

Legislative Council,*Tuesday, 22nd December, 1903.*

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THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.**PAPERS PRESENTED.**

By the COLONIAL SECRETARY: Copies of correspondence from the Premier to the licensing benches in reference to the granting or refusal of licenses to sell liquor.

Ordered, to lie on the table.

ROADS ACT AMENDMENT BILL.

Read a third time, and *passed*.

FACTORIES BILL.**THIRD READING.**

THE COLONIAL SECRETARY moved that the Bill be read a third time.

HON. G. RANDELL: A petition against the Bill had been forwarded to him by the Chinese manufacturers. He had pointed out that the action taken was too late.

Question passed.

Bill read a third time, and returned to the Assembly with amendments.

REDISTRIBUTION OF SEATS BILL.**AMENDMENTS—ASSEMBLY'S MESSAGE.**

The Council having amended the Bill, and the Assembly agreeing to 14 amendments and not agreeing to three others, also amending one, the Assembly's Message was now considered in Committee.

HON. J. W. HACKETT: There was not much business to be done during the remainder of the afternoon, and there was a rumour that the House was to sit to-night. What did the leader of the House propose?

THE COLONIAL SECRETARY: It would be necessary, after disposing of

the business on the Notice Paper, which would not take long, to adjourn until nine o'clock, when the House would meet to receive any messages that might be ready from another place. Members should accede to such a reasonable proposition.

HON. J. W. WRIGHT: The House should adjourn now until nine o'clock.

THE COLONIAL SECRETARY was not prepared to agree to that.

HON. J. W. HACKETT: Would the leader of the House consent to have this order of the day postponed?

THE COLONIAL SECRETARY: No. His colleagues considered that, as it had been thought well by the Council to have the Constitution Act Amendment Bill, the Electoral Bill, and the Redistribution of Seats Bill considered together, the three of them should be considered together in the Assembly. The leader of the Government had stated his intention not to proceed with the other two measures until the Redistribution of Seats Bill was also sent down to the Assembly.

HON. J. D. CONNOLLY: Why?

THE COLONIAL SECRETARY: Because the leader of the Government claimed the privilege which was claimed by the Council, that of having the three measures considered together. One might rather ask members why they desired to postpone this measure?

HON. J. W. HACKETT: There was no privilege to entitle either House to say that the three Bills should be considered side by side, and the leader of the House consented to that course. As matters now stood it was a case of "least said soonest mended." He earnestly hoped we should see all these three Bills the law of the land before the session closed, but at the present time it would put the Council in an unfair and inferior position in regard to our duties to our constituents if the proposal of the Colonial Secretary were consented to, that we should now consider the Assembly's Message regarding our amendments to the Redistribution of Seats Bill, for once we dealt with the Bill we were done with it and it passed into the hands of another place. He would like to know the intention of the Government with regard to the other two Bills; and if the Colonial Secretary would take no step

in regard to postponing this order of the day, he would do so.

THE PRESIDENT: The order might be postponed until the next order was disposed of, and then it could be farther postponed.

HON. J. W. HACKETT moved that the order be postponed until after the next order of the day.

THE COLONIAL SECRETARY: There was no objection.

Motion passed, and the order postponed.

MINING BILL.

ASSEMBLY'S FARTHER AMENDMENTS.

The Council having amended the Bill, and the Assembly agreeing to the amendments subject to three farther amendments, the Assembly's Message was now considered, in Committee.

No. 8—Clause 17, Assembly's farther amendment to strike out the words "two shillings and sixpence" in line 3, and insert "five shillings" in lieu:

THE COLONIAL SECRETARY: This dealt with miners' rights. The Assembly had agreed to the Council's amendment that all persons employed on mines should not be required to hold rights, but had increased the price of the right to 5s. He moved that the Assembly's farther amendment be agreed to.

Question passed, the farther amendment agreed to.

No. 9—Assembly's consequential amendment—agreed to.

No. 22—Assembly's farther amendment, to strike out the words "entered into or incurred after the commencement of this Act," and insert in lieu, "But until the expiration of one year from the commencement of this Act, such lien shall not prevail against any mortgage charge or other encumbrance entered into or incurred and registered before the commencement of this Act":

THE COLONIAL SECRETARY: This was a farther amendment on an amendment moved partly by himself and partly by Mr. Randell. The clause provided that four weeks' wages should be a first charge on mining tenements prior to any existing mortgage or encumbrance. The Council struck out the word "existing" and inserted after encumbrance, "entered into or incurred after the commence-

ment of this Act"; but now the Assembly proposed to strike out these words added by the Council and to insert a provision allowing 12 months from the commencement of the Act for existing mortgagees to make the necessary financial arrangements with regard to existing mortgages.

SIR E. H. WITTENOOM: That was quite right.

