

reading, and we can defer the committee stage and further consider the points raised by hon. members.

**THE HON. C. E. DEMPSTER:** I think it would be better to defer the consideration of this Bill, because it is open to many objections. In the first place, I take it the stock would travel along a stock route, and a great hardship would be inflicted on the drovers to have to give notice when within 10 miles of a run. I do not think, when sheep are travelling along a stock route, this notice should be necessary. Again, I think, instead of travelling sheep being branded with a T, it would be better that they should bear the station brand, and thus anyone could see, if a stray sheep were picked up, who it belonged to.

Amendment negatived.

Bill read a second time.

#### ADJOURNMENT.

The House, at 10 o'clock p.m., adjourned until Wednesday, 17th October, at 4.30 p.m.

## Legislative Assembly,

Thursday, 11th October, 1894.

Imported Labour Registry Act Amendment Bill: first reading—Report of Joint Select Committee on the Working of the Scab Act—Local registered offices for Mining Companies—Agricultural Bank Bill: consideration of committee's report—Small Debts Ordinance Amendment Bill: Legislative Council's amendment—Loan Bill (£1,500,000): Legislative Council's suggestions—Estimates, 1894-5: further considered in committee—Adjournment.

**THE SPEAKER** took the chair at 4.30 p.m.

#### PRAYERS.

#### IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

Introduced by **MR. BURT**, and read a first time.

#### WORKING OF THE SCAB ACT: REPORT OF JOINT SELECT COMMITTEE.

**MR. LEFROY:** Sir,—The report of the Select Committee of both Houses appointed to inquire into the working of the Scab Act is before members, and it is my duty to ask the House to adopt the proposals submitted by the committee in their report. It will be seen that the conclusion the committee arrived at was that the introduction of scab into the Southern districts of the colony is due to sheep not being inspected after passing through the Irwin dip. The committee have been led to take this view in consequence of a flock of sheep belonging to Messrs. Dempster Brothers having been found infected with scab about nine months after they had passed through this dip last year; the committee considering that if those sheep had been again inspected after they passed through the dip, all this trouble would have been prevented. We next propose that all sheep passing from an infected district into a clean one should be examined by an inspector some time after entering the clean district; the committee being of opinion that the spread of scab in this Southern part of the colony is due to want of proper supervision and vigilance on the part of the inspectors from time to time in charge. We think that if sheep were examined a fortnight or a month after they enter a clean district, an efficient inspector would discover at once whether there was any disease amongst them. Had this been done in the case of Messrs. Dempster's sheep, the evil would have been nipped in the bud. I think it is proved conclusively, by the evidence given before the committee, that the spread of scab in the Southern districts during the last twelve months is entirely due to the lack of proper supervision. The flock referred to travelled from Rockingham towards Newcastle in July last year, and when they reached a place called "Silver Castle," on the Swan, it was found that the sheep were scabby; at any rate, Mr. Dempster came down to the Colonial Secretary's office and reported that there was scab in his flock. The Under Secretary at once wrote to the Chief Inspector, who was then at Geraldton, informing him of this fact, but, unfortunately, the Chief Inspector was then laid up in the hospital, and was unable to

come down; so he applied for the appointment of a substitute, and Mr. New was appointed to take charge of these sheep. The Chief Inspector appeared to have been anxious that the sheep should be properly attended to, because the committee had a telegram before them from Mr. Maitland Brown, the Government Resident at Geraldton, showing that Mr. Craig particularly desired that all sheep that had come in contact with Mr. Dempster's sheep since their arrival down here should be carefully inspected. We found, however, from the evidence that this was not done. A few hundred sheep purchased by Mr. Leeder, of Newcastle, some time about the date when Dempster's sheep were placed in quarantine at Silver Castle, passed over the same country, and camped two days on the same ground as the infected sheep; and Mr. Dempster, in his evidence, told us that he informed the inspector of this fact, and that the inspector went to Newcastle, and asked Mrs. Leeder (her husband being absent) where these sheep were, and that she informed him that they had gone towards the goldfields. At any rate, they disappeared. It has been distinctly proved that the disease spread in consequence of these sheep of Leeder's having camped on the same ground as Dempster's infected sheep, and not having been followed up, and dipped, and quarantined, as they ought to have been. The committee found that the spread of the disease was distinctly traceable to this fact. Again, these sheep of Dempster's had scab amongst them from the time they were quarantined in July, right up to the end of October, and the committee consider that these sheep ought certainly to have been cured within that time, and that it was the fault of the inspector that they were not cured. It was stated that this was owing to the sheep not having been shorn at the time they were dipped, the dipping mixture not penetrating the skin, with the long fleeces on, as it would have done otherwise; but the committee considered it was the duty of the inspector to have had these sheep shorn. If he had not the power to do so under the Act, he might at any rate have requested the owner to have them shorn; but this he distinctly did not do. Had these sheep been properly dipped with the wool off, the committee

feel confident they would have been cured long before the end of October. It is a very serious thing to have this disease spreading about the country in this way, and we considered that had proper vigilance and supervision been exercised in the first instance the disease would never have gone further. Again, the committee find that some time in May or June last a flock of sheep was reported as infected at the New Norcia Mission. The inspector was put in charge of these sheep at once. He put the flock in quarantine, and had them dipped, but apparently he made no further inquiry, and about a month afterwards another flock was reported from the same station as infected. The same gentleman went up and made inquiries, and he then found that sheep out of the first flock had been removed about three weeks before they were reported as infected into this second flock. It seems to me that it should be the duty of any inspector at once, upon finding a flock of sheep infected, to inquire and ascertain by every means in his power where these sheep had been, to track their movements, and to find out whether they had been in contact with any other sheep shortly previous to the outbreak of the disease amongst them. But it appears this was not done in this instance, and the result was that a second flock was found infected through some sheep having been removed amongst them from the first flock, and no inquiry having been made as to the movements or disposal of those sheep when the inspector had charge of the first flock. For these and other reasons the committee came to the conclusion, as stated in their report, that the spread of scab in these districts is due to want of proper supervision and vigilance on the part of inspectors. The committee also advise the appointment of a permanent Sub-Inspector of Sheep, there being no permanent officer at present whose services can be always depended upon, in case of the Chief Inspector being incapacitated. The committee considered that had the Chief Inspector been able to come down from Geraldton when scab was first reported in Mr. Dempster's sheep, the disease would not have been allowed to spread as it did. Unfortunately, Mr. Craig was laid up in the hospital at the time, and was unable to come down for a couple of

months; and, had there been a capable and efficient officer on the spot, to take charge of these sheep, and do what was necessary, the disease would probably have been confined to that one flock. The committee, therefore, recommend the appointment of a permanent and efficient inspector to act as the Chief Inspector's *locum tenens* in his unavoidable absence. I am coming now to one of the most important points in the committee's report. From the evidence of the Chief Inspector, the committee were led to believe that more power, in various ways, should be given to the inspectors, under the Act, in the hope that such power, wielded with zeal, discretion, and energy, may assist those who are charged with the administration of the Act in eradicating the disease. To carry this out, the committee suggest certain amendments in the Act, and it is my duty to explain to the House why we propose these amendments. In the first place, we propose some verbal amendments in Clause 5, defining the powers and duties of inspectors in reference to the mustering of suspected sheep for inspection. It is very important, when an inspector believes there is scab amongst a flock, that, in case the owner himself does not properly muster the sheep for inspection, the inspector should have power to muster them himself, and to do what is necessary. The Act at present allows an inspector to do this mustering, if he finds any infected sheep amongst the flock, but he has no power to do so unless he actually finds infection present. We therefore propose to amend this clause by empowering an inspector to muster the sheep on the run, if he has reasonable grounds for suspecting the existence of scab on the run. Some of the infected sheep might be kept away purposely by the owner, and if an inspector has any reasonable ground of suspicion we give him the power to have all the sheep mustered for inspection. The next point, which we consider to be the most crucial one amongst all the proposed amendments, deals with the notice required to be given by the owner of infected sheep, when the disease is discovered amongst his flock. When no report is made, the usual excuse is that the owner was not aware that there was scab in his flock. At present, the Chief Inspector informs

us, this is one of the greatest blots or weaknesses in the Act, because he is unable to secure convictions; when he discovers scab in a man's flock, of which he has received no notice, and he lays a charge against the owner, the owner pleads ignorance, and, if he pleads ignorance, he gets off. We consider it is the duty of every sheepowner to acquaint himself with the condition of his flocks. Although I am a sheepowner myself, I say so. I consider that as an owner it is my duty, as it is of every sheepowner, to be in touch with his sheep, and to know the state they are in. He ought to have them properly supervised at all times, and, if he does that, he always ought to know whether there is infection amongst them or not. I do not think it is any hardship to compel an owner to know that there is scab in his sheep, if such should happen to be the case. At present, as I have said, it is almost impossible to secure a conviction, because owners are allowed to plead ignorance. The Chief Inspector told us of a case at Geraldton where he was unable to obtain a conviction, although some of the sheep were shown to have been actually treated for scab, and the inspector produced the skin in court. Yet the case was dismissed by the magistrate, Mr. Maitland Brown, because the owner said he had only dipped the sheep as a precaution. This is undoubtedly a weakness in the Act, and is the cause of so many owners getting off, when brought into court. The question was put to the Chief Inspector: "To what do you attribute your failure to get convictions?" The answer was: "Either the weakness of the Act, or the wrong ruling of the Bench. Mr. Brown told me plainly enough we should never clear the district with the present Act. He has told me that over and over again." How are we ever to get rid of scab when we find the Bench telling the Chief Inspector that? In another part of his evidence, Mr. Craig, when asked what were the real causes that had operated against the eradication of the disease, said: "The first thing is the inability to get convictions under the Act through the weakness of section 11." Asked, again, about a case that had not been reported to him, he said: "No; that is the weak spot in this Act. When an inspector finds scab, no matter how bad

it is, if he says to the owner, 'How is it you did not report this?' he replies, 'I did not know it was there;' and, unless you can get evidence to prove that he did not know, you cannot get a conviction." Then the witness was asked: "How long may a man remain innocent?" His answer was: "For ever. I have taken a case into court against Mr. Majir Logue, and I have produced the skin showing where it had been cured, and another place where it was not cured. The sheep was earmarked, and bore his brand; and yet Mr. Brown dismissed the case." Asked where the sheep had been killed, the inspector's answer was, "In Mr. Logue's paddock, but I could not get a conviction." Then we have the following dialogue:—

94. By the Chairman.—Do you mean to say that under the sections of the Act, if you come down when you find a flock of sheep infected with scab and say to the owner, "How is it you have not reported this sheep had scab?" and he says to you, "I did not know there was any scab," i.e., if he pleads ignorance, you cannot get a conviction?—That is true, even though you can see he has been treating them for scab.

95. Is that not *prima facie* evidence under this Act?—No; the Act completely paralyzes us.

96. By Mr. Richardson.—Which is the clause that bears on that?—Sections 11 and 31.

97. By the Chairman.—Is that your opinion, Mr. Craig, that section 11 does not enable you to cope with this disease as you would like to?—Yes.

98. By Mr. Wittenoom.—In Section 11 it says they are to give notice within so many hours after becoming aware?—Section 11 provides that an owner shall notify within 48 hours of infection the infection of his sheep to his neighbours, but he need not do so to the inspector until from four to twenty days after he becomes aware of the infection. I obtained an opinion from the Attorney General as to whether I could not prosecute an owner for not notifying the disease in his sheep to his neighbour within 48 hours after infection, whether he knew it or not, and was advised that I could not do so. I laid an information against Majir Logue for not reporting scab, and produced in Court the skin of the infected sheep killed in his paddock, bearing his earmark, firebrand on the face, and his admitted dip mark with a patch of scab on one side cured by dipping, and a patch on the other side uncured, green, and living. Mr. Logue stated that he was not aware of its existence, and the information was dismissed because I could not prove knowledge.

