

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.2 p.m. (Thursday).

Legislative Assembly,

Friday, 13th January, 1911.

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The SPEAKER took the Chair at 10.30 a.m., and read prayers.

ANNUAL ESTIMATES, 1910-11.

In Committee of Supply.

Resumed from 6th January; Mr. Taylor in the Chair.

Department of Public Works (Hon. H. Daglish, Minister).

Vote—Public Works and Buildings, £144,806:

The Chairman put the vote.

Mr. Draper: Does the Minister intend to make any introductory remarks?

The Minister for Works: Yes.

Mr. Scaddan: A quiet request from one of your own members.

The Minister for Works: No; that is not so.

Mr. Scaddan: It is so; you would have ignored the House otherwise.

The Minister for Works: No.

Mr. Scaddan: You would deny your Maker.

The CHAIRMAN: Order!

Mr. Scaddan: On a point of order. The member for West Perth having risen in his place to speak, and then sat down again, what will appear in *Hansard*?

The CHAIRMAN: I cannot say what will appear in *Hansard*.

The MINISTER FOR WORKS (Hon. H. Daglish): I am surprised at the leader

of the Opposition. Although I have always held, and still hold, that it is not the business of a Minister to make a speech in introducing the Estimates of his department, I came this morning prepared to do so.

Mr. Scaddan: Then why did you allow the question to be put?

The MINISTER FOR WORKS: I did not. The question has not been put. The hon. member can rest satisfied that I did intend to make a few observations in regard to these Estimates. But I intend to make only a few observations, because in the administration of the Public Works Department I have to bear in mind the fact that the department is carrying out work with two classes of expenditure, one from Consolidated Revenue and one from general loan, with which we will have the opportunity of dealing later on. I do not propose, and if I did propose, doubtless the Chairman would not allow me, to deal with the operations of the Public Works Department so far as they are covered by the vote of the House from loan fund; but I do propose to make a few remarks in regard to the expenditure so far as it goes from Consolidated Revenue, and I am very pleased to have the privilege of being the Minister in charge of this important department during the current year, because of this fact: for a large number of years, one year after another, during the time that Western Australia was on its first wave of prosperity, and the Consolidated Revenue was jumping up by leaps and bounds, the public works expenditure from revenue was annually larger. Then there came a time—

Mr. Holman: When it was necessary to rat.

The MINISTER FOR WORKS: When it was necessary for the Government of the day to curtail some of the public works expenditure—when, after Federation, the amount of money available to the Colonial Treasurer was reduced, while the demands on the Colonial Treasurer were increased, and I had the privilege of being Colonial Treasurer at the time when the first heavy reduction in public

works expenditure took place—I may say when the first reduction in public works expenditure from Consolidated Revenue had to take place. During the year 1903-4 Parliament voted an amount of £518,000 for public works. In 1904-5, at the time when the expenditure of the State had temporarily to be reduced so far as public works expenditure from Consolidated Revenue was concerned, Parliament voted £337,900. From that time up to the present the expenditure that has been possible for Parliament to authorise for public works from Consolidated Revenue has annually been less, and therefore, of course, the possibilities of this department carrying out a vigorous policy, carrying out that policy which is always popular, have been somewhat less. I may say now, however, that I am pleased to be sitting in the office of Minister for Works, because I believe that the tide has turned, and that year after year there is likely to be an increase in the amount available for expenditure on public works in the future. This year marks the turn. Last year's amount authorised for expenditure from revenue was £129,428. The amount asked for this year, which I have reason to hope Parliament will authorise, is £144,806.

Mr. Scaddan: Which you will not spend.

The MINISTER FOR WORKS: If I have the honour to retain the position I at present hold, I will spend it.

Mr. Scaddan: You have not up to date.

The MINISTER FOR WORKS: I have not had the authority of Parliament yet. I hope to get the authority, and I can assure the hon. member that if that authority is given the money will be spent. I have mentioned that the amount voted last year was £129,428, and the amount spent was no less than £124,824. The underdraft being £4,608. In other words the whole amount was spent less three and a-half per cent.

Mr. Scaddan: How much have you spent without authority on Form J?

The MINISTER FOR WORKS: I had not the privilege of spending any-

thing during the last financial year as the hon. member knows. Any figures I have not given the hon. member can get from the report of the department which has been made available to members before these Estimates are discussed. At all events last year the department made a record in regard to its proportion of expenditure to its amount of authorisation, and I am fairly entitled to draw the attention of the Committee to it. Another point on which the department did better than has been done for a large number of years was in regard to the expenditure upon salaries. In 1908-9 the amount spent on salaries was £51,035. In 1909-10 the amount spent was £50,905. Hon. members will see there was a small decrease in the expenditure for last year as compared with that for the previous year. The percentage of salaries to all other expenditure by the department in 1908-9 was 6.53; in 1909-10 it was 6.51. I admit that a certain proportion of the salaries in the Public Works Department must be provided year after year altogether regardless of what expenditure may take place. Members will realise that fact. Thus, in the year 1903-4 when the expenditure on works was higher than it has been in any other 12 months period the salaries totalled £60,681, and the percentage of salaries to expenditure was as low as 6.03; but apart from that one year, the percentage during the last financial year was lower than it has been in any other annual period. It can therefore be fairly claimed that in the Works Department economical administration has been adopted, and that the State has got a better return for the moneys provided for salaries. There was £782,408 spent last year on works and buildings, this being £9,600 less than in the year 1903-4. Here again, last year compared favourably with every year except that period I have mentioned. It may be argued that we were perhaps charging an undue proportion of our salaries to loan account, but this charge cannot be made at the present time against the Public Works Department. Last year we charged no less than 7.38 per cent. to revenue while only 6.16 per cent. was our charge of

salaries against the loan account. There has been one difficulty, and a rather serious difficulty, the department has experienced during the last couple of years, and it has been more pronounced during the last 12 months, that is the difficulty of finding surveyors and draftsmen. Efforts have been made right throughout Australia to obtain officers of this description, and these efforts—I was going to say I regret to say—have failed, but one cannot altogether express regret at a failure due to the prosperity which we know has extended throughout the whole area of the continent. We have failed to obtain surveyors in Australia, and the difficulties of carrying on the work of the department have been considerably increased by it. We have also found great difficulty in obtaining draftsmen.

Mr. Holman: You did not find much trouble when you wanted to work a swindling proposition like the Bullfinch railway; you got them for that.

The MINISTER FOR WORKS : When the Australian market had been exhausted it was necessary some few months ago to arrange for obtaining the services of 10 draftsmen from England. Four of them have arrived and have commenced duty, and it is expected that the remaining six will arrive in the course of the next few weeks.

Mr. O'Loughlen: Is it not a fact that the local officers have to instruct them in their work?

The MINISTER FOR WORKS : I have no doubt that the draftsman who arrives from England will need to receive a certain amount of instruction before he is anything like equal to the local officer.

Mr. Scaddan: Is it not a fact that draftsmen have left the service because they were not paid sufficient?

The MINISTER FOR WORKS : I have no information of that; but I can assure the hon. member that during the last few months no draftsmen have left the service on that account, or on any account. Hon. members know that in the Government service the draftsmen are paid at a fixed rate under the Public Service Act passed by this House just like any

other public servant. If the rate is not sufficient it remains for hon. members to draw attention to the fact, and I am sure the Government will give consideration to any reasonable representation made on that point by hon. members. I have heard no complaint during the time I have been in office with regard to under-pay in that or any other branch of the Public Works Department. There is proposed to be expended on this year's Estimates a certain amount from the Sale of Government Property Trust Account, and I propose to give the Committee the figures in regard to the expenditure from revenue plus expenditure from the Sale of Government Property Trust Account last year as compared with the proposals during this year. On salaries, wages and incidentals last year we spent from revenue £18,557; the amount provided this year is £18,500, representing a decrease of £57 in salaries particularly. For roads the department expended from revenue last year £43,624; there is provided on this year's Estimates £50,417, or an increase of £6,793. On bridges last year there was expended from revenue £4,970; this year there is provided £3,287, or a decrease on that vote of £1,682, which I shall show a little later is provided for elsewhere. On harbours and rivers last year we spent from revenue £10,300; there is provided this year the sum of £11,418, or an increase of £1,118. On water supply, sewerage, drainage, etcetera, we spent last year from revenue £5,668, and we have provided this year £6,857, an increase of £1,189. On miscellaneous, including traffic expenditure, last year we spent from revenue £1,745; this year we provide £5,050, or an increase of £3,305. On this division of expenditure altogether we spent from revenue last year £84,864. The provision this year is £95,529, or an increase of £10,665. For additions and repairs to buildings and furniture, last year we spent from revenue £26,885; this year there is £27,612 provided, or an increase of £727. For buildings for the Education Department last year we spent from revenue £6,234, and this year we provide £8,884, or an increase of £2,650. For other buildings we spent from revenue

last year £11,445; this year we are providing £12,781, or an increase of £1,336. The total expended last year from revenue for buildings was £44,564; this year we provide £49,277, a gross increase of £4,713 under this heading. With regard to the Property Trust Account the figures are as follows—Expenditure last year under the head “Departmental” was £2,200, and we have provided this year £3,000, or an increase of £800. On roads there was no expenditure last year. This year provision has been made for £1,300, or an increase by that amount. On bridges there was an expenditure last year of £5,106 and we have provided this year £8,375, or an increase of £3,269. On stock routes from these funds there is provided this year, although nothing was spent on this head last year, the sum of £1,150. That represents, therefore, an increase of that amount. The total of these works from Property Trust Account as expended last year is £7,306, and this year we have provided £13,725, or a difference in favour of this year over last year’s expenditure of £6,419. Coming then to the general head of buildings apart from the Property Trust Account we find last year on buildings for the Education Department we spent £16,786. For this year on this very important item, and I am sure its importance will not be denied by any member of this Committee, there is provided £27,417, or an increase of £10,631. On hospitals there was spent last year from this account £1,650; there is provided this year £3,956, or an increase of £2,306. For police buildings there was spent last year £4,779, and this year there is provided £9,236, or an increase of £4,457. On court houses there was spent last year £700. This year there is provided £2,200, representing an increase of not less than £1,500. The total figures in regard to buildings and Property Trust Account are £23,915 spent last year against £42,809 provided this year, or an increase this year over last year of £18,894. Hon. members will see from these figures that as far as the Revenue Estimates are concerned, the position as far as the Public Works Department is concerned is highly satisfactory. It will be seen first of all that

while the amount of work being done from revenue is increasing, the cost of doing that work is diminishing. I want to claim with regard to the Public Works Department, about which there has been from time to time a certain number of complaints made, that the officers have been on the whole doing very satisfactory work, and that the large undertakings entrusted to the administration of the department have been carried out in a successful manner. There are some large questions affecting expenditure on big public works undertakings which I cannot touch upon to-day, but upon which I hope to have the opportunity of enlarging at a later date, such matters as the construction of our railways and the construction of our sewerage drains, or the supervision of the construction of these drains, and such matters as the administration of our water supply. All these I hope to have the opportunity of dealing with later on when the votes touching these various items are before the Committee. I want to say on the whole this State has good reason to be satisfied with the manner in which the officers of the Public Works Department are carrying out their duties and are administering the very large undertakings which are committed to their charge. With regard to the roads I have already given some figures, and I propose to give a few others. There is one question which has been a vexed question during the whole time I have been in Parliament and I suppose it will always be a vexed question so far as members representing populous districts are concerned, and that is the question of expenditure on main roads in populous areas. There was originally a provision that certain main roads both in and around the goldfields capital and around the capital of the metropolis, should be either maintained or partially maintained from State funds. Year after year funds for this purpose were provided on the Estimates. Two or three years ago this House decided that this sort of expenditure should cease.

Mr. HOLMAN: I would like to draw attention to the state of the House. It is a disgrace that the Government should

attempt to carry on their work and deal with such an important matter as the Estimates and bludgeon Bills through and keep people here night after night in the manner they are doing.

The CHAIRMAN: Order.

Bells rung and a quorum formed.

The MINISTER FOR WORKS: I was pointing out that in framing these Estimates we had regard to the order given by Parliament to abolish these items for main road maintenance. I may say my sympathy with it has not been increased since I have been a Minister, because I have seen in the metropolitan area several main roads on which I think the Government might with advantage from the public point of view, aid the local bodies.

Mr. Scaddan: That is why you, as a private member, went to the Minister and asked him to disregard the decision of Parliament. You should be proud of that action.

The MINISTER FOR WORKS: I asked the Minister to take the responsibility of bringing the matter before Parliament.

Mr. Scaddan: You asked him to disregard it. I saw it printed in the Press.

