me say one word. I say I admitted I had been a little in error in regard to the years I had quoted, because the information I had obtained was wrong. I said the practice had been adopted ever since the establishment of Responsible Government, but I found there were one or two instances when it was not adopted, and I wanted to be frank, because I had made a mistake in saying a certain number of years, and it was pointed out by the Attorney Gen-

eral that it was 10 years instead of 18 years.

Mr. Walker: I do not like to do this, but it is not right. You say, "I cannot alter my ruling at this stage, but I think it is advisable"—

Mr. Layman: Is the hon. member in order in reading from *Hansard*?

Mr. Speaker: The hon. member is out of order in using *Hansard*.

Mr. Walker: It is the point involved, it is part of the discussion; it is not on general matters that I am using *Hansard*, it is a question of what the ruling was, and *Hansard* is our guide for that; it is the very point involved. It says—

"It is due from me to the member for Kanowna to say that. I am of opinion that I cannot alter my ruling at this stage. I have ruled, but I think it is advisable that in the future we should adopt the procedure of every other Parliament. It would be out of place for me, having given my ruling last evening, to give another this evening."

Now, sir, what is the effect? If it be discovered that there is any irregularity about it, according to our Standing Orders, even at the moment the discovery is made there is only one course open, and that is to withdraw the Bill. The member for Swan drew attention to *May* and the words he read out were, "if the informality be discovered." I say this is more than an informality, it is an illegal step. *May* says, "If an informality be discovered during the progress of the Bill, the House in which it originated shall either order the Bill to be withdrawn or shall annul the informal proceeding itself and all subsequent proceedings." That is the position. I have quoted to you, *Mr. Speaker*, from the British House of Commons rulings and decisions by the most able Speakers that House has had. When such an irregularity of the kind I have mentioned, which is more than an irregularity—

Mr. Daglish: On a point of order: I understand the member has moved to disagree with your ruling, that the point raised to-day was not the same point as he raised last Thursday? I desire for my own information to know if that is the

point or not, and I rise to a point of order. I desire to ask this, that if I have not clearly understood the hon. member's point, that before discussion the point shall be put in writing and submitted to you, *Mr. Speaker*, so that it may be read by you to the House. I contend it is only right that this procedure should be adopted as it is adopted in every other Parliament in Australia.

Mr. Speaker: I do certainly think it would be fair if the hon. member put it in writing. It is due to hon. members to know what they are to vote on.

Mr. Walker: I simply dissent from your ruling.

Mr. Daglish: On a point of order: I do not desire to press for the point that the objection must be in writing, but I desire to press this point, that we shall know clearly what is the point of order, and I desire to press a further point that only the point of order raised shall be discussed.

Mr. Speaker: The hon. member must state what the point of order is.

Mr. Walker: I have done it hundreds of times. I shall be knocked down soon for tedious repetition.

Mr. Speaker: I adhere to my former ruling.

Mr. Walker: I have moved that your ruling be disagreed with. I raised this point to-day, that *Mr. Speaker* cannot depart from our Standing Orders; that he is bound by them; and having ruled that—

Mr. Daglish: On a point of order, I desire to know whether the ruling that the hon. member dissented from is the ruling given by you, that the point raised to-day was the same as that settled last Thursday. If it is, then sir, I venture to say the only discussion possible on the hon. member's dissent is in the direction of showing the difference between the two points.

Mr. Walker: I desire to be fair. It is the unfairness of the other side that I object to. I wish to gain no points by hiding anything, or mis-stating or mis-quoting anything.

The Premier: The hon. member has stated that he is desirous of being fair. Am I to understand that on the ruling

that you, Mr. Speaker, gave on Thursday last, that the hon. member is taking objection in view of the remarks made by your Honour that, in future it was your intention to advise that the procedure which had been adopted prior to 1898 should be again adopted in this House? You having given that ruling then, and repeated it on Friday—

Mr. Walker : He did not.

Mr. Troy : He only apologised on Friday.

Mr. Speaker : Order. If the hon. member for Mt. Magnet insists on interjecting I shall name him.

The Premier : The Speaker stated he adhered to the ruling which he gave previously. I take it on the first occasion, to be absolutely in order, it would have been necessary for the hon. member under Standing Order 141, if any objection is taken to the ruling such objection must be taken at once. I take it that the proper procedure would have been for the hon. member to have given notice of this objection at once. The point I want to be clear on is, are we again discussing the exactly similar point raised by the member for Kanowna in the first instance, and if so, whether the ruling Mr. Speaker gave is not absolutely final?

Mr. Walker : It is not the same point.

The Premier : That is the only point I ask the hon. member to explain.

Mr. Walker : My point is this: Mr. Speaker has no power to rule differently from the expressed provisions of the Standing Orders. I cannot put it more clearly. If he rules, or has ruled otherwise, he rules wrong, and that ruling I object to. My intention is that the point being brought before him he cannot possibly rule otherwise. He has no discretion.

The Premier : Did not the hon. member bring exactly the same point forward on Friday?

Mr. Walker : No.

The Attorney General : On a point of order. I submit the hon. member is not entitled to anything more than this, to read the record of the proceedings signed by the Speaker.

Mr. Walker : I can read *Hansard*.

The Attorney General : I submit he cannot read *Hansard*.

Mr. Walker : Why? Are you afraid?

The Attorney General : Your Honour having signed the *Votes and Proceedings* it is open to the House only to refer to them and find out what the record is. Therefore I submit the hon. member for Kanowna in attempting to show that the record of the proceedings did not represent what you have said, he is disorderly and he should not be allowed to proceed.

Mr. Walker : I can withdraw this and as a matter of privilege I can draw attention to the incorrect report of the *Votes and Proceedings*.

The Attorney General : I ask your ruling on this point: Standing Order No. 49 states:—

“Every Vote and Proceeding of the House shall be noted by the Clerks at the Table, and the *Votes and Proceedings* of the House shall, being first perused by the Speaker, be printed by the Government Printer; and the *Votes and Proceedings* so printed from day to day, signed by the Speaker and countersigned by the Clerk, shall be the Journals of the House.”

I ask your ruling as to whether the hon. member is entitled to set up his own statement as against the signed Journals of the House.

Mr. Speaker : I rule that the signed Journal of the House is the proper proceeding and authority to refer to.

Mr. Walker : Mr. Speaker cannot rule that.

Mr. Speaker : I allowed the hon. member to use *Hansard* under special circumstances, otherwise he would not have been strictly in order in referring to it.

Mr. Walker : Excepting when the position is involved; then, sir, it is quite allowable. I admit that for general purposes it is not; but here is a question of what was said and what was ruled, and for that purpose *Hansard* is the proper authority to refer to. We cannot get any unqualified report, any unquestionable report otherwise than *Hansard*. I was pointing out there were two distinct rulings. I am drawing attention to that

fact in support of my arguments. Mr. Speaker said:—

"If I felt I could have done justice to the hon. member, I should have given the ruling straight away, but as I said, I have always adopted the course of asking the opinion of one or two members so as to have a better opportunity of giving a correct judgment. I do not know that I can add any more, but I may go further and say, that perhaps later on when the opportunity arises on a certain measure which may come before the House, I shall have the occasion then—of course I am always prepared to admit that I may make an error—I shall have occasion to refer to a certain ruling given during this session."

In that, sir, you admitted your error and more than that you admitted:—

"I admit that in doing so I was in error in so far as I said the practice had been in existence since Responsible Government. It is due from me to the member for Kanowna to say that. I am of opinion that I cannot alter my ruling at this stage. I have ruled, but I think it is advisable that in the future we should adopt the procedure of every other Parliament. It would be out of place for me, having given my ruling last evening, to give another this evening."

You gave another ruling and that was virtually saying that had you not given that ruling the night before you would not have given it with the knowledge you had. That is the interpretation of your language and you say:—

"I have already intimated to the Minister that the procedure adopted in other Parliaments should in the future be adopted here."

That shows you had gone back to what I suggested should be done.

Mr. Speaker: That is not the future.

Mr. Walker: I am only using that language to say you admitted the error in this case. You generously admitted that you had made an error but could not alter it then, but in the future you could. My point of order is that you cannot alter things in the future; that when you discover what is the right thing to do, it is

your duty to do it there and then. That is the gist of my point. You cannot put aside the Standing Order and say, "Never mind for this time, let it go." You cannot do that. The point I am submitting is that you are absolutely bound, when a point is brought before your notice and you are convinced of the validity of that point, to act according to the Standing Orders. I was drawing attention that when a measure is shown to be informal, it should be withdrawn. I submit that the Bill must be withdrawn or there is the alternative of annulling the informal proceedings or the subsequent proceedings. The point raised is that we may pass over an irregularity. If we do it in ignorance it may be passed over and may be cured; but if it is detected, if we discover that there is this informality and the informality is brought to your notice, then you must act. You are bound then to declare the Bill illegal. I appeal to the House to notice the rulings given on these points.

"Railways (Ireland) Bill. Leave. First reading. When the Bill above referred to was introduced and read a first time, Mr. Monk rose to order to know if the Bill being a Money Bill ought not to have originated in Committee. Mr. Speaker said that if it was found the Bill had not been introduced in accordance with the forms of the House, the order for its further progress would be discharged."

There is a definite ruling, and I submit that is the course you are bound to take. Again, this volume says—

"Where there is a public guarantee, the money clauses must pass through a Committee of the whole House. Courts of Justice (money). Leave. Mr. Lygon asked whether the proposition as involving a charge upon the people should not be brought in in Committee of the whole House.

Mr. Speaker: 'If there be a guarantee on the part of the public, as I understand will be the case, the clause embodying such guarantee will have to whole House.'

He does not venture at all to question

for a moment the force of the Standing Order. Here is another instance:—

“Representation of the People Bill. Bill as amended considered. An amendment proposed to a clause affecting the incidence of rating. Objection taken—that it could not be brought forward on the report.

Mr. Speaker said the proposal imposing a charge not at present existing should have been submitted in Committee.”

The same law relates to all taxing power, the Metropolitan Board of Works, Government Bills and Bills transferring charges and so on. It is unnecessary to say more on this point. Now I am going to submit, having consideration for Section 34 of our Constitution Act, are we not bound by it absolutely? Can the House even, except by express resolution, repeal a Standing Order? The House cannot. Nor mere letting the thing slip by. The House cannot, except by express resolution repealing a Standing Order, alter it. The House has no power except by the means provided. You, Mr. Speaker, have no power. You are bound by the Standing Order. Here is the position. We have special provision made for dealing with money Bills, and there is no authority in any British Parliament to say that it is not indispensable that money Bills shall originate in a particular way. There is not one authority in the whole of the Parliaments of the British Empire against that. This is not a mere irregularity or a simple informality. It is a vital part of the measure; and I draw your attention to that. It is as vital as a second reading, or any other reading. Supposing some measure should be introduced into this House and we forgot the second reading stage, and only read the Bill once. Could we cure that even after getting the Governor's assent? Are we not obliged to have the first, second, and third readings? And if we leave out any of those readings would we not vitiate the Bill as a Bill? Undoubtedly we would, and we cannot get over that. Slight irregularities are not enough to put a Bill out of order, but the vital essentials of a Bill cannot be

overruled. And as to money Bills this is vital, it is a preliminary essential that no neglect will cure, that we shall enter upon them in Committee of the whole. Therefore I say that it is a necessity imposed upon us, not only by our Standing Orders, but by the custom of other Houses of Parliament under the British Constitution. That being the case, if I allow a Bill to proceed, having discovered an omission, I would be wanting in my duty. The point could be taken to a Court of law just as if we omitted the second or third reading, and that is vital. The member for Swan says that where a Bill is against our Constitution, against the law of Parliament, of course it will not stand if the case be submitted in our Courts. Here is a provision in our Constitution Act that the Standing Orders are binding; that is to say they cannot be waived or departed from. That is the law in the Constitution Act. Now if this Bill be allowed to proceed, the error having been pointed out, it cannot be cured. It is an Act with an essential feature lacking, just as much as if it had not been accompanied by a Message from the Governor. The point could be raised in a Court of law, and in the circumstances litigation might be very costly. It is to save this, and not with any opposition to the Government or to yourself, Mr. Speaker—it is to see that we make the laws properly. It is our duty to do that if we can. It is a painful task, but it is necessary, and I submit, if the House is true to itself, it cannot support your ruling, because you have ruled you have the power to waive a Standing Order. Now just before I conclude let me express my regret that whoever drew up that report of Friday's ruling, as it appears in the *Votes and Proceedings*, should have so far forgotten his duty as to present for your signature something unworthy of the officer, whoever it was, who penned it.