I think that shows pretty conclusively the necessity for amending the Act as regards this 11th clause. The Chief

Inspector says plainly, in answer to another question, "If we can have that section of the Act altered, then the scab will soon be wiped out." When we have such evidence from the Chief Inspector of Stock, who tells us he can soon wipe out this disease if this clause is amended, I think we shall not be far wrong if we amend it, and thus give him an opportunity of wiping it out. Of course, if his suggestions are adopted, and he does not then succeed in eradicating the disease, it will be his own fault, and not the fault of the Act. The committee, therefore, recommend certain verbal amendments in this clause to carry out the Chief Inspector's wish. We also propose some amendments in Clause 12. It is not a very important amendment, but we thought, as we were dealing with the Act, we might as well include it. The effect of it will be this: at present, if an owner reports any sheep as infected, it is the duty of the inspector to immediately examine them, and, if satisfied that they are infected, to give personal notice to the owner to clean them; but under the clause as we propose to amend it, it will not be necessary for the inspector to examine the sheep himself before giving the owner notice to clean them. We think it is quite sufficient for the owner to report his sheep as being infected; the inspector can then write to him at once, or wire to him, to clean them and to keep them in quarantine, without the necessity of the inspector going to examine the sheep himself before giving the owner this notice to clean. It might be inconvenient just at the moment for the inspector to visit the locality, and we thought all that is necessary is that he should immediately order the owner of the sheep to have them cleaned. The next amendment is in Clause 19. This clause provides that in every case where any expenses have been incurred by an inspector in dipping a man's sheep, or in the performance of his duties under the Act, unless the amount of the expenses are paid by the owner within one month, it is lawful for the inspector to sell the sheep, in order to recover the expenses. We propose to strike out the words "within one month," for this reason: we think if a man is given a month to pay this money, and he is not disposed to pay it, he may in the meantime dispose of his

sheep, and make them over to somebody else, and consequently the inspector would have no remedy, or no means of recovering the expenses he had incurred. Therefore, we propose to give him power to demand payment forthwith, and, if the money is not paid, to seize and sell the sheep by auction, or so many of them as may be necessary to cover the expenses. The next amendment we propose is in Clause 24. This section provides that all infected sheep above the age of three months shall be branded with the letter "S." We propose to reduce the age to six weeks, instead of three months. It was represented to the committee that sheep may wander away to adjoining paddocks before they are three months old, and, if they do so, and they are not branded, the owner of the adjoining paddock would not know that they were quarantined sheep. We therefore propose to have all infected sheep branded, if they are above the age of six weeks. We also suggest an amendment in the 31st clause. This clause makes the person in charge of any sheep that become infected punishable if he omits or neglects to report the fact to his employer. This clause, as it stands, leaves room for collusion between the person in charge and the employer. The man in charge might designedly conceal the fact from his employer, the employer conniving at it, and we propose to make the clause more stringent, by rendering him liable to a penalty of £50, besides the punishment now provided in the clause; so that, if a man discovers scab in his flock, and conceals the fact, even with the connivance of his employer, he will be liable to a penalty. We propose to strike out Clause 45 altogether, and to substitute another one. The clause deals with sheep travelling from an infected district into a clean district, and it provides that it shall not be lawful for such sheep to be driven or suffered to stray more than three miles from the boundary of the infected district, unless they are twice dipped, to the satisfaction of an inspector. The committee consider it is a mistake to allow sheep coming from an infected district to stray three miles into a clean district from the boundary of an infected district, before they are dipped; and we therefore propose that they shall be dipped before they are allowed to cross

the boundary. The new clause we suggest in lieu of the present one is as follows:—"It shall not be lawful for any sheep to be introduced by land from any infected district into any clean district, until such sheep have been effectually dipped at least twice within fourteen days immediately preceding their being so introduced, to the satisfaction of an inspector, and until the owner of such sheep has received from such inspector a certificate to that effect; and any drover driving, or suffering any such sheep to be so introduced, in contravention of this provision, shall be liable, on conviction, to a penalty not exceeding Fifty pounds, or to be imprisoned for any term not exceeding three months, with or without hard labour. Provided, that in the case of fat sheep travelling to market, the inspector may allow any such sheep to proceed on being dipped once only." The committee also suggest that power be given to an inspector to burn any enclosures within which infected sheep have been yarded overnight, if he considers it necessary to do so. Clause 20 requires the owner to do this, but gives no power to the inspector to burn these enclosures or yards, in the event of the owner neglecting to do so. We discovered, from the evidence, that the enclosure where Mr. Dempster's infected sheep were yarded on the Swan was never burnt after the sheep went away, and the germs of the disease may be there now. We think the inspector should have power, under the Act, to burn all such enclosures. We also propose that a clause be added to the Act, empowering the inspector, where he does not consider enclosures are secure within which infected sheep are depasturing, to order them to be made secure forthwith, or, in the event of such not being done, to enter in and cause same to be done at owner's expense; also empowering the inspector to compel owners to sub-divide paddocks, in the event of their failing to cure infected sheep within six months from the outbreak. Scab, in the Victoria district, has been in existence for a very long time, and we believe that one great difficulty in the way of eradicating it is the fact that some of the paddocks are so enormously large—some of them, we were told, are 30,000 or 40,000 acres in extent—that it is almost impossible to cope

with the disease; whereas, if the inspector had the power to compel the owners to subdivide these large areas, the difficulty would be considerably reduced. It would only be in very urgent cases that this power would be exercised; still, if scab is to be eradicated, the Act must be made stringent, and very large powers must be given to the inspectors. We also propose to give an inspector power to compel sheep to be shorn before dipping, where it is considered the disease cannot be otherwise cured successfully and expeditiously. We do this because it has been brought forward as an excuse, or as a reason, why the Messrs. Dempster's sheep were not cured last year, that there was too much wool on them for the dip to penetrate properly. I think it was a very poor excuse in that case, because the inspector never asked the owner to allow the sheep to be shorn. Still, we think that the inspector should have power, under the Act, to compel an owner to have the sheep shorn, if it is considered necessary, before they are dipped. We know it is more difficult to cure scab when there is a heavy coat of wool than otherwise, and this power may be useful in some cases. I have now gone through the recommendations of the committee. I only hope that if these suggestions are agreed to, and the Act is carried out with a little more zeal and energy, the result may be the eradication of this terrible scourge, which, once it gets a footing, is very difficult to prevent from spreading. We remember very well how the small-pox spread when that disease broke out in the colony two or three years ago; and we know that scab amongst sheep is quite as bad as the small-pox amongst human beings. In these days of low prices, when there is very little to be made out of sheep, under the most favourable circumstances, I believe if scab got established in these Southern districts it would half ruin all the settlers, and interfere most injuriously with one of the staple industries of the colony. The committee have given the matter their very serious attention, and they hope their suggestions may commend themselves to the House, and help to make the Act more effectual than at present. At the same time, I am of opinion—and I think everyone who knows anything about this disease, and the difficulty of eradicating

it, will agree with me—that unless we have an efficient and energetic staff of inspectors to carry out the Act, and to follow up this scab, day and night almost, once it makes its appearance, and to keep a continual watch for it, we shall never get rid of it. Of course the House may be able to suggest something better than is contained in this report, but I can assure the House that the members of the committee have well considered the question; and all that remains for me to do is to commend their recommendations to the consideration of the House. I beg to move that the resolutions of the select committee be adopted.

MR. CLARKSON: I do not think there is very much fault to find with these recommendations; I think we are all agreed that the Scab Act should be made as stringent as possible, but I must say I should have liked to have seen the Act go a little further in the direction of punishing owners who neglect to take every precaution to stamp out this disease, or to prevent it from spreading. In bringing forward the subject the hon. member for the Moore alluded to the small-pox scare introduced into the colony some time ago. In that case the individual who contracted the disease was placed in strict quarantine, and every possible measure was taken to prevent the disease from spreading. I think it should be the same with regard to scab, for the two diseases are very much alike, in a certain way, both being highly contagious. The proposed amendment in Clause 45 of the Act might just as well be left out of the Act altogether, for this reason: it provides that, in the case of fat sheep travelling to market, the inspector may allow any such sheep to proceed on being dipped once only. A large majority of the fat sheep that come down to these markets come down through the worst district in the colony for infection, the Victoria district, and, although they come down here as "fat" sheep, we all know very well that a very large number of them are sold as "stores," and are distributed about in every direction, from one part of the colony to the other; therefore, what is the use of saying these sheep shall only be dipped once, when other clean sheep travelling from the North have to be dipped twice? I think it is absurd.

Such a provision may as well be left out of the Act altogether. We know very well this is the way that scab has been introduced into the South—by sheep passing through the Victoria district and sold as stores, and nearly twelve months elapsing before the disease was detected. The same thing is liable to happen any day, and, unless you insist upon these sheep being dipped twice, you may as well not have this clause at all. In my opinion, if the present Act were properly carried out, it is quite sufficient to eradicate scab. The only part of the colony where the disease seems to remain is the Victoria district, where it has been kept alive for the last twenty years. That district is under the personal supervision of the Chief Inspector, and still the disease is allowed to remain, and to spread all over the colony, North and South. That is the place to which we ought to direct our energies to try and stamp out the disease. The whole of this Act will bear very heavily upon innocent owners, who are punished because sheepowners in the Champion Bay district are too indolent or too careless to eradicate this disease. The hon. member for the Moore said the select committee had come to the conclusion that sheep could be cured when shorn better than with the wool on. I have had a great deal of experience with dipping sheep, and I maintain that scab is more easily cured with the wool on than off. Common sense will tell you that, with a long fleece on, sheep that are dipped are likely to retain the moisture of the dipping longer than the sheep that are dipped after they have been closely shorn. I can speak from experience on that point. With regard to Mr. Dempster's sheep, referred to in this evidence, and mentioned by the hon. member for the Moore, as having been sent to the goldfields, I am in a position to say it was another lot of sheep altogether. The Chief Inspector is entirely incorrect in his evidence on that point; it was another lot of sheep altogether that were sent to the Eastern goldfields; they were old culled ewes bought at Guildford.

**MR. LEPROY:** Where did the disease come from?

**MR. CLARKSON:** From the North, I believe; possibly from the Victoria district. How long it has been down I cannot say. I shall only be too glad to sup-

port any measure that will eradicate this disease, but I think we should direct our attention more particularly to that district. If the Chief Inspector, with the staff he has at his command, is unable to stamp out scab before this House meets again next year, I shall be prepared to support a motion to do away with the Scab Act altogether, and try some other means of coping with the evil. It is monstrous that all the sheep-owners in the colony should be punished for the carelessness of a few owners in one particular district.

**MR. SIMPSON:** I think it must be of great advantage to the country that we should have in this report the result of the practical knowledge and wide experience of men who are thoroughly conversant with the subject they have to deal with. At the same time, I think, if we want to get rid of this scourge, the best thing we can do is to lock up the Attorney General and the Chief Inspector in a room together for four-and-twenty hours, the Chief Inspector to find the facts, and the Attorney General to find the law. I really believe we might then have some chance of stamping out the disease. Allusion has been made by the hon. member for Toodyay (Mr. Clarkson) to some terrific action he intends to take next year unless the disease is stamped out before then. The hon. member says it is all due to the negligence of owners in the Victoria district. That is all very well; but it is rather significant when we find the Chief Inspector, in his evidence before the committee, propounding this question: "When a member of Parliament, like Mr. Clarkson, will advise someone else to take infected sheep right into the heart of a [clean] district, what can you do? When challenged on the subject, he said he did not believe there was anything in it." But the Chief Inspector says: "Mrs. Leeder wrote me and said she had asked advice of Mr. Clarkson, and that he had advised her she should send them back. Here is Mrs. Leeder's letter to me:

Newcastle, July 7th, 1894.

**MR. J. M. CRAIG.**

Sir,—In answer to your letter respecting the sheep. When these sheep got to Newcastle and I heard they had crossed the run where Mr. E. Dempster's sheep were, and William being away from home, I did not know what was best to be done. I wrote to Mr. B.

D. Clarkson asking him what I had better do. He called and told me to send the sheep away, saying if you keep them here in Lee paddock, and anything should turn out to be the matter with them, they would be in the middle of us all. Yours truly,

HANNAH LEEDER.

The Chief Inspector adds: "Here is a member of Parliament and a justice of the peace who virtually says to an owner 'of infected sheep 'Take them away and breed scab so long as it is away from me,' and turns round to the inspector and says the cause of scab spreading is 'the bad administration of the Scab Act by the inspectors.'"

MR. CLARKSON: What is there stated is quite untrue; it was another lot of sheep.

MR. SIMPSON: What I want to know is this: What action does the Government purpose taking against this gentleman, a member of Parliament and a justice of the peace, who deliberately advises people to send infected sheep into the heart of a clean district? [MR. CLARKSON: Untrue.] What action does the Government intend to take to bring to account a gentleman who holds the commission of the peace and a seat in Parliament, and who deliberately recommends an infringement of the laws of the colony? This is the gentleman, forsooth, who is going to take some terrific action next year if this disease is not stamped out of the Victoria district! I think the action of this gentleman in the matter referred to was one of the gravest things I ever read of in my life. Surely, the Government are not going to allow it to pass unnoticed? Why they have not already taken some action in the matter can only be explained either by the fact that this gentleman is one of their most solid supporters, or that they have not had his conduct brought under their attention. I beg to do so. I commend this report to their very careful consideration. It discloses some very startling facts, and embraces some very valuable suggestions.

Motion agreed to.

