

would have prompted the members of the Ministry to hand in their resignations to the Governor. That step, however, would not overcome the difficulties facing those who are trying to do what they believe to be most desirable in the interests of the State. It is the members of this House who, in such circumstances, are called upon to ascertain whether they retain the confidence of their electors. In my opinion the members of the Chamber responsible for holding up the business of the Government are the ones who should be compelled to ascertain whether their actions meet with the approval of the electors who sent them to Parliament.

Mr. Lambert: That would make them a little more careful.

Hon. W. C. ANGWIN: I do not see how objection can be raised to such a proposition. Any member of Parliament, irrespective of which House he is in, who feels sure that he has the confidence of the people should have no fear in regard to facing the electors. Although our efforts this session have not met with complete success, we hope that what we have done will assist the State to a position of greater prosperity. I join with the Premier in offering to you, Mr. Speaker, congratulations on the fact that you are again in the enjoyment of your health. I trust that when we meet again we shall have better luck than we have had during the past few months.

Mr. LATHAM (York) [3.22]: In the absence of the Leader of the Country Party I desire to offer the congratulations of the party to yourself Mr. Speaker on your recovery, and also our best thanks to the Chairman of Committees and the deputy chairmen for the consideration they have shown to members, also to the staff and particularly "Hansard." I also wish to associate myself with the remarks of the Deputy Leader of the Opposition regarding the action of another place. It is about time we asked another place to share the responsibility if they wish to assume that control which is the prerogative of the Assembly. I hope we shall be given the opportunity to point out to the Legislative Council that if they wish to continue to dictate to us, they should share that responsibility. I offer my congratulations to you, Mr. Speaker, and trust that your restoration to good health will be maintained so that you may be able to continue to carry out the duties of your high office with satisfaction to yourself as well as to the country. I trust also that the Leader of the Opposition will be amongst us if we should have to meet again in the near future.

Mr. SPEAKER [3.34]: On behalf of the Chairman of Committees, the deputy chairmen, the officers of the House, the "Hansard" staff, the messengers and all concerned in the work of Parliament, I thank you for your expression of good wishes and for the manner in which they

were received by the House. There can be no two opinions about it that the session has been a strenuous one indeed, and while perhaps it has not been as effective as one would have wished, the blame cannot be laid at the door of this Chamber. We realise the strenuous nature of the work when it has to be carried on under trying atmospherical conditions such as have been experienced during the past week. I wish to thank members for their courtesy and kindness to me during the whole session, and especially for their consideration during the period of my illness. I regret that the Leader of the Opposition has been prevented on account of illness from attending to the sittings during the last few days, and I trust that it will not be long before he will have recovered. As has been remarked, the Leader of the Opposition is one of the most regular attendants at the sittings of this Chamber. I doubt whether there is another member who keeps to his seat as long and as continuously as the hon. gentleman, and I am certain that only ill health would cause his absence from amongst us. I trust before he reads the report of my remarks he will be completely restored to health. I again thank hon. members for their expressions towards myself, the Chairmen of Committees and the staff.

House adjourned at 3.36 a.m. (Friday).

Legislative Council,

Thursday, 8th February, 1923.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

PETITION—EMPIRE DAY.

Hon. J. CORNELL: I wish to present a petition relating to the origin of Empire Day. It contains 235 signatures. I have been asked by several influential citizens to present this petition. I move—

That the petition be received.

Hon. J. M. MACFARLANE: I second the motion. Apart from the number of signatures, I am given to understand that the petition represents well over 80,000 persons. Its purpose is to prove definitely that the Empire Day movement originated in Western Australia. It has been felt that this achievement should at least be recorded.

Question put and passed.

MINISTERIAL STATEMENT.

Supreme Court Bench.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [3.10]: Before proceeding with the business on the Notice Paper, I desire with permission to place before the House a statement which the Chief Justice has requested me to make. This is following on certain remarks made in the House by Mr. Lovekin respecting the retirement of Mr. Justice Rooth and the appointment to the Supreme Court Bench of Mr. Justice Draper. The Chief Justice tells me he feels very keenly the position created by those statements, and wishes the House and the public to understand the true position. He says that in January, 1921, he was shown a letter from Mr. Justice Rooth to the effect that he was not able, owing to the state of his health, to sit in the Arbitration Court, and resigning his position as President, at the same time intimating his intention of remaining a judge of the Supreme Court. His Honour the Chief Justice saw the Premier and told him he could not carry on the work of the Supreme Court without the help of two judges, apart from the judge engaged in the Arbitration Court, and that if Mr. Justice Rooth's health rendered him unfit for the duties of his office, he should resign. The Premier asked the Chief Justice to communicate with Mr. Justice Rooth. It was thought advisable that Mr. Draper should take no part in the proceedings as the position would be rather a delicate one for an Attorney General who was a practising member of the Bar. There was no question then of Mr. Draper being Mr. Justice Rooth's successor in the event of his resignation, His Honour the Chief Justice having the best reason for believing that Mr. Draper would not accept the position. The Chief Justice communicated with Mr. Justice Rooth by letter, and saw him at Albany, and, at his request, interviewed his doctor, who gave the Chief Justice his views. The Chief Justice was satisfied that Mr. Justice Rooth could not carry on his work as a judge. On the 3rd March Mr. Justice Rooth offered to resign on terms which were ultimately accepted by the Cabinet, and on the 7th March he submitted a certificate from his medical adviser, Dr. Ambrose, of which the following is a copy—

This is to state that Mr. Justice Rooth was under my care for several months during the past year for injuries caused by his collision with a tram car. Those injuries

were very severe and their effects far-reaching. Considering the age and build of the patient, it is surprising that Mr. Justice Rooth survived the shock of his multiple and extensive lesions. Mr. Rooth returned to his duties towards the end of the past year, but before I had been acquainted with his purpose, or had given my professional consent. A considerable respite from his work has not brought back the requisite health and strength, and I am now of opinion that Mr. Rooth is at present unfit for the heavy responsibilities of his office. I feel, too, that in all probability this unfitness will be permanent, and I think that, considering Mr. Rooth's age (57), it is desirable that he retire from his present position.

I would draw the attention of hon. members to the fact that this letter and certificate were conveyed to the Government by the Chief Justice prior to the general elections in March, 1921. The Chief Justice adds that after Mr. Justice Rooth's retirement he had several interviews with the Premier, and went thoroughly into the question of his successor. Finally the Chief Justice recommended Mr. Draper, and, failing his acceptance, another member of the Bar who, he thought, would satisfactorily fill the position. His recommendation of Mr. Draper, he says, was not based on the fact that he was Attorney General. He was in fact repeating a recommendation made in 1914, when His Honour submitted Mr. Draper's name with three others to the then Attorney General at his request. The Chief Justice made the offer to Mr. Draper, who took a week to consider it, and saw the Chief Justice once or twice during the interval, and after much hesitation accepted the offer. The Chief Justice wishes it to be clearly understood that from the time he came on the scene in January until the offer was made to Mr. Draper, the latter took no part in the proceedings and was not consulted. "The responsibility for what was done," says the Chief Justice, "is chiefly mine, as the Premier acted on my advice."

