

The Minister for Works: No, it will not.

Hon. P. COLLIER: I should not be surprised if, after it is commenced again, another agitation arises and another suspension results. The Government should have a definite opinion as to where the line should go. They have all the information necessary. Years ago before the Bill was first introduced, there was a report and recommendation by a well-qualified advisory board. The Bill was passed pursuant to the recommendation of that board. The Government have another advisory board and they have responsible engineers in the department, and surely with this wealth of recourse and opinion available, they should be able to make up their minds where the line should go, and take the responsibility for their actions.

The Minister for Mines: We have too many opinions.

Hon. P. COLLIER: The Government should not throw the responsibility on a select committee. It is reducing responsible government to a farce. Such an irresponsible attitude involves the squandering of tens of thousands of public funds, which will eventually lead to the Government losing their majority. I protest against this lackadaisical method of dealing with public funds, and shall oppose the appointment of the select committee.

On motion by Minister for Mines, debate adjourned.

House adjourned at 9.57 p.m.

Legislative Council,

Tuesday, 10th October, 1922.

	PAGE
Select Committee, Fishing Industry, extension of time	1030
Question : State sawmills	1030
Bills : Federal Referendum, 2a.	1030
Supply (No. 2), £668,000	1032
Wyalcatchem-Mt. Marshall Railway Extension, 1a.	1032
Property, as to procedure	1033
Adjournment, Royal Show	1034

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

SELECT COMMITTEE—FISHING INDUSTRY.

Extension of Time.

On motion by Hon. F. A. Baglin, the time for bringing up the report was extended until Tuesday, November 7th.

QUESTION—STATE SAWMILLS, DE TAILS OF OPERATIONS.

Hon. A. BURVILL asked the Minister for Education: 1, How many loads of timber have been milled at the State Sawmills since work started, including timber used for public works? 2, What is the percentage of waste between timber treated in the round, milled, and the finished product? 3, What royalty would have been paid by a permit holder in respect of the timber referred to in answer to question 1? 4, Has any royalty or railway freight been charged against the State Sawmills? 5, What amount of railway freight would have been payable in respect to timber milled at the State Sawmills, and carried over the State Railways, including the 17 miles used for shunting? 6, Is the forest cut by the State Sawmills taken on a face or are only the best patches cut out? 7, Can the Minister explain why the State Sawmills charge 1s. per dozen more for fruit cases than the privately-owned mills?

THE MINISTER FOR EDUCATION replied: 1, The number of round loads of karri and jarrah timber milled since the inception of the State Sawmills—£672,758. 2, This varies from 48 per cent. to 60 per cent. 3, Exactly the same as has been paid by the department. 4, All royalties and all railway freights have been charged and paid. 5, The railway freight actually paid during the year 1920-21 was £81,397. The cost of transit over the 17 miles used for shunting is included in mill expenditure. 6, The cutting of the forest is subject to the same regulations as other timber cutters have to observe. 7, The State Sawmills' price for fruit cases is governed by the railway freight that has to be paid, and, if the hon. member refers to patent collapsible cases, this entails more work and is a better case than supplied by anyone else. Recently the State Sawmills have reduced their price 1s. per dozen, and latterly, in consequence of this, outside companies have brought down their prices accordingly.

BILL—FEDERAL REFERENDUM.

Second Reading.

Debate resumed from the 21st September.

Hon. J. W. KIRWAN (South) [4.37]: I am rather surprised that Mr. Lovekin should have brought this Bill forward, in view of the fact that it deals with a matter the subject of an inquiry by a Royal Commission appointed by this House and another place. Five members of this Chamber and five members of another place make up the Royal Commission. The inquiry is being made by these 10 members into the question of the relationship between the Commonwealth and the States, especially Western Australia. It is an extraordinary thing that a Bill dealing with that very matter should be brought forward now. I am sure, if the hon. member had given the matter much thought, he would not have brought it forward at the present

juncture, especially as there is no question of urgency about it.