The MINISTER FOR WORKS: The hon. member does not always take the Press as being verbally accurate. There is a great difference between denying accuracy and verbal accuracy. No two persons would condense a speech in exactly the same manner and I do not think there is one person who would be able to condense my remarks this morning in the manner which would entirely suit me. I was saying I knew, particularly in my own district, of the main roads which existed there. Since I have been Minister I have seen many roads in other districts which emphasise the opinions I previously held that Parliament was somewhat hasty in determining that the State expenditure on these main roads should be diminished within the short period of three years in which the vote was allowed to die out. Parliament came to that decision, and whilst I have denied asking the Minister to ignore the decisions of Parliament, I have at the same time to say that now I am a Minister myself, pro-

vision is made on the Estimates for the final payments for these roads in thickly populated centres. In spite of this reduction, representing 30 per cent. for the current year, and representing, as I have already pointed out, the final payment this year for roads shows altogether an increase of £6,793. These Estimates show that the new works will involve an increase of £8,015. With regard to roads the maintenance charged is practically the same as that of last year. For harbours and rivers the Estimates show an increase of £1,118, and for water supplies, stock routes and drainage an increase of £1,118, while for Miscellaneous, which includes traffic expenses on railways under construction, there is an increase of £3,305. Of course, the amount of this charge is very largely governed by the mileage of railways constructed departmentally. The principal charge provided for this year represents expenditure that has already taken place on the Mount Magnet-Black Range railway which, as hon. members are aware, shows a very handsome profit on traffic expenses, and therefore, serves to warrant the expenditure for conducting the business during the term it was in the hands of the department. During last year the railway expenditure on traffic expenses was £7,500, and the total revenue £15,451, representing a surplus of £7,951. Hon. members will notice by these Estimates that jetties in the North-West are a channel of very considerable expenditure and are receiving close attention. These jetties suffered considerably during the past few years, and the damage they have sustained from the ravages of time and also from the attacks of certain pests have been so great as to necessitate considerable expenditure. Hon. members will all agree that these repairs, this maintenance, must be carried out at any cost. And I may say in this connection that I believe the Government have done a wise thing in also improving the lighting on the North-West coast. Giving a general summary, so far as the Public Works Department is concerned, I desire to point out that including both loan and revenue, the expenditure during 1909 and 1910 from votes under the control of the de-

partment was no less than £833,313, or an increase over the previous year of somewhere about £2,000. The expenditure represents loans account, £691,899, revenue £124,820, and Government Property Trust Account, £16,594. I have already given the figures in regard to salaries expenditure, but, perhaps, it would be well to give them again. The salary expenditure for last year was £50,905 as against £51,035 for the previous year; on railways it was £367,837 as against £343,318 in the previous year; on harbours and rivers £114,159 was spent last year as against £77,678 in the previous year; on roads and bridges last year was expended £66,497 as compared with £63,710 in the previous year; on sewerage there was spent last year £66,362 as against £80,474 in the previous year. On water supply, stock routes, etcetera, there was spent last year £15,728 as against £32,431 in the previous year; on buildings for the Education Department £45,990 was spent last year as against £33,361 in the previous year; for buildings and other purposes £71,821 was spent last year as against £115,822 in the previous year; on Miscellaneous, including incidental, rents, insurance, etcetera, £19,809 was spent last year as against £12,787 in the previous year; showing a total expenditure last year of £833,313 as against £813,934 in the previous year. In addition to this the Public Works Department has been doing certain work for other departments, certain work for the Commonwealth, and has expended on behalf of the Commonwealth during the last financial year £14,955, and on behalf of the other department £10,045, or a total of £25,000 all told. It is one of the misfortunes of this department, that it is I think the only department without any revenue. It carries out undertakings for the Lands, Police, Education, Gaols, Crown Law—it carries out works for every department, and very often provides means of earning revenue for the State, notwithstanding which it gets no credit whatever for it. Therefore, it is in the very unfortunate position that whatever economies are to be made, the non-earning department is usually the ground on which the econo-

mies are started, merely because of the fact that it is not a revenue-earning department. Yet at the same time the Public Works Department is one of the most important from a State point of view. I think every member will admit it is, at all events, a very important department although a department for which it is impossible for the Minister to stand up and put out his chest and deliver a large number of glowing eulogies. It is unostentatiously and quietly playing an important part in the development of the State and in the development of every industry in the State. It undertakes not only construction, or supervision of construction of roads and railways and buildings, but, on the advice of the Minister for Lands and Agriculture, it undertakes the provision of water supplies in the agricultural districts. It attends to the wells and water supplies on the various stock routes, and thereby provides for the maintenance and development of the pastoral industry. It erects the buildings, as Parliament gives it authority, for the Education Department.

Mr. O'Loughlen: It is pretty slow about some of them.

The MINISTER FOR WORKS: I wish to point out that the Public Works Department has had its hands very full indeed.

Mr. O'Loughlen: Education should come before a lot of other things.

The MINISTER FOR WORKS: I quite agree with that, but I wish to point out that in regard to all the classes of work the Public Works Department is carrying out it is handicapped by the fact that it has been somewhat undermanned. I have already referred to the difficulty of getting officers in certain lines of occupation, and hon. members will realise that it is a very great difficulty. And, unfortunately, it has not been confined to one branch. The department has been working very hard indeed, and it has been impossible to make every work the first to be undertaken. Any complaint the hon. member may have—I have already received certain intimations from him.

Mr. Heitmann: Why do you not say complaints?

The MINISTER FOR WORKS: I say any complaints hon. members have to make will be dealt with. I have already received one from the hon. member, and I may tell the member for Cue I do not want any complaints from him—that is to say, I am not looking for them from any hon. member.

Mr. Seaddan: I think you are.

The MINISTER FOR WORKS: No, but I am anxious to deal with any I do receive. I was pointing out that it was inevitable that where a department was working at its maximum, and where it was difficult to fill all the offices in the department, necessarily there must be a few cases of delay; and I hope hon. members are going to be large-minded enough to make allowances for the limitations of the department and of its individual officers. I wanted to point out when I was diverted from it, that in regard to this question of stock routes, I have heard that certain works require to be done; and as hon. members who are interested in these matters know, I am already giving consideration to the statements I have heard, and I have determined to make the department as serviceable to that industry as it is possible to be. Without any further remark, I desire to ask the Committee for an earnest, and at the same time, favourable consideration of the Estimates that have been submitted to them.

Mr. DRAPER: There were two matters to which he desired to draw the attention of the Committee. With regard to one he felt in some difficulty, namely the question as to the sewerage for the metropolitan area. He was not sure upon what vote he could enter upon a discussion as regards the connection of private houses with the main sewerage drains.

The CHAIRMAN: Is there any item dealing with that question?

Mr. DRAPER: That was the difficulty. He understood that the cost was paid out of loan moneys.

The CHAIRMAN: The hon. member would be able to discuss that matter on the Loan Estimates.

Mr. DRAPER: So long as he was not shut out—

The CHAIRMAN: The hon. member would not be shut out if that expenditure was provided for in the Loan Estimates; he would have the same right to discuss it then as he had now to discuss any item in the Estimates before the Committee.

Mr. DRAPER: The other matter to which he desired to refer was the case of an officer in the department.

The CHAIRMAN: The hon. member can only speak generally now.

Mr. DRAPER: There would be no opportunity to move for an increase of this officer's salary when considering the items, and the general discussion was the only opportunity of dealing with the matter. He referred to the officer who occupied the position of Inspector of Engineering Surveys (Mr. Muir), a gentleman who was some years ago lent by the Victorian Government to this State to do certain work. That work having been done satisfactorily, Mr. Muir became a permanent officer of the State. No complaint had ever been made of his work, and things went smoothly along until the appointment of the Public Service Commissioner. A classification was then made by the Commissioner, relying entirely upon his own knowledge. No opportunity was taken in the classification of the professional division to call in the assistance of another commissioner, for doing which provision was made later on. On several occasions he (Mr. Draper) had pointed out that the Government were wrong in not appointing commissioners to assist Mr. Jull in his classification of the public service. No doubt had that been done there would not now be the necessity for bringing before the Committee the case of Mr. Muir. That gentleman was in receipt at that time of a salary of £700 per annum as Inspector of Engineering Surveys. His duties were of the most important nature, so important, indeed, that he had been appointed to a position upon the advisory board to advise that body in regard to engineering difficulties in the construction of any railway which the

board deemed necessary for the development of the State. Mr. Muir, by reason of his occupation, had obtained a knowledge of this State which it would be difficult for any other engineer to obtain in a period of five years. It was of the utmost importance that Mr. Muir's services should be retained by the State, but it was to be feared that unless some steps were taken to remove the just dissatisfaction he felt, the State might lose his services in the same way as it had lost the services of many other good officers in the Public Works Department. On classification, Mr. Muir was reduced by the Public Service Commissioner to a maximum of £600 a year, for reasons which it would be difficult to imagine. Mr. Jull could not possibly have had experience of Mr. Muir's work, and though he no doubt did his duty, the unfortunate part was that he had made a proposal which was approved by the then Government, and that approval by the Government had fixed the maximum of Mr. Muir's salary at £600.

Mr. Angwin: Has it been dealt with by the appeal board?

Mr. DRAPER: It had, he believed, but, if it had not, the time had elapsed. There were many members on both sides of the Chamber as well acquainted as he was with the work done by Mr. Muir, and before these Estimates were completed he would be glad to have some expression from the members of the Government as to whether they intended to take any action in the matter. He believed that at the time when the last Estimates were under consideration it was suggested that some compensation should be paid to Mr. Muir, but whether that was true or not nothing had been done. If members would voice their opinions on this occasion the Government would hear something which would guide them, and might learn something of which at the present time they might be ignorant. He hoped that, if members knew anything about the matter, they would express their opinions, and that the Government would inform the Committee what their intentions were.

Mr. HEITMANN: The remuneration received by officers of the Works Department was a question on which he too desired to say a few words. He had never heard of Mr. Muir's position, but he did know that a great deal of dissatisfaction existed in the engineering branch of this department.

Mr. Angwin: Hear, hear; they had to send to London for officers.

Mr. HEITMANN: There would be no trouble in filling vacancies if a decent return was paid for the work done. We had in this State engineers who had served the department for 12 or 13 years, who had served their articles and qualified, and who were sent into the field in responsible positions. One of them received the handsome salary of £175 per annum.

The Minister for Works: Who is that?

Mr. HEITMANN: The officer referred to was in charge of the construction of railways. He had not met that gentleman, but he had met a man who worked with him, and those two were practically in charge of the construction of the Mount Magnet-Black Range line. Mr. Ripper, the man who was in supreme charge, was frequently away from the work, and the result was that these young men were practically in charge of the job, and one of them was getting only £175, although it had been stated that he was one of the best instrument men in the State. There was another young man by the name of Paterson; he also had served many years in the department. He had been offered a position in New South Wales at £350, but had accepted employment from Messrs. Smith and Timms. Those contractors would be willing to take the lot of these young men and give them two or three times the salary which the department paid them. Mr. Paterson left the department to go to Messrs. Smith and Timms, and received double the salary he had been getting from the Government. It was absolutely to the benefit of the department to pay these young officers salaries sufficient to keep them in the department. It was complained that the State could not get offi-

cers, but if the department had young men who had served their time and qualified, they should not be looked on as boys, but should be given a fair return for their work. That had not been done. He did not know of any State department which possessed a better lot of officers than did the Works Department, particularly the engineering division. He had the opinion of railway contractors that those men did very good work. He also desired to touch on the policy adopted by this department under the present and preceding Governments in letting railway construction works on contract.

The Minister for Works: We will deal with that on the Loan Estimates.

Mr. HEITMANN: These were some facts which he desired to give the Minister so as to enable him to deal more fully with the matter when the Loan Estimates came forward. He had considered the question of day labour versus contract from all points of view; he had heard the arguments of opponents of departmental construction, and could come to no other conclusion than that the policy of the Government, when it was not in favour of the department doing the work, had been the means of taking from the Government hundreds of thousands of pounds during the last few years. That applied from the construction of the Southern Cross-Coolgardie Railway downwards. The lowest tender for the Sandstone railway was £36,979, while the department's estimate was £74,215. The work, which was just about completed, actually cost £71,876. The department's estimate was £12,000 below the lowest tender. It was well known that when an estimate was prepared by the department it was to be the sum at which the department must be prepared to build the work. This was denied by the Minister, but one was led to believe that in all cases where an estimate was put in by the department the officers were compelled to do the work for that amount. On the Sandstone railway, although there was considerable extra work outside the specifications in the direction of extra ballasting, and notwithstanding the fact

that there were many delays and that sleepers could not be obtained, and that the department had to work out from the home station at Mt. Magnet for 75 miles, despite all these unfavourable circumstances the Government did the work under the estimate. There was not a true position of affairs disclosed by the departmental estimate and the lowest tender, because the department was not allowed to take into consideration more than a small percentage for the receipts from traffic before a railway was handed over to the Railway Department. Again, the department was given no credit for receipts from the sale of material and tools used by the men in the course of construction. So the department's estimate did not show a true statement of the position. Rarely were the department required to provide further money for extras. They were supposed to carry out the work, including extras, for the estimated cost. On the other hand, no contract was completed where there was not an amount included in the final payment representing a large percentage for extras. Some £2,000 was allowed as extras on the very small contract for the Nannine-Meekatharra railway, the contract price for which was £33,000. The contractor was on a very good wicket. He could put in a low price, knowing the department and the Minister were in sympathy with his claims.

