

the habit of getting them, and I am not going to stop them and be accused of doing something which means their getting less information than they did in the past, although the monthly returns may not be as correct as the quarterly or half-yearly returns. Although we are not called upon by the Tramways Act to issue quarterly returns, the Commissioner is doing so, and they can be found in the *Government Gazette*. If members complain they are not getting the information they want, I am afraid I cannot do anything more. All the information that can be given is given, and I know of no State in the Commonwealth which gives so much information as we give through the Treasury in Western Australia.

Clause put and passed.

Clauses 18, 19, 20—agreed to.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.40 p.m.

Legislative Council,

Wednesday, 20th January, 1915.

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

PAPER PRESENTED.

By the Colonial Secretary: Report of the Fremantle Harbour Trust for the year ended June, 1914.

QUESTION—RAILWAY CHIEF TRAFFIC MANAGER.

Hon. R. J. LYNN asked the Colonial Secretary: 1, Is it a fact that the position of Chief Traffic Manager in the Railways has been offered to a gentleman outside the service? 2, If so, has the Minister considered the effect which such an appointment will have on officers in the service?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes.

QUESTION—STATE HOTELS AND LICENSEES.

Hon. D. G. GAWLER asked the Colonial Secretary: 1, Whether the licenses for the State hotels at Kwoollyn and Bruce Rock were renewed at the last December sittings of the licensing court held for the district? If not, why not? 2, Whether such licenses are still in force? 3, Whether at the present time more than one State hotel license is held by the same person; if so, the name of such person and the names of the licensed premises held by him? 4, Whether on any occasion any person while already the holder of any State hotel license has applied for a license for another State hotel? 5, Has the licensee of any State hotel been absent from his licensed premises for longer in the aggregate than 28 days? If so, has he obtained in all cases the permission in writing of a member of the licensing court for his district in accordance with the Act? 6, Has any complaint been made from the bench in any licensing district that certain licensees of State hotels have been absent from their licensed premises contrary to the Act? 7, Has any report been made by the police dealing with the absence of any licensee of a State hotel from his licensed premises or generally on the question?

The COLONIAL SECRETARY replied: 1, No; because application for renewal was not made. 2, Pending intended action by the Government, the licenses are deemed to continue as regards the premises by virtue of Section 55. 3, No. 4, No. 5, The actual licensee has been absent without the permission

of the court; but in every case a duly authorised agent of the Minister has been in charge of the premises. 6, The department is not aware of any such complaint. 7, The Department is not aware of any such report.

MOTION — MONEY BILL PROCEDURE, JOINT STANDING ORDERS.

Hon. D. G. GAWLER (Metropolitan-Suburban) [4.39]: I move—

That in order to maintain the harmonious relations between the two Houses necessary in the interests of public business, it is in the opinion of this House advisable that the Standing Orders Committees of both Houses should meet and confer with a view to framing joint Standing Orders to assist in overcoming the present differences between the two Houses in regard to money Bills, and if necessary to recommend an amendment of the Constitution with that object.

I am bringing forward the motion with a view to avoiding a repetition of the regrettable deadlocks which have taken place between the two Houses on various occasions. In doing so I disclaim any unfriendly intention whatever towards another place. Members will recollect that a short time ago, in connection with the Grain and Foodstuff Bill, this House, acting within its constitutional rights, made certain requests. Of those requests some were agreed to by another place, but in one instance the request was refused. That has given rise to a position which is not altogether desirable in the interests of public business. The man in the street very often says, "What about the measure?" He does not take upon himself to consider which House is in the right, nor does he care much about the constitutional position. All he wants to know is the fate of the measure. Therefore, with the man in the street neither House is able to put itself in a satisfactory position. The powers of the Council in regard to money Bills are found in Section 46 of the Constitution Act of 1899, Section 66 of the

Constitution Act of 1889, and Standing Orders 239 to 245. Section 46 of the Constitution Act of 1899 reads as follows—

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

Many members are somewhat hazy in regard to the strict meaning of the words "any stage" in this connection. I myself was until I looked into it. To my mind it means any stage in the passage of a Bill through the Council, and while the Bill is in possession of the Council. In Victoria they have a provision that the Council may amend a money Bill once at any of three stages, one being the Committee stage, another the report stage, and the third the third reading stage. In that State the powers of the Council are limited to those three stages, while our Act specifies "any stage." Section 66 of the Constitution Act of 1889 reads as follows—

All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly. Those are the Bills commonly called money Bills, and in regard to which this House has only the powers referred to in the sections I have quoted, and in our Standing Orders 239 to 245, which deal with those Bills. Standing Order 244 contains the directions as to what the Council may do when a Message comes back from the Assembly, notifying that our request has not been agreed to. The first of those directions is that the request may be pressed. My own idea is that the fact of pressing a request means practically to insist upon it, and if our Standing Orders are valid, then undoubtedly we can press our requests. In regard to the Standing Orders hon. mem-

bers may not know that they are framed under Section 34 of the Constitution Act of 1889, which reads as follows—

The Legislative Council and Legislative Assembly, in their first session, and from time to time afterwards as there shall be occasion, shall 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 shall by the said Council and Assembly respectively be laid before the Governor and being by him approved shall become binding and of force.

My own view in regard to the position of the Legislative Council and the Legislative Assembly is that these cannot, as in the case of ordinary regulations and rules made by local authorities, be interfered with by any court. In the case where rules or regulations of that class are being infringed hon. members may know that the legal redress is to obtain a mandamus from the court commanding a certain action to be taken, or an injunction against such act being performed. No such procedure would apply to our Standing Orders. Until both Houses decide that the Standing Orders shall be abrogated they remain valid. I will draw hon. members' attention to Section 46 particularly, and also Standing Order 244, as framed under the Federal Constitution Act and the Senate Standing Orders. I think I am perhaps more correct in saying that the Federal Constitution adopted our Western Australian Section 46, as I believe we adopted their Senate Standing Order 244. The two are identical. At the present time the Senate of the Commonwealth has successfully maintained its

position to press its requests. Of course I do not want to go into a discussion on the whole doctrine of control of supplies.

Hon. W. Kingsmill: That has nothing to do with the case.

Hon. D. G. GAWLER: Because undoubtedly in that case the circumstances are not identical. The House of Commons is elected on a small property qualification, while the House of Lords is hereditary. Here we have a very different case. Our Lower House is elected on an adult suffrage and the Upper House upon property qualifications. Therefore, the old doctrine of control of supplies being with the Commons, which is very often brought up here, I say should not apply at all. The position of the Legislative Councils in the Australian States really amounts to this: a Council really represents those who pay and they are in the position of having forced upon them and their electors measures of taxation by those who do not pay. That is undoubtedly the position in the Australian Constitution. I go further and say, that I believe all the elective Councils in Australia have up to the present taken the stand that, being elected, they have rights different to those of the House of Lords under the English Constitution. My own idea is that one of the first changes which should be brought about in dealing with the motion I am bringing before the House is that we should have an alteration of the constitutional definition of money Bills. I have got in my mind that these proposed Committees are to have power to recommend, if necessary, an alteration in the Constitution, and I wish to add to the motion, if I am allowed to do so, at the end of my remarks, the words "with that object," in order to show that the object of the alteration of the Constitution is to put the question of money Bills on a different basis. Let me draw hon. members' attention shortly to the provisions prevailing in England and in the Federal Constitution with regard to money Bills. I hold in my hand a copy of the Parliament Bill passed in England in 1911. I may say with a certain amount of pride

that I was in the House of Lords when the Bill was passed. Hon. members will recollect that this was practically the Veto Bill which was passed by the English Parliament, curtailing the powers of the House of Lords. Section 1, Subsection 2, deals with the definition of money Bills, and it reads as follows:—

A money Bill means a public Bill which in the opinion of the Joint Committee contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to the provisions of such Bill; but if, in the opinion of the Joint Committee, the governing purpose of a Bill, or any portion of a Bill, is such as to bring the Bill within the category of general legislation, the Bill or such portion thereof as aforesaid, shall be subject to the provisions of Section 2 of this Act.

Section 2, hon. members may remember, provides that legislation sent up and rejected three times by the House of Lords shall *ipso facto* become law. Therefore the effect of that provision is that these Bills shall not be considered money Bills under Section 1. but as Bills dealing with general legislation to be dealt with under Section 2. Money Bills come under Subsection 1 of Section 1 of the Act. This reads as follows:—

If a money Bill having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after, it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of

Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to the Bill.

These are money Bills. Now there are just a few words at the end of Subsection 1. of Section 2 which I may refer to, in view of what has taken place here in regard to a Bill. These words are—

In this subsection the expressions "taxation," "public money," and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes. If that had been in our Bill, the Fremantle Improvement Bill could never have come to the Council as a money Bill. Let me now draw attention to the sections of the Federal Constitution dealing with this. The sections I wish to refer to are 53, 54 and 55. Section 53 reads as follows:—

Proposed laws appropriating revenue or moneys, or imposing taxation shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses, or fees for services under the proposed law.

If hon. members will consider these last words very carefully they will see that there are excluded a large number of Bills which come under the guise of money Bills, but which really are not money Bills at all. The section goes on—

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government. The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting by Message the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments with

or without modifications. Except as provided in this section the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Hon. members will see a great difference between our Section 66 and this section. This section provides that the Bill shall deal only with matters of taxation and the other matters I have mentioned, and that a money Bill shall not be a money Bill by reason only of its containing provisions imposing a fine and pecuniary penalties, and other matters. All these matters are deemed here to make our Bills money Bills. The last two sections deal with the doctrine of "tacking." Section 54 reads—

A proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriations.

The following section states—

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only, but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

These are the provisions which obtain in England under the Parliament Bill and in the Commonwealth under the Federal Constitution, in regard to what are or are not money Bills. Hon. members will see that three Bills at least have come before this House which have not been money Bills under the above definition. Had our definition been on all fours with the Federal Constitution, such Bills as the Irrigation Bill, the Food-stuff Bill and the Game Bill, not to mention others, could have been dealt with by this House not as money Bills but as ordinary measures and could have been amended by this House. It is often asked what is the difference between a request for an amendment and the amendment itself. Personally, I can see no practical difference. The great difference of course is that one or other

House takes the responsibility of rejecting the Bill. If you can press a request it amounts to an amendment. There is just one more point and that is that it seems to me very questionable whether Section 66, that I have referred to in our Constitution Act, actually prevents this House from dealing with Bills appropriating loan moneys. Hon. members will see that Section 66 only mentions appropriations of the Consolidated Revenue. I will draw attention to that section again in these words—

All Bills for appropriating any part of the Consolidated Revenue.

Might I again draw hon. members' attention to the words I have read out from the Parliament Bill and also from the Bill dealing with the Federal Constitution. The Parliament Bill speaks of the imposition and payment of duty or other financial purposes and charges on the Consolidated Revenue, "or money provided by Parliament." The Federal Constitution Sec. (53) prohibits the Senate from amending laws appropriating revenue "or moneys." Throughout the section it speaks of revenue "or money." It seems to me, to say the least of it, very significant that these words are omitted in our Section 66. So far as I can see the omission of these words enables this House to deal with the appropriation of loan moneys not as a money Bill. It may be said that because those Bills which deal with appropriation of interest are money Bills, but I am not prepared to say that that is the case. However, all the matters to which I have referred can be investigated in connection with the question of the alteration of the Constitution.

Hon. W. Patrick: Alteration of the Standing Orders?

Hon. D. G. GAWLER: And the Constitution. Hon. members will, I am sure, not think it necessary for me to go into great detail on this subject. They can well see what enormous ramifications a matter like this allows, and as we have important business before the House to be dealt with, I do not propose to go into the subject at any greater length. I

would ask hon. members to agree to my motion with a view of seeing whether it is possible by this informal consultation, as I might call it, between the Standing Orders Committee of each House, to arrive at a settlement on a satisfactory basis. This may or may not be done by framing a general Standing Order, or it may or may not be done by the proposed alteration of the Constitution. In any case I commend the motion to the House as showing an inclination on the part of this Chamber to prevent the recurrence of deadlocks.

Hon. W. KINGSMILL (Metropolitan) [5.5]: It is my intention naturally to support the motion which has been so clearly and concisely moved by Mr. Gawler. There are, however, one or two suggestions which I have to make which I hope hon. members will fall in with. I will deal with them first. Under our Standing Orders, standing Committees—and the Standing Orders Committee is a standing Committee—have no power so far as we can see to call witnesses to take evidence or to call for papers, and indeed to conduct the business of the Committee such as would be necessary in the case we are now contemplating. I would prefer therefore that Mr. Gawler would consent to an amendment which I will move later on to the effect that instead of the Standing Orders Committee of both Houses meeting, the motion in that particular direction should provide that the meeting should be between select committees appointed by both Houses. It is obvious, if another place assents to this motion, that the select committee which each House would appoint would be the Standing Orders Committee of that House, and that their sphere of usefulness would be enlarged by being able to call for persons and papers, to take evidence, and they would be better able to carry out the task submitted to them, than would be the case if they simply met as a Standing Orders Committee. With regard to what is likely to happen, I am pleased to find that hon. members think that the difficulty does lie, as I have mentioned for the last two years or more, in the definition of money Bills. There

is no doubt about that. Our definition of money Bills is extremely loose and insufficient, and many Bills are labelled money Bills by some unknown authority without their, in my opinion, fulfilling the proper description of money Bills.

Mr. Gawler has touched upon an important point with regard to the fact that Bills which deal with loan moneys may be excluded under the Constitution from the category of money Bills, and in this connection the point I raised last night in dealing with the little crisis which has arisen over the Grain and Foodstuff Bill, seems rather more feasible than it did at the first glance. We have no guarantee from the leader of the House that the funds for the administration of this Bill are going to be taken from Consolidated Revenue, and if they are going to be taken from Loan as would seem natural, I maintain that the Bill is wrongly described as a money Bill. In addition to the framing of clauses in our Constitution, which would correspond to the sections which Mr. Gawler has quoted, namely, 53 to 55 inclusive, from the Commonwealth Constitution, undoubtedly there should be some body of persons to whom appeals should be submitted, in order that measures might be relegated to their respective classes as money or ordinary Bills. Mr. Gawler quoted from the Parliament Act, 1911. In that Act the procedure is laid down that the arbiter of what should be a money Bill is the Speaker of the House of Commons. I do not suppose for a moment that the Speaker of the Legislative Assembly would be asked to decide on what is and what is not a money Bill, but I will say that some representative body like the Standing Orders Committee of both Houses should have their opinion asked and that the opinion given should be final. At the present time, so far as I can see, we have a most haphazard way of arriving at what is and what is not a money Bill. I do not know who advises the Government in that connection. I presume it is the Crown Law Department.

Hon. Sir E. H. Wittenoom: Why does not the Speaker advise the Government?

Hon. W. KINGSMILL: Because he is not asked to do so and it is not part of his duty. In the Parliament Act to which I have just alluded, the Speaker of the House of Commons is the final authority. I would not have any objection to the Speaker of the Legislative Assembly acting in this connection. We should have someone who is responsible and we should have a more suitable definition of money Bills. So long as we have our present Standing Orders and Constitution, so long, whenever it suits either House, will this little bickering go on. I am sorry it is so, but I must maintain that we are within our rights. Mr. Gawler has pointed out that once a Standing Order has been approved by this Chamber and has been submitted to the Governor and approved by him, it has the force of law, and having the force of law, the dictum of another place does not alter it. It cannot possibly do so. We are the only power that can alter it under the Constitution. We are acting absolutely and entirely within our legal rights and if any waiving is to be done it must be remembered that it is done to oblige another place and to oblige the country and not because we find ourselves in a wrong position. Personally, I do not like this continuous waiving. I think it is a very bad thing, and the only way to get over the difficulty is by securing the appointment of a select committee from each House so that they might confer and make a recommendation. I have no hesitation in saying that if that recommendation is as we think it will be, the difficulties which have arisen on so many occasions and which have been solved, first in one way and then in another, will not recur and the relations between the two Houses will be far more harmonious. If hon. members cast their minds back they will ask themselves how many times has this House interfered by way of amendment with Bills that have come up legally and properly described as money Bills. The Legislative Council has rejected them as it had every right to do, but I cannot recollect an instance where a Bill which should be properly described as a money

Bill has been amended by this House. On the other hand, all amendments which have taken place in money Bills have been to administrative and not to financial clauses. It would obviously be against the spirit of the Constitution to amend a financial clause. It cannot be claimed that we should be debarred from making amendments to administrative clauses. Morally and legally we have a perfect right to do that. I move an amendment—

That in line 5 the words "the Standing Orders" be struck out and "select" inserted in lieu, and the word "of" be struck out and "appointed by" inserted in lieu.

