HON. R. S. HAYNES: Not for a moment. Look at the enormous power Judges have now! I wish magistrates would be only as careful as the Judges are. I have seen magistrates order imprisonment here and imprisonment there without a fine, and flogging, and so on, but the Judges never do it.

HON. J. W. HACKETT: They always let them off.

HON. R. S. HAYNES: I have much pleasure in supporting the second reading, and hope the House will pass the Bill without amendment, and that it will pass in another place without any amendment.

On the motion of the HON. F. M. STONE the debate was adjourned until the next sitting.

ADJOURNMENT.

The House adjourned at 5·45 p.m., until the next day.

Legislative Assembly,

Tuesday, 18th July, 1899.

New Member (Geraldton)—Papers presented—Question: Rottnest Cable or Wireless Telegraph—Sale of Liquors Amendment Bill, first reading—Bills of Sale Bill, first reading—Motion: Commonwealth Bill, Financial Clauses, etc.; to Refer to Joint Committee, adjourned—Evidence Bill, third reading—Criminal Evidence Bill, third reading—Perth Mint Bill, third reading—Supreme Court Criminal Sittings Bill, in Committee, 2nd Clause onward: reported—Dog Act Amendment Bill, second reading, in Committee, completed—Adjournment.

The DEPUTY SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

NEW MEMBER (GERALDTON).

The DEPUTY SPEAKER reported the return of election writ issued by him for the extraordinary vacancy at Geraldton; and that Mr. Richard Robson had been elected in room of Mr. G. T. Simpson.

MR. ROBSON (introduced by Mr. Illingworth), having taken and subscribed the oath required by law, took his seat.

PAPERS PRESENTED.

By the PREMIER: 1, Draft Commonwealth Bill as amended by Premiers' Conference; 2, Report of Department of Agriculture for half-year ended 31st December, 1898; 3, By-laws for management of Fremantle Cemetery; 4, Telegraphic Correspondence between Premiers of New South Wales and Western Australia with regard to Commonwealth Bill; 5, Return showing names of and payments to Western Australian representatives at Federal Conventions, as moved for by Mr. George.

Ordered to lie on the table.

QUESTION—ROTTNEST CABLE OR WIRELESS TELEGRAPH.

MR. SOLOMON asked the Director of Public Works, whether the laying of the cable to Rottnest had been arranged for?

THE DIRECTOR OF PUBLIC WORKS (the Hon. F. H. Piesse) replied: The Agent General has been instructed to forward two sets of wireless telegraphy apparatus, if advised by the Imperial postal authorities that it is reliable; otherwise to forward at once 12 knots of suitable cable.

SALE OF LIQUORS AMENDMENT BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

BILLS OF SALE BILL.

Introduced by Mr. JAMES, and read a first time.

MOTION—COMMONWEALTH BILL, FINANCIAL CLAUSES, ETC.

TO REFER TO JOINT COMMITTEE.

THE PREMIER (Right Hon. Sir John Forrest): I beg to move, in accordance with notice:—

That the Draft of the Bill to constitute the Commonwealth of Australia, as finally adopted by the Australian Federal Convention at Melbourne, in the colony of Victoria, on the 16th March, 1898, as amended at a Conference of the Prime Ministers of New South Wales, Victoria, Queensland, South Australia, Tasmania, and Western Australia, which sat at Melbourne on the 28th, 30th, and 31st of January, and the 1st, 2nd, and 3rd February, 1899, be referred to a Joint Select Committee of both

Houses of Parliament for consideration, and to report not later than Tuesday, the 5th September next.

I have to-day laid on the table of this House the Draft Bill to constitute the Commonwealth of Australia, as passed by the Convention delegates who were appointed by this House, but as amended by the Conference of Premiers which met in Melbourne at the end of January and the beginning of February of this year. The course I propose this House shall take seems to me to be the one which is in keeping with what is due to the Parliament of the country. This colony took part in the Convention which met at Adelaide, Sydney, and Melbourne, and which framed the Constitution to constitute the Commonwealth of Australia. The terms of the statute under which the delegates were appointed, and by the authority of which they went to these sittings of the Convention, and took part in the deliberations and in the conclusions that were arrived at, clearly set forth that, after the Bill had been framed it was to be submitted to the Parliament of this colony, and if the Parliament approved of it, the Bill should be then submitted to the decision of the electors. Nothing can be more clear and explicit than the terms of that statute in regard to the intention of Parliament; but for various reasons, all of which I have no doubt hon. members are aware of, the Bill, as approved of by the Convention, never got to that stage when it would be placed on the table of the House to be dealt with by Parliament, because of the action of the Government of New South Wales, which Government did not feel able to concur in the Commonwealth Bill after it had been framed. You will all remember that even while the Bill was being framed, the terms on which it should be submitted to the people of New South Wales, in regard to the majority that should be considered sufficient to carry the Bill, were altered. At first it was said if 60,000 persons voted for the Bill, that would be sufficient. The Parliament of New South Wales, however, altered that to 80,000; and, as hon. members are aware, that number of persons did not vote for the Convention Bill, and the Bill lapsed. As our statute, 60 Vict., No. 32, provides that three colonies were to federate before we could join them, and that one of those colonies was to be New South Wales; therefore, when the colony of New South Wales refused to accept the Commonwealth Bill, we were not able under our statute to proceed any further with the measure. The object I have in view in moving the motion is that the intention of Parliament, as laid down in the Enabling Act of 60 Vict., No. 32, should be carried out; in order that Parliament should have an opportunity of investigating the subject and expressing its opinion upon the Bill. I do not suppose any one is able to say in this House, or anywhere else in Parliament, that it was ever intended for a moment that the Parliament of this country was to abrogate its functions in regard to this measure, and that all it had to do was to receive this measure from the Convention, and pass it on, as a matter of course, without investigation, and without expressing an opinion on it, but *nolens volens* send it to the people at once. There was no such intention in the mind of any person who took part in framing that Act, 60 Vict., No. 32, that if approved by Parliament the Bill should be submitted to the decision of the electors; and that being so, I take it that my action to-day, in moving that this Bill be referred to a Joint Select Committee of both Houses of Parliament, is absolutely in accord with the intention of Parliament when we framed the Enabling Act, and when we appointed delegates to take part in framing the Constitution Bill. It is a curious thing, perhaps somewhat, at any rate, that there should have been so much discusion in the other colonies, and even in this colony, in regard to the Bill, and yet that the matter should never have been brought before Parliament until to-day. The Bill, however, is now before Parliament, not as passed by the Convention, mind you, but as amended at the Premiers' Conference; and, of course, I may say that, although I was a member of the Conference, we had no mandate from Parliament to amend that Bill, but we took on ourselves to suggest amendments, knowing full well, however, that we had to come back to the Parliament and obtain their assent to any alterations that were made, before submitting them to the people. In all the other colonies, as hon. members are well