The CHAIRMAN: That matter could be discussed more fully on the Loan Estimates.

Mr. HEITMANN: I am discussing it fairly fully.

The CHAIRMAN: The Loan Estimates are the proper place.

Mr. HEITMANN: The Loan Estimates did not carry with them any more policy than the Revenue Estimates. The money did not provide the policy. It was the policy he desired to criticise.

The CHAIRMAN: The hon. member was dealing with the Loan Estimates. The hon. member could discuss the administration of the department, but if he desired to discuss the loan expenditure he must do it on the Loan Esti-

mates. However, if the hon. member merely wished to make a few remarks it was not worth while stopping him.

Mr. HEITMANN: I shall please myself when I discuss it as long as I am in order.

The CHAIRMAN: The hon. member was not in order in discussing the Loan Estimates at this stage, but there was no desire to prevent the hon. member speaking if he merely wished to make a few remarks.

Mr. HOLMAN: Would not the hon. member be in order in discussing the question of administration and the whole policy of loan expenditure, which was carried out under the administration of the Engineer-in-Chief, whose salary was provided for on these Estimates?

The CHAIRMAN: The hon. member could discuss the officers' work and the necessity for increasing or decreasing the officers' salaries, but could not discuss the policy of the Government in regard to loan expenditure when dealing with the Revenue Estimates. Similarly under the Loan Estimates an hon. member could not discuss the revenue expenditure.

Mr. Underwood: They are the same officers.

The CHAIRMAN: The officers' salaries were provided on the Revenue Estimates and the officers could be discussed, but not the policy or the cost of works for which there was no provision on the Revenue Estimates.

Mr. HEITMANN: Suppose I show the cost is too great?

The CHAIRMAN: The hon. member would be in order in doing that on the Loan Estimates.

Mr. HEITMANN: We could discuss the whole education question on the Education Estimates, and the whole railway question on the Railway Estimates, similarly we ought to be able to discuss the whole works policy on the Works Estimates. As a matter of fact, the point was discussed by the Minister when introducing the Estimates. However, if out of order he wished to be ruled out of order.

The CHAIRMAN: Every freedom would be given to discuss the Revenue Es-

timates, but a discussion would not be allowed on Estimates not before the Committee. Opportunity would be given to deal with the Loan Estimates when they came before members, as they did every year. If the hon. member desired to continue the line of discussion on the general policy of expenditure of loan funds he could not do it when discussing the Revenue Estimates and must be ruled out of order.

Mr. HEITMANN: It was simply extraordinary if we could not discuss the policy of the department. The moneys could not be expended without the department. He was discussing whether the moneys were spent to the best advantage by the officers. If that was ruled out of order he must dissent from the ruling.

The CHAIRMAN: The hon. member wished to discuss the administration of the Works Department, and held that because the department was spending loan funds and because provision was made in part on these Estimates for the officers carrying out that expenditure he could discuss the policy of the expenditure. The hon. member was in order in discussing the administration of the Works Department, and if in doing so he wished to refer to some works out of loan funds he could do so, but if he desired to discuss the Loan Estimates and the policy of the Government in expending loan funds it would be out of order at this stage.

Mr. HEITMANN was discussing the policy of the Government as it applied to the Estimates before the Committee in the expenditure of money.

The CHAIRMAN: The hon. member can proceed.

Mr. HEITMANN: Sometimes the returns from traffic were very extensive. The contractors for the Southern Cross-Coolgardie railway received nearly half a million pounds, and the contractors for the Menzies line earned £70,000 from traffic. This was money lost to the Government.

Mr. George: But tenders are built up with so much in view from traffic.

Mr. HEITMANN: The department in making up their estimate were not allowed to allow for the full benefit of the traffic receipts. So the contractor had the advantage over the department in that respect. It was said the contractor put in better work than the department, but there were railways handed over and certificates given, and in a few months' time the whole of the ballasting had to be gone over again.

Mr. George: What were the inspectors doing?

Mr. HEITMANN: That was just what one would like to know. One of the biggest contractors said his sleepless nights were spent in trying to break through the specifications. The contractor's object was to get the work certified by the Government and handed over. Another extraordinary feature about these tenders was that he had looked at the files in connection with one of the works, the construction of the Nannine-Meekatharra Railway, and he noticed that tenders were called and the lowest tender in the first place was about £37,000 or £38,000. The Public Works Department estimated the cost of the work to be £29,000, and strange to say, while the chief of the department stated he thought there was too much disparity between these two amounts it was found, without a word of explanation, that the successful tenderer was allowed to put in a fresh tender, and as far as the file showed, new tenders were not called. Would it not be preferable when tenders were found to be too high to call tenders again and give everyone a chance?

The Premier: Not necessarily.

Mr. HEITMANN: Without a word of explanation Messrs. Smith and Timms, the lowest tenderers, were allowed to put in a fresh tender and the work was given to them. The sum of £29,000 was the estimate of the department and there was a return in the department which showed the result of the operations of the Railway Construction Branch of the Public Works Department, which proved that an enormous sum had been saved by the departmental construction of these particular works. With reference to the Nannine-

Meekatharra railway the departmental estimate was £29,000 and the price of the accepted tender was £33,300. Then again there was £1,500 or £2,000 for extras, so that by the difference between £29,000 and £33,300 and the amount for extras we gave away £6,000 to these contractors to start with. Even if the tenders were lower than the Public Works estimate it would pay the country to allow the Public Works Department to construct. It was well known, and he defied contradiction, that the department did much better work than the private contractor. It stood to reason that if he took a contract tomorrow his only object would be to hand it over to the Government.

Mr. Angwin: All the contractors do not do that. Some have a reputation.

Mr. HEITMANN: Some had a reputation in Western Australia that he did not envy. A few years ago we had in the State some recognised contractors, big men. Now, there were a lot cropping up who had never thought of contracting in the last two or three years.

Mr. George: Why have the big contractors gone out?

Mr. HEITMANN: It was to be supposed because they had made sufficient. Could the member for Murray inform him whether any big contractor was getting an old-age pension? Contractors were not philanthropists.

Mr. George: They have not always made a profit.

Mr. HEITMANN: Generally speaking they did. The question, however, was which was the best policy to adopt, to allow the public moneys to be expended in departmental construction, that was, allowing the people to do the work themselves through their servants, or giving it to a private individual. It had been shown time after time that the greatest sympathy had been displayed by Ministers towards contractors. Specifications were prepared for the Port Hedland-Marble Bar Railway by competent officers who knew of the conditions which would be likely to arise, and the department knew of these also. The department, however, very readily granted the contractors for the construction of this rail-

way, after some little difficulty that had been experienced on account of rain, an increase of £25,000. Later it was found that the contractor gave a banquet at the Palace hotel and slandered the country.

Mr. George: I never struck a sympathetic Government like that.

Mr. Scaddan: They struck you.

Mr. HEITMANN: Men like Smith and Timms had their sleepless nights thinking how they were going to break through their specifications and pile up extras for themselves, and get certificates from the department that the amount of the extras had been earned. It was strange that the department constructed the Black Range railway at a cost which was under the amount of the lowest tenderer, and the department were called upon to do a vast amount of extra work and were subject to delays because they were not able to get sleepers, and they had to cart truck-loads of ballast to Black Range for the roads board, and in face of all these matters it was found that there was not one penny allowed for extras. Would any contractor have had a final certificate unless there had been a huge amount for extras in such a work? It was the duty of the Treasury, as custodians of the public purse, to see that every penny expended in the country gave a fair return. Referring to these new contracts that had cropped up recently, tenders had been put in by men of straw and then these people hired a plant from the department itself. This was a pretty state of affairs. One of these contractors went down to build the Phillips River railway, and he did not have a penny.

Mr. George: Who was that?

Mr. HEITMANN: Baxter is the man.

Mr. George: He had plenty of money, but lost it all practically in contracting, and he knows his work thoroughly.

Mr. HEITMANN: When calling for tenders for the Nannine-Meekatharra railway and also the Upper Chapman railway, the department had just about completed the work of the Mt. Magnet to Sandstone line, and they had a full plant there, and it was generally thought that they would transfer a portion of that

plant to these other works and complete them quickly. The department must have been able to do that under the price of the contract, but no, they did not. Both these jobs were given to contractors who proceeded to hire the plant which was used at Mount Magnet, and all they brought up themselves was an engine, and he had been told that these contractors had cleared more than an engine out of the job. Was that the policy for the Government to adopt? Very often after completing these various works the Government sold their plants for a mere song although they might have another job a week or two afterwards to carry out. In such cases, however, the Government bought new plant. Did the Premier think he was doing a fair thing to the public of the State by allowing that kind of thing to go on? Did he think the State was getting a return of pound for pound?

The Premier: I certainly do.

Mr. HEITMANN: It would be interesting to relate a conversation which had been overheard by a third party and repeated to him. A successful contractor was deploring the fact that his tender was so much above that of the Works Department estimate and he was advised by another contractor to whom he was speaking to go and see Mr. Wilson.

The Premier: Is this imagination?

Mr. HEITMANN: It was not, and moreover an indication of such a conversation was on the file.

The Premier: What was on the file?

Mr. HEITMANN: In one case tenders were supposed to be too high, and between the notification that the tenders were too high and the acceptance of a tender a private conversation took place between Smith or Timms and the Treasurer, and the result was that the contractors received £1,000 above the Works Department's estimate.

The Premier: I stated that in the House; I am always having interviews with these people.

Mr. HEITMANN: There was a peculiar instance in connection with the Dow-
erin to Merredin line. In this case there

was a good deal of difference between the estimate of the department and the lowest tender submitted. The contractor in this case also deplored the fact, and he was advised to go down and see Mr. Wilson. A little while afterwards he returned and said to the man who gave him that advice, "By Jove, your advice was good. Come and have a bottle of wine."

The Premier: Every transaction of mine is good business for the country.

Mr. HEITMANN: With regard to the Boyup-Kojonup railway, the amount of the successful tender was £60,500, while the estimate of the department was £54,000, and there had not been taken into consideration the amount for extras which the contractor would get and the traffic that would be run over the line. But leaving these things out of the question altogether, what he wanted to know was why the Premier should make a present of £6,000, the difference between the departmental estimate and the lowest tender, to Mr. Vincent, the ex-mayor of Perth. The public wanted to know it.

Mr. Holman: Do you think Mr. Vincent got the lot of that £6,500?

Mr. HEITMANN: That was problematical. Very likely Mr. Vincent had given some of it to his workmen. It was a case of the Upper Chapman railway over again. There was £6,500 there, whilst we had a plant from Mount Magnet waiting to come down. And there could be no complaint by the Minister that his officers were not anxious to carry out this work, because it was well known that the officers of the department were anxious to justify the policy of departmental construction as against contract. The job from Merredin to Dowerin was being constructed by one man, engineer, paymaster and cook. That was the same young officer who was in receipt of a lovely salary of under £200. Neither the price of a tender nor the Public Works Department estimate showed the true position of affairs, for in addition to the traffic, and the extras, and the poorer class of work we had the cost of supervision, which should be added to the contractor's tender, and which, in

some cases, took a great number of Public Works officers to look after, involving an unremitting vigilance from morning to night to see that the specifications were being carried out. If the Premier himself were to take a contract to-morrow, what would be his object? Merely to get the job, complete it, and secure his certificate. Recently some £50,000 had been placed to the credit of the Public Works Department's construction branch to do a work which had only been handed over a short time before. It was well known that on the Malcolm-Laverton job, where the contractor was supposed to put in new sleepers of a certain value, old sleepers had been purchased from the Railway Department and put in; and when a young officer of the department had complained and stopped the work, the chief officer of the department had said, "Oh, it will do." Again, in regard to the dam on that particular line a young officer had stopped the work because it was not being done according to specification, and the head engineer had come along and said, "it is all right." As a matter of fact, when contractors took work of this kind they always regarded the public as fair game, and sometimes if the engineer complained, it was to find that he had an unsympathetic Minister who had no regard for the policy of departmental construction. Would any man taking one of these contracts be likely to put in more work than was necessary to obtain the certificate? The work should be taken out of the hands of these contractors. Even if the department's tender was a shade over that of the private contractor it would pay the country to let the Works Department have the job.