Amendment passed.

The PRESIDENT: Is it not necessary to ask for the usual powers to call for persons, papers, and records?

Hon. W. Kingsmill: This Message will be sent to another place. If members there signify their assent, a motion will be moved to appoint a select committee, and under that motion the powers usually conferred on select committees can be requested. This is really the preliminary step.

Hon. W. Patrick: Will the two act as one committee?

Hon. Sir E. H. Wittenoom: A joint committee?

Hon. W. Kingsmill: Yes.

Hon. Sir E. H. Wittenoom: Before they arrive at any distinct decision, I presume it will be submitted to both Houses?

Hon. W. Kingsmill: Certainly, they must submit a report.

Question, as amended, put and passed.

Hon. D. G. GAWLER (Metropolitan-Suburban) [5.20]: I move—

That a Message be sent to the Legislative Assembly asking their concurrence therein.

Question passed.

BILLS (2)—THIRD READING.

1. Church of England Lands.
2. Licensing Act Amendment Continuance.

Transmitted to the Assembly.

BILL.—GRAIN AND FOODSTUFF.*Assembly's Message.*

A Message having been received from the Assembly notifying that there was a difficulty in the way of the consideration by the Assembly of a Message in which a request was pressed, and having requested the Council to further consider Message No. 7 transmitted by them, consideration of the Assembly's Message was resumed from the previous day.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.25]: I move—

That in reply to Message No. 7 from the Legislative Assembly a Message be sent as follows:—

"The Council acquaints the Legislative Assembly, in reply to its Message No. 7, that without prejudice and on the understanding that the Council's action on this occasion will not be taken advantage of by the Assembly as a precedent, it is prepared to waive its right to press its request for amendment No. 4 in the Grain and Foodstuff Bill. The Council makes this reservation because the Assembly in its Message No. 7 has thought fit to copy and to use as a precedent a Message which was sent by the Assembly to the Council at 1.30 on the morning of the last day of the Session 1911. That Message had reference to a trivial amendment in the Agricultural Bank Act Amendment Bill, the principle of which Bill was approved of by all parties in both Houses. To that Message the Council returned at 3 a.m. a similar reply to that contained in this Message. The Council is further induced to adopt this course on this occasion because it is now generally admitted that the amendment, if inserted, would not in any material degree alter the effect of the clause as it originally stood."

In submitting this motion I express the hope that a supreme effort will be made by this House to overcome the present unfortunate difficulty and save the Bill. The existing deadlock is one of several which have occurred during recent years, and the situation undoubtedly points to

the necessity for an amendment of the Constitution. I am very pleased indeed that the motion moved by Mr. Gawler and amended by Mr. Kingsmill has received the approval of this House. It is most necessary that the position should be made clear. There should be a lucid definition as to what a money Bill is. It is now often a puzzle to determine what is and what is not a money Bill.

Hon. A. Sanderson: That will not get over the difficulty of a quarrel between the two Houses.

Hon. D. G. Gawler: It should overcome the present difficulty.

The COLONIAL SECRETARY: The Assembly relies on Section 46 of the Constitution Act in support of its views. I have read that section over many times and it seems to be capable of two diverse interpretations. It may mean that the Council can return a Bill at any and every stage—at the second reading stage, at the Committee stage, and at the third reading stage—or it may mean that the Council can return the Bill only once; in other words, that it cannot press its requests. I have given the matter a great deal of consideration, and I am unable to interpret this section. It is most unfortunate that the matter should be left in doubt, to the jeopardy of the public interests. In default of an amendment of the Constitution, the matter should be referred to the Imperial authorities, who should be able to give a correct interpretation of this particular section. Mr. Kingsmill last night indicated that the Government were not sincere in their desire to secure the passage of this Bill. I do not know whether he was serious.

Hon. W. Kingsmill: I wanted to elicit an expression of opinion from you.

The COLONIAL SECRETARY: The difficulty which has arisen is only one of many similar difficulties during very many years past, while the previous Government were in power. In 1906 Mr. Speaker Quinlan ruled that Message 27 could not be considered by the Committee of that House; whereon Treasurer F. Wilson moved—"That a Message be transmitted to the Legislative Council

acquainting them that the Assembly is unable to consider Message 27 for the reason that Section 46 of the Constitution Act Amendment Act, 1898, gives no power to the Legislative Council to insist upon a request, and the request so insisted on would assume the nature of a demand and thus violate the principle described." This is not exactly a parallel case, but I am leading up to another resolution passed by the Assembly. Mr. Daglish on the 8th August, 1907, moved a motion as follows, and this is a parallel case to the present one:—"That in regard to the communications between the two Houses with respect to Bills in which amendments are requested by the Legislative Council, this House cannot agree to take into consideration any Message in which a request is pressed or insisted upon." I am quoting these motions to show that this difficulty has not arisen during the period in which the present Government have been in office. There have been deadlocks since, but the Assembly has been acting in conformity with action previously taken.

Hon. W. Kingsmill: Sometimes.

The COLONIAL SECRETARY: During the last 7 or 8 years.

Hon. W. Kingsmill: The Assembly has accepted pressed requests when it suited the Assembly to do so.

The COLONIAL SECRETARY: The Assembly states it has waived its rights, and that is what I am asking hon. members to do to-day in connection with this Grain and Foodstuff Bill—to give way on the present occasion. I shall demonstrate to hon. members the urgency of the measure. Its urgency is due to two reasons. First, I believe that the Bill is necessary in order to prevent the export of flour. There is grave danger that flour may be exported from this State.

Hon. Sir E. H. Wittenoom: Where to?

The COLONIAL SECRETARY: The Premier has an assurance from the millers that they will not export, but we cannot expect that assurance to hold good for any considerable length of time. No doubt, the assurance was given with the object of enabling Parliament to decide whether or not this Bill is necessary in

the public interest. Secondly, there is urgency for this measure in order that seed wheat may be secured for the farmers. On the last occasion when this measure was under consideration, Mr. Cullen interjected "Why not import?" The reason for not importing is that suitable wheat for Western Australia cannot be found outside Australia.

Hon. J. F. Cullen: That is a mistake, an absolute mistake.

The COLONIAL SECRETARY: If it is a mistake, then it is a mistake made by the Commissioner for the Wheat Belt, Mr. Sutton. I am advised by Mr. Sutton to the effect I have stated.

Hon. Sir E. H. Wittenoom: I can get you thousands of bushels of seed wheat for Western Australia.

The COLONIAL SECRETARY: The arguments used by Mr. Sutton are that our wheat is acclimatised and that, apart from that consideration, we have special varieties which are adapted to our climate. Experience, Mr. Sutton says, has proved that this is so. Mr. Sutton further informs me that these special varieties cannot be obtained outside Australia at all, and can be obtained only in limited quantities from one other Australian State, which is New South Wales. If it had been possible to import seed wheat, I can assure hon. members, the Government would have had a cargo of seed wheat here long before now.

Hon. Sir E. H. Wittenoom: I will put you on to a cargo to-morrow.

The COLONIAL SECRETARY: The Government would have done what the New Zealand Government have done. New Zealand is importing wheat, but wheat for milling purposes, from the Argentine. The Government of this State have already arranged for the importation of a cargo of maize, which fact goes to show that there has been no neglect of duty on the part of Ministers towards the farmers, but that Ministers have given due consideration to the interests of the agricultural community. An effort has been made to secure wheat through the inter-State millers. The millers, however, refuse to sell the wheat that is in their control, for seed purposes. To show

how the market has been manipulated I mention that, early in the crisis, one firm contracted to purchase 660,000 bags of wheat at a low price. The present position is that the higher the price of wheat can be forced, the larger will be the firm's profits. The firm I have in mind has given its agents an open order to purchase wheat at prices higher than the price now ruling. From this it is plain that an effort is being made to manipulate the market.

Hon. A. Sanderson: What is your authority for that statement?

The COLONIAL SECRETARY: For every penny that is added to the price of wheat, this particular firm, which has the possession of contracts—

Hon. A. Sanderson: What is your authority for that statement?

The COLONIAL SECRETARY: My authority is Mr. Sutton.

Hon. J. F. Cullen: What firm is it?

The COLONIAL SECRETARY: I am not going to mention the name of the firm.

Hon. J. F. Cullen: It should be mentioned.

The COLONIAL SECRETARY: For every penny the price of wheat rises, this firm will profit to the extent of £750. That is what it means. I shall now read a letter which will give hon. members some indication of the rate at which the price of wheat is advancing—

We are in receipt of yours of the 11th inst., from which we note that you are now prepared to pay 6s. 6d. per bushel for wheat true to name. Other firms are now offering 6s. 9d. in the country without any stipulation in regard to varieties; and some of the mills have given their agents open limits to buy wheat at any price. Immediately we nominate 6s. 6d., we find that others are prepared to go 1d. per bushel higher.

Judging from our reports from the country the quantity of wheat available will be a long way below expectation.

I have asked Mr. Sutton's permission to give the name of the writer of this letter. It is signed by G. Lehman, Director,

Farmers' Mercantile Union and Chaff Mills, Limited. Hon. members will, therefore, recognise the real urgency of this Bill.

Hon. H. P. COLEBATCH (East) [5.37]: I certainly have no desire to throw any obstacle whatever in the way of overcoming this difficulty, if it can be overcome in a reasonable and proper fashion. But I do wish to emphasise the point made by yourself, Mr. President, that whatever difficulty exists is not of the making of this House. The difficulty has not been created by us. It has been created, and created deliberately, in another place; and it is extremely difficult, if we take the trouble to go into past occurrences of the same nature, to believe that the majority in another place which has forced this difficulty upon us, was really anxious to secure the early passage of this Bill.

Hon. W. Kingsmill: Hear, hear!

Hon. H. P. COLEBATCH: Going back only a few weeks, all of us are aware of the fact that the majority in another place was prepared, before the Christmas vacation, to accept the whole of the amendments proposed by this House, and to accept those amendments without raising this question at all. The majority in another Chamber was prepared to accept the whole of these amendments rather than lose the Bill; and it was only when members of another place were informed that even their acceptance of the whole of our amendments would not secure passage of the Bill before the Christmas vacation—on account of the fact that this House had adjourned over the Christmas and New Year holidays, and that the Bill therefore could not be read a third time promptly—it was only when they were informed of that circumstance, that they decided not to make certain of the amendments which this Chamber had asked them to make. Then later, after the Christmas vacation, when we pressed our amendments, the leaders of the three parties in another place—the leader of the Government, the leader of the Opposition, and the leader of the Country party—all agreed in expressing the opin-

ion that the time was inopportune for forcing this constitutional discussion, and that the wiser course for the Assembly would be to make the amendment which this Chamber has pressed. Now, for what reason have the leader of the Government and the leader of the Country party departed from that view? I do not know. I do not know whether it is part of the apparent compact between the leader of the Government and the leader of the Country party that they should unite in an effort to take away the privileges of this House. I repeat, I do not know whether that is a part of the apparent compact between those two gentlemen. But if that is not so, then to my mind it is an amazing thing that they should have combined to adopt a course of action which they must have known was bound to delay the passage of the Bill; that they should have combined apparently for no other purpose than to place this Chamber in the dilemma of having either to sacrifice its rights and privileges or else take upon its shoulders the responsibility of destroying the Bill, which I have no doubt is very necessary, and thereby incur a certain degree of odium. I maintain that the attitude adopted by the Assembly in this matter is contrary to common sense, is contrary to long established and frequently repeated custom, and is contrary also to the clear intention of our Constitution. Our attitude, on the other hand, is conformable to all these things. It is conformable to common sense for the simple reason that we, as you, Sir, pointed out, have not in any way attempted to interfere with the rights and privileges of another place. All that we have tried to do is to keep open as long as possible the door of negotiation, so that the two Houses may reason together as long as possible, so that no Bill shall be sacrificed while there is any chance of the Chambers' coming together. If the same attitude were adopted by another place, it would be entirely impossible for a Bill to be sacrificed because of disagreement upon a point which those who are opposing the attitude of the majority of this Chamber

say is a point of no importance at all. The present is not by any means the first occasion on which amendments requested by this Chamber have been treated in a cavalier fashion. We have, however, to go back beyond the regime of the present Government if we wish to find the first instance of anything of that nature. We have to go as far back as 1906, when a Land Tax Assessment Bill was introduced. That Bill was essentially a machinery measure, but it contained a clause appropriating revenue.

Hon. W. Kingsmill: Salaries.

Hon. H. P. COLEBATCH: Yes; and for that reason it became a money Bill. I am, of course, aware that not even that excuse could be given so far as the present measure is concerned. I do not see in the present Bill any clause appropriating money from Consolidated Revenue. The financial clauses of the present Bill say that any money required shall be made good out of moneys provided by Parliament for that purpose, but the Bill does not provide that such moneys shall be from Consolidated Revenue Fund. As Mr. Kingsmill has pointed out, we have been given to understand that such money shall be from Loan Funds. Therefore, no excuse whatever can be offered for the description of this measure as a money Bill. But, even if there were such excuse, I have to draw attention to the fact that in 1906 the Land Tax Assessment Bill was introduced by Message and therefore treated as a money Bill. The Legislative Council made certain amendments in the Bill. Those amendments were sent to another place, and were not considered there at all. Instead, the Legislative Assembly sent back a Message requesting a Conference. This House thereupon took up the attitude that its amendments were entitled to consideration, and that a Conference was not to be resorted to without all other methods of negotiation having been first exhausted. This House said, "As the Assembly has not considered our Message, has sent us no reply regarding the amendments which we requested the Assembly to make, as to whether it has agreed to these amend-

ments or not, it is not proper for us to grant a Conference." The same Bill was introduced in the following session, or a similar measure was introduced as a machinery Bill only and treated as a machinery Bill only. Coming now to more recent cases, we have the Arbitration Act Amendment Bill of 1912. In the case of that Bill, the Council made certain amendments, some of which were agreed to in another place, and some refused. The Council pressed its amendments, and in response we had a somewhat confused message from the Legislative Assembly asking for a Conference. It was difficult to gather from that Message what the proposed Conference was to be about. It was resolved, however, by this House that if the Message was a request for a Conference between the two Houses on the points of difference in the Bill, then we were quite prepared to agree to a Conference. A different attitude was taken up because of different circumstances; and, having regard to the altered circumstances, that attitude was perfectly consistent with the stand taken by the Council previously. In 1906 this Chamber said, "As our amendments have not been considered, we cannot agree to a Conference." In 1912, on the Arbitration Act Amendment Bill, this Chamber admitted that the position was that its amendments had been considered and that another place could not see its way clear to make those amendments; wherefore it was a proper and right thing that there should be a Conference. Accordingly, a Conference was held, a Conference on the amendments which this Chamber had pressed; and finally the Arbitration Act Amendment Bill was passed into law. Again, the Irrigation Bill of 1912 met with exactly similar treatment. This House requested certain amendments; those amendments were not made; the amendments were pressed; and thereupon another place requested a Conference. The Conference was held.

Hon. W. Kingsmill: They considered the amendments.

