

70 degrees. The temperature of the water supplied from the mains is 90 degrees. It will be seen therefore that water from the mains is of no use for my business.

Hon. C. F. Baxter: Moreover, you require clean water and you cannot get that in summer.

Hon. J. M. MACFARLANE: Yes, we get it by filtration. Until to-day I was under the impression that the charge for water for domestic purposes was 1s. per thousand gallons.

Hon. A. Lovekin: That is in the new regulations.

Hon. J. M. MACFARLANE: To-day I received an excess water rate notice which reads—

15th June, 1923. Meter registration notice No. 13080. 12,400 gallons: 6,200 gallons at 1s. 6d.—9s. 4d.; 6,200 gallons at 1s. 3d.—7s. 9d.

It will be seen, therefore, that the resolution passed by this House last session has not been given effect to in respect of water used for domestic purposes. In my case the rate was paid in time to secure the rebate of 3d. The Minister should have a word with the department and ask why it is that rate notices are still going out in this manner. If Parliament passes a resolution, we expect that it shall be given effect to. I support the motion.

On motion by Hon. A. Lovekin, debate adjourned.

BILL—ELECTRIC LIGHT AND POWER. AGREEMENT AMENDMENT.

Read a third time and passed.

House adjourned at 6 p.m.

Legislative Assembly.

Thursday, 4th October, 1923.

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

QUESTION—SOLDIER SETTLEMENT.

Commission's Report, Assembly's Resolution.

Mr. WILSON asked the Premier: 1, As this House, on the 26th September last, adopted the recommendations of the Royal Commission on Repatriated Soldiers of the A.I.F. under the Discharged Soldiers' Settlement Act, 1918, is it the intention of the Government to give early effect to them? 2, If the answer is in the negative, do the Government intend to allow the present Soldier Settlement Board to sit in judgment on the errors they committed in permitting such heavy costs in regard to clearing and purchase of some estates, or do the Government intend to appoint a new board to specialise in these cases? 3, As regards the reference made by the Premier on the adoption of the report by the House, "It is not worth the paper it is written on," will he explain to the House what he meant?

The PREMIER replied: 1, Yes. 2, The blame for the heavy clearing cost of the land referred to, on which a total of £39,152 was expended to provide employment for out of work returned soldiers, cannot be attached to the Board. The purchase of estates was satisfactory except in a very few instances. 3, I withdraw the words "It is not worth the paper it is written on," and say that the report is worth the paper it is written on.

QUESTION—NORTH-WEST, EXPENDITURE.

Public Works and Road Board Subsidies.

Mr. DURACK asked the Minister for Works: 1, What amount of money has been expended by the Public Works Department out of Revenue and Loan Account, respectively, in connection with the North-West during each of the years 1919, 1920, and 1921, being the three years prior to the North-West Department taking over? 2, What was the amount of subsidy provided by the Minister for the various road boards throughout the North-West for the years 1919, 1920, and 1921?

The MINISTER FOR WORKS replied: The information required by the hon. member is contained in the following return:—

Expenditure by Public Works Department on Works in the North-West for three years ending 30th June, 1923, and Subsidies to Road Boards, North-West, for the same period.

	1918-19.			1919-20.			1920-21.			(Grand Totals, Three Years.)		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
General Fund	75,134	1	2	141,304	1	3	11,605	18	0	228,134	0	5
Loan	...	...	...	...	...	...	...	...	...	...	...	...
Govt. Property	105	0	6	9,003	5	2	1,350	9	7	10,459	1	3
Trust	...	...	...	...	...	...	...	...	...	...	...	...
Revenue	16,149	15	4	20,559	9	0	15,040	7	7	51,758	12	8
Total, Three years	91,389	3	0	170,956	10	2	28,005	15	2	290,351	14	4
Subsidy to Road Boards	...	...	...	1,904	0	0	2,120	0	0	6,000	0	0

(Amounts included also in Revenue figures.)

(Amounts included also in Revenue figures.)

QUESTION—VETERINARY SURGEONS ACT.

Prosecution of H. M. Fay.

Mr. MARSHALL asked the Minister for Agriculture: 1, Was the prosecution of H. M. Fay at Merredin last month for breaches of the Veterinary Surgeons Act instituted by the Veterinary Surgeons' Board? 2, Will he have the minutes of the meetings of the Veterinary Surgeons' Board held in 1922 and 1923 respectively (two in all) laid on the Table of the House? 3, If not, for what reason or reasons?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, I do not see any reason why these minutes should be laid on the Table of the House, but, if the hon. member desires, they will be made available for his perusal at the department. 3, Answered by No. 2.

LEAVE OF ABSENCE.

On motion by Mr. Mullany, two months' leave of absence granted to Mr. J. MacCallum Smith (North Perth) on the ground of urgent private business.

MOTION—REDISTRIBUTION OF SEATS BILL.

Reconsideration of Commission's Report.

Hon. P. COLLIER (Boulder) [4.37]: I move—

That the action of the Government in referring the Redistribution of Seats Bill to

the Commission appointed under the Electoral Districts Act, 1922, and re-appointed by Letters Patent to reconsider and modify their report in the light of the debates in this House, is contrary to the law embodied in the Electoral Districts Act, 1922, and, further, is an infringement of the rights and privileges of Parliament as defined by the Constitution Act and the Letters Patent constituting the office of Governor of the State of Western Australia.

I regret that the need should have arisen for this motion. The action of the Executive Council, however, in referring back to the Commissioners the Redistribution of Seats Bill, in my opinion constitutes such a serious breach of the privileges of this House that the matter should not be allowed to pass without action. When the Premier was replying to the debate on the second reading of the Bill he said it was his intention, when the Bill went into Committee, to submit a motion to refer it back to the Commissioners. That is what I understood from the Premier's statement.

The Premier: No!

Hon. P. COLLIER: I believe that is how the news was gathered by the House at the time the Premier spoke. I felt then, as I feel now, that the Government had no power to refer the Bill back, either by action in this House or by Executive act. It would appear that the Government found there was no power in the Electoral Districts Act to submit a motion when in Committee, or to return the Bill to the Commissioners for their further consideration, and therefore decided to take some other course of action. A perusal of the Electoral Districts Act of last year makes it clear that there is no power for this House to refer the Bill back to the Commission.

Mr. Underwood: There is nothing in it to say this cannot be done.

Hon. P. COLLIER: Yes. An Act of Parliament says what may be done, and not what may not be done. There is no specific power in the Act saying that the matter can be referred back. If that is so it stands to reason that the matter could not be referred back by Executive act. It cannot be contended that Executive power transcends in any way the power of this House. If there is no opening in the Act for the reference back to the Commissioners, the Government had no power to take the action they did of dealing with the matter by Executive Council, and thus referring it back to the Commission. Last year's Act says what the Commissioners may do and how this may be done, that the report shall be presented to Parliament if sitting, and, if not, presented when Parliament meets. It also says that if the report and the recommendations be adopted by Parliament it becomes an Act. Having dealt with the matter, and having made their report to Parliament, it is quite clear that the Commissioners have now ceased to exist. The Commission is in fact defunct. Its official functions ceased the moment the report was presented to Parliament. There is not one line in the Electoral

Districts Act of last year that provides an opportunity for the reference of the matter back to the Commissioners. If it had been the intention of the framers of the Act of last year that this opportunity should be given, it would have been an easy matter for them to have said so, such as has been done in the case of the Commonwealth Electoral Act.

Mr. Underwood: It is a matter of the Constitution.

Hon. P. COLLIER: The question of arranging the boundaries of Electoral districts in this State is governed by the Electoral Act, and not by the Constitution.

Mr. Underwood: Your reference to the Commonwealth Act has nothing to do with our constitution.

Hon. P. COLLIER: I am dealing with the Commonwealth Electoral Act of last year and our Act of last year. There is special provision in the Commonwealth Electoral Act for a reference back to the Commissioners. It is very significant that our Act is drawn on lines almost identical with those of the Commonwealth Act. One may assume that our Parliamentary draftsman had before him the Commonwealth Act when ours of last year was drafted. When we find that the special provision I referred to in the Commonwealth Act does not exist in ours we can only come to the conclusion that it was deliberately omitted.

Mr. Underwood: Our constitution is different.

Hon. P. COLLIER: I am dealing with the Electoral Act, and not the constitution. The provision was omitted from our Act, and apparently it was not the intention of the framers that it should contain any power to refer back to the Commissioners. The Electoral Districts Act of last year is drawn in such a way that it is clear the intention was that the Commission, after preparing the boundaries and reporting to Parliament, should cease to exist. If that were not so, provision would have been made for a reference of the matter back to the Commission, as is done in the Federal legislation. I refer hon. members to Sections 8, 9 and 10 of our Act of last year. They are the only sections pertinent to the issue, and may be regarded as the machinery clauses. If hon. members peruse those sections carefully, they will see that there is not a phrase contained therein which can be taken as justifying the Government in referring the Bill back to the Commissioners for further consideration. If there is any such reference, I shall be glad to hear of it. Our Act follows closely upon the provisions of the Commonwealth legislation. Many of the clauses are line for line and word for word. In Section 24 of the Commonwealth Electoral Act the following appears:—

If either House of Parliament passes a resolution disapproving of any proposed distribution, or negatives a motion for the approval of any proposed distribution, the Minister may direct the Distribution Commissioners to propose a fresh distribution of the State into divisions.

In practice the Commonwealth Parliament has referred boundaries back to the Commissioners for further consideration. That has been done within the law, because there is special provision to enable Parliament to do so. In this State, however, the Government have taken the matter in hand and dealt with it as an executive act, and have made use of Letters Patent to the Governor in order to refer the matter back to the Commissioners. In doing so, the Government acted contrary to the law. The Executive of the State are not law makers. We cannot be too clear upon that point. The Constitution provides that our laws shall be made in a certain way. Bills have to be introduced and passed by both Houses of Parliament. After assent has been given to them by the Governor, they become law. That has been in accordance with the British Constitution and the Constitutions of the various Dominions for many generations past. It was in the time of the Stuarts that legislation by the Executive was prohibited, and that has been the rule ever since. If for one moment we were to admit the right of the Executive to insert, in effect, sections in Acts of Parliament, in order to secure their own way, it would mean that whole Acts of Parliament could be passed or made by the Executive Council, without reference to us. It is strictly the function of Parliament to make the laws and the function of the Executive to administer them. In this instance the Government have adopted a course for which the law does not provide. On the contrary, the Constitution strictly prohibits it. There are any number of precedents which define the functions of Government. Embodied in our book of Standing Orders, hon. members will see particulars of the "Letters Patent Constituting the Office of Governor of Western Australia, and its Dependencies, in the Commonwealth of Australia." Instructions are given to the Governor and if hon. members will peruse the Letters Patent, they will see that he is strictly enjoined throughout to act within the law. That is an attitude that has been maintained strongly by the Home authorities even since we have had constitutional government in any State of the Commonwealth. The point I make in this instance is that the Government have not acted within the law, but contrary to it. They have acted illegally. The Premier will admit, on further consideration, that the point I make is correct.

Mr. Teesdale: What about the First Offenders Act?

Hon. P. COLLIER: We might be inclined to let the Premier off—if he pleaded guilty.

The Premier: No man who has ever been a Minister of the Crown, would be a first offender.

Hon. W. C. Angwin: We did not start making laws apart from Parliament.

Hon. P. COLLIER: If the member for Roebourne (Mr. Teesdale) puts up that defence on behalf of the Premier, and the

Premier pleads guilty, I will take that into consideration.

Hon. W. C. Angwin: But there are many first offences.

Hon. P. COLLIER: If the Government believed they could have secured a reference of the Bill back to the Commissioners by means of a vote of Parliament, that course of action would have been taken. Knowing full well that any such attempt in this Chamber would be challenged, and that it could not be maintained—I believe the majority of members would not vote for such a proposition in direct contravention of the Act of last year—the Government adopted the only course it was possible for them to pursue, seeing that they were anxious to get the Bill back to the Commissioners. The Government have been wrong in dealing with a political Bill in such a way. When the Electoral Districts Act was introduced last year, the Premier laid it down clearly that it was not proper for members of Parliament to draw up their own electoral boundaries. Now, however, the Bill before the House has been referred back to the Commissioners and those gentlemen have been asked to draw up new boundaries, to modify them or make other adjustments.

The Premier: No.

Hon. P. COLLIER: That is the wording of the reference! They were asked to modify their boundaries or make adjustments in the light of the discussion in Parliament as revealed in "Hansard."

Hon. W. C. Angwin: If we had known of that before, other members would have spoken.

Hon. P. COLLIER: That is a direct departure from the principles of the Act of last year, when we were told that members should have no voice in drawing up their own electoral boundaries. Now members are to have a voice in it.

Hon. W. C. Angwin: You mean those who knew about it.

Hon. P. COLLIER: I mean those who spoke will be heard by the Commissioners. Their voices will be heard through the pages of "Hansard." Member after member supported the Bill on the Government side of the House, regarding the measure as without fault. Many contended that those who expressed contrary views were actuated by personal, political interests or by party, political interests. The Premier, when relying, ridiculed the speeches made from the Opposition side of the House and said that the Bill was all right. The Government Whip (Mr. Mulhany) said that my speech was insincere. Despite this, the Commissioners have been asked to review the boundaries in the light of speeches made in Parliament, speeches which, we were told, were insincere and made by members acting purely from party or personal political motives! The whole procedure is a negation of the principle underlying the Act of last year. The Premier knows that is so. If the Commissioners are

to be guided by the speeches in this House, they will land themselves in greater difficulties than ever. Scarcely two members who spoke on the Bill agreed upon it. What the Commissioners will do, after a perusal of those speeches in "Hansard," puzzles me. The only effect can be that there will be a still greater disagreement when they report back to the House, for those who were satisfied will probably become dissatisfied. Thus we will get a Bill drawn up on political lines, and the Premier does not stand for that. We all agree that such a thing is undesirable. I do not wish to weary members by reading long quotations from authorities to show that the action of the Governor was wrong. I do not wish to criticise the Governor at all, because I recognise he acted upon the advice tendered to him.

The Premier: That is so.

Hon. W. C. Angwin: It is the Governor's duty to see that his advice is correct.

The Premier: It was correct.

Hon. W. C. Angwin: It was wrong.

Hon. P. COLLIER: The Governor is enjoined to act on the advice of the Executive with certain exceptions, in which power is given to the Governor to refuse advice tendered to him by the Executive. He could do that if he considered it necessary. He must then communicate with the Home authorities. I do not make this a personal matter, or lodge a complaint against the Governor, because I know the position. In taking this action, however, the Government have infringed the privileges and rights of this House. Those privileges were won over centuries of struggle. It was for some action in going behind Parliament that Charles I. lost his head.

The Premier: What do you want now?

Hon. P. COLLIER: I will be satisfied with the Premier's political head. Then there were James I. and James II. We know their experiences, too.

Mr. Mann: There must be something in the name!

Hon. P. COLLIER: Yes, now we have Sir James.

The Premier: What about Phillip of Spain?

Hon. P. COLLIER: He was a bad lot. The fact remains that the greatest struggles in British history were precipitated by the actions of monarchs who went behind the backs of the representatives of the people, in setting up an autocracy and making laws in defiance of the people. In this action the Government have defied the House; they have taken a certain course for which no provision was made. There is no provision in any of our Acts, Constitution or Electoral Districts, to permit the Government to take action in the direction they have done. Having been done in one case it may be done again in a number of others, and so we shall have the Executive, more particularly when Parliament is not in session, inserting, as it were, provisions in our statutes, because their action in this case amounts to the insertion of a section in an Act of Parliament. If this had been done

by Parliament, it would then have been open for the Executive to take action. The provision must have been deliberately omitted because it was never intended that the House should refer the subject back to the Commissioners in any shape or form. I submit the motion.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.3]: I have listened attentively to the remarks of the Leader of the Opposition, and I do not think he has made out a case at all. Let us consider what we are engaged upon. We are engaged upon framing a Bill for the proper representation of the people in this Parliament, and our duty is to see, so far as we can, that everything is done to provide for a fair redistribution and fair representation. I will tell hon. members how our Act differs from the Act of the Commonwealth. Hon. members declared that they should take no part in framing such an Act; that they should take no part in fixing the boundaries.