#### LOCAL REGISTERED OFFICES OF MINING COMPANIES.

MR. MORAN: Mr. Speaker, — The motion I am about to move is, no doubt, as members will agree, one of considerable

importance. It reads: "That in the opinion of this House all mining companies operating in Western Australia should have registered offices within the colony." The present mode of procedure, in regard to the formation of gold-mining companies, is fairly well-known to members. Mining, heretofore, in this colony—especially so far as it is connected with our Eastern goldfields—has been carried on, to a large extent, amongst our own people, but, of late, owing to the great finds made in various parts of the country, a large number of mining properties are being placed on the market in England and in the other colonies, as their development necessitates a large influx of capital from willing investors in other parts of the world, in addition to local capital. The finders of these properties, in nearly every instance, retain an interest in them after they are floated abroad, but, as a rule, they have no knowledge as to how the affairs of the company are being conducted, there being no office in the colony where they can get this information. I have had several letters from original shareholders in some of the largest of these companies which have been floated, complaining of this difficulty of getting any information. I do not consider it advisable that their names should be mentioned here publicly, nor that the statements contained in these communications should be laid before this House, because I think it is desirable we should avoid all personalities in connection with these matters. At the same time, if any members wish, privately, to have practical demonstration of the facts I am stating, I shall be quite willing to trust to their honour, and to allow them to read any of this correspondence, from men who are labouring under a great injustice, and who are being gradually frozen out of the properties in which they are interested. One, who holds a one-sixth interest in a valuable property, tells me he has written many, many times to the manager of the company in another colony for information, but his letters have not even been answered, and he cannot find out what has been done with the money. He knows that the shares are going down in the market, while at the same time the larger holders are buying up shares, with the idea, no doubt, of freezing out the smaller holders, and then send-



ing up the price. This is the particular reason why I am moving this resolution. I consider that by these companies not having a registered office in the colony, either on the field or in Perth, great injustice is being done to local shareholders and to our miners. These are the people who are opening up our goldfields, and their interests should be protected. I am aware there are some objections to this proposal, but, on the whole, I think when you come to thresh out the question, it will be found there are more advantages than disadvantages in having this idea carried out. It will necessitate these companies having a registered office, and a share register kept in the colony, and it might prove some hindrance in the way of foreign investors dealing with the scrip as a marketable commodity. At the same time, I cannot help thinking that some system could be adopted that would strike the happy medium between the advantages to be gained by local shareholders and the disadvantages in the case of shareholders outside the colony. One great advantage of having an office here would be that any information as to the developments on the mine would first come through the local office, which information would be available to all who were interested in the property. At present, as I have said, when there is no local office it is almost impossible for shareholders in the colony to obtain any information as to how things are going on outside the colony. A record of the transactions of the company abroad should be sent to the local office here, and all shareholders should be placed on the same footing, and dealings in scrip could be made on the spot, as the market fluctuated. I think it would be a distinct advantage if this proposal were carried out, and I hope the motion will commend itself to the House, in the interests of our own people, who surely deserve to be considered in this matter.

MR. A. FORKEST: I have much pleasure in seconding this motion—not that I generally agree with the hon. member in his proposals, but on this occasion I am in accord with him. In December last I moved a resolution to the same effect myself, in this House, but it was characterised by the hon. member for Geraldton (I think) as grand-

motherly legislation, and it was not agreed to at the time. The question, to my mind, is a very important one. It is very necessary that these mining companies who have properties in this colony should have a registered office here. We know that at present those who deal in stocks and shares are placed at a great disadvantage in dealing with them, when the company has no office in the colony for the purpose of registering shares. I think myself, if we can get this done, without doing injury to the mining industry by stopping capital from coming into the colony from outside, it would be a very good thing. At present, though a large portion of our mining companies are floated outside the colony, still many people here are largely interested in these mines; but at present they can get no information about them—not even as to the crushing returns, except, perhaps, once a year. Shares are largely boomed in the other colonies, and people here are led to believe that these shares are worth a great deal more than they really are, and they become purchasers. Next morning, perhaps, they find that the shares have fallen in the market. This is very unsatisfactory, and I think if we could see our way clear to insist upon these mining companies having an office in the colony, it would be a step in the right direction. If I thought for a moment it would prevent our mines from being floated outside the colony, or prevent outside people from investing their money in our mines, I should vote against this proposal. But I do not think it would. We know that the Broken Hill Proprietary, which is one of the largest mines in the world, has offices in London, and Melbourne, and Adelaide for the registration of shares and the transaction of other business; and I do not see why the same should not be done in the case of such mines as Bayley's Reward and other big mines in this country.

MR. SIMPSON: I have no intention of offering any captious opposition to the motion, but to my mind it would largely interfere with the working of our mines, and act as a deterrent upon the investment of foreign capital in the development of our goldfields. Clause 198 of the Companies Act of 1893 already provides that no company shall carry on business in the colony unless it has a duly

appointed person, authorised by power of attorney, to sue and be sued, and to represent the company in the colony, and an office or place of business in the colony where all notices and legal proceedings may be served. It seems to me we cannot go any further than this Act provides without militating seriously against the development of the mining industry. Some of our largest companies are floated and owned abroad. Of the shares in Bayley's I suppose there are about 500 held in the colony and over 400,000 held outside the colony. The Day Dawn, on the Murchison, another important mine, has very few shares held in this colony. It is the same with most of our other large mines; comparatively few persons in the colony are interested in them, the bulk of the shares being held outside this country. Why should we compel these shareholders to have a registered office here, with its legal manager, with its board of local directors, with its local share register, and all the other paraphernalia of a mining company's business—why should we compel any company to go to all this expense and trouble for the benefit of the holders of a few hundred shares, when the great bulk of the shares were held in London or in Melbourne? The hon. member for West Kimberley says that the Broken Hill Proprietary Mine has an office in London; perhaps the hon. member is not aware that it cost that company about £6,000 to establish that office, and that it runs to many hundreds of pounds annually to keep it up. Does the hon. member wish to see this kind of expenditure thrust upon mining companies in Western Australia? What is the object, after all? What is the reason which has prompted the hon. member to bring forward this proposal? Some slight difficulty at present experienced by some few persons in connection with the transfer of scrip. Surely that is not a very serious drawback, after all. As to the difficulty of obtaining information, any man who is interested in a mine, if he is particularly anxious for information, can wire for it. When any general meeting of the company is to be held he receives due notice of it, and the balance sheet is sent to him, showing all necessary details. I hope this House will hesitate before it places any unnecessary restriction in the way of

foreign capital flowing into this colony at the present time for the development of our goldfields. I am certain that this proposal, if carried out, would act as a serious obstacle in the way of deterring capitalists abroad from investing their money in the colony if, for the sake of a few local shareholders, they are to be compelled to have registered offices in the colony to interfere with the operations of the company, the great bulk of whose shareholders are abroad. Why should we put companies to unnecessary expense? We know very well that only two or three of these mines have yet paid any dividends; and is it wise for us to throw any obstacle in the way of the capital that is now flowing very freely into the colony, and which is absolutely necessary for the development of our mines? This resolution is to apply to all mining companies operating in the colony, although there might not be a single share held in the colony. With the telegraphic and other facilities now presented for obtaining information connected with any company in which persons in the colony may be interested, and with the provisions of the Companies Act already in force, I really cannot see that this House would be acting wisely in agreeing to this proposal, and placing a further tax upon foreign capital invested in mining enterprises in the colony, while this important industry is in its infancy.

THE ATTORNEY GENERAL (Hon. S. Burt): I have had something to say on this subject on a former occasion, and I can only add that I am still of the same opinion. I do not exactly know what is in the mind of the mover of the resolution, when he proposes that all mining companies should have registered offices within the colony. They are bound to have a registered office now, in one sense, under the section of the Companies Act which has just been alluded to, where notices of all legal proceedings can be served. I do not know how much more the hon. member desires. If he means that all mining companies should carry on their business in the colony, instead of where the bulk of the shareholders reside, I take it we must leave it to the managers or directors of these companies to decide where they shall carry on their business. You cannot expect to be able to float

companies in England or elsewhere if you are going to dictate to them the method under which they must carry on their operations. If we attempted to do this I am afraid we should find it would have a very deterrent and detrimental effect, and that you would not have one-half or one-fourth of the companies now formed. If you were to insist upon this, you would stop the flow of capital into the colony at once. People in England and other places, who subscribe their money to form companies for working mines at Coolgardie or at Cue, want the management of those companies to be in their own hands, and not in Western Australia. If you want to have the management in Western Australia you must form the company in Western Australia. Are shareholders in London likely to subscribe to companies in the management of which they are to have little or no voice? The hon. member says that local subscribers are now frozen out. How are we going to prevent that? Local subscribers ought to have thought of that before they subscribed their money, or before they sent their company to be formed in London. It has been said that some company at Broken Hill has offices everywhere. If so, it has been by no compulsion of law. They are not compelled to have an office anywhere, except where they are already registered, beyond what is provided under the Act. If it is to the interest of a company, by reason of its shareholders being equally divided between several places, and these shareholders can bring sufficient pressure to bear upon the directors to make them open a local share register, all that can be effected by mutual arrangement; but I am sure you will never be able to do it by legislation. You cannot have a registered office in two places. A company cannot be domiciled in two places at the same time. It must either be a London company or a West Australian company. Take, for instance, the Bank of Australasia, which has its registered office in Melbourne. It also has an office in London, where it carries on business, but all the accounts are rendered in Melbourne, which is the head centre of the bank's business, and its domicile. I believe the National Bank had a share register in this colony at one time, but I

understand it has ceased to have one now. If you have two share registers, one in London and one here, it is very inconvenient, and it may lead to serious complications—one price being quoted in London and another price quoted in the colony.

MR. A. FORREST: It is the case now. The shares in the Broken Hill Proprietary are worth more in London than in Adelaide.

THE ATTORNEY GENERAL (Hon. S. Burt): I think it must lead to a great deal of inconvenience; and, before the House agrees to such a resolution as this, it should give the matter very serious consideration, and see whether the advantages likely to accrue would be in any way commensurate with the disadvantages which the mining industry would lie under, if we were to place this restriction upon the flow of foreign capital into the colony.

MR. LOTON: However desirable it may be to carry out the object suggested by this resolution, it seems to me it is not practicable, at all events; and to attempt to carry out a thing which is impracticable, however desirable it may be in itself, will not do much good. When I say it is impracticable, I mean this: wherever the capital of a company is found, it surely lies with those who subscribe that capital to determine where their place of business shall be. You cannot expect to form a company if you compel the shareholders to surrender that right. It is not likely that the bulk of the shareholders will consent to keep up two establishments, just for the convenience of a few. There is no necessity for it, that I can see; and, if the resolution were acted upon, it would lead to an interminable lot of trouble, and do very little good.

MR. LEAKE: I am unable to support the resolution. I agree entirely with what the Attorney General has said, and that no good would come out of it. It is an attempt at unnecessary interference with the dealings of companies. If the principle is a good one, why not apply it to banks and other institutions, as well as mining companies. The 198th section of the Companies Act already provides all that is necessary, in providing that all companies shall have a registered office in the colony, where processes of law can be

served upon an accredited representative of the company. What advantage would it be to put companies to the unnecessary expense of keeping up two offices, and two registers of shareholders? It might be some convenience to persons in the colony who may hold some of the scrip, but they bought that scrip with a full knowledge of the standing of the company. They did it with their eyes open, and they are not prejudiced in any way. If the local shareholders at any time happened to be in a majority, they could always shift the head office of the company from London or Melbourne to this colony. It is purely a question for the shareholders themselves to decide. If the House were to pass this resolution, it would be necessary to follow it up by an enactment, and, if you bring forward an enactment, what does it mean? You are, by statute, giving a minority really a power to bind a majority, which is foreign to any principle of company law. I hope the members of this House will not pass such a resolution. I think it is a pity that the time of members should be taken up in debating such puerile matters.

MR. R. F. SHOLL: I see many objections to this motion, though I admit that something ought to be done in the way of compelling these foreign companies to register their mines in the colony, which they are not compelled to do at present. The section referred to in the Companies Act does not go far enough; it simply provides for the appointment of an attorney, who may be the mine manager, and his office may be at the mine, hundreds of miles away. I think that wants altering, so as to compel these companies to have an office and a representative in one of the principal towns, where information would be available to the shareholders. I also think that companies should register in the colony, so that people may not be misled. I know a case in point, where there are two mines of the same name, one having been floated in Sydney and the other floated in the colony. One has an established reputation, whereas the other has not, having been only started quite recently; and I am informed that the promoters of one company are working on the reputation of the other. I think that sort of thing should be prevented, and I think that the compulsory registra-

tion in the colony of all mines carrying on work in the colony would stop it.

MR. LEAKE: You can stop it by injunction.

MR. R. F. SHOLL: I think we might stop it by a less costly process than an injunction. I would suggest that the select committee, which is now sitting, considering the mining regulations, should also take this matter into their consideration. They might be able to make some suggestions which would overcome the difficulties I am referring to.

MR. MORAN: The discussion that has taken place on this resolution will, no doubt, achieve the object I had in view. I may say it was at the request of the select committee that I brought forward the matter, so that there might be some discussion in the House, before the committee considered the matter. It seems to me that at present the House is about equally divided on the subject. There seems to be no absolute opposition to it, and no absolute opinion as to the necessity for it, to the full extent suggested. I am conscious of the difficulty of having two separate share registers, one here and one at the company's head office, in London. Still, notwithstanding what has been said by the Attorney General and by the hon. member for Albany, I cannot help thinking there is some medium course which might be adopted, so as to enable shareholders in the colony to obtain all necessary information. I do not think it will be found that there is any strong objection on the part of foreign companies to register in the colony. I know of companies formed in London who have strongly represented the desirability of having a directorate of responsible men, in the colony, who could advise the London directorate. As to the hon. member for Albany's statement about wasting the time of the House, perhaps the discussion of a resolution of this kind does not waste the time of the House so much as an elaborate attempt to explain the mysteries of the spinning-jenny which we were compelled to listen to from the hon. member the other evening. Having attained the object I had in view in bringing forward the motion, I wish now to withdraw it, and bring it up again when the select committee has considered it.