THE COLONIAL SECRETARY thought it was fair. The farther amendment was thought necessary, because it was found that existing mortgages might run over 20 years, and so act in detriment to the men employed on some leases. Several lamentable instances had occurred illustrating this. On a mine in the north country 300 men lost wages aggregating between £3,000 and £4,000, because there appeared to be in existence a mortgage over the property to the extent of £41,000. Most of the men worked six weeks, and their wages appeared to be irrevocably gone. They worked on in the hope of getting their wages; and when at last they made an effort to collect them by the usual legal process, they were faced with this large mortgage. Members should not allow this state of affairs to continue, and should accept the Assembly's amendment. He moved that the Assembly's farther amendment be agreed to.

HON. G. RANDELL: There was no objection to the amendment; but it would probably act very prejudicially to owners of mines, because capitalists and financial institutions would now be very chary of advancing money on private properties.

THE COLONIAL SECRETARY: Quite possibly.

HON. G. RANDELL: However, the amendment would meet the case at present, and would enable financial institutions to make any necessary arrangements.

Question passed, the farther amendment agreed to.

Resolutions reported, the report adopted, and message accordingly returned to the Assembly.

STANDING ORDERS SUSPENSION.

Standing Orders suspended in part, to enable the Council to deal with Messages received from the Legislative Assembly.

**COLLIE-NARROGIN RAILWAY BILL.
COMPULSORY PURCHASE AMENDMENT.**

The Legislative Council having made two amendments to the Bill, and the Assembly agreeing to one and amending the other, the Assembly's message was now considered in Committee.

Clause 4—Farther amendment to strike out "not being less than one thousand acres in extent and the property of one owner," and insert in lieu, "in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons jointly or in common, and":

THE COLONIAL SECRETARY moved that the Assembly's farther amendment be agreed to. The alteration would not be a change of the substance, but merely one of form. The amendment had been found necessary owing to some ambiguity in the words which were inserted in the clause in this Chamber. The words inserted by this Chamber could be read in a variety of ways, although the Chamber was well seized of the significance of the amendment when it passed these words.

Question passed, the farther amendment agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

JANDAKOT RAILWAY BILL.

COMPULSORY PURCHASE AMENDMENT.

The Council having made two amendments in the Bill, and the Assembly agreeing to one and amending the other, the Assembly's message was now considered in Committee.

THE COLONIAL SECRETARY: This was exactly the same amendment as that made in the previous case, except that it was in another Bill. He moved that it be agreed to.

Question passed, the farther amendment agreed to.

Resolution reported, the report adopted, and message accordingly returned to the Assembly.

REDISTRIBUTION OF SEATS BILL.

**AMENDMENTS—FARTHER POST-
PONEMENT.**

HON. J. W. HACKETT moved that the order for the consideration of the

Assembly's message be adjourned until nine o'clock, p.m. He hoped the day would pass without a communication of a lamentable character, calculated to introduce harm into the circumstances of this great question, and that the relations arising out of the matter would be stated to us when we met again.

THE COLONIAL SECRETARY: In expressing his entire concurrence with the wish of the hon. member that every consideration should be given which might conduce to harmonious proceedings surrounding these three Bills, and in consenting to the adjournment of this Bill until nine o'clock, he would like to say, so far as he was concerned, that at all events he might claim he had not done anything to cause any lack of harmony in the proceedings on these three measures. It would be reasonable if the same privilege were accorded to another part of the legislature as was accorded to this House, of considering these three measures together. That procedure was practically necessary, and the request by the Legislative Assembly absolutely reasonable. He had nothing farther to say on this question until members met at nine o'clock this evening.

Question passed, the order farther postponed.

The PRESIDENT left the Chair until 9 o'clock, p.m.

At 9 o'clock, Chair resumed.

Message expected from the Assembly, relating to other allied Bills, not yet received.

HON. J. W. HACKETT: The leader of the House might explain the situation in regard to this Bill, and he might be frank in his explanation.

THE COLONIAL SECRETARY: There was no statement to make. Members for certain reasons of their own, with which he was not acquainted, wished to postpone the consideration of this message till certain measures were considered in another place. That course he regarded as unfair and unjustifiable on the part of this Chamber. He would be prepared, should the postponement be moved, to explain his reasons for opposing such a motion; but he had no statement to make now, because no decision would be arrived at in another place in regard

to the other two measures, the Constitution Act Amendment Bill and the Electoral Bill, until the three measures were considered together.

HON. J. W. HACKETT was prepared to move that the order of the day be postponed until to-morrow. He regretted the definite terms in which the leader of the House had expressed himself. The position now was one in which the virtues and merits, not only of the political opinions of Englishmen but of English Parliaments were called for, and one in which the natural product of our system of government enjoyed for so many hundred years, the qualities of conciliation, compromise, and concession, were not only valuable but indispensable. He was in hope that the opportunity would be given for the exercise of these qualities, but a stone wall was being put across our path to prevent it. He believed we were prudent in not discussing the measure at this moment.