Mr. McDowall: I have no doubt members on this side of the House will be accused of obstructing business, but I think this is a matter of great importance. A question as to the rights and privileges of members is certainly one

of great consequence. I think it must be admitted by every man of reason in this House who has listened to the debate that every authority has been quoted by the member for Kanowna, while there has absolutely been no authority quoted on the other side of the Chamber. Consequently, whatever the inconvenience may be, I think the vast majority of members is perfectly satisfied that this measure is not in proper form. Now the question arises, that being so, should not the other side of the House have the courage to withdraw the Bill and reintroduce it? I simply rise on this occasion to express my opinion, because I do not desire to give a silent vote on the question. I must vote against your ruling, Mr. Speaker, being convinced that it is wrong, and I am also convinced that you are of the same opinion, because your varying expressions of opinion I think conclusively prove it. Now the point to me is: when it is discovered that some procedure is incorrect, would it not be better to back down and deal with the matter properly? That is all I understand the member for Kanowna desires. It seems to me a very trifling matter indeed. The member for Swan read from *May*, but the hon. member strengthened the case of the member for Kanowna very materially.

Mr. Jacoby: You could not have been listening.

Mr. McDOWALL: The hon. member pointed out something absolutely distinct and different from the point of order before us to-day. I understand the point of order to be in this direction: It is practically held that all authorities show that this Bill should have been introduced in Committee. Mr. Speaker has ruled in a sense that the measure is in order at the present time, but he has so far varied that ruling as to intimate to Ministers his desire that other procedure should obtain in this Parliament in future. If that is not the plainest of language to any man of ordinary intelligence, that you Mr. Speaker, really believe the present not a proper procedure, then I do not understand the English language. The

position appears to me perfectly plain. The member for Kanowna on the third reading of this Bill rises to a point of order that the Bill, not having been properly introduced, cannot be read a third time. That is the position. And as it does not seem to be a party question, I am not bound to vote on it with my party. I have simply risen to express my opinion so that I shall not be misunderstood. I hold that our Standing Orders are binding until repealed. Each House of Parliament can indisputably alter its Standing Orders, but we have not altered or varied them in any way. That being so, I must support the member for Kanowna that Mr. Speaker's ruling be disagreed with. Though it may be unpleasant for such a course to occur, still it must be patent to everybody that the practice of the Mother Parliament and of the Commonwealth Parliament and of the Parliament of nearly every State in the Commonwealth should be pursued by this Parliament. If it is found that through some inadvertence this has not been followed, then is not the proper course to back down and introduce the proper procedure? That is all I desire to say on the subject. I simply rose to give my reason why I must vote that Mr. Speaker's ruling be disagreed with.

Mr. Hudson: First of all I will draw attention to Standing Order 261, which says—

“Every Bill not prepared pursuant to the Order of Leave or according to the Rules and Orders of the House, shall be ordered to be withdrawn.” This Bill has not been prepared in that way. Although it may be in form it is not in fact within the Standing Orders. That being so it is open to question it at any stage of its progress through the House. It is quite within the province of any member to raise objection to a Bill at any stage, even when it reaches the motion for the third reading. We are now dealing with new procedure, entirely distinct from the procedure we were dealing with on Friday last. The motion now is “that the Bill be read a third time.” It is a new Order of the Day, the others having been dis-

charged from the Notice Paper. It being a new Order of the Day, it is within our province to raise objection to the further progress of the Bill and to argue the same point that was raised on Thursday and Friday last. Also it is quite within our rights to ask your ruling upon the point, and if that ruling should vary from what was given on a former occasion, on another Order of the Day, it is quite within your province to give a different decision.

(Sitting suspended from 6.15 to 7.30 p.m.)

Mr. Daglish: I desire to ask the Clerk of the House to read the question before the House.

Mr. Speaker: It has not been made altogether clear what the point is. As I take it, the hon. member's point is as follows: that Standing Order No. 1 makes a rule of the House of Commons that taxation Bills must originate in Committee, binding on this Parliament.

Mr. Walker: That is scarcely it. The point is this. That Mr. Speaker cannot alter, vary, suspend or waive any Standing Order of this House. The Standing Orders are binding on him.

Mr. Speaker: I have not ruled otherwise.

Mr. Hudson: Before the tea adjournment—

Mr. Speaker: The point has been raised that we should have a point of order read. The member who asked it has a perfect right to do so, and I now ask the member for Kanowna (*Mr. Walker*) in what form is his point? As I understood it, I gave my ruling upon it this afternoon in the negative.

Mr. Walker: There was only one motion, namely, "That this House dissent from the ruling of Mr. Speaker."

Mr. Speaker: I did not give a ruling that I could supersede the Standing Orders. I said that the Standing Orders do not make it necessary that money Bills shall originate in Committee.

Mr. Walker: Will you kindly repeat that?

Mr. Speaker: Standing Order No. 1 says:—

"In a case not provided for herein-after or by sessional or other Orders, reference shall be had to the rules, forms and practice of the Commons House of the Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they can be applied to the proceedings of this House."

Mr. Daglish: On a point of order. I want to ask that the Clerk shall read the question before the House. As far as I can ascertain there is no question before the House.

Mr. Hudson: There is a motion that the Speaker's ruling be dissented from.

Mr. Daglish: Mr. Speaker read a point of order, and I understand that he ruled upon it. I desire to raise the point that there can be no dissent from Mr. Speaker's ruling unless it is made the subject of a motion. Is there any question before the House which has taken the form of a motion? I desire further to raise the point that in the Standing Orders, and under the practice of the House of Commons every motion must be in writing. That is especially necessary in regard to technical points of order relating to rulings. There is bound to be confusion unless this ruling is rigidly insisted upon. The ruling of Mr. Speaker is one thing, and the language in which the ruling is clothed is entirely different. This afternoon there has been a large amount of confusion caused by arguments not in regard to Mr. Speaker's ruling, but in regard to the language in which it was clothed and the further words which accompanied and explained that ruling. I desire to ask first of all whether there is any question before this House, and secondly, if there be one, whether it can be read by the Clerk as provided by the Standing Orders?

Mr. Speaker: I would ask the member for Kanowna to put it in writing.

Mr. Walker: I have no objection, but will you permit me to say the only motion I have moved, and the only one I can move is, "That this House dissent from the ruling of Mr. Speaker."

Mr. Speaker: Which ruling do you refer to?

Mr. Walker : In reference to the point I raised this afternoon. I took objection then and there, after Mr. Speaker delivered his ruling and resumed his seat, and I said I must ask that the House dissent from that ruling.

The Attorney General : What was the ruling you took exception to?

Mr. Walker : It was practically a ruling to ignore the point I had raised, and to say that Mr. Speaker would adhere to the ruling he gave on Thursday, which was not the point I raised. The point I have raised should be decided. It was for the Speaker to rule that the Standing Orders are as binding upon him as upon us, or in other words, that he cannot alter, vary, suspend or waive the Standing Orders.

The Attorney General : Did he rule that?

Mr. Speaker : No.

Mr. Walker : In ruling he ignored that, and virtually disposed of it by giving a ruling on a debate that took place last week. Inasmuch as he did that, I dissented. I want a ruling on the point I raised. The point is that Mr. Speaker ruled in this way, and that inasmuch as one cannot alter the Standing Orders, or waive them, one is bound by them. Mr. Speaker cannot rule this Bill in order owing to our Standing Orders.

Mr. Daglish : On a point of order. I desire to raise the point, and insist upon it, that the hon. member gave a lengthy quotation but submitted no motion, or if such a motion were submitted, it was never seconded. I claim therefore that the time has been taken up in discussing a matter never properly before the House.

Mr. Heitmann : Whose fault is that?

The Treasurer : The mover's.

Mr. Speaker : I ask the member to put the motion in order, as requested by the member for Subiaco (Mr. Daglish) and it can be seconded. I must admit I did not notice a seconder, but I cannot allow him to put words into my mouth which I did not use. I did not give my ruling in the manner he suggests. I ruled that Standing Order No. 1 does not make it necessary for a taxation Bill to originate in Committee.

Mr. Daglish : On a further point of order—

Mr. Walker : There can be no point; I have not spoken since.

Mr. Daglish : I desire to insist upon this point, that it is impossible for a member at any stage of the sitting, after a question has been discussed, to put it in order at all. Either this question has been seconded or it has not been seconded. If not, seeing there has been discussion upon it, the time for seconding it has passed, and the member's motion has lapsed, I submit, owing to want of a seconder.

Mr. Bath : How much did they give you?

Mr. Walker : I did not mean to put words in Mr. Speaker's mouth which he did not mean. I said that the inference from his ruling was—

Mr. Speaker : I stated what you said.

Mr. Walker : I wish to raise a point of order. The motion has not been seconded because the intending seconder has not yet finished his speech.

Mr. Daglish : Someone else has spoken since the motion was moved.

Mr. Walker : No, he has not.

The Attorney General : The member for Coolgardie has.

Mr. Walker : I beg pardon, that is so. It is no fault of members, however.

Mr. Johnson : The member for Coolgardie supported the motion; surely that is sufficient.

Mr. Daglish : On a point of order. I desire to ask that the imputation made by the Leader of the Opposition against me shall be withdrawn and apologised for. He interjected, "How much are you getting for it?" I desire to ask that the Leader of the Opposition shall be called upon to withdraw and apologise.

Mr. Bath : I deny the accuracy of the hon. member's statement.

Members : You said it right enough.

Mr. Bath : The hon. member for Gascoyne need not show his boorishness.

Mr. Butcher : I must ask the hon. member to withdraw.

Mr. Bath : I withdraw. The hon. member for Subiaco said I interjected, "How much are you getting for it?"

What I interjected was, "What do they pay you?"

Mr. Daglish: I desire to ask that the hon. member be required to withdraw that. It is on a par with the behaviour of the hon. member towards me for months past, and I demand a withdrawal.

Mr. Troy: Has the member for Subiaco the power to comment on what the member for Brown Hill says in rising to a point of order?

