

be formed, but funds already existing. Where do they come in under this Bill?

Mr. Heron: Cut out "under this Act."

Mr. MANN: That would meet it. I move an amendment on the new clause—

That "under this Act" be struck out.

The COLONIAL SECRETARY: But it would be competent for three or four men to get together and say they constituted a medical fund. I suggest that "approved" be inserted before "medical fund."

Hon. M. F. TROY: That will not do, because it will mean "approved by the Minister." The Minister has agreed to the new clause, but since the discussion has revealed that many thousands of men are in these medical funds, he is unnecessarily concerning himself about bogus bodies. Men relieving the Government of the burdens which the Minister says these people carry, are entitled to maintain a medical fund.

Amendment put and passed; the new clause, as amended, agreed to.

Progress reported.

House adjourned at 5 a.m. (Thursday).

Legislative Council,

Thursday, 18th January, 1923.

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

STANDING ORDER 186a.

The PRESIDENT: On the 16th inst. I sent the following communication to His Excellency the Governor—

Your Excellency, on the 2nd November last, the Council adopted a new Standing Order which reads as follows:—"Notices of amendments to a Bill when in Committee will not be receivable at the Table until the Bill has been read a second time. In special cases, however, with the authority of the President, they may be printed as

an addendum to the Notice Paper before the second reading is concluded. In accordance with the provisions of Section 34 of the Constitution Act, 1889, before it can become binding and of force it is necessary that it should receive the approval of Your Excellency, and, under these circumstances, I venture to ask you to endorse this letter with such approval. I have the honour to be, Your Excellency's obedient servant, (Sgd.) E. H. Wittenoom, President, Legislative Council."

I have now received the following notification from His Excellency—

I approve of the new Standing Order set out above.

QUESTION—ESPERANCE LANDS.

Hon. J. CORNELL asked the Minister for Education:—Has there been any recent survey made of the land adjacent to the proposed Esperance Northward railway, if so—(a.) who was the surveyor; (b.) what was the extent of the survey made; (c.) was a report thereon made by the surveyor; (d.) will the report, if any, be made available to the House at an early date?

The MINISTER FOR EDUCATION replied as follows:—Yes. (a.) Surveyors Tupper, Moss, McWhae, Macartney, Hicks and Graham. (b.) 344,600 acres during 1921 and 1922. (c.) Yes, by Staff Surveyor Hicks; also each block surveyed was classified. (d.) Yes.

LEAVE OF ABSENCE.

On motion by Hon. J. Duffell, leave of absence for six consecutive sittings granted to Hon. T. Moore (Central) on the ground of urgent private business.

BILLS (5)—FIRST READINGS.

- 1, Land Tax and Income Tax Act, 1922, Amendment.
- 2, Industrial Arbitration Act Amendment.
- 3, General Loan and Inscribed Stock Act Amendment.
- 4, Loan, £3,850,000.
- 5, Appropriation.

Received from the Assembly and read a first time.

BILLS (2)—THIRD READING.

- 1, Jarnadup-Denmark Railway. Returned to the Assembly with amendments.
- 2, Interpretation Act Amendment. Transmitted to the Assembly.

BILL—CLOSER SETTLEMENT (No. 2).
Report of Committee adopted.

BILL—FEDERAL REFERENDUM.

Second reading.

Debate resumed from the previous day on the motion by Hon. A. Lovekin "That the Bill be now read a second time" and on the amendment by Hon. J. Kirwan that all the words after "That" be struck out—which had been agreed to—and the following inserted in lieu:—"in the opinion of this House the Premier should communicate with the Commonwealth and State Governments, and urge the summoning of a constitutional convention to consider the amendment of the Commonwealth Constitution."

Hon. A. LOVEKIN (Metropolitan—in reply) [4.44]: I realise that members will be very glad to get rid of the Bill.

Hon. J. Duffell: Hear, hear!