Mr. Jacoby: Why do private people who want work done let a contract?

Mr. HEITMANN: If to-morrow he should want a house built and he were capable of supervising the work he would hand it over to day labour; if, on the other hand, he could not supervise the work he would have to hand it over to a contractor.

Mr. Jacoby: But you would want some organising ability.

Mr. HEITMANN: Did the hon. member doubt the organising ability of the department? It would pay us ten times over to give a man like Mr. Smith £1,000 a year to organise as he organised his own jobs.

Mr. Jacoby: Would you pay him that?

Mr. HEITMANN: The danger would be that Mr. Smith might not have sufficient sympathy to employ good men. We paid clever young engineers £200 a year, men to whom Messrs. Smith and Timms would pay £500 a year. There were men working for the Public Works Department now who had told him there were other men who had been with Messrs. Smith and Timms for years and years, and who considered they were better off working nine months for Messrs. Smith and Timms than working for the department all the year round. He could quite understand the Premier not being in sympathy with the principle of departmental construction, because the Minister was himself a contractor. The Minister had said he had given as many jobs to the department as to contractors. Presumably the Minister picked out the nice little jobs for his friends.

The Premier: No, I picked out the nice ones for the department; hence the complaints.

Mr. HEITMANN: The time was not far distant when there would be a change of Government, and as far as these parasites, these hangers-on were concerned, they would no longer be able to go to the Premier and have a private conversation leading to a nice little job.

Mr. Jacoby: The Federal Labour Government let contracts.

Mr. HEITMANN: The Federal Labour Government had no department, and in any case they could not take a plant to the Northern Territory or bring it across here.

The Premier: We are doing a lot of work for them.

Mr. HEITMANN: But the State Government did not let it out on contract?

The Premier: Yes, according to their instructions it is let by contract.

Mr. Bath: How many thousands of pounds have we paid over and above departmental tenders?

Mr. HEITMANN: Since the Coolgardie railway was built the people had lost probably a million of money in this way; that was including the money which should have gone into the public purse as the result of traffic profits. The Premier had had these contracts himself.

The Premier: To my sorrow, many a time.

Mr. HEITMANN: Perhaps the Premier, in his capacity of contractor, had not had a sympathetic Government to come to his assistance. However, if there was any doubt about the merits of the two systems, if it had not been proved by the department that departmental construction was preferable from the public standpoint, then, possibly, there would be some reason for the giving away of contracts. But it had been proved that departmental construction was much preferable to contract, that it paid well, and consequently there was no reason why the Government should give out these contracts and make presentations to private individuals. It was high time the giving of these contracts ceased. In order to put the question beyond all doubt the Minister should appoint a commission to study the whole subject. There was something wrong when we could give Mr. Vincent £6,500 in the first place, and, perhaps, £6,000 or £8,000 in extras; then there was the cost of construction, which would be another £2,000. Altogether we had made Mr. Vincent a present of at least £20,000. One of the first things to be done when a change of Government was effected would be to determine once for all which of the two systems was the better in the interests of the public.

The PREMIER moved—

That progress be reported.

Motion put and a division taken with the following result:—

Ayes	26
Noes	18

Majority for	..	8
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AYES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

NOES.

Mr. Angwin	Mr. O'Loughlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Tray
Mr. Heltmann	Mr. Walker
Mr. Holman	Mr. A. A. Wilson
Mr. Horan	Mr. Underwood
Mr. Hudson	(Teller).
Mr. McDowall	

Motion thus passed; progress reported.

BILL—REDISTRIBUTION OF SEATS.

Standing Orders Suspension.

The PREMIER (Hon. Frank Wilson) moved—

That so much of the Standing Orders be suspended as will enable the Redistribution of Seats Bill to be passed through its remaining stages on this day.

Point of Order.

Mr. Scaddan: On a point of order. I want a ruling as to whether Mr. Speaker can accept this motion.

Mr. Speaker: Yes, but it has to be carried by an absolute majority.

Mr. Scaddan: Standing Order 416 states—

In cases of urgent necessity, any Standing Order or Orders of the House may be suspended on motion duly made and seconded without notice, provided that such motion has the concurrence of an absolute majority of the whole members of the Legislative Assembly.

I want first of all for you to rule that this is a matter of urgent necessity, and

state on what grounds you give the ruling.

Mr. George: The Speaker is not obliged to give any reasons.

Mr. Holman: Oh, shut up!

Mr. Speaker: Order! The hon. member must withdraw that remark. I am not going to allow this sort of conduct.

Mr. Holman: I will not withdraw.

Mr. Speaker: I order the hon. member to withdraw.

Mr. Holman: I will not.

Mr. Speaker: Then I order the hon. member to leave the Chamber.

Mr. Holman: I will not. It is all very well for you to allow remarks to be made from the other side.

Mr. Speaker: I direct the Sergeant-at-Arms to remove the member for Murchison. I am not going to allow this sort of thing to continue any longer.

Mr. Holman: It is all very well to bludgeon. I know they are all interested in it. They will not bludgeon me.

[The Sergeant-at-Arms approached the member for Murchison.]

Mr. Speaker: The hon. member had better leave. I must have order in the Chamber.

Mr. Bath: The member for Murray is responsible for all this.

Mr. Speaker: I call on the Sergeant-at-Arms to remove the hon. member from the Chamber.

Mr. Holman: You are more like a hired tool than a Speaker; you are not fit to be in the position. You are a party hack, and like a paid hired tool. You ought to be ashamed of it. You allow anything to be said from that side, but you will not allow any reply; it is a cowardly, dirty action.

Mr. Speaker: I order the Sergeant-at-Arms to get the assistance of Constable Green in removing the hon. member. I will not allow this conduct to continue.

Mr. Holman: Look, yourself, at your own conduct: you are only taking advantage of the position you are in.

[Mr. Holman then left the Chamber.]

Mr. Scaddan: Mr. Speaker will you now ask the member for Murray, in perhaps different language to that addressed to the member for Murchison, to refrain from interjecting while I am raising a point of order, or to leave the Chamber.

Mr. Speaker: I shall be glad to call on the member for Murray to refrain from interjecting, and I am sure that he will not need to be called upon if his conduct is not in order.

Mr. George: I have not made one tithe of the remarks of members opposite and have never uttered anything like the indecent words they have used. What happened in this case was this—the leader of the Opposition in the course of his remarks asked you to give reasons for doing a certain thing and I interjected that the Speaker has not to give reasons.

Mr. Speaker: I cannot see any harm in that.

Mr. Scaddan: Will you give your decision on the point of order which I raised?

Mr. Speaker: I have already given my decision.

Mr. Scaddan: I want you to give a decision on the same matter as was raised before you previously by members on this side, who desired to bring matters forward, and you ruled that they were not urgent and would not accept the motion. On what grounds do you accept this motion as an urgent necessity, unless the urgent necessity is to get it through while the Government have their 26 members present?

The Premier: Perhaps I might be permitted to explain that the reason why it is urgently necessary to get this measure through all its stages to-day is that another place meets on Tuesday next and hon. members are well aware that there is a large amount of work to be put through this session. We have been a long time at work up to the present and it has been a very strenuous time, and it is my duty, as Premier, to consider the members of another place and to give them as much time as possible in order that they may give full consideration to this very important measure.

Mr. Swan: Barefaced hypocrisy.

The Premier: In addition to this very weighty reason, which is sufficient in itself, surely members of this Chamber on both sides of the House are entitled to some consideration.

Mr. Scaddan: That is not a matter of urgency.

The Premier: After the strenuous work of this week, and the exciting incidents of even this morning—

Mr. McDowall: Is the Premier replying or giving an explanation?

Mr. Speaker: The Premier is giving an explanation. I have asked the Premier to speak and I have every right to ask any member to speak before I give my decision.

Mr. Scaddan: You did not ask.

Mr. Speaker: I have a perfect right to listen to any hon. member I choose to hear, and I do not want to hear any opinion except from those I ask. The hon. member asked me to repeat my decision, and the Premier then rose in his place to give the reasons for his motion, and I allowed him to do so.

Mr. Underwood: Did you say that you will only allow those members to speak whom you ask to speak?

Mr. Speaker: No, I said nothing of the kind. I was going to repeat my ruling when the Premier rose and I allowed him to proceed.

The Premier: It is the customary procedure for the Speaker to listen to the explanation of any hon. member on a matter of this sort, and as soon as he is satisfied he can order any member to sit down and then give his decision. I was showing that there is urgency in this matter, and now I am using the privilege of the House and the permission of the Speaker to give in a few words the reasons that operated with me in moving this resolution. I say that members of this House have a claim to consideration, and I am entitled by the action I have taken to give them that consideration which they deserve.

Mr. Bolton: One side only.

The Premier: It is all very well for the hon. member who is in a minority to say one side only, but there are 26 members on this side of the House, some of whom are not enjoying the best of health, and who are suffering from the long hours we have had lately and suffering more, if possible, from the longer speeches of members opposite. My object is to relieve them of close attendance in the House so that they may have

some reasonable latitude during the next week or two, which must, of course, be very strenuous. There is another thing which I might mention, and that is that I was entitled to assume that members opposite had ceased to take any interest in the passage of this Bill. The leader of the Opposition stated last night that he would have nothing more to do with the Bill, that he washed his hands of the whole concern, and that the Government could do what they liked with it, and he and his followers left the House. Why should he now—

Mr. Scaddan: This is against the procedure of the House.

The Premier: It is not; it has been done again and again. The House is the judge as to the urgency of the motion.

Mr. Gill: The urgency is that you have the numbers now and you may not have them on Tuesday.

The Premier: Even if that were so it would be a justification, for it is the country's business I am dealing with, and the country's business must be carried.

Mr. Speaker: The leader of the Opposition has asked me to again state my ruling. If not, there is nothing before the House.

Mr. Scaddan: What I want to know is who is the judge of the urgent necessity for the suspension of the Standing Orders; you, Mr. Speaker, or a majority of the House?

Mr. Speaker: I again repeat that I rule in accordance with Standing Order 416 that this motion is in order.

Dissent from Speaker's ruling.

Mr. Scaddan: Then I must move—

That the House dissent from Mr. Speaker's ruling.

Mr. Speaker: The hon. member has handed in his dissent in writing, but I cannot accept it, as it is worded contrary to what I stated. Will the hon. member put it as I stated it to the House? I cannot accept anything not strictly in accordance with the ruling.

Mr. Scaddan: What is the ruling?

Mr. Speaker: I again repeat that under Standing Order 416 this motion is in

order. I ask the hon. member to draw up his dissent accordingly. I want to be careful.

Mr. Heitmann: It is about time.

Mr. Speaker: At any rate I will not be caught with something of this nature.

Mr. Scaddan: The motion is that the Standing Orders be suspended for the purpose of enabling this Bill to be put through its remaining stages during this sitting. Is that not the motion?

Mr. Speaker: I have told the hon. member. I gave the ruling that the motion was in order in accordance with Standing Order 416. His dissent from my ruling is contrary to what I stated. I have not been here for six years without knowing something about the Standing Orders.

Mr. Scaddan: My dissent is that your ruling be dissented from in that it is not in order to receive a motion for the suspension of Standing Orders without notice to put the Redistribution of Seats Bill through its remaining stages at one sitting. Where is that different from the position put before the House by you, Mr. Speaker? The motion is that the Standing Orders be suspended in order to permit the Redistribution of Seats Bill being put through its remaining stages at one sitting, and you, Mr. Speaker, have ruled that motion in order. I dissent from your ruling that it is in order to receive a motion for the suspension of the Standing Orders without notice to put the Redistribution of Seats Bill through at one sitting.

Mr. Speaker: Add "in accordance with Standing Order 416" and I will accept it.

Mr. Scaddan: I will certainly do that. The Standing Orders we work under dealing with the suspension of Standing Orders are as follows:—

416. In cases of urgent necessity any Standing Order or Orders of the House may be suspended on motion duly made and seconded without notice, provided that such motion has the concurrence of an absolute majority of the whole members of the Legislative Assembly.

That Standing Order has never been put

into operation since I have been a member of the House since 1904 until to-day. The Standing Order always used for the suspension of Standing Orders is 417, which says:—

When a motion for the suspension of any Standing Order or Orders appears on the Notice Paper such motion may be carried by a majority of voices. It requires that notice of motion to move for the suspension of Standing Orders be given in order that it should appear on the Notice Paper. Even to-day the Premier has given notice to move on Tuesday next that the suspension of the Standing Orders for the remainder of the session.