Mr. Bath: I would like to know what imputation there is in it. I did not say that he was getting paid. I asked him what did they pay him.

Mr. Speaker: The hon. member is the best judge as to whether or not the words are offensive. He asks that you withdraw. The hon. member for Brown Hill has been asked to withdraw an offensive remark, and I must ask that he do so.

Mr. Bath: Can a mere question be offensive?

Mr. Speaker: My construction is that it is offensive; there could be only one meaning to it.

Mr. Bath: It is a plain question. If the hon. member regards it as offensive; if he feels anything under it, I shall withdraw.

The Premier: May I be permitted to make a few remarks on this subject. When this Bill was first introduced your Honour gave a ruling to the effect that you considered it absolutely in order and in accordance with the practice adopted by the State Parliament since Responsible Government. The point was raised by the member for Kanowna, and you ruled upon it. When the Bill was in Committee the Leader of the Opposition again raised the point and your Honour, having consulted the records of the House, found that you were not entirely correct in the statement originally made, inasmuch as prior to 1898 the procedure of the House of Commons had been adopted here. You then intimated that you were not prepared to vary the ruling given; but that in your opinion it would be advisable in future to consider whether it would not be better to adopt the practice which had prevailed prior to 1898, and which is the practice adopted by most of the Parliaments in

Australia at the present time. I do not think we should go beyond that at the present time. In my opinion the member for Kanowna has every right to bring the matter before this House. For although I take it both sides are desirous of obeying the rules and procedure of the House, still it is quite competent for any member to raise a point when he considers we are not following the practice which should be adopted. Now the hon. member on the third reading stage practically raised the same point once more, although that point had been to some extent obscured by the fact that while upon the question you made some reference to the Standing Orders. In view of the fact that this point has been raised, I take it that it will be competent for you in the future to say what practice will be adopted. But seeing that in this connection you have already ruled twice on this Bill I think that the member for Kanowna having raised the point, and hon. members having had an opportunity of satisfying themselves that there is a good deal of argument in the point raised, the matter should now be allowed to drop, and your Honour should have an opportunity of saying whether in future the practice of the House of Commons is to be adopted or whether the procedure that has obtained in Australia since 1898 should be followed.

Mr. Hudson: That is just the very point the member for Kanowna has raised. whether or not you have the power to waive the rules and procedure and allow a Bill to go on which is not in order. That is the whole point raised. The point of order is that the Speaker cannot waive the Standing Orders to allow a Bill to proceed which is not properly introduced in accordance with the Standing Orders.

Mr. Speaker: I could not accept this motion in its present form. I never gave any such ruling, and the only ruling the hon. member can disagree with is that Standing Order No. 1 does not make it necessary that the Bill should originate in Committee. The motion in its present form is altogether too vague, and I hope the hon. member will put it in

a form more in accordance with what I have ruled.

Mr. Walker: I shall do it; but I never raised the point of No. 1.

Mr. Speaker (perusing amended motion by the member for Kanowna): I never made any such statement.

Mr. Walker: Mr. Speaker, I recognise that the position is somewhat awkward. I recognise that a good deal of feeling has been imported into this matter. I recognise, too, that if it comes to a division it is scarcely likely to be voted on deliberately.

Mr. Scaddan: We know that from the statements made.

Mr. Walker: Whether voted upon or not it would not decide the point. I understand there is a desire to proceed with business; I take no responsibility for that. If the House likes to go on after what I have pointed out, I cannot help it. I have done my duty in pointing out what the procedure should be, and what the duty of this House is to the Chair. I can do no more. I do not want to waste any further time.

Mr. Gordon: You admit you have wasted time?

Mr. Walker: I have wasted no time. It has been my duty and I have done that duty. It is no party question. Having done that duty, if the House wishes to proceed to further business, with the permission of the House I shall withdraw the motion and ask for another opportunity when the time comes of again raising the point. If the House gives me permission to withdraw the motion I do it; but only in deference to the state of public business, and not because I yield one fraction from the course I have taken, or from the authorities I have quoted.

Motion by leave withdrawn.

Records of the House Challenged.

Mr. BATH (Brown Hill): I desire, sir, to call your attention to the report, appearing on page 92 of the *Votes and Proceedings*, of your ruling. And I desire to say that, as I heard and understood your ruling this is altogether an incorrect record of your utterance on that occasion. I need only refer you to

the verbatim report as appearing in *Hansard* and ask you to compare that report in *Hansard* with the reports which have appeared in the Press. You will find that this record in the *Votes and Proceedings* is altogether at variance with what has been reported in *Hansard* and in the Press. Moreover, it is at variance with your utterance as I heard and understood it on Friday evening. I would ask that you go into the matter, and if necessary make a correction more in accordance with the remarks you then made.

Third reading of Bill.

Question (third reading) put and a division called for.

Mr. Speaker: Before members proceed to divide on the question, I desire to say I shall take the necessary steps to inquire into the complaint of the Leader of the Opposition.

Division resulted as follows:—

Ayes	..	..	..	24
Noes	..	..	..	21

Majority for .. 3

AYES.

<i>Mr. Barnett</i>	<i>Mr. Layman</i>
<i>Mr. Butcher</i>	<i>Mr. Male</i>
<i>Mr. Carson</i>	<i>Mr. Mitchell</i>
<i>Mr. Cowcher</i>	<i>Mr. Monger</i>
<i>Mr. Daglish</i>	<i>Mr. N. J. Moore</i>
<i>Mr. Davies</i>	<i>Mr. S. F. Moore</i>
<i>Mr. Draper</i>	<i>Mr. Osborn</i>
<i>Mr. Foulkes</i>	<i>Mr. Plesse</i>
<i>Mr. Gregory</i>	<i>Mr. Price</i>
<i>Mr. Hardwick</i>	<i>Mr. F. Wilson</i>
<i>Mr. Hayward</i>	<i>Mr. Gordon</i>
<i>Mr. Jacoby</i>	(Teller).
<i>Mr. Keenan</i>	

NOES.

<i>Mr. Angwin</i>	<i>Mr. McDowall</i>
<i>Mr. Bath</i>	<i>Mr. O'Loghten</i>
<i>Mr. Bolton</i>	<i>Mr. Scaddan</i>
<i>Mr. Collier</i>	<i>Mr. Swan</i>
<i>Mr. Gill</i>	<i>Mr. Taylor</i>
<i>Mr. Gouriey</i>	<i>Mr. Underwood</i>
<i>Mr. Heltmann</i>	<i>Mr. Walker</i>
<i>Mr. Holman</i>	<i>Mr. Ware</i>
<i>Mr. Horan</i>	<i>Mr. A. A. Wilson</i>
<i>Mr. Hudson</i>	<i>Mr. Troy</i>
<i>Mr. Johnson</i>	(Teller).

Question thus passed.

Bill read a third time and transmitted to the Legislative Council.

BILLS (2)—THIRD READING.

1, Upper Chapman Railway; 2, Nan-nine-Meekatharra Railway (transmitted to the Legislative Council).

BILL—FINES AND PENALTIES APPROPRIATION.

The TREASURER (Hon. F. Wilson) moved—

That the Speaker do leave the Chair for the purpose of going into Committee on this Bill.

Point of Order.

Mr. Walker: Is not this one of the Bills that has not been ruled upon? It comes under the same Standing Order. It is an appropriation and we must go into Committee of Supply to deal with finance.

The Treasurer: This Bill does not impose any additional taxation.

Mr. Speaker: This Bill is perfectly in order. It does not appropriate revenue or impose taxation.

Mr. Walker: The very title declares it to be an appropriation Bill, appropriating revenue. If you refer to Standing Order 387 you will find there—

"It shall not be competent for a private member to move the House into a Committee of Supply or of Ways and Means nor into a Committee of the whole House, for imposing any tax, indent, or impost, nor shall it be competent for a private member in any such Committee to propose increases on the amounts proposed therein."

I read that before this afternoon. The passage deals with appropriation, and you will find it is ruled in the British House of Commons—even on a railway Bill it was held to be an appropriation. It says in *Denison's and Brand's Decisions* :—

"Railways (Ireland) Bill. Leave. First reading. When the Bill above referred to was introduced and read a first time Mr. Monk rose to order to know if the Bill, being a money Bill, ought not to have originated in Committee. Mr. Speaker said that if it was found the Bill had not been in-

troduced in accordance with the forms of the House, the order for its further progress would be discharged."

Then again:—

"An amendment affecting an alteration in taxation must originate in Committee.

Mr. Speaker said it seemed to him that the amendment would have this effect—that improvements beyond the City of London would, after the alteration proposed, affect the taxation of the City of London. In that case it would effect an alteration of taxation, which should have originated in a Committee of the whole House, and could not be proposed on consideration of the report."

This is one of those Bills dealing with appropriation which properly comes under the heading of Supply. The Crown is taking money from certain sources, depriving councils of it and appropriating money to the Consolidated Revenue. It is therefore a question dealing with money and one of those Bills that should be introduced in Committee of Supply. Our own Standing Order deals particularly with this, for it says:—

"Matters affecting finance shall be discussed only in a Committee of the whole House."

This Bill deals purely with finance, money from fines and penalties, depriving the municipal councils of that money and appropriating it to the Consolidated Revenue. Therefore it is in the nature of Supply. Even Supply in this House has been treated in Committee of the whole, and the Bill must of necessity come under that heading. There has been no ruling on this Bill, and on second consideration I think Mr. Speaker you will see it is appropriating money, the property of the municipal councils, and comes under Standing Order 361. Not having gone through that stage it is improperly before the House.

The Attorney General: The member is labouring under a mistake in thinking this Bill imposes any impost, tax, or indent. It deals with the fines imposed under existing Acts or which may be in the future imposed under separate Acts.

Mr. Hudson: Making a new source of income for the Consolidated Revenue.

The Attorney General: It makes no impost, and even supposing it did, it is simply to inflict fines. A fine is not a tax. No one has to pay a fine. A fine is a penalty imposed by a court under power and authority given to that court. Until a person commits an offence he is not called on to pay a fine.

Mr. Walker: Does not the Bill take out of the treasury of the municipal council that receives the fines an amount of money and appropriate it to the Consolidated Revenue?

The Attorney General: In the first place if an Act is passed in which it is possible to impose a fine for a certain offence, no subject has to pay that fine unless the subject commits the offence. After the imposition—assuming that the fine is in the nature of an impost—that impost then takes place and the money is handed over to certain purposes. At present it is handed to the local authorities by reason of the fact that provision is made for it in the Municipalities Act. But in no sense does this Bill require to be dealt with in Committee of finance. Assuming the argument of the member was correct, the argument on the main issue under the existing Constitution and Standing Orders, that there was anything to compel us to bring down anything in the nature of the Bill just passed in a Committee of the whole in the first place—which I say is incorrect—this present Bill has no relation to such a question.

Mr. Speaker: As I have already stated, this Bill is not parallel with the other Bills referred to. The word “appropriated,” wherever found in Clause 67, does not apply. In this case it is not an impost or tax, nor is it an appropriation out of the Consolidated Revenue Fund. Therefore this Bill is not on all fours with the others and should not be preceded by Message.

Motion put and passed.

In Committee.

Mr. Daglish in the Chair; *the Treasurer* in charge of the Bill.

Clause 1—Short title:

Mr. BROWN moved—

That the clause be struck out.