On the question being put, that leave be given to withdraw the motion, it was objected to; and, the motion having been put, it was negatived on the voices.

#### AGRICULTURAL BANK BILL.

On the Order of the Day for the consideration of the committee's report,

Clause 9—Where mortgage bonds and interest payable:

THE PREMIER (Hon. Sir J. Forrest) moved that the words "said manager," in the second line, be struck out, and that the words "Colonial Treasurer" be inserted in lieu thereof. He thought it would be more convenient to have these bonds, when due, and also the interest payable on them, paid at the Treasury, instead of by the manager.

Amendment put and passed.

Clause 10—Redemption of mortgage bonds:

THE PREMIER (Hon. Sir J. Forrest) also moved that the word "manager" be struck out of sub-sections (b), (c), and (d), and that the words "Colonial Treasurer" be inserted in lieu thereof.

Amendment put and passed.

Clause 12—Bonds withdrawn from circulation:

THE PREMIER (Hon. Sir J. Forrest) moved that the word "Manager," in line 4, be struck out, and the words "Colonial Treasurer" be inserted in lieu thereof; and that the words "and Manager," in line 5, be struck out.

Amendment put and passed.

Clause 15—Bonds may be exchanged for new bonds:

THE PREMIER (Hon. Sir J. Forrest) moved that the words "the Manager with the approval of," in line 2, be struck out.

Amendment put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that the word "Manager," in line 6, be struck out, and that the words "Colonial Treasurer" be inserted in lieu thereof.

Amendment put and passed.

Clause 16—Provision as to bonds lost:

THE PREMIER (Hon. Sir J. Forrest) moved that the word "Manager," in line 2, be struck out, and that the words "Colonial Treasurer" be inserted in lieu thereof.

Amendment put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that the words "the Manager, with the approval of," be struck out.

Amendment put and passed.

Amendments made by the committee read and agreed to.

New Clause:

THE PREMIER (Hon. Sir J. Forrest) moved that the following new clause be added to the Bill, to stand as Clause 23:—"All mortgages and other securities in the name of any person as Manager, under the provisions of this Act, shall and may be put in suit, and be sued and prosecuted in the name of the Manager for the time being in whose name the same may have been taken, or in the name of any person who shall have succeeded to that office at the time such proceedings shall be instituted, notwithstanding that the name of any such succeeding Manager be not inserted in such mortgage or other security as mortgagee, transferee, assignee, or payee of the sum or sums of money therein mentioned, and the death, resignation, removal, or other act of any such Manager for the time being in whose name any such mortgage or other security as aforesaid shall be so put in suit shall not abate any action, suit, or other proceeding had thereon; but the same may be continued where it left off, and be prosecuted and carried on in the name of any person who may have succeeded to that office or may be or become the Manager for the time being of the said Bank, and the legal estate in all lands and tenements mortgaged or transferred to the said Manager on account of the said Bank, and all legal rights and capacities in respect thereof, including the power to execute and sign any release, re-conveyance, transfer, or discharge of any such lands, mortgage, or other security shall become vested in such new Manager as aforesaid, to all intents and purposes, immediately upon his appointment being notified in the *Government Gazette*, and so on as often as any new appointment of Manager of the said Bank for the time being shall take place." This clause was required to preserve the continuity of the management, in the case of the death or removal of any Manager.

Question put and passed.

## Schedule:

THE PREMIER (Hon. Sir J. Forrest) moved that the words "head office of the said Bank" be struck out, and that the word "Treasury" be inserted in lieu thereof.

Amendment put and passed.

Report of the committee adopted.

## SMALL DEBTS ORDINANCE AMENDMENT BILL.

## CONSIDERATION OF THE LEGISLATIVE COUNCIL'S MESSAGE.

## IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the amendment contained in the Legislative Council's message (see *ante*, p. 1030) be agreed to.

Question put and passed.

Resolution reported.

Report adopted.

Ordered that a message be transmitted to the Legislative Council, informing them that the Assembly had agreed to the amendment made by them in "The Small Debts Ordinance Amendment Bill."

## LOAN BILL (£1,500,000).

CONSIDERATION OF THE LEGISLATIVE COUNCIL'S MESSAGE (p. 1036 *ante*).

## IN COMMITTEE.

THE PREMIER (Hon. Sir J. Forrest): I rise, with much regret, to deal with this very important matter. I regret extremely that there should be any difference of opinion between the Legislative Council and this House, in regard to any matter. I recognise most fully that we are all sent here, by the different constituencies, to try and do our best to promote the welfare of this colony; and in anything I shall say to-night I hope that those who hear me, and those who hear of what I have to say, will acquit me of any desire to say anything that is hostile, or anything intended to give offence. It is my intention and wish to deal with this question apart from any personal consideration whatever. My desire is that both Houses of the Legislature should have mutual respect; that we should desire to uphold one another as far as we can; and that we should endeavour to have as high a standard as possible of Parliamentary procedure. I do not regard the present question as in any

way a party question. We have passed a Bill in this House, and have forwarded it to another place to be dealt with as the law directs; and the suggestions that have come back to us now, in reference to amendments in that Bill, have to be dealt with by us as they affect this House, and not as they affect any individual member of this House. Therefore, whether hon. members supported or opposed any part of the Bill when it was passing through this House, that is no reason why they should support or oppose the action which I now propose to ask the House to take. This is a grave question, dealing with the constitutional position of the Houses of Parliament in a self-governing country; and I feel sure hon. members will sink all party feeling, and will deal with the question on constitutional grounds only. I may at once say I have no doubt that every hon. member of this House knows that this question which has arisen is no new matter; that it is no new matter which has first occurred in Western Australia, but that it has occurred in every self-governing country under the British Crown. The Upper House in every country, from the old Mother Country down to this latest creation of a self-governing colony, has tried and desired to interfere with money bills, and with the administration of the finances of the country. There is no doubt about it. Hon. members know it as well as I do; or, if any do not know it, they may find the matter stated in any standard work on constitutional government. There has always been trouble and friction between the two Houses of the Legislature, in those countries, as to which House should be paramount in dealing with the financial administration; and every Upper House, from the House of Lords in England, down to ourselves as the latest of the self-governing colonies, in the working of constitutional government, has tried in turn to interfere with the administration of the finances of the country. Of course we all know that, in most countries, mutual respect and a desire to conform with constitutional usage have resulted in the Lower House of the Legislature having the control of the finances in the same way as the House of Commons has in the Mother Country. The House of Lords

in England, as we all know, has given up the contention long ago; and as to the House of Lords being a hereditary body, I do not make any distinction between the hereditary and the elective Chamber, unless it is defined in the Constitution. Both Houses have their rights and duties, and both exist for the same purpose; and I consider that the Upper House in our colony has no more privileges, unless it is the right to make suggestions in reference to money bills, than has the House of Lords in England. I do not intend to labour the question in regard to this great principle, because it is the a-b-c of constitutional government all over the British Empire. There is no doubt whatever, in the history of every British country, that the power to initiate money bills is given by law and constitutional usage to the Lower House. There is no doubt that the power to initiate and deal with finance and with money bills, under our Constitution, is vested in the Lower House of the Legislature. It is the foundation of our Parliamentary system, and a fundamental principle of our Constitution, as of every British Constitution, that the Upper House has no power of amendment in the case of money bills. There is, in this colony, by an amendment of the Constitution Act made last year, a right of suggestion in the case of money bills. I do not take any exception to this power of suggestion. It is not a power enjoyed by the House of Lords, but it was given in our case in good faith, and in the firm belief that the power thus given would be used with great care, and for some very important reason. It is a power given to be used in cases where the Assembly is thought to be running wild, or is thought to be acting unjustly or inimically, or doing injury to particular classes, or is in any way unjust or unfair. I say the power is intended to be used in such cases, or on urgent occasions; and I ask hon. members whether they think this is a case or an occasion of that sort? In this case the suggestion of the Council is to reduce the amount of the Loan Bill by striking out two of the proposed works, which would reduce the total amount by £140,000, thus reducing the interest payable on the loan by £5,600 a year during the first four years. I ask hon. members if

this is the grave case contemplated by that recent amendment of the Constitution Act which enables the Council to send back a money bill with suggestions to this House. I think the power of suggestion was given, as I have said, for some very important reason—such a reason that, after careful consideration on the part of the Upper House, not only would it be prepared to suggest, but would also be prepared to strike. It was intended to be used in cases in which some great principle in connection with the legislation of this country was involved, and in which they had the people of the colony at their back. Such would be the occasions on which it was intended, under the Constitution Act, that this power of suggestion should come in. We asked, in this Bill, for £60,000 a year as interest on the proposed loan. The reply of the Council is: "We will give you £54,400, but we will not give you £60,000 a year." Upon these facts, I say this is not such a case of grave necessity as is contemplated by the Constitution Act. We, the Lower House, are not acting unjustly or unfairly. We are not seeking to interfere in a special way with any person or class in the community. What is it that this House is trying to do, and what has been our object, in passing the Loan Bill? We are seeking to develop the resources of this country. That is all we are trying to do. And, so far as the Government are concerned, we have proved that the country can afford to undertake the expenditure proposed in the Bill, and can carry out this public works policy. There is one little matter of a personal nature—and of course personal matters generally affect one more closely than other matters. It has been stated, in another place, that I favour the construction of these two railways in the South because I am interested particularly in that part of the country. Now, as a matter of fact, there is not a single item in this Loan Bill which appertains to my own constituency. In my position as Premier of the Government, and having the immediate control of the finances as Treasurer, it would naturally be thought I should certainly have placed in this Loan Bill some work that would specially benefit my own district. But there is not one work—

if you except a few miles of the proposed railway from Donnybrook towards Bridgetown—which runs through my constituency, and there is not one work specially for my constituency. There is another extraordinary feature of this question: that in these suggestions from the Legislative Council no reason whatever has been given in the message for desiring this House to amend the Bill. One would have thought it was necessary, and, in fact, we might reasonably have expected, that in taking such an important step as has been taken, the Council would have stated some reasons for their action. But here we have a message asking us to strike out two small items in the schedule of proposed loan works, but giving us no reason whatever why the Council desire this to be done. I think that procedure is not reasonable, nor such as this House ought to expect. We certainly ought to have good reasons placed before us for consideration. The Council have not told us the country cannot afford to undertake these works; nor have they told us the country cannot afford to pay the interest on the items amounting to £140,000 which the Council desire to strike out. If they had sent us any such reasons I would have been in a position to reply. But, notwithstanding that the Council do not give us reasons, I will place before this House some further information which is new, as to the ability of the colony to undertake these works. For the quarter ending September last past, the total revenue of the colony amounted to £207,915, as against £108,874 for the corresponding quarter of last year; showing an increase of £99,041 over the corresponding quarter of last year. The total expenditure during the three months ending September last amounted to £145,900, which certainly exceeded the expenditure in the corresponding quarter of last year by a sum of £33,308. But our credit balance, which at the end of June last was £88,020, had increased at the end of September to £150,035. So that we are in a far better position now to undertake these works than we were in when this Bill was passed in this House a few weeks ago. We have increased our credit balance, and the colony seems to me, as far as I can judge in regard to revenue, to be advancing

rapidly, and our expenditure at the same time is being kept within bounds. The population of the colony on the 30th September last is estimated to be a total of 79,665 persons. If the hon. members in another place had used arguments to show that we cannot afford to construct these works—and I at once admit that such arguments would be good and legitimate in dealing with this question—I should have been able to controvert them. Now, on constitutional grounds alone, the Government cannot recede from the position they have taken up. I will be able to show that this battle between the Houses, as to the power of amending money bills, has been fought elsewhere, time after time, and that it has resulted in a decision against the desires of the Upper House. But, apart from constitutional grounds, the Government cannot advise hon. members of this House to recede from the position which was taken up, and was placed before the country in the Speech of the Governor at the opening of Parliament on the 25th of July last, in these words:

“The object my Ministers have in view is to promote the progress and development of the mineral resources of the colony, by constructing railways, establishing postal services, erecting telegraphs, conserving and obtaining water, and other measures of utility; and, simultaneously with such progress and development, to encourage the occupation and improvement of the lands of the colony by affording increased facilities of transit, so that the markets established on our goldfields and mineral areas may be supplied from local sources.”

