

Legislative Council.

Wednesday, 23rd October, 1946.

| | PAGE |
|---|------|
| Motion: Suspension of member, as to rescinding resolution, defeated | 1404 |
| Bills: Factories and Shops Act Amendment (No. 3), 1A. | 1470 |
| Western Australian Trotting Association, 1A. | 1470 |
| Legal Practitioners Act Amendment, 3A., passed | 1470 |
| Totalisator Duty Act Amendment, 3A., passed | 1470 |
| Road Districts Act Amendment, reports | 1470 |
| Anatomy Act Amendment, 2A., Com. report | 1470 |
| Constitution Act Amendment, 2A. | 1471 |

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

MOTION—SUSPENSION OF MEMBER.

As to Rescinding Resolution—Defeated.

HON. C. B. WILLIAMS (South) [4.34]:

It is with regret that I move—

Under Standing Order No. 121, that the resolution carried on the 10th October, 1946, suspending me (Hon. C. B. Williams) for the remainder of that sitting, be rescinded.

I am not personally concerned with the result of the motion, but I am concerned with the powers of this House and with the rights of individual members. The Standing Orders seem to have been prepared in our grandfathers' time. I have been a member of this House for 18 years, and in all that time there has been but one small amendment of the Standing Orders and it dealt with the prayers. I do not know of any other alteration to the Standing Orders in that time. A perusal of the Standing Orders will show any member that he is in the hands of a majority of the House, whether that majority chooses to be brutal or not. On the occasion in question a measure was being discussed on which my vote was urgently required by my party. The Chief Secretary had to adjourn the debate because a majority of the House suspended me. That was not intended by members; I know them too well to think that they meant it in that way.

The fact is, however, that we are elected by the people and have certain rights and privileges. One of the privileges, I hope, is freedom of speech. Of course, we must obey the President or the Chairman—I do not mean any offence by referring to the Chairman. No-one has presided over bigger

or rowdier meetings than I have at various times. When I was acting as chairman, I had to carry out the standing orders of the society of which I was chairman. All the organisations with which I have been associated base their standing orders more or less on Parliamentary procedure, perhaps on May, whoever he may be, but particularly on Parliamentary procedure. If a judge makes a mistake in the law courts and finds against some person, that person has a right of appeal; and if it be found that the judge made a mistake, the appeal is upheld and another trial takes place.

I draw the attention of members to the fact that it takes 12 or 14 members to form a quorum of the House; but to suspend a member I understand the quorum is 10. However, a quorum of 16 is necessary to rescind a resolution of the House. That is undemocratic and not right. A majority of members of the House is required to rescind a resolution, yet 10 members can carry a similar resolution.

The PRESIDENT: Eleven, to be correct.

Hon. C. B. WILLIAMS: Yes; that includes the President or the Chairman, as the case may be. Perhaps it is hardly necessary for me to quote Standing Order 415, as members know what I did. They are aware of the nature of the argument I entered into with the President and know that he carried out the Standing Order to the best of his ability. But he forgot, and so did the House forget, and I forgot for the moment, the effect of the Standing Order, or I would not have left the Chamber so quietly. I could have been called upon to make an explanation and the President could have called upon me to make an apology. That was not done. Standing Order 415 reads—

When any member has been reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be moved "That such member be suspended from the sitting of the Council." No amendment, adjournment, or debate shall be allowed on such motion, which shall be immediately put by the President.

It is said that the House is jealous of its privileges. For many years it has been claimed that it is a House of review and a check upon hasty legislation. The latter point has been featured for many years past in the Press when trying to justify the continuance of this Chamber. As I said, I am

not particularly interested in the resolution which suspended me, but I say the members of the House did wrong.

We are here to carry out the Standing Orders that control and govern all legislation coming to this House, and anything pertaining to the welfare or well-being of the House. I claim that on this occasion members erred and the Standing Orders were not carried out. I was not asked for any explanation. What was said is reported in "Hansard." I ask that the House stand up to its Standing Orders. I am not worrying about any punishment because the matter is too trivial to be bothered with. A man can be stood down when his vote is probably required. Such things can be done. I am moving the motion to see whether the House is sincere in carrying out its own Standing Orders; the punishment to me is as nothing.

THE PRESIDENT: I do not desire to enter into a debate on this matter, but Mr. Williams in the course of his remarks said that I forgot to read an essential part of Standing Order No. 415 in that I did not call upon him to make an explanation. As a matter of fact he got past that stage and the matter became the business of the House and not of the President. I have consulted, in "Hansard" of the 22nd October, 1921, the only case I can remember. At that time the late Sir Walter Kingsmill was President and Sir Hal Colebatch led the House. I made a remark about a certain member of the community, which Sir Walter asked me to withdraw and I declined. The report of what happened is contained in the 1921 "Hansard" at page 1473, and is as follows:—

The **PRESIDENT:** Order! The hon. member must not make a remark of that kind. I demand its withdrawal.

Hon. J. CORNELL: Under what Standing Order?

The **PRESIDENT:** It was unbecoming language.

Hon. J. CORNELL: In what degree?

The **PRESIDENT:** The hon. member has heard what I said. Is he going to withdraw?

Hon. J. CORNELL: No, I will not withdraw.

The **PRESIDENT:** Then I must report him to the House. I will ask the Leader of the House to recognise the matter.

Hon. C. B. Williams: But I was not reported to the House.