After the speech from the Attorney General the other evening regarding the city of Perth, it would be admitted that it had suffered enough already from the reduction of the subsidies.

The CHAIRMAN: The hon member can only discuss the Title.

Mr. WALKER: The Title stated exactly what the nature of the imposts upon the municipal councils everywhere would be. The Bill was one that would take away from the municipal bodies everywhere moneys to which they had considered themselves entitled. He would, therefore, oppose the Bill at every step, and he would begin by opposing the title.

Mr. TAYLOR: It was his intention to support the proposal to strike out the clause. Debating short titles in Committee was difficult, but he would be prepared to attack the measure at every stage. While there was the opinion that the Bill affected only one or two municipalities, he pointed out that he had received letters from municipal bodies which were not to be compared with the metropolitan municipalities in size or wealth, stating that they felt this measure would be an injustice to them if it were passed, and they had asked him to do his utmost to oppose its passage. That he intended to do. He would attack it at every step through Committee, and if the Bill passed the Committee it would be his intention to oppose it through every stage.

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

Ayes	..	..	..	20
Noes	..	..	..	25

Majority against .. 5

AYES.

<i>Mr. Bath</i>	<i>Mr. McDowall</i>
<i>Mr. Bolton</i>	<i>Mr. O'Loughlin</i>
<i>Mr. Brown</i>	<i>Mr. Scaddan</i>
<i>Mr. Collier</i>	<i>Mr. Swan</i>
<i>Mr. Gill</i>	<i>Mr. Taylor</i>
<i>Mr. Gourley</i>	<i>Mr. Walker</i>
<i>Mr. Heltmann</i>	<i>Mr. Ware</i>
<i>Mr. Holman</i>	<i>Mr. A. A. Wilson</i>
<i>Mr. Horan</i>	<i>Mr. Troy</i>
<i>Mr. Hudson</i>	
<i>Mr. Johnson</i>	

(Teller).

NOES.

Mr. Angwin	Mr. Keenan
Mr. Barnett	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Osborn
Mr. Foulkes	Mr. Plesse
Mr. Gordon	Mr. Price
Mr. Gregory	Mr. Underwood
Mr. Haddwick	Mr. F. Wilson
Mr. Hayward	Mr. Layman
Mr. Jacoby	(Teller).

Amendment thus negated; the clause put and passed

Clause 2—Fines and Penalties to be paid to the Treasurer:

The TREASURER desired to move—That the proviso be struck out and the following inserted in lieu:—Provided that this Act shall not affect the appropriation of fines and penalties—(a) Incurred and recovered under any law in force for the time being relating to the sale of fermented or spirituous liquor; or (b) Incurred under the provisions of any Act or by-law relating to Local Government and recovered on the prosecution of a Local Authority; or (c) Incurred under any Act administered by a Local Authority and recovered on the prosecution of such Local Authority.

Mr. HUDSON: Before the Treasurer moved that amendment it would be better if the Committee knew whether the proviso should be struck out first, and the addition of the words left to be dealt with by a subsequent motion.

The CHAIRMAN: It will be put in that form.

Mr. BROWN had an amendment before that of the Treasurer. He moved—

That the first paragraph be struck out.

He did not wish to lose the opportunity of moving this amendment, and he desired to know whether he would be in order in moving it at that stage?

The CHAIRMAN: The hon. member can proceed

Mr. BROWN: The object in moving the amendment was to protest against the manner in which Perth had been treated. Perth had suffered more than any other city or town owing to the reduction of the subsidies. He would like

to inform members representing Perth that Perth was losing over £2,000 by the reduction of subsidies, and if the clause were carried it would lose another £850. Only a few years ago the Attorney General, in introducing the Municipal Institutions Act, purposely left out this particular clause referring to fines and penalties obtained from the police court, and it was considered then, only two years ago, it would be so frightfully unjust if the proposal to deprive them of these fines were carried, that the House, by 19 votes to 11, decided that the clause should be reinserted. He would draw attention to the inconsistency of some of the members in connection with the division that was taken on that occasion. Some of the members who were in favour of the fines being paid to the municipalities on that occasion were Mr. Barnett, Mr. Cowcher, Mr. Davies, Mr. Gordon—

The CHAIRMAN: The hon. member must not allude to members by their names.

Mr. BROWN: The members were the members for Albany, Williams, South Fremantle, Canning, Wellington, Kimberley, Irwin, and East Perth, and these members showed by their votes that it would have been unfair to deprive a municipality of the fines. The member for Mount Margaret had only voted for it because of the reduction of the subsidies. If members took the majority of municipalities, it would be found that they were spending hundreds of pounds a year to obtain various convictions. Surely they should have these fines, in Perth especially. The health and other inspectors were in receipt of over £2,000 a year. Hon. members representing the City should recognise that it would be for the welfare of the municipalities if they voted for the amendment.

Mr. WALKER: If the hon. member failed to carry his amendment he was afraid it might prevent further amendments from being proposed. It would be advisable for the Committee to adopt the amendment, and to do so for more than one reason. The principal one was that this was a most lamentable attempt at legislation; it was one of those slovenly

efforts that had become a disgrace to our Statutes. How could the Committee govern future Parliaments and practically declare void Acts of Parliament that might be passed by their successors? The clause said "under any Act passed before or after this Act." In this simple Bill of 15 or 16 lines the Committee was to bind all future Parliaments of the State. It would be nonsense to attempt to do it. Apart from attempting the impossible, it was necessary that hon. members should know which Acts of Parliament this clause was going to repeal. It might be that a score of Acts would be repealed by it. Anything in the nature of a repeal should be done expressly. Hon. members had a right to know which were the Acts to be repealed. They knew that by passing this Bill they would be mutilating certain Acts of Parliament, but they did not know which Acts were to be so mutilated. It was a most unsafe method and under it no student of the law could possibly know what was faulty on the statute book. Future Parliaments would be put in the absurd position of passing Acts which, when the measure now before the House was turned up, would be found to be null and void. And all this for the purpose of indirectly raking in the shekels for the Treasurer.

The Treasurer: Directly.

Mr. WALKER: It was for the purpose of directly raking in the shekels. It was a revenue Bill, an appropriation Bill. It was intended to take money from the people, from those that the Government had penalised in other ways by depriving them of their subsidies and by refusing to them the ordinary allocation of grants. The municipality of Perth might be able to carry on without a subsidy of the kind proposed to be removed, but when the country municipalities, shorn of every other source of revenue and reduced almost to bankruptcy by the stinginess of the present Government were still to be penalised in the way proposed by the Bill, it was nothing short of injustice and cruelty. Probably there was no member on either side of the House who, representing a municipality, had not received a request to oppose the Bill. What justification was there for it? There was no

dignity, no sense, no honour, and no principle of any kind in a measure of the sort. The Attorney General could not tell the Committee what Acts of the future the Bill would nullify; but at least he ought to tell them what Acts of the past the Bill would repeal.

The ATTORNEY GENERAL: Notwithstanding that the Bill had passed the second reading stage the hon. member had been indulging in a second reading speech. There were many in the House who did not think the present distribution of fines a good one. It was far better that the Government should give to the municipalities direct what the Government were able to give them, than to allow one and another to acquire special revenue by these indirect means. By these indirect means one municipality was able to recover a far larger amount than was another. Was it not better to collect these fines and re-allocate them on a more equitable basis? The clause under consideration had for its object the appropriation of fines and penalties imposed by every court of summary jurisdiction for offences committed and for which the offenders were prosecuted in local summary jurisdiction courts. The object of the clause was perfectly clear. It was just as wide, and only just as wide as the clause inserted in the Municipalities Act. The hon. member had pointed to the expression "Under any Act passed before or after the passing of this Act." That was an ordinary draftsman's manner of expressing it; it was intended to apply to all fines imposed under summary jurisdiction unless Parliament at a future date should otherwise decree. There was a similar expression in the Interpretation Act. As a considerable majority had already adopted the principle of the Bill, he did not think we could debate the principle on every possible amendment with any possible advantage.

Mr. GILL supported the amendment. Though it might be said that the suggested amendments would meet the desires of members, he would not accept the risk, because the people he represented were strongly opposed to the Bill. Not only did he represent an outside municipality, but he represented a con-

siderable portion of Perth. The outside municipality strongly opposed the Bill on the ground that the subsidy was being reduced and that this small gain in the shape of police court fines should not be taken away from them. No one would have supported the Bill had it been brought down during the last session of last Parliament. It was not fair to inflict such a loss on the City of Perth. There was no justification for such paltry actions towards financing the State. He had every confidence in the State and the people would get along without this kind of financing. He intended to oppose all these pettifogging proposals.

The TREASURER: The hon. member was very heroic. Granted the hon member had confidence in the State, yet the hon. member was off the track. The object of this Bill was to take what the Crown was justly entitled to. It was not brought in with the idea of raising revenue: it was merely to rectify a wrong perpetrated in the past against the Crown.

Mr. Troy: What about the amounts already owing to municipalities?

The TREASURER: All municipalities had received payment to date. Last year the Government had to meet a claim by the Fremantle municipality for a certain sum of money representing half the police court fines incurred and recovered within the municipality of Fremantle. The Government had tried to protect the Treasury, thinking they were justly entitled to do so because there had been no appropriation of Parliament to pay over the money to the municipality. But the verdict went against the Crown; and as was indicated during the last session of Parliament, the Government thought it only just and equitable that every municipality with a similar claim should also be paid the fines and penalties.

Mr. Brown: But you made no attempt to get back the overpaid subsidies.

The TREASURER: That had nothing to do with the question. The hon. member was always barking up the wrong tree. The concern was that we had to pay about £4,600 in accordance with the

verdict of the Supreme Court, and this year we would have to continue to pay these fines, and an amount of something like £7,000 was on this year's Estimates. The matter had been put clearly to the House that the municipalities were not entitled to these sums, that they were not just claims, because the municipalities did not maintain the police and law courts and did nothing towards recovering these fines. The point was that if the Crown provided the means by which the penalties were recovered, if the Crown provided the means by which the prosecutions were instituted and the verdicts obtained, and if the Crown sustained the cost of the whole system, surely, as in other States and in other portions of the world, the Crown was entitled to get the fines resulting from the prosecutions. So he maintained it was only fair and right this Bill should pass. He had pointed out strongly in his second reading speech that there was injustice to the smaller municipalities. Even the Leederville municipality was suffering, because there was no police court in Leederville, and the Leederville municipality could not get any of the fines. His purpose was to put the outside municipalities—those without police courts in their districts—in a better position so that they would get the fines that they themselves went to the expense of obtaining. If any information was laid by a local authority and a conviction was obtained through the efforts of the local authority, then the local authority would collect the fine. In the case of prosecutions under the Municipalities Act, the Roads Act, the Health Act, the Bread Act, the Weights and Measures Act, and Acts of that description—under these Acts the municipalities concerned would take the whole of the fines, and would be in a much better position than they were to-day. This terrible opposition that had suddenly sprung up against the measure—a measure that was eminently just—was probably due to the fact that the municipalities had sent a circular around calling on their representatives to throw the Bill out. But one had yet to learn that members of Parliament were to

act in accordance with a circular received. Surely members were here to exercise their judgment and to do what was right and fair to the Crown as between the Crown and the municipalities. We should decide this question on our own judgment and not at the dictation of any public body. It was only natural a municipality would endeavour to stick to something it had in the past, rightly or wrongly, but one could point out to the member for Perth that the amount of £800 mentioned in the circular was not correct.