Hon. A. LOVEKIN (Metropolitan) [3.13]: With the indulgence of the House I, too, would like to say a few words since this statement evidently has arisen out of some remarks I made in the Chamber. The statement which the Chief Justice puts forward does not entirely synchronise with the information I had when I made my speech. But the statement which we have heard read is clear and emphatic, and comes from a source which no one in this State would question. I am bound, therefore, to accept it, and I do accept it unreservedly. This statement by the Minister would not have been needed if, the other day, I had been allowed to proceed with my remarks when I was making a personal explanation. I am sorry the Chief Justice has had to deem it his duty to ask the Minister to make the statement we have just heard. As I said before, I did not reflect, nor had I any intention of reflecting,

in any way upon the honour or integrity of Mr. Justice Draper. I repeat that statement now. I think Mr. Justice Draper will accept that declaration, and I think also the Chief Justice will accept that assurance from me. At this stage I do not think I need say anything further.

LEAVE OF ABSENCE.

On motion by Hon. J. W. Hickey, leave of absence for six consecutive sittings of the House granted to Hon. T. Moore on the ground of urgent private business.

BILL—ALBANY-DENMARK RAILWAY EXTENSION.

All Stages.

Received from the Assembly and read a first time.

Point of Order.

Hon. J. W. Kirwan: I wish to have your ruling, Mr. President, as to whether or not this Bill is in order. I should like you to permit me to quote a ruling that was given by the late Sir Henry Briggs, a former President of this Chamber, upon a Bill exactly identical with this one, and which Bill he ruled out of order. That ruling was supported in a speech by the Hon. Walter Kingsmill, the former President of this Chamber, as well as by Mr. M. L. Moss. I am sure it will be agreed that the opinions on the Standing Orders and the conduct of Parliament of these gentlemen are worthy of respect. In 1912 a Bill was introduced for the construction of a railway between Esperance and Norseman. That Bill was rejected. The then Government thought it advisable to bring in a Bill for the construction of a railway to cover something like half the distance, called the Esperance-Northwards Railway Bill. When that Bill was brought into this Chamber Mr. Moss raised a point that it was out of order in accordance with Standing Order 120, inasmuch as the question that the Bill be read a second time had been defeated. Standing Order 120 says that whether the question is resolved in the affirmative or the negative does not matter. The point he raised was this: the Bill was one to construct half of the railway which had already been rejected by the House, and that if it be competent for the Government to bring in this other Bill it would be competent for them to bring in another Bill to construct the balance of the line from Norseman southwards, and thus they would get the effect of that which had already been disposed of by

this House. The President ruled as follows:—

The Bill now before the House is one to authorise the construction of a railway from Esperance northward for a distance of about 60 miles, and I am asked to decide whether this Bill is the same in substance as a Bill which was rejected by this House on the 4th December, and which sought to authorise the construction of a railway from Norseman to Esperance, a distance of about 125 miles. It appears that the present Bill in fact proposes to authorise the construction of a portion of the line which it was proposed to construct under the Bill rejected by this House.

The Bill now before us is identical, as you will see, Mr. President, from reference to the schedule, with that which has already been dealt with by this Chamber. The President went on to say—

Under these circumstances I am asked to rule whether it is in order. The Standing Order which refers to this matter is No. 120, and reads as follows:—

No question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

It is my duty while occupying this Chair to uphold the Standing Orders, and in face of the one I have just read, I do not see how it is possible for me to decide otherwise than that the question now before the House is the same in substance as the one which was rejected on the 4th December, and I rule the Bill out of order. Notwithstanding this opinion I hope that some hon. member will move that my ruling be dissented from, so that the responsibility of dealing with the point of order be thrown on the House, and shall not rest on the President alone.

I was one of those who were deeply interested in the Esperance-Northwards railway. I went to a great deal of trouble in looking up "May" and an American authority named Cushing, and in a speech of some length I quoted from "May" and "Cushing" in an endeavour to show that the President was wrong in his ruling. I do not wish to express an opinion now as to whether the President was in error or not. What I desire is that the Standing Order in question should be made clear, and that if the precedent which has been established is going to be departed from we should arrive at an understanding on the point. Despite the fact that I quoted very extensively from "May" in support of what I thought was the position, namely that the President's ruling was not in order, and that I also quoted at length from the American authority Cushing, who seemed to be rather strong on the point, Mr. Walter Kingsmill,

who followed me, did not take the same view. He said—

I have to tender you, Mr. President, my hearty support of your ruling in this matter.

Then Mr. Moss, whose opinion we all respect, made a very long speech and said—

Mr. Kingsmill is perfectly right in his argument.

It was Mr. Moss who originally raised the point of order. The Minister for Education, who was then a member of this House, also took the same view. He said—

If this Bill is in order it is quite obvious that another Bill to provide for the construction of a line from Norseman 60 miles southward would be equally in order, and therefore by a simple process of cutting the Bill, which this House has rejected, into two, the same result would be arrived at and the Standing Order would be set at naught.

Mr. Kingsmill was strongly in favour of the Esperance-Northwards railway.

Hon. R. J. Lynn: Your contention was that they were wrong.

Hon. J. W. Kirwan: Yes, at the time, and I am not so sure now that they were not wrong. Members will admit that it would be objectionable to have contradictory rulings on this point. A precedent has been established in the matter and we ought to have the question cleared up. Mr. Kingsmill was very desirous of having the Esperance-Northwards Railway Bill passed because he was in favour of that line and subsequently voted for it, but in the course of his speech he said—

I think perhaps our Standing Order—that is Standing Order 120

—goes a little too far the other way, but irrespective of what my inclinations might be, it is perfectly clear to my mind that the Bill which is now introduced is undoubtedly an amendment of the Bill which was introduced a few days ago.

In view of the decision that was given by the House, I ask your ruling, Mr. President, as to whether or not this Bill is in order. As will be seen from the schedule, it covers 35 miles of a railway the Bill for which has already been dealt with by this House.

The Minister for Education: I wish to point out that the question whether the Bill was rejected or not has a very important bearing on the matter. The case to which Mr. Kirwan referred was one in which a Bill for the construction of a railway was rejected. In that case it was pointed out that to allow a Bill for the construction of one-half of the railway to be introduced would mean that a Bill for the construction of the other half could be introduced, and that thus a Bill which had been rejected could really be placed before the House again. The intention of Standing Order 120 is that either House shall not be asked to reverse its decision. That, however, is

not the position here at all. The former Bill was passed by both Houses, but through a failure to agree in Committee it did not become law. Still, it was never rejected, its fate was never decided; and there are ample precedents for the re-introduction even of the whole Bill in such circumstances. Especially can the Bill be re-introduced in another form if it is thought that that is the form in which it should be passed. There is no analogy between a Bill that was not rejected and a Bill that was rejected.