Hon. H. P. COLEBATCH: Hon. members of another place considered the pressed amendments, and asked for a

Conference, which was agreed to, although I will admit that the Conference proved abortive. Then there is another case, that of the Fremantle Improvement Bill of 1913. When the question cropped up in the House on last Wednesday evening, the Colonial Secretary, on my mentioning the Fremantle Improvement Bill of 1913, stated that measure was not a money Bill because it had not been introduced into the Legislative Assembly by Message. I entirely acquit the Colonial Secretary of any desire to mislead the House, because I think I am right in assuming that the hon. gentleman was prompted by the Premier to make that statement. The Premier was sitting beside the Colonial Secretary, and conversing with him; and I assume the Premier gave the leader of this House that information. But I want to tell the Colonial Secretary and this House that the statement was entirely contrary to fact. As a matter of fact, the Fremantle Improvement Bill was introduced by Message; and if the Colonial Secretary or any other hon. member cares to look up *Hansard* for 1913, Volume II., page 1393, he will find the Message of the Governor by which the Fremantle Improvement Bill was introduced to the Legislative Assembly. So that it was just as much a money Bill as any Bill over which controversy has arisen. Not only was the Fremantle Improvement Bill introduced by Message, but it was treated as a money Bill at every stage. This Chamber requested amendments. Some of the amendments were made, others the Assembly refused to make. This Chamber insisted on its amendments. The Bill was returned to the Assembly, and if members look up the volume of *Hansard* to which I have referred, on page 3431 they will find that the Honorary Minister, Mr. Angwin, moved in these words, "That the requested amendments pressed by the Legislative Council be made," and they were made without protest or comment. The words "amendments pressed" were actually used by the Honorary Minister, so that we have over and over again, precedent after precedent, of this course of action being taken. I do not intend to

multiply instances, because those which have been quoted are quite sufficient to show what the practice has been in the past, and to show also that this Chamber has acted consistently and in a way in which another place could only expect us to act. As to the constitutional aspect of the case, I do not intend to repeat many of the arguments which have been used by Mr. Gawler, but it is necessary to refer to some of them. In the Standing Orders, page 106, we find the original constitutional provisions in regard to the matter. That is in the Constitution Act of 1889 when this was a nominee Chamber. Section 66 provides—

All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

After this Council was made an elective body an amending constitution was passed. On page 124 of our Standing Orders we have the section of the Constitution Act of 1899, which limits the powers of this Chamber in regard to money Bills. The point I wish to make is that the limitation of the powers of this Chamber in regard to money Bills is exactly the same as that contained in the Federal Constitution. As to the limitation of the Senate in regard to money Bills, the wording in the Constitution Act of the Commonwealth is—

The Senate may at any stage return to the House of Representatives any proposed law which the State may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any such omissions or amendments, with or without modifications.

In an official publication entitled *Commonwealth of Australia, The Senate, Practice and Procedure on Appropriation, Taxation, and other Money Bills* issued with the authority of the President of the Senate in the year 1911, at the time when the Labour party was in power, with a majority in both Houses of the Commonwealth, it is pointed out that this section is taken from the West Australian

Constitution Act, and the author goes on to say—

The section of the Constitution defining the powers of the Senate in regard to money Bills leaves little room for difference between the two Houses, except as to the method of carrying out the provision, and the extent to which the Senate may proceed.

The next point of importance is that having copied from the Western Australian Constitution the section limiting the power of the Senate in regard to money Bills, the Senate proceeded to frame Standing Orders, and these Standing Orders are to be found in the same book. Standing Order 251 of the Senate reads—

If the Bill is returned to the Senate by the House of Representatives with any request not agreed to, or agreed to with modifications, any of the following motions may be moved:—That the request be pressed. That the request be not pressed. That the modification be agreed to. That the modification be not agreed to. That some other modification of the original request be made. That the request be not pressed, or agreed to as modified, subject to a request as to some other clause or item which the Committee may order to be reconsidered being complied with.

As a matter of fact, the Senate having copied from the Western Australian constitution that section, framed its Standing Orders, and this House subsequently copied the Standing Orders from the Senate, so that the Standing Orders which the Legislative Assembly says are disorderly in our case are the same as those in the Senate, and were framed under exactly the same constitutional provision. We are asked to accept the Standing Orders as compiled by the Senate as in order, and there being a labour majority in that Chamber, and to say that Standing Orders which word for word have been copied from the Senate are disorderly when applied to this Chamber. It has been said that there is only one stage when a Bill can be returned, which means that this Chamber can only return a Bill once. The author

of this publication, issued by the authority of the President of the Senate, when there was a Labour party in power says—

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by Message, the omission or amendment of any items or provisions therein.

The author goes on to say that in view of that the Senate has framed Standing Orders whereby its request may be pressed, and it goes on to say—

In considering the question as to the right of the Senate to press its requests for amendments, it is interesting to note that, when the Convention was framing the Draft Constitution, it was moved to omit from the clause the words "at any stage" and substitute "once." This amendment was, however, negatived, and the section was passed as it now stands.

Then a number of instances are given in which the House of Representatives did make some sort of protest against the action of the Senate in pressing their amendments, but they were entirely ineffectual, and the final passage in this publication says—

Notwithstanding the protests by the House of Representatives in the cases referred to, the action of the Senate in twice "pressing" certain requests for amendments in the Excise Tariff (Spirits) Bill in 1906 was allowed to pass without demur by the House of Representatives, and the Bill was amended as requested by the Senate.

At the end of this book there is a number of illustrations of the action taken by the Senate in regard to money Bills, taken under the Constitutional provision copied from that of Western Australia, and under Standing Orders which we in turn have copied. Therefore, both Constitutional provisions and Standing Orders are identical.

Hon. W. Kingsmill: And they were money Bills.

Hon. H. P. COLEBATCH: Yes, I will give one or two instances. The Customs Tariff Bill, 1902—certain requests were pressed, and were acceded to by the

House of Representatives. Customs Tariff Bill 1907-8—certain requests were pressed, and were made by the House of Representatives, others were not made, and others were made with modifications. Appropriation Bill 1903-4—requests for restoration of salaries of Senate officers, which had been reduced by the House of Representatives—requests pressed, House of Representatives laid aside the Bill, but gave effect to Senate's requests in a new Bill, which was agreed to by Senate without requests. Then there was the Excise Tariff (Spirits) Bill 1906. Requests were made for amendments and some were made by the House of Representatives, others were not made and one was made with modifications. The requests were pressed by the Senate. One requested amendment was then made by the House of Representatives, and others were made with modifications. The requests were further pressed by the Senate and the House of Representatives then made all the amendments as originally requested. This seems to have been the last concluding stage in the conflict, which settled the question, because it has not been referred to since. In that case the Senate not only pressed the requests but re-pressed them after the House of Representatives had refused to make the amendments and the House of Representatives then made the pressed amendments. I do not know that I have anything further to say as to the constitutional aspect, but I suppose we should take some notice of the Federal procedure and when the Federal Constitution and Standing Orders are identical with our own, it is taking much on themselves for the Legislative Assembly to say that our Standing Orders are out of order, and that our procedure is irregular, while the Standing Orders of the Senate are in order, and their procedure is regular. I do not know how the Assembly can maintain an attitude of that kind. As to the merits of the case, I quite agree that it is urgent that something should be done, but the last clause in the message should, I think, be struck out. In speaking on the Bill when it was first introduced I placed before members certain figures in regard

to the prospects of the wheat harvest, and I made a statement then, not on my own authority, but on the authority of people whom I know were well acquainted with the position, and who supplied me with the figures which I can rely on, that there would probably be a shortage of three-quarters of a million bushels of wheat. Since then there has appeared in the *West Australian* the prospects of the season, and it is stated that there will be a surplus of one million bushels. Notwithstanding that statement I am still inclined to think that the figures supplied to me a month ago are fairly near the mark. Since then, very good authorities on the question have told me that the shortage is more likely to be over one million bushels than under. I am aware that certain millers have been buying wheat and have been working their mills night and day in order that should the Bill be passed there will be not much wheat for the Government to seize, the wheat having been converted into flour. If we look back it is curious to reflect that the millers are to-day doing what the Control of Trade in War Time Commissioners were anxious for them to do some time ago. The danger is that the millers will secure all the wheat and turn it into flour before the seed requirements of the State have been met. Two or three months ago members of the Control of Trade Commission were scouring the country endeavouring to compel farmers to sell their seed wheat to the millers at less than it was worth, and at a time when there were three months' supply of flour milled in the State. So far as this phase of the question is concerned, the blame rests chiefly with the Government and the Control of Trade Commission, who were so anxious to drive into the mills all the wheat that could be obtained within the State for less than it was worth. Since this Bill came before Parliament the Government, I believe, have been trying to buy wheat for less than it is worth, but they have not been able to buy much. I do not wish to cast the blame for any delay that has been created on anyone, but it was a most dangerous thing to submit a Bill to Parliament and then adjourn for a month, prac-

tically telling the community "that for a month you have a free hand, but after that look out for yourselves, for after that the Government will commandeer all your wheat at a price less than it is worth." They compelled the people to do the best they could. Wheat has been bought and converted into flour now when it would have been best in the interests of the State that the requirements of the farmers should first have been met, so that if wheat had to be imported it could have been used to make up the food supplies later on. The concluding paragraph of the motion submitted by the Colonial Secretary reads—

The Council is further induced to adopt this course on this occasion because it is now generally admitted that the amendment, if inserted, would not in any material degree alter the effect of the clause as it originally stood.

Even if they accept the balance of the motion, I hope hon. members will insist on that paragraph being struck out. It says "It is now generally admitted." By whom? Who admits that the clause in the Bill as it stands, providing that the board shall have regard to the market value of the wheat, means the same as the amendment inserted by this Chamber, providing that the board shall pay the market value? Do we want any clearer instance than that afforded by a minute by the Colonial Secretary himself in regard to the matter of a whaling license? In that he says—

This letter came before me with a departmental recommendation that if at any time it is intended to throw open the area, priority should be given to his (Mr. Stang's) application. My minute in reply to the Under Secretary was, to make no definite promise, to say "his application will be borne in mind."

Then there is a further minute by the Colonial Secretary as follows:—

That promise has been kept. Mr. Stang's application was borne in mind by me, but not granted.

Is that not on all-fours with the clause the Government have inserted in the Bill, providing that the board shall have re-

gard to the market value price? If the Colonial Secretary were a member of the board he would say "I have had regard to the market value, but I have not paid it," just as he said "The promise has been kept. Mr. Stang's application was borne in mind by me, but not granted."

Hon. A. Sanderson: That will be tested by the court.

Hon. H. P. COLEBATCH: Yes. In so far as the idea of the Government is to prevail it shows that the two things are not identical at all. Already there has been inexcusable delay in dealing with the matter of assistance to the farmers. The Bill we are considering is really supposed to work hand in hand with another Bill which made its appearance in another place only a few days ago. In South Australia, so far back as the 12th November, a Bill giving all the details of assistance to be rendered to the farmers was assented to by the Governor. That is to say, two months ago it was finished up with altogether. Here the Bill, which as I say has to be operated hand in hand with the one we are now considering, has not yet completed its passage through another place. I do not intend to reflect upon the intentions of the Government in regard to assistance to farmers, but one cannot help contrasting their action here with the action in other States. In South Australia the Government are lending money to the farmers free of interest until February, 1916, in order that they may get their crops in and repay the loans. If they are not able to repay the money by the date named, interest will be charged at $4\frac{1}{2}$ per cent. Here the rate is to be six per cent. After absolutely securing themselves against all risk, the Government here propose to lend farmers at $1\frac{1}{2}$ per cent. over and above the rate charged in South Australia. I hope that if the House agrees to the Message which the Colonial Secretary proposes, it will at all events strike out that concluding clause.

Hon. J. F. CULLEN (South-East) [6.4]: After hearing the last speaker, and after having heard the previous debate by Mr. Gawler and Mr. Kingsmill on another motion, no member can have any

doubt about the soundness of the position taken up by this House. I want to impress the House with the fact that, in spite of all that those gentlemen have said, we would be no further forward in regard to the Colonial Secretary's motion. The Message that he asks the House to send back to the Assembly admits our constitutional right and asks us to waive it. That is the position taken up in the Message. And we have to decide, first, shall we waive our right; are there sufficient grounds for waiving it? and secondly, would it be safe for this House to go back on its amendment—would it be fair and honest to the people who have grain and foodstuff to sell? The reasons why this House should waive its right have yet to be produced. I admit that if I saw a vital Bill hanging in the balance, which could be saved by waiving the right of this House and putting in the necessary protest and saving clause, I would be willing to waive a great deal for the sake of harmonious working between the two Houses. But it would be a dishonest and dangerous thing to give up the amendment. It is embodied in the South Australian law, which our Government led us to believe they were asking Parliament to enact here. We need not stop to consider how frequently Ministers have fallen into this course. They have represented Bills here as in fact copies of Acts working well in other States, although a little investigation has shown that, whilst all the powers given to Governments by the Acts in other States were maintained, the safeguards against abuse of those powers had been either taken out or watered down beyond the point of utility. The South Australian Act embodies our amendment, but the Government left it out, and then, under pressure, put in what they said was something just as good. If it is just as good, why make the substitution when they have the real original article? The very fact that the Government made that substitution and are fighting for it, means that there is a very serious difference between the clause and the amendment. The Legislature holds a duty to the farmers who, in the teeth of hard seasons, have

been able to grow some foodstuff. The Colonial Secretary has said and repeated "Oh, they are only a few who have a little to sell, and all the other farmers have a lot to buy." I pointed out to him what a foolish statement that was as applied to the Bill, that there can be no more buying than selling. The Bill affects the seller as much as the buyer. We are not now concerned with the sellers outside the State; we are not legislating for them, but for sellers within the State, and they have as much to sell as the buyers within the State can buy within the State. Even if the statement were true that there were few sellers and a lot of buyers, would it be right to victimise the sellers? Suppose the State wants to provide cheap seed and flour for the people generally; is it a moral and honest thing to say the people who have the grain to sell must bear the loss, that Parliament is going to be benevolent at the cost of those people who have grain to sell? Is that honest or moral? Is it not worse than robbing Peter to pay Paul? This was virtually the argument of the Royal Commissioner who went to frighten people—"You must sell to this poor miller I have at my back. You can get 6s. 6d. from your neighbours, but I compel you, on pain of going to gaol, to sell at 4s. 6d. to this poor miller." Even if the Bill were intended to benefit only farmers poorer than those who have seed to sell, is it moral for the State to say, "We will cast the cost of our benevolence on the few who have a little grain to sell"? I know the cheap talk of the opponents of the amendment. It is this: "Those sellers are getting inflated prices." What about the thing they are selling? How did they come by it? What did it cost them? The wheat for sale to-day averages from 2½ to 4½ bushels per acre. Let anyone with a knowledge of farming imagine what that wheat cost. It has cost anything from 10s. to 20s. or 30s. a bushel. Now Parliament comes in and says, "That does not matter at all. We want to do a kindness to the farmers. We will override supply and demand, fix an artificial price, and compel you to take it."

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. F. CULLEN: The Government ought not to object to a provision to ensure sellers of grain and food stuffs a fair market value for their produce. I contend that the words put into the Bill in this House only ask for the market value, and that the words which the Assembly desire this House to accept were put in to enable the Commissioners to force sellers below the market value. The real objection of the Government to this House's clause is that the seller could claim the market value and if not getting it could go to the Court with an appeal on sound and arguable grounds. This objection has been admitted on the part of the Government. The objection of the Government to that clause is that it will allow the sellers to go to the Court. The words they use are that it would be opening the door to litigation; really it would allow aggrieved persons to go to the Court with a fair prospect of a hearing and of getting justice; and the real object of the Government's wording is to leave absolute power in the hands of the Commissioners, and to leave the aggrieved persons nothing to stand upon if they went to the court. Could any honourable member of this House imagine the aggrieved seller going to the Court and pleading "Your honour, the Commissioners were bound to have regard to the market value?" The Court would rule that these words were too vague.

Hon. A. Sanderson: How could you say that?