aware, the Governments had previously submitted the Convention Bill to the electors. In Tasmania, in Victoria, and in South Australia, the Bill had been passed with acclamation; but in New South Wales it had not passed by the requisite majority. New South Wales being the mother colony, and the richest and most prosperous of all the Australian colonies, she was able to say to those other colonies which had received the Bill with acclamation, that she required better terms. That was the reason why the Bill did not come before this House long ago; but, seeing we could not join in any federation under our Enabling Act unless New South Wales was one of the colonies federating, it has come about that this Bill has never been on the table of this House for consideration until to-day. We all know that New South Wales having refused to accept the Bill by the necessary majority, at once set about, altogether without reference to the Convention, to see what they ought to do, to see what terms would suit them, in order to enable them to join the other three colonies which had expressed an opinion in favour of federation. And we know the terms that the Parliament of New South Wales dictated – because it is no use mincing matters: there was an absolute dictation on the part of New South Wales on some points, although other matters they did not consider so vital. The first point New South Wales considered vital, and that they demanded, was that the Commonwealth capital should be in New South Wales. Well, most people thought that the colony of Victoria would not accept such a dictation. I myself thought that Victoria would not accept that dictation; but it was generally admitted by everyone who had considered the matter, that the capital of federated Australia would be either in Victoria or New South Wales; and no one ever expected it to be anywhere else. South Australia had no reason to hope it would be there; Tasmania had long since given up the hope of having it there; Queensland was not in the Convention at that time, and even if she had been, the climate of Queensland would have prevented that colony from setting up a claim to have the capital there; and Western Australia is so isolated and so far away, that any idea of having the capital here never occurred to anyone.

Mr. Illingworth: Did you not propose Bunbury?

The Premier: New South Wales insisted on the capital being in New South Wales; and, to the surprise of everyone, Victoria conceded the point. The next thing that New South Wales demanded was that the power of the Senate should be weakened—that power which had been attempted to be so carefully guarded in the Convention, for giving some security to the smaller States represented in the Senate. That, too, if not demanded, at any rate was asked for, insisted on, and eventually was granted. There is no doubt about it, and everyone will agree, I suppose, that the position of the Senate was weakened thereby. Then there was what was called the "Braddon clause," which was that three-fourths of the net revenue of customs and excise should for all time be returned to the States. That term was reduced to ten years, leaving the Parliament afterwards to deal with the revenue if it thought desirable to do so. And there were many other matters, all of which no doubt are familiar to hon. members. I only mention some of the more important, on which New South Wales made demands that the Convention Bill should be altered to suit her. It was contended that New South Wales being, or thinking she was —and her representatives did not hesitate to say so—the more important and the richer of the colonies, therefore she was entitled to make the best terms. Everyone considered there could be no federation unless New South Wales joined; therefore, one need not be surprised at the feeling being abroad in Australia that the people of New South Wales should desire to "make something out of it." We know very well—though I am not going to give the reason to-day—that South Australia and Victoria and Tasmania were red-hot for federation; that they were most anxious for it, carrying the Bill by acclamation. Therefore, it is not surprising that New South Wales, when she found those other colonies very eager to get her into the partnership, hesitated before agreeing to it, and insisted on investigating the matter from her own point of view, to see what reason there was for those other colonies being so anxious