The President: This is a matter which certainly requires some consideration. I regard Standing Order 120 as being anything but clear, and were I to look at it entirely from my own point of view I would probably rule that it does not apply to Bills at all. It reads:—

No question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative—

I think the word "Bill" ought to have appeared there in order to make the matter quite clear. However, with regard to the present case and the precedents which have been quoted, I must admit that I think the Jarnadup-Denmark Railway Bill met with finality, that it was practically rejected. I am induced to think so because the Leader of the House told us that he moved the adjournment with the object of proroguing within the next week—which seemed to me to indicate that it had been taken definitely that the Bill was done with. In the circumstances I am forced to the conclusion that the Bill was rejected, and therefore, according to the precedents which have been very clearly adduced by Mr. Kirwan, I am afraid I have to rule that the present Bill is out of order.

Dissent from President's Ruling.

The Minister for Education: You will remember, Mr. President, that when a previous President gave his ruling in the same direction he invited the House to vote on the matter.

The President: I shall be very pleased if the House will do so.

The Minister for Education: Apart from that, I certainly would not in any circumstances question your ruling, Sir.

The President: I do not mind at all.

The Minister for Education: In view of the circumstances, I move—

That the President's ruling be disagreed from.

I do so entirely in order that the House may decide the matter.

Hon. J. Ewing: I second the motion of the Leader of the House.

Hon. A. Lovekin: I desire to draw attention to Standing Order 406, which provides—

If any objection is taken to the ruling or decision of the President, such objection must be taken at once, and in writing, and

motion made, which, if seconded, shall be proposed to the Council, and debate thereon forthwith adjourned to the next sitting day, unless the matter requires immediate determination.

I should like the debate to be adjourned until the next sitting day, so that we may have an opportunity of looking up precedents and considering the question.

Hon. J. Ewing: Here is a matter requiring immediate determination.

Hon. J. Cornell: Does this matter require immediate determination? If so, why? I submit that it does not require immediate determination. The bald statement of the Minister that we should proceed forthwith merely means that that course suits him.

The Minister for Education: This is a matter for the House to decide.

Hon. J. Cornell: It is a matter for the President to decide, I think. I have known the Minister as a private member not to be so ready to have such a question decided straight away.

Hon. J. Ewing: With great regret I have seconded the Minister's motion. I take entirely the same view as he does, namely, that Standing Order 120 deals solely with a question which has been decided either in the affirmative or in the negative. On that I take my stand. The Jarnadup-Denmark Railway Bill is still before both Houses, and can be withdrawn, and then the Bill itself can be reintroduced. Much more is it possible to introduce the Bill in a different form, as it appears before us to-day. I know that the House of Commons has in many instances taken up a similar attitude. Unless a Bill has been absolutely affirmed or negated, it is still before the House, and the Government may proceed with it or not.

Hon. A. Lovekin: This is a very important question which requires careful consideration. Standing Order 406 says that the mover of such a motion as that of the Minister for Education shall place his objection in writing. So far that has not been done. However, that is a small matter, which can be rectified. Surely, however, this is not a matter which requires immediate determination. The Bill has been waiting for weeks, and it is here now. There is no money on the Loan Estimates for this railway. Surely from now to Tuesday would be a reasonable time to give hon. members to look into such an important matter as this, a proposal to set aside the considered rulings of two former Presidents, and a ruling of yours to-day, Sir. We should take advantage of Standing Order 406, and adjourn the consideration of this matter until Tuesday. Roughly, my opinion does not coincide with yours, Sir, and the opinions of two previous Presidents; but I hesitate to put forward my opinion without being absolutely certain in my own mind after having looked up the precedents. I would like to discuss the question, but am not in a position to do so off hand. Therefore I suggest that we follow Standing Order

406, this not being a matter which requires immediate determination.

Hon. J. Duffell: This matter should be viewed as one of extreme urgency, if only in view of the fact that members of this Chamber have been summoned to this special sitting for a specific purpose. We know that some members have travelled hundreds of miles in order to attend. We should also bear in mind that we now have an opportunity to learn the reason why the conference managers disagreed, on which point it is the privilege of a member of that conference to make a statement here. I would suggest, Sir, that you leave the Chair for 10 minutes, so that members may consult, when a way might be found out of the difficulty. It would redound to the credit of this House if the business of the country were expedited. The Premier himself has stated that the present Bill is vital to his immigration policy. I speak as the result of knowledge which I have gained since the House last met. I have been anxious to get all the information possible. I have not been asleep all the time.

Hon. J. Cornell: I think you have been dreaming.

Hon. J. Duffell: It seems to me that the hon. member interjecting may have been dreaming, to judge from the tone of his remark. The railway is part and parcel of a scheme for settling new arrivals on the land, which has been the principal work of the Premier for some months past. We are also informed that the Premier has been asked from very high quarters whether he can find room for considerably more people than are coming at the present time.

Hon. E. H. Harris: He has not told us that.

Hon. J. Duffell: We do not hear everything unless we make inquiries, but as the result of making inquiries in the right quarter one gets information. On this occasion the information has come from the right quarter. Therefore, it behoves us to consider the position very seriously, and use our best efforts to allow the business of the country to proceed.

Hon. F. E. S. Willmott: I have a great respect for the Standing Orders and for precedents that are sound. However, the difficulty in this case can be got over. I take it members are jealous that their Standing Orders and precedents should not be set aside without grave consideration. Standing Order 423 deals with such a case as this:—

In cases of urgent necessity, any Standing or Sessional Order or Orders of the Council may be suspended on motion duly made and seconded, without notice, provided that such motion is carried by an absolute majority of the whole number of members.

Hon. J. Cornell: What is the urgent necessity here?

Hon. F. E. S. Willmott: The urgent necessity must be known to every member of this Chamber. It has been voiced by the Premier.

It has been stated in the Press. Certainly the matter is one upon which every member of the Council should vote as his judgment directs. If the majority of members consider that this is not a matter of urgent necessity, they will vote No. If they have studied what has been going on for months past and what has appeared in the Press during the last week, they must agree that it is a matter of vital importance. I am not going to discuss the reasons why it is of vital importance; they are known to every member. Standing Order 423 was evidently designed for the purpose, and I maintain that I shall be quite in order in moving in the terms of that standing order, so that the point can be settled.

Hon. J. Cornell: Provided you make out a case of urgent necessity.

Hon. F. E. S. Willmott: I have done that and the Premier has done it. We all realise the vital importance of immigration to this State. This is really part and parcel of the Premier's great immigration scheme, and if the authorisation of this railway is not granted, the whole scheme must remain in abeyance until the House again meets, perhaps in August next. Members must admit the great importance of the measure to the State. Therefore, I maintain this is a matter of urgent necessity.

The President: The hon. member cannot move at the present time. There is a motion before the Chair that my ruling be disagreed with.

Hon. F. E. S. Willmott: I take it I shall be able to move at a later stage.

The President: This is a matter which requires immediate determination, and therefore I shall not take any notice of Standing Order No. 406. The question is that my ruling be disagreed with.