That is the policy of the Government in regard to these public works, and I do not see how we can honourably and rightly withdraw from that position which we took up before the country. I say the Government cannot recede from the position which it has taken up, unless it breaks faith with the community. I would ask hon. members to say whether there is to be a dual control in this country of its financial affairs? If there is to be a dual control, we shall have a system of legislation here which does not exist anywhere else; and I think also that this House might as well give up its existence if it is willing to give up that great principle which exists in every self-governing



British community, as it exists in the House of Commons in England—the principle that the Lower House of Parliament, the People's House, shall have the control of the finances of the country. If this House of Assembly had vetoed these proposed railways, and had thus reversed the policy of the Government, the course of Ministers would have been perfectly clear. But that is not so. It is not so easy to deal with a vote of the Legislative Council, because that body has nothing to do with the making or unmaking of a Ministry; therefore we, the Government, are not in the same position, in dealing with the Council, that we would be in if dealing with a vote of this House. Every one knows—and probably no one knows better than the members of the Legislative Council—that the Upper House has no power to amend this Bill. It has come down to us in the same shape as it had left us exactly, with suggestions. The Upper House, though it cannot amend this Bill, has the great power of rejection as a whole—a power which I do not wish to take away from that House—therefore, that House has this great power, under the Constitution, that if the Lower House does what it should not do, if it tries to coerce individuals, or tries to do injustice, or acts unfairly towards any class, the Upper House, in the case of a money bill, can reject the measure. That is, I think, a very great power. I should like to point out to hon. members that there is a misconception, in the minds of some people, as to the new power given to the Upper House by the amendment of the Constitution Act made last year. Some hon. members seem to think that a very great power indeed has been given by that amendment of the Act. My opinion of that clause is that, with the exception of the power of suggestion in the case of money bills—a power which some of the Upper Houses in the colonies have claimed, whether it was in their Constitution Acts or not—does not enlarge the power previously possessed by the Council, but rather restricts it. Of course, we know that, even under our former Constitution, the nominated House, although it did not send suggestions, did ask for conferences; and I think all the Upper Houses in the other colonies—even in

the colony of New South Wales—have asked for conferences. The only enlargement in our Constitution is that the Upper House may make suggestions in reference to money bills. But, if this House rejects the suggestions, the Upper House is practically in the same position as before. In most of the colonies there is no limit by law to the powers of the Upper House, but they are limited by constitutional usage, with the exception of this colony, and also the colony of Victoria. In the Constitution Act of Victoria are these words:—

“All bills for appropriating any part of the revenue, and for imposing any duty, rate, tax, rent, return, or impost, shall originate in the Assembly, and may be rejected, but not altered, by the Council.”

Thus the Upper House in Victoria may reject a Bill, as in all British countries, but must not amend a money bill. Our own Constitution Act says, in effect:—“You may not amend a money bill, but ‘you may send a suggestion to the Assembly, or you may reject the Bill.’” In my opinion the addition of the provision as to making suggestions did not in any way give, practically, any greater power than the Council had before. It merely gave the right to suggest, and I do not think that is any great power. It is a power I do not in any way object to their having. Referring to the relations between the House of Lords and the Ministers of the day in England, Mr. Gladstone, who is the greatest living Parliamentarian of the present age, says in his “*Kin beyond Sea, 1878*”:—

“But it is not with the Sovereign only that the Ministry must be welded into identity. It has a relation to sustain to the House of Lords which need not, however, be one of entire unity, for the House of Lords, though a great power in the State, and able to cause great embarrassment to an administration, is not able by a vote to doom it to capital punishment. Only for fifteen years out of the last fifty has the Ministry of the day possessed the confidence of the House of Lords.”

This circumstance shows that it is no new thing for strained relations to exist between the House of Lords and the majority in the House of Commons; but, the two Houses in England have nevertheless worked together, and have respected each others responsibilities. I will also quote the opinion of Sir Henry Parkes, who is the greatest living Parlia-

mentarian in Australia. Speaking at the Federal Council in 1891, he said:—

"Now, with regard to the power of the two Houses to treat money bills, or, as I prefer to call them, bills for imposing taxation, and for making special appropriation—with regard to the question of both Houses having an equal power to deal with these bills as they think fit, I cannot disguise from myself the fact, that if that be provided for, it will lead to very great trouble and mischief. I cannot disguise from myself that it is not in accordance with the chief principle that has been won for us by ages of struggle. And it seems to me like attempting to roll back the sun and to shut out the light which the great developments of the present century have afforded us to speak of entrusting to two Legislative Chambers, powers which it has been found absolutely necessary to confine to one."

I would like to quote also from "Todd's Parliamentary Government in British Colonies" as to what occurred in New Zealand in 1872, and I think this case is really on all fours with our present one:—

"In 1854 a difference arose between the two Houses of the New Zealand Legislature as to the statutory right of the Legislative Council to amend Bills of Supply. Although the original Constitution was silent upon this point, the Secretary of State for the Colonies was of opinion from the first that the Imperial practice should by analogy prevail. The difference was disposed of for a time, but was again revived in 1872, when the Council contended that the New Zealand 'Parliamentary Privileges Act of 1885' had placed both Houses upon an equal footing in respect of money Bills, and empowered them to amend such Bills as freely as other measures. The Assembly resented this pretension, as being an unconstitutional encroachment upon their peculiar privileges. Unable to agree by mutual consent, a case was prepared for the opinion of the law officers of the Crown in England, which was forwarded to Her Majesty's Secretary of State for the Colonies by the Governor. In due course a reply was received from these eminent legal functionaries, which was transmitted to the Governor for the information of the Colonial Legislature, and is as follows:—

- (1.) We are of opinion that, independently of 'The Parliamentary Privileges Act, 1865,' the Legislative Council was not constitutionally justified in amending 'The Payments to Provinces Bill, 1871,' by striking out the disputed Clause 28. We think the Bill was a money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of aid or supply is too narrow, and would not be recognised in the House of Commons in England.

- (2.) We are of opinion that 'The Parliamentary Privileges Act, 1865,' does not confer on the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect, and did not affect, the legislative powers of either House of the Legislature in New Zealand.
- (3.) We think that the claims of the House of Representatives, contained in their Message to the Legislative Council, are well founded, subject, of course, to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives, having for its object to vary the management or appropriation of money prescribed by an Act of the previous session.

J. D. COLEBRIDGE,  
G. JESSEL."

That was the decision which was mutually accepted, and is a direct and unimpeachable settlement of the point at issue. As I said in the beginning, I do not wish any idea to go forward, in this House or the country, that this House or the Government in any way wish to coerce the Legislative Council. The Government fully recognise the rights and privileges of the Council, under the Constitution Act as lately amended, and that the Council has the same power as the House of Lords in England, except in one small particular, viz., that the Council has the statutory right to make suggestions in reference to Money Bills, but I do not admit that the Council has any more power than the House of Lords in regard to Money Bills. I admit most fully that, in sending this Message to the Assembly, the Council is acting within its legal rights; but I do not admit for a moment that the Council would be acting within its constitutional rights in going any further in this matter. There cannot be two authorities responsible for the finances of this country. While fully admitting these legal rights, under the Constitution, I ask myself, and I hope hon. members will also ask themselves: Are the members of the Legislative Council acting reasonably in taking their present action? Is any great principle involved, from their point of view, in dealing with this matter? What are their reasons for this action? They have not been good enough to give their reasons to us; but, as far as I have

been able to gather them from reading reports in the press, their reasons seem to be that the amount of money proposed in the Schedule for the Bridgetown Railway is not large enough to complete the line all the way to Bridgetown. If that was a reason which actuated them, I can well understand that they might make a suggestion that it was desirable the amount in the Schedule should be increased, in order that the loan might be sufficient for completing the railway to Bridgetown. I think one hon. member of the Upper House said that if he had an assurance that the railway would go all the way to Bridgetown, he would be in favour of it. I should like him to ask for that assurance. I am prepared to say that I shall hail the day with pleasure when this line can be carried on to Bridgetown, and in due course to Albany. I wish to make myself perfectly plain to this House and to the country in regard to the intentions of the Government and my own intentions on this matter. I wish to use to-night the exact words I used on the 23rd of May last, in Bunbury, in regard to this railway. I see no reason whatever to change one iota from what I then said in these words:—

"I hope the £100,000 will take the line a long way, if not all the way to Bridgetown. The reasons that have actuated the Government in coming to this conclusion are that this line will be a further section of the great trunk line from Perth *via* Bunbury, Donnybrook, Bridgetown, Lake Muir to Albany, and that it will open up rich agricultural land, with a genial climate and abundant rainfall. It will open up that portion of the colony most fitted to support a large population, and it will tap the tin deposits at Greenbushes."

These are the words I used at Bunbury, and I take my stand upon them, and although an hon. member says I was electioneering then, I am not electioneering now. It has been attempted to be shown that I have gone back from what I said at Bunbury; but I deny that, and I say that words mean nothing if I have gone back from what I then said. If that South-Western corner of the country, with its good soil and genial climate, is to be occupied and improved, it can only be done by extending this railway into it; and I hope the day is not far distant, but close at hand, when this railway will be extended in the direction of

Lake Muir and on the way to Albany. It is admitted by all in this House and by members in another place, that the land is good. The only objection I have heard is a plea for delay. It is not asserted that the land through which the Bridgetown Railway will pass is worthless, nor is it asserted that the country cannot afford to undertake the work. I think the Government have proved conclusively that the colony can afford to undertake the work. I ask the members of the Legislative Council if their action in this matter is fair to the Government or fair to this House? By their attempt to interfere with a vital part of the policy of the Government in opening up the lands of the country, they are not giving us that support which we have a right to expect. Is there sufficient reason for their action? I cannot see that there is. In regard to the proposed railway to the Collie coalfield, I am certainly more surprised at the Council's suggestion even than I am in regard to the Bridgetown Railway, because in regard to the Collie Railway we do not wish to pledge the Council to anything. The Government went out of their way, both in this House and in another place, to try and meet the wishes of hon. members. We said we were not going to do anything upon that work during twelve months, except to get further information in order to place it before hon. members, so that they might have a further opportunity of deciding as to the construction of a railway to the coalfield. We pledged ourselves to give Parliament an opportunity of dealing with this question next year. We said we fully believe that we have a great product there of immense value; and although we were confident about it, yet, as some hon. members hesitated, we would not do anything beyond getting information until the whole matter could be laid before Parliament again next year. I cannot really understand how hon. members in another place could have sent a suggestion to strike out this work, after that assurance given by the Government, unless they do not believe the Government were sincere in giving the assurance. Those hon. members should recollect that, if we strike out this Collie Coalfield Railway from the Loan Bill, after having proposed the work for construction, this retrograde

step would be an advertisement that this Parliament did not believe the coalfield was of any value. That would be the impression of persons outside the colony if Parliament would not allow the item even to remain in the Bill for twelve months, until more information could be obtained. The only explanation of the Council's action in this matter I can imagine is that they have not become fully seized of the intention of the Government, although the Colonial Secretary did fully explain it to them. To strike out this item at the present time, when the country has such great prospects, and when our scientific officers say we have such enormous resources of wealth in this coalfield, would only have a mischievous effect, and would cause persons in other parts of the world to say that the people in Western Australia did not believe there was any coal there whatever. The action seems to show a thorough distrust of the promise made by the Government; it seems to show that the Government are going to do something in the next twelve months which they promised not to do. I am sure the hon. members of the Upper House do not believe the Government are capable of doing anything of the kind. One thing we will do, at all events, and that is, keep to our promises. There is another way of looking at this question. Has there been any demand in the country for interference with the public works programme of the Government? I am quite willing to admit that, in the different constituencies, among the candidates seeking votes at the elections, some said they were in favour of this measure, some in favour of another measure, and so on; but I make this statement, that the programme of the Government in regard to public works has been generally accepted by the people of the country. There has been no demand, in the whole of this immense territory, for interference with our programme of public works. The country has been satisfied with the programme. It has seen that the Government has made a fair and honest attempt, in dealing with the question of public works, to do our duty to all parts of the colony. And this House which represents the country, fresh from a general election, is satisfied, because we carried this Loan Bill

with fairly large majorities, most of the loan items being passed unanimously. An hon. member says we have a big majority, but I say we have no majority except by conviction, and hon. members sitting on this side of the House do so because they believe in the policy of the Government. The hon. members on this side are quite as capable of giving an honest vote as any men in this country. Considering that this matter has been before the country, and that the country has expressed its approval of the general policy and the programme of public works put forward by the present Government—and considering that it is a part of our policy not only to build railways to our goldfields for developing the mineral resources, but also, hand in hand with those works, to develop the agricultural resources of the country—considering these things, how can this colony be ruined by building a railway 60 miles long into a district that is capable of great development, a district capable of supporting a large population? In undertaking such a work, you cannot go wrong, for that railway must pay eventually, because it must promote the further occupation and improvement of the land. That must be a lasting benefit, and not one that will wear out, for it must last for ever. If I felt it possible to meet the wishes of hon. members in another place, nothing would give me greater pleasure. My desire is to meet the wishes of the Upper House, and to work with its members; not to flout that House, but to support it. But can we, as a Government, agree to have one of the main parts of our policy set aside, because a few members think that one or two items of the Loan Schedule should be struck out? I would rather go down with honour, than accept such a position. The question is very important, it is momentous, in the history of this country. We must remember this—and I wish to put all sides of the question before this House, and in asking you to adopt this motion I will take the responsibility of it—if we are to have a deadlock in our public affairs, upon grounds such as that which the Council has taken up, what will be the result? Every public work in this colony will be stopped; the surveys for the proposed railways to Cue and

Coolgardie must be stopped; the Fremantle harbour works must be stopped; and any obligations incurred on account of the intended new works must be paid out of current revenue, because no other funds will be available if the Loan Bill does not pass. The work of providing water for the goldfields must also be stopped. We must deal with this matter in such a way that we may be able to look back upon it with credit, and feel that we have acted as other men in a similar emergency have acted in all parts of the world, and that, while fully recognising the position of the members of the Legislative Council, we have upheld the privileges and rights of this, the People's House. If you give way now, and allow an unconstitutional action to overcome you, what will be your position in the future? Your very Estimates, now before you, will be overhauled from one end to the other. Nothing but anarchy and confusion will result; and the end may be that the Upper House will be swept out of existence. I do not wish to see that. I hope wiser counsels will prevail. I desire that we shall act as men in other parts of the world have acted—constitutionally; and to take for our guidance what others have done, and the decisions that have been arrived at elsewhere. I do not want to carve out any new line, in dealing with great constitutional questions, but I want to follow the constitutional precedents that have been established in England and in the other colonies. The members of the Upper House may depend on my support, and the support of this Government in all ways that are possible. I give those hon. members credit for good intentions in this matter, for I believe they have been actuated by good motives and the best intentions; but I do not think they have been sufficiently cautious and careful in making suggestions on this important matter. They are dealing with details, in their suggestions on this Bill, whereas they should deal with great principles. I have now fully dealt with this question before the House, having a full sense of the great responsibility that rests upon those who act as we are doing. This Constitution of ours is not a new thing. It depends, for its working, upon the moderation and good sense of those who work it, the

same as does the Constitution of England. We have the advantage of possessing a written Constitution, if that be an advantage; and I know that unless there be a spirit of forbearance, and a desire to give every one credit for common honesty, and a wish to do his duty—unless that principle prevails among us, we will not be able to carry on Constitutional Government. I beg to move, "That this Committee of the Legislative Assembly regrets that it is unable to agree with the suggestions of the Legislative Council contained in its Message No. 18, for the following reasons, namely: that the works are essential features in the policy of the Government for the development of the colony, and that policy as a whole has lately been approved by the country at the general election."