The **PRESIDENT:** At that point the President and I had no more to say. The Minister for Education appealed to me to withdraw the remark, which I did. I remind Mr. Williams that he should have claimed that right under the Standing Orders.

Hon. C. B. Williams: I will claim it now.

The **PRESIDENT:** I have no feelings on the matter at all. I take the line that the President is here to administer impartially the Standing Orders, and I think I did so at the time, and, when I named Mr. Williams, which is equivalent to reporting him to the House, my duties ceased. The House and not the President then dealt with him. It is the House now that has to decide the matter; it has nothing at all to do with the President.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.45]: I regret, together with Mr. Williams, that it should be necessary to ventilate this matter. We can all, with him, say that we are jealous of the Standing Orders of this House. I for one have always endeavoured to see that our Standing Orders are carried out. Those members who were present will recall quite clearly that on this occasion the hon. member crossed swords with the President for quite a few minutes. Eventually the President thought it his duty to name the hon. member and he invited me, as Leader of the House, to take the necessary steps to report Mr. Williams to the House. It was at that stage that, if Standing Order 415 was to be given effect to, some action should have been taken. However, it was not taken and the House agreed to my motion that the hon. member should be suspended for that particular sitting. I do not wish to debate this question with Mr. Williams except to remind him, in his own words, that we do have freedom of speech here provided we comply with the Standing Orders which are based on long experience. But there is a lot of difference between freedom of speech and licence, and I suggest to the hon. member that if he casts his mind back to the occasion he must recognise that he did exceed the bounds of ordinary procedure in this House by the manner in which he crossed swords with the President.

Hon. C. B. Williams: I interjected four times and Mr. Fraser interjected four times. "Hansard" will show you that.

The CHIEF SECRETARY: I know that "Hansard" has a record of what took place; or part of what took place. I want to say that I would again adopt the same attitude no matter who the member might be. In the event of the President exercising his prerogative and naming a member, it is my duty, as Leader of the House, to submit the motion which I moved on that occasion. If, as happened the other evening, the House decides that the Standing Orders shall be carried out to the extent of the member being suspended, then my duty ends. I do not know just what I should suggest to the hon. member on this occasion. He is asking, by his motion, that the records shall be expunged.

The PRESIDENT: No, rescinded—whatever that means.

The CHIEF SECRETARY: Yes. He claims, because he was not asked to make an apology to the House, that we had no grounds for carrying the motion. I suggest that while he might have some grounds for his claim under Standing Order 415 he is much too late in taking action now; he should have done so when the motion was before the House. I feel sure that if he had risen in his place and expressed regret for his conduct the House would have accepted the apology and the matter would have ended. I am sorry that any member should be placed in the position in which Mr. Williams finds himself, but at the same time I can find no excuses for him. I am sorry to say that, but that is the position. Other members, and I as Leader of the House, are here to carry out our duties in accordance with the Standing Orders that have prevailed for so long in this Parliament.

HON. G. FRASER (West) [4.50]: With the Chief Secretary, I desire to see the Standing Orders carried out. On examining Standing Order 415, however, I am of opinion that neither the hon. member nor the House carried it out at the time. The Chief Secretary said that the hon. member could have availed himself of the opportunity at the time the motion was moved, but that is not so. Once the motion was moved by the Chief Secretary, it was too late for the hon. member to do anything.

The PRESIDENT: He could have made a personal explanation.

Hon. G. FRASER: The Standing Order says—

A motion may be moved, "That such member be suspended from the sitting of the Council." No amendment, adjournment or debate shall be allowed on such motion, which shall immediately be put by the President.

Therefore it was impossible at that stage for the hon. member to do anything at all in the matter. Summing up the situation, I consider that the hon. member was definitely wrong in the first place for the manner in which he spoke to the President, but recalling all that occurred, I have no recollection of the hon. member having been given an opportunity to make an explanation before the motion was moved. The Standing Order is very definite—

When any member has been reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit, etc.

At no stage of the proceedings was that opportunity given to the hon. member. In view of this, I propose to support the motion.

HON. SIR HAL COLEBATCH (Metropolitan) [4.52]: My sympathy is with Mr. Williams because, on the reading of the Standing Order, I feel that he did not have the full opportunity of apologising that the Standing Order contemplates a member should have. At the same time, I do not think we can overlook the fact that if a member seeks the protection of a Standing Order, he should do so at the time the incident occurs. I am sure that, if Mr. Williams at the time had claimed that he was entitled to make an explanation, you, Mr. President, would have afforded him that privilege. He was entitled to make an explanation; the Standing Order says he shall be called upon to do it. Consequently, it is not entirely the hon. member's fault that he did not do it. Personally I should like to see the suspension expunged from the records.

HON. H. SEDDON (North-East) [4.53]: Like the Chief Secretary, I feel extremely sorry that the incident occurred. Under the Standing Order, the hon. member should have been called upon to stand up in his place and make any explanation or apology

he might have thought fit. Without any attempt to embarrass the hon. member in any way, I feel that no other action could have been taken in the circumstances than to proceed as is provided under the Standing Orders. After all, we have to maintain the decorum of the House. Therefore I feel that the House could not really go back on the decision arrived at.

HON. E. M. HEENAN (North-East) [4.54]: This motion places us in a rather unhappy position, but I take it we shall have to vote on it and I wish to give my reasons for voting as I intend to do. The whole incident was one that in my opinion could not be condoned. I am approaching consideration of the question, as I am sure all other members will do, in a strictly impersonal way. I may say that I have not always been the subject of gracious treatment from Mr. Williams, but seeing that he has taken this technical point, I must admit that he has grounds for doing so. I have given Standing Order 415 very careful consideration, and it is distinctly mandatory that once the President reports a member, he shall be called upon to stand up in his place and make any explanation or apology.

