

majority to pass a Constitution Amendment Bill.

Question put and passed.

The House adjourned at 8.48 o'clock until the next day.

Legislative Council,

Thursday, 14th June, 1900.

Motion (urgency): Mails, a Claim for Carriage; Complaint as to Answering Questions—Supply Bill, £450,000; all stages—Constitution Act Amendment Bill (electoral boundaries, to correct error), first reading—Adjournment.

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

PRAYERS.

MOTION (URGENCY)—MAILS, A CLAIM FOR CARRIAGE.

COMPLAINT AS TO ANSWERING QUESTIONS.

HON. R. S. HAYNES (Central) moved that the House at its rising do adjourn till this day week. He said: I desire to call attention to what I consider was an invasion of the privileges which every member of the House enjoys. It is pretty generally conceded that one of the rights which members enjoy is to put questions relative to the administration of affairs of the colony, through the leader of this House, and to have full and accurate replies given to those questions. From time to time replies have been given which are, perhaps, not satisfactory, and may be termed even evasive. Had I received merely an evasive reply, I would not have thought it my duty to move in the matter now; but on the 11th instant I asked the Colonial Secretary:

1, If it was a fact that the hon. the Attorney General advised Messrs. Smith and Timms in

a proposed action against the Government on a claim for carriage of mails. 2, Was such action brought on? 3, And if so, with what result?

The Attorney General is supposed to advise the Government on the administration of affairs, and if he advises against the Government, that will be open to very severe censure. The question, however, is a simple one. As all contracts for the carriage of mails are made by the Postmaster General, by or on his behalf, it will come to the knowledge of the person who has to advise on that contract whether the Government are a party to it, and whether it will seriously affect the Government. The bringing of an action against the Government would, of course, affect the Government, and if it came to the notice of the adviser on behalf of the colony, it would be highly improper if he advised against the Government. The answer given by the Colonial Secretary to the question which I put was that it was not a fact that the Attorney General had advised Messrs. Smith and Timms in a proposed action against the Government on a claim for the carriage of mails.

The COLONIAL SECRETARY: What number is that?

HON. R. S. HAYNES: It is on Minute Paper No. 10. The answer was "No." I regret to say that the answer—I am informed by a gentleman whose word would be accepted, I think, in any part of the colony, and I accept it—is absolutely untrue. The Attorney General did advise Messrs. Smith and Timms, and the advice was in writing. If it be true, then I submit a great wrong has been done to this House in giving wrong information. Independent of the action the Government would take, I, as a member of the House, claim that a great wrong has been done to me and to the House by an improper and untrue answer being given. The next question was whether such action was brought, and the answer was:

No proposed action in which Messrs. Smith and Timms were advised by the hon. the Attorney General was brought.

An action was brought by Messrs. Smith and Timms in regard to the carriage of mails, in which a verdict was given against the Government for £900. That is a matter which the Attorney General,

as legal adviser to the Government, was bound to know. Mark how the answer was given—"No proposed action in which Messrs. Smith and Timms were advised by the Attorney General was brought." Was that special pleading? Does the Attorney General mean to say that he advised it in another way? Does he mean to say that the writ was indorsed in another way?

HON. A. B. KINSON: He says he did not advise at all.

HON. R. S. HAYNES: The Attorney General guarded his answer by saying that no action was brought; but an action by Messrs. Smith and Timms was brought against the Government, on the advice of the Attorney General, and a verdict for £900 was given against the Government after a trial in the Supreme Court. If that were so, the strictest inquiry should be made into the matter, and every member has a right to complain that an improper answer has been given to a question. There is nothing more dangerous to the colony than to have its legal adviser acting on both sides. Some hon. members in this House have perhaps retained lawyers to act for them annually, and what would any hon. member think of a lawyer, after having been retained, advising against him, and with a full knowledge of his client's papers and everything that was at his command? What would a member think if that lawyer turned round and advised against him? I know the gravity of the charge which I make, and were it not that I am informed on really good authority, which anyone in the colony would rely on, I would not make this statement. I say that the Attorney General did advise, and advised in writing.

THE COLONIAL SECRETARY (Hon. G. Randell) said: I am entirely ignorant of the matter to which the hon. member refers. I was not even aware of the ground of the action brought by Messrs. Smith and Timms against the Government, but I am acquainted with the fact that a verdict for £900, or something like that, was obtained against the Government, and I believe the amount has been paid; but I cannot make myself believe that the Attorney General, from my knowledge of that gentleman apart from the position he holds as Attorney General of the colony, would return an

answer to an hon. member of this House which was untrue.