Hon. P. Collier: That was said last year.

The PREMIER: The Leader of the Opposition said that to-day. He said also that the speeches of members should not carry any influence in connection with the framing of the measure. I want to know what has become of the speeches of last year. Everybody read them. It was expected that those speeches would be read, and I said that members should read the speeches that were delivered in this House. Even the Commissioners cannot have too much information on a subject of this nature. I told the House that I would refer the matter back to the Commissioners; I said I would refer the schedules back. That is what has been done: the schedules were referred back to the Commissioners. I have been in consultation with the Solicitor General all the time and have acted upon his advice. There is not a word to be found in the Electoral Districts Act against the step that has been taken. The responsibility of passing the Redistribution Bill rests with Parliament, and the Government have not by any act of theirs taken away the authority of Parliament. I know the Leader of the Opposition is not serious when he says that we propose to insert clauses in this and other measures without the authority of Parliament.

Hon. W. C. Angwin: That is what you have done; you have used the Governor to do it.

The PREMIER: We have done nothing of the sort and I hope my friend the member for North-East Fremantle will keep calm.

Hon. W. C. Angwin: It is too serious a matter to keep calm about; you might do it again in connection with some other Bill.

The PREMIER: If the Commissioner's proposals are not approved, they can be referred back, and that course can be taken time and again. Their method of redistributing the seats is simple.

Hon. P. Collier: We are not dealing with that now; we are dealing with the action taken by you.

The PREMIER: I am accused of having endeavoured to extend the law. I observe that my learned friend the member for Karpinna (Hon. T. Walker) is getting ready and is a little restive until he can get on his feet. I know that his professional training makes him an authority on questions of this sort, but I venture to say that he will start on wrong premises, or wrong deductions if he bases what he intends to say on the remarks of the Leader of the Opposition. Our Electoral Districts Act is totally different from that of the Commonwealth. It is possible for this House to move amendments. I daresay we shall alter the name of the Karrakatta electorate. I hope we shall. We have the power to amend the Bill as we would any other, but it would not be right for this House to make alterations; it would be unwise for us to correct the boundaries or redistribute the seats.

Hon. P. Collier: What else are we doing? We are asking the Commissioners to be influenced by our speeches.

The PREMIER: Someone said that the Commissioners might have taken evidence. What evidence could they have obtained except that of members? And there could not have been any better evidence.

Mr. McCallum: Nothing more disinterested!

The PREMIER: We want to decide whether we can do more justice to the people, and the action that has been adopted has not taken anything from the authority of Parliament.

Hon. P. Collier: Parliament did not give you authority to take action.

The PREMIER: What we have done has not, in any shape or form, taken away any right held by Parliament. The hon. member declared that if the House agrees to the action of the Government, then the Government will have the right to insert a clause in any Act after it is passed. What we have done has been within the law. We have no intention whatever of amending, by executive act, any statute. In this case we have done nothing of the sort. There was a full discussion here extending over some weeks. Hon. members made calm and reasonable speeches and pointed out that there were some defects in the Bill.

Mr. McCallum: You said those speeches were insincere, and afterwards you asked the Commissioners to alter the boundaries.

The PREMIER: I did not say anything of the kind.

Mr. McCallum: You did.

Mr. SPEAKER: Order!

The PREMIER: I said that members opposite had not all spoken with one voice. Some had declared for one vote one value, and others said they wanted different values. At any rate, the point is that the Government have been accused of usurping the functions of Parliament.

Hon. W. C. Angwin: You have done that.

The PREMIER: We have not sought to amend or to extend or to add anything to the law.

Mr. McCallum: You have made a law unto yourself.

The PREMIER: My friend does not know that the Governor, on the advice of the Executive Council, may appoint a royal commission.

Hon. W. C. Angwin: That is a different matter.

The PREMIER: It is different to the extent that everyone knows how difficult and troublesome is the work of redistributing seats, and how easy it is for members to raise objections to what has been done. We owe a duty to the people.

Hon. W. C. Angwin: So do other people as well as you. You have not all the duty. You talk sometimes as if you are the only man who had any duty to perform.

The PREMIER: I said "We," and that covers every member in the House. At any rate, I apologise to my friend.

Mr. McCallum: Your actions show that you are shifting your duties on to your supporters.

The PREMIER: That would not be said on anything but a Redistribution of Seats Bill. At any rate it will not fool the public.

Mr. McCallum: You will not fool the public. We will not let you do it.

Mr. SPEAKER: Order!

The PREMIER: I have never had any desire to fool the public. Hon. members can make as much use as they like of this action of ours; the people will understand our motives; they will not be fooled. Our desire is to frame a Bill to do justice to the people of the State, having full regard to their interests. Our endeavour is, by every means in our power, to give a proper measure of redistribution. It is our duty to do that, and we should face the question without any desire to make it a party one. It would be almost impossible for any set of Commissioners, no matter how experienced in the work of fixing boundaries, to satisfy everyone. My friends opposite were determined that the system to be adopted was the one that was followed, and I, too, think it is the right system. They passed a Bill through this House but it did not become law. We passed a Bill, providing much as did their measure, for the appointment of Commissioners and redistribution in this way. I agree with the Leader of the Opposition that was the right thing to do. But the Act of last year left the responsibility with Parliament, and that responsibility remains to the full with Parliament to-day. When the Bill again comes before the House, Parliament will have full opportunity to deal with every word in it. The Government have acted within their rights. When the second reading was being discussed, I told the House that the schedule would be referred to the Commission. That was a fortnight ago.

Mr. Munzie: I thought you were going to submit a motion to the House to refer it to the Commission.

The PREMIER: That was a misunderstanding. I think every member desired that the Commission should have an opportunity

to make recommendations regarding the boundaries, particularly following the discussion here, and representatives of every party dealt with many of the questions in precisely the same way. All we have done is to ask the members of the Commission if they will suggest such modifications as in their opinion may seem desirable in view of the discussion that took place. I have a right to believe that every member that spoke, spoke in absolute sincerity and perfect honesty, and desired to do right by the country.

Mr. Hughes: You did not say so; at the time you said the opposite.

The PREMIER: I am not in the habit of talking in two ways on one question.

Mr. Hughes: Go on!

The PREMIER: I was prepared to go on with the Bill as it was introduced, but it was suggested that the gentlemen who comprise the Commission might consider the discussion that had taken place, and suggest such modifications to the appendix as might to them seem desirable. If modifications are suggested, they will be brought down and dealt with. Can anyone take exception to that course? It is a reasonable thing to do. If we were thinking entirely of ourselves and wished to divide the State so that the 50 members here would be certain of being returned, I could understand the objection.

Mr. McCallum: You want only your side of the House to be safe. That is what you have told the Commissioners.

The PREMIER: That remark is not worthy of the hon. member, and I am sure he will regret it when he has had time to reflect upon it. We are not here to make electorates to suit ourselves. We are here to provide a redistribution that will mean fair representation of the people. It is a difficult thing to do. We have always had single electorates, we have always had electorates with unequal numbers of voters, and for the representation of a big scattered country, with its varying industries, this system has proved the most satisfactory. We have to continue that system. The House, by passing the Electoral Districts Act last year, decided that the system should be continued. Therefore we have to provide for a fair redistribution. I have told the House that the Bill itself has not been referred to the Commissioners; the appendix has been referred to them.

Hon. P. Collier: Of course that is the Bill.

The PREMIER: I have acted right through, as I think members would have me act, on the advice of the Solicitor General. I have a minute from him that reads:—

The Government have not referred the Bill to the Commissioners. They have requested the Commissioners to take into consideration the discussion in the Assembly with a view to such modification of the appendix to their report to the Minister as the Commissioners may think fit. When a Bill such as this is introduced for a redistribution of seats in accordance with the recommendations of a Commission, it seems to me manifestly right that if, in the opinion of any member of the Assembly,

there are anomalies that can be corrected, the advice of the Commissioners should be sought; and I can see nothing unconstitutional or in any way infringing the privileges of Parliament in seeking such advice. If the Commissioners advise that the discussion has indicated modifications of their proposals that, with due regard to the Electoral Districts Act, can be made, the Government will, I assume, submit to the House amendments of the schedule accordingly.

That explains what has been done, and I think no objection should be taken to it. The people of the State expect us to make the best possible provision for their representation, and I hope the House will adopt all means in its power to secure fair representation. I can understand my learned friend, the member for Kanowna (Hon. T. Walker) misunderstanding the position, and, in his anxiety to preserve the rights and privileges of Parliament—these have not been attacked—waxing eloquent in condemnation of the steps we have taken.

Mr. Richardson: He did not wax eloquent.

The PREMIER: I hope he will reconsider the matter. I can see the hand of my learned friend in the drafting of the motion moved by the Leader of the Opposition.

Mr. Marshall: You seem to be fearful of it.

Hon. P. Collier: I always consult my "Attorney General." Your trouble is you have not got one.

The PREMIER: Then the hon. member should be congratulated. I defer with respect and admiration to the ex-Attorney General, but in this case he is wrong. If we were arguing the question before a judge, my task would be a simple one. The hon. member is quite wrong when he says that by our action we have restricted the power of Parliament, or the right of Parliament to make the law. We do not seek in any way to infringe that right. We have done what is reasonable, and what we have done we had a perfect right to do.

Hon. W. C. Angwin: The law does not say you may do it.

The PREMIER: And it does not say we shall not do it. We are not seeking, as has been asserted, to extend the law, or to add something to an existing law. Nor are we seeking to do other than what we have a right to do. We are seeking to get better information for Parliament in order that this work may be the better done. If we had withdrawn the Bill, we could have referred the matter back to the Commission. It is of no use members trying to delude themselves into the belief that their speeches are not read. They are read by all the people of the State, including the members of the Commission. The Government adopted the right course. If members would only consider the question for a moment, they must agree that it was our duty to obtain all the information possible in order to make the Bill perfect. I am sorry it should be in the mind of any member that

we are endeavouring to make the Bill suit any party or any individual. Such a thing was very far from our thoughts. We wish to let the House do its duty by the country as it should and as the Act of last year empowers it to do. I hope the motion will not be agreed to. The House must realise the hon. member was not right in his contention that the Government are, by executive act, seeking to usurp the functions of Parliament. I cannot be shown that we have endeavoured to do that in any way whatsoever.

Hon. T. WALKER (Kanowna) [5.28]: I do not doubt that whatever the Premier has done has been done with the best intentions. Notwithstanding that, it is perfectly clear an innovation has been made for which he cannot find a precedent. Never in the history of this or any other Parliament has there been a case of this kind. He has read a statement supplied by our dear, old, respected friend, the Solicitor General.

The Premier: You must not talk against your own profession.

Hon. T. WALKER: There is no man in the community I respect more than the Solicitor General. But he has a big heart, and will help any Government out of a difficulty if it is within his power to do so.

The Premier: It is quite wrong to suppose there is any difficulty.

Hon. T. WALKER: The Solicitor General will help them over the stile. The Government have got into difficulties, and he will stand by them most loyally.

The Premier: I do not know the profession as well as you do.

Hon. T. WALKER: I know this particular case. I am not surprised that the Solicitor General should try to relieve the Premier from the difficulty in which he finds himself. Now let us have a look at the position in the light of common sense, without any law at all. The Bill is sent back—there can be no denying it—to the Commissioners. The Premier tries to evade the point by saying that we have not sent back the Bill, but only sent back the schedule. But in a measure of this kind the schedule is the whole of the Bill. The Interpretation Act, Section 21, provides—

Every schedule to an Act shall be deemed to form part thereof.

The Premier: This is not an Act yet.

Hon. T. WALKER: But it is the schedule to an intended Act, and it is part of the Bill.

The Premier: Ah, yes!

Hon. T. WALKER: Well, it is the Bill that is sent back. The Premier said it was not the Bill that was sent back, but only the schedule. The schedule, however, is part of the Bill as a schedule forms part of an Act. In effect, therefore, the Premier has sent the Bill back. The law, whilst it does not expressly lay down that we shall not appoint a Commission afresh by Letters Patent, yet does make provision for sending a Bill back, and does make provision for a new distribution. There are methods of doing these

things, and I want it borne in mind that the alterations made to the boundaries of any number of electorates will constitute a new Bill. The second report of the Commissioners will in effect bring us a new Bill. I am showing how procedure has been departed from. If we are to have a new Bill, there is a way of getting it. Our Standing Orders provide for it. To withdraw the present Bill and introduce a fresh Bill is Parliamentary procedure.

The Premier: Or amend the Bill.

Hon. T. WALKER: Or amend the Bill in the House.

The Premier: It cannot be amended anywhere else.

Hon. T. WALKER: The report upon which the Bill is based, the recommendations to the Government, are by this method taken outside the House.

The Premier: The Bill is before the House still.

Hon. T. WALKER: The schedule to the Bill is before the Commissioners.

The Premier: And will be before the House.

Hon. T. WALKER: When that schedule is brought back, there will be a new Bill.

The Premier: No.

Hon. T. WALKER: What I say is common sense. There is no law about that. The schedule is the Bill.

The Premier: Well, the schedule is not taken away from the House.

Hon. P. Collier: But you are going to get a new schedule.

Hon. T. WALKER: The schedule will come back to the House amended, not by the House, but by a Commission.

The Premier: No!

Hon. T. WALKER: Yes! We shall have two Bills before the House. We shall have the Bill as introduced by the Government, and the Bill amended, not by the House, but by the Commissioners, revived, upon consideration, to give new boundaries. We shall have two Bills before the House—this Bill, and an amended Bill.

The Premier: You will not have two Bills.

Hon. T. WALKER: We shall have the amended schedule.

The Premier: On the Notice Paper.

The Minister for Mines: One can always amend a schedule to a Bill.

Hon. T. WALKER: I know we can do it.

The Minister for Mines: That is all we are seeking to do now.

Hon. T. WALKER: Exactly. But that is not the point. If we did it, if the Bill were never sent outside the House, the amendment would be legitimately done and would be all right. But we are not doing it.

Mr. Pickering: We will do it.

Hon. T. WALKER: I say we are not doing it.

Mr. McCallum: Which schedule are the Government going to adopt? This one, or the new one?

Hon. W. C. Angwin: They are going to adopt the new schedule.

Mr. McCallum: They are going to adopt the one which suits them, and toss out the other one.

Hon. T. WALKER: The Government have asked the Commissioners to draw a new Bill, for the schedule is the Bill itself.

The Premier: You asked for it, every one of you did!

Hon. T. WALKER: Never mind what we asked for. Surely it is not the Premier's duty to give us all we ask for! Suppose we did ask for it; it is his duty to give us a new Bill in a legal form, as provided for by our Standing Orders and by our Constitution. If we are to have a new Bill, let it be done legitimately. The Premier drew attention to the fact that all he wanted was suggestions. But I want to draw his attention to the terms of the Royal Commission, re-created. There is not a phrase in the Act of Parliament under which this Bill comes before us that gives authority for the course which has been adopted.

Mr. Underwood: Can this Parliament do nothing without authority?

Hon. W. C. Angwin: Parliament has not done this.

Hon. T. WALKER: This Parliament cannot depart from the authority granted to it. It cannot do what is not provided for, when we are specifically told what we can do on certain occasions.