The **PRESIDENT**: Who would you say should call on him?

Hon. E. M. HEENAN: With the greatest respect, I submit that is beside the point, although, it would obviously be either you, Mr. President, or the Leader of the House. I say it is beside the point because the Standing Order makes it mandatory for someone to call upon the hon. member to stand up and make an explanation or apology. If there is a point in the proceedings that should have been complied with and yet was not complied with, it makes the steps that were subsequently taken ultra vires.

The **PRESIDENT**: Seeing that no person is mentioned in the Standing Order, is not the whole of the House at fault?

Hon. E. M. HEENAN: I wish to make it quite clear that I am not laying the fault for the omission on your shoulders, Mr. President, or on the shoulders of the Leader of the House. I accept my full share of the blame.

The **PRESIDENT**: As I said, we were all wrong.

Hon. E. M. HEENAN: It just shows how careful everyone concerned ought to be when such an unhappy incident occurs. I hope that, now the matter has been ventilated, Mr. Williams may see fit to withdraw his motion, because I consider that would be the best way out for all concerned. If he insists upon the motion going to the vote, unwilling as I may be to support him, I must carry out what I think is obviously the intention of the Standing Order.

HON. E. H. H. HALL (Central) [4.58]: If this opportunity were allowed to pass without directing attention to the Standing Order, it would be a very great pity. I sympathise with the hon. member in the position in which he finds himself. He was certainly at fault; he was not only disrespectful to the President; he was impertinent. He did not see fit to express any regret and therefore the prescribed action was taken. I consider that if the Standing Orders Committee does not at once meet and have this Standing Order 415 amended so that the House will know just where it stands, it will be a matter for great regret. I have previously expressed dissatisfaction at the way in which committees carry out their duties. I have referred previously to the fact that our Standing Orders badly need revising, and here we have an unfortunate exemplification of the fact.

The Standing Order states that when any member is being reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit. Yet, here this afternoon, we are having a discussion as to who should have called upon him. The sooner the position is clarified the better it will be. As I said before, whilst having the greatest sympathy with the hon. member, I feel that he was disrespectful to the Chair, and impertinent. I have had my differences with the President and the Chairman of Committees, but we all have to give way and preserve order and decorum. I am sorry I cannot support the motion.

HON. W. B. HALL (North-East) [5.1]: I remember the incident quite well. It was rather an unfortunate occurrence. I have perused the Standing Order, and it appears to me that it was not carried out in its entirety. As a member who has been in Parliament only a short time, compared with

the time other members have spent here, I must confess that I did not even know the Standing Order, and it was the first time I had seen anything like it put into operation. As members will recollect, our voices on the occasion of the vote being taken were silent. I also agree with other members that it is evidently somebody's duty to call for an apology or a withdrawal; but who is responsible I do not know—whether it is yourself, Sir, or the Leader of the House. But evidently we all fell into line, and I do not think a single voice was audible on the occasion the motion was put. I feel that perhaps some other way could be found out of the difficulty. The hon. member has ventilated the occurrence on one or two occasions and I would like to see him reconsider the matter with a view to bringing the position to some finality in a way that would be in keeping with the standards of the House. After all, the incident was over in about 30 seconds, and it seems to me not quite right that such a little thing should cause so much trouble. I agree with Mr. E. H. H. Hall that some definition of the Standing Order should be made so that members will know what is the right thing to do on future occasions.

HON. H. TUCKEY (South-West) [5.4]: It appears that the whole question hinges on whether the hon. member should have been given an opportunity to apologise. I understand that if we had been in Committee his action would have been reported to the Chair and the position would have been somewhat different. In that case, he would have been called upon to apologise or be named; but when the hon. member directly offended the Chair, I think a different situation arose and on that occasion possibly you, Sir, were justified in taking the action you took, without giving the hon. member an opportunity to apologise. I feel sure every member regrets the incident; and if the difficulty could thus be overcome without our stultifying ourselves, it would be a good thing to support the motion. I agree with the Chief Secretary that we have a job to do and the decorum of the House is a very important matter. At any rate it is so to me.

HON. J. G. HISLOP (Metropolitan) [5.5]: This is a most unfortunate occurrence and one which, I think, every hon. member

regrets—and probably no-one more than Mr. Williams himself. The position seems to be that the technical point raised by Mr. Williams is upheld by some of those who regard the Standing Orders legally, and it would appear that they are of the opinion that in some way or other Mr. Williams might have had an opportunity to apologise. I personally could not agree to rescind this motion as things stand, because the behaviour of Mr. Williams on that occasion was reprehensible. I do not know whose duty it is to offer to the hon. member an opportunity to apologise to the Chair, but I suggest that if the Leader of the House now calls upon Mr. Williams to apologise to the Chair for his behaviour on that occasion, members will be only too willing to rescind the motion. If that were done it would afford a way out and at the same time uphold the dignity of this House, which we all desire to do. In that way we would give the hon. member the opportunity he considers he was denied. I would make seriously to you, Sir, the suggestion that the Leader of the House ask the hon. member to apologise now for his behaviour and that then the House should deal with this motion.

The **PRESIDENT**: There is no occasion for any hon. member to apologise to the Chair. He apologises to the House.