The Premier: It shows the urgency for this motion. I could have carried that motion this morning.

Mr. Scaddan: I recognise it. We all recognise you can do anything here, we do not require you to tell us that. The authorities go to show that, except in cases of urgent necessity, Standing Order 416 has never been put into operation. There are very few cases on record that I can find, and I have been through nearly all the records to-day, where this Standing Order has been put into operation. I do not know of any case in Australia until to-day. That being so, I want to ask where is the urgent necessity that this Bill should become law immediately. There are cases, it is true, I can quote where this Standing Order was put into operation. According to *May*, page 157—

On the 9th April, 1883, no notice having been given on the previous day to suspend the Standing Orders in regard to the Explosives Substances Bill, the House resolved, "That it was essentially necessary for the public safety—"

The Attorney General: But that was in the Lords, and the procedure is different in the Lords.

Mr. Scaddan: The procedure in regard to the Lords and Commons in regard to the suspension of Standing Orders is not different.

The Attorney General: I refer the hon. member to page 148, if he wishes to get it correctly.

Mr. Scaddan: I will deal with that later. *May* proceeds—

"that the Bill should be proceeded in with all possible despatch, and that notwithstanding the Standing Orders, the Lord Chancellor ought forthwith to put the question upon every stage of the said Bill, on which this House shall think it necessary for the public safety to proceed thereon"; and immediately passed the Bill through all its stages.

There is a difference between urgent necessity in a case of that kind and urgent necessity in the case under review. Public safety is not at stake that it requires this Bill to be put through urgently. The only safety at stake is that of the six gentlemen occupying the Treasury benches.

The Premier: Rubbish!

Mr. Scaddan: It is easy enough to say "rubbish"; but it is true all the same.

The Premier: What about the Supply Bills every year?

Mr. Scaddan: The urgent necessity of a Supply Bill is to carry on the affairs of the State and so that works should not stop pending the passage of the Estimates. This Bill is not an urgent necessity. As a matter of fact, the Attorney General told us he did not propose to have it proclaimed until this Parliament had been dissolved. Does it mean that we are going to dissolve Parliament in a few days? If not, there is no urgent necessity to put the Bill through its remaining stages to-day.

Sitting suspended from 1 to 2.30 p.m.

Mr. Scaddan: I was drawing attention to the fact that the motion before the House, which you ruled as being in order, was held by you as coming under Standing Order 410, and I claimed it did not in any sense comply with the Standing Order. The first essential is that the business that will cause the Standing Orders to be suspended must be of urgent necessity and that the Standing Orders should be suspended for

the purposes as stated in the motion. I claim that it has not been shown either by the Premier nor can it be shown by anyone that there is any urgent necessity. Even if it were urgent the necessity does not exist to put this Bill through this sitting except it be for party purposes. The necessity could only exist if it had been arranged that Parliament should prorogue to-morrow and it was essential that this Bill should pass through its remaining stages in order to reach another place and pass through the various stages so as to receive the Governor's assent. This does not exist at the present time, and there is no intention of closing this Parliament for some weeks. That being the case, another place which was stated by the Premier requires to have this Bill on Tuesday next, will have ample time before this session closes. There is very important business on this Notice Paper that that place will have to consider before this session closes. The necessity for another place obtaining this Bill on Tuesday next does not exist. I have looked up various authorities on this particular question, and I cannot find a single instance analogous to this. It stands absolutely by itself as the most irregular practice and brutal method of passing measures through a House, and it is setting up such a precedent that will cause this Parliament for ever to regret the action it has taken. I have looked up *Redlich* to learn what was meant by "urgency," and I find that on page 251 of Volume 2 it deals with the question of the adjournment of the House. This, however, is about the only instance we have, of a similar case of urgency being dealt with by the Chamber. *Redlich* says—

The motion, however well supported, is bound to be of an urgent character. The practice of the last twenty years has fixed upon the requisite of urgency and interpreted the right to move in a restrictive sense. It is true that the urgency of the matter which forms the occasion for the motion is not taken too literally; it is enough that the mover considers his subject to be urgent, and is able to give it a plausible appearance

of urgency, provided always that the nature of the subject is not of such a kind as plainly to make such a description an abuse of language.

That is to say, that the statement made by the Premier, the plausible statement of the urgency of this motion is undoubtedly an abuse of language which should not be tolerated for a moment. The urgency is that there are 26 members required to pass this Bill through the third reading stage and there is the desire of the member for Wellington to be relieved of his Parliamentary business this day. That is the urgency of the business—to permit one Government supporter to go away from Parliament and return to his electorate and to his doctor's care. If that is not abuse of urgency from the standpoint of State government, I do not know what is. *Redlich* goes on—

Nevertheless, the Speaker has repeatedly refused to allow a member to move the adjournment of the House on the ground that the matter proposed to be brought up by him was obviously not important or not urgent. He has no general power of suppressing motions for adjournment: his authority only extends to preventing an abuse of the rule by refusing to accept a motion which he considers improper. On the whole the Speaker's practice in exercising his discretion has leaned towards favouring the minority; he has never forgotten that the opportunity of moving the adjournment is an indispensable expedient of party tactics now only available in a much weaker form than in earlier days.

Was there ever an instance in any Parliament in the British Empire where the majority had abused the rules of the House by party tactics in order to pass legislation they desired through Parliament? Was there ever an instance on record? Can you, Mr. Speaker, or can the Attorney General or can any member on the Treasury bench quote one instance where the majority has been permitted—I want to emphasise the word "permitted"—to abuse the rules of the House by party tactics such as we are faced with to-day? There is absolutely none on record. It is

a disgraceful thing that it should be permitted in Parliament which is supposed to be one of the governing forces of the State. The cruellest part of the whole thing is that the majority in this Parliament is permitted to do that which it is not permitted to do in any other Parliament where the Speaker is expected to protect the minority against party tactics.

Mr. Speaker: I call upon the hon. member to withdraw that statement: I will not allow it; it is a reflection on the Chair to make a charge of partiality.

Mr. Scaddan: I will withdraw it. The first essential for the suspension of the Standing Orders without giving previous notice is that there is something of urgent necessity, and as a matter of fact that is not proved until the question is settled, and I say outside Claremont Asylum—and there are a good many there—there is not one individual who will not be able to form his own judgment on the action of the Government and those who are permitting them to take this action to-day in suspending the Standing Orders, without notice, to pass this Bill through all its remaining stages. The statement I made about the member for Wellington can be denied, but that is the urgent necessity which the Premier very carefully avoided referring to. The Premier tried to lead you to believe that there was urgent necessity for the suspension of the Standing Orders, and that the only reason was that we had decided not to take any further action in connection with the passage of this Bill. Be that as it may, we have not decided to allow this Government to determine the procedure for future Parliaments. It is not the matter of the Bill only but of the procedure adopted in this House and the procedure proposed to-day is getting down to the lowest depths of party tactics and I can find no record parallel to it. I therefore move to dissent from your ruling.

Mr. Walker: I know hon. members on the other side will wait until members on this side have spoken that they may have the last word with the public. I submit you have unjustly interpreted the Standing Order upon which you rely and whether intentionally or unintentionally

you have been an instrument of party tactics. It is an extraordinary feature of your position that you should rely upon the concluding portion of the Standing Order in question. That Standing Order says, "In cases of urgent necessity, any Standing Order or Orders of the House may be suspended on motion duly made and seconded, without notice, provided that such motion has the concurrence of an absolute majority of the whole of the members of the Legislative Assembly." You have relied not on the Order but upon the proviso of the Order.

Mr. Speaker: I relied upon the House agreeing to my opinion.

Mr. Bolton: I do not know that you did.

Mr. Speaker: I do not want the hon. member's interjection; the hon. member had better behave himself.

Mr. Bolton: Very well, I will take notice of what you say.

Mr. Speaker: The hon. member had better take notice.

Mr. Walker: You have relied on the House. The House has said nothing, has not said a word. You have had a motion from the Premier, nothing more. You cannot rely on either a majority or upon the whole House itself until the vote is taken, because that is to be decided by the vote, and the proviso is one which will nullify the motion if after the vote is taken there be not the necessary 26. How can you know there are 26?

Mr. Speaker: It is for the vote of the House to decide. I do not know.

Mr. Walker: You said you did know.

Mr. Speaker: I said nothing of the sort. I quoted the last portion of Standing Order 416.

Mr. Walker: You said you relied on the latter portion, and the latter portion deals with a proviso and nothing more. The proviso is in relation to the number to support the motion when it is put. That has not taken place, and you referred the member to that to get an idea of your reason for coming to the conclusion; and having given that as your reason for coming to the decision you did and ruling as you did, what other inference can be taken from it but that

you were conscious of the majority that would vote for this?

The Premier: No.

Mr. Walker: No other interpretation is possible. What is the object of referring the hon. member to this proviso? What bearing has it on the question whether it is in order or not? This is not anything which will enable you to decide whether the matter is in order or not; it is merely a proviso that will either justify or nullify a motion after it has been accepted as in order. This is no guide as to whether the motion is in order; and with all respect I say it seems an extraordinary feature, and one of my reasons certainly for disagreeing with you, that you should for any purpose rely upon this proviso; because it must imply a consciousness of the exact majority that there is upon the other side. Now what is it has guided you as to this motion being in order or not? The Standing Order itself is your direction. You need not depart one hair's breadth from that; and the very first line in the order tells you "in cases of urgent necessity." That is your guidance, "urgent necessity." Now is there anything necessary about this motion to-day? Is it urgent? I submit that it is neither necessary nor urgent, and if it were not for the party tactics that have been put into force, using, or rather abusing, the Standing Orders for their purpose, there would be no such motion either proposed or allowed. It is not necessary. Why? Because the matter can stand over till Tuesday and lose nothing. It is not urgent, because as a matter of fact whilst this motion is in your hands there is on the business paper for Tuesday the exact motion; and I hold that fact should have been considered by you in accepting this, because we have a Standing Order directing that we shall not anticipate what is on the business paper. What is put down for the consideration of the House at a certain date cannot be previously discussed or considered under any other motion. Yet we have allowed that to-day, and I say if we can allow it we can

allow anything. The liberties of the minority of the members in the House are at stake. If by any statutory majority at any time, any 26, the rights of the minority can be taken away in this manner then Parliamentary government is an absolute farce. Our liberties are gone, and we need not wonder at the scenes of disorder that are created, not by the passions or malice of men, but by the sense of gross and shameless insolence and injustice to which they are subjected. That is the cause of it. Lawlessness here produces lawlessness the State over. Now I submit to you you have no right to accept the motion, because already there was a motion on the Notice Paper. That gives a direct answer to the plea of urgent necessity. The thing could wait, and it was intended to wait, until it was found that they could get this Standing Order interpreted so as to allow them to take advantage of it to-day. They stand confessed there by their own motions. Two motions are in your possession at the present time: one for Tuesday saying the matter can wait, that it is not necessary or urgent, and the other submitted against common sense and fair play, with the knowledge, I submit, of how it would be interpreted. With tactics of this kind you do not wound the personal feelings of members alone. By taking this course you do not alone rouse the worst passions of those who are here, but you wrong every constituency represented by members upon this side. You flout them in the face. You have deprived them of a voice. You have nullified us; we are gagged. It is the attitude of buccaneers and not of politicians. However, it is of no use arguing. We are bound hand and foot. We are at the mercy of those who are apparently unscrupulous. Being so at their mercy last night we refused to be made the victims of their tactics; we walked out as a solid protest against the conduct that was being used against us, as a protest against the way we were silenced and gagged; not because we had lost interest in the Bill, as the Premier would try to make the public believe, not because we had forgotten our duty to our constituents, not because we were recreant

unto our duties or to our position, as would appear to be the case with some on the Treasury bench, but because we would be no party to lending ourselves as victims to the insolencies, aggressions and wrongs heaped upon the people's representatives. That is why we walked out. And now another attack is made, and this upon the procedure of the House. Rules have to be thrown aside. They have taken possession of Parliament. They intend to take possession of the country. In days gone by they used the prison, the secret assassin and the poisoned cup. Now they use the gag, they use all species of unfairness, they use every agency which men unscrupulous in honour might use. We refuse to be parties to it, and Sir, we protest to-day against these violations of the procedure of the House, against this attempt to destroy the law by which this building in its proceedings is governed; against the unfair, unjust, and to my mind, abominable tactics of utter recklessness and contempt for honour and justice.