Hon. J. Cornell: Perhaps he thought he would get in before the report came forward.

Hon. J. W. KIRWAN: The proposal is that a referendum should be taken at the time of the next State general elections. These elections are from 18 months to two years distant.

Hon. T. Moore: You do not know that.

Hon. J. W. KIRWAN: There is always the possibility of a dissolution. In the event of a dissolution, however, this Bill would not have time to operate, inasmuch as the referendum would not be ready for submission to the people. In the event of an election in the near future the Bill could not be given effect to, and in any case it is one which should not have been brought forward until the Royal Commission had presented its report. When I became a member of that Royal Commission I endeavoured to approach the question with an open mind. A good deal of evidence has been placed before us, and there is more to be considered. I would not venture to discuss the relationship between this State and the Commonwealth pending the production of the Commission's report. I, therefore, refuse to enter into a discussion as to whether or not the people should be called upon to express an opinion with regard to this State remaining a member of the Federal Union or withdrawing from it. The proposal is utterly absurd, irrespective of the result of the referendum. No matter how big the majority might be in favour of withdrawal, we would not be constitutionally entitled to go outside the federation. The fact of one member of the federation deciding to withdraw would mean a great many complications. It is not that one member of the union alone would be affected; all would be affected. It is a very wide and drastic proposal, and as the whole matter is practically, from the Parliamentary point of view, in the position of being sub judice, we should not be called upon to deal with it. Members of the Royal Commission would not feel justified in discussing this matter, as we have not the full case before us. I hope the hon. member will withdraw the Bill. It will place us all in a very awkward position. We do not want to vote against it and thus create a false impression; on the other hand, we do not wish to vote in favour of it and anticipate the report—whatever it may be—of the Royal Commission. It is out of place for the hon. member to bring it forward. It is not altogether contrary to the Standing Orders, but it is unquestionably contrary to Parliamentary practice that he should bring down a Bill dealing with a matter that is the subject of an inquiry by a Royal Commission.

Hon. F. E. S. WILLMOTT (South-West) [4.44]: Mr. Kirwan has thrown considerable light on this matter. A Royal Commission was appointed comprising members of both Houses.

Hon. J. Cornell: It is assuming great importance all at once.

Hon. F. E. S. WILLMOTT: Five members were selected from each Chamber and were asked to report to their respective Houses. If this Bill is passed it will practically take away from members of the Chamber any chance of bringing in a report. If the Bill be agreed to and sent to another place, members there will not be pleased to find that such a measure has been dealt with by this Chamber, and sent to them for discussion. It would be advisable in the circumstances to adjourn the debate. I move—

That the debate be adjourned until after the receipt of the report of the Royal Commission.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.45]: In seconding the amendment, I agree that the measure aims at achieving what most of us urgently desire to see an accomplished fact.

Hon. A. Lovekin: Is the hon. member in order in discussing an amendment that the debate be adjourned?

Hon. J. DUFFELL: I take it that I can speak and give my reasons for seconding the amendment.

The PRESIDENT: Yes, but from the tone in which you are doing it, I think you are a little out of order.

Hon. J. DUFFELL: I wish to set out my reasons.

The PRESIDENT: I think you might second the amendment formally and let me put it to the House.

Amendment put.

Hon. J. NICHOLSON (Metropolitan) [4.47]: I am not rising to debate the Bill, but I wish to ask whether Mr. Kirwan can assist us in arriving at a conclusion, by informing the House when he expects the report of the Royal Commission will be received. That will naturally influence hon. members in deciding whether to vote for or against the amendment or the motion. If the report of the Royal Commission is to be received within a short time, then an adjournment of the further consideration of the Bill will be neither here nor there.

Hon. F. E. S. Willmott: It is not proposed to go on with the referendum until the next election.

Hon. J. NICHOLSON: We want to know whether the report is to be furnished very soon or whether it will be delayed.