Hon. J. F. CULLEN: Even suppose the court did not, what would be the defence of the Commissioners? It would be the defence of the Colonial Secretary as quoted by the Hon. Mr. Colebatch. The Commissioners would say "Oh, yes, we did have regard to the market value we regarded it as entirely too high, and we decided, in the interests of the buyers who were mostly poor people, to fix an artificial price for the produce." The Colonial Secretary says on the Whaling License question, "I did bear Mr. Stang in mind; I bore him in mind to

penalise him and block him; I was against him and I dropped him." This is what the Commissioners would say "Yes we had regard to the market value; of course we had; we thought a lot about it, and we are considering the poor buyer." The sellers are in the minority; they have a minority of representatives in both Houses of Parliament. There are only a few districts that have had any crops, and they have few representatives in the Houses of Parliament, and we find it a safe thing, having regard to the market value, to say "We will not allow them to have it; we will fix a lower price, and we are quite safe in doing that, for the big majorities in both Houses represent the buyers and the consumers, and not the sellers." The Commissioners say "We did have regard to it." What would the Court say? Could the Court on that wording give a verdict for the claimant on the market value? Certainly not. That is the whole pith of the Government's arguments. The Government want their Commissioners to have absolute discretion and to be in the position that they cannot be challenged effectively. No doubt they would say "Suppose it is; cannot you trust the Commissioners to do the fair thing?" There was one Commissioner whom the public trusted, and that was Mr. Sutton; and there was one whom the public cannot trust because of his vagaries and random actions. The third seems to sit quietly by. What has happened? The one Commissioner who held the public confidence has been removed from the Commission. The explanation is given that he had too much other work to do, and with the same breath the Government say that probably he will be put upon the Board to be created under this Bill. I want the House to understand that it is the Foodstuff Commission who have ultimate authority under the Bill we are now considering, not the Board that the Bill will create. And in place of that officer whom the public trusted who has been appointed? The Government in their generosity with public money have appointed their old colleague, Mr. Bath, to the position vacated

by Mr. Sutton. To my mind that appointment is absolutely unjustifiable. The "Bath Blight" remains on this country to-day, and will not be removed for a long time—the blight that his feeble, helpless administration of the Lands Department has brought upon this country—and now he is to be placed on this Commission. What are his qualifications? As a man I have the greatest regard for Mr. Bath; as an administrator he is feebleness itself, and the appointment of Mr. Bath simply means that Mr. George Rae will run this Commission as he has been running it, in the knowledge of the public. Now, Mr. President, I say the House cannot trust this Commission; it cannot trust them with absolute powers. There must be provided an appeal to the Courts, and in order that that appeal may be effective there must be some such wording in the Act as this House has insisted upon. It must be stated in black and white that the Commissioners in fixing the price of grain and food stuffs shall fix it on what they deem to be the market price at the time and place. I repeat that if the Government want to deal fairly with the people who have things to sell, what objection could they have to that wording? With one breath they say "We have none; our clause is the same as yours." Why then should they not have ours as it was in the South Australian Act? Why put in the words that arouse suspicion and make it impossible for careful representatives of the people to take any risks. Even if we were prepared to listen to some way out of the difficulty, I could not accept this message as proposed by the Colonial Secretary. It is a whole string of objectionable terms. First, it drags in "without prejudice," a phrase we expect from Police Court attorneys; it is never heard in legislative halls. This message goes on to say that the principles of a certain Bill were approved by "all parties" in both Houses. The best men in this House, the men of level heads, say it is our duty to recognise no parties in this House. No thoughtful member of this House will say that it is a good thing to recognise parties in this

House. Here we are asked to declare that there are parties in the House, and I will not make that declaration. Then comes the objection so aptly put by the Hon. Mr. Colebatch, that this precious measure makes us say that the Council is further induced to adopt this course on this occasion because it is now generally admitted that the amendment if inserted would not in any material degree alter the effect of the clause. I am sure the Colonial Secretary was not thinking about the matter when he expected that wording to be accepted. Why are we arguing about the matter? Because we do say there is a radical difference. Why should the Legislative Assembly make all this bother if they think there is no difference? The Colonial Secretary will say perhaps "It is now becoming a matter of constitutional principle." Why did they make a difficulty at the start? When this House sent down its amendment, and the Assembly admitted it had a right to send it, if there was no difference, why did not the Assembly accept the amendment? But the Assembly saw a big difference. I am reminded that the Premier asked the House to accept the amendment—and to his honour be it said, for he was concerned for his Bill—but a certain section of the House, I understand, over-ruled his advice and refused it. Why did they do it? Because of the reason that I have explained. Under the Assembly's vague wording the Commission would have absolute power; under the Legislative Council's wording (based on the South Australian law) every seller would have to get a fair market value. I do not want to delay the House. I know this matter should be dealt with as speedily as possible, but I want to impress on the House their duty to the few people, as the Colonial Secretary puts it, who have grain and foodstuff to sell. It has cost them dearly. Why should they be forced to sell below market value? The Colonial Secretary has said the delay in passing the Bill, a delay, the blame for which he has manfully accepted, means a loss to the country of between £40,000 and £50,000. I asked him,

where it had gone; had it gone out of the country? Oh, no. But the sellers, he says, have got that much more than they would have got if the Bill had been passed. Is it not clear that in his mind it would have been a proper thing to have robbed those sellers of £40,000 or £50,000 under the arbitrary powers that he asks us to give to a commission. They would have power to rob the people who have grown grain and chaff by paying them less than cost. I have never said that sellers should get cost price. I have said that they should get market price. What is the market price? The lowest you can get it at in a free open market. The Australian Parliaments have blundered over this matter. They have magnified the trouble of the drought and war by their foolish pottering. They have all attempted to resist laws that they could not possibly overcome. As a matter of fact the avowed purpose of this Bill is *ultra vires*, and if it were passed to-morrow, and any aggrieved seller chose to apply to the Interstate Commission, he could get redress. What is the avowed purpose of the Bill? To prevent interstate trading? It would be a wrong thing for any Parliament to back up the desire to give arbitrary power to a commission in this vain attempt to overcome and override the laws of supply and demand. What is to be done? I suggested to the Colonial Secretary, why not import grain? The answer was, "Oh, the grain we would import would not be as good for seed as the grain we have." Well, import the grain for the millers. The millers do not want to grind up good seed if they can get good f.a.q. milling wheat. Why not import grain?

Hon. C. F. Baxter: What would they land it at?

Hon. J. F. CULLEN: Whatever they could land it, that is, the market value. What a preposterous thing it is to say that by some precious commission you will try to force the seller to take less than the market value. It is a wicked thing to do. Have hon. members thought for a moment of the cost at which grain in this

State has been produced this year? I have said there is not a bushel produced under from 7s. to perhaps 20s.

Hon. C. F. Baxter: What about the man who has a 15 bushel return?

Hon. J. F. CULLEN: Where is he?

Hon. C. F. Baxter: He was sitting in the Chamber last night.

Hon. J. F. CULLEN: There is no man with a 15-bushel average yield. If he has a patch yielding that much he will have perhaps hundreds of acres that are not worth harvesting. The cost of grain this year is prohibitive and I do not want the Government to buy at cost. I want them to buy at fair market value. That is attainable in this way: If you are importing it for 6s. or 7s., that is the market price the producers here will be quite willing to accept such fixed price. But to say to a commission composed of George Rae and Mr. Bath, "We leave it to your sweet will"—

Hon. C. F. Baxter: They will have nothing to do with it. It will be an entirely new commission.

Hon. J. F. CULLEN: The hon. member has not read the Bill.

Hon. C. F. Baxter: I know more about it than you do.

Hon. J. F. CULLEN: A board has to be appointed to negotiate and the ultimate price is given to the Foodstuffs Commission. We are asked to trust these men. I do not trust them.

Hon. C. F. Baxter: Do you trust anyone?

Hon. J. Cornell: Do you trust yourself?

Hon. J. F. CULLEN: Certainly, and the hon. member. I will not trust a man who has given the lie by his behaviour in the past. This House will not do its duty to the producers of the State if they do not insist on their reasonable amendment, which is working well in South Australia and which the Government led us to believe would be in this Bill. It was only by carefully reading the Bill that we discovered they had taken it out, the one safeguard, and under pressure they have put in a feeble substi-

tute which they say is just as good. The only concession this House can make is to intimate to the other House that this House is open to a free conference on the question in dispute, and the other House must either agree to the South Australian provision, which this House put into the Bill, or confer on the matters in dispute, when no doubt a satisfactory solution will be arrived at. I shall certainly vote against the Message.

Hon. A. SANDERSON (Metropolitan-Suburban) [7.55]: Members probably have had a surfeit of constitutional procedure and constitutional history.

Hon. J. Cornell: Hear, hear.

Hon. A. SANDERSON: I think that is a very sympathetic "hear, hear," and let me assure the hon. member that I am not going into the constitutional question beyond saying that I have paid some little attention to the Constitutions which exist under the British flag, beginning with the Imperial and coming down to the State, Federal and local, and I am perfectly convinced—and I believe I am supported by the best authorities—that if we are going to insist on our rights, the British Constitution will not march. It is impossible to work the British Constitution unless it is placed in the hands of intelligent people, and people who are ready to give and take. I would very much like—if the patience of hon. members permitted, and I know it does not—to deal with some of the most extraordinary remarks I have listened to with some surprise and even with pain this afternoon, as well as on other occasions, but I will content myself by stating that if we are going to insist on rights, whether Standing Order rights or rights involving big measures, we cannot work the machine which has been placed in our hands, not only by the Imperial Government, but by the spirit of our race. I will leave it at that. What the public think and understand by what has been going on in this House for the last few days would be interesting to find out. They are, after all, our masters, and unless I am much mistaken, they are first of all puzzled as to what this is all about, and puzzled with some good reason, and

not only puzzled but somewhat disgusted with the present position of affairs. I will promise on this discussion not to refer to constitutional procedure any more, and I have said less on the matter than most members who have spoken. Let us come to the position of affairs as it exists at the present time. We can deal with my friend Mr. Cullen in one act. I will ask hon. members to read Mr. Cullen's speech on the second reading of this Bill. We could not wish for a more complete answer to what he has been saying just now.

Hon. C. F. Baxter: That is right.

Hon. A. SANDERSON: So far as I am concerned, I have not the slightest hesitation on this occasion in saying that this is the class of measure which is bad from start to finish. That is, from my point of view, and apparently now there are several members here who are inclined to agree with me. I would ask why did they not take the trouble to look up the matter themselves on the second reading, and reject the measure altogether? Constitution or no constitution, we have the right to do that. I would not have the slightest hesitation, if I could get my own way, in throwing out these Bills altogether, so that we might come back to sound business principles. I am not surprised that the Labour party are pleased with what has been going on during the last few weeks, or the last few months in this country.

Hon. W. Kingsmill: They are not too enthusiastic about it, I understand.

Hon. A. SANDERSON: That interjection reminds me that I promised, and we all promised on the outbreak of hostilities that we would not deal with these matters in a party spirit. We undertook to stretch points, even where we strongly disagreed, and to refrain from speaking when, as the psalmist says, "the heart is hot within me," to refrain even from good works. I cannot wish for a more severe punishment for the present occupants of the Treasury benches than that they should be kept at the collar to see their own mess cleared up. I am afraid if that is considered to be not a good word—

Hon. G. M. Sewell: It is mild.

Hon. J. Cornell: It is bad taste.

Hon. A. SANDERSON: For a member of the Labour party to talk of taste good, bad, or indifferent, in connection with politics, is very bold indeed. Let us wipe away this constitutional question altogether. What does the hon. member propose to do, or wish us to do? I am not here to get the Government out of their difficulties, I am certainly not anxious to create difficulties or to make things worse than they are. I recognise that the great bulk of the people of this country, the bulk of the Country party, and a majority in this Chamber, a few weeks ago were anxious to accept the principles of this Bill, and now apparently some members here do not wish to take the responsibility for it. Why did not members in this Chamber use the power they have to block or reject the measure? It puzzles me how they can justify before the country their action in accepting the principle of the Bill, allowing it to go through the second reading without even the formality of a division, and then, when we come to the crucial point, seeking to throw the measure out on all sorts of technicalities and constitutional difficulties. I voted for the Government, not with any pleasure, but because I thought in the circumstances it was my business to do so, warning them and the country of the probable consequences. The people have a right to understand what their servants are doing, and I doubt very much whether they do at the present moment.

Hon. J. Cornell: The people are geniuses if they can understand some of their servants.

Hon. A. SANDERSON: They are indeed. To put it in a nutshell, the question is are we or are we not going to meet the other Chamber?

Hon. W. Kingsmill: Put it in a nutshell and throw the nut away.

Hon. A. SANDERSON: They have a right to demand to know at the present time what this Chamber intends to do. I think the people will be puzzled after reading the observations of one or two members made during the last few sit-

tings, to understand the position of affairs and to learn how they, as Mr. Cullen said, propose to get out of the difficulty. The only way out of the difficulty is to accept what has been sent up to us.

Hon. W. Kingsmill: Certainly not.

Hon. A. SANDERSON: I do not pretend to have any inside or outside information. I am looking at the matter from a public point of view, and the hon. member whom I hope will help us, cannot tell me that we have heard any suggestion which will meet the present difficulty. If we had rejected this Bill on the second reading, as I was prepared to do, there would have been an end to the matter whether the procedure was constitutional or not, and whether it brought the country and the other House against us or not. But at present I would like to know how members intend to deal with the difficulty. In the division it was a question of one man crossing over the floor of the Chamber. The voting was 9 to 11, and if the division had been equal Mr. Kingsmill would have told us what the result should have been. I am not anxious to assist the Government except that I pledged my word when war broke out that I would not raise points or take advantage of any opportunities by walking out of the House, and leaving them to get out of the mess they had got into as best they could. I promised to take the full responsibility of telling the House and the public that from the point of view of the best interests of the country they were acting in a misguided and foolish manner. If the Government insist on pursuing their course we must accept the decision of the Government and of another place. Now Mr. Kingsmill may be able to tell us the way out of the difficulty. I shall listen with great interest to him. The Australian Parliaments have blundered, so we have been told, and we are going to put them right. I think the task will tax even the hon. member's strength and loquacity. The people are determined apparently to have this system of conducting affairs in this critical time. If they are determined upon it, and if the Country party, the Gov-

ernment in power, and a large number of members of the Liberal party and a majority in this House, by passing the second reading, are determined upon it, is it fair that one or two members who supported the second reading should seek to emasculate the Bill by cutting out the one vital clause in it? We are not allowed to refer to *Hansard* of this session, but let hon. members read the speech of Mr. Cullen where he said he positively welcomed this proposal by the Government, and they will find that the "die-hards" or the "whole-hoggers" stood alone in rejecting the principle of this Bill.

Hon. J. F. Cullen: The hon. member is inaccurate.

Hon. A. SANDERSON: In the statement that I stood alone?

Hon. J. F. Cullen: In referring to my speech.

Hon. A. SANDERSON: That is a matter for other people to decide, just as the question of the interpretation of the Act is a matter, not for the hon. member or for this Chamber, but for the court to decide, and he will not expect the House to take his *obiter dictum* on a question of this importance. Knowing the balance in this House on this question, and thinking of the people outside and of the responsibility thrown on the Government as well as on ourselves, is not it reasonable to ask members to fairly consider the position, to stand aside from these constitutional quibbles and say that they will see this Bill put through, and have the responsibility thrown on the Government. They cannot get rid of the responsibility, which already rests upon them for having supported the second reading, and it is entirely on account of the pledge given when the war broke out to do nothing to embarrass the Government, but to help them as far as possible in the conduct of the country's affairs at this critical juncture, that I am supporting them. At the same time I am permitted to say I think the other course is wrong, and, finding only a very small minority in agreement with it, is it fair to stone-wall and take refuge behind constitutional

quibbles? Would not it be reasonable and fair to say this is what we wish and what the people wish? The Government are responsible, and so far as we can we should assist them to get what they and the country desire. Therefore, I hope that from the very close division previously taken there will be one or two members who will agree to let this pass, so that the people of this country who must be watching with great anxiety what is transpiring here—the people primarily interested, business, financial, and farming people—will be able to realise the position, and conduct their affairs clearly understanding what the law is. The chaos at present existing in financial and commercial circles must be very great indeed. I think it is due to the country that we should put an end to it.