Hon. A. LOVEKIN: History sometimes repeats itself. It is many centuries since the chosen people were sold into bondage. It took them 40 years to get out of it. It is only 22 years since we were sold into bondage, and I suppose we shall have to wait the regulation time, another 18 years, before we get out of it; because 22 years is scarcely sufficient time for the people to feel the real effects of the scourge.

Hon. A. J. H. Saw: Are you a descendant of Moses?

Hon. A. LOVEKIN: I may be. I do not know. I believe Moses was a descendant of Adam, and I suppose I also am a descendant of Adam. I have not a pedigree book which can go back anything like so far as that. But for the agitation on the goldfields I do not think there would have been Federation for Western Australia, and I am glad that Mr. Kirwan, with many others who advocated Federation, has come round to the view that it has been anything but a blessing to this State.

Hon. J. W. Kirwan: I never said anything of the kind.

Hon. E. H. Harris: Well, you inferred it.

Hon. J. W. Kirwan: I never inferred anything of the kind.

Hon. A. LOVEKIN: I think the hon. member said there were blemishes on the Constitution.

Hon. J. W. Kirwan: That is quite a different thing.

Hon. A. LOVEKIN: I am referring to the Federation as it exists under the Constitution. This would have been a much better State from the point of view of finance and industry had we had nothing to do with Federation. I agree with the Premier and the Minister for Education that a good many, if not most of our financial troubles to-day, are due to the hampering effects of the Federal Constitution. Mr. Holmes counts the seconds of the day and the pounds of the deficit and puts one against the other, but when it comes to doing something to stop such a race of time

against money, he does not propose to do anything.

Hon. J. J. Holmes: Will this Bill do anything but waste time?

Hon. A. LOVEKIN: I think it would have been a start, because my view is we can do nothing in a matter of this kind unless we have the people at our back. The only way to ascertain whether we have the people behind us is to ask them what their views are. We should do something. It is evident to me that the House is against my view. I take it the people ought to be asked their view. That is the first step. Members may suggest, "what would I do next?" My answer is supplied by referring to what Lord Forrest said at the time of Federation, "The people who make can unmake." When the time comes to do something, if we have the people at our back, we can do anything we like, because it is impossible to govern, no matter what the Constitution might be, unless with the consent of the governed. I realise that the House is against my view, and this being so, I have no desire to press the Bill to a division. As a member of this House I must accept some responsibility, and if I press the question to a division and it is carried against me by a large majority, that decision may be taken as tantamount to an expression on the part of this House that we are satisfied with the Commonwealth conduct of the Constitution. It is common ground amongst the whole community, I think, that we are not satisfied with the treatment we have received at the hands of the Commonwealth. Therefore I do not wish to press the Bill to a division on my view, and permit it to be argued that this House is satisfied with the results of Federation. In order that no advantage may be taken of such a point, as advantage no doubt would be taken of it, I am going to subordinate my views to the view put forward by Mr. Kirwan, and consent to the amendment.

Hon. J. CORNELL (South) [4.51]: I move—

That the amendment be amended by striking out all the words after "Commonwealth" in the third line and inserting "Government pointing out that a Royal Commission is now inquiring into the effect of the Federal compact upon Western Australia and urge the convening of a constitutional convention at an early date to consider amendments to the Commonwealth Constitution."

The amendment would then read—

That in the opinion of this House the Premier should communicate with the Commonwealth Government pointing out a Royal Commission is now inquiring into the effect of the Federal compact upon Western Australia and urge the convening of a constitutional convention at an early date to consider amendments to the Commonwealth Constitution.

Point of Order

Hon. J. J. Holmes: On a point of order the Notice Paper to-day reads "Item 4—Federal Referendum Bill, second reading, adjourned debate, Hon. A. Lovekin. Mr. Lovekin's speech closes the debate. If Mr. Cornell wishes to do anything, he must move an amendment in Committee. The question now is whether we agree to the second reading or not.

The President: The amendment was that all the words after "That" be struck out with a view to inserting other words. Therefore, the question of the second reading of the Bill is not before the House.