Hon. J. Duffell: I wish to refer to the financial aspect.

Point of Order.

Hon. A. Lovekin: On a point of order. I submit it is not competent for any hon. member to move or second the amendment suggested by Mr. Willmott. Standing Order 185 provides that an "amendment may be

moved to a question by leaving out 'now' and adding 'this day six months,' which, if carried, shall finally dispose of the Bill; or the previous question may be moved.' The amendment does not seek to do either of the things provided in the Standing Order, but merely seeks to defer the consideration of the Bill until after the receipt of the report of the Royal Commission.

The Minister for Education: Look at Standing Order 410!

Hon. F. E. S. Willmott: I contend that under Standing Order 410 I have a perfect right to move the adjournment of the debate to any time.

The President: You are quite in order.

Hon. F. E. S. Willmott: Standing Order 410 reads, "a debate may be adjourned either to a later hour of the same day or to any day."

Hon. J. Cornell: To which day do you desire the debate adjourned?

Hon. F. E. S. Willmott: The day after the receipt of the report.

Hon. A. Lovekin: That is not a competent amendment under Standing Order 410. There must be a specific date.

Hon. J. Duffell: The point I wish to make is that, suppose the Bill be carried and we get secession, shall we be in a position to shoulder the financial responsibilities involved?

Hon. J. Cornell: I submit the amendment is not in order.

Hon. F. E. S. Willmott: It is an amendment to secure the adjournment of the debate.

Hon. J. Cornell: It is not a question of amendment, but of adjournment.

Hon. J. Ewing: I agree that the amendment is not in order. A date must be fixed. Mr. Kirwan was not present at the last meeting of the Royal Commission, but I was there. I can assure the House that in a very short time finality will be reached in the matter, and I suggest that Mr. Willmott should alter his amendment to read this day fortnight or three weeks, so that the Bill may be considered then.

Hon. J. Duffell: Mr. President ruled that the amendment was in order.

Hon. J. Ewing: I do not think you gave the ruling on this particular point, Mr. President. You will agree that the date must be fixed. Finality was almost reached at the last meeting of the Royal Commission and within a fortnight or three weeks that finality will be achieved.

Hon. A. Lovekin: There can be no objection to such an adjournment.

Hon. J. Ewing: If Mr. Willmott will withdraw his amendment and move one fixing the date, the amendment will then be in order.

The President: On looking at Standing Order 410 I have come to the conclusion that the day must be named in the amendment.

Debate Resumed.

Hon. F. E. S. WILLMOTT: That being the case, I will move my motion as follows:—

That the debate be adjourned until the 7th November.

Motion put and passed; the debate adjourned.

BILL—SUPPLY (No. 2), £668,000.

All Stages.

Standing Orders Suspension.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.55]: I move—

That so much of the Standing Orders be suspended as is necessary to enable a Supply Bill to be received from the Legislative Assembly, and to be passed through all stages at one sitting.

Question put and passed.

First Reading.

Bill received from the Legislative Assembly and read a first time.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.56] in moving the second reading said:—The Bill provides supply up to the end of the present month.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Sums available for purposes voted by the Legislative Assembly:

Hon. A. LOVEKIN. I do not wish to raise any objection to the Bill, but I would draw attention to the marginal note of Clause 2 which refers to sums available for purposes voted by the Legislative Assembly. These sums are voted by Parliament, surely?

The CHAIRMAN: Only the Legislative Assembly can vote sums of money.

The Minister for Education: That is the wording on all such Bills.

Hon. A. LOVEKIN: It is not right.

Hon. J. Cornell: Don't raise that question!

Clause put and passed.

Preamble, title—agreed to

Bill reported without amendment and the report adopted.

Read a third time and passed.

BILL—WYALCATCHER-MT. MARSHALL RAILWAY (EXTENSION No. 2.)