Hon. Sir E. H. Wittenoom: This will not put an end to it.

Hon. A. SANDERSON: I think this is causing all the trouble, and that is the difficulty I am in. I have, however, a perfect right to listen to my friend in front, and if he can show any other or any better way out of the present difficulty I reserve to myself the right of possibly supporting him in the views he may put forward.

Hon. Sir E. H. Wittenoom: A most interesting speech.

Hon. J. CORNELL (South) [8.16]: I rise with a considerable degree of diffidence to offer a few remarks on this motion, seeing that I am comparatively but a new member and not too well versed in the forms and procedure of this House and of another place. I do not, however, propose to extend my remarks either to the length or in the direction honourable members preceding me have seen fit to go. The time has gone past, I think, for discussing the merits or demerits either of this particular clause or of the Bill itself. We have arrived at a position where another place has said that we have, to a certain extent, asserted rights, or attempted to insist on rights, which we do not possess. That being the case, as I on a previous occasion voted that the amendment should not be

pressed it is perfectly permissible for me to deal with the present question having regard to the relative position between the two Houses. It has been said that this Chamber possesses prerogatives which it should not possess. I have admitted that. I still admit it. But I maintain that the only manner in which tangible effect can be given to our prerogatives, and in which the utility or inutility of such prerogatives can be made plain to the people of this State, is for us to use those prerogatives, and not allow them to be whittled away. If the House adopts the latter course, or if another place is allowed to succeed in its attempt to whittle away our prerogatives, then the people who are responsible for this Parliament will wake up and demand that some adjustment be made between the two Houses on a workable basis. I do not admit that the Council in pressing its request for an amendment acted unconstitutionally. I submit that if there is any fault attachable for the deadlock which has arisen, the fault attaches equally to another place. Does the proposal to overcome the difficulty in any respect point a way out for the future? Undoubtedly, it does not. The motion now before the Chair, in my opinion, should be amended by striking out all words after the word "Bill," in the seventh line. If this Chamber is prepared to waive its rights, then it should swallow the pill without any sugar coating. Were I of the opinion that the carrying of the motion before the Chair would serve the double purpose of saving the Bill and providing a way out for the future, I would support the motion whole-heartedly. It may serve the purpose of saving the Bill; but will it save a repetition of what has happened here during the last week? Undoubtedly it will not. Next I ask, was there a way out? I maintain, undoubtedly there was. Let me assume that the Bill is a money Bill as defined by Section 66 of the Constitution Act, 1889. Let us admit that the Bill is in conformity with Section 67 of the same Act; that is to say, that it is a money Bill appropriating revenue, and introduced into the Assem-

bly by Message from the Governor. Let us admit all that, and I will proceed to deal with the position which has been reached. The measure came to this House, and no reference was made in the course of the discussion here, so far as I remember, to its being other than an ordinary Bill. It went through its first and second readings, and was amended during the Committee stage. The amendments were returned to the Assembly with a request for that Chamber's concurrence therein. The Assembly agreed to make the whole of our amendments with the exception of one, which they referred back to the Council asking that it should not be pressed. The Council, however, pressed its amendment; and the Message now on the Notice Paper came back stating, in effect, that there was a difficulty in the way of consideration of the Council's Message by the Legislative Assembly. Had the Assembly done as I contend it should have done, and stated in its Message the reasons which moved it to send that Message, then we could pin our arguments down to any tangible reasons advanced by the Legislative Assembly. Honourable members of another place, however, have not taken this course; and the only inference to be drawn from the Message is that the Assembly considers we have not power to press the amendment. Mr. Colebatch has clearly pointed out that the inference is that we do not possess such a power under Section 66 of the Constitution Act, 1889. It has been remarked that the same provision is contained in the Federal Constitution, and that our Standing Orders are parallel to those of the Federal Senate, from which, in fact, they were condensed. I say, as I have always said since coming into this Chamber and learning a little of Parliamentary procedure, that I consider the attitude of the Council in this respect is correct; and I still am firmly of the same opinion. The Assembly having referred our Message back to us, the question arises how to find a way out of the difficulties. The Assembly have not provided us with a way out of the difficulty. However, a case parallel to the present one has occurred; and on that

occasion a certain procedure was adopted by the Assembly. That procedure should again have been availed of, or else reasons why it is not availed of should be given. A similar set of circumstances to the present has already arisen during my brief term in this House. It arose in connection with the Industrial Arbitration Act Amendment Bill of 1912. As previous speakers have pointed out, the present measure cannot in the strictest sense be interpreted as a Bill appropriating Consolidated Revenue. It merely assumes that Consolidated Revenue will be appropriated. If this Bill, on enactment, were not put into operation, no Consolidated Revenue would, in fact, be appropriated. But in the case of the Industrial Arbitration Bill of 1912, which was introduced in a manner similar to that adopted in connection with this Bill, Clause 48, which stood in the original Bill, and which forms part of the Act to-day, reads as follows:—

Each ordinary member of the Board shall receive an annual salary of Four hundred pounds, and such salary shall be payable out of the Consolidated Revenue Fund.

Therefore, I say, if that was not a Bill appropriating from the Consolidated Revenue Fund I do not know what is. That clause of the Bill, that Section of the Act, is clear and decisive. The words "out of the Consolidated Revenue Fund" are specifically stated. Now, what happened in the case of that measure? Hon. members on referring to *Hansard*, Volume 45, page 3549, will find that the Council's amendments on the Bill were 72 in number, and that those amendments were considered by the Assembly. Some were agreed to; in the case of other modifications were suggested; and some were not agreed to. That represents exactly the first position which was reached in connection with this Grain and Foodstuff Bill. If hon. members will refer to page 3588 of the same volume of *Hansard* they will find that a Message was returned from the Assembly to the Council. Pages 3,825 and 3,827 show that the Message

was considered here, that modifications were agreed to, that some amendments were pressed, and that a Message was returned to the Assembly accordingly. The case is exactly parallel to that which has arisen in connection with the present Bill. A Message was returned to the Assembly pressing the Council's requests. On pages 3,947-8 it is reported that the Message was considered by the Assembly. Mr. Speaker said—

In reference to this Message, I have to take the same objection which has been always taken in this House on similar occasions. The Bill is one which, according to the Constitution Act, must originate in the Legislative Assembly, and therefore is a Bill to which amendments cannot be insisted on or pressed by the Legislative Council. In connection with the Agricultural Bank Act Amendment Bill of last session I took the same objection, and I suggested to members on that occasion that they might take such action in respect of that Bill as they deemed most expedient. I make the same suggestion so far as this Bill is concerned.

I venture to say that hon. members on turning to the current issue of *Hansard* will find that at a similar stage of sard" will find that at a similar stage of the Bill now before us the Speaker made similar remarks. They will find, however, that in connection with this Bill a totally different procedure has been adopted. If members will read Message No. 7 on the Notice Paper they will observe that—

The Legislative Assembly acquaints the Legislative Council that there is a difficulty in the way of the consideration by the Legislative Assembly of a Message in which a request is pressed, and requests that the Legislative Council do further consider Message No. 7 transmitted by them with regard to "The Grain and Foodstuff Bill, 1914."

In connection with the Industrial Arbitration Bill, the Attorney General is reported, on page 3948 of Volume 45, as moving—

That the consideration of the Message be deferred until after a conference with the Legislative Council on the subject of the Industrial Arbitration Bill has been held or the Legislative Council has further considered Message No. 38.

The Attorney General moved, further—

That a Message be transmitted to the Legislative Council acquainting the President and members thereof that there is a difficulty in the way of the consideration by the Legislative Assembly of Message No. 38, in which requests are pressed, and requesting a Conference with the Legislative Council or further consideration of the Message transmitted to the Legislative Assembly with a view to removing the difficulty in the way of the Assembly considering the said Message.

On that occasion the Assembly found a way out in conformity with the Standing Orders, namely, by a conference. If the Assembly will on one occasion pursue that line of action without any qualification. I am at a loss to understand why the same line of action was not pursued on this occasion. In the case of the Arbitration Bill, their Message received the consideration of this Council. No formalities were contested, the Council agreed to the conference, the conference met and an amicable settlement was arrived at. But on this occasion when a similar Message has been sent back saying that there is a difficulty in the way, with the inference that we have exceeded our prerogatives, they do not suggest a way out at all. We have for three or four sittings been endeavouring to find a way out, and that way out is by this question on the Notice Paper. Whatever opinions I may have as to the powers the Council enjoys and should not enjoy, I do not think the Council has exceeded their powers on this occasion. Certainly if they have they also exceeded their powers on the other occasion I have referred to, and the Assembly accepted it as within the province of this House to do so. Now the proposal is that we should adopt the question before the Chair. Knowing that I had to

take medicine, I would rather take it without sugar than with sugar, and I will at all times defend, as I am expected to do, the prerogatives of this House. I do not agree with the prerogatives of this House, but they are there, and if we use them we will prove their utility or inutility, while if we water them down we will only prove their inutility, and chaos will usurp the order of procedure in this House and the negotiations between the two Houses, instead of some well defined order of proceeding by which we should discuss measures in deadlock. It is with diffidence that I make these few remarks, but I cannot allow the occasion to go by without entering my protest. In conclusion, I will subscribe to the fact that there are more brains in the Assembly than in the Council, but not to the theory that the quality of brain in the aggregate is higher in the Assembly than in the Council.

Hon. C. SOMMERS (Metropolitan) [8.36]: I cannot see my way to vote for the motion. My reason for speaking at this juncture is that I think if the motion is to be carried the concluding paragraph should be struck out. To allow that paragraph to go as an expression from this House without protest would be to neglect my duty. I move an amendment—

That the concluding paragraph be struck out.

Hon. V. HAMERSLEY (East) [8.38]: I fail to clearly grasp what is the intention of the Government in suggesting to the House that if we do not accept the clause as printed it will mean the dropping of the Bill, that if our amendment is carried it will lead to litigation, and the Government therefore prefer to drop the Bill.

Hon. Sir E. H. Wittenoom: Let them drop it.

Hon. V. HAMERSLEY: That is placing the Council and the country in a very serious position. We realise that many of our outback settlers and townspeople are relying on the measure, because they are assured it is the only means by which the Government can come to the assistance of the farmers. The attitude adopted by the Government is that if the amendment is embodied in the Bill the price of

wheat will be raised and the doors will be thrown wide open to litigation.

The Colonial Secretary: No, I said if the Bill was lost.

Hon. V. HAMERSLEY: The Minister also said that if we insisted upon our amendment it would mean the dropping of the Bill. Coming, as it does, from the Minister, an assurance like that must be accepted as having been said in no idle manner.

The Colonial Secretary: I did not make that statement; I said that such a position had arisen that if the Council did not waive its rights the Bill would have to be dropped.

Hon. W. Kingsmill: Not necessarily.

The Colonial Secretary: I hope not.

Hon. V. HAMERSLEY: At any rate, it seems that the Bill is in jeopardy if we do not waive our constitutional rights. From what I have heard I am convinced that the Council is within its rights. At the same time we have the assurance of the Minister that if the Council insists upon its rights, the Bill will be lost. I fail to understand why the amendment cannot be accepted by the Government, because it undoubtedly defines a position which it is most necessary should be defined. That has been proved to us by the action of the Royal Commission in fixing the price of wheat and in harassing some of those men from whom they required wheat. Take the case of Mr. Marwick. When Mr. Rae took his drastic action against Mr. Marwick the latter had to appeal to the courts to get his redress. It seems to me that because the Government failed in that case and found they were forced to give Mr. Marwick the true market value of his wheat, they require this clause in order to be able to brush aside Mr. Marwick on the next occasion. Most certainly the clause will safeguard them from action. That is my understanding of the attitude adopted in regard to the clause. It is patent to all that had Mr. Marwick not appealed to the court he would have been placed in the same position as others who had wheat and who were forced to sell it at 4s. 6d. when the market value was above that figure. This afternoon the Minister has come to the

House and in all good faith—and I do not blame the Colonial Secretary—has made a statement in which he is certainly wrong, or which shows that he has been misled by his officers, in which he told the House that because the Government have gone on the market and have been purchasing the wheat, they have raised the price upon themselves. He used words to this effect, that because the Government or the Commission put their price up to 6s. for wheat, the millers when they found this put it up a little higher, and that when the Government put their price up above the millers to 6s. 5d. they found that the millers had again put their price up 2d. or 3d. above the price of the Government. The Minister has been misled if that is the position that has been placed before him.

The Colonial Secretary: I read a letter to that effect from the Farmers' Mercantile Union.

Hon. V. HAMERSLEY: The market rate quoted in the local Press to-day shows that the price of wheat sold in Perth was 7s. 2½d. to 7s. 4d. That is only the public market. The price in Adelaide for milling parcels was firm at 7s., and the price in Melbourne—sellers being very scarce—for buyers was 7s. 3d. This Commission has not been operating in Melbourne. Although that price quoted, 7s. 2½d. to 7s. 4d., was for wheat sold in Perth this day, it is considered to be the full market rate that the millers are offering. The millers, so far as I am aware, have certainly been nowhere near 7s., the margin that is quoted in Adelaide or in Melbourne to-day. I fail to understand how the officials could have assured the Minister that the local Commission, being buyers of wheat, have forced the market up upon themselves. That is practically the market rate that has been paid throughout the whole of the States. I should be very sorry to see the clause passed as required by the Government in this measure, to enable the Commission to only have regard to the market value without really fixing the market value from day to day. In the fixing of a price I should be sorry indeed if we were to rob the people of

the right to appeal to the court, in the event of any unfair price having been fixed upon them for the selling of their wheat. We are face to face with a very serious position indeed. We realise that wheat must be purchased for the farmers that it is most necessary under present circumstances for this measure to go through, and we are met by the assurance of the Government that this measure is likely to be dropped if we do not pass the clause as originally printed. However one may be controlled by threats, one must realise that the whole of the country is hanging upon the attitude that is likely to be adopted by this House. If I did not feel that the whole of the measure hinged upon this clause, I most certainly would stand by that clause as we amended it. I think this House is certainly right to insist upon it, and to press it, and I hope that the House will be able to carry it. But I would like the country to understand in our insisting upon that, if the Government decide to drop the measure entirely, that the Council has strained every point and bearing in mind the fact that injury has been done by the attitude of the Commission in the past, that the Legislative Council is not taking any risk of a similar action being done in the future. I sincerely hope that the country, from one end of it to the other, will realise that the Council was acting in the interests of those who have wheat to sell. Personally I stand by the vote I originally gave, because I think it was a right one. I daresay some hon. members of this House realise that it is too great a risk, and too great an undertaking for this House to throw out the measure. As far as I am concerned, I am going to stand by the vote I gave originally, and intend to vote for the amendment as sent from this House to the Legislative Assembly.