Hon. J. W. Kirwan: The Leader of the House mentioned that when a similar ruling regarding a similar Bill was given by a former President, there was no division of the House. I was the member who at that time moved that the President's ruling be disagreed with, but I did not call for a division, because I realised that the House was almost unanimously against me. Members were almost unanimously of opinion that the standing order rendered the Esperance-Northwards Railway Bill out of order. You, Sir, took the same view as you have given in your ruling to-day. The one member who spoke in my favour on that occasion was Mr. Cornell, and during the course of his speech you, Sir, interjected, "I do not think the hon. member need waste any more time." I ask the House out of respect for the Standing Orders and for the precedent then established, that some other way out of the difficulty be found rather than by taking objection to a ruling with which I believe a majority of members who have read the opinions expressed by the then President (Sir Henry Briggs), Hon. W. Kingsmill, and Hon. M. L. Moss are in accord. We shall be treating our Standing Orders with scant consideration if your

decision is not upheld. If we are going to get out of the difficulty merely by adopting a motion to disagree with your ruling, it will be an extraordinary course to pursue and, besides being opposed to precedent, may be used to the detriment of the business of this House.

Hon. A. J. H. Saw: It is with considerable regret that I disagree with your ruling, Sir, but I do so on the ground that Standing Order No. 120 does not refer to such a case as has arisen in connection with this Bill. The Standing Order reads—

No question or amendment shall be proposed which is the same in substance as any question or amendment which during the same session has been resolved in the affirmative or negative,—

It is undoubted that this question was not resolved either in the affirmative or the negative—

unless the order, resolution or vote on such question or amendment has been rescinded.

There was no order, resolution, or vote of that kind, consequently the things to which Standing Order No. 120 relates do not apply in this case. One of the reasons you gave in announcing your ruling was really not pertinent to the case—that was regarding the intention of the Leader of the House when he moved the adjournment. Whether he moved the adjournment with a view to proroguing, or whether he had it in mind to bring in a Bill such as this, cannot affect the reasons which should sway your ruling. The Leader of the House at that time could not have been informed of the intention of the Government. The intention of the Government as we knew it was to adjourn and then prorogue, because they did not anticipate what has arisen. I submit that your ruling is wrong.

Hon. J. Cornell: I support your ruling, Sir, though I have nothing against the Bill. On such a highly technical point, however, it would have been infinitely wiser had you adopted the customary course and taken time, as a former President (Sir Henry Briggs) did, to consult authorities and refresh your mind regarding previous rulings. Had this been done, there would not have appeared on our minutes a ruling which might be twisted or distorted in future. All possible consideration was given to the ruling referred to by Mr. Kirwan. The usual adjournment was made, and Mr. Kirwan took great pains to convince the House that the precedent then being established was wrong. I have been struck with the attitude adopted then as compared with the attitude adopted to-day. It is true, as the Leader of the House stated, that Sir Henry Briggs intimated that he did not desire to accept the whole of the responsibility for such an important ruling. After that was quoted, you wisely fell in with it, but all that the Leader of the House has done so far amounts to practically nothing. He has not quoted a precedent or a solitary authority to substantiate a case against your ruling. Mr. Kirwan on the other hand

took infinite pains to do so. When the Leader of the House takes such a drastic step as to disagree with the President's ruling, surely he should be prepared to substantiate his case. You have wisely said that one of the motives prompting your decision was that the business of the session had to all intents and purposes been concluded. Had the old-time ceremony of gilt spurs, cocked hats, and cannon firing been adopted, the session would undoubtedly have been closed. The Government, however, adopted what has become the customary procedure for closing the session and apparently took the view that the Bill had been defeated. It is argued that this case is not comparable with the ruling given on the Esperance-Northwards Railway Bill. The second reading of that Bill was rejected on the voices, after which another Bill was brought down and the point was taken before the second reading. Now we are asked to brush aside that precedent. The question is whether the loss of the original Bill can be laid at the door of the Council. I do not know whether it can, but there is one thing that I am positive about, that it is being laid at the door of the Council. If the Legislative Council by its act so mutilates a Bill as to cause the rejection of that Bill, that mutilation necessarily amounts to a rejection. The question of urgency has arisen. I am surprised at the attitude taken by one hon. member who now has made his deathbed repentance, and who, though he lives in the city has put forth a plea for the man who does not.

Hon. A. J. H. Saw: The matter of urgency has been decided.

Hon. J. Cornell: Surely Dr. Saw will allow me to proceed in my own way, which is not to follow the tortuous method he often adopts. I am only endeavouring to illustrate the importance of the position. Because we have been called back to meet the convenience of the Government it is ridiculous for us to disagree with your ruling on the ground of urgency. I hardly feel disposed to vote on a question that may upset your ruling and create a precedent which would be founded mainly on ignorance. Another point I wish to stress is the migration policy. To think that a delay of 16 hours is going to injure that policy is absurd. I appeal to hon. members that if they arrive at a decision quickly they will be liable to lay themselves open to a charge of tying the hands of members in the future, and that they disagreed or supported a ruling before they had time to give it consideration.

The PRESIDENT: I will leave the Chair until 4.30 o'clock.

Sitting suspended from 4.5 to 4.30 p.m.

The President: Before proceeding any further, I should like once more to put my view of the case clearly before hon. members. In the first place, I was firmly of opinion that

after the conference the other evening the Bill was dropped. I am also of the opinion that Standing Order 120 does not deal with Bills. Clearly it deals with questions or amendments proposed. Therefore I had come to the conclusion to rule the Bill in order when it should appear on the Notice Paper. But after hearing Mr. Kirwan, the quotations he made, and the excellent way in which he put the position before us, I felt to a large extent influenced by him and more particularly by the opinions of those who have preceded me in the Chair, and who had a great deal of experience in these matters. In those circumstances, at this early period of my Presidency, I hardly liked to take the responsibility of differing from those of my predecessors who probably gave the matter more thought than I have given to it. I still maintain my ruling, but I must say that if the matter had been proceeded with under Standing Order 423, the whole difficulty might have been got over. The question now is that my ruling be disagreed with.

The Minister for Education: I am sure you, Sir, require no assurance from me that it was with the greatest diffidence I moved to disagree with your ruling, that I would not have done so had you not intimated that you were prepared to let the House decide the question. I would be the last member to suggest the setting aside of the Standing Orders. In disagreeing with your ruling we shall not be doing anything of that kind. It is perfectly clear that you are quite right in your opinion that Standing Order 120 has no reference to Bills. You simply gave your ruling because you felt bound by precedent. It is within the province of the House to say whether that precedent was right or wrong. Our Standing Orders are compiled in chapters, each chapter relating to a particular matter, item after item. Thus we come to petitions as the first business of Parliament, then questions seeking information, notices of motion, then motions and questions, amendments to motions and questions, and questions from the Chair. Here we find Standing Order 120 declares, "No question or amendment—" clearly relating to those questions and motions referred to in the preceding chapters. Chapter 10 shows the order of the business, and if we read Standing Order 122 it will be seen that a question may be superseded in certain circumstances, as a motion "that the Orders of the Day be now read"; clearly showing that those Standing Orders which I have passed over, including Standing Order 120, refer to routine of business prior to taking the Orders of the Day. Our Standing Orders proceed: Amendments to motions and questions, Previous Question, and Orders of the Day. In Chapter XIX, we have a chapter devoted to the procedure on public Bills, which includes all procedure on public Bills. Therefore I say your first contention was absolutely right and that in overruling your ruling we shall be really endorsing your own opinion. I can quote one very brief authority on this ques-