to induce New South Wales to join them in a federation. There is no doubt that New South Wales acted wisely, for she knew what she was doing; knew she had the whip-hand, and that she was in the premier position; and, therefore, she asked for conditions or insisted on concessions, and she got them. The people of these colonies, whether in Western Australia, in New South Wales, in Victoria, in Queensland, in South Australia, or in Tasmania, are pretty much the same kind of people, for we come from the same race, and are of the same character. Then why was it, we may ask ourselves—and I can answer the question—why was it that New South Wales and Queensland, and I may say Western Australia too, were less eager for federation than were Victoria, South Australia, and Tasmania? The reason I give is this, and I think it will appeal to our business interests and our common sense, that the Bill as framed was more suitable to the material interests of Victoria and South Australia and Tasmania than to the material interests of the other colonies. I think that is the only real and proper answer, unless you are to imagine that they are a different class of people living in those other colonies, a different race and having a different character, as compared with those living in this colony. The real fact is we are all the same people: we are all anxious to do the best we can for ourselves; we are all actuated by the same motives; we all desire to be one people; we all know that we have one destiny, that we belong to the same great empire, and that our fortunes for good or for ill are wrapped up with that great empire. We all know that. It is no use for one class of people to say they believe in "one people and one destiny" more than another section of the community do. You may depend upon it, people of the British race are pretty much alike, whether they live in one colony or in another; and I say the reason why Queensland, Western Australia, and formerly New South Wales, have been less eager to join in this great movement is because they have felt that their material interests were not safeguarded in the Federation Bill, while on the other hand the people of Victoria, South Australia and Tasmania have believed that their interests were safeguarded under this Bill. That being so, what is our duty? It seems to me that our duty is as clear as possible. Our duty is not to say whether this Bill is unsuitable, or that federation is undesirable because this Bill is unsuitable. No; our duty as a Parliament is to examine this Bill; and it seems to me that the best way we know of under our constitution, and while Parliament is sitting, in order to have anything examined and have light thrown on it and investigated thoroughly, is to appoint a select committee. On important questions we go farther and ask a joint select committee of both Houses to be appointed to investigate the matter. I say deliberately, with a full sense of the responsibility which I take, that it would be unreasonable, absolutely unreasonable—I will go farther and say it would be improper—to ask the Parliament of this colony to send this Bill to the people of the colony, asking them to give a decision upon it, before Parliament has examined the Bill; more especially when, by the very Enabling Act which provided for our being represented at the Convention, and provided for the appointment of the delegates, it was distinctly stated that the Bill should not be sent to the people of the colony for approval until Parliament itself had approved of the Bill.

MR. LEAKE: What would be the result if the Legislative Council were to reject this proposition?

THE PREMIER: I am not here to look into results before they come. When results do occur, then will be time enough for this House to deal with them. I am not going to anticipate what may happen. I am not going to anticipate that the Bill will be rejected by Parliament, or that it will be approved by Parliament. When any of these events occur, then will be the time for me——

MR. JAMES: To jump on a rail.

THE PREMIER: To find out the course that I think I ought to take. That is my opinion in regard to this measure. Of course we know there are plenty of people in this colony who would altogether forget, if they could, that there was ever such a statute in existence as that of 60 Victoria, No. 32.

HON. H. W. VENN: No one wishes to forget it.

THE PREMIER: I know the hon. member's high sense of right would not

permit him to forget it. I am not referring to anyone in this House, but I state that there are lots of people who would like to forget, if they ever knew, that there is such a statute, which called our delegates into existence, which appointed us as delegates and gave us the only authority we ever had to take part in the Convention.

MR. MORGANS: Not one out of a hundred knows it.

THE PREMIER: There is a good deal of sentiment indulged in by some people in this colony, and especially on the goldfields; there is a good deal of glamour indulged in by newspapers in some parts of the goldfields; but are we in Parliament to follow the advice of those people, or the opinions of that class of newspapers?

MR. JAMES: Or any other class.

THE PREMIER: I do not know about "any other class." As to the class I refer to, I ask: are they loyal to the colony of Western Australia?

A MEMBER: No.

THE PREMIER: Are they honest and truthful, or are they untruthful and unscrupulous?

A MEMBER: Yes.

THE PREMIER: I go further and say: do not the writers in these newspapers make their living by defaming the whole of the people in the colony, except those on the goldfields? A friend of mine, whose name I cannot mention, though he is well known to hon. members, told me the other day he was asked his opinion in regard to federation. He said he had not considered the matter sufficiently to enable him to give an opinion on so important a question; but that if he had to give an answer at once he would say that, judging from the sort of people who were advocating it and the sort of newspapers that were supporting it, he would be forced to say he was against federation. So I say, if we come closely home and look at the sort of advice and assistance to be obtained from those who pose as the great advocates of federation, those whose eloquent words paint all the glories that are to come to us from federation, and all the great advantages not only to us as a colony, but also to each individual in it——

MR. EWING: Are you not an advocate of federation?

THE PREMIER: What do we find? We find that the other day, at Geraldton, a gentleman who was formerly one of the most professed advocates of federation, throwing his ideas on federation absolutely to the wind in order to gain two or three votes. If we are to depend on such advocates of federation in the country, and on such advocacy in the newspapers—I do not say in all newspapers on the goldfields or elsewhere, but in a certain class—if these are the advocates to whom we have to look for advice, if these are the advocates who turn from their opinions for the sake of gaining a few votes——

MR. LEAKE: "*De mortuis.*"

THE PREMIER: Then I say: am I not justified in asking this Parliament to look into the matter for itself, and to investigate this question in the best way it can, and with the machinery it possesses? I say our duty is absolutely clear. We have a great deal of advice, some good, some bad.

MR. VOSPER: Some indifferent.

THE PREMIER: Very indifferent; but I think the time has come now when we must deal with this question for ourselves as a Parliament. Hon. members have seen that already, even in the eastern colonies, an attempt has been made to coerce—I think I am not using too hard a word—to coerce the people of this country; for I find on the table of this House, in a paper which I placed there this afternoon for the information of members, that I am told that delay or isolation will not tend to the advantage of what is, I am glad to see, called our great colony in relation to the Commonwealth; and I am reminded in that paper—I think the reminder is unnecessary—of the promises I have made, and in effect I am told to keep up to the mark, that I promised this or I promised that, and that they look to me to fulfil the promise.

MR. VOSPER: If you do not, it will be worse for you.

THE PREMIER: My hon. friend (Mr. Leake) told the people, when he was visiting Geraldton the other day, that it was the bounden duty of this Parliament to carry out the pledges which the Premier of this colony had

made at the Premiers' Conference in Melbourne. My idea is that this House is in no way bound so to do.

MR. LEAKE: Why did you do so, then?

THE PREMIER: I never bound this country or this Parliament. If hon. members will look at the resolutions passed at that Conference they will see what I proposed and what I agreed to. I agreed to submit the Bill, as altered, to Parliament.