HON. W. J. MANN (South-West) [5.7]: I did not propose to speak on this question, but seeing that the debate has ensued I would like to say a few words. This regrettable incident was one of those hasty occurrences that sometimes take place in the deliberations of bodies such as this. I think Mr. W. R. Hall said it was all over in half a minute. I do not think it really extended over that time. There were just one or two statements and quick answers and then action was taken. I was aware of the Standing Order and had I thought of it quickly enough I would have taken the risk of standing up and calling attention to the fact that provision was made for giving a member an opportunity to express regret; but I think that most members were rather nonplussed and that was really the cause of the inaudible vote and of the action being taken without attention being called to the Standing Order.

I sympathise with Mr. Williams very much. I know that it is his nature to be

given to a little levity at times and members have been to blame because they have occasionally encouraged him. At any rate, I have, and I accept blame for my part. But I know that the hon. member is very fair and can be gracious. Seeing that the matter has been ventilated and that the hon. member must realise, from the tenor of the speeches, that he has the sympathy of members—I am sure they all meant what they said—if he were to take such a course as would bring this matter to an end, either by the means suggested by Dr. Hislop or by withdrawing this motion, I think he would come out of this episode a bigger and a better man.

HON. C. B. WILLIAMS (South—in reply) [5.10]: I have no intention of apologising. The point is that I have been sentenced. This House has made a mistake, and I am asked to apologise and then members may carry my motion. There are members who have already spoken and who have said definitely that they are going to vote against my motion. I know they are honourable enough to stand to their word. I did not refer to the incident at all. Other members have done so. All I have to say is that I interjected four times very relevantly when Mr. Parker was speaking. None of my interjections were irrelevant. They were all relevant to the arguments Mr. Parker was submitting. There was no levity and the interjections were seriously made on the topic under discussion. I know that I am asking the impossible, but I do ask this House to undo a wrong. Not that I am not guilty. Not for one moment would I try to say that, but I say this House was wrong in the action it took. Mr. E. H. H. Hall mentioned the Standing Orders. Why shuffle the question? You, Sir, drew attention to an incident that occurred 25 years ago. I would draw attention to one that took place four years ago. I hate to bring the matter up, because the member concerned has passed away and he was an honourable gentleman when he was here. I refer to the late Mr. Holmes. He said something one evening to which our friend the Chief Secretary took exception. What happened to Mr. Holmes, and what happened to C. B. Williams? Compare the two incidents and realise the injustice done to me.

The **PRESIDENT**: One incident happened in Committee.

Hon. C. B. WILLIAMS: It makes no difference.

The **PRESIDENT**: Yes, it does!

Hon. C. B. WILLIAMS: Do not let us draw a red herring across the trail. The difference is that the Chairman of Committees calls for the President and the President does exactly to the offending member what you, Sir, did to me. The punishment is in Standing Order 415, wherever the offence takes place. That is the rule. Mr. Holmes refused to withdraw and apologise. He was asked to and you were asked to 25 years ago. You queried it.

Hon. G. B. Wood: He made a definite statement, I think. The cases are not similar.

Hon. C. B. WILLIAMS: I am not concerned about the case itself, but with the method of punishment. I am not complaining about the decision of this House. I will say that probably members were quite right in that regard. But consider the manner in which the President spoke to me the other night! No member said anything about that. The President said to me, "Why don't you go outside?" Is that the way for a President to address an hon. member? It is not right, and that is what I take exception to.

The **PRESIDENT**: I did not make that remark. I said "Does the hon. member want to go out?"

Members: That is right.

Hon. C. B. WILLIAMS: Well, the President said something that does not appear in "Hansard."

The **PRESIDENT**: Did not the hon. member say something when passing out of the Chamber?

Hon. C. B. WILLIAMS: Yes, but that was unofficial, I understand. I do not want to delay the House. What happened in the case of Mr. Holmes? He was called upon to withdraw and he declined to do so. He was punished according to the Standing Order. He was given an opportunity to apologise and withdraw and he declined, and this House did to him what was done to me; with this difference: That the President adjourned the House for half an hour so that Mr. Holmes could come back.

The **PRESIDENT**: That is not true.

Hon. C. B. WILLIAMS: Well, for longer then! He declared the meeting closed and we adjourned for a couple of hours and Mr. Holmes came back. Do not say that is not correct, because it is! But poor Charlie is not even called upon to stand up. The House did not punish me at all. If I had been punished, I would have been called upon to stand here and explain or apologise or go out, but that was not done. Members can please themselves what they do about the motion, but the record will go down in history.

That is why I have brought forward the motion. It will show what this House can do when it chooses. If a brutal majority likes to take hold of it, it can do anything to members in this House. There is nothing like provoking hon. members in order to get them outside. It is no use going on with the discussion. Members have made up their minds. I only ask them to carry out the Standing Order. But to ask me to apologise now! I think that members are honest and decent. All I desire to know is whether they are going to uphold the Standing Orders. My motion gives them that right. If they do not do so, it will go down in history that this House does not carry out its own Standing Orders.