Received from the Legislative Assembly and read a first time.

BILL—PROPERTY.**As to Procedure.**

Order of the day read for the consideration of the Bill in Committee.

Hon. A. LOVEKIN (Metropolitan) [5.0]: Before you leave the Chair, Sir, I wish to call attention to Standing Order No. 187, which provides that after the second reading, unless it be moved that the Bill be referred to a select committee, or unless notice of an instruction has been given, the President shall forthwith put the question that he do now leave the Chair. Standing Order No. 248 provides for the President automatically leaving the Chair unless, upon notice given, an instruction thereto is proposed from the Chair. I have already given notice and I do not think there is anything to compel me to give 24 hours' notice.

The PRESIDENT: I think the hon. member is out of order. Standing Order 248 reads—

Whenever an order of the day is read for the Council to resolve itself into a Committee of the whole, the President leaves the Chair without putting any question and the Council thereupon resolves itself into Committee, unless upon notice given an instruction thereto is proposed from the Chair.

Hon. A. LOVEKIN: That is what I am submitting, that you propose from the Chair an instruction to the Committee in the terms of the notice I have given.

The Minister for Education: You have not given notice.

Hon. A. LOVEKIN: I gave notice when the House met this afternoon. The only point is whether the Standing Orders require 24 hours' notice to be given.

The Minister for Education: The Standing Orders provide that notice must be given.

The PRESIDENT: I rule the hon. member out of order and leave the Chair.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—Short title and commencement:

The MINISTER FOR EDUCATION: This clause provides that the Act shall come into operation on the first day of July, 1923. In moving the second reading I intimated that there was no intention of hurrying this measure; it was desired that the most complete consideration should be given it. I forwarded a copy of the Bill to Mr. Nicholson for submission to the Barristers' Board, and the reply received I proposed to read, because it deals directly with the question of the commencement of the Act, and the consideration of the measure. The letter from the secretary of the Barristers' Board reads—

I am directed by my board to thank you for your letter of 26th ult. anent this Bill, and also to ask you to convey to the Hon. the Minister introducing the Bill my

board's appreciation of his courtesy in making copies of the measure available for the consideration of its members. The measure itself introduces alterations in the existing law of a most far-reaching character, and is dealing with matters of an extremely complex and technical nature. I have had so far merely an opportunity of directing the attention of our members to the general outline of the Bill, and have solicited the views of some of the most experienced practical conveyancers in the profession. The opinion of those experts, so far as I have ascertained, seems to indicate that the Bill contains many useful and salutary provisions, but that in the public interest it is most desirable that the whole measure should be carefully considered and discussed clause by clause by practical specialists in this branch of the law, in order to ascertain its exact effect, not only on the existing statutes, but on various contingencies which from time to time will arise and which may or may not be provided for. It is worthy of notice that a very comprehensive Property Act has recently been passed in England—early in July last, if my recollection serves me rightly. This measure consists of some 310 pages and its operation is postponed until January, 1925. The provisions of this measure should certainly be studied in connection with the Bill at present before the House, as in all probability it has made alterations in the English Conveyancing and Property Acts upon which a portion of our Bill is based. Other reasons for the very fullest consideration of this Bill might be advanced, but at present my members are agreed that it will take several months to go fully into the matter and to ascertain its actual scope and effect. As an amending and consolidating measure, it is in a sense a codification of this branch of the law. It is most undesirable that the statute books of subsequent years should be burdened with numerous amending Acts which a full consideration of the Bill itself at this juncture may tend to minimise.

I explained in moving the second reading that our Bill was largely based on the English Conveyancing and Property Acts. This letter is entirely in accordance with the sentiment of the Crown Law Department and the object of the Government in introducing the Bill. We recognise the necessity for the Bill, and also that it is a matter requiring careful consideration. It is my intention to move to report progress, and if this is agreed to, we shall make no attempt to pass the Bill during the present session. This will permit of the measure receiving the fullest consideration by members and by the Barristers' Board, so that the necessary amendments can be made next session.