Mr. Brown : It should be £500.

The TREASURER : Yes, because £300 would be recoverable under the Local Acts.

Mr. Brown : But it cost us £2,000.

The TREASURER : It was no reason because it cost the municipality something to recover the fines why money that should go to the Crown should be retained by the municipality.

Mr. Walker : Are you not taking away a certain portion of municipal revenues by the amendments on the Notice Paper ?

The TREASURER : No ; we were simply taking away from these fines recovered under the Police Acts, fines they were wrongly getting now, but we were giving the municipalities fines to which they were entitled under the Acts he had already referred to, namely the fines they themselves recovered by their own efforts and by their own inspectors.

Mr. Carson : Have they been getting the whole of these fines ?

The TREASURER : The municipalities formerly got half of them, but in consequence of the Fremantle action they had since got the whole of them. Members should see there was some justice on the side of the Crown, and that as the Crown provided all the police protection and the means of enforcing the Police Acts and the cost of the upkeep of the courts of law, the Crown was justly entitled to the fines in respect of such actions.

Mr. TROY : In reply to a question the Treasurer had said the municipalities had received the police fines to which they were entitled. Was that so ?

The Treasurer : They have been paid.

Mr. TROY : That was not correct, and after hearing that he would not be impressed by anything more the Treasurer might say. He had received a communication from the Mount Magnet municipality, in which it was said they had received £47 8s. 9d. for police fines, etcetera. This sum was paid on the 6th August, and was due to the council up to the 11th October, 1907, and yet the Treasurer had the assurance to say the council had been paid to date.

The Attorney General : Probably a second moiety.

Mr. TROY : That convinced him clearly that he should not vote with the Treasurer in the amendments he had placed on the Notice Paper. The municipalities were legally entitled to the police fines. The Treasurer had taken away a great deal of the revenue of the municipalities. There was a reduction last year in subsidies, and there was to be a further reduction this year. How were the municipalities to carry on ? Mention had been made of the fact that members were opposing the measure at the request of the municipalities. Surely the municipalities were entitled to ask their representatives to do so : and the members were entitled to be influenced by those bodies just as hon. members opposite were influenced by the Treasurer. It was a peculiar thing that members who were opposed to the Bill two weeks ago were now in favour of it. This was to be regretted, for if the Bill were passed, the result would be contrary to the interests of the people in the remote parts of the State. The smaller municipalities were hardly treated under the Act as it was, but they would be wiped out of existence if the Treasurer continued to adopt every possible means of cutting off their sources of revenue.

Mr. McDOWALL : Many of the smaller municipalities would be seriously hampered if the revenue were cut off in this direction, consequently he would support the amendment. Coolgardie would be affected considerably, and at the present time, when the subsidy was reduced so greatly, it was advisable that reductions in other directions should not be too

sweeping. It must be admitted that municipalities performed their functions well. They had very important works to carry out, especially on the fields, in order to make the lives of the people livable, and they should receive consideration from the Treasurer.

Mr. WALKER : We now had the assurance from the Treasurer that he wanted to get revenue from the municipal bodies. The Minister did not desire to take all the fines, but seemingly was content only to take one half.

Mr. Butcher : It might be less than one half.

Mr. WALKER : It might be more. Perhaps the Perth Municipal Council would have a chance of getting a fair sum, but the other municipalities, for whom he spoke, particularly the small ones, would be in a very bad position. When a municipality took all the responsibility of conducting prosecutions and undertook all the work—

The Treasurer : Then they get all the fines.

Mr. WALKER : That was the same as "Thank you for nothing"; they simply obtained what they earned. That was admitted by the Treasurer as a tolerance, yet the other fines, which they had been accustomed to receive were to be taken away *holus bolus*. It was paltry, and humiliated the State to have that sort of legislation. The amendments of the Treasurer were the outcome of the criticisms the measure, as a Bill, received in the second reading debate. Why was a concession made? It was not because the avarice of the Treasurer had diminished, but because it was clear on the second reading that without a compromise the Bill would be slaughtered. If this clause were to be treated in the same way as the municipal subsidies then it would soon be wiped out altogether, for, with regard to subsidies, the municipal bodies were first cut down 10 per cent., then 25 per cent., and probably next year there would be nothing for them at all. The clause was absolutely unnecessary, as the State was not so hard up that it needed the money. The municipalities had enjoyed the privilege hitherto, and it should not be taken from them now. It would pro-

vide the last straw to break the camel's back, if this additional imposition were placed upon the municipalities.

Mr. BROWN : The Perth municipality had spent thousands of pounds in roads and footpaths all round the police court buildings, and they were not receiving one halfpenny rate for having done the work. If the City Council were able to rate those properties they would probably receive as much from the rates as they were desirous of getting from the fines. The subsidy was being gradually reduced and yet the Council had to keep up the state of the roads. The fines would only provide a small solatium to the City. Land was being resumed by the Government all about the City, and from Beaufort street to the West Perth station almost all the property was being taken up by the State, consequently none of this was now able to be rated. Mention had been made of the legality of the question, but Parliament had decided by a majority of 19 votes to 11 that the municipalities should receive the fines, and it was a bad argument now to say they were getting something to which they were not entitled.

Mr. ANGWIN : Fines imposed under the police court should go to the Government, and the other fines to the local authorities. The amendment moved by the Treasurer would meet, to a very large degree, the municipal districts. The amendments however, were not too clear so he intended to move to add that the fines should be paid to the municipalities in which the offences were committed.

Mr. TAYLOR : It was to be hoped there would be no necessity for the amendment of the member for East Fremantle (Mr. Angwin) but that the Bill would be thrown out. The municipalities in his electorate were small, and consequently would be considerably affected by the measure. It was generally understood at the recent elections, although he never knew it was true until now, that the reason there was such a great crowd of mayors standing for election, all of whom were supporters of the Government with certain reservations, was solely owing to the injustices it was then known was intended

to be done to the municipalities by this Bill. Had those various mayors been successful at the poll the Bill would certainly not be before Parliament now.

Mr. Angwin : The subsidies would not have been reduced either.

Mr. TAYLOR : Probably the subsidies would still be under consideration. The Treasurer, in dealing with the legal aspect of the case, said that although the municipalities were legally entitled to the fines they were not morally entitled, and that it was because the law was unjust he had brought down this measure. While that was the argument advanced by the Treasurer, the municipalities held a contrary view. If members were going before their electors just now it would be found that the measure would be cast on one side.

Mr. Bolton : We might be going yet?

Mr. TAYLOR : He was reminded that members might go before their electors sooner than they expected. If the Committee could make those members who were supporting the amendment believe that, there would be no further discussion, the measure would be lost on the voices. The Committee should take notice of the wishes of the ratepayers. After all, one could only do his best by opposing the measure, and not by putting up a stonewall.

The Attorney General : The hon. member drafted such a Bill when he was in office.

Mr. TAYLOR : And he was not ashamed of the Bill he drafted ; it included better provisions for the municipalities than the one before the Committee. Strange to say, the very gentleman opposite bitterly opposed the liberal measure offered by the then Government, and which would have dealt with the municipalities in a comprehensive manner. The present Government brought down something and endeavoured to sneak it quietly through the Chamber in one leap. Members had heard that evening the names of eight or ten gentlemen who had already voted against this measure, whose views were now changed. They desired to carry out the wishes of the Treasury Benches as against the views of the people

they represented. He intended to oppose the Bill at every stage.

Amendment (Mr. Brown's) put, and a division taken with the following result :—

Ayes	..	..	21
Noes	..	..	23
<hr/>			
Majority against	..	..	2

AYES.

Mr. Bath	Mr. Johnson
Mr. Bolton	Mr. McDowall
Mr. Brown	Mr. O'Loughlen
Mr. Collier	Mr. Scaddan
Mr. Foulkes	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Gourley	Mr. Walker
Mr. Heilmann	Mr. Ware
Mr. Holman	Mr. A. A. Wilson
Mr. Horan	Mr. Troy
Mr. Hudson	(Teller).

NOES.

Mr. Angwin	Mr. Layman
Mr. Barnett	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Cowcher	Mr. N. J. Moore
Mr. Davies	Mr. S. P. Moore
Mr. Draper	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. Price
Mr. Hayward	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Keenan	(Teller).

Amendment thus negatived.

The TREASURER moved an amendment—

That the proviso be struck out with the view of inserting other words.

Amendment passed.

The TREASURER moved a further amendment—

That the following stand as the proviso:—Provided that this Act shall not affect the appropriation of fines and penalties—(a.) Incurred and recovered under any law in force for the time being relating to the sale of fermented or spirituous liquor; or (b.) Incurred under the provisions of any Act or by-law relating to Local Government and recovered on the prosecution of a Local Authority; or (c.) Incurred under any Act administered by a Local Authority and recovered on the prosecution of such Local Authority.

Mr. DRAPER: These words proposed to be inserted would need a certain amount of interpretation, and it was his desire to amend them in the following way. In sub-clause (b) after the word "incurred" to add the words "and recovered," and by striking out in the same clause the words "and recovered on the prosecution of a local authority." In sub-clause (c) he would move to insert after the word "incurred" the words "and recovered," and after the word "authority" to strike out the words "and recovered on the prosecution of such local authority," and in lieu of those words, to insert after the word "authority" the words "within the meaning of the Municipal Corporations Act, 1906." That would make the amendments read as follows:—Sub-clause (a) would be untouched; (b) would read—"Incurred and recovered under the provisions of any Act or by-law relating to Local Government; and (c) would read—"Incurred and recovered under any Act administered by a Local Authority within the meaning of the Municipal Corporations Act, 1906." His object in moving these amendments was to bring the clause into line with the Municipalities Act itself. In Section 375 of the Municipalities Act we found that the ordinary revenue of every municipality "shall be made up of . . . fines and penalties incurred and recovered under the provisions of this Act or the by-laws within the Municipal district." In these amendments his object was to make them worthy of the Act. He was anxious to have defined the meaning of "local authority." By adopting this amendment they would make that clear, and would also avoid the ambiguous meaning of the words "recovered on a prosecution by a local authority." He was not at all certain that any two police magistrates would put the same interpretation upon these words. The amendment he proposed would have the same effect as the clause proposed by the Treasurer and would place the matter in a clearer light. He moved as an amendment on the amendment—

That the words "and recovered" be inserted after the word "incurred" in paragraph (b).

Mr. HUDSON: The hon. member desired to insert the word "recovered." But with regard to (a) it might be as well to have the Chairman's ruling as to whether the proposed amendment was in order, seeing that the Committee had decided to strike out the words "provided that this Act shall not affect the appropriation of fines and penalties under any law in force for the time being relating to the sale of fermented or spiritous liquor." The Committee had decided that these words should not stand part of the clause.

The CHAIRMAN: Notwithstanding that the Committee had decided to strike out those words he thought he would be justified in accepting the amendment, namely, that the words should be reinserted, accompanied by other words.