tion. This is from "May," 12th Edition, pp. 274-5:—

A method of procedure, moreover, has been adopted, with the sanction of both Houses, by which these rules are partially disregarded. When the Lords, out of regard for the privileges of the Commons, defer the consideration of the amendments made by the committee on a Bill received from the Commons, for a period beyond the probable duration of the session, if such amendments be otherwise acceptable to them, the Commons appoint a committee to inspect the Lords' Journals, and, on receiving their report, which explains the position of the Bill in the Lords, order another Bill to be brought in. This Bill often has precisely the same title, but its provisions are altered so as to conform to the amendments made in the Lords. In this form it is sent to the Lords, received by them without any objection and passed. Such a Bill is not identically the same as that which preceded it; but it is impossible to deny that it is "of the same argument and matter" and "of the same substance." This proceeding can be resorted to when the Lords pass a Bill and send it down to the Commons, with clauses that trench upon their privileges. The Commons can lay the Bill aside, and order another, precisely similar, to be brought in, which, in due course, is sent up to the Lords. A proceeding somewhat similar may arise, when a Bill is returned from the Lords to the Commons with amendments which the Commons cannot entertain consistently with their own privileges. In that case, if the Commons be willing to adopt the amendments, they can order the Bill to be laid aside and another to be brought in.

That is the method we are entitled to follow in regard to public Bills. But the motion before the House really turns on the question whether Standing Order 120 applies to Bills. You, Sir, have expressed the opinion that it does not, and I cannot see how your opinion can be differed from in that respect. When it comes to upholding the ruling of your predecessors it is a different matter.

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

Ayes	16
Noes	7
Majority for	9

AYES.

Hon. F. A. Baglin	Hon. G. W. Miles
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. A. Burvill	Hon. G. Potter
Hon. H. P. Colebatch	Hon. E. Rose
Hon. J. E. Dodd	Hon. H. Seddon
Hon. J. Duffell	Hon. F. E. S. Willmott
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. J. W. Hickey	(Teller.)
Hon. R. J. Lynn	

NOES.

Hon. R. G. Ardagh	Hon. A. Lovelock
Hon. V. Hamersley	Hon. J. M. Macfarlane
Hon. E. H. Harris	Hon. J. Carnell
Hon. J. W. Kirwan	(Teller.)

Question thus passed.

The PRESIDENT: I take it now that the decision arrived at does away entirely with the former ruling, and that those have been quoted are not to be taken as a precedent. Also I understand it to mean that Standing Order 120 in no way applies to the Bill.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.41] in moving the second reading said: A Bill of a somewhat similar character providing for the construction of a railway from Jarnadup to Denmark was introduced earlier in the session. It was amended in this House so as to authorise only the construction of two sections of that railway, one from Jarnadup northward, and the other from Denmark westward. That Bill did not pass. An amendment was inserted in this place providing that the railway should be constructed exclusively by contract. In another place that amendment was modified, and a conference subsequently held resulted in a failure to agree. This Bill is now presented, and it is the intention of the Government to present another Bill covering the section from Jarnadup southward. The two Bills combined will have practically the same effect as the one Bill as amended by the Council. In each case the distance of the line is that which this House desired to authorise. It should not be necessary for me to tell the House that the somewhat unusual course of asking members to meet again after they thought that the business of the session was over would not have been taken had it not been that the Government regarded this matter as of vital importance. I do not intend to deal at any length with the question, because I suppose the majority of members are seized with the importance, from the State point of view, of the migration policy which has been initiated. The Premier takes the view, and has the strongest reason for taking it, that that policy cannot be carried out unless he is allowed to see ahead, and is permitted to make his plans and arrangements straight away. It is not contemplated, as the Estimates show, to spend any considerable amount of money on the railway during the present financial year. The sum of £5,000 is provided. That will be sufficient to make the preliminary arrangements prior to the calling of tenders. Hon. members will see from the map that a large number of blocks have been surveyed and prepared in readiness for settlement. The settlement of these blocks cannot proceed unless the Government have authority to construct this line. If we are debarred from settling these blocks, it is certain that our immigration policy cannot

go forward. Regarding the matter on which there was a disagreement between the two Houses, and which the conference of managers was unable to reconcile, I would say that the Premier in another place, and publicly through the Press, has given a positive assurance that tenders will be invited for these two lines, and that a contract will be let if any suitable tender is received. The Government have no wish whatever to proceed with the construction of this railway by departmental day labour. They infinitely prefer to do so by the contract system. The Premier has pledged himself and the Government that tenders will be invited, and if any satisfactory tender is received that tender will be accepted.

Hon. G. W. Miles: Does that bind any future Government?

The MINISTER FOR EDUCATION: I take it that any future Government will be created by the voice of the people of the State. They will be bound by their platform pledges on which the people will return them. Apart from that, however, I do not think it can ever be said that one Government has failed to keep the pledges of another. I admit the possibility at some future time of a Government being returned by the electors upon a certain plank. If the party so pledged is elected by the people I do not see what right we would have to prevent it from putting its planks into operation. This Government, however, is definitely pledged, and I take it any succeeding Government would also be pledged in this way unless returned by the people after pledging themselves in a contrary direction. This House has not failed in the object of its desires, and members are not being asked to reverse the decision they have previously arrived at. I do not say I agree with all that has been said; in fact I disagree with a great deal of what was said. Members have voiced their sentiments against departmental day labour. They have now by their action secured a positive pledge from the Government in this direction. I trust they will deem that pledge satisfactory. I move—

That the Bill be now read a second time.

Hon. J. CORNELL (South) [4.53]: I cannot allow this Bill to go through without a few remarks. I am not going to say anything about the procedure that has been adopted—that has been disposed of. In the original Bill, over which a deadlock occurred, I voted against a clause which ended in the Bill being laid aside. All that has been said regarding the action of this House being the means by which the Premier's policy of immigration would be thwarted, is consistent to a large degree with previous actions taken by it on questions of policy. I fail to see why the leading newspaper, the progenitor of the existing Government, should cavil to-day at a decision arrived at by this House, when it failed to cavil in years gone by. I have had an intimate ac-

quaintance with the actions of this Chamber on questions of Government policy. The Press and the individuals who support the Premier have nothing to complain about if they make a retrospect of the past. It is only right I should endeavour to acquaint the public with the true position, as well as inform the sponsors and guardians of the Government policy as to the rights and privileges of this House. I am prepared to vote to-morrow for the abolition of the Council, and to work in any direction for its reform. I cannot see the necessity for maintaining two Houses of Parliament unless both are elected on the age qualification. Members should not be returned to this Chamber on the property vote basis, but on the age vote basis.