MR. LEAKE: Not to the people?

THE PREMIER: No; to Parliament, for reference to the people. Did I mean by that, that Parliament was to be made a sort of "shoot" by which this Bill was to be sent on to the people, and that Parliament was to have nothing to say about it? If hon. members will read the report of those debates, they will see that such was not the case. It must be recollected that I was in a very difficult position at that Conference of Premiers. I was only one among six. All the others were banded together and were of the same opinion; and I naturally did not wish to be singular if I could help it. No one does. And, besides, I repeatedly urged upon that Conference many things which were not agreed to. I urged that there should be an expression—I think I may say this—a friendly expression of opinion there, as to the transcontinental railway.

MR. VOSPER: Hear, hear.

THE PREMIER: I was unable to obtain it.

MR. MORGANS: Why were you unable to obtain it?

THE PREMIER: Because the Conference was very unwilling to burden the Federal Constitution with any more amendments than were absolutely required by the Premier of New South Wales.

MR. MORGANS: It is very kind of you to put it in that way.

THE PREMIER: They would not consent to express an opinion. Hon. members will notice that the Conference did nothing, in fact, except those things which were required to be done by the Premier of New South Wales. No other resolutions were carried at that Conference.

MR. A. FORREST: The railway would not suit South Australia.

MR. ILLINGWORTH: It ought to suit that colony very well.

THE PREMIER: I think that we, who live in an isolated part of Australia, are at all events self-contained. We are separated from the other colonies by a thousand miles of unoccupied territory, and have hitherto had to get on by ourselves as best we could; and I hope we shall be able to do so in the future. I do not say for a moment that it may not be desirable for us to federate with the other colonies, for our mutual benefit. That is what I think we all look forward to: at any rate, I have looked forward to that prospect for years, and I desire it now. But I say our duty here is to get on with our work; our duty is to consider this Bill without fear and without any wavering. I may point out also that we are not free agents in this matter; that we have not the power, or at all events we have not the right, to abrogate our powers as a Parliament. We are representatives; we have constituents; and we have no right, for the gratification of anyone, to pass this Bill as if it were a measure about which we did not care twopence, and of which we did not approve. We have no mandate from the people of this country to abrogate our trust, and to hand it over to a mass vote, or to what is termed a "referendum." What right or mandate have we, sitting here in Parliament as representatives of our various constituencies, to say that we will not investigate this Bill, that we will take this Bill as framed by people in other parts of Australia, and will submit it to a mass vote, to a *plebiscite* of the people of this country; that we will abrogate our functions, when we have no right whatever to do so? We were not sent here to act in that fashion, and we have no right whatever so to act. I ask, where is our authority? I ask hon. members who are learned in the law, where is our authority? I ask everyone, where is our authority to give up our powers, our rights and our privileges as representatives of the constituencies of this country? (SEVERAL MEMBERS: Hear, hear.) But we have a duty to Australia in regard to this measure; and our undoubted duty to Australia is to carefully and honestly examine this Bill, and if we are in favour of it, if we think it is a Bill which will serve our interests and

promote the good of Western Australia, then I think we have a right, having decided for ourselves as representatives of the people that it is a good Bill, that it is a Bill which will meet the requirements of this colony and will tend to the advantage and prosperity of our own people—then we have a right to say we have done this, we have performed our duty; but that in this great work, in this great movement, we will be fortified by even an additional check, by an additional authority; that therefore we will send this Bill, of which we approve and with which we were sent here to deal—we will send this Bill to the people of the colony for their decision. Thus, in addition to our own judgment, in addition to what we think is necessary and right, we shall have another check, we shall get additional authority for proceeding with this great work; and this we will do by asking the people of the colony if they too approve of what we think is right and for the best. I say it is our duty to the people of Australia carefully and honestly to examine this Bill. Having taken part in those three Conventions, it is our duty to the people of Australia to say whether we approve of the measure so produced; it is the duty of this Parliament to say whether we approve or disapprove of it. But if we do not approve of the Bill as it stands, it is, in my opinion, our bounden duty to tell the people of Australia in what respects and for what reasons we do not approve of it; and I think it is our duty to the people of Australia to do this as soon as possible, so that they may know for what reasons we feel ourselves unable to federate. There is no doubt that the general idea is in favour of our being united; and the only reason which will keep us apart is that this Bill does not suit our conditions and our circumstances. Therefore we must tell the people of Australia, tell them with all courtesy and fairness, that this Bill which has been framed with such care does not meet our particular requirements; and that if it were amended in such and such a way—if this Parliament considers it requires amendment—we should be only too glad to join with them in this federal movement.

Mr. James: Suppose the people want to join now, and Parliament will not permit them?

The Premier: I do not see how the people come in yet, by any law. Perhaps the hon. member will give us a dissertation on law and on the Constitution.

Mr. James: As regards that, Parliament can do as it pleases.

The Premier: I do not know that it can, in giving away this country.

Mr. Vosper: It cannot give away its constitutional privileges.

The Premier: I do not think it can. It has no power to do so. It may, but it certainly ought not to do so. After all, what is proposed to be done in this matter? The proposition I have placed before hon. members is a reasonable one. It is that this Draft Bill should be investigated by Parliament. Shall we be doing anything unusual by investigating it? Have not the other Parliaments had it before them? Has not the Parliament of New South Wales, at any rate, had the Bill before it? And has not that Parliament investigated and amended this Bill? Did not that Parliament throw the Conventions to the winds?

Mr. James: The people did that?

The Premier: Yes; but the Parliament made the conditions.

Mr. Morgans: Yes.