Hon. A. LOVEKIN: I am glad to hear the statement of the Minister, because I was going to make an effort to get the Bill postponed until next session in order that we might have time to look thoroughly into its

provisions. I have devoted about a week to it and I have not been able to master it. There are 13 statutes in this State dealing with property, and to some of them I can find no reference in this Bill. Part of a statute of Queen Anne is taken into account in the Bill, but the other part is left out. Having regard to the honour of this House—

Hon. J. Nicholson: Or responsibility.

Hon. A. LOVEKIN: Well, having regard to the responsibility of this House, I would not like the Bill to be sent to another place until it has been thoroughly considered.

The Minister for Education: That was never intended.

Hon. A. LOVEKIN: So long as we are given until next session, that will be satisfactory.

Progress reported.

ADJOURNMENT—ROYAL SHOW.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.8]: I move—

That the House at its rising adjourn till Tuesday, the 17th Oct.

Question put and passed.

House adjourned at 5.19 p.m.

Legislative Assembly,

Tuesday, 10th October, 1922.

	PAGE
Select Committee, Perpetual Trustees, Executors, & Agency Co., (W.A.), Ltd. (Private) Bill, extension of time	1034
Bills: Licensing Act Amendment, recom.	1034
Attorney General (Vacancy in office), Com.	1045
Married Women's Protection, 8s.	1045
Closer Settlement, Com.	1048
Adjournment, Royal Show	1052

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

SELECT COMMITTEE—THE PERPETUAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY (W.A.), LIMITED (PRIVATE) BILL.

Extension of Time.

On motion by Mr. Mann, the time for bringing up the select committee's report was extended to the 17th October.

BILL—LICENSING ACT AMENDMENT.

Recommittal.

On motion by the Premier, Bill recommitted for the purpose of further considering Clauses 29, 56, 58, 59, 60, 62, and 64, and a new schedule.

In Committee.

Mr. Stubbs in the Chair, the Premier in charge of the Bill.

Clause 29—Assessment of fees on returns of liquor purchased:

Capt. CARTER: I had a definite assurance from the Premier that Clause 20 would be recommitted.

The CHAIRMAN: It cannot be considered now.

Mr. CLYDESDALE: Cannot we deal with Clause 16, to which there is an amendment on the Notice Paper?

The CHAIRMAN: No. The Bill has been recommitted for the purpose of further considering certain clauses and a new schedule, and I cannot possibly allow any discussion of Clause 16 or Clause 20.

The PREMIER: I informed hon. members last week that certain amendments would have to be redrafted. In connection with Clause 29 the Committee desired to make the percentage on license fees, but we have actually made it on excise duties. Therefore it is necessary to strike out Subclause 2 and insert a new subclause. I move an amendment—

That Subclause 2 be struck out, with a view to the insertion of a new subclause.

Mr. Underwood: This amendment is not on the Notice Paper.

The CHAIRMAN: No.

The PREMIER: The present amendment merely corrects the drafting of the amendment which the Committee has passed. The subclause which I propose should be substituted reads as follows:—

(2) Every licensee being the holder of a spirit merchant's license shall, on the 20th day of June and the 31st day of December in each year, or within seven days thereafter, furnish and deliver to the Receiver of Revenue a return in writing signed by the licensee or some person acting with his authority and on his behalf, setting forth, with regard to the six months ended on the 30th day of June and the 31st day of December, respectively, the quantity of liquor of various kinds sold or supplied by the licensee during such period of six months to persons other than persons licensed to sell liquor or registered clubs or State hotels; and together with each such return the licensee shall, on the delivery thereof, pay to the Receiver of Revenue, as a moiety of the annual fee for the license (in addition to the minimum fee paid on the issue thereof), a sum equal to Five pounds per centum of the amount paid or payable by the licensee for the