Hon. J. J. Holmes: Will you refer to the Notice Paper. Mr. Lovekin has closed the debate, and the Bill should be either agreed to or rejected. If it is agreed to, any amendment might be made in Committee.

The President: The statement on the Notice Paper is not quite accurate. Last night the debate was adjourned, at the instance of Mr. Lovekin, on the amendment. The question now is whether all the words after "That" be struck out with a view to inserting other words.

Hon. G. W. Miles: Yesterday we decided that all the words after "That" be struck out. Afterwards Mr. Kirwan moved to insert the other words. The Notice Paper is entirely wrong.

Mr. President: The hon. member is correct, and Mr. Lovekin moved the adjournment of the debate on the motion to insert those words. We are now discussing the question of inserting the words in place of those struck out.

Hon. A. Lovekin: That is so.

The Minister for Education: There is another point: Has not Mr. Cornell already spoken on Mr. Kirwan's amendment.

The President: I cannot say.

Hon. J. Cornell: I have moved an amendment on the amendment.

Hon. G. W. Miles: Mr. Cornell spoke to the amendment last night, and I do not think he is in order in moving an amendment now.

Hon. J. Cornell: I wish to speak to my own amendment.

The President: I think the hon. member is in order in moving another amendment. There is nothing to prevent the House saying "No" to it.

Hon. J. Cornell: There is very little difference between the question before the House and the amendment I am proposing. The difference is that I wish to illustrate to the Federal Government that we have in this State a Royal Commission inquiring into the question of constitutional amendments. According to "Hansard" 1921-22, page 917, the following message arrived on the 27th December, 1921—

Hon. A. Lovekin: I rise to a point of order. The hon. member has already spoken on Mr. Kirwan's amendment and having spoken, it is not competent for him to move an amendment to that amendment. If the hon. member is now allowed, by courtesy of the House, to which I have no objection, to

move an amendment, every other member will be entitled to speak again.

The President: I do not think the hon. member is in order in moving a fresh amendment.

Hon. J. Cornell: I disagree with your ruling.

The President: Had the hon. member not spoken already, he would have been quite in order in moving his amendment.

Hon. J. Cornell: What stage have we reached? The question now before the House is the adoption of a motion which has superseded the motion that the Bill be now read a second time. Surely that other motion is open to amendment. This method of dealing with a Bill is unprecedented, but out of courtesy to you, Sir, I shall not proceed further.

Debate resumed.

The PRESIDENT: The question is that the words, proposed by Mr. Kirwan to be inserted, be inserted.

Hon. G. W. Miles: Should not the minutes be corrected? They show no record of the words having been struck out.

The Minister for Education: That is so.

The PRESIDENT: Then I can only put the amendment again.

The Minister for Education: The decisions of the House should stand.

The PRESIDENT: The House does not seem satisfied with its own decisions.

The Minister for Education: Members know that the words were struck out and an omission from the minutes cannot vitiate the proceedings of the House. The minutes should be corrected.

The PRESIDENT: Members know perfectly well that the words were struck out.

Hon. A. Lovekin: Cannot we correct the minutes?

The PRESIDENT: I should think so. Everyone desires that the minutes be correct. The question is that the words proposed to be inserted, be inserted.

Question put and passed.

Hon. J. EWING (South-West) [5.2]: I think the mover of the amendment should now move that the resolution be transmitted by message to the Legislative Assembly and its concurrence desired therein.

Hon. J. W. Kirwan: I have considered the matter. I do not desire to take that course.

Hon. J. EWING: Then I wish to do it. The course which the resolution asks should be taken can hardly be taken unless the Government are instructed to do so by both Houses of Parliament. I move therefore—

That the foregoing resolution be transmitted by message to the Assembly and its concurrence desired therein.