MR. RANDALL: I quite agree that the recent amendment of the Constitution Act has conferred no greater power on the Council than they had before. I agree, also, that, in the action they have taken, the Council are quite within their rights. They have sent a respectful message to this House, and I am sure it is the desire of hon. members to treat it respectfully. I think it is absolutely necessary this House should have the power of the purse-strings. As the Premier has clearly and distinctly stated, it must be absolutely in the power of one Chamber to deal with the finances of the colony. I agree that if the Upper House offers suggestions, they will always be carefully considered by this House. As to the Collie Railway, I am in accord with the view of the majority in the other House. In regard to the Bridgetown Railway, I recognise that, having had a doubt in my mind, I gave the Government the benefit of that doubt. This question has to be discussed apart from the views of individual members as to the merits of particular items in the Loan Bill, and the question should be dealt with on constitutional grounds. I quite agree that we must give to members of the Council the credit of having good and proper reasons, and that they are actuated by good and proper motives. We should credit them with the desire of lending their assistance to this Chamber to do that which is in the best interests of the colony. I hope and believe they are animated by right motives in the step

they have taken; but it was open to them to have adopted another course, and they will possibly have the opportunity, later on, of adopting that course. The reasons which have been made public, in the printed reports, are not of very great force or weight; and I quite agree that, in taking the step they have done, the Council should have had before them some great object, such as an attempt on the part of this House to do some injury, or to overstep the bounds of prudence in launching the colony into an expenditure beyond its means. Questions of that sort would justify the Council in adopting the suggestions they have sent down to us; but this is scarcely a question of principle; it is rather one of expediency, as to whether these public works should be executed or not, at the present or in the near future. I believe the members of the Upper House were quite aware of the promise given by the Government. That is an assurance we have every reason to believe will be kept, and I do not know how the Government can constitutionally depart from it. They must bring down special Bills for the purpose of constructing these works, and there could be no fear entertained by either House that the Government would break faith in the matter. Believing, as I do, that the Upper House is within its rights in sending down a suggestion to this House, yet I feel that the question is one of very large importance, and that the course taken by the Upper House does interfere unmistakably with the policy of the Government, whether we agree or not that the country has endorsed that policy, though I believe it has to a large extent. When I addressed the electors in the Perth Town Hall, after the Premier's speech to his constituents in May, I said I was prepared to vote for the two lines of railway to the goldfields, but as to the other two railways I said I should await facts and information. The Bill has passed this House virtually intact; and, under these circumstances, it would have been advisable, if the Legislative Council could have seen their way, after indicating their opinions in the matter, to have waited until such time as the special Bills could be placed before them. I do not mean to say they should have concealed their opinions in the meantime. It is my

intention to support the Government in this motion; and I trust the action taken by this House, and the stand taken by the Ministry, will receive the careful consideration of the Upper House, and no doubt the members of that House will fall in with the suggestions which are now made. I hold very strong views as to the great advantage which has accrued to this country from having a second Chamber to review the decisions of this House, and I will do all I possibly can in the maintenance of their rights and privileges; yet I do not think this is one of the cases which will come under the category of being a great matter and involving a great principle, and one that the Council would be right in maintaining in the best interests of the country.

MR. ILLINGWORTH: Perhaps I am inclined to look on this question with the greater gravity, from the fact that I have had considerable experience in connection with the former serious difficulties between the Upper and Lower Houses of the Legislature in Victoria. It has been my lot to be one of seven members appointed to a conference in reference to one difficulty that arose between the Council and the Assembly in Victoria, and I may say that all the difficulties of that nature which have arisen in Victoria originated with the Assembly. The first difficulty there was known as the "tack" in the Darling grant; and the contest on that matter led to a deadlock between the two Chambers. In order to meet the extremities which arose and the mischief of a deadlock, it became necessary for the Government to provide for paying the salaries of civil servants. The Council rejected the Budget, and "supplies" could not be got through in a constitutional manner. To prevent disaster, the then Attorney General—Mr. Higinbotham, afterwards Chief Justice—advised the Government to confess judgment when sued in the courts; and it was only by this desperate expedient of confessing judgment that the civil servants could obtain their salaries. In the particular question which came before the conference on which I sat, a Bill had been sent up from the Assembly dealing with a question of Customs revenue, and in the details of that Bill there had crept in, I think by accident, a clause which virtually took away from persons fined by the Com-

missioner of Customs the right of appeal; and the objection taken by the Legislative Council was that this was of the nature of a "tack"; that it was introducing into a money Bill a clause which the Council had a right to discuss and alter; and that in consequence of the clause being placed in a money Bill, the Council were improperly precluded from the exercise of their constitutional right. The very point at issue in that case, and in the other subsequent cases, was that the Assembly had encroached upon a distinct principle of right which was claimed by the Council. Those contests between the Houses in Victoria always arose in consequence of attempts by the Assembly to force certain matters through the Council, in direct violation of the constitutional privileges of the Upper House. But this question before the Assembly of Western Australia has an entirely different aspect, and is the first direct result of the amendment which was made in the Constitution Act last year, by which the Council was given the right of making suggestions for the alteration of a money Bill. When that amending Bill was being passed through Parliament last year, I made the remark—being then one of the outside public—that the Assembly, in assenting to that amendment, had taken a fatal step; and I have not seen any reason since to change my opinion on that point. Having given the Council a right of suggestion or protest, on a question of money legislation, which right does not exist in any other British Parliament in the world, that power really invites the members of the Council to come into immediate collision with the Assembly. The Assembly must now face the situation so created; for, the power having been given, I presume it must continue, because the Council will never consent to the abridgement of its powers. Therefore, the suggestion exercised in the present case is a kind of thing which may occur over and over again. The question thus raised should be discussed by members of this Assembly apart from the merits of the particular items in the Bill, and solely as it affects the rights of this Assembly to control money legislation; for the question is how far we, as members of the Assembly, should yield to this effort, which is intended, indirectly,

to restrict the powers of this House on a question of taxation. This is the exercise of all the power which the Council possesses under the clause which was added to the Constitution Act last year; and, what is particularly important, it is the exercise of that power on the very first occasion on which the Council has an opportunity of using it. It is a very menacing fact that no sooner does the Council find itself in possession of the power, which has been granted by the Assembly in good faith, and with a full expectation that it will be carefully and judiciously used, and will never be exercised unless there is grave and serious necessity for its being exercised—no sooner is the power obtained than the Council proceeds to use it on the very first opportunity; although it was because of the confidence which this Assembly had in the wisdom of the Council, because of the firm faith in which members here were prepared to look upon the attitude of members in the other House towards this House, that the Assembly ventured to give them a power which had not been granted to the Upper House in any other British country—not even in Great Britain itself. To say the least of it, this is a breach of that fine sense of propriety which should actuate members in another place, as well as in this House, that on the very first possible opportunity they are seeking to exercise a power which was given and intended for use only in a case of serious and urgent necessity. I will quote from Bourinot's "Parliamentary Procedure and Practice" in relation to the Dominion Parliament of Canada, which at page 471 says:—

"Since 1870 no attempt has been made in the Senate to throw out a tax or money Bill. The principle appears to be well understood and acknowledged on all sides that the Upper Chamber has no right to make any material amendments in such a Bill, but should confine itself to mere verbal or literal corrections. Without abandoning their abstract claim to reject a money or tax Bill when they feel they are warranted by the public necessities in resorting to so extreme and hazardous a measure, the Senate are now practically guided by the same principle which obtains with the House of Lords, and acquiesce in all those measures of taxation and supply which the majority in the House of Commons have sent up to them for their assent as a co-ordinate branch of the Legislature. The Commons, on the other hand, acknowledge the constitutional right of the Senate to be consulted on all matters of

public policy. As an illustration of the desire of the Senate to keep closely within their constitutional functions, we may refer to the fact that the House has declined to appoint a committee to examine and report on the public accounts, on the ground that, while the Senate could properly appoint a committee for a specific purpose—that is, to inquire into particular items of expenditure—they could not nominate a committee like that of the Commons to deal with the general accounts and expenditure of the Dominion—a subject within the jurisdiction of the Lower House, where all expenditures are initiated."

Thus it will be seen, in reference to the position taken up by the Senate of the Dominion of Canada, that not only could they not alter a money Bill, but they could not appoint a committee on the public accounts, because there could not possibly be two heads of the money department. The same authority gives another instance at page 473:—

"In the session of 1878 the Commons sent up a Bill to amend the Canadian Pacific Railway Act of 1874. The Senate amended the Bill so as to require the assent of the two Houses to any contract or agreement made by the Government for the lease of the Pembina branch. When the amendments were considered in the Commons, the Premier asked the House to disagree with them on the ground that 'it is contrary to the uniform practice of Parliament that contracts into which the Executive is authorised to enter should be made subject to the approval of the Upper Chamber,' &c. The Senate submitted in their answer several precedents justifying, in their opinion, their action, and at the same time urged that 'Without the amendment, the Bill would provide for the disposal of public property for a term of years, without obtaining the sanction of both Houses to the terms of the transfer.' It was also urged that the practice referred to in the Commons message 'never extended beyond contracts for the completion of public works for which money voted by the Commons is in the course of being expended, other contracts having been constantly submitted for the approval of both Houses.' The result was that the Government refused to proceed with the measure, when they found that the Senate would not recede from the position they had taken, on the grounds of public policy and constitutional right."