Hon. W. KINGSMILL (Metropolitan) [8.50]: I only wish to say a few words at the present juncture. I wish the hon. Mr. Sanderson were here in order that I may assure him that I am not going to touch upon the constitutional aspect of the question, or at all

events, if I do, only to a limited extent. I am unable to vote for the Message. I think that the Message which ought to be sent is one saying that after a most diligent search this House has failed to find any constitutional difficulty, such as is alleged to exist by the Legislative Assembly, and therefore requests the Legislative Assembly to do what it has not yet done, give this request its most earnest consideration, and to do what it has done on many previous occasions, judge the amendment on its merits, and then return to us an answer. And that is not the last stage. If the Assembly disagree with that pressed request, then it is possible for it to ask this House for a Conference. I think that members should not be too greatly terrorised by the threats which are held out. The Government say that they need this Bill very urgently. I have no particular feeling about the Bill, except what I have already expressed. It is a Bill which I think will result in the defeat of its own object. It is a Bill which will very likely prove to be *ultra vires* under the Commonwealth Constitution, and, therefore, I have no very great feeling about the fate of the Bill. But I have a great deal of feeling about the rights of this House. As a private member I have a great deal of feeling about these rights, but as an officer of the House I esteem it my duty to defend these rights on every possible occasion. For that reason I cannot vote for the Message which it is proposed to send to the Legislative Assembly. My view is this, and I put it forward as a suggestion, that a Message of the kind I have indicated should be sent instead of the one proposed, namely that, after considering the matter fully and carefully, the Council cannot recognise that any difficulty exists, and, therefore, that the Assembly should be requested to do as it has done on previous occasions, as pointed out by the hon. Mr. Colebatch, namely, consider the request on its merits and return an answer to our Message, which it has not yet done. Now one word in connection with the remarks of the hon. Mr. Sanderson. I think it is quite possible, by a disregard

of what Mr. Sanderson calls "constitutional quibbles"—a nomenclature with which I do not agree—I say it is quite possible by a systematic disregard of what the hon. gentleman calls "constitutional quibbles," to eventually arrive at a state of absolute chaos, and that I fear will be the result if the hon. gentleman persistently carries out the course of action which he has indicated on this occasion. Then, again, there is this point. The hon. gentleman speaks of the public watching with bated breath the fate of this Bill. My experience of the public is that it is very hard indeed to find out what they are thinking of, and that any hon. member in this House or another place, is returned, as I see the object of his return, to use his best intelligence, and his conscience in deciding upon the matters which are brought before him, and not to greatly worry towards ascertaining the feelings of each individual constituent, and the placing of one against the other. The hon. gentleman referred to the closeness of the division in connection with the present amendment. He expressed some degree of uncertainty as to what would have happened if one hon. gentleman had crossed over from the minority to the majority, and thus have made a tie. That happened in Committee. I almost felt as if the hon. member was rising to a point of order. I would like to assure him what would have happened. On that occasion the motion was that the amendment be not pressed. Had the voting been equal it would have been my clear duty as Chairman, in order to permit of further consideration, to vote that the amendment should be pressed, and precisely the same circumstances would have arisen as have arisen now.

Hon. A. Sanderson: There is a moral difference.

Hon. W. KINGSMILL: I simply answer the categorical query of the hon. member without allowing for any moral differences. I merely rise to suggest that we should send a message to the Legislative Assembly, saying that after giving the subject careful consideration, this House has come to the conclusion that

no such difficulty exists as is alleged to exist by the Legislative Assembly, and ask that body to act on this occasion as they have acted on several previous occasions, namely, to consider the amendment and return their answer to our message, always provided that should that answer be in the terms of refusing again to make that amendment, there is still open the question of a Conference between the two Houses. That is plainly the way out of the difficulty. Several hon. members have said that no way has yet been shown. That is certainly in my opinion a dignified and proper way for this Chamber out of the difficulty. I mean to oppose the sending of the message that the leader of the House has moved.

Hon. H. CARSON (Central) [8.58]: This has been a most interesting and instructive discussion to me. It has undoubtedly shown that we have a perfect right to refuse to accept this message from the Legislative Assembly. While we have that right, I hardly think it would be wise for us to persist in pressing the amendment. There is no doubt a great bulk of the people outside who are watching the procedure in regard to our attitude on this measure. It is one that the country is looking to be passed, and the Government say they are desirous that it should be passed as soon as possible. The fiat has gone forth, not from the Colonial Secretary, but from a Minister in another place, that if we will not accept their motion this Bill will be dropped. That is a very serious thing to contemplate in my opinion.

Hon. W. Patrick: A very foolish thing to say.

Hon. Sir E. H. Wittenoom: Very serious if they do it.

Hon. H. CARSON: Let us show to the country that it is not our fault. No doubt there are differences in regard to the clause, and it may be a serious matter for us to accept the original clause of the Bill. Then the Assembly have that responsibility. I hope that hon. members will accept the Colonial Secretary's message with the amendment which has been moved by Mr. Sommers.

Hon. Sir E. H. Wittenoom: That is an absurdity.

Hon. J. E. DODD (South—Honorary Minister) [9.2]: I did not propose to say anything on this matter until Mr. Kingsmill expressed his intention of moving an amendment, because I was satisfied that the House intended to support the motion moved by the Colonial Secretary, with the excision proposed by Mr. Sommers. It is possible, if Mr. Kingsmill persists in his amendment, that the House may follow him. As Mr. Sanderson and Mr. Lynn stated, all legislation is in the nature of a compromise, and unless we are prepared to adopt a conciliatory attitude the legislative machine will stop. Mr. Sanderson has drawn attention to the fact that this Bill should have been thrown out on the second reading, yet the hon. member was not game enough to move in that direction. Then again, we have Mr. Kingsmill stating that the Bill was *ultra vires*. If he held that opinion, it was his duty to call for a division on the second reading.

Hon. W. Kingsmill: I said it might be.

Hon. J. E. DODD (Honorary Minister): The hon. member said he believed it was. It was then his bounden duty to move on the second reading that the Bill be thrown out. But the House passed the Bill on the second reading and then proceeded to make five or six amendments. Those amendments were sent to the Assembly. That Chamber adopted all except one and yet this House will take the stand that it will insist on all the amendments and not allow the Assembly to have any say. I declare emphatically that something will have to be done in the near future in regard to these alleged money Bills. I am one of those who believe that we should stick to our principles, and I am not prepared to say that all the Bills which are sent up to us as alleged money Bills are money Bills. Unless we arrive at some understanding as to what are money Bills this House will have to put up a fight for its privileges, and then perhaps some of those whom we may think are against us in matters of this kind we may find are with us. Apart from that, I think some spirit of

compromise should be shown. We cannot go to the country and say that we sought to make six or seven amendments, and that the other place agreed to all except one, and that we acted in a spirit of compromise when we refused to accept that one. I hope, despite the heroic speech made by Mr. Cullen, and perhaps no speech was ever made under worse conditions, that the House will agree to the message moved by the Colonial Secretary. In that way we can let the country see that we can sometimes settle our differences amicably.

Hon. C. F. BAXTER (East) [9.5] : There is not the slightest doubt that we are right in forcing this amendment on the Government. At the same time we have to recognise that we are sacrificing a majority of the people in this State to a large extent by so doing. It is not a case of hitting hard a few farmers only, but we have the consumers to consider. Mention has been made of those who are selling seed wheat, but do not hon. members recognise that two-thirds of the farmers will have to purchase seed this year? The Board as it will be constituted will not lose sight of the market value of wheat to-day which is close upon 7s. As regards the amendment, I have fought for it, and I am still of the opinion we were right, but I think we should give way for the sake of the great majority of the people of the State. At the same time the whole responsibility lies absolutely on the shoulders of the Government and those who forced this measure back on the Legislative Council. Mr. Cullen made some reference to the growers we were protecting, but it would be interesting to know how much wheat the growers are holding to-day. I think we would find probably two-thirds or more was held by millers and wheat buyers, and even if the wheat was held by growers, we should not object to the price which exists to-day and no board will give much below it. Therefore, although I have stood by the amendment, for the sake of the great majority of the people I will give way and support the message.

Hon. E. M. CLARKE (South-West) [9.8] : From the tone of the debate we gather that the Legislative Council has certain rights. This has never been denied. It would appear now that the Government have taken up the childish opposition that while admitting that we are right in pressing our amendments, if we do not agree to what they suggest they will drop the Bill. That is really a childish action. What has exercised my mind more than anything else is the Commission which was appointed in regard to foodstuffs. The personnel of that Commission to my mind is not and never was—

The PRESIDENT: Is the hon. member speaking to the motion?

Hon. E. M. CLARKE: I was simply going to show that the Commission have the final verdict in regard to the price of wheat. It is left to the Food Commission to finally decide what that price will be. I want the Government to have the power to purchase wheat for the settlers, but I do not want to see them rob Peter to pay Paul. I want to be absolutely assured that the Commission or the Government through their officers will pay a fair market price for the wheat. Why I bring in the Food Commission is that we know that the final verdict is left to them. I have no confidence in that Commission; therefore I want something placed in the Bill which will compel the Government to give a fair price for wheat.

Hon. Sir E. H. Wittenoom: The market price.

Hon. E. M. CLARKE: Yes. The New Zealand Government imported wheat and sold it at a loss to their farmers, and it looks to me as if the Government here are inclined to buy it and re-sell it at a profit. My confidence is shaken, and I want to be assured that the Government will pay a fair market price for the wheat they wish to acquire. Really it does not matter whether it is for a settler who wants to plant it or whether it is for a miller who has bought it fairly and squarely, and I will not be one to give the Government power to take from

a person what belongs to him unless fair recompense be given.

Hon. D. G. GAWLER (Metropolitan-Suburban) [9.13]: I had not intended saying anything because I am not so well acquainted with the subject as other members, but having voted to press the request I cannot see my way to alter my attitude on the present occasion. I am an upholder of the rights of this Chamber. I am also a great believer in compromising upon matters where a compromise can be arrived at without loss of dignity on either side. Speaking as a layman, I cannot see, if the Government give the market price, what complaint there can be on either side, and that is the reason why I think the Commission should pay the market price. But before Mr. Kingsmill had spoken I had something similar in my mind to that which he outlined. I beg to move a further amendment—

That all the words after "that" in line 2 be struck out and the following inserted:—"This Council after careful consideration, and not being made acquainted by the Assembly with the nature of the difficulty alleged in the Assembly's Message, and being unable to see any difficulties, constitutional or otherwise, in the consideration by the Assembly of the Council's Message No. 7, requests the Assembly to take the Council's Message into consideration, and acquaint the Council with the result, and assures the Assembly that the Council would be willing to respond to any request for a conference should the Assembly see fit to make it."

Unfortunately under our Standing Orders this House cannot ask for a conference because the Bill is in the possession of the Assembly. I am given to understand that the opinion was expressed in the lower House first in favour of acceding to our request, and secondly it was suggested that there was no difference between the clause in the Bill and our proposed amendment. That being so, I hope hon. members in the Assembly will do their utmost to prevent the Bill being lost.

The PRESIDENT: The amendment cannot be taken until that already before the Chair has been dealt with.

Hon. C. SOMMERS: When I moved my amendment I explained that I was not in sympathy with the proposed Message as a whole, and would vote against it. Mr. Gawler's amendment has my support, and I ask permission to withdraw my own amendment to enable this later one to be put.

Amendment by leave withdrawn.

Hon. D. G. GAWLER: I beg now to move my amendment.

Hon. H. Carson: In the event of the amendment being lost, will it be possible to move to delete the concluding paragraph of the motion?

The PRESIDENT: I do not think it is well to take the jump before we reach the fence.

Hon. A. G. JENKINS (Metropolitan) [9.22]: Before the motion is put I would like to define my position, because on the previous occasion, in the division on the motion that the request be pressed, I voted with the majority. I have made my protest, and there is no member who will stand more valiantly than I for the rights of the House. I have always supported them most strongly whenever I considered it correct to do so. The position at present is this: we have been told—I do not take it as a threat—by a responsible Minister in another place, that if the Council continues to press the amendment the Bill will go by the board. Notwithstanding that I think such threats out of place, I am not prepared, considering the importance of the Bill to an immense section of the community, to run any risk of the measure being lost. I have already put on record my vote showing that I am in favour of the amendment made by the Council in the clause. It is a good amendment, and should have been accepted by another place.

Hon. W. Kingsmill: They have not even considered it.

Hon. A. G. JENKINS: At all events, rather than risk the loss of the Bill—

Hon. Sir E. H. Wittenoom: We will not lose the Bill.

Hon. A. G. JENKINS: I am not going to run the risk of it, and I accordingly intend to support the motion moved by the leader of the House; but if nobody else moves the amendment originally moved by Mr. Sommers, I shall do so, because I think that, thus amended, the motion would more correctly define our position.

Amendment (that all words after "that" be struck out) put and a division taken with the following result:—

Ayes	..	..	..	11
Noes	..	..	..	11
				—
A tie	..	..	..	0
				—

AYES.

Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. F. Cullen	Hon. W. Patrick
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. W. Kingsmill	Hon. E. M. Clarke
Hon. R. D. McKenzie	(Teller).

NOES.

Hon. C. F. Baxter	Hon. J. W. Kirwan
Hon. H. Carson	Hon. R. J. Lynn
Hon. J. Cornell	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. G. M. Sewell
Hon. J. M. Drew	Hon. H. Millington
Hon. A. G. Jenkins	(Teller).

The PRESIDENT: I give my casting vote with the noes.

Amendment thus negatived.

Hon. C. SOMMERS (Metropolitan) [9.30]: I move an amendment—

That the last paragraph be struck out.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [9.31]: I am prepared to accept the amendment.

Hon. A. Sanderson: I should think you would be.

Amendment put and passed.

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

Ayes	..	..	..	12
Noes	..	..	..	10
				—
Majority for	..	..	..	2
				—

AYES.

Hon. H. Carson	Hon. R. J. Lynn
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. W. Patrick
Hon. J. M. Drew	Hon. A. Sanderson
Hon. A. G. Jenkins	Hon. G. M. Sewell
Hon. J. W. Kirwan	Hon. C. F. Baxter
	(Teller).

NOES.

Hon. E. M. Clarke	Hon. W. Kingsmill
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. R. D. McKenzie
	(Teller).

Question as amended thus passed.

BILL—ESPERANCE NORTHWARDS RAILWAY.

Second Reading—Amendment, Six months.

Debate resumed from the 13th January.

Hon. W. PATRICK (Central) [9.37]: I consider that the reasons for rejecting this measure are greater to-day than at any previous time. The Colonial Secretary, in moving the second reading of a similar measure in 1913, gave a glowing account of a trip he had made through the country which this proposed railway is to traverse, and among other things he stated that the land he saw along the route was far in advance of anything in his own district, that is the Victoria district which I also represent, and which he said was the best wheat-growing district in the State. Last week, in moving the second reading of this measure the Minister compared the present disastrous season's average in the Northampton district of a little over three bushels and in other parts of the State a little over two bushels, with that of the Esperance district. I think it was a very unfortunate statement for the leader of the House to make because he must be well aware that if the average of the State in a normal season was anything like three to four bushels there would be no wheat growing at all in Western Australia. If we have two or three seasons similar to the last one, Western Aus-

tralia will cease to exist. It is absurd to make a comparison of the average returns of a good district in a year when there has been practically a total failure of crops as an argument in favour of such a Bill as this. As one of the representatives of the second most important goldmining district in Western Australia, I have always spoken in favour of the goldfields, and I have had very good reason for so doing because I have sunk a good many thousand pounds in the industry and am getting practically no return from the money at the present moment. It is of no use anyone comparing the goldfields with the future wheat fields of Western Australia, and it is of no use comparing the present prospect of mining in all Australia with the present prospect of agriculture in all Australia. Although there has been a considerable advance in mining in Australia as a whole, it has been insignificant and practically stationary as compared with the progress of agriculture and other primary industries in Australia, and the same thing applies to this State. No doubt Western Australia was started by goldmining, but the future of this State, if it is to be the great State I believe it will be, will lie in its wheat fields. It is alleged that the land in the Esperance district is good. I suppose there is no doubt that the rainfall is satisfactory; yet during the last three years the official figures show that the average has been under five bushels. We have been told in this House time after time—and the argument has been repeated *ad nauseum*, because this Bill has been introduced on four different occasions—that the farmers in the Esperance district are a slipshod lot, that they do not farm their land properly, and do not use artificial manures. From an answer given in another place last week, we know that the Government have been supplying settlers in the Esperance district with a large quantity of manure during the last three years, and I presume some of them supply their own requirements in this direction. I have not the figures before me, but speaking from memory, in 1912 the Government supplied 43 tons 15 cwt., and in

each of the years 1913 and 1914 over 50 tons of superphosphate to the Esperance settlers. Assuming that the land is good, that the rainfall is ample, and that artificial manures have been used during the last three years, the only argument of any value that remains is that the Esperance settlers do not know their business and do not farm their holdings properly. If I were a farmer in that part of the country I would say that was an insult. No doubt some of the settlers have been there for a good many years and most of them know their own business. If they do not know it they, at all events, have had plenty of time to learn it. Apart altogether from the suitability of this country for wheat growing for general farming, I contend that this is not the time to go in for experiments. I say it would be a dangerous experiment to build a railway through that country that in the past, up to last year, has shown such disastrous results. Considering that there are other portions of the State where there are not 62 settlers, not 100 settlers, but where there are ten times 100 settlers, where the public wants are being neglected, and where they cannot be carried out for some years to come, I say, under present conditions, it would be monstrous and a shame to spend £114,000 on the building of this experimental railway, to say nothing of twice that amount to make a harbour at Esperance for the benefit of a railway that starts from a desert namely at Esperance, and pretty well loses itself in a desert at the other end.