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

| | |
|---------------------|----|
| Ayes | 8 |
| Noes | 18 |
| <hr/> | |
| Majority against .. | 10 |
| <hr/> | |

AYES.

| | |
|------------------------|---------------------|
| Hon. G. Bennetts | Hon. E. M. Heenan |
| Hon. Sir Hal Colebatch | Hon. G. W. Miles |
| Hon. J. M. Drew | Hon. C. B. Williams |
| Hon. G. Fraser | Hon. W. R. Hall |
| | (Teller.) |

NOES.

| | |
|--------------------|----------------------|
| Hon. C. F. Baxter | Hon. A. L. Lolon |
| Hon. L. B. Bolton | Hon. W. J. Mann |
| Hon. L. Craig | Hon. H. S. W. Parker |
| Hon. J. A. Dimmitt | Hon. H. Seddon |
| Hon. R. M. Forrest | Hon. C. H. Simpson |
| Hon. F. E. Gibson | Hon. A. Thomson |
| Hon. E. H. Gray | Hon. H. Tuckey |
| Hon. J. G. Hislop | Hon. G. B. Wood |
| Hon. W. H. Kitson | Hon. E. H. Hall |
| | (Teller.) |

Question thus negatived; the motion defeated.

The PRESIDENT: Now that the vote has been taken, there is one point I wish to mention, which I did not elucidate during the debate. It is the prerogative of any

member of this House, if he thinks the President or Chairman of Committees has infringed the Standing Orders, to rise to order and point that out. If members will bear that in mind, there is nothing in the Standing Orders to prevent them rising to order and pointing out that there has been a breach of the Standing Orders.

BILLS (2)—FIRST READING.

- 1, Factories and Shops Act Amendment (No. 3).

Received from the Assembly.

- 2, Western Australian Trotting Association.

Introduced by the Chief Secretary.

BILLS (2)—THIRD READING.

- 1, Legal Practitioners Act Amendment.
- 2, Totalisator Duty Act Amendment.

Passed.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Reports of Committee adopted.

BILL—ANATOMY ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th October.

HON. J. G. HISLOP (Metropolitan) [5.25]: I think this Bill is worthy of being passed, because there is necessity for what is contained in it. I asked that the debate be adjourned so that I might bring down some amendments that I considered were necessary, but I now believe they would have to be brought forward to another Bill, so I have no intention of holding up this measure at all.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CONSTITUTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th October.

HON. H. SEDDON (North-East) [5.28]: It is recorded that Hitler, in his book "Mein Kampf" made use of this remark:

You have only to make a statement loud enough and often enough, shouting down all opposition, to get the people to believe it.

That policy, which is at the bottom of a great deal of modern propaganda, has been adopted for many years, with conspicuous success, by members of the party that constitutes the Government. I do not think, however, that even they thought they would in course of time have impressed one of their opponents to the degree where he would bring in a measure very largely carrying out the intention the Government had in mind.

Dealing first with the question of the franchise for the Legislative Council, the real position is that it is—short of compulsory adult suffrage—one of the most liberal occupier qualifications in the Empire. While the value of this Chamber as a House of review has been demonstrated again and again, both in legislation passed and in criticism expressed, this House has also proved valuable in the ventilation of matters affecting the public welfare. The Government is definitely opposed to the bicameral system. Nevertheless, in these days of unrest and disorganisation, there is more than ever necessity for maintaining the bicameral system in order that there may be some review of and some check upon legislation and policy. There is not the slightest doubt that a House which is elected and operates on the basis of party government must present its legislation and its policy quite frequently from a one-sided view, rather than from the point of view of the general welfare of the community.

There cannot be any better illustration of that fact than the present industrial disturbances and the unrest and sabotaging of production in the Eastern States. In fact, I am inclined to think that we are rapidly approaching the position where the workers, as producers of goods and services, are penalising and punishing themselves as consumers, to the discomfort and privation in

many instances of their dependants. There is reason for predicting that before it is all over the workers will be wiser, much poorer and less independent than they have been for many years. Again, the Labour Party and Labour Governments are today all for nationalisation; that is in spite of the record of State trading concerns. Because of the policy of political railway construction, this State is losing £1,000,000 a year on its transport services alone. Last year the State deficit was £1,000,000.

I remind members that the first step to headlong inflation is uncontrolled Government deficits. All of these things call for and emphasise the need of a second Chamber to review legislation as far as possible and to attempt to check the evils associated with class legislation. For this reason, any attempt to revise the franchise or the functions of the second Chamber—and Sir Hal Colebatch has in his Bill attempted both—must have regard to the necessity of its members being chosen on a basis different from that of compulsory and indiscriminate adult franchise, particularly with a view to securing its fitness for functioning, review and impartiality. While the basis of representation in this House has been repeatedly criticised, it is not for nothing that the basis of land or house occupancy, the seniority of candidates and the spread of interest to land ownership, has come down the ages as a qualification for the responsibility of franchise.

A Bill seeking to displace these qualifications should have wider justification than what appears to be the yielding to inspired propaganda. It should have regard for the government system as a whole. On that point I would have been more impressed with Sir Hal's efforts—particularly in view of his knowledge of other electoral systems—if in his Bill he had advocated some of the methods with which he is so familiar, and not confined himself to a Bill which provides for and intends to revise the Constitution of one House without embodying amendments that would apply to both Houses, especially amendments to improve the representation in both Chambers. When speaking to the referendum Bill, I referred to the changes caused by uniform taxation. In spite of the comment of the Honorary

Minister that that was beside the point, the fact remains that the passing of the uniform taxation legislation has definitely interfered with State sovereignty and has reduced the State Government to the position of a servant of the Commonwealth Government. It has been reduced to the status of a local authority and its activities today are more than ever contingent on Commonwealth approval.