Mr. HUDSON: There appeared to be no relation between (b) and (c) and (a). He was going to oppose the insertion of the word "recovered" after the word "incurred." That was the amendment proposed, and its effect would be to renew the difficulty pointed out by the member for East Fremantle, namely, that the fines would only go to a municipality when they were recovered within its limits. He would agree to the exclusion of the other words in the clause. If they were to pass this clause all prosecutions would be made by the police. Under the Police Act every member of the force had power to prosecute for any breach or any offences against any by-law made by any municipality, roads board or board of health. The Treasurer was endeavouring to get in this provision by the back door, and under it the police would prosecute in all cases and the penalties would go to the Crown. He was opposing the Bill because of the attempt made to deprive the local authorities of the revenue to which they were justly entitled. The Treasurer had endeavoured to defend the Bill on the ground that justice should be done to the Crown; but it seemed that the effort actually being made was not so much to do justice to the Crown as to penalise all municipalities because one had endeavoured to secure justice for itself.

The TREASURER: As he had said on the occasion of the second reading, it seemed to him that the Crown was entitled to these fines; because the Crown prosecuted and bore all the expense in connection therewith. The principle underlying the amendments which he had proposed was that the local authorities should have the fines whenever they themselves prosecuted. He hoped the Committee would accept these amendments as he had moved them. He could not see why the member for Dundas should object to the insertion of the word "recovered" as proposed by the member for West Perth, seeing that it was one thing to incur a fine and another to recover it. It did not follow that because a fine was incurred it was necessarily recovered. The Government were not attempting to mislead; they were not attempting to get a provision in by the back door as the hon. member had stated. They were endeavouring to do what they thought was right and just in the matter, notwithstanding all the contempt the hon. member had shown for the action of the Treasurer. To say that the municipalities were entitled to this, that and the other was no argument at all. He (the Treasurer) had given the reasons why the municipalities were not entitled to these fines. He hoped the Committee would reject the amendments moved by the member for West Perth, and allow the clause to pass as he (the Treasurer) had moved it.

Amendment on amendment (to insert "and recover") put, and a division taken with the following result:—

Ayes	..	..	19
Noes	..	..	24
			—
Majority against			5

AYES.

Mr. Bath	Mr. Osborn
Mr. Draper	Mr. Scaddan
Mr. Foulkes	Mr. Taylor
Mr. Gill	Mr. Troy
Mr. Hardwick	Mr. Underwood
Mr. Heltmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Johnson	Mr. A. A. Wilson
Mr. McDowall	Mr. Gourley
Mr. O'Loughlen	

(Teller).

NOES.

Mr. Angwin	Mr. Keenan
Mr. Barnett	Mr. Male
Mr. Bolton	Mr. Mitchell
Mr. Carson	Mr. Monger
Mr. Collier	Mr. N. J. Moore
Mr. Cowcher	Mr. S. F. Moore
Mr. Davies	Mr. Plesse
Mr. Gordon	Mr. Price
Mr. Gregory	Mr. Swan
Mr. Hayward	Mr. F. Wilson
Mr. Holman	Mr. Layman
Mr. Hudson	
Mr. Jacoby	

(Teller).

Amendment thus negatived.

Mr. HUDSON moved an amendment on the amendment—

That in paragraph (b) the words "and recovered on the prosecution of a local authority" be struck out.

If we passed the proposed clause as it stood, instructions would be issued that the police should prosecute in all cases under the municipal by-laws, as they had power to do under the Police Act, in order that the penalties recovered might go into the consolidated revenue.

The Treasurer: Make it "recovered on the information of a local authority." That should meet the case.

Mr. HUDSON: Even if the information were signed by the officer of the local authority, it might happen that the police would conduct the prosecution, and the mere conducting of the prosecution might be taken to mean that it was a prosecution not by the local authority but by the police and that therefore the penalty should go into consolidated revenue.

The ATTORNEY GENERAL: We could not strike out the words "and recovered" in this case, because until a fine was recovered it was not worth talking about. Fines were often incurred but not recovered. In regard to the hon. member's objection that the police might prosecute, the Treasurer's suggestion to substitute the word "information" for "prosecution" might be accepted. We might allow the local authorities to collect the fines so long as they initiated the prosecutions.

Mr. Bath: Then why did you vote just now against inserting the words "and recovered"?

The ATTORNEY GENERAL: Because it was unnecessary repetition. If the hon. member thought the clause as drafted was one to be supported, he could not vote for putting the words in the wrong place.

Mr. DRAPER: The words "and recovered" on the prosecution of a local authority should be struck out. The other words in the amendment would give the effect of what we desired and there would be no confusion. His desire was simply to make the clause a little easier to comprehend. As to the suggestion to substitute "information" for "prosecution" the Attorney General should know that the local authority could not swear an information. It would be necessary to insert the words "officer of the local authority." However he (Mr. Draper) preferred to see the amendment passed to strike out the words "and recovered on the prosecution of the local authority."

Mr. FOULKES: There was one contingency that might arise. There might be two bodies seeking to recover these fines, and the fear was that individuals would be harassed.

Mr. BATH: So little would be left to the local authorities that the danger pointed out by the member for Dundas (Mr. Hudson) that even that little remaining would be taken away, might exist. Therefore, members desirous of retaining some little amount for the municipalities should accept the amendment of the member for West Perth. There would then be no ambiguity. The meaning of the words "incurred" and "recovered" should be made more clear.

The ATTORNEY GENERAL: The whole of the subclause was governed by the term "appropriation of fines and penalties"; one could not appropriate what was not recovered.

Mr. BATH: The Treasurer seemed to be trying to appropriate everything, either incurred, recovered, or anything else. The amendment would make it absolutely clear that the local authorities should be given the fines collected under their own local governing powers.

Mr. ANGWIN: An amendment which he proposed to move subsequently would provide beyond doubt that all fines and penalties imposed should be appropriated by the bodies in whose districts the offences were committed.

Mr. WALKER: It was not certain that the member for West Perth had moved an amendment, for it was simply a suggestion on his part. It would be wise to have it defined clearly that the fines would be appropriated by the municipalities. The amendment of the member for Dundas showed that was his object, and that he wanted to remove the possibility of any dispute. It would be well for that member to put his amendment, and then add to the subclause the words suggested by the member for West Perth. The police were under the authority of the Colonial Secretary, and if proper precautions were not taken now the police might be instructed from Perth to see that they took charge of these prosecutions. They could do that without an information. They would obtain knowledge of breaches of the by-laws and initiate prosecutions themselves, and then might urge that the local authorities had nothing to do with them and therefore should not obtain the fines. If that were done dispute, friction and annoyance of every kind would be caused. The Committee should take care to make it clear that fines from prosecutions arising from breaches of the by-laws, should be obtained by the municipal bodies.

Mr. HUDSON: There was a proposal from the member for East Fremantle (Mr. Angwin) that a further subclause be added, to the effect that all fines and penalties recovered under Subclauses (a) and (b) should be paid to the local authorities in whose districts such offences were committed. That would overcome the difficulty, if there were such, of the non-inclusion of the words "and recovered," and would be an appropriation, not only to the municipality, but to a particular district. His object was to secure for the municipalities and roads boards those penalties which were attached to the Act they administered.

Amendment (Mr. Hudson's) on amendment put, and a division taken with the following result :—

Ayes	..	..	27
Noes	..	..	18
			—
Majority for	..	..	9

AYES.

Mr. Angwin	Mr. Horan
Mr. Bath	Mr. Hudson
Mr. Bolton	Mr. McDowall
Mr. Brown	Mr. O'Loughlen
Mr. Carson	Mr. Osborn
Mr. Collier	Mr. Scaddan
Mr. Davies	Mr. Swan
Mr. Draper	Mr. Taylor
Mr. Foulkes	Mr. Underwood
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Hardwick	Mr. A. A. Wilson
Mr. Heltmann	Mr. Troy
Mr. Holman	

(Teller).

NOES.

Mr. Barnett	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Cowcher	Mr. N. J. Moore
Mr. Gregory	Mr. S. F. Moore
Mr. Hayward	Mr. Plesse
Mr. Jacoby	Mr. Price
Mr. Johnson	Mr. F. Wilson
Mr. Keenan	Mr. Gordon
Mr. Layman	
Mr. Male	

(Teller).

Amendment thus passed.

Mr. DRAPER moved an amendment on the amendment—

That the words "and recovered" be inserted after "incurred" in paragraph (c).

Mr. HUDSON : It was not his intention to oppose the insertion of these words. He admitted the necessity for the provision of the words "and recovered" but notice had been given to the Minister in charge of the Bill of the intention to move later on an amendment, making provision for fines and penalties being recovered. If the subsequent amendment were carried, there would be no necessity to put in the words suggested by the member for West Perth.

Amendment negatived.

Mr. HUDSON moved an amendment on the amendment—

That in paragraph (c) the words "and recovered on the prosecution of such local authority" be struck out.

Amendment passed.

Mr. ANGWIN moved an amendment on the amendment that the following new paragraph be added—

Fines and penalties recovered under paragraphs (b) and (c) shall be paid to the local authority within whose district the offences are proved to have been committed.

That would provide that every local authority would have the fines in connection with any offence that had taken place in its district, that was offences under by-laws or Acts that they had to administer. The Municipal Act provided "only fines incurred and recovered within the municipal district." As he had previously stated, the Attorney General had defined that to mean until there was a court in the district it would be impossible to recover the fines. If the word "recovered" were not put in, payment would not be made, and, consequently, the fine would not be appropriated.

Mr. DRAPER : The amendment would hardly carry out what the Committee desired. From what had been said, the Committee were of opinion that the fines should belong or should be appropriated to those local authorities who incurred the expense of a prosecution. The offence might take place in one district and yet the prosecution might take place in another, and the parties prosecuting would be the officers of the authorities where the prosecution took place and not where the offence occurred. It would be unjust to give that fine to the local authority of the district where the offence had taken place, when that authority had taken no risk, and had paid no part of the expense of the prosecution.

Amendment put and passed; the Treasurer's amendment as amended agreed to.

Clause as amended put and passed.

New Clause—Meaning of Local Authority :

Mr. DRAPER moved that the following be added as a new clause—

For the purposes of this Act "Local Authority" means the council of a municipality within the meaning of the Municipal Corporations Act, 1906, or a roads board district within the meaning of the Roads Act, 1902, or

a local board within the meaning of the Health Act, 1898, or under any Act amending the same.

New clause put and passed.

Bill reported with amendments.

ANNUAL ESTIMATES, 1908-9.

In Committee of Supply.

Debate resumed from 3rd December, on the Treasurer's Financial Statement and the Annual Estimates ; Mr. Dalglish in the Chair.

Vote—*His Excellency the Governor*, £1,148 :

Mr. JOHNSON (Guildford) : It is to be regretted that one should be called on at this hour of the night to speak on a question of this description ; because it is absolutely impossible for me to get through and with other hon. members catch my train. I do respectfully suggest to the Treasurer that he allow this item to stand over while the next business be proceeded with. I do not think the Ministry desire that we should lose our trains.

The Treasurer : You have an hour, you know.