Hon. J. CORNELL (South) [5.4]: I have much pleasure in seconding the motion. The attitude adopted by Mr. Ewing is characterised by his usual broad-mindedness. He has put the whole question in a nutshell. It would be absolutely ridiculous for this House

to urge the calling of a convention to amend the Federal Constitution. Such a step should be asked for by the two Houses. As far back as the 7th September, 1921, this Chamber on a question closely analogous carried the following resolution:—

That in the opinion of this House it is desirable, in view of the contemplated convention to review the Federal Constitution, that a joint select committee of both Houses of Parliament be appointed to inquire as to the effect the Federal compact has had upon the finances and industries of Western Australia, and to advise as to what amendments of the Constitution are desirable in the interests of the State.

That resolution came forward to this House, thanks to the courtesy of another place. It was concurred in, and a joint select committee was appointed. It would be an act of negation on the part of this Chamber to fail to return that courtesy on an identical question.

Hon. J. W. KIRWAN (South) [5.6] I carefully considered bringing forward a proposal of that sort in the event of my motion being carried, and I decided that in the interests of the very purpose which the resolution has in view, it would be undesirable that this subsidiary motion should be carried. If it be carried, the resolution will be sent from this House and nothing more will be heard of it. In another place the Notice Paper is very congested, containing something like 30 Orders of the Day. The message transmitting our resolution would probably be amongst the business allowed to lapse at the end of the session. The resolution we have adopted is so worded as to be merely the expression of this Chamber's opinion. I would go further and say that anyone who knows the opinion of the people of Western Australia and of members of another place, is aware that whatever differences of opinion may exist as to the nature of the amendments which ought to be proposed in the Commonwealth Constitution will agree that as the result of the experience of 22 years it is desirable to reconsider the whole question and see what amendments are necessary in the light of that experience. Therefore I think that in passing a resolution which is merely an expression of the opinion of this Chamber, we are asking the Premier to do something that he himself must very well know is in accord with the views held by all parties in Western Australia. It is an opinion which has been expressed in the newspapers and from the public platform; and I have not heard of one individual who, when asked the question, has not expressed himself in favour of a convention. Everyone has some idea or other regarding the amendment of the Federal Constitution. However, if we send this resolution forward, that is the last we shall hear of it. I intend to follow up this resolution next session by asking the Premier to lay on the Table of the House the communications sent by him to the Commonwealth. Although I have not discussed the

matter with the Premier, I am perfectly satisfied that an expression of opinion of one Chamber would be quite sufficient for him to act upon. It is only a supposition on my part, because I have never discussed the question with any of the Ministers; but I would be greatly surprised if the supposition were not correct. If the resolution be sent forward to another place and owing to the crush of business it lapses, I fear an impression may be created that the resolution perhaps is not regarded as desirable. However, if the majority of the members of this House wish that the resolution should be sent forward and are willing to run the risk of the matter being indefinitely delayed as I fear would be the case, it cannot be helped. I sincerely hope hon. members will allow the matter to rest as it is at present and not send it on to another Chamber, and that the Premier will act upon it as I believe he would.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.11]: I am greatly surprised at the trend of events in connection with this resolution. After the debate which ensued on the second reading of the Bill and the manner in which Mr. Kirwan brought forward his amendment, it is astonishing that Mr. Kirwan and Mr. Lovekin should take up their present attitude. It will be fresh in the minds of hon. members that a Royal Commission was appointed to go into the question of the Federal relationship. A good deal of expense was incurred in compiling information which would help the Royal Commission in coming to some tangible conclusion. The services of Mr. Owen were specially retained for that Commission, and a huge mass of evidence was got together. In addition, several meetings of the Royal Commission were held. However, so far as this Chamber is concerned, that represents the beginning and also the end of the matter. We are now faced with the fact that two members of the Royal Commission are no longer members of Parliament, and that therefore the personnel of the Royal Commission is altered.

The Minister for Education: Those gentlemen are still members of the Royal Commission.

Hon. J. DUFFELL: At the time of the appointment of the Royal Commission the Commonwealth Constitution was a burning question throughout Australia. It is just as important a question to-day as it was then. It seems to me futile to carry this resolution and let it stop here without further notice being taken of it. I trust, therefore, that the resolution will be transmitted by message to another place.