HON. R. S. HAYNES: I regret to think it is so.

THE COLONIAL SECRETARY: I am driven to the conclusion that some misunderstanding has occurred somewhere. I am quite certain the Attorney General would not play with questions from this House: hon. members can rest assured of that.

HON. R. S. HAYNES: From the information I have, what the Attorney General stated was correct.

THE COLONIAL SECRETARY: I will bring this matter under the notice of the Attorney General, if necessary in Cabinet, so that an answer can be returned to the hon. member to satisfy him of the *bona fides*, which I am sure will be established. I may say, without going beyond what is right and proper, that the more acquaintance I have had with the Attorney General, the higher opinion I have formed of his character and abilities. The hon. member (Mr. Haynes) coughs. I am aware there is a prejudice against the Attorney General, on the part of hon. members belonging to the bar, to some extent. However, I have given my experience of him.

HON. R. S. HAYNES: It is a fatal admission to make.

THE COLONIAL SECRETARY: Any advice I have asked from the Attorney General I was satisfied with, and I can rely on the Attorney General more to-day than I could if I had taken the opinion of hon. members of the House twelve months ago. That is the opinion I have formed, and it has been confirmed from a close acquaintance with the Attorney General. I am sure some misunderstanding has arisen somewhere, because I cannot believe that the Attorney General would frame such a reply wrongly.

HON. R. S. HAYNES: I could scarcely believe it myself.

THE COLONIAL SECRETARY: I can scarcely believe that the Attorney General would return an answer which was untrue to hon. members.

[Motion not seconded; lapsed.]

SUPPLY BILL (£450,000).

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): I move that this Bill be read a second time. Hon. members will quite understand that it is necessary that provision should be made for carrying on the public services of the colony, as it is proposed, perhaps this evening, to prorogue, and Parliament will not meet again until probably the 7th August. This Bill has met with the approval of hon. gentlemen in another place, and hon. members here will see that as very little business, or no business, is ready at the present moment, and that as the very important question of the referendum being taken has to be settled, the popular vote having to be taken on the 31st July, it is undesirable for many reasons to sit during the time that intervenes between now and July 31. I think it will meet the wishes of hon. members of this House that we should not sit about the ordinary time, which is generally about the latter end of this month or early in July. If Parliament were to sit at that time, I am afraid a considerable delay would take place, because business is not ready for the ordinary session, and the financial year is not yet ended. I think it has been found on previous occasions that to meet early in June is inconvenient. That has been my feeling. If we meet in August we may despatch our business much quicker than we should do now, and with much more satisfaction to ourselves and less loss of time. I hope hon. members will be in favour of passing this Bill into law, so that we may carry on the public service of the colony. Hon. members will understand that the Government cannot legally expend moneys after the 30th June, unless with the sanction of Parliament. I do not think I need say any more on the question. The Bill will commend itself to hon. members, and I think they will fall in with my view that about the 7th of August is a good time for the Parliament to meet for its general session.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

Read a third time, and *passed*.

CONSTITUTION ACT AMENDMENT BILL.

ELECTORAL BOUNDARIES, TO AMEND ERROR.

Received from the Legislative Assembly, and read a first time.

THE PRESIDENT, at ten minutes past 5 o'clock, left the Chair for 20 minutes; and, on resuming,

THE COLONIAL SECRETARY moved that the second reading of the Constitution Act Amendment Bill be made an order of the day for Tuesday next.

Question put and passed.

ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House do now adjourn. He explained that this meant until 4.30 on the next Tuesday. If he should require the services of hon. members, he would advise each member individually.

The House adjourned at 5.32 o'clock until the next Tuesday.

Legislative Assembly,

Thursday, 14th June, 1900.

Question: East Mount Magnet Goldfield, to Reward Discoverers—Constitution Act, 1899, Amendment Bill (to correct an error), all stages—Privilege (Robson Charges), Committee's Report, Motion and Amendment; Points of Order—Prorogation, Proclamation; Close of Session.

The **SPEAKER** took the Chair at 4.30 o'clock, p.m.

PRAYERS.

QUESTION—EAST MOUNT MAGNET GOLDFIELD, TO REWARD DISCOVERERS.

MR. HUBBLE, for Mr. Rason, asked the Minister of Mines: 1, Whether he had received any application for a reward for the discovery of the East Mt. Magnet Goldfield: 2, Whether it was the intention of the Government to grant any such reward.