Mr. Troy: The Standing Order which you quoted in your ruling and to which the leader of the Opposition has taken exception, demands that this should be a matter of urgency, and to that point I desire to address myself more particularly. What urgency can there be for the Bill, when there is no demand from the country that the Bill should be passed or even introduced? The Premier said that the country's interests demanded that the Bill should be passed. How can the Premier make that assertion when he must know, as everyone in the House knows, that wherever a voice has been raised in the country it has been in condemning the Bill. Does he not know, has he forgotten, that even members on his own side of the House have been called to public meetings to be directed to refuse to give their sanction to the Bill? Does he not know that the member for Wellington has been told by his constituents that they returned him from sheer pity because he was an old man?

Mr. Hayward: How many of them?

Mr. Troy: And his constituents have insisted that he shall not give his vote for this Bill.

Mr. Hayward: But how many of them?

Mr. Troy: It is all very well to ask how many of them; at every public meeting held a vast majority have been in favour of this Bill being thrown out. The hon. member cannot point to one meeting in favour of the vote he gave last night, but he still persists in ignoring the will of the people who voted for him at the last election. Then, in Bunbury also there have been two or three meetings.

The Premier: You engineered the whole lot of them.

Mr. Troy: How could we have engineered the whole lot of them when the motions have been moved by Ministerial supporters? Councillor Fraenkel, who took a prominent part at one meeting, said he had always been a Ministerial man. All the men who moved these motions have been supporters of the Ministry. And yet the Premier asks the House to believe, and asks you to believe, Mr. Speaker, that the country demands this Bill as an urgent one. The country has never demanded it, and if the Premier had the courage to go to the country, the country would consider another matter of urgency, the urgency of getting rid of the present Government. There is not the slightest doubt about it, for even you, Mr. Speaker, must know it, and must know that this is not a question of urgency. Have there not been more urgent demands than for this Bill. Have not definite promises been given to the country during the last seven years that the Constitution Act Amendment Bill would be passed, and yet the Government who promised that this would be done have not brought that bill down as a matter of urgency. All the promises which they have made to the country they have entirely ignored, whilst this Bill, which the country has objected to both in the Press and on the platform, has been put forward as a matter of urgency. The Leader of the Opposition quoted from an eminent Imperial authority that the duty of the Speaker was to respect and protect the minority, and, despite the fact that

we have taken the strongest possible exception to your rulings on many occasions, I refuse to believe that you are so lost to a sense of honour as to endorse the action of the Government on this occasion. Even now I hope that you will protect the minority in this Chamber, because the minority has no other protection. If the utmost license is given to members on the Ministerial side, and this party is gagged on every possible occasion, how can we expect to get justice in this Chamber. We elected you to give justice, and to see that justice is done, and I refuse to believe, until you have taken definite action, that you will allow the rules of this House to be abused in this manner. We on this side of the House represent a majority of the electors of Western Australia. We come from our constituencies representing an absolute majority of the electors of the State, as was proved at the last general election, and because the electoral system permits of the Government being in a majority although representing fewer people by thousands, is it right that you, to whom we all look for justice, should allow that majority to abuse the interests of the people of Western Australia? The people have never made any demand for this Bill, have never asked for it. The Premier to-day stated that the people demanded it, but only a few nights ago he said that the people were not concerned in this matter; it was a matter for members on his own side, and the country had no concern in it at all. Then, why does he now state that the country demands it, and that it is a matter of urgency in the interests of the country? And how can you, Mr. Speaker, look on it in the same light as the Premier did, when you must know that the country is opposed to this measure? There can be only one reason for this matter being deemed one of urgency to the Government, and that is that they cannot hold their supporters in this House, and that those supporters are blind to all other matters which affect the interests of the country except that they are insisting on this Bill going through. The Government want to get

the Bill through, and they must have 26 members to vote for it, and there is a possibility that something might happen, a possibility that Providence might step in, and so they bring back men almost from the grave in order to give their votes. Not for urgency, but for convenience in order to perpetuate an injustice which the country asks to see shall not be done—that is the only reason why this can be termed a matter of urgency. After this measure has been passed, those members will not be here; they will go back to their homes. They only remain here so long as is necessary to carry this measure, and then they will depart. This is a matter of urgency because it suits the Government, because they want to do a wrong, and they cannot do it unless they have every supporter present in the House. They can only keep their following for a certain time, and they pledge them to stay here, to go over the road to sleep, to remain at their post till the Bill goes through, and then they can go to their homes and the interests of the country can be absolutely abandoned. When the other measures come forward, the various railway bills, and the Constitution Act amendment, the Government will look to the members on this side to assist them to carry those measures. But, with a matter of this kind, which perpetuates the worst possible injustice which has ever been done in this Chamber, the Government demand that it shall be considered one of urgency. I refuse to believe, Mr. Speaker, that elected as you were in the first place by a unanimous vote of this House, you are going to allow the interests of the country, and the interests of the minority in this Chamber to go unprotected. Surely, although the Government may attempt to do something inequitable so far as Parliamentary practice is concerned, we may expect that by the Speaker a more honourable attitude will be adopted.

Mr. Bath: Unlike the hon. member for Mount Magnet, I am not going to make any hypocritical pretence that any appeal such as he has made to you will be likely to induce you to deal

honourably and fairly in this particular matter.

Mr. Speaker: The hon. member must withdraw that statement.

Mr. Bath: My reason—

Mr. Speaker: I ask the hon. member to withdraw.

Mr. Bath: Wait a moment—

Mr. Speaker: I call on the hon. member—

Mr. Bath: Wait a moment. I wish to say that I have been in this Parliament since 1902. I sat under a Speaker for a greater part of that time whose decisions I never dreamt for one moment of disputing, or whose impartiality I never thought of impugning. But I have seen you, Mr. Speaker, wait outside this House, while a member of this party has been in the Chair, to know whether the Whip of the Ministerial Party would require your vote or not.

Mr. Speaker: Before the hon. member proceeds any further—

Mr. Bath: Before you deal with me, I want to say that in the session of 1909 on October 28 you gave a decision that no question could be considered one of urgency if it could be dealt with on another day. I have the decision here. When the hon. member for Mt. Magnet desired to deal with the question of battery charges on a motion of urgency, that was your decision. I say that this matter can be dealt with on Tuesday, on Wednesday, on Thursday, on Friday, or a fortnight hence, and therefore on your own ruling it is not a question of urgency or a question of necessity. I ask you to look up that ruling, and say whether your ruling now is fair and impartial.

Mr. Speaker: I ask the hon. member to withdraw the remark he made. I have no objection to anything reasonable, but the hon. member distinctly charged me with being dishonourable; I ask him to withdraw that.

Mr. Bath: I did not say dishonourable.

Mr. Speaker: You said it distinctly. And when I called you to order you asked me to wait a moment which I did.

Mr. Bath: I appeal to hon. members to say whether I said dishonourable.

Opposition Members: No.

Mr. Troy: If I may be permitted, Mr. Speaker, I can state distinctly what the member for Brown Hill said. He said that unlike the member for Mt. Magnet he would not be hypocritical enough to ask you to consider this matter impartially.

Ministerial Members: No, no. That is not it.

Mr. Speaker: I will ask for a copy of the *Hansard* report.

Hon. Members: Hear, hear.

Mr. Speaker: This is the *Hansard* record of the hon. member's remarks—

Unlike the hon. member for Mt. Magnet, I am not going to make an hypocritical pretence that any appeal such as he has made to you will be likely to induce you to deal honourably and fairly in this particular matter.

Mr. Bath: That is entirely different from your statement.

Mr. Speaker: Not at all. I said the hon. member charged me with being dishonourable. And what other construction can be placed on his remarks? I therefore ask the hon. member as an old member of this house to do me the justice of withdrawing that statement.

Mr. Bath: If you say that it amounts to an accusation of being dishonourable—

Mr. Speaker: You cannot put any other construction on it.

Mr. Bath: I withdraw the remark, but I want to point out that the decision which you have just given is entirely at variance with the decision which you gave on October 28th, 1909. There is no ambiguity, none whatever, about this Standing Order. It says that it must be a case of urgent necessity; and your inference or statement that because 26 members happen to be present in the Chamber to vote for such a motion constitutes it one of urgent necessity, is entirely contrary to the spirit and letter of the Standing Order. The Standing Order absolutely means that even if it were a question of urgent necessity, if there were not 26 members present to vote for it, the

Standing Orders could not be suspended ; but the fact that there may be 26 members present does not in any way do away with the necessity for this question being an absolutely urgent necessity. In view of the fact that you declare that what is a less important matter, the right to move the adjournment of the House, cannot be considered a question of urgency because it can be dealt with on another day, it absolutely destroys the justice of your ruling in this particular matter. This question of suspending Standing Orders is in no sense a light one, because when we suspend the Standing Orders we do what is tantamount or equal to suspending the laws of a community.

The Attorney General : Your leader has just argued there is an analogy between urgency and a motion for adjournment.

Mr. Bath : I have not said there was no analogy. I have said the question of the adjournment of the House is a much less important matter than the question of suspending the whole of the Standing Orders which guide the conduct of this Chamber.

The Attorney General : Do you contend there is an analogy ?

Mr. Bath : I make no contention that there is an analogy. The hon. member can surely understand. I have repeated it twice. I have said that the question of adjournment is a much less important matter, but on a question of interpreting what is meant by urgency the Speaker has already decided on a previous occasion that a matter which can be dealt with on some other day is not a question of urgency. Will the Premier contend that this matter cannot be disposed of just as well on any day next week ?

The Premier : Or next year ?

Mr. Bath : No, during this session. The session is supposed to be continued until the business the Government desire to get through is finally disposed of, and hon. members are in this House to deal with the business brought forward. For instance, apart from this question there are matters to be considered, such as the Loan Estimates, and the

remainder of the Revenue Estimates, and other matters which have to be dealt with. There are Bills which have to come from the Legislative Council. These will have to wait until another day to be disposed of. There can be no contention that it requires the Standing Orders to be suspended to deal with these matters. The Premier knows it is not necessary to do it in connection with this Bill on account of the Legislative Council. He knows they have a considerable amount of business before them. They have more than half the Health Bill to go through ; they have other Bills, the second reading of the Bread Act Amendment Bill, of the Workers' Compensation Act Amendment Bill, an important measure, and of the Tributaries Bill ; and they have measures sent up from this Chamber since we returned after the Christmas adjournment, matters that will take them several days to dispose of, certainly during the time that would be essential to carry this Bill through in conformity with the Standing Orders. But we know very well that it is not the reason, we know very well that the Premier has supporters whom he has brought here from sick beds in order to force this Bill through, hon. members sitting behind him who have no knowledge whatever of the details of the measure, who have been unable to give it any study, but who merely came here in order to make up the Government majority to pass through a measure of which they knew the injustice but very little detail. We have had it on their own confession that they have not supported the Bill because they believe it is for the purpose of redressing anomalies, or adjusting seats on a fairer basis, but because it is necessary in order to save the Government.

The Premier : Are you going to give us a second reading speech ?

Mr. Bath : The Standing Orders are to be infringed, and you Mr. Speaker, who should be the guardian of the Standing Orders and the protector of members of the Chamber, are asked to be a party to the proceeding in order that the Government may secure their party ends. I ask you to remember your own

decision on the matter that I have quoted, and I ask you not to stultify yourself, or to lay yourself open to suspicion, or to the charge of being at the beck and call of a party, but rather to remember the high dignity of the position you hold, and to seek to emulate those who filled that position before in this House with honour to themselves and without any question from members of the Chamber, and to uphold the Standing Orders you are there to administer and the ruling you gave on a previous occasion.

The Attorney General: Hon. members opposite are in some difficulty in arguing to-day that the House is not the judge of urgency when it is desired to move without notice for the suspension of Standing Orders. They are in difficulty, because it must be within the recollection of all hon. members who have followed the numerous debates we have had in recent years upon order, that on previous occasions when the issue has been whether the Speaker had the right to decide on the urgency of a matter about which a motion for adjournment was to be brought on, the Opposition have got up member after member to say that the question of urgency was to be debated. I have no intention of quoting at length from the remarks of members, except just by way of showing how hon. members are capable of arguing in one direction to-day on points of order, and in another direction to-morrow; and I submit it makes it somewhat difficult for Mr. Speaker to accept the opinions of members as opinions given in good faith and intended to assist him in the due and impartial discharge of his high and honourable functions. The member for Kanowna stated in the House on the 28th October, 1909—

The whole debate was as to the number of members, and whether we should have four or more. I suggested that there should be four members, but the Standing Orders Committee recommended seven. The whole debate was whether there should be four or seven. For what? To decide a question of urgency. That

was the purpose of it. and there was no other purpose.