While that may not be evident owing to the position of the Commonwealth revenue today, it will not be very long before the Commonwealth revenue is so affected that there will have to be a considerable revision of expenditure. Then the time will have arrived when this State will begin to realise the situation in which it has been placed. In another place there is definitely inequality of representation, because the present distribution of seats in that Chamber is on a basis that is entirely unequal. I noticed the other day that Sir Hal Colebatch had a most interesting article in "The West Australian" on proportional representation. I would have thought that possibly he would have suggested many other things which could be introduced for the purpose of improving our Parliamentary system and which he might have included in the Bill; as, for instance, a provision for the introduction of that method of representation in our own Parliamentary system.

I noticed that in the course of his remarks Sir Hal referred to the fact that the franchise should be open to every person who has assumed the full responsibility of citizenship. I would like to know what that means. Many of us have differing views on the question of full responsibility of citizenship. The remark was made by Sir Hal Colebatch in regard to the proposal to give the wife of an elector a vote. The Bill provides that the resident occupier of any dwelling, or the husband or wife of such resident occupier, may have a vote. Personally, I can imagine a much wider definition of full responsibility of citizenship than "a married person." For instance, if a married couple had children, one would imagine that they had more completely fulfilled the function of full responsibility of citizenship from that angle, which is the angle dealt with in the Bill. But there is a fuller and much wider definition of responsibility of citizenship. It is this: That the

person exercising the franchise must also exercise an intelligent approach towards public questions which are before the people, and must also intelligently exercise his vote. If that definition were adopted, we might find that the representation in both Houses might be considerably limited compared to what it is today.

Incidentally, a person desiring to acquire the responsibility of citizenship in Russia has to qualify for it. He has to show that he is fully acquainted with the party's platform and point of view and then—and then only—is he allowed to exercise a vote. In other countries, full responsibility of citizenship has a very definite meaning and implies obligations, too. For example, in some countries the responsibility of citizenship is not conferred on a man until he has demonstrated his ability in the art of war and has given proof of very marked and very definite courage. When we get on such grounds, the phrase can be given a much wider interpretation than that adopted by the hon. member. I do not know whether the systems of franchise in other countries can be compared with our present franchise, which is easy of achievement, definite in scope and so liberal that it affords to the ordinary citizen the opportunity to be enrolled for the Legislative Council.

We are told in our school books that our ancient laws were made by parley. Those parleys ultimately became our Parliaments and were meetings attended by freemen where they could express their opinions upon the conduct of the community and make laws to be observed by the community. I point out those laws were passed by freemen. That is important. Today we are faced with the fact that two great forces are contending for government, not only as between the eastern and western countries of Europe, but in all countries. This force can be summed up under two headings; first, totalitarian, in which the citizen is regarded as a chattel of the State; secondly, democratic, in which the State is the servant of and controlled by the citizen. Despite the Honorary Minister's contention, a single-Chamber Government is totalitarian and tends to become increasingly so. Therefore, when we approach the question of widening the franchise of a House of this description, we are bringing it so much nearer the system whereby the wishes of the party in power are more likely to be carried

out, irrespective of the effect on the general community. What has been the effect of adult suffrage as far as this State is concerned, particularly when it is accompanied by compulsory voting and compulsory enrolment?

I point out to members that compulsory enrolment, just as compulsory voting, cannot be regarded as predicating a freeman. A freeman is a man who is free to exercise those powers; but having those two controls, we destroy the status of a freeman when we compel him to take certain action irrespective of his point of view or interest in the question which he has to decide. That has a great deal to do with the ever increasing number of informal votes recorded at our elections. What has adult suffrage given us? Before we widen the franchise for this House let us see what has been the effect of granting to the popular Chamber the control of the affairs of the State, even with the check by warnings that have been given from time to time by the second Chamber. Speaking on matters of finance—and one amendment in the Bill deals with finance—it has given us, through the Governments, an unproductive debt of some £10,000,000. It created an army of casual labour through a public works policy based on the cheap borrowing of money that has since become a burden on our community. It definitely gave us a policy which benefited the dweller in the town as against the dweller in the country. At present the provision of school facilities, water supplies, housing, lighting, fresh food supplies, transport charges and holiday amenities all penalise the outback dweller.

The policy which created and established the popular house has largely been responsible for putting into operation this penal method for the outback. Reference has been made from time to time to the disparity in the number of persons enrolled for the Legislative Council and those enrolled under the system of compulsory voting. It is admitted, even by those who are attempting to secure the widening of the franchise of this House, that there are thousands of people who are qualified to enrol as electors for the Legislative Council under our present franchise, who do not exercise that right. Enrolment for this House is on a voluntary basis; a person can please himself whether or not he enrolls for the Legis-

lative Council. Consequently we may be justified in assuming that a man who does take the trouble to enrol is one who is sufficiently keen to take an interest in the welfare of his country. I point out too that the householder qualification, under today's conditions, means that every person who occupies a dwelling can enrol, and the provision under which a ratepayer-qualification is established can be and is being used for the purpose of permitting the wives of these electors also to be enrolled.

There is nothing to prevent the wife of a householder elector notifying the local authority that she desires to be enrolled as a ratepayer by paying the rates out of her own pocket in order to claim that qualification. The position of the leaseholder is wide enough. A Crown leaseholder who holds a £10 mining lease can claim and obtain enrolment, and a person who is a leaseholder of premises can claim the same privilege. In these circumstances the qualification is there to be taken and utilised by any person sufficiently interested in the welfare of the community to enrol. It is really an occupier qualification. The Honorary Minister in the course of his remarks a day or two ago on another Bill, said that the Electoral Department had sent out some 50,000 electoral cards to occupiers. I draw attention to that because it is significant. There is no indication in the Honorary Minister's remark—nor have I seen during the years in which I have been associated with the Legislative Council enrolments—of any attempt on the part of the Electoral Office to send out cards to persons who are freeholders; and the freeholder qualification is just as important as is the occupier qualification.