[*Mr. Taylor took the Chair.*]

Mr. JOHNSON : Well as one has to speak, I might remind the House that the Treasurer delivered his budget speech some weeks ago. The last utterances made in connection with the Budget were delivered by the members for Katanning and for Greenough. The member for Katanning took up the position of lecturing hon. members and intimated to us that we should be fair in our criticism ; thereby insinuating that hon. members in criticising the budget speech were doing something unfair to the Minister and to the country. I disagree with that. I believe it is the absolute duty of members sitting in Opposition to criticise the Government. I refuse to allow the member for Katanning to interpret what is fair and what is unfair. The hon. member continually rises in his place and apologises for the mistakes of the Ministry. Repeatedly he has indicated where the Government have made mistakes, and

apologised for them. And because we, in somewhat different language, do the same he implies to us that we are unfair in our criticism. I have only to refer to one instance : that is where the hon. member last year took members on this side of the House to task for criticising the action of the Minister for Works in continuing the votes for maintenance of main roads. The hon. member first criticised our action and then said "Well, let it drop this year, and next year the Minister will take this criticism as an indication that the vote should not be continued." Seeing the source from which this came, hon. members on this side of the House tacitly agreed to do that. Yet we find that on this year's Estimates the votes are again prominent and if not increased, certainly are not decreased. I want to say that I am getting tired of this attitude on the part of the member for Katanning in appealing to members on this side of this House not to criticise at all. He says he fair ; and after all, the objection he has to our criticism is that it is directed against the Ministry. When the member for Greenough rose in his place I expected a speech worthy of him ; a speech such as we used to get from the hon. member in the old days ; a speech which, if he had made it in the old days, having at his command the material he now has to work upon, would have been a severe censure on the actions of the Government. But he made a speech the other night of a restrained character, evincing a feeling that he must not go too far. One could see that he wanted to severely handle the Government. But he no doubt allowed party to influence him and to restrain his utterances, with the result that he sat down finishing where he had started and damning the Government with faint praise. Perhaps we may get something more spirited from him next session, something similar to what we had from him in the old days. However it is my turn now to say something about the Budget speech. The Treasurer asks us to be cheerful. I must say that one has to be absolutely indifferent to the affairs of this State to be cheerful under the present

circumstances of our finances. At the present juncture one cannot be at once optimistic and just to the State of Western Australia. One cannot see the unemployed pleading for work in order to get a Christmas dinner; one cannot read in the Press the notices of bankruptcies in all parts of the State—one cannot see these things and be cheerful. One has to be absolutely indifferent to the conditions of Western Australia if he would be optimistic and cheerful. The position is bad enough and was bad enough before the Budget was delivered. But to my mind the Budget only serves to accentuate the pessimistic tone one must take in criticising the finances at the present time. The Budget, and on top of it the Auditor General's report, make one feel that the condition of the finances is one of continual drift. The Treasurer has only tried to talk optimism, when in his heart he must have felt that he is not doing his duty to the State; that he is not stopping the drift that according to his own utterances has been going on for some time. Yet under these conditions he appeals to hon. members to be optimistic and cheerful. I have stated that the Auditor General's report only makes one feel less cheerful, but I do not propose to-night to go into the details of that report. It is a strong indictment against the financial administration of the Government. I want members to realise the importance of the document. We have the opportunity of criticising the financial policy of the Government, but we look to the Auditor General in regard to the details of carrying out that policy. Members do not realise the need for perusing the report of the Auditor General to see how the details of the financial administration are being carried out; and in order to emphasise the importance of the report and to clearly bring home to members how the Government are carrying out the details, I intend, not to-night when speaking generally on the Budget, but when we reach the different items on the Estimates, to bring it home to hon. members. Right through his Budget speech the Treasurer endeavours to cover up

his own deficiencies by attacking Federal administration. He says we are not receiving so much return from Federation as was estimated; and he would lead one to believe that during the last year the Federal Government failed to return within a considerable amount of what they estimated would be returned to us; but in looking this up we find that only between £2,000 and £3,000 was returned to the State less than was estimated. When we realise that they returned only between £2,000 and £3,000 less than was estimated, and in addition made provision for old age pensions, we find they actually returned to the State an amount considerably in excess of what was estimated.

Mr. Foulkes: But how much less was it than the year before?

Mr. JOHNSON: It was not a question of how much less it was when compared with the year before; it was a question whether the return came up to the estimate of the amount the Treasurer in his previous speech estimated the State would receive. Seeing that it was so small, I am of opinion that the Treasurer right through his Financial Statement and his different financial speeches is endeavouring to cover up his own deficiencies by exaggerating the relations between this State and the Commonwealth Parliament. When one remembers the considerable assistance the State received in the early stages of Federation, one begins to ask himself whether it is fair that we should have Ministers continually trying to put all the blame for the financial difficulties of the State on to Federation. In 1901 Western Australian finances were in a very sorry state, but our difficulties were then righted, and we were put into a position of comparative affluence and by the operation of Federation by the assistance given to the State by the sliding scale, and by the remodelling of customs duties. We did not then eulogise Federation for the great assistance it gave us, and for the large amount of revenue it gave to us to develop our State.

The Premier: The revenue was taken from our own people.

Mr. JOHNSON: That is true, but the fact remains that we got it, and that we were given special consideration by the operation of the sliding scale.

Mr. Bath : It was only after Federation that we got it.

The Premier : But the local Parliament could have given it by increasing the customs.

Mr. JOHNSON: At any rate what I wished to emphasise is that we got considerably more than we anticipated. At that time the Government went to the country, just as the present Government have gone to the country, saying that what we wanted was careful administration, because the affairs of Western Australia were drifting. But the whole thing was righted by the operation of Federation. I do not wish to go any further than to say that at that time we did not specially enulogise Federation, and did not give credit for the fact that we were getting increased revenue over and above what we anticipated. But when things are slightly reversed and when we are not getting quite as much as we anticipated, we find all the ills besetting Western Australia are laid at the doors of Federation. I realise that we need at the present stage to be very careful in our negotiations with Federation. I am not blind to the fact that Western Australia stands in a very peculiar position and that members, irrespective of party altogether, must handle this concern in a statesmanlike manner, and that we must be very careful in all our movements.

The Premier: Hear, hear.

Mr. JOHNSON: But I am not prepared to subscribe to the policy of the Treasurer to attack Federation on all occasions.

The Premier : The Treasurer was a strong supporter of Federation. He was one of the executive of the Federal League.

Mr. JOHNSON: If Federation is to depend on federalists of the stamp of the Treasurer, God help Federation. As a matter of fact the Treasurer is a federalist up to the time it is necessary for him to get some excuses for his own incapacity as financial administrator of

the State, and then he turns round and endeavours to cover up his own misdoings, his own incapacity, and attacks that which at one time he was largely instrumental in bringing about.

Mr. Bath : Then he becomes a fatalist—what is to be will be.

Mr. JOHNSON: While I realise with hon. members the need for being careful and for considering our position in relation to Federation, still we have to bear in mind that the feeling towards handing over greater control to Federation is growing in this State. There is no question about that; the people generally are gradually drifting towards Unification, and not against it as Ministers would like us to believe. I have met hundreds of people who at one time were anti-federalists, and were against the extension of Federal control, but they are now beginning to realise that in this country where we have an Upper House continually running against the desires and wishes of the people of the State, there is only one chance, one salvation, and that is the extension of Federal control where we have adult suffrage in the fullest sense. I am not in favour of Unification, but I say, unless the Government come down sincerely and deal with the question of Upper House reform, the people of Western Australia will be compelled to extend Federal control. The people in this State want adult suffrage—one adult, one vote—on all questions affecting the people; but when we have one House controlled and dictated as we have had experience during the last week or so in connection with the Early Closing Act and other measures, then it is absolutely essential that we look for some measure of redress; and unless the Government take the matter seriously and immediately deal with Upper House reform, this growth of feeling towards Unification will get so strong, that eventually if the Government do take action they will not be able to overcome that feeling, with the result that Unification will grow, even though we had reform of the Upper House, but if we take action immediately we shall do something to stop the extension of Federal control.

This is an important consideration. The Government have trifled with the question too long. Every policy speech delivered from the time Mr. Rason took office until the present time has contained Upper House reform, and yet the Governments, one after another, have failed to carry it into effect. I would emphasise once more, that if it is desired to stop the growth of feeling towards Unification the Upper House must be dealt with at the earliest possible moment. The next question of importance dealt with in the Budget Speech is that of the sinking fund, and here I would like to refer to some of the remarks made by the member for Kataning (Hon. F. H. Piesse). He went out of his way to criticise the Labour party, because, as he said, we were opposed to borrowing. Although interjections were made at the time stating that was incorrect the hon. member persisted in his criticisms, based on absolutely insecure grounds, because the Labour party are not opposed to borrowing. What we want is that borrowed money shall be expended on directly reproductive works. Farther we do not go. I want to say distinctly that I defy any member on the Government side of the House to outline in any Labour policy where a declaration has been made directly against borrowing. It would be better for members rather than blindly to follow the policy of the present Government on the loan question, to consider the opinion of other leaders of political thought on this question. Here we have the views held, not by a member of the Labour party, but a man altogether outside the Party of which I am a member, and one who has taken a very active part in assisting and endorsing to a great extent the policy of the Government. He differs, however, from the financial policy of the Government, as is outlined in the Budget Speech he delivered in 1903. I refer to Mr. James Gardiner, undoubtedly one the the brightest Treasurers we ever had, whose ability is without question. In his Budget speech he said :—

“It seems to me that the present is a fitting opportunity to strike a

strong blow at the generally accepted idea, which had practically become a faith, that Australia can only prosper by huge borrowings. Too frequently huge borrowings lead to that prosperity which we know is unstable and carries with it the strongest possible germs of corresponding depression, which in turn has to be relieved by farther borrowing.”

Mr. JOHNSON: Exactly what we are suffering from to-day. Mr. Gardiner continues:—

“And another reason which is frequently advanced is that if we have to wait till our great resources are developed by own own capital, our progress must be very slow indeed. In the minds of thoughtful men, five years is nothing in the history of a nation, provided those five years are represented by slow and steady progress; and business men will tell you that ultimate prosperity rests with the man of energy and enterprise who, whilst looking ahead, is certain of providing for his immediate obligation; and if this applies to business, it ought to be a good principle to apply to the State. If the prosperity coming from internal development be slower, there is not the slightest doubt it is surer.”