Thus the Government of Canada allowed that Bill to lapse, rather than have the rights of the Lower House infringed. The Assembly of Western Australia has now to face the position that the Council has been given a power which no other legislative body of the kind possesses; and the members of the Assembly have to ask themselves this question: Is it reasonable, is there in the Loan Bill any-

thing so serious, that the Council should have exercised this power in the particular case? That may be a question for the members of the Council to settle when the Bill is sent back to them; but, in the meantime, this Assembly has to decide whether it would be justified in admitting and accepting the suggestions which have come down from the Council. What is the nature of the suggestions? The Council asks the Assembly to alter a primary money Bill—the Council asks that the proposal for certain expenditure should be taken out of a money Bill. That being the question, it is not one of doubt as to the nature of the Bill, for this is absolutely a money Bill, and, consequently, there is no doubt as to the nature of the effort now made by the Council to influence—to say the least of it—the money expenditure of the Legislative Assembly. What is the nature of the proposed expenditure? Is it a kind of expenditure that warrants hon. members in another place in taking up so extreme a position? Could they not have attained all they desired in a more constitutional manner? One item in the Loan Bill, objected to by the Council, is the Bridgetown Railway, but that railway cannot be constructed until a Bill for authorising it has passed through this and the other House and become law; and if the other House, when the Bill comes before it, considers the Bridgetown railway ought not to be constructed, the members of the Council might at least have expressed their convictions upon the question while the Loan Bill was before them, but as to dealing with the absolute rejection of this item in the Loan Schedule, they ought to have waited until the Bill for authorising the construction of that railway comes before them; therefore, I cannot see any reason why they should attempt to enforce their power of rejecting that item at this stage, unless their action is intended to influence the right of the monetary legislation of the Assembly. This is a much graver question than the construction of a railway. Personally, I have opposed the Bridgetown Railway item, and supported the Collic Railway item, when these were before the Assembly; but the question now raised by the action of the Upper House is not merely as to the merits of these items, and I regret that the Premier



has even alluded to that as an issue before this House at the present, because the question is as to the privileges of this House in controlling money Bills. We are now acting for the first time under the peculiar clause which was added to the Constitution last year; and any action we take now will be a precedent for future action in relation to the manner in which the Assembly should receive messages from the Council, based upon that peculiar clause. Are the members of this Assembly going to say, on the very first exercise of the peculiar power, that they will back down? I hope hon. members will say it is not wise, in the interest of this House and the country, to do so, because as soon as we got into cross purposes with the Council—if that must happen—there will be such confusion in Parliament that it will be impossible to manage the finances of the country. I am a strong supporter of the principle of having two Chambers, but there must be somewhere in the system a superior power, because the idea of carrying on legislation with two Chambers absolutely co-equal in all their powers is an impossibility. In the case of an Upper House being a nominee Chamber, the power of the Crown to create members to any extent required for carrying a particular measure is a palliative which might prevent a deadlock; but in this colony, where both Chambers are elective, though in a different manner, the Council is just as much a representative body as the Assembly, and this is a change in practice which has arisen in British colonies. But this Assembly must be careful as to admitting that, because the Upper House in this colony is now elective, it thereby becomes co-equal with the Assembly in all parts and under all circumstances. No such admission can be made by this House. This Assembly has the power to make and unmake Governments. The Council has no such power or function. There being this difference, it is essential that the Assembly should have the sole power of taxation and of expenditure, that being the only difference existing between the two Houses, and it is a difference which makes it possible to work under the dual system; for when once this difference is destroyed, the power of parliamentary government will be gone. The Assembly should lay down this prin-

ciple, that while we receive with all respect any suggestion coming from another place, we will maintain our absolute right to say "yea" or "nay" to every question of taxation and expenditure. Important as is this matter, and important as the Loan Bill is to the country, it will be infinitely better for the Assembly to leave to the Council the responsibility of rejecting the whole Loan Bill, rather than that the Assembly should take the responsibility of allowing any alteration in the schedule of the Bill. I ask the House to look on this question, not as a party question, or a Government question, or a railway question, but as one in which the Assembly has to lay down a precedent that will be a future guide in connection with questions arising under this peculiar clause of the Constitution Act, and to have regard also to the possibility of this being a frequently recurring matter. I ask that there shall be an absolutely unanimous vote on this question, in order that the privileges and the rights of the Assembly may be asserted.

MR. RICHARDSON: The House will congratulate the hon. member on the able speech he has made on constitutional law. But is this not something in the nature of a storm in a teacup? Are we not debating this purely constitutional question at the wrong stage of the difficulty? It occurs to me that the difficulty may never reach the stage which will require this House to make a firm stand. I have yet to learn that there has been any attempt to interfere with the rights of this Assembly; but I hope I shall be found as ready, when the time comes, to stand firmly for the rights of this House as any other member. It has been confessed that the Council is quite within its right in sending down these suggestions. After this House has rejected these suggestions, if that is to be done, and if a deadlock then ensues, that will be the time to assert the rights of this House; but to do so before that stage is reached would be premature. I maintain that this House has not yet left the stage for considering whether it can concur or not concur with the Legislative Council as to the construction of these two railways. The suggestions of the Council amount to this: that the Assembly should reconsider its decision. Members of the Council ask us to reconsider the question from

their point of view, that the Assembly will be involving the country in too great a liability. I cannot see that the Council is courting anything in the shape of a deadlock at the present stage, and I hope there is no deadlock in view. Some members have said it is within the province of the Council to throw out the Loan Bill as a whole, and not to make suggestions in reference to parts of it. But if the Council had done such an arbitrary thing, it would have been acting very much outside of its rights. I think the Council has taken a more open and a better course in sending back the items with suggestions that certain items should be kept out of the Loan Bill for our further consideration. I do not think the Council has attempted yet to force the hands of the Assembly. If the Council does attempt that, it will not be such an easy matter as it may look. The members of the Council are not expected to be mere dummies. A majority of those members think there is no justification for these railways, or that the Assembly wants to spend too much money. Those members have a right to express that opinion, and to put it in such a form as will give this House the chance of reconsidering the matter.

MR. ILLINGWORTH: You are making a precedent.

MR. RICHARDSON: No; for, if the Council asks for what is within its rights, the Assembly has no reason to suppose that, afterwards, the Council will ask for something which is not within its rights. The course taken by the Council affords a channel of escape from the drastic action which that body might otherwise feel compelled to pursue; for, if the Council had no power to send suggestions, it must either swallow the whole Bill or reject the whole. I think we are making much ado about nothing. With reference to the motion before us, it is in very general terms, and there is nothing in it we can object to. The Government consider these works are an essential feature of their policy, and they are the best judges of that. They say the policy of the Bill as a whole has been lately approved by the country. I am inclined to think that is so; but the motion does not touch the question as to whether the two particular items in the policy have been approved by the country.

With reference to the Blackwood railway, I voted for it, and would do so again, though I am not very keen about it. I voted against the Collie railway. I am quite in accord with the general terms of the motion; but with reference to the Collie coalfield, I think the Council has the best of the argument, for I cannot see that the proposed railway is justified at the present stage of development. As that issue is not placed before us in a separate form, I do not see how we can vote on it now as a single issue. I shall vote for the motion of the Government; but it is too soon to speak as if a deadlock had already occurred.

MR. LEAKE: It is desirable to avoid anything like captious criticism, and to direct our attention to the constitutional aspect of the situation. Our Constitution differs materially from the British Constitution; for the British Constitution is not the creature of a statute, but is the growth of centuries of practice, and is possessed of the power of adapting itself to circumstances, and of engrafting on its original stock all that is convenient. One of its notable features is its elasticity. We are not acting under the British Constitution, but, influenced by those principles of constitutional law, we have passed a certain statute; and if we are now landed in any difficulty, it is necessarily incident to our having a written, and not an unwritten, Constitution. If any one is to blame for the present situation, it is the Parliament of the country. Having given to the Council the power to make suggestions in money bills, and now that the Council is exercising that power, we turn on that body and say it is acting unconstitutionally. I say the Council is acting strictly within its constitutional rights. As to the Council not having sent any reasons, it is not incumbent on that body to put in a message the reasons for acting as it has done. The Council may, at a later stage, give reasons. To say the Council is acting unconstitutionally in this case is to make a dead letter of that section of the Act. All the arguments I have heard to-night convince me of the necessity for the repeal of that section in the Act; and if a Bill to that effect be brought in, I should support it strongly. To say the Government had given an assurance that they would not

spend the money on these railways until they had placed some further information before Parliament is an unconstitutional method of dealing with a Loan Bill.

THE PREMIER (Hon. Sir J. Forrest): That is often done.

MR. LEAKE: I am sorry the Government should follow an unconstitutional precedent. I cannot see, either, that it is a question whether one House or the other House has confidence in the Government. We may find ourselves the victims of misplaced confidence. I contend there has been no unconstitutional move at all. It may be that this House should protect its resolutions as far as possible, and it is my intention at present to vote against any proposed alteration in the Bill, but to vote for sending the Bill back as it stands; and if there is any responsibility with regard to the ultimate fate of this measure, let the responsibility rest with those who carry on their work in another place. We may fight measures in this House tooth and nail, up to a certain point; but a resolution being once come to, the House should act harmoniously, and as a whole, in respect of its resolution. On that principle I will go to a certain extent with this motion, but I cannot support the motion as it is presented to us, because it binds us—those who sit on this side and who voted against the particular items in the Loan Bill—it pledges us to confirm them, and to confirm generally the policy of the Government. This is a question whether we, as an Assembly, intend to see that our resolutions are carried out. We never know when we may be placed in a difficult position owing to misunderstandings with another House, and it is as well not to be blinded by party feeling in matters of this kind, and for the sake of carrying out a mere whim, or perhaps redeeming a pledge given to one's constituency, we should not forget our constitutional rights as a Chamber. Let us act as one man, and therefore do not embody in a motion of this kind anything that may conflict with matters of opinion. I would ask the Premier to accept the amendment I have put on the notice paper, and that is: "That all the words in the resolution, after the words 'Message No. 18,' be struck out of the resolution." The motion will then simply say that we cannot agree

to the suggestions of the Legislative Council. If the Premier accepts my amendment, I will give him my support freely.

THE ATTORNEY GENERAL (Hon. S. Burt): I think the House generally, on this occasion, has very much reason to thank the hon. member for Nannine (Mr. Illingworth) for having so clearly and reasonably expressed what I cannot help thinking is just the proper footing on which this House should deal with the suggestions which have come to us from the Legislative Council. I listened with great pleasure to the speech of the hon. member, and to the reasons with which he supported it, and the views he held, which I venture to say no one in this House can dispute for one moment as being most sound. I quite agree with the hon. member when he says there is only one thing that makes it possible to work the dual system which we have in common with other colonies of the empire, and that is that the power of this House, the Lower House, over financial questions shall be paramount. There is no doubt of that. I desire to say a word or two in reply to one or two of the subsequent speakers. The hon. member for the De Grey was of opinion—and I disagree altogether with that line of argument—that the present occasion is not the time exactly for us to weigh the arguments that have been addressed to us from another place, for the hon. member was inclined to think the stand this House is now called on to make should be made at a later stage, on the ground that the Legislative Council is acting within its legal rights in sending these suggestions to us, and therefore we should deal with the suggestions and should await further communication from that House. The hon. member will see this position, I think, that the present occasion may be the only chance this House will have of expressing an opinion at all, either on the merits of the suggestions or on the constitutional question; because, if this resolution be passed and sent to the Council, that body may at once throw out the Loan Bill, and there will be an end of it. Where, then, can we look with any certainty for having another chance of expressing the opinion that has been put before us to-night? The Council would have perfect liberty, with this resolution going from us to the other House, to throw out the Bill. We

should make a stand at the earliest period, as we know for certain, in that case, that the other Chamber will be possessed of our views; whereas if we leave that stand to be taken at a subsequent date, that occasion may never arise. Therefore, unless the opinion of this House is expressed to-night on the constitutional practice, it may be found we have no other chance whatever of putting our views before the Council. The hon. member for Albany has said that the Premier stated that the Council was acting unconstitutionally. I think he must have misunderstood the Premier in that. I understood the Premier to admit, to the fullest, that the members of the Council were acting strictly within their legal rights, and under the Constitution; but the Premier asked for the reasons of their action, and pointed out that this is not one of those large questions in respect of which the power which they undoubtedly possess should be exercised. The hon. member for Albany remarked that we were not acting under the British Constitution. I venture to think we have a large measure of the British Constitution accorded to us in the Act which defines the privileges, the immunities, and the powers of this House, when we find the first section of that Act which was passed in 1891, after the initiation of Responsible Government, says that this House shall "hold, enjoy, and exercise such and the like privileges, immunities, and powers as, and the privileges and immunities and powers of the said Council and Assembly, and of the Committees and members thereof, respectively, are hereby defined to be the same as are, at the time of the passing of this Act, or shall hereafter for the time being be, held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland." We are accorded, as all other Houses of Assembly in the British colonies are accorded, the same rights, privileges, and powers which are possessed by the British House of Commons; therefore we are fully in the enjoyment of all the constitutional usage and practice of the House of Commons, as was so ably put before the House this evening by the hon. member for Nannine. That Act even goes beyond any similar Act in any of the colonies, in this respect, that in their case

those colonies were endowed, so to speak, with all the privileges, powers, and immunities of the House of Commons of England at the date when they took up their Constitutions, whereas we in this House are accorded not only the privileges and powers of the House of Commons at the date of our Constitution, but also such as at any time hereafter may be held and enjoyed by the House of Commons. Consequently, any practice or custom that becomes available in the House of Commons, in regard to its relations with the House of Lords, we have in our Constitution. It has been said the amending Act of last year gave a power to the Upper House, under the new section, which that House had not before. It must be remembered that it is nowhere laid down in any statute that the Upper House has no power to amend money Bills. I think I am right in saying that nowhere is it laid down in any statute, to that effect, except perhaps in the colony of Victoria. The power of amending money Bills has been denied to the Upper House—with the exception of the case of Victoria—simply on constitutional grounds. Our Upper House, starting as we were with Responsible Government, might have felt inclined to raise this same question as to the right of that House to amend money Bills, in the same manner as other Houses of a similar character have done in other places, and the same disagreement and quarrels might have taken place as had taken place elsewhere, before it had become finally settled that the Upper House possessed no such power. We should have had to face struggles of the same nature as had gone on elsewhere. One merit of the new provision which was put in the amending Act may be found in this respect, that in expressing the fact that the Upper House may make suggestions, it must be taken as concluded that the Upper House has no power, by that very section, of making any amendment in a money Bill—that, as we have expressed the one, we have excluded the other. Prior to the enactment of that new section, the Upper House had a right to ask for conferences, and it had asked in the short time we had then had Responsible Government, and conferences had taken place between the two Houses. Perhaps it was considered that, by inserting the new section in the Act, the