Hon. A. Lovekin: Make the age 60.

Hon. J. CORNELL: I would make it 80, which would mean that there would be no electors. It is all very well for the Press to complain about the Legislative Council. I supported a Government for nearly five years, which was returned with 34 direct supporters and had a strong mandate from the country. Few Governments could boast of such strong support as they had. I will show what treatment that Government received at the hands of this House. In 1911 there was a short session. As part of the Government policy an Industrial, Conciliation and Arbitration Act Amendment Bill was introduced. That was lost through a disagreement in conference over the inclusion of domestic servants and on the question of the President of the Arbitration Court being a layman. During that session the Government also introduced the Norseman-Esperance Railway Bill. This Bill was of vital importance to a section of the people. It was a standing disgrace to Parliament that the railway had not been constructed 20 years before. That measure was also rejected by this House. In 1912 the Industrial Arbitration Bill also went to a conference, and the managers of another place had to give way on the question of domestic servants and a lay president of the Arbitration Court. The Land Act Amendment Bill, an integral part of the policy of the Government, the Land and Income Tax Bill, the Mines Regulation Act Amendment Bill, the Norseman-Esperance Railway Bill, the Public Works Committee Bill, the rights in Water and Irrigation Bill, the State Hotels Bill, the Timber Lines Traffic Bill and the University Lands Bill were all rejected by this House. In all 13 Bills, all forming part of the policy of the Government, which was returned in such strength by the electors of the State, were rejected by the Council. In 1913 the Esperance-Northwards Railway Bill was rejected, the Factories Act Amendment Bill, and the Initiative and Referendum Bill were also rejected. The Mines Regulation Bill, which every mining member and follower of the Government was pre-

pared to pass, was so emasculated by this House that the Assembly had nothing to do but reject it. During that session 13 Government measures were rejected by the House. In 1914 three Bills were rejected by this Chamber. One was the Income Tax (War Emergency) Bill. If ever it was necessary to impose taxation it was then, but permission was refused to the Government to increase taxation even during wartime. In 1914-15 another attempt was made by that Government at the proper juncture to impose an entertainment tax in order that the finances of the State might be squared somewhat, in conformity with the heavy calls upon the Government consequent upon the war. I remember the President of that day likening the galleries of this House to a new Jerusalem. The people filled the galleries to see the Legislative Council throw out financial measures of such importance to the Government. The step taken by the Council at that time was far more important to the State than the step recently taken in connection with the Jarnadup-Denmark Railway Bill. In 1915-16 three Government measures were rejected. During the term of the Scaddan Government, 36 of the measures were either rejected by this House or so mutilated as to render them unacceptable to any self-respecting member of another place. Half of these Bills could be construed into matters of Government policy far more readily than the Jarnadup-Denmark Railway Bill could be construed into forming part of the immigration policy.

Hon. R. J. Lynn: Quite a number of those Bills were the same.

Hon. J. CORNELL: Yes, and embodying the same principles. To the everlasting discredit of this House it did not allow the Scaddan Government, in four and a half years of office, one iota of taxation more than existed at the time they assumed office. Throughout that period the colossus, from which we are supposed to take our inspiration in politics, was as silent as the tomb. The moment we in this House recently endeavoured to pursue the same policy without discrimination, the organ to which I refer got up in arms, and compared us to a house of dodgery. Let us see how this Chamber has treated the National Government during the last six or seven sessions. In 1916-17 and in 1917 the Council did not reject a Bill. In 1917-18 it rejected the Grain Elevators Bill.

Hon. V. Hamersley: Are we not dealing with a railway Bill?

The PRESIDENT: I was just going to ask the hon. member how he was going to connect his remarks with this Bill.

Hon. J. CORNELL: I propose to do so by showing that this House has acted in a manner derogatory to the policy of the Government.

The PRESIDENT: We are discussing the question whether this line should be built or not.

Hon. J. CORNELL: We are all agreed upon that. I hope it will be built. When circumstances arise and confuse a question like this, the ordinary common sense, quite apart from the honour of members of this Chamber, is impugned by the newspaper which claims to lead political thought.

Hon. G. W. Miles: It was a deliberate attempt to misrepresent the position.

Hon. J. CORNELL: The only trouble is that the occasions on which this House has been consistent in its consistency, have not been so numerous.

The PRESIDENT: The hon. member is quite in order in proceeding along those lines.

Hon. J. CORNELL: In the session of 1917-18 there was a Grain Elevators Bill rejected. In 1918 the Government Railways Act Amendment Bill, providing for three Commissioners, was rejected. In 1919 the Constitution Act Amendment Bill was lost because there was not the necessary constitutional majority. Mr. Baxter was a Minister in 1920 and he will remember the way in which the two Grain Bills were thrown aside, and rightly so, at an early hour in the morning. In 1921 the Closer Settlement Bill was referred to a select committee, the Grain Bill was laid aside, the Prices Regulation Act Amendment Bill, which was a small measure dealing with one or two articles, was rejected on the second reading and the Public Works Committee Bill was also rejected. This session the Closer Settlement Bill, the Hospitals Bill and the Jarnadup-Denmark Railway Bill have been rejected.

The Minister for Education: And the Arbitration Act Amendment Bill too.

Hon. J. CORNELL: Yes, that is another. For a period of nine years we find that the Council rejected 13 Bills presented by the Liberal and National Governments as compared with 36 Bills thrown out when the Labour Government were in office. By the greatest stretch of imagination, only three of those presented by the Liberal or National Governments can be construed as involving a question of policy. This House is constituted on the basis of a certain franchise and when an hon. member comes here, he can vote as he likes.

Member: Cannot any member in the other House do so?

Hon. J. CORNELL: He can pursue whatever course he chooses and the newspapers, which pose as the leaders of political thought, should endeavour to get back to some semblance of that fairness that characterised the Press in the early days of my youth. To-day we have organs which pose as king-makers or king-finders, and can see no wrong in the action of those people, yet they lay charges against this House without taking into consideration the consistency of our actions during past years. I support the second reading of the Bill.

Hon. G. W. MILES (North) [5.4]: I support the second reading of the Bill with

the greatest pleasure, and I am glad that we have got out of our little difficulty. I have been a consistent supporter of the South-West development scheme and consequently supported the original Bill. I was one of those who fought to have the Bill carried as it was originally presented to us. I was the member responsible for the amendment which resulted in the conference with another place. I was not in the House when the Assembly's amendment was returned to us, but had I been here I would have supported the adoption of the amendment as it came from the Lower House. I think we achieved what we sought to secure when we got another House to recognise that tenders should be called for the construction of the line, before it was gone on with. I take strong exception to the disclosures made regarding the conference and the interpretation put upon those disclosures. I am told that these conferences are confidential, yet one of the members who attended the conference from another place stated—

There was a possibility of coming to an agreement, but only by placing the Government in a position which would make them ridiculous in the eyes of all the people of Australia. That being the case, we felt it would be far better that the Legislative Council should take the responsibility on their own shoulders.