Hon. J. W. Kirwan: Has the hon. member been in that district?

Hon. C. F. Baxter: Would the same thing apply to the Northampton railway?

The PRESIDENT: The question is the Esperance-Northwards Railway Bill.

Hon. W. PATRICK: I contend that I am talking about that measure. I hope that you will allow me, Sir, a little latitude, at all events the same latitude that has been allowed to other hon. members, in order to draw attention to the fact that there are other public works which are much more necessary, and which are

likely not to be carried out because of the want of funds. There are some works which are very nearly constructed, but the completion of which is still being delayed. Hon. members will recall that before Christmas I asked the leader of the House when the Government proposed to hand over the Wongan Hills-Mullewa railway to the Railway Department. He said he believed it would be somewhere about the 1st January, that is of the present month. That railway, however, has not yet been handed over to the Railway Department. If one argues from the point of view of the necessity of that railway, it must be apparent that it should be handed over as soon as possible. Charges are being made on that line to the settlers which are simply exorbitant. I have a letter here dated the 20th October last, from a blacksmith in Mullewa. He points out that the railway charge upon a pair of wheels which had to be tyred and which had to be sent 60 miles by rail was 15s. 10d., whereas the charge for tyring the wheels was only 15s. That is to say, the charge made on the railway was more than the charge for the tyring of the wheels.

Hon. Sir E. H. Wittenoom: Shameful!

Hon. W. PATRICK: The items which I am going to mention are absolutely genuine, and I can produce the original documents if desired. On a dozen cases of jam travelling 60 miles beyond Wongan Hills (the purchase cost being 16s. a case) the freight was 10s. 6d. Then there was 8s. 2d. worth of vegetables sent from Perth upon which the freight was 10s. 6d. There was also a case of oranges, on the same train with the owner, on which 9s. had to be paid. Then there were 63 pounds of bacon which cost 2s. to go 132 miles to Wongan Hills, and 9s. to go 62 miles further to Wubin.

Hon. Sir E. H. Wittenoom: That is ruination.

Hon. W. PATRICK: Last year one of the settlers had £800 worth of wheat on which he paid £200 for freight from Wubin to Fremantle. This is how the farmer is encouraged in this State. Some hon. members may have noticed a letter

in the *West Australian* of the 19th signed by "Settler," in which it was stated that a parcel weighing 24 pounds was sent from Perth to Wubin, and that, on the 132 miles from Perth to Wongan Hills, the writer paid 1s., but that from Wongan Hills to Wubin, a distance of just over 60 miles, he paid 8s. 6d.

Hon. C. F. Baxter: There must be heavy traffic on that line.

Hon. W. PATRICK: That is how they kill the traffic. I think one member of the Government told me that the line was a nightmare, and that the traffic was insignificant. After hearing these particulars, hon. gentlemen will realise why there is no traffic over the line. It is utterly impossible for the settlers on this line, even after a good year, to pay such exorbitant rates. I consider it is the duty of the Government to see that at all events the charges on that line are made reasonable. No settler can pay these charges and make a living at all. I say without hesitation that it would be perfect folly to pass a measure for the expenditure of a considerable sum of money, when more important and necessary works, where thousands of settlers are interested, are involved, and until something is done with regard to these other works. I now come to the Geraldton harbour. It is over two years since a Minister of the Crown promised us that something would be done there. Those who have never been to Geraldton will know at all events that it is some 300 miles to the north of Perth, that it is the centre of one-third of the railway mileage in the State, that it is a most important place for the shipping of wool, that it is the centre of the greatest pastoral district in the State, that it is a shipping port of the second gold mining district in the State, and that it is going, in the near future, to be one of the greatest wheat-producing districts in the State. Last year something like 400,000 or 500,000 bags of wheat were sent into Geraldton. Some of it of course went to Fremantle on account of a strike. At the present moment the shipping facilities in Geraldton are not at all what the requirements of the place demand.

Next year, that is the coming year, we shall have in Geraldton, I have no hesitation in saying, about a million bags of wheat, and I believe that this will go on increasing year by year by at least 50 per cent. To spend £200,000 or £300,000 on a railway in a comparatively insignificant part of the country, whilst one of the biggest centres in the State is crying out for proper harbour accommodation, is a shame, and a waste of money.

Hon. Sir E. H. Wittenoom: Think of Broome.

Hon. W. PATRICK: I may say that Broome is in the hands of a very competent gentleman when it is in the hands of Sir Edward Wittenoom, who represents that district. In reference to the Geraldton harbour, before Christmas the member for Geraldton (Mr. Heitmann), the member for Greenough (Mr. Cunningham), the Hon. Mr. Carson, and myself waited on the Premier. He treated us very nicely. We were only required to wait an hour or so in the lobby, but in the circumstances as he was busy it was nothing unusual. Whilst he treated us in a very friendly manner, he said he had three-quarters of a million to spend on this, and half a million to spend on that, and showed that the whole of the £3,100,000 was ear-marked and that there was not a penny piece for Geraldton. I am going to record my vote against the second reading of this Bill.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.55]: I wish to enter a strong protest against this Bill. Let me clear the ground by saying that so far from having any animosity or jealousy in regard to the Esperance district I am one who has been down there and I have a very great sympathy for the people there. It is particularly on account of this sympathy for the district as a whole that I intend to vote against the Bill. Then I come to my colleague, Mr. Gawler, who unfortunately is not here. These constitutional questions have been raised again. Will hon. members tell me that this Esperance railway was placed before the country as a test

question at the last election or at any other election? I deeply regret that Mr. Gawler and Mr. Cullen and any other constitutional authorities of the House have turned right round and told us the reason that they are going to vote for the Bill is owing to their regard for constitutional procedure.

Hon. J. F. Cullen: Hear, hear!

Hon. A. SANDERSON: I mark that interjection "Hear, hear." Sometimes I wish to see *Hansard* abolished on account of the expense, but it is very interesting to find all these things afterwards in black and white. Will anyone tell me that that railway is of sufficient importance to turn any election in Western Australia? Will anyone tell me that the railway we are voting for is the Esperance railway?

Hon. Sir E. H. Wittenoom: We are not voting for it.

Hon. A. SANDERSON: I have not yet counted heads, but I do think it is going to be a close thing. Will anyone dare to say that what the country understands by the Esperance Railway is the proposal in this Bill, assuming for a moment that this constitutional argument is correct? That is the question the country party can ask themselves.

Hon. Sir E. H. Wittenoom: They are blushing.

Hon. A. SANDERSON: We will have to blush with them for our folly in passing this Bill. The Esperance railway from start to finish is a goldfields railway, and nothing else.

Hon. C. F. Baxter: Have you ever been there?

Hon. A. SANDERSON: I was there, I was going to say before the hon. member who has just interjected ever came to this country. I was there, as a matter of fact, 18 years ago, and wrote some masterly articles on the situation, and on the question as to "Why we object to the Esperance railway." I am glad to see that Mr. Gawler has just returned to the Chamber. I am sufficiently acquainted with Mr. Gawler to know that it is not by any kind of threat that a person of his position and his illustrious lineage is to be changed from the position he has taken

up. I am perfectly well aware of that; but no one is more amenable to sweet reasonableness. My hon. colleague's nature, his intellect, and his position in the legal profession, will enable him to appreciate sound argument. Here is my colleague declaring that this measure to develop the Esperance railway is not a measure for the development of the goldfields.

Hon. D. G. Gawler: Well?

Hon. A. SANDERSON: Well, tell that to the marines, in the vernacular. Supporters and members of the Country party maintain that this is an agricultural railway, while my hon. friend Mr. Cullen, with one eye on Constitutional procedure and the other on the west coast of this country, tells us that this railway is going to make a turn somewhere in the direction of his own home. If this were a matter of jest at the present juncture, and if we were now overflowing with money as we were 20 years ago, I quite understand that the House might readily put this measure through; but it surprises me that at the present time, under the conditions prevailing, Ministers have the audacity to come down with this proposal to expend £114,000 as a beginning. My misguided friends tell me that this is an agricultural railway which will stop at the 60-Mile Patch and turn round somewhere to enter an agricultural district. They say, "We will provide for that by an amendment in the Bill when we go into Committee." I am dealing with a big public question. Do the members of the Country party and those members who have spoken of this as an agricultural railway, do those pundits in Constitutional law, seriously think, first of all that they can get into this Bill an amendment which will stop the railway at the 60-Mile, or an amendment which would prevent the Government from starting to build the railway whenever they like?

Hon. D. G. Gawler: We have not heard the members of the Country party yet.

Hon. A. SANDERSON: I have not heard one member of the Country party; but in *Hansard* I read nothing with any degree of care except the observations of the Country party. Their observations tell me—although I do not need to be told

and, indeed, we all know it perfectly well—that the members of the Country party are supporting this line as an agricultural railway. As long as my colleague thoroughly appreciates the responsibility which rests upon him, I have no more to say.

Hon. D. G. Gawler: It is only five minutes ago since you were refusing any connection with the Grain and Foodstuff Bill—

The PRESIDENT: The hon. Mr. Sanderson has the House.

Hon. A. SANDERSON: I am quite prepared to go fully into the Constitutional procedure as to the Grain and Foodstuff Bill, either with regard to our Constitution, or with regard to the Federal Constitution, or with regard to the Imperial Constitution. I may say that it is only my consideration for the feelings of members after the surfeit we have had of Constitutional, I will not say twaddle, but I will say patter, that induces me to refrain from dealing at length with the Constitutional procedure.

Hon. Sir E. H. Wittenoom: You are quite right. You have heard the remarks of Mr. Gawler.

Hon. A. SANDERSON: I will leave it to the hon. member, to his constituents, and to the country at large to decide whether it is the agricultural railway we are voting on to-night. Mr. Gawler was absent during the few moments when I was dealing with this aspect of the matter; but I ask now, will anybody tell me that this Bill we have before us proposes what is commonly known as the Esperance railway, which has been before the country for the last 20 years?

Hon. D. G. Gawler: Do you say that therefore hon. members are not entitled to support the Bill?

Hon. A. SANDERSON: I say this is not the Esperance railway as commonly understood. To support this Bill on the assumption that it proposes an agricultural railway is simply courting disaster. At the same time, however, if those hon. members understand the responsibilities they are assuming, I have nothing but congratulations to offer Mr. Kirwan on what we hope may prove a

Christmas box at all events for himself. I have no quarrel with the Esperance people. I do not wish to criticise one part of the country against another. I shall welcome this railway on one condition—that it goes right through to the goldfields. And go right through it will.

Hon. J. F. Cullen: It is bound to.

Hon. A. SANDERSON: One Constitutional authority is answered by the other. Here I have one of my friends declaring that this measure to develop the Esperance railway is not intended for the development of the goldfields. We are voting to-night, not on this Bill at all, but to build a line between Norseman and Esperance.

Hon. D. G. Gawler: We are doing nothing of the sort.

Hon. A. SANDERSON: I am glad of that interjection, which will be taken down by *Hansard*. Hon. members have heard it. I leave hon. members to think for themselves. I am quite satisfied to take the whole division on that interjection. My friend says it is not a line from Esperance to Norseman. The hon. member sitting next to him says that it is. We all know something of this great Country party.

Hon. Sir E. H. Wittenoom: But Mr. James Gardiner is the authority.

Hon. A. SANDERSON: I am dealing now with my colleague, the one member in this House whom I am most anxious not to see go astray. I am quite prepared to deal with the whole issue, appreciating the Constitutional side of the question; but I refrain, not out of regard for my own feelings, and not because of the unimportance of the matter, but solely and entirely on account of my consideration for your feelings, Mr. President, and for those of hon. members. I want to bind the supporters of the measure down to that interjection. We are voting to-night. I say without hesitation, on the question of building a railway between Esperance and the goldfields. If the supporters of the Bill carry it to an open fight, I have no more to say. I know the goldfields people have good reason to welcome an outlet to the ports, especially in this hot weather, as they must be desirous

of getting down to the coast. But if my colleague believes, as he has openly stated he believes, that he is voting for this line as an agricultural railway, then I say he is voting under a misapprehension. The gentleman who supports him has pointed that out. I know hon. members are anxious to get to a division, but may I be permitted to mention this on the Constitutional aspect of the question. Perhaps it will appeal to my colleague. When he was checked by yourself, Mr. President, and with good reason, for dealing with the Constitutional position of affairs, for quoting Earl Grey, Lloyd George's Budget, Hallam—

Hon. D. G. Gawler: I did not quote Lloyd George's Budget. I do not like Mr. Lloyd George.

Hon. A. SANDERSON: Then the hon. member next to my colleague did.

Hon. J. F. Cullen: No; I did not.

Hon. A. SANDERSON: At all events, we had Lloyd George. I have it down, and, as Mr. Justice Starely said, how could I have got it down in my notes if someone had not said it?

Hon. Sir E. H. Wittenoom: It was Mr. Baxter.

Hon. A. SANDERSON: My colleague in speaking on this Bill quoted Hallam, a gentleman who died some 60 or 70 years ago, and you, Sir, were compelled—gently as you deal with all of us—to suggest that perhaps the hon. member had better get on with the question before the House, which was not a Constitutional question at all, but the construction of the Esperance railway. Now I come to the one more point, and I have two minutes to deal with it. That is the financial position of the country. If that consideration does not sober the supporters of this proposal, then I doubt if there is anything will sober them. Let it be clearly understood, first, that the Constitutional question was practically ruled out of order by yourself, Mr. President, as having nothing whatever to do with the matter before the House, and, secondly, that the question on which we are going to a division to-night is not this railway Bill at all, but a railway to join up the goldfields with the coast.

Hon. Sir E. H. Wittenoom: That is it.

Hon. A. SANDERSON: That is the point.

Hon. D. G. Gawler: Do you object to that?

Hon. A. SANDERSON: I do object to that. If we put this Bill through, the line will go straight through to the goldfields. I object to my colleague's voting under a misapprehension—which has been removed by the hon member sitting next to him—that he is going to vote for an agricultural railway.

Hon. Sir E. H. Wittenoom: Will you tell us what Mr. Gardiner has instructed these people to do?

Hon. A. SANDERSON: Now, as to the financial position. We are asked to spend £114,000 as a start. But there will be a new railway system to establish and a harbour to be built; and all this with the Government bankrupt. Ministers have the audacity to come down to the House and put this forward. Recently I went on a deputation to the Minister for Works to ask for a sum of £1,500 which had been I will not say definitely promised, but had been practically promised. Not for a moment do I question that the Minister's decision was right. The hon. gentleman refused to give the money, and I daresay he was perfectly justified; but he was refusing that money, not for 60 people nor for 600 people, but for a work of interest and value to 6,000 people. And here this House, in a few moments probably, is going to vote a sum of £114,000 as a start for this railway. I do not wonder that my colleague has left the Chamber. He thinks he is going to protect himself and the country by the insertion of a clause that the line is not to go beyond the 60 mile patch. Other members imagine that this is an agricultural railway.

Hon. Sir E. H. Wittenoom: Mr. Gardiner has told them that.

Hon. A. SANDERSON: I warn them that if they, after having been warned by several speakers, pass this Bill—and it is really the old Esperance railway Bill to connect the goldfields with the coast that we are voting on to-night—

with their eyes open decide to accept the measure, I, at all events, will be no party, when we get into Committee, to trying to manœuvre the Government out of the position which they will have fairly won. Do not let those hon. members look to me for any assistance to turn this line into an agricultural railway by the insertion of ridiculous clauses or by a Conference with another place. If the House, after the warnings which have been uttered by other members as well as by myself, passes this Bill, I shall be no party to any attempt to snatch from the Government and the Colonial Secretary, whom I shall heartily congratulate, the success they have won. It will be one of the greatest personal triumphs that I have seen in this House if the Bill is carried; and no one will have greater pleasure than myself in tendering congratulations, hoping that they will be accepted, notwithstanding the nature of the attitude I have been compelled to adopt to-night.