The Premier: The Parliament practically amended the Bill, because the Premier of New South Wales was not altogether a free agent when he went to the Conference in Melbourne, but only had in his hand the amendments passed by both Houses of Parliament in his colony, and the Bill was practically amended by the Parliament of New South Wales. It was said this Bill was to be prepared by the people; that it was to be the people's Bill; that every delegate was to be appointed by the people. I should like to know what the people have had to do with the amendments made by the Premiers, when we see that the people are now told this: "Take it or leave it: even if you do not like it, take it or leave it!" Victoria and South Australia are told to take it or leave it; Tasmania is told the same thing; and are the people, or are the delegates chosen by the people, to have nothing to do with the framing of these amendments? I say, "No." If the programme laid down in the

beginning had been carried out, another Convention would have had to be elected; another Convention would have had to sit: and those amendments must have been considered by a Convention selected by the people, instead of being altered at a Conference of Premiers. If we agree to this matter being referred to a Joint Select Committee of Parliament as proposed in this motion, I think we shall be acting fairly and reasonably; and if we do not agree to federate, we shall, after all, be able to give to the people of Australia good reasons why we are unable to join them in this great movement. Having given this matter a great deal of attention, having taken a considerable part in the deliberations of the Conventions, and being perhaps as well acquainted with the details of the Bill as most hon. members, I have very reluctantly come to the conclusion that we shall have to insist on some amendments.

MR. MORGANS: Hear, hear.

THE PREMIER: I am sorry indeed to say this. For many years I have looked forward to the time when we should have a Federal Government in Australia. I cannot say I have looked forward, as some hon. members or some people have imagined, to a useful career in the Parliament of Australia. Such a prospect, I confess, has not many attractions for me; but, at the same time, no one in the Assembly who takes an interest in public matters, and who desires to pursue a career of political usefulness, can doubt that the Constitution of Federated Australia opens out new fields for one's energy—shall I say to hon. members, for one's ambition?

MR. KENNY: Hear, hear.

THE PREMIER: There is no doubt that everything is on that side, everything for anyone who has fire and ambition, who desires to take a larger view of political matters, to be associated with higher politics—there is no doubt that the idea of a Federal Government, the idea of being a member of the Federal Parliament, has many attractions which, if one is not careful, will be likely to warp one from the true and right path. In asking hon. members to assent to this proposition, all I can say is that it would be altogether foolish for me to pretend that ideas of this sort have not at many times entered my mind; but I am glad and thankful to say I have been able to overcome any such selfish aspirations, and to acknowledge that my first duty and my first care are to look after Western Australia; that my duty is, unquestionably, to protect her interests. (General applause.) I beg to move my motion.

MR. LEAKE (Albany): I move that the debate be adjourned until Thursday.

THE PREMIER: If it is the general wish, I shall be only too glad to adjourn; but perhaps some hon. member is prepared to speak.

MR. JAMES: I thought the Premier would have pointed out where he thought amendment should be made.

THE PREMIER: Oh, no. I take it the discussion will be on sending the Bill to the Select Committee, and not on the Bill itself.

MR. VOSPER: Not on the Bill itself. We shall have an opportunity of discussing that later on.

MR. A. FORREST: Yes; when the Bill comes back from the Select Committee.

[Motion (Mr. Leake's) not seconded.]

MR. ILLINGWORTH (Central Murchison): Hon. members are fully aware that I have always been opposed to referring any important matter to a select committee. I have always said a select committee is very much of a white-washing machine; and certainly the very last Bill that should be referred to a select committee is a measure of this nature. There is one thing above another this country requires at the present moment, and that is a full, open, and candid discussion of the proposed Commonwealth Bill. Many people have been waiting for that discussion. It is impossible to present to the people in consecutive terms or in a convincing manner the questions that are involved in the Bill, from a public platform amidst the commotion that sometimes takes place, and without an opportunity of correcting and explaining statements which one is called on to make in such circumstances, and without having that calm audience to address oneself to that the importance of the Bill demands. It was with that impression on my mind that I said on a former occasion that no one had given to this Bill that careful thought—I mean of course publicly, as I do not know

what members have done privately—and attention which the vast importance of the subject demands. There is no end of questions that ought to be discussed, and discussed freely, in the presence of the people; and so far from remitting the Bill to a committee, I would much rather have seen, and I suggest to the Government the desirability of setting apart two or three weeks to the discussion of this Bill, with the understanding that no other business will be taken during that time, and that a building, such as the Queen's Hall, where a vast number of the public can attend, should be secured, to discuss the Bill in the presence of the people. What happens in committee? It is a matter of pure accident as to what the constitution of this committee may be. The select committee may be composed of a certain number of men whose foregone conclusions are in favour of sending the Bill to the people without amendment; or the committee may be composed of men whose foregone conclusions are in favour of rejecting the Bill without taking the matter into consideration at all. That would not be a fair thing. The public would not know the nature of the discussion; and the reports from select committees, as members know, are seldom read by Parliament itself. The usual course taken, or the usual consequence of the committee, is that the report is adopted or rejected almost without debate, and the whole question practically shelved. Is this what we desire? Happily we know, clearly we know, on this vexed question, there will be no partisanship in the discussion. We take it for granted that every hon. member desires to do the best he can in elucidating the difficulties surrounding the question, and intends to give the subject that attention which its importance demands. Already this question has been prejudiced by a report which has been sent out by the Government Actuary, and I have no hesitation in saying that this report is based on fallacy from start to finish. There is no sound basis for the argument and the conclusions arrived at. There are fallacies in every table, and there is an absolute fallacy in every conclusion.

HON. H. W. VENN: Assumptions.

MR. ILLINGWORTH: Pure assumptions from start to finish; and necessarily that is so, because there are no data on which an actuary can base any conclusion.