That hon. member did not go far enough when he referred to what took place at the conference. He did not say enough, but said sufficient to allow the Press of the metropolitan area to be misled and enable them to criticise and ridicule us in the eyes of the public. I do not know whether I am in order or not, but I will leave it to you, Mr. President, to say whether I am right in divulging what took place at the conference.

The PRESIDENT: I do not think you would be in order.

The Minister for Education: Conferences would be impossible if such things went on.

Hon. G. W. MILES: In future, if such conferences are to be held, it would be better to throw them open to the Press rather than that one of those participating in the conference should divulge part of what took place. I say emphatically that that hon. member misled the people when he made that statement, thus enabling the Press to misrepresent the position. Notwithstanding what has happened, and that these conferences should be secret, I claim that, in justice to the Council, a full statement as to what happened should be made public and we would be justified in carrying a motion to that effect.

Member: You could not do it.

The Minister for Education: No member would serve on a conference in future.

The PRESIDENT: It is a most unusual thing to disclose what takes place at such conferences.

Hon. G. W. MILES: The position has been misrepresented throughout the State. I had

better say no more, or I may say too much. The Press had no business to make such complaints against the Council. It was an attempt to belittle the Council in the eyes of the people. I am proud of any vote I have cast in this House, and if any member permits himself to be intimidated by statements appearing in the Press, he is not fit to represent any section of the citizens.

The PRESIDENT: I think the hon. member has quite justified the attitude he has taken up.

Hon. G. W. MILES: I will not proceed any further. I support the second reading of the Bill.

Hon. J. E. DODD (South) [5.8]: I do not wish to prolong the discussion on the Bill. I support the second reading and support the Government in the development of the South-West. If any hon. member wishes to bring in a Government pledged to the day labour system, all he has to do is to have a clause inserted in the Bill stipulating that the contract system must be adhered to—and go to the country. If that were done, what would be the result? We would have a Government returned to power who were in favour of the day labour system. I am glad to see that no such stipulation is likely to be made in the Bill. Ample argument could be furnished to confound critics who are continually referring to the Council "running amok," simply because a few measures have been thrown out. It is all very well to talk of the Council doing that, when only a few years ago, at a time when the Labour Government were in power and Bills were thrown out by the score, this Chamber was referred to as the "bulwark of the Constitution." I protest against this sort of thing. Although I am opposed to those who sought to make a stipulation in the Bill regarding the contract system, I think it is only right that I should mention this aspect. I hope the Bill will be agreed to and that no attempt will be made to insert any stipulation that will confine the Government to the contract system. If the Government can build the line cheaper by contract, let them do so. I do not think it could be constructed cheaper or more efficiently by contract than by day labour, and we should not tie the Government down as was suggested by this Chamber.

Hon. A. LOVEKIN (Metropolitan) [5.11]: I am told that, as one who took an active part in connection with the disposal of the original Bill, I should say a few words regarding this measure. The objective which the majority of this House had was to see that a work of such magnitude about to be constructed at the inception of a new scheme, was dealt with on proper lines. We contended that an opportunity should be given for competitive tenders to be called for the work, and we proposed to insert a clause ensuring that that would be so. The Assembly struck out the part of the clause dealing with con-

tracts, which we insisted upon, and provided that tenders should be called. To my mind, that meant nothing more than an advertisement in the newspapers calling for tenders and then the Government could go on by day work or accept a contract, as they pleased. A deadlock followed and we held a conference. We could not reach an agreement because the managers from this Chamber could not achieve the objective this House had in view, which was that tenders should be called for the construction of the line and that if a satisfactory tender were submitted, it should be accepted. In consequence, the original Bill lapsed. To-day we have another Bill presented to us, and from my point of view, as one of those who was strongly in favour of the insertion of the clause to which exception was taken, we have achieved all we set out to secure. We have a clear, unmistakable and unequivocal declaration on the part of the Government that tenders will be called for this railway and that if a satisfactory tender is received, the work will be done by contract. We want nothing more. Notwithstanding what has passed, the Government have yielded to the view of this Chamber. It is suggested in some quarters that we should insist on inserting a clause in the Bill to cover the point. I am not one of those willing to get up and box a man and when I have got him down to jump on him and endeavour to humiliate him further. It is sufficient for my purposes that I have knocked the other man out.

Hon. A. J. H. Saw: In this case, you reckon you have won the dog fight.

Hon. A. LOVEKIN: That is so. Having accomplished what we set out to achieve, I am thoroughly satisfied and I see no good purpose to be served in proceeding further. Regarding the conference with another place, these discussions are known as "free conferences" as distinguished from the older form of discussion conducted by means of messages. It is laid down in all the books and by all works on practice that they must be secret, because the managers who go to the conferences are supposed to put all their cards on the table and have an absolutely free interchange of opinions and views.

Hon. J. Nicholson: They are round table conferences.

Hon. A. LOVEKIN: If one of the managers is to be allowed to say what took place, we will get nowhere, no agreement will be arrived at and, as the Minister pointed out, no one could be got to sit in conference.

The Minister for Education: It would always be open to misrepresentation.

Hon. A. LOVEKIN: Yes. Obviously, one must be free and untrammelled in order to try to win the other side to one's views.

Hon. C. F. Baxter: What about that report in the "West Australian?"

Hon. A. LOVEKIN: A newspaper naturally gets hold of what it can, and from the best sources available. As one who has had

something to do with newspapers, I am sorry to say that they are not always correct. I wish they were. Sometimes newspapers make mistakes for which they have to pay very dearly. I regret that in connection with conferences one is subject to the kind of misrepresentation which has been put about. What has gone forth as to the last conference does not represent the true state of affairs. However, it would be a sorry day if anyone were to get up and contradict the report to which I refer, and attempt to set up what was a true version. Somebody else on the other side would then get up and put forward another version, and there would be no end to it. Being satisfied that the Council has achieved its purpose, I have no further objection to the Bill, and support the second reading.

Hon. J. W. KIRWAN (South) [5.18]: The last speaker was the roaring lion of this House last week. To-day the hon. member is cooing as softly as a turtle dove. He is now quite satisfied with the assurances of the Government. He is perfectly convinced that the Council has had its way. I do not know that I feel as strongly as Mr. Lovekin on the matter to which he referred, but I personally should require something more satisfactory than a simple statement that the Government will do a certain thing instead of doing something else. I cannot regard such a statement as satisfactory. Of course it all hinges on what the Government regards as satisfactory in the matter of tenders. If Mr. Lovekin had had as much to do with the present Government as I have had, he probably would not place so much reliance upon their assurances. However, with regard to the attitude of the Council to-day, whatever charges may be brought against this House, it cannot be accused of not being susceptible to outside influences. I must say that this Council very readily responds—I do not say that this is not right—to public opinion, at any rate when public opinion is expressed in certain quarters. If any evidence were necessary as to the truth of that statement, it is provided by the Council's attitude towards the present Bill, particularly in the matter of the omission of the clause on which several members feel much more strongly than I do. However, there is one point on which I should like the Minister to make a statement when he is replying. Certain reports have been current—I do not know whether they are true or not: I hope they are not true—that the Government have been going on with certain work in connection with the Jarnadup-Denmark railway. In the very small hours of Friday morning, when the House was getting utterly jaded, a Loan Bill was brought before us. Although we were all anxious to get through the work, I could not refrain, even at the risk of irritating hon. members, from asking the Minister on that item of the Loan Estimates which referred to the construction of the Jarnadup-Denmark railway whether or not any work had been done on that project. The Minister was not