Then later on he said—

If an hon. member believes a matter to be urgent, you have to consult the House, and that is the object of the Standing Orders providing for seven members rising. If it were left to the Speaker, in every instance the possibility is that it would not strike him as being urgent. The Speaker might always think it could wait until to-morrow.

I might quote many other extracts not only from the member for Kanowna, but also the leader of the Opposition, and the member for Brown Hill, and many members on the Opposition side to the same effect. On that occasion I took the view taken by yourself, that a Speaker had, in regard to motions for adjournment, a prior and discretionary right before the matter came into the House to decide whether it was one of urgency or not; and I still adhere to that view; but what are you, Mr. Speaker, to think of the sincerity of argument of hon. members who have on every occasion urged that these matters were entirely with the House to decide when it suited their purpose and when it suited their purpose to debate a matter to an inordinate length. They prate about liberty of speech and the rights of hon. members being a law to themselves, but we have had unfortunate examples within the last couple of days of how some hon. members interpret that idea of hon. members being a law to themselves in a manner that would turn this Chamber from a deliberative Assembly into a place where we would have the whole orgy of mob rule.

Mr. Underwood coughed.

Mr. Speaker: Do not do that. We have had enough of that.

The ATTORNEY GENERAL: It is difficult on occasions like this to master one's indignation. I have always held on motions for the adjournment of a debate that there is a prior power in your hands when the motion is first brought under your notice outside the House by an hon.

member, but this question of the suspension of the Standing Orders and whether it is an urgent matter that justifies their suspension, whether it is a matter to be decided by the Speaker or by the House, is an entirely different one; and we have only to look at our Standing Orders to see exactly what is the intention of the framers of those Orders in regard to the matter. It is provided that the Standing Orders can be suspended by a bare majority in the House provided notice of motion is given of the intention to move for their suspension. In that matter the Speaker does not come into the question at all. Hence, provided notice is given, the House in that case is the judge of urgency, but the framers of our Parliamentary Standing Orders have in their wisdom decided that there may be occasions so urgent that it becomes necessary to suspend Standing Orders without having given notice of motion of intention to do so; and they therefore provided that when a member is of opinion that an occasion of that kind has arisen, he may move without giving notice of motion, but that there must be an absolute majority of members in the House to support his view in order to allow of the Standing Orders being suspended. What would be the position supposing the House had not the control over its own business and if the majority of members, believing that the matter was urgent, that it was impossible for the House to treat it as urgent if the Speaker regarded it as otherwise? I believe in this case your own view, Mr. Speaker, and the opinions of the majority coincide. I believe you are of opinion this is a matter of urgency; I gathered so much from your remark.

Mr. Heitmann: Tell us why it is urgent?

The Attorney General: When hon. members find my argument is too strong they try to switch me off on to another. With regard to the general functions of the Speaker, it is, of course, one of the common fundamental principles governing the life of Parliament that the

House is the sole and absolute master of its order of business. I shall quote from *Redlich*, volume 2, page 143, which says—

Its jurisdiction is most clearly seen in its power at any time to alter the rules of business; as we have already remarked, no special procedure, no particular majority is required for this purpose.

We provide in our Standing Orders for an absolute majority in these special circumstances. *Redlich* goes on—

In point of fact alteration in rules is nowhere subjected to so few difficulties as in the House of Commons. But so long as they remain unchanged, whether they depend on some express order of the House or on customary practice, their maintenance is confided to the Speaker alone.

This is not the time to debate the question as to whether the matter is one of urgency. My business at present is simply to argue, as I have already argued, that the House and not you is the judge of urgency, and, if necessary, although I am certainly not disposed to play the game of hon. members opposite of delaying the course of public business, if necessary, an absolutely unanswerable case may be brought in support of the view that it is a matter of the utmost urgency. That aspect of the question has been gone into by the Premier, and I refuse, at any rate on a motion that deals with your ruling, to debate a question foreign to the subject, more particularly when it has already been handled, and handled with all the force necessary, by my leader, the Premier. I submit in conclusion, whether you take the plain language of our Standing Orders, or whether, further to inform yourself, you go to recognised authorities on Parliamentary practice, only one conclusion can be come to, that this is a matter for the House to determine. Even supposing that the right lies with you to say whether this matter is of urgency or not, in this case it would clearly be subject to the House's right of appeal against your decision.

and it would be open to any hon. member, not that we have cared to do that, but it would undoubtedly be open to us, to move that your decision be agreed with in order that we might obtain the sense of the House upon the subject. I feel sure that the opinion of any competent authority outside this House, the opinion of everybody who can detach themselves from the atmosphere of public strife, will be to support the view I have put forward, and I submit in conclusion that you are bound to regard, with a considerable amount of suspicion, the bona fides of hon. members who, when giving advice with regard to points of order, do not hesitate to turn round and give advice absolutely different from that which they gave on a previous occasion.

Mr. Underwood: I had no intention of speaking until I heard the Attorney General. The hon. member says, and says correctly, that this side on a previous occasion opposed your ruling that you had the right to decide whether it was a matter of urgency, and you having decided that you had that right, and having laid down a rule for your guidance, we have a right, I claim, to expect you to exercise that right in the same direction, no matter which side of the House is asking you to pass the motion. When you were deciding previously, it was a motion coming from this side, and you ruled against us and we protested. The Attorney General has been to some trouble to read from the speeches of hon. members on this side protesting against it. Here is his own speech. On that occasion the Attorney General said that you had a perfect right, and that it was your duty to rule, and that you could not rule a motion of that description in order unless you were satisfied it was absolutely urgent and necessary. To-day he tells us you have no right to rule, and you have no right to consider whether it is urgent or not but that a majority of the House will decide it for you. The Attorney General said last year—

“If the speaker thinks it in order.”

Where in that Standing Order can one read into it words that shall say

that the discretion of the Speaker is not absolute? Where will one find language to say that seven members of the House shall overrule the opinion of the Speaker on that point? And if we put the Standing Order on one side for the moment and go to *May* to discover the Parliamentary practice in the mother country, and it is on that practice that this Standing Order has been based, we find that the ruling of *May* is absolutely in accord with the terms of this Standing Order 47a. *May* says on page 254—

“Though the responsibility of bringing forward a matter as a matter of urgency rests with the member who desires to exercise the right given by the Standing Order, still there must be some colour of urgency in the proposal; and the Speaker declines to submit a motion for adjournment to the House, if, in his opinion—”

(Not in the opinion of hon. members)

“the subject to be brought forward is not a ‘definite matter of urgent public importance.’”

Mr. Bolton: That is on a motion for adjournment of the House.

Mr. Underwood: This motion entirely depends upon its urgency. There is no other reason whatever. Unless this motion is urgent you cannot accept it; you have ruled that a matter of urgency is a matter that cannot be dealt with on some other day; if the matter can be dealt with at some time in the future then it is not a matter of urgency, and I do protest against this rather awkward and inexplicable ruling one day against this side of the House, and on an exactly similar question later on ruling in favour of the other side. It is your duty, Mr. Speaker, to be absolutely unbiased, and to give your decision without any consideration whatever to party politics, and if you have given a decision we on this side of the House expect you to stand by that decision while you are in the Chair, or until that decision has been upset by a vote of this House. We disputed your ruling upon that occasion, and the other side of the House

voted us down and said your ruling was absolutely correct: to-day it suits their purpose to call it urgent and they are going to vote you down the other way. Their voting would not matter in the slightest degree, but it is for the honour of this House and Parliament that if you are going to rule on one occasion you should stick to it on all occasions, and not give a colour to party politics.

Mr. Layman moved—

That the House do now divide.

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

Ayes	26
Noes	16

Majority for .. 10

AYES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

NOES.

Mr. Angwin	Mr. Swan
Mr. Bolton	Mr. Taylor
Mr. Gill	Mr. Troy
Mr. Heitmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. A. A. Wilson
Mr. McDowall	Mr. Underwood
Mr. Price	(Teller).
Mr. Scaddan	

Motion thus passed.

Motion (dissent) put, and a division taken with the following result:—

Ayes	17
Noes	26

Majority against .. 9

AYES.

Mr. Angwin	Mr. O'Loughlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Troy
Mr. McDowall	(Teller).

NOES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Sir N. J. Moore.
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

Motion thus negated.

Question (suspension of Standing Orders) put, and a division taken with the following result:—

Ayes	26
Noes	17

Majority for .. 9

AYES.

Mr. Brown	Mr. Hayward
Mr. Butcher	Mr. Jacoby
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Sir N. J. Moore
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Murphy
Mr. George	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Layman
	(Teller).

NOES.

Mr. Angwin	Mr. O'Loughlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Troy
Mr. Heitmann	Mr. Walker
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Underwood
Mr. McDowall	(Teller).

Question thus passed.

Report Stage.

The ATTORNEY GENERAL (Hon. J. L. Nanson) moved—

That the report of the Committee be adopted.

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

Ayes	26
Noes	18

Majority for .. 8

AYES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Piesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

NOES.

Mr. Angwin	Mr. Price
Mr. Bath	Mr. Scaddan
Mr. Bolton	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Gourley	Mr. Troy
Mr. Heltmann	Mr. Walker
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Underwood
Mr. McDowall	(Teller)
Mr. O'Loughlin	

Question thus passed.

Third Reading.

The ATTORNEY GENERAL (Hon. J. L. Nanson) moved—

That the Bill be now read a third time.

Mr. SCADDAN: The certificate held by the Speaker was not a correct one.

Mr. SPEAKER: That was not a justifiable remark.

Mr. SCADDAN: Had the Bill been printed as amended in Committee?

Mr. SPEAKER: In his possession was the certificate of the Chairman of Committees, and surely no member would suggest that the certificate was incorrect.

Mr. McDOWALL: It had been his hope that the third reading of the Bill would not take place till Tuesday next. Some very important alterations had been made last night, and he thought it was only due to members that opportunity should be afforded of looking into the amended measure. He was at a complete loss to understand in what way the Attorney General had arrived at the conclusion that three seats should be lost to the goldfields, considering it in the light of the redistribution of seats of 1904. He asked the hon. gentleman to give the Committee his data, and he felt that he would

be lacking in his duty to his constituency, and the people of the State generally if he did not endeavour to throw light on the extraordinary manner in which the constituencies had been allocated. A great deal had been said in connection with the Collie and Sussex constituencies as to the manœuvring of the interests and so forth, but from a calculation point of view Collie was not in it with the North-West or the North province.

[The Deputy Speaker took the Chair.]

Mr. McDOWALL: The Northern province was extraordinarily situated and the difficulty which the member for Collie would have in getting about his electorate would be nothing compared with what the representatives for the Northern province would have. Pilbara was a pastoral district if any district was, but it was included with the mining electorates in order to show that the quota of the ten scattered mining seats was less than it fairly and squarely should be. In 1903-4 when the Redistribution of Seats Bill was being framed, the Pilbara district was included amongst the pastoral districts—nobody would dispute that as part of the great northern territory of this State it was worthy of special consideration—and the result had been that in years gone by the quota for these districts had been fixed at a very low rate. Under the present Bill the North province included Gascoyne, Kimberley, Pilbara, and Roebourne, but in order that the figures should work out and show that it was just and fair to take away one of the scattered mining seats Pilbara was included among the mining electorates. Mining in these northern districts was not of great consideration; the principal industry was grazing, and the North was given special consideration always in consequence of the distance from the seat of Government and the general conditions that obtained; but when the Government had changed the districts about in the manner in which they had, could it be wondered at that one felt indignant? He had

a number of figures which he desired to place before the House to prove the point that he was making.

The Premier: You must not give us the same figures as before.