MR. MORGANS: Certainly there is.

MR. ILLINGWORTH: I say without hesitation, and I have been studying the question for a long time, that there is no basis for an actuary. There is a good deal of basis for thought and speculation, but not for an actuary to base conclusions upon. The Government Actuary has done his work in an amazingly able manner as an actuary, but the basis on which he starts is absolutely erroneous.

MR. MORGANS: Has he not taken figures?

MR. ILLINGWORTH: He has come to conclusions on figures that have no existence whatever, and he has based his final conclusions on these as to what would be the effect of a universal tariff in diverting British trade to the other colonies or colonial trade to this colony. I say there is no basis for such a thing, and I will give one instance in passing. I do not wish to discuss the Bill as a whole, but I wish to give an instance of what I mean, and I say the Government Actuary has done his work splendidly as an actuary. The figures are all correct, and the manner in which they are worked out is correct, but the actuary has been asked to do a thing that no actuary ought to be asked to do, as there is no basis on which to build an actuarial calculation. Take an instance. In this colony we have a duty of 5 per cent. on steam-engines and machinery; and supposing the Victorian tariff in that particular line is 30 per cent.; this colony at present gets a lot of machinery from England, and it gets much more from the colonies on the five per cent. tariff. At the first blush, to a man not acquainted with the ramifications of trade, like an actuary, if the five per cent. duty were raised to 30 per cent., all the machinery would come from the colonies. I am speaking of something that I know a little about, having had 30 years' experience in the hardware business, and I say that will not be the effect. The moment you put a 30 per cent. duty on the whole of the colonies, the manufacturing colony will raise its price to within five per cent. of that duty, and you practically put a protective duty on the colony where the goods are consumed of 25 per cent.; and if

you had a duty of 25 per cent. on machinery and engines, the effect of that duty would be, not the importation from the place where they are made, but the establishment of industries in our own colony. That is the conclusion that any commercial man would come to. The Attorney General shakes his head, but capable as that hon. member is in law, he is really not as well able to judge on this point as some hon. members on this side are. The effect of that one thing would be that manufactures would spring up here. Take a case in point—the manufacture of the pipes for the Coolgardie water supply—why did not Mephan Ferguson, who has machinery in South Australia, send the steel to South Australia and manufacture the pipes there where he has the machinery, and then bring the pipes here?

MR. MORGANS: The terms of his contract would not allow him to do that.

MR. ILLINGWORTH: I think that could have been got over very easily, and I am not sure whether the hon. member is correct, but I will give another illustration.

MR. MORGANS: Yes; that is not a good one.

MR. ILLINGWORTH: There are several firms in this city who are importing. But apart from this particular illustration, I say I have just as much right to say my conclusion is right as the actuary, because he has no basis. The whole thing is built on a hypothesis. The point I want to make, adverse to referring this matter to a Select Committee, is, that here we have certain information that is based on hypothesis, and I say erroneously. That may be so or not. There is another phase of this question of referring the subject to a committee. We should have a committee, say, of ten members, and we might have a majority of six or seven bringing up the report, and the report of both Houses of Parliament would be the conclusion and judgment of six or seven men.

MR. MORGANS: It is only for the guidance of Parliament.

MR. ILLINGWORTH: These conclusions would be adopted in camera, and then the very thing the Premier has been arguing about, the inadvisability of sending the Bill to the people for the people to say "yes" or "no" to it, would be brought about. That is the thing we want to avoid. There are vast issues at stake in this federation question. I do not think there is any member in the House, or any person in the country, who is sentimentally opposed to federation. A man may say he believes in federation; but we want to know whether he believes in it as a sentiment or as a principle. We have to be convinced that the basis at which we are asked to arrive is one that will be beneficial to the country—that is the question to be settled; and I say to debate so great a question in camera before a select committee, with all the kinds of interruptions that we know take place, a member in committee has never an opportunity of making a set speech on the subject, or of discussing the question to its complete and logical issue. The interruptions which take place are adverse to a complete examination of the question, and I say we cannot by a Select Committee deal with the question in the way that its vast importance demands. The only report that will come from such a committee will be unsatisfactory to the House, and eventually more unsatisfactory to the country. We want a committee in open day, and the debate before the people, and if the Bill will not stand that test, then let it not pass; if it will not stand the fullest examination, the minutest calculation and the closest argument, and the best evidence which can be brought to bear, it is a Bill that should never become law. It is an irrevocable step that is suggested to be taken, and really I do urge on hon. members the desirability of letting us have an open and free-handed debate in the fullest sense of the words. The people want education; they do not want us to "chuck" the Bill at them with the remark, "Here is the Bill: say 'yes' or 'no' to it." The thing is ridiculous! I am fully in accord with the argument of the Premier, when he says we are not now attempting to finally decide this question. I say we are not here for the purpose of transferring responsibility to the electors, thereby relieving ourselves of the vast responsibility which rests on us. But I say the electors look to us for information and guidance; and if we are not prepared to give them information and furnish that guidance, setting forth our reasons for any decision we take on the question, then we have no right what-

ever to sit in this House as representatives of the people. We are not here as delegates, but as representatives; we are expected to assist the people, to lead the people, and to give them the best guidance we can; and I say, far be it from us to abrogate any function which the people have vested in us. Let us face the responsibility that has been put on us, and, if we decide that this Bill is not such a measure as this country can safely pass, let us not shirk our responsibility and throw it back on the people who elected us, saying, when the evil is done, "You (the people) did it, and it is not our fault." I hope the Premier will not press this motion, but I hope an adjournment, as suggested by the leader of the Opposition, will be granted. At present I desire to express my strongest opposition to referring any such important question as this to a Select Committee. Let the matter be thoroughly debated in this House. Let us have it discussed and decided first in this House, next in the second Chamber, and thirdly by the people of the colony; and, if these three agree in one, we may rest satisfied that we can safely take this important step. I strongly oppose the appointment of a Select Committee on this question.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I think the hon. member who has just spoken labours under what I may perhaps call a complete misapprehension as to what is the object of this motion. The hon. member says that the tabling of this motion means, in substance, the burking of all discussion on the Convention Bill.