Hon. C. F. BAXTER (East) [10.13]: As a warm supporter of the Esperance railway, I am in duty bound to state the reasons why I shall vote for this measure. It has been very interesting to me, sitting in this Chamber, to hear such strong condemnation of the Bill come from hon. members who are practically without any experience of the Esperance district, having never seen it or possibly having seen only one small patch of it. Not one of those hon. members really knows the country he has been talking about. My personal experience of the Esperance district extends over the past 20 years. I mention that, because Mr. Sanderson was inquiring about my knowledge of the country. As a practical farmer, I have no hesitation in saying that providing the Esperance rainfall is good—and we are assured that it is good—we can rely on good returns from that district. The quality of the land is equal to that of any other of our agricultural areas. In point of fact, I know of no other agricultural area in this State which will grow natural grasses as abundantly as does the Esperance district. Again, there is the sand plain about

which there has been much talk. The sand plain in the Esperance district is the best sand plain for grazing I know of in the State of Western Australia. With reference to the law of averages, every practical farmer will know that he cannot expect a decent average from a district which is placed in a position like Esperance. They have at Esperance so much to contend with. Reference has been made to the question of superphosphates, but it requires more than that to produce a crop of wheat. The ground has to be farmed thoroughly, and I do not see how it is possible for that to be done in the Esperance district with the disabilities the farmers who are there have to contend with. Machinery has to be taken down to properly till the soil and further than that we have proved that only those lands that have been farmed for a number of years will produce good results, and when we meet with a season such as the present one has turned out to be, we find that Esperance, in regard to wheat, is in advance of any district in the State. A great deal of opposition to this line has come from a certain section, and it is very interesting to look back and to remember that those oppositionists themselves were instrumental in settling that country. I will ask now whether it is reasonable for them to object to facilities being granted to the district for agricultural purposes. What was the idea of opening up this land? Of those persons who are most strenuous in their opposition to the construction of this line I would ask, why did they in the past allow people to settle in the Esperance country if it was never intended to give them marketing facilities? Mr. Colebatch and some other hon. members who interjected referred to the attitude of the Country party. I think we have only to take our minds back to the last measure, which proved so troublesome, to show that the Country party have not met on all these measures and put their heads together. The Country party in the Assembly strongly supported the amendment in the Foodstuff Bill, but what was the attitude in the Council? It was just the op-

posite, and that showed conclusively that the thing is not worked out, as some hon. members would have us believe.

Hon. W. Kingsmill: You must have got a wiggling.

Hon. C. F. BAXTER: There was no wiggling about it. We recognised that if we did not give way the people we had to depend upon would be the sufferers and not those who are sitting in this Chamber. Reference has been made to me in my campaign during the elections in May last. That election was keenly fought on the question of the Esperance railway. The matter was brought out in opposition to me to keep me out of this seat. Mr. Colebatch stated that a great majority of the farmers and settlers were against the construction of the Esperance railway. How could that be, seeing that my election was fought on the question, with the result that I gained the verdict by a majority over my nearest opponent of 1,268 votes? Does that show that the farmers were against the granting of this facility? It shows conclusively that they were in favour of the introduction of the measure. Mr. Colebatch also referred to other lines which had been authorised, but were not being proceeded with. I think it would have been far better if the hon. member had made inquiries before he made his statements, and considering that the lines to which he referred are in the province he represents, he ought to have known that in regard to the Mount Marshall-Wyalcatchem line the whole of the earthworks are finished, and that at the present time they are putting a plant on to lay the rails. I have it from the engineer himself that he will have these rails down by April, in time for the farmers to cart their superphosphate. Does that show that the Mount Marshall-Wyalcatchem line is being held up? Then with regard to the Bolgart extension, I am correctly informed that there are men working there, and only as recently as yesterday drays were bought so that work might be carried out in earnest. Does that show that the line is not being proceeded with? What I stated during my election campaign was that I wanted an assur-

ance from the Government that the lines which had been authorised would be proceeded with before the Esperance railway was taken in hand. I received that assurance, and as far as I have been able to find out the lines which at that time were authorised are now being carried out. Mr. Colebatch quoted Mr. Sewell as having said that he did not believe the Esperance land was good, but that it was only fair land. As a matter of fact Mr. Sewell made no such remark. The remark that the hon. member made, and he was only repeating what he had been told, was that the land might not be of the best, but that 100,000 acres of it was better than 100,000 acres on the Great Southern line. The burning desire in this State for years past has been to concentrate everything in one corner. It is time we became broad-minded enough to attempt to develop the whole of the State and not one corner of it. Mr. Patrick has a great objection to the Esperance railway, but does he forget that the Northampton line was a separate line?

Hon. W. Patrick: That country never had a low average. The lowest average was eight bushels and they were not growing wheat to any extent then.

Hon. C. F. BAXTER: The objections to the construction of this railway come from those who wish to confine the operations of the State to one corner of it. We must be broad minded and develop every portion of the country. We must not forget that we have at the present time 64 settlers at Esperance and if that number will settle there with the remote chance of getting a railway, they surely must be of the best material and they must be given conveniences to take their produce to market. If we can induce 64 settlers to go to Esperance without a line, how many hundreds must there be waiting to go there directly the construction of the line is assured. I venture to say there will be a good rush of settlers to that part of the State. The belt of good Esperance country extends, as has already been pointed out, to the Great Southern Railway. I have been all over that country, even to the border at Eucla, and knowing it as

I do, I have no hesitation in supporting the measure. The Liberal party constructed the line from Coolgardie to Norseman, and if there was anything in Norseman to warrant the laying down of the line from Coolgardie, surely the construction of the line through to Esperance was also justified. The arbitration awards are based on distance from the seaboard and it follows that if the railway is not constructed from Norseman to Esperance the cost of produce will be much more, because we must bear in mind that everything will have to go right round to Coolgardie and back to Norseman. At the time of my election the objection was raised that an injury would be done to a certain section of the farming community if the line were built. That is absolute nonsense. The position is vastly different from what it was 10 or 12 years ago. The trade of to-day on the goldfields is smaller than it was at that time and there are fully 80 per cent. more farmers to divide that trade. The produce that is sent to the goldfields could be supplied from between Esperance and the goldfields, and the people in the Esperance district have the right to supply the market which is adjacent to them. I will give my support to the second reading of the measure and hope it will be carried.

Hon. R. J. LYNN (West) [10.26]: When Mr. Patrick was speaking on this measure I interjected that the goldfields had practically ceased to exist. That interjection was not intended to convey the idea that in regard to the goldfields of the State we had practically given up all hope of prosperity, but I did contend that when any State or people, or an individual, ceased to advance in any walk of life and remained stationary, then that State or the individual would soon commence to recede. I do not think even my friend, Mr. Kirwan, whom I desire to compliment on the bold fight he has put up for many years in connection with this railway, will question me when I say that, unfortunately, the goldfields have been on the decline for the past few years. Like

many other members of this House, and other citizens, we recognise what the goldfields have done for Western Australia. We recognise that the cinderella of Australia has been brought up to its present state by the development of the goldfields.

Hon. J. W. Kirwan: The goldfields are to-day doing more for the State than they ever did before.

Hon. R. J. LYNN: The goldfields to-day I regret to say are producing less gold month by month.

Hon. J. W. Kirwan: From a State point of view it is not a question of the amount of gold that is being produced on the goldfields.

Hon. R. J. LYNN: I have yet to learn that they have established any industries which are likely to use any class of labour other than that engaged in mining.

Hon. J. W. Kirwan: They are distributing as much money as ever in wages and that is an important thing in Western Australia.

Hon. R. J. LYNN: If my friend thinks that that can continue with the decline in the gold yield, he does not know anything about capitalists or investors.

Hon. J. W. Kirwan: The hon. member does not know anything about the goldfields.

Hon. R. J. LYNN: I shall raise no objection to a statue being erected to the hon. member's memory or to his being knighted in connection with the great fight he has put up over this railway. I compliment and congratulate him on having succeeded in making my friends Mr. Cullen and Mr. Gawler change their views. Twelve months ago when this Bill was before the House, Mr. Cullen said—

This gap will make it impossible for any trade between the goldfields and the new settlers to take place.

Hon. J. F. Cullen: I say that now.

The Government are self-convicted of asking Parliament to consent to a wicked waste of public money.

Mr. Cullen has not faced his electors since that date and I have yet to learn that public opinion has changed to any extent even our constitutional authorities changing their opinions. I am unable to

refrain from commenting on some of the remarks made by hon. members last session. For five hours to-day we have discussed constitutional authorities quoted by Mr. Sanderson, which I do not hesitate to declare to have been a waste of public time. Let me quote the remarks which some of those hon. members made 12 months ago. At that time Mr. Cullen said—

Is this an honest, ingenuous act of self-abnegation in consenting to the existence of a gap of about 60 miles between the head of the proposed line and the goldfields trade? I say it is not, and whilst the Government are asking Parliament to pass this 60 miles of railway, which I shall show presently to be an absolutely futile proposal, do the Government intend, before the echoes of the debate on this Bill are off the air, to bring in a further proposal to bridge that gap? If not, then they are self-convicted of asking Parliament to consent to a wicked waste of public money.

That is only similar to the remarks of many other members. Yet we find to-day they are in favour of this measure, and my friend admits it is what he said again the other night, notwithstanding which he is voting for the construction of the line, after all the constitutional advice tendered to the House to-day respecting another measure.

Hon. J. F. Cullen: And will vote for the gap to be bridged.

Hon. R. J. LYNN: I am with Mr. Sanderson in the belief that Mr. Gawler would not vote for the commencement of the railway if he thought it was the intention of the Government to extend it. Mr. Gawler is to vote in support of 60 miles of this line for agricultural purposes. Mr. Cullen will vote for it because it is the commencement of a goldfields-Esperance line. I do not object to those members changing their opinions. Since the last election, when in another place the Government had an overwhelming majority, that majority has been considerably reduced; and, admitting that the new members are supporting this railway, will any member of the House

tell me that on one election platform outside of the goldfields areas, the Esperance railway was introduced? I went through the campaign at the last election in support of certain candidates, and with one or two exceptions the Esperance railway was not thought of sufficient importance to be discussed. There has been no change of public opinion in the metropolitan area in this direction, nor has Mr. Gawler been before his electors since he last voiced his opinion.

Hon. D. G. Gawler: Is the metropolitan area the whole State?

Hon. R. J. LYNN: The metropolitan area or the Metropolitan-Suburban Province, is represented by my friend, although he, of course, does not represent the whole State. What will be the effect of the construction of this line when the line is brought into competition with the existing goldfields railway? We all know that this line is to be the first section in the construction of a through railway. Indeed the Government would not be justified in commencing isolated systems throughout the State, especially when we remember that the line can easily be connected up with the main trunk railway. We have already had experience of the Port Hedland-Marble Bar and the Hoptoun-Ravensthorpe railways, neither of which is paying for axle grease, and we know that in respect to the line under discussion the Government would be justified in extending it to connect with the main trunk line.

Hon. W. Kingsmill: Are you going to vote for that extension?

Hon. R. J. LYNN: I think that, like the interjector, I will absent myself; because it would be impossible for me to reconcile what I am saying to-night with any opposition against the extension of the railway from a public utility standpoint. Of course, Mr. Kingsmill, like others of my friends, is supporting the railway for 60 miles because he believes it to be an agricultural railway. I think the leader of the House, together with his colleagues, is to be congratulated upon having drawn that red herring across the trail. We all know, and I venture to assert that if the Minister was challenged

with it he would admit, that it is merely a section of the Norseman-Esperance railway. Assuming that the railway will junction at Norseman, what will be its effect on the Eastern goldfields line? Today the public debt of the State has practically reached breaking point. Yet we propose to add to that debt by building a line from Esperance to Norseman, in order to bring that line into competition with the existing goldfields railway. I do not propose to prolong the debate, because I recognise that anything which could be said in opposition to the railway would be futile. I remember Mr. Kirwan speaking on this subject two or three years ago. He appealed to the House for many hours but added that he knew no vote would be influenced by his remarks, and that the Bill would be rejected. All he could hope to do was to continue to advocate something which he believed would be in the interests of the State in years to come. I recognise that no vote will be influenced by any remarks of mine, and that the Bill will be passed, but I do not propose to allow it to be passed, notwithstanding the genial smile of some of the rail-sitters in past sessions, without voicing my opposition to it. Much has been said in years gone by respecting the cost of the construction of the railway and of the harbour facilities which will be required. Those connected with shipping know it is impossible for any vessel having a draught in excess of 19 feet to berth at the Esperance jetty. Without the expenditure of hundreds of thousands of pounds it will be impossible to make the harbour available to the present inter-State shipping, and it is absurd to assume that any overseas steamer will enter the port unless a heavy expenditure for harbour improvements is first incurred. Some members have stated that £100,000 or £200,000 would equip the harbour sufficiently to meet requirements and make Esperance an up-to-date port, but those who made such statements spoke in ignorance of the subject. It would need an expenditure of at least £1,000,000 to make Esperance a port suitable and safe for loading overseas ships direct with wheat. I would not

argue that it would be impossible to send the wheat away in small crafts and transship it at some other port, because this is done in South Australia particularly from Spencer's Gulf ports. If Esperance is to be regarded as only a wheat-producing area, I do not feel very much concerned about the shipping facilities as transshipping arrangements might be made at no very great cost to the producer. If the district is capable of producing wheat the figures quoted by Mr. Colebatch prove that in the past it has not returned any decent yield. I recognise that the leader of the House is anxious to go to a division, and I will conclude my remarks by congratulating some of my friends on the very able support they have given the Bill, and some of the new converts to a measure they so biterly opposed in the days gone by upon their changed attitude towards it.

On motion by Hon. J. E. Dodd debate adjourned.

House adjourned at 10.45 p.m.

Legislative Assembly,

Wednesday, 20th January, 1915.

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

PAPERS PRESENTED.

By the Minister for Lands: Report of the Board of Inquiry *re* poison eradication and settlement of poison lands—Additional return to order on motion by Mr. E. B. Johnston.

By the Minister for Works: 1, By-laws of Esperance, Kalgoorlie, Preston, and Victoria Plains Roads Boards. 2, By-laws of the Municipalities of Bunbury and North Perth.

By the Honorary Minister: Audit of accounts of Moola Bulla Station to the 30th June, 1913.

QUESTIONS—GAME ACT, ROYALTIES.

Mr. THOMSON asked the Honorary Minister: 1, Is he aware that the following royalties are being charged for the undermentioned skins:—opossum 3d. each, brush 1d. each, tamar ½d. each, kangaroo 2d. each. 2, Considering that the average prices for opossum skins are 7½d.; for brush, 3d.; for tamar, 3d.; and for kangaroo, 3s., will he consider the question of altering the scale of royalty to a percentage basis on the value of the skins, say, 10 per cent.?

The HONORARY MINISTER (Hon. R. H. Underwood) replied: 1, The scale of royalties on marsupial skins as prescribed by regulation under The Game Act, 1912-13, is as follows:—Opossum skins, 3d. per skin; grey kangaroo skins, 2d. per skin; wallaroo (Euro) skins, 1d. per skin; red kangaroo skins, 1d. per skin; brush or brush kangaroo skins, 1d. per skin: Others, ½d. per skin. 2, It is not considered advisable to alter the regulations so that royalties may be collected on an *ad valorem* percentage basis.

QUESTION—SWAN RIVER, PROPOSED BRIDGE.

Mr. CARPENTER asked the Minister for Works: 1, Has the site yet been fixed for the proposed bridge over the Swan river near Rocky Bay? 2, Is it the intention of the Government to have the new bridge constructed within the State?