Mr. Underwood: We are not told what we cannot do.

Mr. SPEAKER: Order!

Hon. T. WALKER: As the member for North-East Fremantle (Hon. W. C. Angwin) has said, Parliament has not done this. If Parliament had done it, it would be a different matter. The Government have done it without consulting Parliament. That is the violation. But I want to draw attention again to the fact that the publication in the "Government Gazette" of the 28th September is backed by no authority in the whole history of government—none. The publication, moreover, does not ask for suggestions, but gives definite instructions.

Mr. Underwood: Give us some more of that tripe.

Hon. W. C. Angwin: We get plenty of tripe from the member for Pilbara.

Hon. T. WALKER: My argument may be tripe in the estimation of the member for Pilbara, but it is not filth and dirt.

Mr. Underwood: It is camouflage.

Hon. T. WALKER: That is a better word. Here is the publication in the "Government Gazette" of the 28th September—

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To our Trusty and Well-beloved Sir Robert Furse McMillan, Chief Justice of the Supreme Court; John Percy Camm, Esquire, Surveyor General, and Theodore Ernest de Landre Cooke, Esquire, Chief Electoral

Officer, Commissioners appointed under 'The Electoral Districts Act, 1922': Greeting: Know ye that We do, by these Our Letters Patent, in the Name of Our Governor in and over the State of Western Australia, in the Commonwealth of Australia, acting with the advice of the Executive Council, request you to take into consideration the proceedings in Parliament on the second reading of the Bill for an Act for the Redistribution of Seats at Parliamentary Elections, with the view to such modification of Appendix I. of your Report dated the 17th day of July, 1923, as you may think fit, having regard to the matters discussed in the Legislative Assembly as reported in the Parliamentary Debates.

If that is not an infringement of every principle of law! The object of the Electoral Districts Act passed last session was to prevent the giving of orders except such as are contained in that Act itself. The publication in the "Government Gazette" is an order that the Commissioners are to modify the schedule, not in accordance with the principles and definite instructions laid down by the Act, but in accordance with the debate in this Chamber. That publication, therefore, is a direct infringement of the law. The Electoral Districts Act was passed to prevent that very thing, to prevent the dictation of politicians as to how electorates were to be drafted by the Commissioners.

The Premier: The electorates must be drafted within the law.

Hon. T. WALKER: Here are certain things which the Electoral Districts Act says to the Commissioners—

In making the division of the State into electoral districts, the quota of electors in each area as aforesaid shall be taken as the basis for such division, except in that portion of the State now comprised within the Kimberley, Roebourne, Pilbara, and Gascoyne electoral districts: Provided that the Commissioners may adopt a margin of allowance to be used whenever necessary, but not in any case to a greater extent than one-fifth more or less: Provided also that the Commissioners shall give due consideration to (a) Community of interest; (b) Means of communication and distance from the capital; (c) Physical features; and (d) The existing boundaries of districts.

The Act goes on to provide—

That portion of the State now comprised within the electoral districts of Kimberley, Roebourne, Pilbara, and Gascoyne, with such modifications of boundaries as the Commissioners may think fit, shall be divided into four electoral districts.

Nothing could be more explicit. The Commissioners are told that the four Northern electoral districts are to be preserved, and that in the division of the other portions of the State, only specific considerations are to be taken into account by them. The Act prescribes the considerations which are to

be taken into account—community of interest, means of communication and distance from the capital, physical features, and existing boundaries of districts.

The Premier: All those things must be considered.

Hon. T. WALKER: Why give these instructions, why pass the Act, if the Government can, by Letters Patent, appoint a Commission with power to draw boundaries in accordance with the expressed opinions of members of Parliament, to meet their views of the case? It is to avoid that very thing that we passed this Act, and that a similar Act has been passed by the Commonwealth.

The Premier: That is not the object at all.

Hon. T. WALKER: We have no power whatever to order these Commissioners—for a request is an order when it comes from the Governor not to draw the boundaries precisely upon the instructions given in that Act, but in accordance with a debate which took place in this Assembly.

The Premier: It will be according to those instructions.

Hon. T. WALKER: But to be guided and influenced by the debate in this Chamber! It is a scandal. I do not say it offensively, but it is so. There is no power to give those instructions. It is an abuse of power, indeed an abuse of an illegal power, for there is no legal power to do it. The Act prescribes the methods to be followed. To show how the Act preserves the rights of the Assembly, whenever it is necessary at any time to make a fresh distribution, there is a way of doing it.

The Premier: Let us make this one first.

Hon. T. WALKER: There are the first distribution and the fresh one, the first boundaries and the fresh ones, and it is these fresh boundaries that, if dealt with at all, are to be dealt with by the House. The State may be wholly or partially redivided. This is a redivision. The Commissioners have made one division, and now they are asked to redivide, not by the House, but at the instance of the Government. There is a way of getting a redivision. If at any time it becomes necessary, the State may be wholly or partially redivided into electoral districts by the Commissioners whenever directed by the Governor by proclamation. Such proclamation shall be issued (a) on a resolution being passed by the Assembly in that behalf, or (b) if in the report by the Chief Electoral Officer to the Minister to whom the administration of the Electoral Act, 1907, is for the time being committed, as to the state of the rolls made up for any triennial election, it appears that the enrolment in not less than five electoral districts falls short of or exceeds by 20 per centum the quota as ascertained for such districts under this Act. That is the second way in which it can be done. But the first way is the one to which I wish to draw attention, as recognising the authority of the House. On a resolution being passed by the Legis-

lative Assembly in that behalf, we get a redivision. This is a redivision without any resolution of the Assembly.

The Premier: No, it is not.

Hon. T. WALKER: But it is. It is not the same division. It is another division, a fresh division, and we should have one of the two proposals before us, the first or the second.

The Premier: You can amend the schedule as much as you like.

Hon. T. WALKER: We can, but the Government cannot get it altered by referring it under Letters Patent to the Commission again.

The Premier: Let us do the right thing.

Hon. T. WALKER: That is what I want to do, to protect the rights and privileges of this Chamber. The Premier knows we cannot allow outside influences to act as if they possessed legislative powers.

The Premier: They are not doing that.

Hon. T. WALKER: They are. What could be more prejudicial to the consideration of a Bill by hon. members than to have brought before them another measure after consideration a second time by a body appointed by Letters Patent? That is an interference with the liberty and judgment of the House.

The Premier: How do we do things in this House? By speeches.

Hon. T. WALKER: Yes, and we should have done this by speeches.

The Premier: You did.

Hon. T. WALKER: Up to a certain stage. The next stage was the Committee stage. That stage was the stage in this Chamber, not out of it, at which to find fault with the boundaries.

The Premier: You employ lawyers to draft amendments to Bills.

Hon. T. WALKER: So you do, but you are not going to employ the machinery of government and His Excellency in Executive Council, to draw up a new Bill.

The Premier: It is not a new Bill.

Hon. T. WALKER: It is a new Bill. The old one consisted of nothing else but the boundaries drawn in accordance with the authoritative directions of an Act of Parliament.

The Premier: It is usual to engage experts to draw up amendments. You say it must be done in the House.

Hon. T. WALKER: I do not say it must be done in the House, but you must not go for that power to the Commissioners who drew the original Bill with the authority of Parliament, and create them afresh to act without the authority of Parliament. If the authority of Parliament was required to appoint those Commissioners to draw the first boundaries, it requires the authority of Parliament to set them at work on a fresh division.

The Premier: There was no resolution of Parliament in the first instance.

Hon. T. WALKER: Yes, there was, in the form of the Electoral Districts Act.

Hon. P. Collier: You cannot get the Bill back to the Commissioners, except by Parliament.

Hon. T. WALKER: That is so. It is an evasion of the law. If the Bill had been withdrawn you, Mr. Speaker, probably would have said that a similar measure could not be brought up again for discussion during this session.

Mr. SPEAKER: If it were withdrawn, I could not object.

Hon. T. WALKER: This is a step in the direction of evading the law of this Parliament. Instead of withdrawing the Bill, they send it through the process to be followed in the original Bill. While keeping the old Bill before this Chamber, they bring in the new Bill under the guise of amendments. It is a clear evasion of the Standing Orders. I have no word of reflection to say against His Excellency the Governor.

Mr. SPEAKER: The hon. member would not attempt it on this motion.

Hon. T. WALKER: I would not attempt it at all, but I say the Government have induced His Excellency to depart from the well recognised rules inscribed in the statutes. At the risk of being a little tedious, I wish to say that the Electoral Districts Act is, to all intents and purposes, identical with that of the Commonwealth.

The Premier: No, it is not.

Hon. T. WALKER: It follows the Federal Act almost line for line, being altered only as the exigencies require for distinction between Commonwealth and State.

The Premier: The Federal Parliament cannot alter the Federal Act.

Hon. T. WALKER: Neither can we alter ours.

The Premier: Yes, we can.

Hon. T. WALKER: Only by the proper way of doing it. I am trying to impress on the House that the legal draftsman of the Electoral Districts Act had before him this Commonwealth measure, which permits that if either House of Parliament pass a resolution disapproving of any proposed distribution, or negatives a motion for the approval of such proposed distribution, the Minister may direct the distribution Commissioners to propose a fresh distribution of the State into divisions, and the distribution Commissioners shall thereupon reconsider the matter and forthwith propose a fresh distribution. This Commonwealth Act was before the framers of our Act, and they followed it in detail. Section after section, the Acts are precisely the same, with just sufficient distinctions between the divisions and electorates as circumstances require. But there is deliberately omitted from our Act this power I have just read. The member for Bunbury (Mr. Money) will agree that if in the framing of a new Act provisions made in the previous Act are omitted, those provisions are, in fact, ignored and deemed to be unnecessary, or are objected to, indeed rejected. But the very fact that the Commonwealth Act gives that power, shows it is a necessary power.

The Premier: They may first reject the whole Bill.

Hon. T. WALKER: I want hon. members to follow that clearly. The very fact that it is necessary by statute to make this provision, so as to alter the usual course of Parliamentary procedure, the fact that it is here omitted from our statute, shows that our law makes no provision for returning the Bill to the Commissioners. The Government rejected the Commonwealth provision.

The Premier: The Act does not provide for amendment by Parliament.

Hon. T. WALKER: It does that precisely. The Commonwealth Act provides exactly for the course taken by the hon. member if authorised. The Minister may direct the distribution Commissioners to propose a further distribution. It is necessary that it must be explicitly stated.

The Premier: That is not our law.

Hon. T. WALKER: It is the Commonwealth law. What is the inference?

The Premier: That has nothing to do with it.

Hon. T. WALKER: It has. Our law is based upon it and follows it word for word. When the Commonwealth finds it necessary to have a fresh distribution it is enacted by law that this must be done by the resolution of one or other of two Houses of Parliament. That is omitted from our Act. What is the legal interpretation?

The Premier: The Commonwealth Act has nothing to do with us.

Hon. T. WALKER: This is a provision for amendment.

The Premier: No.

Hon. T. WALKER: This is a provision for an alteration of the boundaries by the Commissioners specially provided for in the Commonwealth Act.

The Premier: What has that to do with us?

Hon. T. WALKER: We are exactly on all fours now with them. The Government are referring the Bill back to the Commissioners to alter the schedule and draw fresh boundaries but without a resolution of the House.

The Premier: No.

Hon. T. WALKER: The words are "sufficient distribution."

The Premier: But you all wanted the Bill altered.

Hon. T. WALKER: There is a way of altering it, and the Government are doing it in the wrong way.

The Premier: You are wrong. We are not taking the wrong way.

Mr. McCallum: You could not be wrong.

Hon. T. WALKER: We have deliberately cut out from our Act this provision to refer the Bill back to the Commissioners.

The Premier: No we have not, but what has that to do with it?

Hon. T. WALKER: We have to do with our own Act. The law has made certain provisions and given certain directions, but has refused to give directions for referring this Bill back to the Commissioners.

The Premier: Parliament has a perfect right to do it.

Hon. T. WALKER: Parliament has refused that power. By that omission the Government have deprived themselves of the power to refer this back for a fresh distribution. In spite of the fact that the law has cut that out so as not to give us that power, the Government have taken it.

The Premier: Not at all.

Hon. T. WALKER: We know that the laws in force in the Commonwealth are laws in common; one is a complement to another. Why was not that power put into our Act? Because it was not needed. Further, it was never intended to be given. It was proposed that this Chamber and another place should take upon themselves the full responsibility of making any fresh boundaries that had to be made. It was never contemplated here that we should need to amend the schedule in the way proposed. Broom's "Legal Maxims" and Maxwell are in accord, that the words expressed exclude what is not expressed in any Act. In giving the directions that are given we exclude the possibility of innovation. That is a legal rule everyone knows. We exclude all other things not included in certain classified things. Someone said the Bill did not forbid this action on the part of the Government. It is not the object of a Bill to forbid everything that may be associated with it. It merely defines what can be done. The inference is that these directions cannot be altered in any way. The Bill has defined the method of obtaining this redistribution, or, following the lines of the Commonwealth Act, a fresh set of boundaries. Having provided that, it does not contemplate by forbiddance the taking of any illegal course or steps not provided for. It might be argued that any bill could be sent outside and amended outside without any reference to the procedure of the House, and it could be said that the law under which this was done did not forbid it. This Bill might be sent back to the Commission to recommend 48 instead of 50 seats. We say there is no power to do this, but the Premier would say, "It is not forbidden in the Act."

The Premier: This House can say whether it shall be 48 or any other number of seats.

Hon. T. WALKER: Not under this Bill.

The Premier: It can alter this Bill.

Hon. T. WALKER: Yes, under the forms of the House. It is this House that should do it and must do it, and do it as prescribed by our Standing Orders and by the customs of Parliament. We cannot go outside for these things.

The Premier: Parliament is not losing any authority or power or right.

Hon. T. WALKER: My contention is that this has not been done with the sanction of Parliament or its authority or the law.

The Premier: We have not done anything without the authority of Parliament.

Hon. T. WALKER: Yes. The Premier has asked the Commissioners to sit again to draw up a new set of boundaries. He had no authority under the Act to do this.

The Premier: We have the power.

Hon. T. WALKER: He has the power, but it is the power of the wrongdoer. It is a violation of the law.

The Premier: It is not.

Hon. T. WALKER: It is in spite of the law and in defiance of it. If he reads the law in that sense he will always have power to do wrong.

The Premier: Your duty is to make this a good Bill.

Hon. T. WALKER: True, but I want this to be done in proper form.

The Premier: It is being done in proper form.

Hon. T. WALKER: By this House.

The Premier: It will be done by this House.

Hon. T. WALKER: No. It is not being done by this House. The Government have asked for a fresh distribution to be drawn up by an outside body that has already fulfilled its duties and reported. The Act is perfectly clear on the point. After a report is made a certain course has to be taken. The Act does not contemplate anything more than one report. It says—

The report shall be laid before both Houses of Parliament forthwith after the making thereof if Parliament is then in session, and if not forthwith, after the next meeting of Parliament, and a Bill shall be introduced for the redistribution of seats at the Parliamentary elections in accordance therewith.

The Premier: That has been done.

Hon. T. WALKER: The Act continues—And for the readjustment of the boundaries of the electoral provinces, and such Bill if duly passed and assented to shall come into operation as an Act on a day to be fixed by proclamation

That contemplates one report only, not a fresh one. We have had the report. We can reject it or adopt it or amend it.

The Premier: You can do all things.