MR. ILLINGWORTH: That will be its effect.

THE ATTORNEY GENERAL: I desire to point out to the hon. member—and I feel sure on reflection he will agree with me—that we desire in the discussion of this question, more particularly in relation to the financial clauses, more information than is at present before us.

MR. ILLINGWORTH: You cannot get it in a Select Committee.

THE ATTORNEY GENERAL: But let me remind hon. members that the function of a Select Committee is to call evidence, and to present that evidence to this House, together with conclusions on it. Therefore, I say, let us have the most accessible evidence that is obtainable.

MR. ILLINGWORTH: There is no evidence obtainable.

THE ATTORNEY GENERAL: Well, I do think we may be able to obtain, through the medium of a Select Committee, witnesses from outside this Chamber, or at least one witness, as expert as is the hon. member himself on questions of finance; and if we can succeed in getting evidence from only one such witness, the evidence so given before a Select Committee, and afterwards laid on the table of this House——

MR. ILLINGWORTH: No man can furnish such information.

THE ATTORNEY GENERAL: I quite admit the hon. member may think he knows everything about the financial clauses in this Bill; but I do not.

MR. ILLINGWORTH: I know nothing about it.

THE ATTORNEY GENERAL: When we obtain such information, if it be obtainable, we may be educated by it; and the first thing any member of this House will desire, in trying to understand a difficult subject on which he intends to speak, is information. By what better means can we obtain this information than by appointing a Select Committee to obtain and elucidate information bearing on these financial clauses, which, I may say, form the main objection to this Bill. If that be so, I think this motion ought to go, without a doubt. On the other hand, when this information is obtained and furnished to the House, every hon. member will have the opportunity of reading the evidence, and be thereby enabled to more correctly understand the financial clauses, as far as they are capable of being understood; and, having done that, I take it there is no member sitting in this House who will hesitate to discuss candidly and fearlessly every clause in the Bill, and deliver himself of his matured opinion as to whether the Bill shall go to the people or not. The member for Central Murchison also argued that, when the Select Committee is once appointed, the effect of that appointment will practically mean that this House must send the Bill to the people to be accepted or rejected by them. But the hon. member must be aware, and other hon. members know well, that this will not be the result; for the object sought to be gained is to

obtain information which shall assist this House in discussing the Bill. If, however, the information so obtained is found to be worthless, the procedure will have been a loss of time; but if it prove to be valuable and useful to this House, then the deliberations of the Select Committee will have done some good. The more information we can obtain on this subject, the better for all of us; and if the hon. member himself will stand as a member of the Select Committee, we shall have the additional advantage of his knowledge in calling and examining witnesses before the Committee. I therefore support the motion for the appointment of a Joint Select Committee.

MR. KINGSMILL (Pilbarra): In rising to oppose the motion, I should like first to congratulate the Premier upon the speech he has delivered, for I remember none to which I have listened with greater pleasure. Yet, admirable as that speech was in some degree, I cannot see my way clear to support his motion; and my reasons for at one and the same time admiring his advocacy of the motion while myself opposing it are that, during the whole of his speech, I cannot recollect one point that he adduced in favour of referring this great question to a Select Committee. In my opinion, the appointment of a Select Committee of this House to consider the question can have only one result, and that result is delay in the consideration of the Federation Bill. I am inclined to support the view of the member for Central Murchison (Mr. Illingworth), in that we will get very little information from the Select Committee when it reports to this House; for I am inclined to think that, if hon. members have the Bill itself brought down in due form, and read a first time shortly, and the second reading made an order of the day for perhaps a month hence, then every member who considers his duty to the country and to his constituents will be conscious that it is part of his duty to thoroughly study the Bill, and to gain as much information for himself as he possibly can. I maintain that any member of this House who takes the trouble will be able practically to obtain the same information as will be laid before the Select Committee; and, as I have said, the appointment of a Select Committee can tend only to delay, whereas I am sure the Premier cannot have that object in view.

MR. MORGANS: Certainly not.

MR. KINGSMILL: I do not see why this House in particular should depart from the usage that has been adopted in the Parliaments of other colonies in Australasia, for in the New South Wales House and in the Queensland House this Bill has been considered by a Committee of the whole House, and not by a small body comprising a Select Committee, and that is the course which I would strongly urge this House to pursue. I cannot see that our position on the 5th September, which is the date on which the Select Committee is to report if the motion be carried, will be any different from what it is now. I am not a great believer in the information that will be gained through the inquiry of a Select Committee; and the recommendations of that Committee will be laid before us to adopt or reject, so that, in considering the report from that Committee, precisely the same points will arise as are likely to arise now if we debate the question straight away.

MR. MORGANS: The object of appointing a Select Committee is to get information on the financial clauses.

MR. KINGSMILL: As I have said, any private member who takes the trouble can gather just as much information about financial matters, or any other man may do so by applying himself to the task, as he will be able to gather from such investigations as a Select Committee can make. The course I favour would be to take the first reading of the Bill now, and debate it on the second reading upon a date, say, a month hence; and I am sure a Select Committee could afford us no more information than the Premier himself, who has occupied the proud position of Premier of this colony for nine years—no Select Committee could give us more information than the right hon. gentleman could give, such as would weigh with the House on this important question. I am thoroughly sincere in expressing that opinion, and I do not think we can gain any further or any better information from any actuary or other kind of witness who may be called in regard to the financial clauses of the Bill, than we can obtain from the Premier in this House. I therefore shall

give the present motion my most hearty opposition.