[THE COLONIAL SECRETARY: The hon. members should give reasons.] The reasons why we should not do so were in the mind of the leader of the House, as they were in the minds of every member of the House at this moment, and they need not be dwelt upon for the purpose of giving information, lest inadvertently some obstacle should be placed in the way of a satisfactory, harmonious, and conciliatory arrangement. He moved that the order of the day be postponed until to-morrow.

THE COLONIAL SECRETARY: As hon. members might perhaps have anticipated, it was his intention not to agree to the postponement, but to divide the House upon the matter. He was very sorry that Dr. Hackett, who appeared to be in the forefront of the movement and indeed its principal director, had not thought fit to give the reasons, those apparently unspeakable (he would not say inexplicable) reasons, that seemed to sway members in not consenting to give consideration to this measure when there was ample time to do so, for there had been ample time during the afternoon and there was yet ample time. Yet for apparently no justifiable reasons we found an inexplicable reluctance to deal with the measure. The hon. gentleman was good enough to say that the reasons were in his (the Colonial Secretary's) mind as they were in all hon. members' minds.

He would give reasons which he thought were actuating members. It appeared there was a reluctance on the part of members to deal with the discussion of the Redistribution of Seats Bill until the fate of two other Bills, or perhaps he might be more accurate in saying one other Bill, now before another place was decided. Apparently members wished to hold as a sort of menace over another place this Bill until they could practically coerce it to their way of thinking.

HON. G. BELLINGHAM: Was the hon. gentleman in order in attributing motives?

THE PRESIDENT: The hon. gentleman was wrong in using the word "coerce."

THE COLONIAL SECRETARY withdrew the word.

HON. J. W. HACKETT: Did the hon. gentleman really think the tone he adopted was advancing the situation? He (Dr. Hackett) had listened to it with the greatest regret.

THE COLONIAL SECRETARY felt he had very little chance of converting Dr. Hackett to what he (the Minister) considered a reasonable method of dealing with this question. He (the Minister) had gone far enough, perhaps too far, in explaining the reasons which he thought were actuating members of this Chamber in dealing as they were doing with this matter. At the same time he would remind the hon. member that when these Bills came down to our Chamber they came not in one body but singly. It was the wish of members, expressed by Dr. Hackett, that the consideration of these measures as they came down one by one should be postponed until we had them all three before us. It was the wish of this Chamber in regard to the second reading that these Bills should go through side by side and stage by stage. He thought members would recollect that he (the Minister) acceded, and gladly acceded, to that wish. They would also remember that on one occasion when he wished to move the third reading of the Electoral Bill he told them that he had entered into an understanding with them which he wished to loyally fulfil; that if there was one dissentient voice against the third reading being carried he would withdraw the motion for it. There was a dissentient voice, that of the hon. gentleman who led this action on the part of this Chamber.

HON. J. W. HACKETT: That, he thought, was not on the records.

THE COLONIAL SECRETARY: It was within his recollection. He accordingly withdrew the motion at the hon. member's request, because he would not go back on an understanding he had made with the House.

MEMBER: What Bill was the hon. member speaking of?

THE COLONIAL SECRETARY: The Electoral Bill. Subsequently the Chamber was good enough to give him leave to move the third reading of the Electoral Bill before the second reading of the others. That was done, and the Bill went down to another place. Were we to deny to another Chamber the right which was asked for in this Chamber, and which the Government granted? Members must be fully aware it was extremely painful to him to be so constantly in antagonism to this Chamber over these three Bills. He would like them to believe that, because such was indeed the case. He had tried since he had been in the Chamber—and of course he came newly to it—to act in harmony with the Chamber. He was a member of the Chamber, and had every respect for the rights of the Chamber; but whilst he had that he would remind members that he owed allegiance to another body, that being the Government of which he was a member, and that allegiance was higher than the allegiance to anybody else.

SIR E. H. WITTENOOM: We all, he thought, recognised that.

THE COLONIAL SECRETARY was afraid some members did not. He would endeavour, if the hon. member would allow him, to explain his personal position in the matter. Probably it did not interest the hon. member.

SIR E. H. WITTENOOM: It interested him very much.