amendment was doing nothing more than carrying out some such system as was contemplated in the method of conferences between the two Houses; that, in lieu of a conference, this Assembly said, "You may make a suggestion." Well, granting that the Council may make a suggestion, I say that power was granted—as the hon. member for Nannine has said so much better than I can say—in confidence and in supreme faith that the Upper House would use it only on momentous occasions, and in vindication of principles which it was apparent to all that the Lower House was invading. It was never anticipated that in a matter such as this, and at once in the very first session after acquiring the power, such a use would be made of it on such a small occasion. It is clear that the Upper Chamber cannot intend to provoke a collision on such an occasion as this; for what would be the effect of it? I take it that the effect of such a collision as this must be that the Government will be bound to resign—that the Upper House, if in earnest, will not give way—that this is an essential feature in the policy of the Government, and is impeached by the Upper House, that essential feature being the construction of two railways which the Council wishes to strike out of the Bill. If the Council were taking this course on a question which the country knew nothing about, which had been sprung on the country as a surprise, without consideration, the majority in the Council might, in such a case, have been justified in saying, "We will force you to dissolve and appeal to the country." But that is not the case here. The Upper Chamber cannot be dissolved. What would be gained by Parliament being dissolved, and hon. members of this House going back to the constituencies which they have so recently left, for consulting the electors on this very question as to whether these two lines of railway shall be constructed or not? I am not defending altogether the new clause which was added to the Constitution last year—I was not present when it was passed—but I am trying to see some good in it. If the Upper House had no power to make any suggestion, then what course would they pursue? I suppose that, in the absence of that new clause in the Act,

they would ask for a conference. But a slight advantage of the new clause may be found in this, that we here have now the opportunity of sending back this Bill intact to the place whence it has come, and of leaving to the Council the responsibility of dealing with the Bill, instead of taking that responsibility ourselves. In other circumstances, it might have been for us in this House to lay aside that Bill; whereas, by our sending a reply to the Council's Message, with the unanimous assent of this Chamber, it will be for the other House to take the responsibility as to what it will do further with the Bill. I do trust that all hon. members will rise as one man to support the privileges of this House, upon the first occasion on which we have had to consider the action taken by the Council under the new clause in the Act. I am glad indeed to think that the hon. member for Albany expresses his intention of standing with other members of the House, and of endeavouring to secure a unanimous vote. With regard to the amendment on the motion, and the reasons given, the wish of the Government was to be exceedingly courteous to the Upper House, by stating the reasons for our proposed action this evening. At the same time, I am quite ready to admit the question would be better left on those high grounds which have been stated by the hon. member for Nannine, and we should be following the precedent of the Upper House by omitting from the motion any reasons. The Government are quite prepared to accept the amendment, in lieu of the motion as it was first proposed.

Amendment put and passed.

Motion, as amended, agreed to unanimously.

Resolution reported.

Report adopted.

Ordered—That a Message be forwarded to the Legislative Council, informing them that the Legislative Assembly regretted its inability to agree with the suggestions contained in their Message No. 18.

#### ESTIMATES, 1894-95.

##### IN COMMITTEE.

Consideration of the Estimates resumed.

*Defences*, £19,542 10s. 10d.:

MR. RANDELL said the difference between the amount of the vote for this

year and last year was not so great as the totals seemed to show, in view of the sums voted but unexpended last year. He asked, what was going to be the normal amount of the Defence vote?

THE PREMIER (Hon. Sir J. Forrest) said the actual increase in the total of the Defence Estimates was £2,368 15s. He had a written Return showing that the cost of the partially paid force would be £3,700. There would be a saving on other items amounting to £1,331 5s. Some of the expenses in the present Estimates would not occur again; but the Minute from the Colonial Secretary, read to the committee at a previous sitting, stated that, in regard to the proposed Militia, the cost of maintaining the force would be £3,680, but there would be a saving in the expenses of Volunteers and other items, thus making the net cost about £2,350.

MR. SIMPSON said he had never admired the "playing at soldiers" in Australia, which was one of the biggest farces in the colonies. It had been admitted, by perhaps the greatest authority who ever visited Australia, that the battle which would determine the fate of Australia would be fought at sea, hundreds of miles away from our harbours. The Government now proposed to spend £20,000 to defend ourselves against—what? The position of every ship in the world belonging to foreign Governments was known very closely, and the British navy would be in a position to secure us against any filibustering ships that might come along. He remembered a terrific war excitement in Melbourne some four or five years ago, when the land forces were ordered away to the different grounds, prepared to resist an attack by Chinamen. A little while before that, in Sydney, a tremendous effort was made by Colonel Cracknell, in charge of the torpedo corps; a crowd of spectators went down to the Sydney Heads and lunched; but when the signal was finally given the torpedo would not go off. The torpedo had disappeared. The vote placed before this committee was entirely unprecedented, and he would sooner see the £20,000 spent on the wretched Donnybrook - to - Bridgetown railway. It was said this Militia would be the nucleus of a force, but in other colonies the Defence vote had been a huge

increase annually, until those colonies were simply groaning under the expenditure that had been pitched away on military ideas. This colony also contributed about £2,000 a year to the Auxiliary squadron, and what did the colony get for it? He moved, as an amendment, that the vote be reduced by £5,000.

MR. LEAKE asked when the Commandant's engagement would terminate, and whether that officer intended to remain in the colony?

THE PREMIER (Hon. Sir J. Forrest) believed the engagement would terminate early next year, the period having been for three years. The general practice was for another Imperial officer to be sent out.

MR. RICHARDSON said it would be better to attack that part of the vote which provided for the proposed Militia. He believed the new scheme was not particularly popular with the Volunteers, so far as he could gather.

THE PREMIER (Hon. Sir J. Forrest) said the suggestion of the hon. member for the De Grey was the best, that the item providing for the Militia force should be dealt with; and if the committee decided against that item, he would then ask that the vote be postponed until he could bring down an Estimate on a new basis, because the whole vote might require remodelling. The Militia item involved a new principle, and he would like to take the opinion of the House on it. He therefore suggested that the opinion of the committee be taken on Item 18, and if that were lost, they could resolve to report progress.

MR. ILLINGWORTH said the Government must see that the committee as a whole was opposed to the Defence vote as it stood; and he would like to see an amendment for striking out the whole vote, with a view to its being remodelled.

THE CHAIRMAN said that, if no vote for Defences were taken now, the Government could bring in the vote again in a fresh form; but if the vote were struck out, a fresh message from the Governor would be necessary.

MR. ILLINGWORTH moved that the whole vote be struck out.

THE PREMIER (Hon. Sir J. Forrest) said that, if this motion were carried, the Government would understand that the committee disapproved of a Militia; and a

fresh Message could then be brought down for a new Estimate for the Defences.

MR. WOOD said the committee should let the department know in what direction the vote should be recast. This House had urged the Government, last session, to bring in a scheme for a force like this Militia. His own opinion was that it was not so much from outside that the colony needed protection as from inside.

THE ATTORNEY GENERAL (Hon. S. Burt) suggested that the committee should take a division on Item 18, and if that were struck out the committee should pass the remaining items, on the understanding that the vote would be recast. If the committee struck out the whole vote, he doubted whether the Government could bring in a fresh vote as a part of these Estimates. By following the course he suggested, a fresh Defence vote might be brought in.

THE CHAIRMAN said that no resolution in committee was binding, and the House as a whole could afterwards review any decision in committee.

THE PREMIER (Hon. Sir J. Forrest) said the committee had better accept the Chairman's ruling. The Government could bring in a fresh Estimate for Defences, if the Militia item were struck out.

THE CHAIRMAN said the new casting of the Estimate would come before the committee, and every item could be gone through then, if hon. members desired.

Question — that the whole vote be struck out—put, and division taken, as follows:—

Ayes ...	...	...	17
Noes ..	...	...	8

Majority for ... 9

AYES.  
Mr. Clarkson  
Mr. Connor  
Mr. A. Forrest  
Mr. Illingworth  
Mr. James  
Mr. Keep  
Mr. Leake  
Mr. Loton  
Mr. Moran  
Mr. Paterson  
Mr. Pearse  
Mr. Randell  
Mr. Richardson  
Mr. R. F. Sholl  
Mr. H. W. Sholl  
Mr. Solomon  
Mr. Simpson (Teller).

NOES.  
Mr. Burt  
Mr. Cookworthy  
Sir John Forrest  
Mr. Marnion  
Mr. Monger  
Mr. Venn  
Mr. Wood  
Mr. Lefroy (Teller).

Vote struck out accordingly.

Central Board of Health, £234:

MR. A. FORREST, referring to Item 1,  
"Secretary and Chief Inspector of

"Nuisances, £100," moved, as an amendment, that the words "and Chief Inspector of Nuisances" be struck out.

MR. R. F. SHOLL said he did not see the necessity for this vote at all. The disgraceful state of the city of Perth should not be permitted by the Central Board, which had a wider jurisdiction than the city area. He would prefer to see the vote struck out, because, unless the Central Board did something and insisted on the Local Board in Perth doing its duty, the Central Board should be abolished.

MR. JAMES said that if the Perth Board of Health, of which he was a member, did one half of what the hon. member for the Gascoyne, as a resident in Perth, wanted the Board to do, the city rates, instead of being 3s. 2d. in the pound, would have to be 19s. 9d. in the pound. A motion had been lately introduced in this House by an hon. member (Mr. Traylen), who was also a member of the Perth Municipal Council, dealing with the unhealthy state of Perth in some respects; and if the hon. member (Mr. R. F. Sholl) would assist in carrying that motion, his action would be better than attacking the Central Board or the Perth Local Board. If an inspector were appointed, as a permanent officer, to supervise the work of the various boards of health throughout the colony, much good would result.

THE PREMIER (Hon. Sir J. Forrest) said the honorary boards did not generally work well, as the members would not give the necessary time to the duties. There was a question before the Government now as to paying a fee to the members, and the Government would have to determine at once whether some fee for attending meetings should be given to members of the Central Board of Health. The duties of the Central Board were not enticing enough for persons to give much of their time and attention to the work. There was also a question of appointing a health inspector, as suggested just now by the hon. member for East Perth, and that matter would be considered by the Government.

MR. LOTON said the duty of Health Inspector was an important one, and such an officer should be fairly paid.

Amendment, by leave, withdrawn.

MR. R. F. SHOLL, referring to the vote generally, said the stench in William Street, Perth, from the channel drain and the filth that flowed there was a disgrace to the city. The City Council should give more attention to the sanitary condition of the city, instead of spending money in extending roads into the bush.

MR. A. FORREST asked why the hon. member (Mr. R. F. Sholl) did not offer himself for election to the City Council, which was the local health authority, so that the matters referred to might be improved with his assistance. Steps were being taken to abate the annoyance in William Street, but the remedy was difficult to apply, the sanitary powers being limited.

Vote put and passed.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 10.53 o'clock p.m.

## Legislative Assembly.

*Monday, 15th October, 1894.*

Elementary Education Act Amendment Bill: first reading—Leave of Absence to Mr. Hassell—Increase of Public Reserves on Swan River: Consideration of Legislative Council's Message—Explosive Substances Bill: third reading—Police Act Amendment Bill: third reading—Agricultural Bank Bill: third reading—Pharmacy Bill: second reading—Constitution Act Further Amendment Bill: in committee—Imported Labour Registry Act Amendment Bill: second reading—Hospitals Bill: further considered in committee—Estimates, 1894-5: further consideration of—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

#### PRAYERS.

#### ELEMENTARY EDUCATION ACT AMENDMENT BILL.

Introduced by Sir JOHN FORREST, and read a first time.

#### LEAVE OF ABSENCE.

On the motion of MR. A. FORREST, further leave of absence, for fourteen days, was granted to the hon. member for Plantagenet (Mr. Hassell).

#### INCREASE OF PUBLIC RESERVES ON SWAN RIVER: LEGISLATIVE COUNCIL'S MESSAGE.

THE PREMIER (Hon. Sir J. Forrest) moved the House into committee, for the consideration of the following message from the Legislative Council:—

"Mr. Speaker,

"The Legislative Council having this day passed the following Resolution:—  
"That in the opinion of this House it is desirable that larger reserves of land for public use, on the frontage to the Swan River and Estuary, should be secured by the Government as soon as possible—presents the same to the Legislative Assembly for its concurrence.

"GEO. SHENTON,  
"President.

"Legislative Council Chamber, Perth,  
"26th September, 1894."

THE PREMIER (Hon. Sir J. Forrest) moved that the resolution contained in the above message be agreed to. He did so, in order that it might be considered, as he thought all messages coming from the other House were entitled to their consideration. He believed the usual rule was for the member who moved a resolution in the other Chamber to arrange with some member to move it in the Assembly; but it had not been done in this case, and therefore it had devolved upon him to submit the resolution for the consideration of the House. He could not say that he liked it very much, nor did he think the House would like it very much, as it was now worded. It gave the Government almost unlimited power to spend a lot of money in purchasing land for these reserves as soon as possible. He did not know that there was any necessity to stimulate the Government in this direction, because the Government, without this resolution, would not hesitate to add to its reserves if they saw a favourable opportunity for doing so and they thought it would meet with the approval of Parliament. There were some reserves already on the North