Hon. T. WALKER: This must be done according to the rules of the House. There is no power to send the report back to the Commissioners to make another which constitutes a new Bill. All the authorities I have mentioned, Keith, Todd and others, are perfectly clear on the point. The Government have wrongly advised His Excellency. I wish to refer to Todd's "Parliamentary Government in the British Colonies," page 107. He is dealing with the case of the Colony of Victoria when it endeavoured to pass a new Customs tariff. The case arose over the action of the Governor, Sir Charles Darling. It was pointed out how irregular it was to permit extraneous provisions to be included in a Supply Bill, and for the Government to incur pecuniary obligations or expend any public money without the previous authority of Parliament. The Colonial Secretary declared that—

The Queen's representative is justified in deferring very largely to his constitutional advisers in matters of policy and even of equity; but he is imperatively bound to

withhold the Queen's authority from all or any of those manifestly unlawful proceedings by which one political party, or one member of the body-politic, is occasionally tempted to endeavour to establish its preponderance over another. I am quite sure that all honest and intelligent colonists will concur with me in thinking that the powers of the Crown ought never to be used to authorise or facilitate any Act which is required for an immediate political purpose, but is forbidden by law.

This is a Bill for an immediate political purpose. The Commission is instructed to take into consideration the political speeches delivered in this Assembly, and to shape the boundaries in accordance with those political speeches.

The Premier: What will the public think of us when they read your speech?

Hon. T. WALKER: The Commission are instructed to take notice of what members who are personally interested have to say upon the subject, and modify the electoral boundaries accordingly.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. T. WALKER: The unwisdom, to put it mildly, of this departure from procedure is evident from the fact that the matter has been referred to the Commissioners again. Their functions have been revived and they are to draw boundaries in consideration of the speeches reported in "Hansard." There is no reference to those that did not speak but may hold very strong opinions regarding the proposed boundaries. Take my own district: I voted against the second reading for good reasons, which reasons I deemed it wise to withhold until we reached the Committee stage. Then I would have expressed them with such weight as I could command. But my opinions do not go before the Commissioners, and the views of a number of other members, who did not speak but who voted against the second reading, cannot possibly have any influence whatever upon the new scheme of boundaries delineation. Thus it is obvious that an injustice has been done. I was relying upon the procedure always adopted in Parliament and provided for by the law of our Constitution and our Standing Orders; but I am ignored. Those that spoke on the second reading from an interested point of view and because the Bill delimited their constituencies in a way that displeased them have their speeches referred back to the Commissioners. It is very one-sided; they spoke for their particular constituencies. When the Bill reached the Committee stage, as I had a right to expect it would, I should have spoken of the Bill as it would affect my constituency, making it practically an unworkable constituency from a representative point of view.

The Premier: You had your opportunity.

Hon. T. WALKER: But I did not choose to waste the time of the House. The proper

time to find particular faults with a particular boundary is in Committee.

The Premier: The Bill was before us for weeks.

Hon. T. WALKER: It may have been here for 12 months, but it is surely my right to be silent, if I so desire, until the proper time arrives. The proper time was in Committee. If the Bill is to go back for reconsideration on political grounds, because it affects this or another member's constituency, I have as much right to be heard and considered as those members who spoke, because my constituency is affected by the proposed redistribution. But I am deprived of it. Only those who have spoken have had their utterances reported.

Hon. W. C. Angwin: Some of them spoke only generally.

Hon. T. WALKER: Quite so. The Commissioners are to be requested to take into consideration the proceedings in Parliament on the second reading of the Bill. What took place then was an utterance of discontent in a general sense. But members that did not speak but were desirous of securing an amendment of the Bill when the time for moving amendments arrived are deprived of having their views submitted for consideration.

The Premier: You cannot make members talk if they do not wish to.

Hon. T. WALKER: I know the Premier too well to believe he cannot see the point I am making.

The Premier: I do not agree with you at all.

Hon. T. WALKER: The Premier may not agree with me, but surely he can understand me. He should not interject an answer to something I am not contending. I am not contending I was deprived of the right to speak. I had the full right to speak, but I had also the discretion of waiting until the proper time to speak arrived. Any member who wishes to move an amendment to a Bill waits until the time arrives, namely the Committee stage. I have been deprived of that right. Because I have not spoken, my views as to how my constituency should be delineated by boundaries are not put before the Commission. What is put before the Commission are the views of the member for Sussex (Mr. Pickering), the member for Fremantle (Mr. Gibson), the member for Mt. Magnet (Hon. M. F. Troy) and one or two others, who have glaring discontent from a political and an electoral standpoint.

The Premier: Nearly all on your side spoke.

Hon. T. WALKER: That makes no difference; all did not speak.

Hon. W. C. Angwin: None of us knew that the Bill would be referred back.

Hon. T. WALKER: If the Premier had announced at the outset that he was going to be guided purely by the opinion of some members and then to revive the Commission to draw up a fresh schedule, I should have

taken care to speak. I should have been compelled to do that in justice to my constituents.

The Premier: You have been silent for a fortnight since you did know.

Hon. T. WALKER: I knew of this proposal only on Saturday last.

The Premier: You will find it in "Hansard" a fortnight ago.

Hon. T. WALKER: I give the Premier credit for not desiring to draw red herrings across the trail. He knows that if the Bill were referred back as was originally suggested, it would have to be done by resolution of the House. The method adopted is an outside method. It never occurred to anyone that the Premier would adopt this course. It could never have occurred to anybody; it is so absolutely foreign to our procedure. The Premier gave none of us an inkling that he was going to create a legislative body by Letters Patent—a new method, entirely beyond Parliament. He gave us to understand that, in accordance with the ordinary method of referring a Bill to a select committee, it would be done by resolution of the House. No such motion has been moved; the House has not been consulted. If the Bill had to go back to the Commission, surely the House has a right to express an opinion. The House might have desired to refer the Bill back for other purposes or with other instructions. In vulgar parlance, this was done behind the back of Parliament.

The Premier: Oh, no!

Hon. T. WALKER: Parliament was stultified and ignored.

The Premier: It is not right to say that.

Hon. T. WALKER: Literally it is correct; no other language will express it. The Commissioners are now asked to furnish another report and bring in another Bill in the same session—which is unlawful—bring it in by a side-wind, as it were, and they are asked to do it without my being heard or others who did not speak but who voted against the Bill.

The Premier: Before you saw the Bill you determined to vote against it.

Hon. T. WALKER: I determined after I had read the Bill and knew the Bill, but not before. I then resolved, for my own reasons; and those reasons had altogether to do with the boundaries. But that is not considered, nor is the House given a chance of considering other matters connected with the measure. I contend that the Governor-in-Council acted illegally. On the usual maxim that "the King can do no wrong," it may be presumed that the Governor is in a like position, that he can do anything if he is only advised by his Ministers to do it. But the Governor cannot act unlawfully. He must have the necessary powers. I am now speaking constitutionally to a constitutional question, and I am not disrespectful either to the Governor or his position. But he must act constitutionally. He has only the powers given to him by the Letters

Patent which created his office, and by the instructions to the Governor. Those instructions clearly show that he must act in accordance with our laws. The instructions say—

“ We have hereby authorised and commanded the Governor to do and execute all things that belong to his said office, according to the tenor of Our said Letters Patent, and of such commission as may be issued to him under Our Sign Manual and Signet, and according to such instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to—
It is this to which I desire to draw the Premier's attention—

such laws as are now or shall hereafter be in force in the State.

The Governor is obliged to act in accordance with “such laws as are now or shall hereafter be in force in” this State. We have in force the Electoral Districts Act. That Act gives the Governor no power to re-appoint the Commission. He must act according to the powers, and only the powers, given to him by the law. He can transgress the law, and can be brought to account for it, as Governors have been more than once. To show how important it is that any power the Governor exercises must be a power granted by Parliament, I will read a passage from that great authority Anson on “Law and Custom of the Constitution,” Part II., “The Crown”—

A colony possessing a local Legislature was in want of a court of equitable jurisdiction. The Governor, holding the seal of the colony, was regarded as Chancellor, but he declined to exercise the judicial functions of a Chancellor, to administer the King's grace by enforcing the performance of trusts or protecting the property of infants. The law officers were asked whether the King had power to constitute by letters patent a Master of the Rolls for the colony with an equity jurisdiction. They advised that this could not be done: but they made two suggestions. One was that an officer should be appointed who should be Vice-Chancellor to the Governor and should use those equitable powers which the Governor declined to use. But they said, “In order to prevent doubts on the subject, we would recommend this to be done with the aid of Parliament or the local Legislature.” The other suggestion was that an additional judge should be added to the existing Common Law Court, who should be an equity lawyer, and that the court so constituted should obtain, by the authority of Parliament or of the local Legislature, so much of an equity jurisdiction as would meet the wants of the province.

In that case the authorities were in a very strong position. It was a wise thing to appoint a Chancellor or an equity judge. It

is a thing that would be backed by everybody as desirable. But the Governor had no power to do it. It answers that argument, “we want to get a good thing.” Yes, but we want to get it done lawfully, and the Governor has no power to revive this Commission by Letters Patent without a resolution of this Chamber. It is that we are finding fault with. It is no use saying that this is not forbidden by the Electoral Districts Act, or by any other Act. The very thing mentioned in that quotation, the appointment of an equity judge, was not forbidden by any Act. We know that in important things one does not want merely a law not forbidding an action, but a law empowering that action to be done. There is no law empowering the Governor in Council to re-appoint these Commissioners for the purpose of bringing down a fresh Redistribution of Seats Bill. The Governor may accordingly render himself liable to prosecution if anybody is injured by his action. In such circumstances a prosecution would lie. In a sense, the Executive must take the responsibility.

MR. SPEAKER: The hon. member is really dealing with the Executive.

HON. T. WALKER: Exactly. It is the Governor in Executive Council I am dealing with. Now I wish to draw attention to another statement by Anson—

We might speculate as to the legal position of the Governor of a self-governing colony, if on the advice of his responsible Ministers he gave an order which the law would not support—

Not “gave an order that he could give because it was not prohibited,” but “an order which the law would not support”—and was sued by a person injured thereby.

He does not seem to possess the legal irresponsibility of the Sovereign.

Of course the Sovereign cannot be prosecuted: “the King can do no wrong.”

Presumably he would refuse to act on the advice of his Ministers unless the action recommended was so obviously desirable, and his Ministers so clearly acting with the good will of the community, that they were certain to ensure the passing of an Act of Indemnity.

There would have to be another Act, an Act to indemnify the Governor for having acted even on the advice of his responsible advisers in exercising a power not supported by the law. This action has been taken without the support of the law. I defy any member sitting opposite to show me the law that supports this particular action. Not one of our statutes, and not one of the statutes of any other community in the whole of the British Empire, supports it. It is an innovation, one which deprives me of my right to be heard, one that alters the whole constitutional position, and by a sidewind shatters our own Standing Orders. This Bill consists of nothing but the boundaries of electorates. To alter those boundaries otherwise than in this Chamber or in the other Chamber, and then to come here and

get those new boundaries incorporated in an Act by giving effect to a new report from the Commissioners, is to do what the Standing Orders of this Parliament positively prohibit. You, Mr. Speaker, would rule such action out of order. I am not accusing anyone of ill-intentions, but to my mind it is a most serious thing to allow individual members to dictate to the Commissioners—for that is what it amounts to—the boundaries of electorates, and to order the Commissioners to draw boundaries in accordance with the speeches delivered here.

The Premier: We are paid £400 a year to make those speeches. Surely they are worthy of attention.

Hon. T. WALKER: Let them have their effect in this Chamber, by modification of the proposals brought down by the Government.

The Premier: They will have their effect.

Hon. T. WALKER: But do not let us send such instructions to an impartial Commission whose functions are laid down by a law specially dealing with the subject, who have their instructions given to them obviously to prevent the very thing that the Premier has done. Those instructions are given to the Commissioners in order to prevent political intrigue, to prevent interested parties having a voice in the delimitation of the electorates of the State. Having given the Commissioners those specific instructions by law, we now say to them, "Refer to 'Hansard' and read Mr. Pickering's speech and give us an electorate accordingly."

Hon. W. C. Angwin: Or we might tell the Commissioners to read that petition which was presented to Parliament.

Hon. T. WALKER: Yes; or we might tell them, "Read the speech of the member for Nelson, and oblige him; modify your boundaries accordingly, please." I say there never was such a dereliction of the high duties and functions of government in a self-governing colony or State throughout the whole of British history. If it were to become a precedent, I do not know what limitations we should have, or what safeguard this Chamber would possess. By the advice of Ministers anything could then be done, and all the needful reply to objections or protests would be, "I do not know the Act of Parliament that forbids it." But this Act of Parliament, the Electoral Districts Act, strictly directs that the Commissioners shall have regard only to certain matters placed before them in that Act. They shall avoid all partisan and political matters and deal only with certain particular matters which the law places before them. No more serious offence has ever been committed by a Government, calculated as it is to nullify the functions of Parliament, to deprive hon. members of their rights and privileges, and to make it possible for Ministers to evade their constitutional responsibilities. The Bill is brought down by the Government and the Government should stand by their measure.

The Premier: You have been telling us all night that it is the Commissioners' Bill.

Hon. T. WALKER: I know it is the Commissioners' Bill, but the Government fathered it.

The Premier: No.

Hon. T. WALKER: If that is so, they should at once, on their own initiative, table amendments.

Mr. Latham: We will have them there.

Hon. T. WALKER: They are not on the Notice Paper now. The member for York (Mr. Latham) must recognise that it will be more difficult to deal with the Bill in the future if we have before us the old report and the new report, the old boundaries and the new boundaries.

Hon. P. Collier: The old map and the new map.

Hon. T. WALKER: Hon. members should protect the integrity and privileges of Parliament itself. No King can interfere with us, no judge or anyone else. No one can come here and claim a voice, except within the limits of the law as embodied in the Constitution itself. To go outside Parliament and ask for the interference of another body, at the instance of disaffected members on the Government side of the House—

The Premier: That is not so! They are on your side, too.

Hon. T. WALKER: I will say "Our side too."

The Premier: Let us be fair.

Hon. T. WALKER: It is at the instance of disaffected individual members.

The Premier: You should be fair.

Hon. T. WALKER: I want to be fair. Members on both sides of the House are concerned.

Mr. McCallum: The Premier knows which side the members are on!

Hon. T. WALKER: The Premier is asking the Commissioners to do an illegal thing, when they are to consider the utterances of interested members.

The Premier: No, of members sufficiently interested to deal with the question.

Hon. T. WALKER: It is a breach of the law to give over the functions of our parliamentary institution to an outside body. It is a degradation and a humiliation of Parliament; members are deprived of their proper functions.

The Premier: You will have your proper function to exercise.

Hon. T. WALKER: The Premier should not interject. It does not add to his dignity nor to the importance of the question.

The Premier: Doesn't it?

Hon. T. WALKER: It is our duty to protest. We may be beaten when the division is taken, but we shall be beaten by those whose speeches are to be considered.

The Premier: That is absolutely unfair.

Hon. T. WALKER: It is not. We shall be beaten by those who wish to follow the advice of the Premier, instead of following the law that governs Parliament.

Mr. MONEY (Bunbury) [S.5]: In dealing with the motion, it is necessary to consider the various methods whereby a redistribution

of seats may take place. Sections 1 to 9 of the Electoral Districts Act passed last session provide for the appointment of a Royal Commission and the directions necessary, as laid down in the measure. Section 10, in particular, provides the second method by which the Commissioners, appointed by resolution of this House, may bring in a report.

Mr. McCallum: That is not the second method.

Mr. Johnston: It is a subsequent method.

Mr. McCallum: No, it is not; it is the same method.

Mr. MONEY: It is provided that the Commissioners may be called upon to act whenever directed by the Governor by proclamation.

Mr. McCallum: The Bill has to be adopted before that can be done.