It is remarkable that the Electoral Department, on this occasion, sent out some 50,000 cards to occupiers. It is equally significant that out of those 50,000 only 10,000 were received back by the department. That indicates the amount of public interest taken in the Legislative Council by the very persons whom the Government claims are its supporters, because it is the householder whom we will find to be voting behind the Government rather than the freeholder. The freeholder is a person who has a stake in the country. The Minister made a statement about the number of persons enrolled as plural voters. Well, some time

ago I had occasion to analyse a roll, in which I was interested, to find out just exactly the position of that roll, which was one for an industrial district.

The following are the figures, roughly, that I was able to get out: Of the electors on this Legislative Council roll some 70 to 75 per cent. were householders or occupiers. The remaining 25 to 30 per cent. were classified as leaseholders and freeholders. By checking on the postal votes I got an indication of the number of absent voters, and the number of such people who take the trouble to vote. Judging by these figures I would say that it would be difficult for the Electoral Department to show as high as 2 per cent.—certainly not more than $2\frac{1}{2}$ per cent.—of the total enrolment as being enrolments under the heading of plural voting. In other words, not more than between 1,000 and 2,000 enrolments could be produced as being electors having the qualification in more than one province.

Hon. G. Fraser: There are more than that in the West Province alone.

Hon. H. SEDDON: I am glad to hear that, but the Chief Secretary was not able to produce figures from the department to support that contention. From what I have seen of the roll I would say that the Electoral Department would be hard put to it to produce evidence to show that there are more than 1,000 or 2,000 electors who come under the heading of plural voting.

Hon. G. Fraser: There are over 1,200 in the West Province alone.

Hon. H. SEDDON: I want to make the point clear that once we agree to the idea of dropping the principle of plural voting we of course immediately agree to abandon that principle in the case of municipalities and road districts. Although plural voting has been stressed as anathema by the Labour Party it is not by any means an uncommon system in the franchise of other countries. Plural voting means this, if nothing else, that a person who comes under its heading has diversified land and property interests. From that angle he is one whom we could regard as having a sense of responsibility and citizenship. He would have every reason to feel some responsibility because he would be interested in the country and be affected more, perhaps, than the ordinary man by the financial policy of the Government.

It might be interesting to members to know that the franchise for the House of Commons, in the Mother of Parliaments, provides that a man may have two votes. Any person who is a member of a University has a vote for the University as well as one for his ordinary qualification. In the City of London there are quite a number of men who have a qualification for the House of Commons on account of their business holding in addition to a private vote for their place of residence. So there is nothing out of the way in plural voting, and it has been thought sufficiently important in the Old Country to be retained in the franchise there. A man who is a plural voter is one whose interests are much wider than those of a person who is in the position of being able to put on his hat and walk out. Reference has been made to the age limit of a candidate for the Legislative Council, and I see that an amendment in regard to this matter has been prepared.

As members are aware, it is necessary for a candidate for this Chamber to be 30 years of age before he can nominate. That provision was made for a definite purpose. The old idea of a second Chamber was that it should be founded on stability, seniority, experience, maturity and knowledge. In past times the Senate in the old Roman Empire was constituted of men of maturity and men who had a wide experience and knowledge of affairs. They were appointed to check and moderate the measures sent to them from the Lower Chamber. The imposition of the age limit is for the purpose of providing more mature judgment than we would get if the franchise were extended to younger men. I remember reading on one occasion a proposition put to one of the leading newspapers in the Old Country, and the question was raised in this form: If every man above the age of 30 years passed away, what would be the effect on the community? In the course of the debate the important facts came out that as a result there would be a considerable loss of balance in dealing with public affairs; there would be much loss of respect for law and order, and there would be in the community a tendency to indulge in rash experiments and to undertake courses of action to get things altered rather than to consider the effect of the alterations.

So there is a sound basis for the present system, if we are going to maintain the

principle of this being a House of review, by which we have that sense of maturity and responsibility which is usually associated with men over 30 years of age. Whilst I do not for one moment deny that some of the most brilliant leaders we have had have been younger men, the fact remains that with the general run of the community that sense of maturity is not apparent in the young men. One brilliant person might from time to time come to light, but the majority of men have to achieve years of maturity before their judgment can be regarded as sound. I wish to refer to the amendments to provide that this House not only may not amend money Bills but shall be deprived of the right to stop their passage. That would be an extreme step to take, and the fact remains that that power has been retained in our Constitution ever since the Legislative Assembly was created. That power has been retained for definite reasons. An occasion may arise when it may be necessary in the interests of the well-being of the community for this House to take the extreme step of rejecting a money Bill, and, under the heading of "money Bill," I refer to such measures as Loan Bills and, in an extreme case, the Appropriation Bill.

We cannot overlook the fact that the policy of Australian Governments over the years has been definitely inflationary. The purchasing power of the pound today is very much less than was its purchasing power years ago, and although critics might ascribe this to the effect of wars and to expenditure on wars, the policy in times of peace has been equally responsible for a decrease in the purchasing power of the Australian pound. We have only to look at the records of the purchasing power of the pound down the years as disclosed in the Commonwealth "Year Book" for support of my statement.