in a position to give me a definite reply. He said, "I do not think so." In view of certain other actions on the part of the Government—actions which are well known to hon. members, actions which would lead one to believe that it is utterly useless to carry on a Parliament and that we might as well establish a Ministerial dictatorship straight-away—I would like a clear, definite, and distinct explanation from the Minister as to whether or not any work has been done on the railway. Before sitting down I desire to refer to certain comments which, arising out of this Bill, have been made concerning the Legislative Council. I have never been a stickler for the bi-cameral system of legislation as a part of a Federal system of government. I have not been frightened, as some members have been, by the prospect of a single Chamber, because we know that under Federations in other parts of the world those dire results have not flowed from the adoption of the single Chamber system which we have been told would result from it in Australia. It is true that I have always favoured something in the nature of a safeguard. We might have a safeguard as in Canada, where the provincial legislature is subject to the veto of the Dominion Parliament, or as in Switzerland, where the legislature is subject to a safeguard that is the most democratic safeguard in appearance, though the most conservative safeguard in actual practice—namely, the referendum. I say this because my opinions on the question of the bi-cameral system are exactly what they were when I entered this Chamber. But so long as this Chamber exists, I do think that we ought to act in accordance with what each of us thinks to be right, and that those who criticise us should at any rate give the House credit for good intentions, and criticise us on a basis which rests on fact. This House has been accused of running amok. I ask, if the Government in power are pursuing a financial rake's progress, and if one House urges the Government forward on its financial rake's progress, but another House says, "No, we ought to go slow," which of the two Houses might be said to be running amok? If one House allows the Government to pile up a deficit of over six millions and says to the Government, "Go on piling up," and another House says, "No, try and straighten the finances," which of the two Houses might rightly be accused of running amok? If one House allows the piling up of a debt which, when the sums recently authorised have been spent, will amount to the alarming total of £140 or £150 per head, and if that House says, "Go on increasing the debt," while the other House says, "It is time for us to pause and consider," which of the two Houses can be accused of running amok? If one House wants to pile on the burden of taxation and passes a Hospitals Bill to put a tax even on the unfortunate messenger boy drawing £1 per week, while the other House says, "Let us pause in this financial orgy, let

us not overburden the people, let us look around and endeavour to conserve all the avenues of taxation until a Government come into power for the purpose of strengthening the finances," which of those two Houses would it be just to accuse of running amok? It is from those aspects that I say the criticism of this House has not been just. Another House passed a Bill to saddle this country with an Arbitration Court president for life. Both Houses and the country agreed that the arbitration law ought to be amended. The other House says, "Let us start the process of amendment by saddling the arbitration system with a president for life." But this House says, "No, let us pause before appointing a president for life, let us first appoint a Royal Commission to inquire into and revise the whole system of our arbitration law." In such circumstances, which of the two Houses can be accused of running amok? The term "running amok," whatever one may think of it, is certainly as applied to this House a terminological absurdity. It is, to use the expressive though perhaps not choice language of Dr. Saw, utter piffle. The Bill before us has already been carried by this House. A majority of the House favour it, and I certainly am not going to oppose it.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.26]: I wish to assure Mr. Kirwan that, so far as I know, no work has been done in connection with this railway, excepting of course the surveys and all sorts of things of that kind, being work that is necessary as a preliminary to the calling of tenders for the construction of the line.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and passed.

BILL—BRIDGETOWN-JARNADUP RAILWAY EXTENSION.

All Stages.

Received from the Assembly and read a first time.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.32]: I move—

That the Bill be now read a second time.

Hon. A. LOVEKIN (Metropolitan) [5.33]: I rise to ask whether we have the same assurance in respect of this Bill as we had with the last, namely that the line shall be constructed by contract if a satisfactory tender be obtained.

The Minister for Education: Unquestionably. What I said in respect of the earlier Bill applies to both.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Read a third time and passed.

ADJOURNMENT—CLOSE OF SESSION.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.35]: I move—

That the House at its rising adjourn until Thursday, 1st March.

I wish again to express my regret at the necessity for asking members to return to-day, and I trust that their well-earned leisure will not again be interrupted. It has been said that "Occasion smiles upon a second leave," and I trust that will be so in this case.

Question put and passed.

House adjourned at 5.36 p.m.

Legislative Assembly,

Thursday, 8th February, 1923.

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The SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (3)—RAILWAYS.

Locomotive Staff's Hours.

Mr. MARSHALL (for Mr. Willcock) asked the Minister for Railways: 1, Does the

agreement under which the loco. enginemen are working provide that as far as practicable shifts shall not exceed eight hours? 2, On how many occasions during the month of December were shifts in excess of eight hours worked by loco. enginemen? 3, What was the total cost during December, 1922, to the department of (a) penalty rate paid for hours worked in excess of 10 hours, (b) penalty rates for hours worked in excess of 48 per week? 4, What were the total numbers of hours occupied in cleaning locomotives in December, 1921, and December, 1922? 5, What were the numbers of hours occupied in running locomotives during the same periods?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, 8,257. (This includes both drivers and firemen.) 3, (a) £70 19s. 3d. (b) £74 7s. 7d. 4, 1921—18,274 hours (approximately). 1922—17,445 hours (approximately). 5, 1921—126,856 hours. 1922—123,644 hours.

Overhead Bridge, Claisebrook-road.

Mr. CORBOY (for Mr. Hughes) asked the Minister for Railways: 1, Is it the intention of the Government to construct an overhead bridge over the railway crossing at Claisebrook-road, East Perth? 2, If so, will the necessary funds be provided on the next Estimates?

The MINISTER FOR RAILWAYS replied: 1, Not until many works of greater importance have been dealt with. 2, No provision is included in the Loan Estimates.

Brookton-Armadale Project.

Hon. F. T. BROWN asked the Premier: 1, Has he taken into consideration the fact that a railway from Brookton to Armadale will serve all present requirements west of the Great Southern between Brookton and Narrogin? 2, In view of lack of authentic information and the strong opposition to the Dwarda-Narrogin extension, will he instruct the Railway Advisory Board to report upon the proposed Dwarda extension and consider same before proceeding with the work? 3, Would it not be more profitable to the State for the Government to construct a similar distance of railway from Brookton through the fertile Dale district with a view to continuing the line to Armadale at some future date?

The PREMIER replied: 1, I have taken into consideration the construction of a railway from Brookton to Armadale, but not as the line best suited to serve all requirements of the Great Southern between Brookton and Narrogin. 2, We have full reports. 3, The proposed Brookton-Dale railway will serve a long settled and fertile district. I agree that this section should be constructed.