Mr. MONEY: I am discussing the position arising under the Act passed last session. Section 10, as I have indicated, provides the second method to be pursued and there is the third method under which if, on the report of the Chief Electoral Officer, it is shown that the enrolment in not less than five electoral districts falls short of, or exceeds, by 20 per cent., the quota mentioned in the Act, the Commissioners can act. I desire to eliminate entirely the question whether the step taken by the Executive Council was wise or otherwise. That is not doubted by the motion before the House.

Hon. W. C. Angwin: It is.

Mr. MONEY: The question before the House is one of legality.

Mr. McCallum: And the action of the Government as well.

Mr. MONEY: I am referring to the motion. It reads—

That the action of the Government in referring the Redistribution of Seats Bill to the Commission appointed under the Electoral Districts Act, 1922, and re-appointed by Letters Patent to reconsider and modify their report in the light of debates in this House, is contrary to the law embodied in the Electoral Districts Act, 1922. . . .

Up to that point in the motion, it is beyond argument that the issue is one of legality. The motion proceeds—

. . . and, further, is an infringement of the rights and privileges of Parliament as defined by the Constitution Act and the Letters Patent constituting the office of Governor of the State of Western Australia.

There is an allegation of infringement of the law. Thus, in the second part of the motion as well, it resolves itself into a question of legality only. We can, therefore, eliminate the question whether the action of the Government was wise or unwise. It is simply alleged that the action of the Government was illegal.

Hon. P. Collier: It is not a question of wisdom.

Mr. MONEY: That is so.

Hon. P. Collier: Then give us the law.

Mr. MONEY: The Executive Council took steps, under Section 2 of the Electoral Districts Act, to appoint Commissioners. The Commissioners were appointed and are to continue in existence, apparently, during the operation of the Act itself, because they are desired to function on different occasions subsequently, when circumstances point to the necessity for such action.

Hon. W. C. Angwin: But it may be years hence.

Mr. MONEY: That is so. We have, in effect, appointed a permanent Royal Commission under the Act. On their appointment the Commission carried out their instructions by making a report under the provision of the Redistribution of Seats Act. The report in due course was embodied in the Bill, which has now passed its second reading. I have no hesitation in saying that the report, which was introduced in this Chamber in the form of a Bill, is the only one we can consider under the operations of this particular Act. There is nothing in the Act which prevents the Governor-in-Council appointing a Royal Commission at any time, or to do anything. Apparently, after the discussion in this Chamber during the second reading debate, the Government, in their wisdom or otherwise—that is not a matter for discussion because it is not part of the motion—requested, or directed, the Royal Commission to make a modification of their report, having regard to the opinions expressed by members in this House during the course of that debate.

Hon. T. Walker: Do you say the Government can appoint a Royal Commission for anything?

Mr. MONEY: I am dealing with the motion before the House.

Hon. T. Walker: They cannot do so; they must be supported by law.

Mr. MONEY: I am dealing with the action of the Governor-in-Council in appointing the Royal Commission.

Hon. T. Walker: But they must be supported by law.

Mr. MONEY: It has been done over and over again.

Hon. T. Walker: That is not so.

Mr. SPEAKER: Order!

Mr. MONEY: It is not necessary to have a special resolution passed by the House, or an Act of Parliament, for the appointment of a Royal Commission.

Hon. T. Walker: But this is done under the Act in question.

Mr. MONEY: I do not know what Act the hon. member refers to.

Hon. T. Walker: The Electoral Districts Act.

Mr. MONEY: That is entirely beside the question and no one knows it better than the hon. member.

Hon. T. Walker: It is the question.

Mr. MONEY: The right of the Governor-in-Council to appoint a Royal Commission is beside the Act entirely.

Hon. T. Walker: It is not beside the Act.

The Premier: The member for Kanowna should know it is not dignified to interject.

Mr. MONEY: I am dealing with the exact position that has arisen. The member for Kanowna was not in the Chamber when I repeated twice I was not here to argue the wisdom or otherwise of the step taken, but to argue the legality of that action, as attacked in the motion. That is the only material point at issue. I know nothing that detracts from the right of the Governor-in-Council to appoint or give directions to a Royal Commission.

Hon. T. Walker: Don't you know the Electoral Act?

Mr. MONEY: The hon. member will see the position if he follows what I am saying. I take it the Governor-in-Council, deferring to the wishes of the House, has signified his intention to give the relief desired by the House. But although this step has been taken, it merely amounts to suggestion. Let the Commission make a modified report, but it will not be the report that is before the House, and it can only be used suggestively. It will not influence or affect the Bill before the House. The report itself was acted upon immediately the Bill was introduced. That is the only report, and these modifications to come do not affect the position one iota. The House, if it receives modifications, may take them into consideration when the Bill is in the Committee stage.

Hon. T. Walker: All that you say applies to the first report as much as to the second.

Mr. MONEY: I object to my friend, who ought to know better, making an observation such as that. As I have said before, there is only one report provided for in the Act. That is the report already furnished. Under the Act there can be no second report.

Hon. P. Collier: Will there not have to be new maps of any new boundaries suggested?

Mr. MONEY: I do not know that a map is a Bill.

Hon. P. Collier: The original Act instructs the Commissioners to present maps to Parliament.

Mr. MONEY: Let there be something else presented, and still the original report will be the only report that can be operated on by the Bill.

Hon. T. Walker: What nonsense!

Mr. MONEY: That is not argument. Again I am surprised at my friend making such an observation.

Hon. T. Walker: Your whole speech surprises me.

Mr. MONEY: I am to some extent with my friend when I give it as my opinion that there is only one report to be operated upon, and that anything else coming along will only be suggestive. Even if my friend does not see exactly as I see, I think I have said sufficient to show that there is nothing illegal in what has been done.

Hon. T. Walker: You have not touched the arguments at all.

Mr. MONEY: I have shown the possibility of the appointment of a Royal Commission,

and that apparently there is no defined boundary as to what subjects may be considered by the Commission.

Hon. T. Walker: You know there is.

Mr. MONEY: I am again astonished at my friend. I have admitted that this step is not under the Act at all.

Hon. T. Walker: It is.

Mr. MONEY: It is not in pursuance of the Electoral Districts Act.

Hon. T. Walker: The Act forbids it.

Mr. MONEY: The Act does not forbid it. After having listened to so many reports of Royal Commissions; after hearing moved in the House motions showing the necessity for adopting the recommendations of Royal Commissions, one has to admit that the results do not warrant the expense of a Royal Commission. We hear it asked what good are they, and we are told that the recommendations of Royal Commissions are not worth the paper they are written upon. If we please we may look upon this in the same light. We may adopt the recommendations of this latest Royal Commission or we may not. While this Royal Commission is sitting, there is nothing to prevent the Redistribution of Seats Bill going forward to-morrow, nothing to prevent its being taken in the Committee stage. The mere appointment of a Royal Commission will not prevent Parliament going on with the legislation before it.

Hon. P. Collier: I bet it will.

Hon. T. Walker: It has done so already.

Mr. MONEY: There is nothing to stop it if the House desires to go on with it. The House, if it likes, may go on with the Bill and disregard any future recommendations of the Commission. I daresay the Leader of the Opposition did not intend the motion to mean exactly what I take it to mean. Probably he meant, referring back their report. The Bill is here, it has passed its second reading, and the Commission cannot interfere with the legislation before the House.

Mr. McCallum: It has been interfered with.

Mr. MONEY: I am not arguing the wisdom of keeping the Bill far down on the Notice Paper.

Mr. McCallum: It has been dropped from the top to the bottom.

Mr. MONEY: But it was capable of being brought up again if the Government so desired. I have no hesitation in saying that the step taken by the Governor-in-Council is legal, but I take it that a later stage, when the Bill is in Committee, will be the time to say whether members think it wise to adopt any modifications which may come forward.

Hon. W. C. ANGWIN (North-East Fremantle) [8.25]: I did not expect anything different from the member who has just sat down. He was bound to back up the Government. I have noticed during to-day's sitting that the Premier has been handing instructions to the hon. member.

The Premier: No, I have not.

Hon. W. C. ANGWIN: I saw them passed over. In other words, the hon. member has

been supplied with a brief from the Crown Law Department.

Mr. Money: I absolutely deny that statement, and I ask for its withdrawal.

Mr. SPEAKER: What statement?

Hon. W. C. ANGWIN: It is all right, Mr. Speaker, I withdraw, no matter what it is. The hon. member has not dealt with the question at all.

Hon. T. Walker: He astonished me.

Hon. W. C. ANGWIN: Last year, rightly or wrongly the Assembly passed the Electoral Districts Act. That Act laid down definitely what was to be carried out under its provisions. It provided that there had to be a Commission, even naming the officers who would compose the Commission, the Chief Justice, the Chief Electoral Officer, and the Surveyor General. They were appointed to carry out the provisions of the Act and report to Parliament what they thought would be a fair division of the State. No Royal Commission is mentioned in the Act. There is only one Commission that can report, and that is the Commission prescribed in the Act. The same gentlemen have no power to report a second time or modify their original report, except under the provisions of the Act. Because the same gentlemen are now appointed a Royal Commission is not to say that they have the powers prescribed in the Electoral Districts Act. The Government have advised His Excellency to take an action that is a mere subterfuge. By announcement in the "Government Gazette" the Governor requests the Royal Commissioners to take into consideration the proceedings in Parliament on the second reading of the Bill for an Act for the Redistribution of Seats at Parliamentary Elections, "with the view to such modification of Appendix 1 of your report dated the 17th day of July, 1923, as you may think fit." There is no Royal Commission's report. Consequently there cannot be a Royal Commission to report or modify a report that no Royal Commission has submitted.

Mr. Underwood: That is quite true. A good point.

Hon. W. C. ANGWIN: Although this announcement in the "Government Gazette" is headed "Royal Commission," it is because the Government have no power to refer the report back to the Commission appointed by the Electoral Districts Act. It is a subterfuge to get over the laws of this Parliament. What do we do when laws are not exactly in order? It is necessary for the Governor to reserve certain Bills for Royal assent, but another method could be adopted. Keith in "Imperial Unity and the Dominions" deals with the subordination of Parliaments thus—

It is conceivable that a governor might be advised by his Ministers to withhold assent from a Bill, which the two Houses had passed, purely as a technical means of reversing an error in legislation—

The Premier, by the issue of the proclamation, has admitted that there is an error in the Bill. He should have taken power to refer the report back.

which had gone too far to be corrected in any other way and it has been suggested that when a Bill had been passed in a defective form through two Houses and it was desired to alter it, it would be better to let it thus fall to the ground and to bring forward a new measure.

That is what the Premier should have done. He could have brought in a Bill to amend last year's Act and included the Commonwealth provision giving him that power. The Government have advised His Excellency to act illegally. In 1912, when the State steamers were purchased, a motion was passed in the Legislative Council condemning the action of the Government in signing the warrants to pay for them, notwithstanding that the amount had been provided by Parliament under Treasurer's Advance. Therefore action has been taken with regard to the Governor sanctioning a certain course of action on the advice of Ministers.

Mr. Richardson: What happened to the Governor at that time?

Hon. W. C. ANGWIN: He was appointed to a larger State at a higher salary. The action of the Government will establish a very dangerous precedent. Nowhere in the British Dominions can be found a precedent.

Mr. Underwood: And you cannot act without one!

Hon. W. C. ANGWIN: It is laid down clearly and definitely that the law as passed by Parliament must be carried out. It is useless for the member for Bunbury (Mr. Money) or the Premier to contend that the Act does not prohibit the Government from doing a certain thing. The Act provides what shall be done.

Mr. Money: This does not affect the Act.

Hon. W. C. ANGWIN: If the Government do anything outside the provisions of the Act, it is illegal.

Mr. Money: The Act is not interfered with nor the redistribution of seats as decided by this House.

Hon. W. C. ANGWIN: I shall deal with that presently. Todd, in his work on "Parliamentary Government," says—

Once the Crown has granted to a colony representative institutions with the power of making laws for its interior government, it has been decided that the Crown alone cannot thenceforth exercise, with respect to such colony, peculiar powers of legislation appropriate to a governor and council; that prerogative having been impliedly renounced by the appointment of a legislative body within the colony itself.

The Government have discovered an omission in the Act.

Mr. Underwood: When did they discover it?

Hon. W. C. ANGWIN: Before they published the report of the Commission. Instead of asking Parliament to remedy the error, they have, by a subterfuge, recommended the Governor to provide that legislation—

The Premier: Not legislation.

Hon. W. C. ANGWIN: It is legislation. The Government have provided means under Letters Patent to overcome an omission in the Act.

Mr. Money: It does not affect the position at all.

Hon. W. C. ANGWIN: Does it not?

The Premier: Your law is getting stale.

Hon. W. C. ANGWIN: If the Government act in this way with respect to one statute, they may act similarly with regard to other statutes. It is a dangerous precedent. There is a principle at stake that every member should guard closely and scrupulously. The Executive Council should not be permitted to do anything that has the effect of altering the law.

Mr. Underwood: The Act does provide for the Executive Council.

Hon. W. C. ANGWIN: It does not.

Mr. Underwood: It does.

Hon. W. C. ANGWIN: The Government have provided means to bring about a legislative enactment for which there is no legislative authority.

Mr. Money: It does not affect the law.

Hon. W. C. ANGWIN: Yet members argue that the action of the Government is legal because a Royal Commission has been appointed. I give place to no man in my appreciation of His Excellency the Governor, but His Excellency's advisers have led him into a false position.

The Premier: You are wrong.

Hon. W. C. ANGWIN: Authorities on responsible government and the instructions issued by the Secretary of State for the Colonies have laid down clearly and definitely that the Governor must act rigidly within the law.

The Premier: If it were not the Electoral Act that was affected, you would not talk about it at all.

Hon. W. C. ANGWIN: Whatever the Act, my argument would apply.

The Premier: No, it would not.

Hon. W. C. ANGWIN: This is the first time such a thing has been done. The precedent established by the Government may become a danger to the community on whose behalf Parliament has to legislate. The member for Bunbury referred to three methods provided in the Act. If he looks at the Act he will find that only one method is provided.

Mr. Money: There are three sets of circumstances.

Hon. W. C. ANGWIN: First, provision is made for a proclamation for a Commission; then the sections provide how the Commissioners shall act and what they shall consider in making a redistribution. They have to report and, if their report be adopted by Parliament, it becomes law. That is the only method laid down. If it be found at some future date that some electorates have exceeded the quota provided by the Act, the Chief Electoral Officer shall take certain action. Unless the

Act is amended, the same method will be adopted for a redistribution of seats. There is only one method of redistribution.

Mr. Money: There are three; one direct under the Act, another by resolution of the House, and another when five electorates are over the quota.

Hon. W. C. ANGWIN: But a Bill has to be passed first of all. There is only one method of redistribution. There is a danger of other Governments following the precedent that has been established, and this may prove detrimental to the people. Any Government guilty of such an action should not be allowed to retain office.

Mr. Teesdale: That is very severe.

Hon. W. C. ANGWIN: That is my opinion. I was astonished when I read of the proclamation. When the Bill passed the second reading, I was under the impression that the Premier would table a motion to have it referred back.

The Premier: It is the same thing done in your way.

Hon. W. C. ANGWIN: But it would have been submitted by a vote of the House.

The Premier: You knew, because you interjected when I spoke of it.

Hon. W. C. ANGWIN: I did not think it would be done in any other way.

The Premier: You knew how it would be done.

Hon. W. C. ANGWIN: I did not.

The Premier: Then I shall withdraw that statement.