The policy of attempting to increase wages without regard to the relationship existing between nominal and real wages obviously can have only one result, namely, gradually in course of time to decrease the purchasing power of our currency. This is occurring today and is occurring fairly rapidly, notwithstanding price-fixing and other attempts to control the situation. The sovereign today is worth 50s. in Australian paper, and there is every indication that it is going to be worth a good deal more. One of the indications of inflation, despite all control,

is that of unbalanced Budgets, and last year this State achieved the unenviable distinction of showing a balance of nearly one million pounds on the wrong side of the ledger.

Thus this House has a responsibility in the matter of finance, and while that responsibility has hitherto been exercised in the direction of criticism, the time may arrive when the public will become seriously alarmed at the lack of progress taking place and may call upon this House to stand up to its obligations to a greater extent than it has done so far. Consequently, I consider that if we adopt amendments of the type proposed, we shall undoubtedly be restricting the powers of this House, and restricting them in such a way as will prevent us from doing our duty by the people should the occasion arise.

The provision dealing with measures other than money Bills and Bills other than constitutional amendments undoubtedly contains a number of safeguards and this section of the measure, I am inclined to think, is worthy of consideration by the House, because it lays down that a Bill shall be introduced twice, then submitted to the electors and, on their verdict, may again be submitted. This is a provision which, in my opinion, is worthy of further exploration. But I wish again to stress this most important fact. While we claim that our systems of government have been most successful and democratic by reason of adopting the principle of majority rule, this statement needs to be qualified. It is of no use talking of majority rule when we have no sense of individual responsibility in exercising the vote. If, for example, by majority rule, one is compelled to vote for one's party, right or wrong, one is prostituting any idea of democratic control. This occurs, and has repeatedly occurred, under the system of parliamentary government through the popular House.

As a matter of fact, history shows again and again that the majority is generally wrong. Advances in human freedom, in communal activity and in relation to public welfare have most frequently been sponsored by individuals who, by continuous stressing and advocacy of these important matters, induced a majority to follow their lead. The important point is that the lead was given by the minority.

The Chief Secretary: Would you apply that reasoning to this House?

Hon. H. SEDDON: My reply to the Minister is that suggestions have repeatedly been made to the Government by this House with regard to the management of the affairs of this State, which suggestions, had they been acted upon, might have had the effect of the people of Western Australia having to bear a very much lighter burden of taxation than they are carrying today. Undoubtedly the taxation burden on the people of this State before the adoption of uniform taxation was very largely due to the ill-considered and unjustified public works which, economically, could not be defended. It has been said that we all make mistakes, even the youngest of us. The idea that because we have adopted majority rule, the majority is right, is a fallacy. When legislation is initiated in the Legislative Assembly, which Chamber was constituted by the Legislative Council, we exercise the privilege which is ours of reviewing that legislation critically and from the standpoint, not of a particular section of the community, but the welfare of the whole of the people. I have said that the majority is usually wrong. Progress has been achieved by minorities. Under our democratic system we have need for revision; we have need for a second Chamber, and we have need for a Chamber based upon a strong foundation of representation, the election of whose members is not influenced by whims of popular thought and propaganda to the same extent as is the election of members of another place.

For these reasons I should be very sorry indeed to be a party to altering the very liberal franchise upon which this House is based and upon which its members are elected. The opportunities for returning those members are available, and if the people do not choose to exercise them, then upon the people rests the responsibility. Even though there may be some disadvantages and although complaints may be made of the degree to which the public supports this House, the fact remains that its electors are not compelled to be enrolled, as are those of another place, under pain of penalty; nor are they compelled to cast their votes, as are electors of another place, again under the pain of a penalty, and without

any regard to the respective policies of parties or the problems which Parliament has been devised to cope with. I oppose the Bill.

On motion by Hon. E. H. H. Hall, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Assembly.

Wednesday, 23rd October, 1916.

| | PAGE |
|---|------|
| Questions: School buses, as to type of vehicle, costs, etc. | 1476 |
| Fruit and vegetables, as to report of inquiry into prices | 1477 |
| Scarborough land, as to papers and plan of subdivisions | 1477 |
| Wool, as to sales at Albany | 1477 |
| Dredge "Governor Stirling," as to cost of material put up | 1478 |
| Princess Royal Harbour, Albany, as to reclamation of northern foreshore | 1478 |
| Dry ice, as to use in Western Australia | 1478 |
| Water supplies, as to Wellington Dam reticulation | 1478 |
| Bills: Hairdressers Registration, 1A. | 1479 |
| Land Act Amendment, 1A. | 1479 |
| Factories and Shops Act Amendment (No. 3), 3A. | 1479 |
| Transfer of Land Act Amendment (No. 2), 2A., Com., report | 1479 |
| State Housing, 2A., Com. | 1480 |
| Legal Practitioners Act Amendment, returned | 1499 |
| Totalisator Duty Act Amendment, returned | 1499 |
| Vermis Act Amendment, 2A. | 1499 |

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

QUESTIONS.

SCHOOL BUSES.

As to Type of Vehicle, Costs, Etc.

Mr. WATTS asked the Minister for Education:

1, Is it a fact that when contracts for school buses are being renewed and a new bus is required the department requires that a standard type of omnibus similar to those used for public transport be provided?

2, If so, is it intended to increase the allowances made to the contractors in order to compensate them for the increased cost, extra amount of depreciation, etc., that is involved?