THE COLONIAL SECRETARY: He was just saying that, whilst he owed allegiance to the Chamber of which he was a member, he owed still greater allegiance to the Government. These Bills when they were introduced were part and parcel of the policy of the Government. The Government had decided in full Cabinet that it was necessary for the proper consideration of these Bills that they should be considered together in the

Legislative Assembly at the last stage which it was possible for them to reach. That accounted, therefore, for the attitude he was taking up to-night, and he considered it unreasonable, not to use any stronger term, to deny to the Government a right which this Chamber had asked for and had been granted in the consideration of these measures. Furthermore, the decision of the Government was, as he indicated this afternoon, that they must consider these Bills together. If this House liked to postpone time after time the consideration of this measure, then the consideration of the two other Bills would have to wait for it. Let it be understood that in his opinion, and he thought the opinion of other members, the Government were not going beyond their right in asking that these measures should be considered together in another place. He did not think this Chamber justified in refusing that request of the Government—a request that was granted to this Chamber when it was asked for. That being so, on this Chamber be the responsibility of prolonging the session, of indefinitely postponing the prorogation.

HON. J. W. HACKETT: One long list of threats it was painful to listen to.

THE COLONIAL SECRETARY was sorry if he pained the hon. gentleman, and very sorry if he pained the House, but it was due to himself and to the Government he represented in this House that the case should be plainly put before the Chamber. That was practically all he had to say in the matter. He did not consider the reasons advanced sufficient to keep this Chamber from considering the message sent down relating to the Redistribution of Seats Bill. He regarded those reasons as totally insufficient, and he hoped that if this postponement was carried members would reconsider the position at some later time. He was fully aware that as the result of meetings it was possible there would be a majority to carry the postponement against him.

HON. J. W. HACKETT: There had been no meeting.

THE COLONIAL SECRETARY was relieved to hear the hon. gentleman say there had been no meeting.

HON. J. W. HACKETT: No meeting whatever.

THE COLONIAL SECRETARY was very pleased to hear it. There might be a

sufficient consensus of opinion of the House to carry the postponement. He could only tell members it would have the effect he had indicated. He opposed the adjournment of the order of the day No. 3 until to-morrow.

HON. W. T. LOTON would like to say a word or two on the one strong point—at least what the hon. gentleman seemed to consider a strong point—that when members of this House desired to consider the three Bills together they were granted that request. The other place considered the three Bills together in the first instance before they came to this place, and after this House had considered them together they were returned to the Assembly, which had had an opportunity of reconsidering them together with the amendments made. They had had full opportunity on a second occasion of going through them; therefore he could not see at all how there had been any ill-treatment of the other place as far as this House was concerned. It was proposed to separate the Constitution into two parts practically, and surely this House was representing the people of the State quite as well as the other House represented them. It must be recognised that this House was an elected House and not a House nominated by the Government of the day. A third of the members of this Chamber had to face their constituents every second year, and if in the early part of next year the electors chose to send members of a different view, and that state of affairs was followed up in the succeeding two years, the policy of this Chamber could be changed by the electors. Members of this House were practically in touch with the people. They were equally as responsible for the best interests of the people as was the other Chamber, and they had a right to have a good idea of what the proposed new Constitution was to be before they accepted it. He desired to have a fairly distinct intimation of what the Constitution was before he agreed to certain other matters.

HON. B. C. O'BRIEN: The postponement of the consideration of this message would be opposed by him. He thought the position was getting intolerable. He did not see why we should suspect another place or suspect the Government of putting any indignity

upon us in any way. If the other place did that, we had, in his opinion, always a remedy. It appeared to him we were beginning to trifle with the business of the country.

COLONIAL SECRETARY: Hear, hear.

HON. G. RANDELL: Did the hon. member apply that to this House?

HON. B. C. O'BRIEN: If another place was going to trifle with certain measures, which members seemed to suspect, let the responsibility lie on the other place. In his opinion we should not bumbag—he could not call it anything else—like this. We had time at our disposal, and he thought the Colonial Secretary put the case very fairly when he said another place met us in a very fair spirit. This measure should be considered now.

HON. J. W. HACKETT: What was the fair arrangement?

HON. B. C. O'BRIEN: What he merely wanted to say was that in the absence of any reason for the postponement of this measure he was going to vote against it. What was proposed seemed to him to be trifling with the whole business.

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

Ayes	14
Noes	4

Majority for ... 10

AYES.

Hon. G. Beillingham
Hon. H. Briggs
Hon. T. F. O. Brimage
Hon. E. M. Clarke
Hon. J. D. Connolly
Hon. J. W. Hackett
Hon. R. Laurie
Hon. W. T. Loton
Hon. W. Maley
Hon. E. McLarty
Hon. G. Randell
Hon. C. Sommers
Hon. Sir E. H. Wittenoom
Hon. A. Dempster
(Teller).

NOES.

Hon. A. G. Jenkins
Hon. W. Kingmill
Hon. M. L. Moss
Hon. B. C. O'Brien
(Teller).

Question thus passed, the order farther postponed.

ADJOURNMENT.

The House adjourned at 9:39 o'clock, until the next day.