Hon. W. C. ANGWIN: The Premier need not withdraw; he may honestly be of that opinion. I thought members would be given an opportunity to discuss the question of the right to refer the report back to the Commission. The Act does not give the right to refer it back. Had it been referred back on a resolution of the House, there would have been behind it greater weight than there is behind the method of the Government. If I had thought for a moment that the Bill would be referred back and that the Commission would be asked to take into consideration the views expressed on the second reading, I would have spoken out.

The Premier: By Jove, you are honest, are you not?

Hon. W. C. ANGWIN: We might have dealt more definitely with our own electorates.

The Premier: You could not have done that.

Hon. W. C. ANGWIN: I could have; I dealt mainly with general principles. All I said about my electorate was that I did not think any person who had visited Fremantle would have made such a redistribution. That comprises three electorates and not one.

Mr. SPEAKER: The hon. member cannot discuss that question.

Hon. W. C. ANGWIN: Other members would have expressed their views in accordance with the subdivisions that have been

made. The Royal Commission has been appointed for the purpose of modifying the report that has been drawn up by the same persons. The second report that comes in must be in accordance with the views expressed in this Chamber.

Mr. Money: It does not alter the report itself.

Hon. T. Walker: That is mere subterfuge.

Hon. W. C. ANGWIN: It does alter it. These gentlemen make a report as a Royal Commission. Under the Royal Commissions Act they should take evidence if they are appointed under it. They should inquire before making a report, and examine papers and other things necessary to enable them to frame a report upon the question they have to deal with. In this case the Commissioners have no evidence to take. They have only the views of a few members; they have no papers to look into except "Hansard," and God help the man who reads that.

Hon. P. Collier: They will read some biased speeches.

Hon. W. C. ANGWIN: They have to take into consideration the views of one or two members who disagreed with the redistribution for their electorates. The member for Sussex (Mr. Pickering) disagreed with his electorate, and the member for Nelson (Mr. J. H. Smith) and the member for Mt. Magnet (Hon. M. F. Troy) disagreed with theirs.

Mr. Johnston: And the member for Murchison.

Hon. W. C. ANGWIN: Yes. It is all one electorate now. No other member dealt definitely with his own electorate.

The Premier: Why should he?

Hon. W. C. ANGWIN: If the Royal Commission is to take into consideration the views of members, we may expect to have the electorate of Sussex divided as the member for Sussex desires.

Hon. P. Collier: Of course.

Hon. W. C. ANGWIN: And the electorate of Nelson divided as the member for that district wants it.

Hon. P. Collier: That is all they have to go on.

Mr. Hughes: Then they might not vote for the third reading.

Hon. W. C. ANGWIN: They thus have an opportunity of making up their own electorates.

The Premier: Will the North-East Fremantle electorate be included?

Hon. W. C. ANGWIN: If I had my way I would make the Northam electorate double its present size. When the report comes down it may be expected to influence a number of members. The Premier may say it has been altered in accordance with the wishes of members, and that he is going to move the alterations as amendments to the present schedule. Consequently members would support him. It would be better and more straightforward to place members in this position, as provided by the Act; let them accept or reject it.

The Premier: Let us try to give the public a fair and just redistribution.

Hon. W. C. ANGWIN: It is better to go to the country on the present boundaries than commit an immoral action for the purpose of the next general elections.

The Premier: I heartily agree with you.

Hon. W. C. ANGWIN: Let the next Parliament bring forward an Act that will be more in keeping with the desires of the people.

Mr. McCALLUM (South Fremantle) [8.50] I listened attentively to the Premier's speech. I am sure every member must have been impressed by the fact that if the Premier had a case to make out he would have delivered a better speech than he did. It was a poor attempt to defend the attitude of the Government. This proves that he had no case.

The Premier: You say that about every one.

Mr. McCALLUM: I say it so far as this case is concerned. I never heard the Premier to so little advantage. He made no attempt to justify his action, legally or morally. It must be a great thing to be able to sit back in that complacent way, not to trouble about the arguments or the case that is presented against his action.

The Premier: I am going out to have a smoke soon.

Mr. McCALLUM: That is typical of members of the Government. It does not matter what case is put up, or what arguments are adduced against them, they know they have the numbers. The whip has only to crack, and no matter how strong a case may be made out against them, whatever happens, the Government know they have a brutal majority that will follow them like a lot of dumb, driven cattle.

Mr. SPEAKER: That has nothing to do with the motion.

The Premier: Let him go on.

Mr. McCALLUM: It has a good deal to do with it.

Mr. Teesdale: Not dumb, driven cattle. You mean camels.

Mr. McCALLUM: The hon. member is more an authority on driving camels than I am. The Electoral Districts Act provided for the appointment of a Commission to do certain work. Their task was clearly defined. The moment that task was finished their authority ended. They reported to the House, and became defunct as a Commission. But the Commission has been revived by Letters Patent. There has been no such happening as this in the history of the country. Why was it necessary in these circumstances to adopt that extraordinary action? Why has the Premier found it necessary to go to such extremes as no Premier in any other of the British Dominions has gone?

The Premier: Do you know the history of the British Dominions?

Mr. McCALLUM: I know it as well as the Premier does.

The Premier: Better, but you may still not know that.

Mr. McCALLUM: I challenge the Premier to point to one occasion when such an attitude as this has been adopted.

The Premier: You point to it.

Mr. McCALLUM: Why does the Premier find it necessary to take this action now? Is the situation so extraordinary? Why is he anxious to do something which no Premier in any of the other British Dominions has done?

The Premier: How do you know?

Mr. McCALLUM: His case was a desperate one. Why did he adopt this attitude unless he had some exceptional reasons for so doing?

The Premier: I thought you were honest in what you said before.

Mr. McCALLUM: The Premier thought a lot. It is evident he had no case to put up in support of his action, otherwise he would have shown us why he found it necessary, in the circumstances, to do what he has done. It has been said that because there is no declaration in law preventing this from being done, it can be done; that unless the law distinctly says the Government cannot act in this way, they are within their legal rights in doing so. That reminds me of the Irishman's definition of what should be done to secure decent laws. He said that the Parliaments of the world had been trying for centuries to say what we could do by law. This had resulted in chaos. They should now change the situation round and simply say by law what could not be done, leaving it to the people to do all the rest. That is the essence of the argument of the member for Bunbury (Mr. Money), and that of the Premier. They want to say by law what we cannot do, leaving it to us to do all the other things. That is an easy way out of the difficulty, but it is an argument I have never before heard seriously discussed. Last year the Premier, when introducing the Electoral Districts Bill, took his stand on the principle that members of Parliament should not be the authority in framing electoral districts. He said it was wrong for members to frame the boundaries of the electoral districts they would be contesting; that an outside Commission should be the authority for this purpose. He further pointed out on more than one occasion that this principle had been adopted by the Labour Government. He said it would be wrong for members of Parliament to attempt to frame boundaries to suit themselves, that, if members attempted to move amendments to alter the boundaries, the people would resent their action, and that for this reason an independent outside authority should be given that function. That was the whole principle upon which the measure was framed last year. Certain principles were embodied in the Electoral Districts Act to guide the Commissioners in the framing of the boundaries. We now find that the Premier has completely deserted that principle. He has now actually directed the Commission by Letters Patent, saying to them,

"I refer back to you your last decisions, and ask you to modify and alter them to meet the opinions of members of Parliament."

Hon. P. Collier: And nothing else.

Mr. McCALLUM: He set out distinctly that this was the only thing they were to take into consideration when modifying and reconsidering their decision. He says to the Commission, "We request you to take into consideration the proceedings in Parliament on the second reading of the Bill for an Act for the redistribution of seats, and to report as you may think fit, having regard to the matters discussed in the Legislative Assembly and reported in the Parliamentary debates."

Hon. P. Collier: I do not think the Chief Justice would have anything to do with that sort of thing.

Mr. McCALLUM: The Commission are limited to a consideration of the happenings in this Chamber. They are not authorised to look outside that. They have no authority to call for evidence, or for papers or documents with which to enlighten themselves. They are not to go outside the debates in this House. What becomes of the lofty ideals of the Premier, and of the stand members opposite took when they kept us here for two nights in succession? They said the Bill was founded on fundamental principles, that they were not going to depart from these, and that no matter how much opposition was shown by members here the Bill would be forced through. That principle has now been deserted, and members of the Commission are asked to frame new boundaries in accordance with the debates in this Chamber. Let us examine the situation. What will happen? Presumably the Commissioners will read through the "Hansard" discussion, a task which no one here will envy them. Then, when it comes to framing the boundaries afresh, they are to take members' speeches into consideration. They proceed to deal with the boundaries of the Nelson electorate. They look up "Hansard," and read what the member for Nelson (Mr. J. H. Smith) said. That hon. member complained that some cookies had been taken out of his electorate and put into Katanning, whereas he thought they should be left in his district. He complains that the Commissioners cut the Balingup cookies off his electorate. He contends that this seat is made unsafe, and that a Labour man challenging him would probably defeat him.

Mr. J. H. Smith: Now you are drawing the long bow a bit.

Mr. McCALLUM: That was the effect of the hon. member's argument. The Premier has directed the Commissioners to revise their ideas so as to suit the views of the member for Nelson, who sits behind the Government. He wants the cookies left in his district for fear a Labour candidate may defeat him. The Premier says to the Commissioners, "I direct you, by Letters Patent, to do what the member for Nelson desires." Then the Commissioners come to deal with Sussex. Turning up

"Hansard," they find that the member for Sussex (Mr. Pickering) complained about certain timber men being left in his district. The hon. member said, "I do not want those timber men in my district. They should be cut out. I want cockies." The authority to revise the schedule instructs the Commissioners that they are to read "Hansard" and give effect to the views of the member for the district. As regards Nelson and Sussex the Commissioners are instructed to alter the boundaries so as to make the seats safe for two members sitting behind the Government.

Hon. P. Collier: Other members did not refer to those electorates, and therefore the sitting members are the only members to whom the Commissioners will have to pay attention.

Mr. Pickering: Nearly every member spoke on the Bill.

Mr. SPEAKER: Order!

Mr. McCALLUM: Next the Commissioners come to Fremantle. The member for Fremantle (Mr. Gibson) said in this Chamber, "If the boundaries under the Bill stand, I am positive none but a Labour candidate will have a chance of being elected in Fremantle."

Hon. P. Collier: He wants that position altered.

Mr. McCALLUM: Yes. What are we coming to? Where are the lofty principles of which we heard so much last session? Is it not quite patent that exceptional circumstances have driven the Government to act in an exceptional way, in a manner no Government of a British Dominion has ever adopted before? When we denounced the 1911 Redistribution of Seats Act, the people rose in their wrath and wiped off the political map those responsible for that measure. But the Act of 1911 compares favourably with the action now being taken. The Premier of 1911 had faith in his own convictions. He was honest enough to say to the public, "The Redistribution of Seats Act represents what I think should be done, and I am prepared to stand or fall by it. Those are my ideas. Let the people judge me accordingly." But the present Government in the first instance came forward with lofty ideals and said that members of Parliament should not interfere with redistribution of seats. Later, when the Government found their own supporters critical and fault-finding, and seeming likely to lose their seats, a new authority was discovered, an authority previously unheard of, and the Commissioners were instructed to give consideration to the views expressed by Government supporters in this Chamber. Bearing in mind what action the people took in 1911, one can have no doubt as to the fate of the present Government when the people become seized of the situation. During the last discussion it was mentioned that before certain members would vote for the Bill they wanted a guarantee. At that time we had no idea what the guarantee was. Is this the guarantee?

Hon. P. Collier: Under that guarantee 28 members voted for the second reading.

Mr. McCALLUM: How was it that members who had previously spoken strongly against the Bill, eventually voted for the second reading? Was this reference back to the Commission the guarantee promised? If the argument of the member for Bunbury (Mr. Money) means anything, it means that this action is taken outside the law in order to circumvent the Bill now before the House. That was the essence of the hon. member's argument. He said, "This action is not connected with the Bill, but is entirely outside the Bill." Therefore I say the action was taken to circumvent the Bill of which Parliament is now in possession. Can that be called political morality? After a majority of this Chamber has voted for the Bill, the measure is deliberately referred back outside the House. The effect will be that members will not know what is going on until everything connected with the measure has been decided. It is immoral to refer the Bill back to the Commissioners. We have had it openly stated in this House that certain members had interviewed the Commissioners. In fact, that has been freely admitted by members themselves. Certain members, we are told, have interchanged ideas with the Commissioners, and have pointed out difficulties to the Commissioners, and shown them where the measure acts to the disadvantage of those members, and how those members want the boundaries altered. That has been admitted here.

Mr. A. Thomson: Who has admitted it?

Mr. McCALLUM: The member for Roebourne (Mr. Teesdale), who moreover produced a document from the Commissioners.

Mr. Teesdale: After the maps had been hung up in this Chamber.

Mr. McCALLUM: I am not saying it occurred before the Commission's report was submitted. It occurred since. Now those members are going to have a second try.

Mr. Teesdale: The member for North-East Fremantle (Hon. W. C. Angwin) discussed the matter with the Commissioners, and admitted having done so.

Mr. McCALLUM: No; the member for North-East Fremantle said he merely went to inform the Commissioners of certain things which had been openly stated in this House, and to ask them whether they had left any papers lying about, and to suggest to them that they should keep their papers locked up. How did the member for Roebourne come to get the document he produced in this Chamber, a document signed by one of the Commissioners?

Mr. Teesdale: Signed by the Commissioner of Railways.

Hon. P. Collier: Other members discussed the position with some of the Commissioners, too.

Mr. McCALLUM: I would not be surprised to find that that was so. I do not know how many members in all have seen the Commissioners and discussed the subject with them. It is admitted that the Bill is in the possession of the House. That argument has been put up by members opposite. There has

been no decision of this Chamber that the schedule shall be referred back to the Commissioners. The vote cast in this House has adopted the Bill. There is nothing to show that a majority of members here are not in favour of the Bill as it stands. Apart from the legal aspect, what moral right have the Government to take the measure out of the hands of Parliament and refer it back to the Commissioners without previously obtaining a declaration that the majority of members are dissatisfied with the measure?

Mr. Money: That is not the subject of the motion at all.

Mr. McCALLUM: The subject of the motion is objection to the reference back. The member for Bunbury (Mr. Money) can direct all his attention to the legal aspect of the matter. I strongly object to its moral aspect. If this kind of thing is permitted, it will not stop with a Redistribution of Seats Bill. What is going to be our position as a Parliament then? Are we to have other Bills brought here for us to discuss and then, while we are engaged in arriving at an opinion, are Letters Patent to be issued giving authority to someone outside the House to deal with those measures? And if that can be done while Parliament is discussing a Bill, it can also be done when the Legislature is not dealing with a measure. Where will the limit be? If this sort of thing is to be developed, the Government will over-ride the authority of Parliament altogether. The right of making laws will be taken away from the representatives of the people. We know that the Government have a majority and that no matter what arguments we may advance, or how wrong the thing may be, the numbers will be there to defeat the motion when the whip is cracked. What will happen later on? The Commission will submit another report and we are told it will appear on the Notice Paper.

Mr. Teesdale: Is it not optional for the Commission to act?

Hon. P. Collier: But this is a command from the Governor; they cannot refuse!

Mr. McCALLUM: If instructions are received from the Governor, I do not know what they will do. The Premier says he has asked them to modify their report, and that when the report is received, it will appear on the Notice Paper as an amendment to the schedule of the Bill. In doing that, the Government have indicated that they are dissatisfied with the original schedule. When the second report is received, what guarantee have we that it will be more satisfactory than the first? What will happen then?

Hon. P. Collier: We shall have another Royal Commission.

Mr. McCALLUM: If the Commission satisfy the member for Nelson (Mr. J. H. Smith), and the member for Sussex (Mr. Pickering), they may raise the ire of the member for Roebourne (Mr. Teesdale) or the member for Kimberley (Mr. Durack). Should that happen, it will be far more serious!