Hon. J. W. Kirwan: But will it be dealt with this session?

Hon. J. DUFFELL: I am not in a position to say. At any rate the sending forward of the resolution will show that it was carried with a certain amount of earnestness—I will not say whole-hearted earnestness. If the resolution

is not transmitted we shall have been beating the air and wasting time and causing a great deal of trouble and annoyance not only to yourself, Mr. President, but to many members of this House. In the circumstances I hope Mr. Lovekin will see his way clear to support the subsidiary motion, without any fear of consequences. I hope the hon. member will show he is still capable of putting up a good fight, like David against Goliath.

Hon. A. LOVEKIN (Metropolitan) [5.14]: When Mr. Kirwan moved his amendment yesterday, I suggested to him the course which Mr. Ewing has taken to-day, namely that of forwarding the resolution to another place. Mr. Kirwan pointed out to me the difficulty, that we would practically lose the whole of the year because nothing would be done in view of the contested status of the Assembly Notice Paper. The Federal business is certainly a serious business, and the sooner it is taken in hand the better. If we allow the resolution to go to the Government as the view of this House only, it will then rest with the Government to act. I have no doubt the Government will do something but if the resolution is sent to another place and has to take its chance on a highly congested Notice Paper, it is not likely to be reached this session; and then, obviously, the Government cannot do very much, because the consent of another place will not have been given. On the other hand, if we leave the matter as it is, the Government, I have no doubt, will do something. If one reads the Premier's Budget Speech, one will see that he stressed this very point, that something should be done in the matter of the Commonwealth Constitution. I appeal to Mr. Ewing not to press his motion. I think it desirable that both Houses should concur, but to press the matter at this moment means that nothing will be done; and I am sure hon. members do not desire that.

Hon. J. EWING (South-West—in reply) [5.15]: Mr. Kirwan stated that in the terms of his resolution a certain thing was agreed to "in the opinion of this House." I do not hold the view expressed by the hon. member that this is likely to be amongst the slaughtered innocents, because I have spoken to those members of the Royal Commission who are members of another place and received an assurance from them that if the resolution goes to the Assembly from this Chamber at once, those members will do their utmost to get it agreed to.

Hon. J. W. Kirwan: Can we get an assurance from the Leader of the House on behalf of the Government?

Hon. J. EWING: I am satisfied that the Royal Commission will have no further work to do, and if the resolution be agreed to by the Legislative Assembly, it will be a mandate to the Government to do something in this important matter. But if we allow it to remain as a pious expression of

opinion from the Chamber, not endorsed by the Legislative Assembly, then we shall not arrive at the stage we wish to reach. I am quite clear on the matter and although I uphold the rights and privileges of this House, it is greater to our advantage to have the resolution endorsed by another place. I consider the Premier will be thankful to the Legislative Council for having sent the resolution along and that he will at once take the necessary steps to have a convention brought about. This is not the time to debate the question of Federation, or even the suggested convention, but I cannot help remarking that the work carried out by the Royal Commission will be of considerable value to the Government, who will have the opportunity of seeing the matter through to a successful issue.

Question put and passed.

SELECT COMMITTEE, FISHING INDUSTRY.

To adopt Report.

Debate resumed from the 16th January on motion by Hon. F. A. Baglin, "That the report be adopted."

Hon. A. LOVEKIN (Metropolitan) [5.20]: I commend the report to the consideration of the Minister and the Government generally. It is a most interesting report though its recommendations must be regarded as far-reaching and somewhat expensive to carry into effect. I draw attention to four points in the report which occur to me as being worthy of consideration. The first is that if the report is given effect to it will very materially aid the Government in carrying out their migration policy. The second is that it will provide an excuse for borrowing money to the extent of many more millions and using that money towards making this State a paradise, particularly for the workers. The third is that it will afford means to enable us to continue throwing our surplus cash into the sea at a greater rate than has been possible at Wyndham and other places. It also involves, as hon. members will see, the construction of many harbours and the removal of many bars on the coast line, and also the construction of great lakes which will be of value to the State. Then, fourthly, it will enable the Government to perpetuate the policy of State industries by resurrecting a defunct industry, the fish shop, where fresh fish may be retailed, and possibly, later on, we may find the Government extending it so as to compete with the Greeks in the production of the succulent fried fish.