Mr. McDOWALL: The figures would be the same but with a different application; he had to stick to the same figures if he wanted to give facts. Unfortunately that had not been done by the Government, by whom one set of figures had been taken for one purpose, another set for some other purpose, and different groups of electorates had been formed and different arguments introduced. That was entirely wrong. He wanted to compare the figures given by the Attorney General with the numbers on the electoral rolls in 1905. They were as follows:—Coolgardie—1905, 2,789; 1910, 1,557; Dundas—1905, 1,642, 1910, 1,878; Kanowna—1905, 2,948, 1910, 1,628; Menzies—1905, 2,496, 1910, 2,460; Mount Margaret—1905, 4,609, 1910, 1,600; Mount Leonora—1905, 4,382, 1910, 2,614; Yilgarn—1905, 2,059, 1910, 2,214. The total figures in that group were: 1905, 20,975; 1910, 13,951. Then there were in another group: Cue—1905, 2,360; 1910, 1,943; Mount Magnet—1905, 1,879; 1910, 2,546; Murchison—1905, 1,981; 1910, 2,144, the total for this group being 6,220 for 1905, and 6,633 for 1910. It would be observed that the two groups for 1905 if added up would give a total of 27,195 making a quota of 2,719 for each electorate. This was where the unfairness came in. On this occasion in order to reduce that quota Pilbara had been placed with the scattered mining districts. These districts in 1905 had a quota of 2,719, but, Pilbara being included with 1,108 votes, would have made a grand total of 28,303 votes and reduced the quota to 2,513. Now by adding a portion of the North with its special representation and a small quota, the just quota of the goldfields was reduced and portion of their representation was taken away. The effect of adding Pilbara with its present 1,200 votes to the scattered mining seats was that, although the quota, for

the ten mining seats at present was 2,058 the quota was brought down to something like 1,980 and justified the taking away of the seats from the goldfields. This system of allocating seats was the most extraordinary that could ever have occurred in any country in the world. These 11 mining seats totalled 23.2 per cent. of the total number of electors on the roll in 1905, and because the electors had reduced to 16 per cent. they had to lose their representation. What he wanted to impress upon the House was that the quota was out of all reason and proportion; it was unfair and improper to commence with. Fancy 2,719 for the distant goldfields State in 1905 and 1,632 for certain agricultural seats! All the others were on the same plane. Instead of getting a population basis and data to work upon with something like system, this haphazard system of taking the numbers on the roll in 1905 as just and fair, and taking a percentage of that group now on the total number of electors, seemed to be a method which no other country in the world would adopt. According to the Attorney General the percentage of agricultural and pastoral districts was 19.4 in 1905 and 25.5 now, and thereby he justified the increase given to the agricultural districts. Here, again, there was unreliability of figures because there were no data of group against group, but the pastoral industry was brought in with agriculture. One moment the pastoral industry was called pastoral and the next moment it was called agricultural. The explanation of these percentages was that in 1905, Gascoyne, Kimberley, and Roebourne had 2,364 votes, and in 1910, 3,545. This showed the pastoral districts increased by 50 per cent., and putting this 50 per cent. increase into the agricultural districts it raised the percentage of the agricultural districts and bolstered them up to give them representation to which they were not justly entitled. The percentage contention, therefore, was an absurdity. Had the Attorney General included the outports and Collie and Forrest in the figures for the agricultural districts?

The Attorney General: No.

Mr. McDOWALL: To be on safe ground it would be necessary to give the details for each district. In 1905 Nelson had 1,366 persons on the roll and 2,183 in 1910; Sussex in 1905 had 967 and 1,492 in 1910; Wellington had 1,729 in 1905 and 1,737 in 1910; Murray had 1,424 in 1905, and 1,140 in 1910; and Swan had 2,635 in 1905, and 2,823 in 1910. That group showed a total in 1905 of 8,121, and 9,375 in 1910. Then we come to Irwin, which had 1,456 in 1905 and 1,957 in 1910; also Greenough, which had 1,275 in 1905, and 1,560 in 1910; making a total for Midland districts of 2,731 in 1905, and 3,517 in 1910. The next group was the Eastern and Great Southern, and the figures were—Toodyay 1,092 for 1905, and 2,113 for 1910; Northam 3,371 in 1905, and 4,785 in 1910; York, 1,093 in 1905, and 2,028 in 1910; Beverley, 1,434 in 1905, and 2,715 in 1910; Williams, 2,222 in 1905, and 4,160 in 1910; Katanning, 1,153 in 1905, and 2,477 in 1910, or a total of 10,365 for 1905 against 18,278 for 1910. The grand total for the agricultural districts was 21,217 in 1905 against 31,170 in 1910. There had been no time to work out these figures with any care, but so far as he could see the increase in these districts during the period was a shade over 25 per cent. But if his figures were correct it was an awful thing giving increased representation to these areas. Taking the total for 1905 we found that 21,217 voters represented a little over 25 per cent. of the total roll, whereas, taking the figures for to-day, namely, 31,170, we found they represented only about 24 per cent. of the total roll of 135,914, so that instead of getting an increase these districts should remain stationary in regard to representation; because it must be remembered that though the electoral population in these districts had increased by 10,000, the total roll for the State had gone up by about 15,000 during the same period. In the face of these figures the Bill would require a lot of justification. That was why he spoke on the⁷third reading, to point out to the people he represented and to the

State that he considered it an immensely unfair measure on the basis of the large quota given to the goldfields and the small quota given to the agricultural districts, and also on the basis of the allocation of goldfields seats in 1905, on an entirely different percentage to that adopted at the present time, so as to transfer seats to the agricultural districts where a percentage increase was shown by including figures for pastoral districts that had already been given special consideration on account of their distance from the capital. The motive for the calculation might have been the purest in the world, but one could only judge on the facts. In introducing a measure of this kind and in grouping constituencies, like should be placed against like for the purpose of comparison. He would not accuse anyone until he was perfectly sure and until he had time to check his figures, but if the details came out as he had given them, it was a serious matter. Anyhow there was no excuse for trying to bring in Pilbara as a goldfield in one instance, and in the next instance to put it down as a pastoral area for a province. There was no justification for the North-West getting special representation, and then, because its figures were low, to be placed among the agricultural districts. It was impossible to argue from figures unless we got proper data, and he found it impossible to realise how the Attorney General could calculate. He had turned it over in his mind a dozen times, and he was forced to look at it from every point of view. As he said in his speech, it seemed extraordinary that seats were the population had increased according to the Attorney General's calculations, should have been reduced. Take the Golden Mile; it was decreed that one seat should go from that district and he found that there were 705 more people on the Golden Mile in 1910 than in 1905. It could therefore be understood that his understanding, at least, could not grasp the Attorney General's figures. He asked the Attorney General how he arrived at his figures, and he courteously gave the information. He would like to have had it in a proper form, properly

dissected, checked, and properly placed; but circumstances over which he had no control had compelled him to take advantage of this opportunity. He had only done what was right and fair, and hoped that this would be checked and seen into, and that we should know, at least from the Attorney General, where the discrepancy came in. They were the figures for 1905 and 1910 in that particular group that had increased representation. He had shown that they were not entitled to it, and at least should remain stationary, if not lose a member. He had had no intention of speaking on this matter until the last moment, but he felt that if he allowed this opportunity to pass he would be guilty or worthy of condemnation. He had placed the matter before the State to show that the Bill that had created so much disturbance, that had been the cause of so many scenes in this House, that had caused the suspension of so many Labour members, was a Bill that deserved our condemnation, a Bill which we were entitled to treat with the heat which we did, and which, if his facts and figures were borne out, would go to prove that the Opposition were justified in fighting the measure in the way in which they had done, and if he had succeeded in doing that he had done his duty and was satisfied.

The PREMIER moved—

That the House do now divide.

[*Mr. Speaker took the Chair.*]

Motion put and a division taken with the following result:—

Ayes	..	..	..	26
Noes	..	..	..	16

Majority for 10

AYES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

NOES.

Mr. Angwin	Mr. Price
Mr. Bath	Mr. Scaddan
Mr. Bolton	Mr. Swan
Mr. Gill	Mr. Underwood
Mr. Gourley	Mr. Walker
Mr. Heitmann	Mr. A. A. Wilson
Mr. Hudson	Mr. Troy
Mr. McDowall	(Teller).
Mr. O'Loghlin	

Motion thus passed.

Question (third reading) put and a division taken with the following result:—

Ayes	..	..	..	26
Noes	..	..	..	16

Majority for .. 10

AYES.

Mr. Brown	Mr. Hayward
Mr. Butcher	Mr. Jacoby
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Sir N. J. Moore
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Murphy
Mr. George	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Layman
	(Teller).

NOES.

Mr. Angwin	Mr. Scaddan
Mr. Bolton	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Heitmann	Mr. Troy
Mr. Horan	Mr. Walker
Mr. Hudson	Mr. Ware
Mr. McDowall	Mr. A. A. Wilson
Mr. Price	Mr. Underwood
	(Teller).

Question thus passed.

Bill read a third time.

The ATTORNEY GENERAL moved—

That the Bill do now pass and that the Title be an Act.

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

Aye:	..	..	..	26
Noes	..	..	..	16

Majority for .. 10

AYES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Sir N. J. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Plesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

NOES.

Mr. Angwin	Mr. Swan
Mr. Bolton	Mr. Taylor
Mr. Gill	Mr. Troy
Mr. Heilmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. A. A. Wilson
Mr. McDowall	Mr. Underwood
Mr. Price	(Teller).
Mr. Scaddan	

Question thus passed.

The ATTORNEY GENERAL moved—

That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Ayes	26
Noes	16

Majority for .. 10

AYES.

Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Gordon	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	(Teller).
Mr. Hayward	

NOES.

Mr. Angwin	Mr. Swan
Mr. Bolton	Mr. Taylor
Mr. Gourley	Mr. Troy
Mr. Heilmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. Underwood
Mr. McDowall	Mr. A. A. Wilson
Mr. Price	(Teller).
Mr. Scaddan	

Question thus passed.

Mr. McDOWALL (in explanation): During the course of his remarks a little earlier in the day he had intimated that the figures quoted by him on the third reading had not been checked and that, consequently, there was a possibility of error. Since sitting down he had run through the figures and found, as he had feared, that certain figures had been, if not wrong, at least incorrectly stated. Thus 121,722 voters had been set off as against 31,170, the figures shown in the Attorney General's list. That was wrong, for of course, it should have been against 21,217, the figures of 1905. Consequently the agricultural percentage in 1905, worked out at about 17½ per cent. It did not affect the argument in connection with the matter at all, but on discovering the error he had hastened to make the explanation.

PRIVILEGE—INACCURATE PRESS REPORT.

Mr. TROY (Mt. Magnet): Would the Speaker tell the House if the *Daily News* had been written to and whether an apology had been forthcoming as requested by the House last evening. He noticed that in to-day's issue of the *Daily News* reference was made to the incident under the heading of "correction," but it had been placed between racing and the shipping notes in order to give it as little prominence as possible. It might be the episode had had something to do with sport, but he did not know that it had any relation to shipping. The paragraph intimated that there was still some doubt as to the personnel of the offending members, and that in consequence the paper would have to await the publication of the official *Hansard* report before making any further statement upon the subject. Just the same the *West Australian* had had no doubt about the matter, nor had anyone else but the *Daily News* representative. He was glad to say this paper was becoming more cautious than it had been, and that in future we might expect at

least an element of truth in its reports. The paper had made a number of excuses and had blamed the acoustic qualities of the House, but it was to be hoped that in future the paper would await the publication of *Hansard* before venturing upon any statement in regard to the proceedings of Parliament. Indeed, he would suggest that 10 or 12 copies of *Hansard* be specially provided for the guidance of the *Daily News*. Would the Speaker inform the House whether an apology had been made?

MR. SPEAKER: As the hon. member knew, it was not incumbent on the Speaker to answer any questions, but he invariably endeavoured to be as polite as possible. He was a firm believer in the principle of eight hours a day; but he had been working 24 hours a day for days past which had meant a very severe strain upon himself and the officials of the House; and he would ask any hon. member was it reasonable to suppose that he should have been able in the circumstances to frame a letter for delivery to the *Daily News*, either he or the clerks? He had been totally unable to do it, and the Clerks had not had a moment to spare for the purpose.

MR. TROY: There had not been the slightest intention of finding fault with the Speaker in connection with the forwarding of the letter. He was just as much concerned about the officials of the House as was the Speaker, but he had thought the *Daily News*, knowing what had occurred in the House, would have had the decency to forward an apology without awaiting the demand. He had not had the slightest intention of reflecting on His Honour's actions, and he failed to see why the question should have imparted any heat into His Honour's remarks?

House adjourned at 4-55 p.m.

Legislative Council,

Tuesday, 17th January, 1911.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Commissioner of Police for year ended 30th June, 1910. 2, Report of the Chief Protector of Aborigines for year ended 30th June, 1910. 3, Report of the Department of Agriculture for year ended 30th June, 1910. 4, The Dentists Act, 1894—amended rule 26. 5, Derby Local Board of Health by-laws. 6, Roads Act, 1902—By-laws of Greenmount road board.

OATH OF ALLEGIANCE.

Hon. C. A. Piesse took and subscribed the Oath of Allegiance to His Majesty King George V.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1. Pharmacy and Poisons Act (Compilation).
2. Mount Lawley Reserves.
3. Land and Income Tax.
4. Southern Cross-Bullfinch Railway Appropriation.
5. Southern Cross-Bullfinch Railway.
6. Supply, £207,443.

SIR WINTHROP HACKETT— CONGRATULATIONS.

The COLONIAL SECRETARY (Hon. J. D. Connolly): Before formally dealing with the business on the Notice Paper, it is my duty and privilege, as leader of