Mr. J. H. Smith: What about the member for Murchison?

Hon. P. Collier: Back it goes again!

Mr. McCALLUM: Is that to be the position? Are we to understand that when the second report is received, we may refer it back to the Commissioners? When the second report is received, which report shall we be asked to consider? Shall we consider the existing boundaries as proposed in the Bill, or those suggested in the second report? If we are dissatisfied with the second report, are we to have a third report? Which report will the Government back?

Mr. Underwood: The best.

Mr. Heron: They will back their fancy.

Mr. McCALLUM: I suppose the Government will back the report under which it is most likely that members supporting the Government will be returned. Is that to be the standpoint from which the further report is to be examined? It would be much quicker for the Government to fix their own boundaries as was done in 1911, and let us get the thing over. When we are dealing with the matter later on, will the schedule be dealt with as a whole, or shall we be allowed to move amendments respecting each individual electorate? If the boundaries fixed in the first schedule suit some members, it may be found that the boundaries defined in the second schedule may suit other members, and not suit those satisfied with the earlier proposal. If we are to be allowed to move amendments and pick and choose as we like, where will it land us? It is a distinct vote of no confidence in the Commissioners that their first report should be referred back to them. We shall see what will happen when the second report appears. We shall see if it is likely to receive more support than that accorded the first one.

Hon. T. Walker: If any objection is raised, we can have another Commission.

Hon. P. Collier: We may have a dozen.

Mr. McCALLUM: I take it the same course will be pursued. More Letters Patent will be issued, the Commission revived again and instructed, in view of the discussions in Parliament, to again introduce the political element. The pity of it is that the objections to be noted came from the other side of the House. We know that the strongest exception to the boundaries came from the Government side of the House. On the Opposition side, our stand was against the fundamental principle on which the Bill was based. We objected to the directions given to the Commissioners and we said that nothing resulting from the Electoral Districts Act could produce a satisfactory Redistribution of Seats Bill. Those instructions were wrong; they were based on false premises, and no Parliament elected subsequent to the issue of a report, born under such circumstances, could be classed as democratic or representative of the people. Faults were found with the boundaries, so a few timber workers will have to be taken from one place and in-

cluded in another; a few farmers will have to be shifted from one electorate into another; working men from one district will have to be taken elsewhere and a few likely to vote against Labour candidates, will be brought in to replace them. There will be juggling and re-juggling until boundaries are secured that are likely to result in a majority being returned in favour of the views held by the Government. I will venture a prediction. It is dangerous to predict, and any man who sets out to be a prophet may be regarded as foolish. I venture to prophesy, however, that, after the discussions which have taken place in this House and the Commissioners have been given their instructions to modify their earlier report, this is what will happen: The Plantagenet seat will be cut out and the extra representation added to the Murchison electorate. Greenough will be so altered that whatever chance Labour has in that constituency at present will be destroyed. They will alter the position regarding the Nelson seat by bringing in a few more "cockies".

Mr. Pickering: You mean farmers.

Mr. McCALLUM: I did not use the term in an offensive sense. They will bring in some farmers so as to make the Nelson seat more safe for the sitting member. The Commission will try to cut out the timber mills from the Sussex electorate to make that seat safer for the member for Sussex (Mr. Pickering). Then there is the Fremantle seat, the sitting member for which says he has no chance of winning with the suggested boundaries. I am afraid the Commission will find it a difficult task, but their instructions are to try to fix the boundaries satisfactorily. That is what I predict will happen. The idea will be to alter the boundaries so as to prejudice the position of the Labour movement at the next election.

The Premier: You should be ashamed to say that.

Mr. McCALLUM: The instructions are definitely set out.

The Premier: You spoke on the Bill.

Mr. McCALLUM: I did not express any opinion regarding the boundaries. The Premier knows I took my stand on a question of principle. I held that no democratic measure could arise from the course to be pursued under the Electoral Districts Act. I held that the directions given to the Commission were fundamentally bad and no democratic Parliament could have its birth under such a procedure. Now the Commission are to be asked to readjust the boundaries so as to overcome the objections raised by members who see they will have little chance of securing return. The principle enunciated by the Premier in introducing the measure last session was that no member of Parliament should take part in fixing the electoral boundaries. He claimed that that work should be done by an independent body. Now the Premier is nullifying the effect of his attitude by intro-

ducing a political element, for the purpose of assisting members on one side of the House. I take the strongest exception to what has been done, and I hope the motion will be agreed to.

Mr. PICKERING (Sussex) [9.25]: I do not desire to discuss the legal phase of the question, but I am of the opinion that the Government are within their rights in referring the Bill back to the Royal Commission. I am not in accord with the statement of the member for Kanowna (Hon. T. Walker) that the Commission ceased to exist when their report was placed upon the Table.

Hon. P. Collier: The Commission ceased with the presentation of their report, so far as this Bill is concerned.

Mr. PICKERING: I regret the tone in which the member for South Fremantle (Mr. McCallum) hurled the epithet "cocky" at the farming community of this State. I do not know why that epithet should be used in that connection, as, in my opinion, the farming community is one of the finest this State possesses.

Mr. SPEAKER: The member for South Fremantle pointed out that he did not use that term in a disparaging manner. It has been the custom to use that term and the member for South Fremantle said he used it in that way without any feeling.

Mr. PICKERING: An old song tells us "It's not exactly wot 'e sez, but the nasty way he sez it."

Hon. P. Collier: It is really a term of affection!

Mr. PICKERING: I have heard that another very offensive expression was used in the trenches in an affectionate sense, but I do not think we would use that particular term in this Chamber. The debate on the Redistribution of Seats Bill was contributed to by many members. Looking through the pages of "Hansard," I find that of the 27 members who spoke to the Bill, 15 sat on the Opposition side of the Chamber and 12 on the Government side. When the Commission consider their report again, they will have the benefit of fifteen-eightieths of the Opposition and of twelve-thirty-seconds of the Government side of the House. It will thus be seen that the preponderance of opinion recorded in "Hansard" and furnished for the guidance of the Commission, will come from the Opposition side of the House.

Mr. Underwood: No wonder they are suspicious regarding the report!

Mr. PICKERING: If the arguments which will go before the Commission show such a preponderance in favour of the Opposition, surely the argument should be all to the benefit of the Opposition. The most difficult phase confronting the Commissioners in considering those arguments will be the conflicting points of view expressed by Opposition members. The member for North-East Fremantle told us he was in favour of men-

not sheep. The member for Mt. Magnet (Hon. M. F. Troy), the member for Murchison (Mr. Marshall), the member for Cue (Mr. Chesson) and other goldfields members voiced their protests against the increased representation given to the metropolitan area. I think I may add the name of the Leader of the Opposition to those of the goldfields members I have mentioned.

Hon. P. Collier: What, against the metropolitan representation?

Mr. PICKERING: Yes.

Hon. P. Collier: You are entirely mistaken.

Mr. PICKERING: Then I apologise. "Hansard" also shows that members sitting on the Government side of the House agreed with the Opposition regarding the treatment extended to the Murchison electorate. I was one of those members. We all said that Murchison had been unfairly treated. I feel sure the Government are just as anxious as anybody else that Murchison should receive fair treatment.

Mr. Johnston: We are prepared to give them Karrakatta.

Mr. PICKERING: Yes, I would willingly give them Karrakatta.

Mr. Marshall: You would be looking for postal votes from Karrakatta.

Mr. PICKERING: The Government have referred the Bill back in the belief that the Commission, since they did not take evidence, had for their sole guidance the views expressed by 27 members of the Chamber.

Hon. P. Collier: Were they unbiassed members?

Mr. PICKERING: The Commission are in a position to judge of their bias. The Commission can weigh the different arguments put forward and compare them with the work they went through in framing the Bill.

Hon. P. Collier: Do you think it possible for any member to discuss the thing fully without displaying unconscious bias?

Mr. PICKERING: No, I do not, but the Commissioners are sufficiently sophisticated to be able to discriminate. Since the Bill was so unsatisfactory to the majority of the members of this Chamber, the Government made an honest endeavour to have it put into shape that would be more acceptable to us. I admit I am dissatisfied with the treatment accorded to my own electorate.

Hon. P. Collier: Hullo, you are getting in a further word now!

Mr. PICKERING: I am not desirous of doing that. The only way by which the Government could meet the position was to send the Bill back, for it was evident that the measure might be wrecked unless further consideration was given to it. Admittedly it is desirable that a redistribution of seats should be effected. If we can make it more equitable than is proposed in the Bill, so much the better.

Hon. P. Collier: How can we make it more equitable? The hon. member knows it was

taken out of our hands by the Act of last year.

Mr. PICKERING: But it has been restored to our hands. I do not contend that it is beyond the power of the Chamber to amend it, but I agree that it would be a difficult Bill to amend, and I think the Commissioners could well suggest to us how it should be amended. That, doubtless, was in the minds of the Government when they sent it back.

Hon. T. Walker: The Commissioners can only modify the boundaries.

Mr. PICKERING: That is how it will have to be amended. It lies solely with the House to accept or reject the modifications. It is the only way out of the impasse. Everybody agrees that the Murchison boundaries ought to be modified. If we can get a redistribution on the lines suggested, with the proposed modifications of the Murchison boundaries—

Mr. SPEAKER: The hon. member cannot discuss the Bill.

Mr. PICKERING: I am discussing the possible modifications.

Mr. SPEAKER: The hon. member is suggesting modifications when he suggests that the Murchison boundaries be amended.

Hon. P. Collier: It is of no use. Your first speech is the only one that will weigh with the Commissioners. You cannot get in another word now.

Mr. PICKERING: That is far from my desire. I do not agree that the Government's action is an infringement of the rights of this Chamber. When we get the modifications sent along by the Commission we shall still have our rights unimpaired. I will oppose the motion.

[The Deputy Speaker took the Chair.]

Mr. HUGHES (East Perth) [9.36]: Quite apart from the legal aspect of the position, so ably expounded by the member for Kanowna (Hon. T. Walker) and so feebly replied to by our friends opposite, the whole procedure seems to be a most immoral act on the part of the Government. In issuing instructions to the Royal Commission they request the Commissioners to take into consideration proceedings in Parliament on the second reading, and to modify their report as they think fit, having regard to the matters discussed in Parliament.

Hon. P. Collier: The Commissioners are to be governed by that.

Mr. HUGHES: Yes, that restricts their powers. They could not call an hon. member and examine him. If they comply with the request, they will call for the Parliamentary debates—

Mr. Teesdale: God help them!

Mr. HUGHES: That is the instruction to the Commissioners. If the Commissioners are going to take into consideration the speeches of members who dealt with their own electorates, then in common fairness before coming to a decision they ought to call those members who did not deal with their elec-

torates. It means that the man who squealed the loudest will be the most clearly heard.

Mr. Teesdale: Then the member for Murchison ought to stand a good chance.

Mr. HUGHES: If they are going to frame the redistribution on all that was said about the electorates, we shall probably have 49 electorates in Murchison.

Mr. Chesson: What chance will the member for Roebourne have?

Mr. HUGHES: If he can find those four camels, we shall be glad to have him with us. The member for Sussex (Mr. Pickering) suggested that if the Commission read the debate an advantage would accrue to the Opposition because 15-18ths of the members on this side criticised the Bill, whereas only 12-32nds of those on the Government side spoke for it. There is in that a subtle suggestion to the Commission that members on this side had a great deal more to say about amending the boundaries than had members opposite. As a matter of fact, with the exception of the member for Murchison (Mr. Marshall) members on this side religiously refrained from dealing with the boundaries of their own electorates.

Mr. Teesdale: You put in a rather fine bit of work for your own electorate.

Mr. HUGHES: I never said a word about my own electorate. I could put up a better case for my electorate than could the member for Sussex for his. I could organise a petition and get certain electors to make requests to the House. In another part of my electorate I could get a petition asking that a certain section be excised from the electorate.

The Minister for Mines: I don't endorse that.

Mr. Corboy: Are you satisfied with your representation in Parliament?

The Minister for Mines: Quite. I'd rather have him there than over here.

Mr. HUGHES: I refrained from discussing my own electorate.

Mr. Teesdale: You were strong on having the Bill referred back to the Commissioners.

Mr. HUGHES: But in a proper way, not with instructions to take notice of speeches exclusively. I said the Bill ought to be defeated, and, like the member for Sussex, I voted against it. I dealt almost entirely with the way the Bill worked out in respect of certain electorates. My remarks were based largely on anomalies in the Bill. Particularly did I draw a comparison between the growing electorate of Canning, with 6,400 electors, and the fully settled pocket borough of Subiaco, with only 5,000 electors.

Mr. Richardson: You were not quite right in your statements about Subiaco. There is room down there for 1,500 more electors.

Mr. HUGHES: I suppose if there were a lot of sky scrapers there the hon. member would claim that there was room in the electorate for 15,000 more electors. Still even then he could not reasonably declare that there is as much room for expansion in Subiaco as there is in Canning. Yet the Commissioners gave Subiaco 5,000 electors and gave Canning about 300

below the quota. I remarked that it was strange that where little pocket boroughs were provided they happened to be represented by Government supporters, whereas Canning and East Perth, represented by Opposition members, got almost the full measure of their quota. I made no reference to my own electorate and had no desire to influence the Commission. I was prepared to let them decide and take the risk whether it worked out in our favour or not. The whole of the discussion by members of the Opposition was on the principles of the Bill, and the instructions given to the Commission. Very few dealt with the question of boundaries. They contended that the conditions imposed practically prevented the Commissioners from bringing down an intelligent measure, and their prognostications were justified.

Mr. Teesdale: Some of you said office boys could have done as well.

Mr. HUGHES: No three office boys could have produced more anomalies.

Mr. Teesdale: That is a nice reflection on a judge.

Mr. HUGHES: What is the hon. member talking about? It is not a reflection on a judge. The Commissioners were given instructions; they were placed in a straight-jacket and could do only certain things. As a result of the restrictions, they were hamstrung and the anomalies were inevitable. I doubt whether anyone could have done better. They were merely allowed to rule off the places on the map. There was no room for the exercise of discretion. The Commissioners were men of more than average intelligence, but they had no scope to exercise it. Now that their proposals have been examined, they are to be referred back, and the Commissioners are to be asked to modify their report in view of the discussion in Parliament. They would be perfectly justified in refusing to accept the Commission. They should stand on their dignity, and refuse to be parties to such an immoral thing. Members of the Opposition did not suggest what the boundaries should be. It would not have been right to do so. No member had a right to urge that his electorate should be carved up in a certain way. Members on the Government side did not deal with principles. They were quite in accord with the principles until they saw their proposed electorates, and then we had a petition presented from certain people in one electorate praying that they be not shifted to another electorate.

Hon. P. Collier: Will that petition go to the Commissioners?

Mr. HUGHES: Yes, because it is reported in "Hansard."

Hon. P. Collier: Then I shall have to move that it be burnt.

Mr. HUGHES: The petition stated in effect that, notwithstanding the law, the instructions given to the Commission and the finding of that independent body, the petitioners prayed to be left in a certain electorate. That is a nice state of affairs; that is what the Commissioners have to consider. It was rumoured that certain Gov-

ernment supporters were not going to vote for the second reading, and that the Bill would lapse through lack of the statutory majority.

Mr. Teesdale: There was only one slip.

Hon. P. Collier: He came back to the fold.

Mr. HUGHES: One member said, "If this Bill goes through, my seat will go to the Opposition." That is what the Commission have to consider under the request from the Premier. A more humiliating request was never made to any men. The Commission are requested to save the skin of the member for Fremantle (Mr. Gibson).