Hon. F. A. Baglin: The report does not say anything about that.

Hon. A. LOVEKIN: The report says "to produce fish and distribute it," and I am saying that the natural corollary will be to cook the fish and sell it as fried fish with perhaps chips added, in competition with

the Greeks. These are the four points that appeal to me in connection with the report. If hon. members will look at the fourth paragraph of the report, they will see that it says—

An acre of water has been declared to be more productive and profitable than an acre of land, and, at a time when the price of food of all sorts is so high, it is radically wrong that so valuable a field as the ocean should be left practically in a complete state of neglect, and that where it is worked, it is worked by inefficient and extravagant methods.

The ocean is rather a big place, and although we have plenty of money in this State, we evidently have not made much progress in the way of development in that direction. But what strikes me is the statement that an acre of water is much more profitable than an acre of land. I cannot understand why the Government want to borrow money with which to clear land between Jarnadup and Denmark to enable them to construct a railway there, when by a simple process they might let the sea into the swamps and so provide acres of water, and without any expenditure of capital, or any assistance on the part of man, those swamps will become more productive and more profitable than similar sized areas of land. If we do this we shall provide fishing grounds and duck ponds and people will be able to live in luxury. Fish, we know, as the report states, is a luxury, and instead of having tinned dog from Wyndham, we shall always be able to secure fresh fish. It seems to me that this scheme is much better than the Premier's migration scheme. When the Government stated their operations at Herdsman's Lake, they went up to the ocean to drain the sea into the lake. There was method in that because an acre of that land with sea on it would be worth more than an acre of land drained—according to this report.

Hon. J. J. Holmes: They can put fresh water fish in there without draining it at all.

Hon. A. LOVEKIN: If we let the sea in we shall get a much larger area in which to place the fish.

Hon. J. J. Holmes: We could mix the fish.

Hon. A. LOVEKIN: Exactly. All the sandy soil can be converted into breeding grounds for ducks, which we can shoot at our leisure. They will cost us nothing for labour. We shall have the ducks and the ladies may have feathers for their hats and every one will be happy. The report is quite consistent. It says that the State shall find the money. Of course there is no trouble for this State at the present time to find money. The report states that fishing depots and harbours should be established all along our 3,000 miles of coastline, that there should be proper handling and marketing facilities at each depot, including cold storage and canning works, that steam trawlers should be provided, that there should be cold storage at the various depots and that a fast vessel should be avail-

able at each depot to collect the fish, that there should be a railway to Yanchep, and that the Southern railway be extended to Mandurah. In addition to this the select committee recommend that the bar at the Greenough River be opened up, and quite a number of other works are suggested so that we may have more acreage of water instead of land. This is really worthy of consideration at the hands of the Government, because I can see that the six millions of money which we have at our disposal will go much further, if we follow the lines of the report, than will be the case if we apply that money to the south-western part of the State. Large sums of money will be required for the purpose of steam trawlers to trawl for fish and then finally the marketing of fish is to be carried out "under Government tutelage." That is a new word, but it is a very good word. On the whole this is a very interesting and informative report, and I strongly commend it to the consideration of the Minister, especially that part which suggests the carrying out of these enterprises "under Government tutelage." Although the Government have declared against State enterprises, they are not too anxious to get rid of them, but possibly they have not in the past been carried on "under Government tutelage." Under this new method the State trading concerns may take on, and we may add this one, the subject of the report of the select committee, to the list. Until I hear what the Leader of the House has to say, I do not know whether or not I shall support the report.

On motion by the Hon. G. Potter, debate adjourned.

House adjourned at 5.30 p.m.