That exactly outlines the opinion held by a large section of the people in Western Australia, and the opinion held by the Party to which I belong. We have no objection to borrowing, but we have a decided objection to the practice of the present Government in expending loan moneys on such works as roads, bridges, asylums and other buildings already referred to in this debate. I take a view of the sinking fund in this way. While we see the sinking fund is gradually and annually increasing there is no corresponding increase in revenue. The Leader of the Opposition (Mr. Bath) endeavoured to emphasise this very important point, and in order clearly to place before the House his views, he went back to the year 1898, took the revenue of that year and compared it with the revenue of the present time; then he took the amount neces-

sary for interest and sinking fund in 1898, and the amount necessary for interest and sinking fund in the present year, and then took the percentage of the amount drawn on revenue in the respective years. In order to make the comparison absolutely correct and authentic he took from the revenue of 1898 all those sums derived from departments now handed over to the Federal Government, and in the present year he did the same thing. His point was so strong and conclusive an evidence against the present loan expenditure that the Treasurer went out of his way to give a special interview to the Press, in endeavouring to reply to his utterances. In order to build up his case the Treasurer told the people of Western Australia that the Leader of the Opposition failed to take from the revenue of 1898 the amount received from the Customs and other departments handed over to the Federal Government. Then basing his arguments on something that was incorrect he started to ridicule the utterances of the hon. member. We know, however, that the member deliberately took from the revenue of both years the amounts received from those departments; consequently the criticism stands solid and sound, and the reply of the Treasurer, being based on an incorrect assumption, was no reply whatever. Still we find that the Press devoted a considerable amount of attention to this, notwithstanding that on the previous day or two the remarks of the Leader of the Opposition clearly indicated that he had done what the Treasurer said he had not done. I have the figures, but I do not propose to-night to repeat them, as we shall have another occasion on which to refer to the matter. I want to take strong exception to the proposal of the Treasurer to reduce the contribution to the sinking fund to one-half per cent. I take exception to it because I feel that, under the present system, we are not receiving that protection from the one per cent. sinking fund members would like us to believe. For instance, what is the use of our subscribing to a sinking fund of one per cent. when we are not exercising due

care in the expenditure on General Loan Fund? We know by the Auditor General's report that we are undermining the sinking fund contribution, that loan moneys are being utilised for works not reproductive, and consequently when we expend money on works not directly reproductive, we are not spending that money in a way to build up a sinking fund to the extent one would believe. By drawing on the General Loan Fund for works of a non-reproductive character we are undermining the contribution we are supposed to make under the sinking fund. While this practice continues it will be absolutely unfair to reduce the sinking fund. What we should do is to increase the sinking fund. It is the only way we have of protecting ourselves, and to reduce it would be suicidal. I trust this Government will not persevere with such a proposal. The Premier proposed last year in his policy speech to discontinue the sinking fund, but it received so little support and so much criticism that he had to abandon it, and I trust this time that when the Government propose to reduce the sinking fund, as they evidently intend to do, it will receive some consideration at the hands of the public, so that the Government will have to depart from the idea. Some consideration was given—I may say I am cutting this down as much as I can—some consideration was given to the condition of our trading concerns. I want to devote a little attention to one of our large trading concerns that I have taken a keen interest in; I refer to the goldfields water supply. Last year we had to subscribe from General Revenue to make up for the deficiency on that proposition a sum of something like £90,000, and we have to bear in mind that while we are contributing from General Revenue that huge sum towards making up the sinking fund and a proportion of the interest, we are selling that water to large dividend paying propositions on our goldfields at a loss of 2s. 3d. on every thousand gallons; in other words we are selling water to the large dividend paying companies at 5s. a thousand gallons when it costs the State 7s. 3d.,

and in addition to that, we are giving to some of those companies greater reductions still, because the Minister for Works admits he is selling water to the Great Boulder Proprietary at 1s. 6d. a thousand gallons, while it costs the State 7s. 3d.

Mr. Jacoby: How do you make that cost up?

Mr. JOHNSON: Working expenses, interest and sinking fund on the whole proposition. I got the figures from the annual report of the Goldfields Water Administration.

The Minister for Works: You know there are exceptional circumstances.

Mr. Bath: But are they exceptional?

Mr. JOHNSON: There are certain circumstances, but the point I want the hon. member to realise is this, that we are giving a special bonus, and we are assisting the dividend-paying companies by granting cheap water. The proposal I would wish to put before members is that we should increase the dividend tax. The dividend tax has remained stationary for the last three or four years, and in that time we have been increasing bonuses to these mines, with the result that we have been taking a large sum away from the dividend tax each year and returning it to the dividend paying propositions. I think the time has arrived when we should increase the dividend tax to make up for a proportion of the deficiency that we are having annually in connection with this scheme.

Mr. Heitmann: How would that affect the mines in the other parts of the State?

Mr. JOHNSON: I am only arguing from the point of those directly connected with the goldfields water supply. I feel it would not do any harm if we increased the dividend tax right through, because it is so small. At one time we taxed their profits, but we amended that, and now we only tax their dividends, the actual dividends declared. If I had the power to do it when the agreement expired, I would have tried to make better terms with the mining companies, and I believe if we increased the price they would not guarantee to use none but fresh water; they would start using their salt water, but then we could make up the deficiency, and

we could gain more revenue if we allowed them to utilise their salt water for battery purposes and the Mundaring water for their boilers. I am of the opinion, and I was of the opinion when I was Minister for Works, that it could be done, and that was the solution of the difficulty facing us. If I had been in office at the time the agreement expired I would have endeavoured to do that, because I believe it would be more satisfactory to the whole of the mining propositions, and distinctly more satisfactory to Western Australia from a financial point of view. One could go into details in connection with the water supply, but I propose to condense my remarks and to devote greater attention to it when we come to the different items. But we must again contrast the economies effected in the Railway Department with the little attention that has been given to the goldfields water supply and other administrations. We find the only trading concern that has received any attention at the hands of the Government is the railway system, and attention has not been given towards that economy that would bring about any appreciable result to Western Australia. For instance, the main economy in connection with the railways has been obtained at the expense of the permanent way. That has been neglected compared with the attention it received a few years ago. As a matter of fact, the economy of to-day is gained at the expense of the large amount of attention that was given to the permanent way by the previous administration. For instance, large sums of money were paid by the previous administration in re-sleepering and ballasting between Fremantle and Midland Junction, with the result that a considerable saving has been made in maintenance. I am of the opinion that such is the economy that has been exercised in this direction, that in a few years' time some new Administration will have to increase the expenditure on maintenance, as much as the Labour Government had to do in their time. The work that was done by permanent gangs of fettlers is now being done by flying gangs, and the outcome is that the work is scamped, and maintenance is indifferent.

The Premier: Who said so?

Mr. JOHNSON: That is my information and I do not go about with my eyes closed. We know also that a number of permanent way men have been retrenched and we know that the work is not being done as it should be done. We can refer also to rolling stock today, which is not receiving the attention, and is not being examined as was done in years gone by. The result is that it is depreciating and in a few years' time it will require a lot more money to bring it up to the standard. This is transferring the difficulty from one Government and putting on to the shoulders of another, and transferring it from one year to another year. It is an economy that is not sound and will not assist the Government if they are in office any length of time. We might also refer to the workshops' management, but I will again pass over that and wait until we come to the items. I do not propose, however, to oppose the general administration of the Savings Bank. I must say that the management and administration of the Savings Bank, as far as one can gather from the reports and returns, are of a very highly satisfactory nature. It only goes to make one feel that the policy of advocating the establishment of a State bank is a sound one. When we find the great work the Savings Bank is doing in a limited way it makes one speculate as to what could be done if we had a State bank. We find that £2,500,000 is being directly borrowed by the Government from the funds of the Savings Bank for the purpose of developing the resources of the State—for the carrying on of the Goldfields Water Supply, of the Metropolitan Waterworks Board and for works of a similar nature. And over and above the £2,500,000 subscribed by this bank, we know that the Agricultural Bank and other institutions are financed from these reserves. We are receiving splendid assistance from the Savings Bank in respect to the development of this State. What we now want is the extension of that bank until we get a State bank, when it will be no longer necessary for us to continually

fly to the London market to get money to assist in the development of the State. The next subject I wish to touch upon is that of the taxation proposals of the Government. But since I prepared a few notes on the subject I understand there has been a change, that the policy of the Government has been modified and that caucus has decided that these taxation proposals must not be proceeded with.

The Premier: Who says so?

Mr. JOHNSON: I have been informed that under instructions the Government have decided not to proceed with the taxation proposals, other than that dealing with the increase of stamp duties. If the Government are prepared to drop these, then it will be unnecessary to criticise the proposals; but if not it will be necessary to deal with them at some length.

The Premier: We will not interfere with you. Use up your notes, whatever you do.

Mr. JOHNSON: No, I am jumping over them. I would like to give a little advice to the Premier.

The Premier: You always did pose as a mentor.

Mr. JOHNSON: I am going to pose once more. We find the Government dealing with caucus. I would like to compare the Government caucus with the caucus of the Opposition for the purpose of showing the Government where they can improve.

The Premier: Have you got permission to speak?

Mr. JOHNSON: I wish the Premier would not be so rude. What I want to say is that before the Labour party bring in any piece of legislation, they consult caucus and ask the members their opinion on that piece of legislation. Leaders of the Labour party do not dictate to their followers. They consult their followers before deciding on any particular course of action. But the Government decide on a certain policy, propound it and introduce it, after which caucus is called in and consulted. Caucus says, "you must not proceed with this pettifogging legislation." Then the Government, realising the seriousness of the position, accept the

dictation of caucus and withdraw or modify the policy.

The Premier: I did not notice you there. How did you come to know all this?

Mr. JOHNSON: I would advise the Premier to consult caucus before, and not after he has introduced legislation. He has been ridiculed for proposing these pettifogging taxes, and now he has had to back down and decide not to proceed with them.

The Premier: How do you know?

Mr. JOHNSON: We know perfectly well. The Premier will not deny it. He puts it on his Notice Paper and then has to depart from it. In consequence he is charged with lack of backbone. It places the Government in a very humiliating position; and having sympathy with the Government and the Premier I do advise them to study more closely the methods of the Labour caucus.

The Premier: It was not a success in the Midland railway.

Mr. JOHNSON: I am profiting by past experience. The Premier is new to the game of caucus, and I want to give him some advice. As the Premier practically admits that he is not prepared to go on with these taxation proposals, I will say no more on the point.

The Premier: I will consult you in the morning.

Mr. JOHNSON: You have consulted one too many already. You know you dare not go on with the proposals. Now I would ask the Premier is it fair to proceed with the proposal for increasing the stamp duties while we have in our midst these proprietary racing clubs that are fleecing the public, and providing very little revenue towards the State of Western Australia. The position is that we are penalising certain racing clubs that utilise their profits in making provision for the accommodation of the general public. Take the Kalgoorlie Racing Club: That body is providing out of its profits a national park for the people. We find the same thing obtaining at the headquarters course at Perth. But take the proprietary clubs—take the Helena Vale for instance, practically owned by Mr. P. A. Connolly: The profits he derives from that proposition prac-

tically go into his own pocket, and the accommodation he provides for the public is an absolute disgrace.

Mr. Gordon: He has to provide for the losses.

Mr. JOHNSON: He takes good care to have no losses. And the W.A.T.C. is encouraging these private concerns and guaranteeing them against loss, to the extent that they fix the days of meeting and so avoid a clashing. I would like to see the totalisator tax amended so as to place a special impost on the proprietary clubs, as was outlined in Mr. Rason's policy speech, and I would like to see the total abolition of unregistered racing. If we did this we would gain more revenue than we will receive under the proposed increase in the stamp duty. There are several other matters I would like to refer to, but I do not want to make members lose their trains. However, I will make up the balance of my speech at the first opportunity on the items. I am absolutely dissatisfied with the financial proposals of the Government; I am glad to see they have departed from them, but I want them to go further. I do not want to see them go on with the increase in the stamp duty. I want to see them deal with the totalisator tax, and I want to see them deal in a statesmanlike manner with the land tax so as to make the owners of land within reasonable distance of or alongside our existing railways bring it into use. We want a tax of that description before we tax any other commodities or individuals in the State. I trust the Government will not proceed with their present taxation proposals. I hope they will realise they are not in the best interests of the State, but that there are other sources of revenue. Next year I hope we will have the opportunity of discussing a proper land tax and a graduated income tax and the totalisator tax and other things that do not touch the general public, but will bring more into the coffers of the State than the present proposals of the Government.

Progress reported.

House adjourned at 11.55 p.m.