Hon. P. Collier: And the member for Nelson (Mr. J. H. Smith).

Mr. HUGHES: The member for Nelson wanted some guarantees.

Mr. J. H. Smith: I wish I could get them.

Mr. HUGHES: Has the hon. member consulted the member for Bunbury (Mr. Money) to ascertain definitely whether the guarantees, if not put in writing, are any good?

Hon. P. Collier: Perhaps they are like DeGaris's guarantees.

Mr. HUGHES: If they are not in writing, they are not worth the paper they are written on.

Mr. Teesdale: That is a nice bull!

Mr. HUGHES: The member for Nelson wanted some guarantees before he would vote for the second reading.

Mr. Teesdale: Evidently he got them.

Mr. J. H. Smith: A guarantee that the Bill would be referred back.

Mr. HUGHES: The hon. member owns up to it. He did not get the assurance before he demanded it.

Mr. J. H. Smith: I got it before I voted for the Bill.

Mr. HUGHES: That is a nice admission! We have to be thankful the hon. member was so modest. He might have demanded from the Premier that only the electors that guaranteed to vote for him should be permitted to remain in his electorate.

Mr. J. H. Smith: Did not I mention Murchison?

Mr. HUGHES: Was his guarantee for Murchison? Did the petition pray to God and to this House to give Murchison another seat?

Mr. J. H. Smith: It was on behalf of the State. Read it—"community of interest."

Mr. HUGHES: The petition was from electors in the Mullalyup and Balingup districts. They did not wish to be transferred to the Collic electorate; they wished to remain in the Nelson electorate.

Mr. J. H. Smith: Because there was no community of interest in the Collic electorate.

Mr. Latham: They were within their rights.

Mr. HUGHES: They were not; it was not a right thing for them to do. A body of citizens have no right to ask to be placed above the law. The law authorised the

Commissioners to draw the boundaries and, when they had done it, these people asked for special consideration over other people in the State.

Mr. J. H. Smith: The consideration was community of interest.

Mr. HUGHES: The hon. member demanded a guarantee from the Premier before voting for the second reading.

Mr. Wilson: And got it.

Mr. HUGHES: Yes, and now gloats over the fact that he got it.

Mr. J. H. Smith: I believe in everything that is fair.

Mr. HUGHES: That is the type of evidence on which the Commissioners are asked to modify their report. Even the member for Sussex (Mr. Pickering) did not demand a revision or ask for a guarantee. He voted against the Bill. He may as well have gone to the Premier and said, "Unless I get a guarantee that this Bill will not go through in its present form but will be referred back so that the Commission may consider my views, I shall not vote for it."

Mr. Money: But he did not.

Mr. HUGHES: He would have been equally entitled to do so.

Mrs. Cowan: The Premier gave a guarantee before the second reading.

Hon. P. Collier: When he was about to sit down, just before the vote was taken.

Mr. HUGHES: The first I heard about a guarantee was when the member for Nelson asked for it. When the Premier was replying to the second reading debate, he said he was going to refer the Bill back.

Mrs. Cowan: The schedule.

Hon. P. Collier: The schedule is the Bill.

Mrs. Cowan: No one got up and objected to the guarantee.

Hon. P. Collier: No one had a chance to object; the Premier mentioned it at the last moment.

Mr. HUGHES: I held a better opinion of the Premier. I thought that if a member was so indiscreet as to put a pistol to his head and say, "The only condition on which I shall support you, my leader, is that you refer the Bill back," he would have scorned such a demand with indignation and refused to comply with it. Evidently there are no rules to the game. It is a matter of winning in any way possible. The vote of the member for Nelson was on the auction block. The price of his vote was that a guarantee be given regarding his electorate.

Mr. J. H. Smith: You need not worry about the next election.

Mr. Corboy: You will do all the worrying.

Mr. HUGHES: The hon. member has no cause to worry; his position is pretty secure. If the new Bill does not suit him, he will demand another guarantee.

Mr. J. H. Smith: Of course I shall; it is only natural.

Hon. P. Collier: Is this a sort of merry-go-round we are on?

Mr. HUGHES: If he does not get the guarantee, he will vote against the third reading. I suppose if one of the camels in the Roebourne district died, the member for that district would demand its replacement before he would vote for the Bill. What a nice state of affairs! The only condition on which we can get a redistribution is that those members holding the balance of power shall be made secure. More notice is to be taken of the member for Nelson than of 26 other supporters of the Government.

Mr. Latham: Is this a second reading debate?

Hon. P. Collier: Yes.

Mr. HUGHES: I have something to say about the member for York (Mr. Latham) who, I hope, will be as candid as was the member for Nelson. Let me refer to the generosity of the member for York. His heart bled for the Murchison, he wanted to give the Murchison another seat; he said he was prepared to give it another seat, but from whom was he going to take it?

Mr. Corboy: From the other fellow.

Mr. HUGHES: Not from the Country party, of which he is the Deputy Leader, but from the metropolitan area.

Mr. Latham: I would take it from East Perth if I had a chance.

Mr. HUGHES: I do not doubt that. The hon. member, in the goodness of his heart and philanthropy, bled for the Murchison and laboriously endeavoured to show that if the metropolitan area with 84,000 electors lost one seat, the remaining members would have only 500 additional electors each to represent. When we suggested that the Country Party, with 23 seats for 66,000 electors, need represent only 132 additional electors each if the seat were taken from them, he was still of opinion that the sacrifice should be made by the metropolitan area.

Mr. Latham: They would then have less representation than the city.

Mr. HUGHES: The hon. member would have us believe that 23 members for 66,000 electors is smaller representation than 14 members for 84,000 electors.

Mr. Latham: It would be.

The DEPUTY SPEAKER: I cannot connect what the hon. member is saying with the question before the Chair.

Mr. HUGHES: I am replying to the speeches of members that criticism has come only from this side. I am dealing with the instructions to the Commission that they shall have regard to matters discussed in this Assembly. Certain members did not speak at all. Are the Commission to assume that they are satisfied with the redistribution? Notwithstanding that they may have had suggestions to make, are they not to be heard?

Mr. Teesdale: It is usual to ventilate a grievance if you have one.

Mr. HUGHES: But the Commission may not hear the grievance.

Mr. Teesdale: They had the same chance to speak as others.

Mr. HUGHES: If a member thinks his electorate might have been better arranged, unless he had said so during the second reading debate, his views could not go before the Commission. Members of the Commission are to have regard only to the second reading debate in this House. It is a most unfair and awkward position to place them in. There were many conflicting statements made during the debate. I said in my speech—

Mr. SPEAKER: The hon. member cannot restate it on this occasion. The Commission will have before them what he said in his speech.

Mr. HUGHES: Can I not draw a comparison—

Mr. SPEAKER: The hon. member is not allowed to repeat a speech that has already been delivered on the second reading of a Bill.

Mr. HUGHES: I am not quoting from my speech.

Mr. SPEAKER: The hon. member was saying that he had stated so and so on the occasion of the second reading. I cannot allow him to go over the speech again.

Mr. HUGHES: Am I not allowed to deal with the information that is placed before the Commission?

Mr. SPEAKER: The hon. member is allowed to deal with the subject matter of the question before the Chair.

Mr. HUGHES: This is an essential portion of it. The subject matter of the question is that the Commission shall have regard to the statements made on the second reading of the Bill.

Mr. SPEAKER: The hon. member was going to repeat what he said on the second reading. I said I could not permit it. That is the position.

Mr. HUGHES: It is rather difficult to deal with the matter without repeating something of what was said during the second reading.

Mr. SPEAKER: The hon. member may proceed, and I will draw attention to any departure from the rules of debate.

Mr. HUGHES: Many contradictory statements were made during the debate showing different views on the part of various members. The Commission are asked to have regard to these statements. They may accept the statement of one member and reject that of another. They have to make their own selection. If one member said that a certain electorate was too small, and the sitting member said it was all right, the Commission would have to decide which statement to accept. If they altered the electorate they would have regard for one statement, and if they did not do so they would have regard for the other. That is not placing the Commissioners in a fair position.

[The Speaker resumed the Chair.]

If the Commission had regard to the statements of the member for Roebourne (Mr. Teesdale), and disregarded mine. I may perhaps set up a squeal and suggest they were not entitled to take his opinion against mine. On the other hand, they might show a preference for my statement against his. The hon. member would perhaps be disgusted and horrified that the Commission should have accepted my judgment in preference to his. That is not the right position in which to place the Commission. It is an immoral thing to ask them to do. If the House by resolution had decided to refer the Bill back to the Royal Commission, without any instructions, for their reconsideration, giving them the right to obtain what information they could, without asking them to comply with any guarantees, or asking them to have regard to members who had spoken, there might have been some justification for the action. But to refer the Bill back with these restrictive powers is placing the Commission in a position similar to that which they occupied in the original Bill. It has been suggested that since the Bill was presented and the maps were placed on the wall, certain members have discussed the boundaries with members of the Royal Commission. I admit I went to the Electoral Department and borrowed six census maps, after the Bill had been introduced. I saw no reason for secrecy. That was all over.

Mr. SPEAKER: The hon. member is not in order in repeating all this now. The motion has nothing to do with it.

Mr. HUGHES: But the matter has been introduced.

Mr. SPEAKER: I was out of the Chamber for a few moments. I have tried to keep members up to the rules of debate as nearly as possible. The motion reads—

That the action of the Government in referring the Redistribution of Seats Bill to the Commission appointed under the Electoral Districts Act, 1922, and reappointed by Letters Patent, to reconsider and modify their report in the light of the debates in this House, is contrary to the law embodied in the Electoral Districts Act, 1922.

The hon. member has been putting up arguments to show that this is against the Electoral Act. The motion continues—

And further, is an infringement of the rights and privileges of Parliament as defined in the Constitution Act and the Letters Patent constituting the office of Governor of the State of Western Australia.

Here are three points to be debated. I cannot permit a general second reading debate.

Mr. HUGHES: One point that it is permissible to debate is in regard to the Letters Patent reappointing the Commission.

Mr. SPEAKER: Yes.

Mr. HUGHES: I would not have risen except to reply to some of the arguments

put forward in opposition to the motion. The only thing the Commission can take into consideration is the second reading debate.

Mr. SPEAKER: As reported in "Hansard."

Mr. HUGHES: Yes. Any member who had a grievance but neglected to state it cannot now be heard. The Commission would have no power to call witnesses before them. Those that did state their grievances will be heard. The Commission, however, will have to choose between them and decide whether they will have regard to the suggestions of one or the other. This will cause a great deal of dissatisfaction. The Commissioners will also have to decide between one side of the House and the other. We have no guarantee that the report will be final. It may even be necessary to have the Bill again referred back to the Commission. The whole business wears an air of immorality. Statements were made on the second reading that other members had no opportunity of combating. A member can speak but once on the second reading, and is therefore precluded from replying to arguments that are put up after he sits down.

Mr. SPEAKER: I cannot allow it to be done now.

Mr. HUGHES: I am sorry that is so.

Mr. SPEAKER: The hon. member will realise that the same procedure was adopted on the second reading of this Bill as is followed in the case of all other Bills.

Mr. HUGHES: I appreciate that fact, but all these statements go before the Commission uncontested. I know that you, Mr. Speaker, cannot help this, and must adhere to the rules of debate. There will go before the Commissioners uncontested evidence. They will hear only one side of the story, merely because this happens to appear in "Hansard" in such a way that it cannot be controverted. It is on this they are asked to reconsider their decision. It is unfair to the State and to members, and I hope the House will put an end to the proceedings by agreeing to the motion.

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

Ayes	..	..	..	11
Noes	..	..	..	24
				—
Majority against	..	..	..	13
				—

AYES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Munroe
Mr. Collier	Mr. Walker
Mr. Heron	Mr. Wilson
Mr. Hughes	Mr. Corboy
Mr. Marshall	

(Teller.)

NOES.

Mr. Angelo
Mrs. Cowan
Mr. Davies
Mr. Durack
Mr. George
Mr. Gibson
Mr. Hickmott
Mr. Johnston
Mr. Latham
Mr. C. C. Maley
Mr. H. K. Maley
Sir James Mitchell

Mr. Money
Mr. Pickering
Mr. Plesse
Mr. Richardson
Mr. Sampson
Mr. Scaddan
Mr. J. H. Smith
Mr. Stubbs
Mr. Teesdale
Mr. A. Thomson
Mr. Underwood
Mr. Mullany
(Teller.)

PAIRS.

AYES.

Mr. Cunningham
Mr. Lutey

NOES.

Mr. Carter
Mr. Mann

Question thus negatived.

BILL—ELECTRIC LIGHT AND POWER AGREEMENT AMENDMENT.

Returned from the Council without amendment.

House adjourned at 10.19 p.m.

Legislative Council,

Tuesday, 9th October, 1923.

	PAID
Question: Sinking fund payments	1028
Ministerial Statement: Deficit and Sinking Fund payments	1028
Leave of absence	1030
Bills: Friendly Societies Act Amendment, 2a.	1031
Inspection of Scaffolding, 2a.	1037
Motion: Water Supply Department by-law, to disallow	1033
Assent to Bill	1037
Adjournment: Royal Show	1038

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

QUESTION—SINKING FUND PAYMENTS.

Hon. J. W. KIRWAN asked the Minister for Education: 1, In view of the fact that the payments into the sinking fund for 1920-21 amounted to £792,738, and for 1921-22 to £728,596, will he give details of the items responsible for the reduction of the payments for 1922-23 to £410,891? 2, Can he give an estimate of the probable total payments into the sinking fund for the current financial year?

The MINISTER FOR EDUCATION replied: 1, The figures stated represent the net increase in the Sinking Fund, and not the payments into the fund. (See Budget Return No. 13). The difference between the amount of £728,596 for 1921-22 and £410,891 for 1922-23 is due to the following:—Redemption of local Inscribed Stock, 1st January, 1923, £175,707; reduced contributions from Revenue, £79,811; decrease in discount on purchases of stocks for investment, less increase in interest, £64,187; total, £317,705. 2, The payment of contributions from Revenue into Sinking Fund for the current financial year is estimated to be £227,057, but the earnings of the fund cannot be stated.

MINISTERIAL STATEMENT—DEFICIT AND SINKING FUND PAYMENTS.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [4.36]: With your permission, Mr. President, I desire to make an explanation bearing on the answers just given to Mr. Kirwan's questions. There seems to be some misunderstanding with regard to the very important subject raised by the hon. member in his speech on the second reading of the Supply Bill, and also by the questions which he has asked to-day and which I have just answered. The matter is perfectly clear to me, and I hope it will be clear to hon. members after I have made this explanation as to the position of the sinking fund. I think I was under some misapprehension when the hon. member spoke on the Supply Bill. I thought he was under the impression that the position of the deficit was in some measure due to the sinking fund. Such is not the case. His remarks led me to believe that he inferred that we had not paid the statutory amount of annual contributions into the sinking fund for 1922-23, and that the deficit had been reduced accordingly.

Hon. J. W. Kirwan: I never meant anything of the kind.

The MINISTER FOR EDUCATION: That was the impression on my mind at the time. If the Government pay the statutory amount into the sinking fund each year, that is all they are required to pay in cash. The other portion of the sinking fund is made up in various ways, which perhaps are better known to hon. members than to me.

Hon. J. W. Kirwan: The Minister cannot be under any such impression if he reads my speech.

The MINISTER FOR EDUCATION: This is what the hon. member said—

The amount paid into sinking fund in 1921-22 was £728,000, and the amount in 1922-23 was £410,000. The difference in the two years was £318,000, whereas the decrease in the deficit was £327,000.

That statement conveyed to my mind that to the extent of £327,000 the Government had not made the full payments to the sinking fund, and that therefore the deficit should be increased by that amount.