[A pause ensued.]

MR. GEORGE moved the adjournment of the debate.

MR. LEAKE seconded the motion (the previous motion not having been seconded).

The date for adjournment was, after various suggestions, fixed for the next Thursday, and the motion in this form was put and passed.

EVIDENCE BILL.

Bill read a third time, and transmitted to the Legislative Council.

CRIMINAL EVIDENCE BILL.

Bill read a third time, and transmitted to the Legislative Council.

PERTH MINT AMENDMENT BILL.

Bill read a third time, and transmitted to the Legislative Council.

SUPREME COURT CRIMINAL SITTINGS BILL.

IN COMMITTEE.

Consideration in committee resumed.

Clause 2—Criminal sitting to be held in every month except January and February:

MR. LEAKE: Unless the Attorney General were prepared with some comprehensive amendment which would take the sting out of this clause and consequently render the Bill useless, he (Mr. Leake) would move that the clause be struck out.

THE ATTORNEY GENERAL moved that Clause 2 be struck out, and that the following words be inserted in lieu thereof:

> After the commencement of this Act, the Supreme Court criminal sittings at Perth shall be held monthly, except in the months of January and February.

This amendment would change the quarterly sittings of the Supreme Court in its criminal jurisdiction into monthly sittings.

MR. LEAKE: The objection urged by him on the second reading applied with equal force to the proposed amendment. The court contemplated by the Bill would necessarily be a court of gaol delivery, and would materially interfere with the administration of justice. The Supreme Court already had power to do what the Bill declared should be done, and we had no assurance that the Judges had recommended this step, or that it was necessary. The Committee should divide on a matter of such importance. If the clause passed, the Government must accept the responsibility for the time of the Judges being occupied, to an extent hitherto unknown, in hearing applications for writs of *habeas corpus* for the discharge of prisoners. The member for the Ashburton (Hon. S. Burt), who he hoped had not changed his views, would surely join in opposing the amendment. If that hon. member agreed with him, he would press for a division. He urged the Attorney General to withdraw the Bill—a measure neither workable nor necessary.

THE ATTORNEY GENERAL: The Bill was introduced, firstly, to relieve prisoners awaiting trial. At present the criminal sittings were only held quarterly, and a man might be committed for trial and remain in gaol for three months before being tried. This was very severe treatment for a man who was presumed to be innocent. Further, in view of the large increase of the population of Perth, Fremantle, and the surrounding districts, the time had arrived when monthly criminal sittings should be held; and besides the injustice of the present system to prisoners, witnesses in criminal cases had to be kept waiting in Perth for three weeks or a month at a time before their particular case could be heard, because of the accumulation of cases at each quarterly sitting. As every trial was presumed to be heard on the first day of the criminal sittings, the Crown was obliged to have all its witnesses present on that day. So strictly was this rule observed that every prisoner's sentence commenced as from the first day of the sittings. The maintenance of such witnesses involved a large expenditure, and the passage of the Bill would effect a saving of close on £2,000 a year in witnesses' expenses. The convenience of the witnesses should also be considered, for many of them could gladly pay to be relieved from the duty of attending daily till called. It was hard to see how the Bill could prove unworkable, for in the capitals of all the other colonies there were

monthly criminal courts, and the time had arrived when similar courts should be held in the capital of this colony. The measure would work a great deal of good, and he did not anticipate the evil which had been pointed out by the member for Albany. The Judges had their duties to perform, and did not hesitate to grant the postponement of a trial if good reasons were given. As to the duties of the Judges being increased, if the quarterly sittings were divided into monthly sittings, what practically would occupy a month in one circumstance would only occupy a week in another, so that instead of the criminal sittings lasting as they did under the present system sometimes a month, generally three weeks, under the proposed arrangement the sittings would last seven or eight days.

MR. LEAKE: The Attorney General was in error if he supposed that he (Mr. Leake) was against the Supreme Court sitting in its criminal jurisdiction every month. What he wished to point out was that the Court could sit once a month now without enacting it in the Bill. If the Attorney General could say that the Judges of the Supreme Court recommended the Bill, there might be something in it; but he understood that the Judges had not recommended it. As to saving witnesses' expenses, he could not follow the argument of the Attorney General.

THE PREMIER: A man might be kept a long time in prison awaiting trial.

MR. LEAKE: There was such a thing as bail.

THE ATTORNEY GENERAL: A man oftentimes could not get bail.

MR. LEAKE: Supposing a man was committed for trial to the next sittings of a Criminal Court, the witnesses were bound over to appear, and possibly those witnesses might have to come some distance to the Court, therefore they would have to start almost at once. On arrival these witnesses might find that for some reason the Crown was not ready to go on with the case, and an application was made to put the trial over for another month. These witnesses would have to be paid twice over. He was speaking from experience, having held the position of Public Prosecutor, and was not raising any factious opposition. The object the Government had in view could be obtained without the introduction of the Bill. If the Bill passed, it would cause trouble, which the Attorney General did not seem to have anticipated.

THE ATTORNEY GENERAL: The Supreme Court could pass a regulation to-morrow making the criminal trials monthly, instead of quarterly, he was quite aware, but would it be a fitting position for the Government to take up, to make a recommendation to the Supreme Court Judges, and find that the recommendation was not acceded to? The Government could then take up no other position than to coerce the Judges, and that was not a proper position for a Government to take up. The measure was one that the Legislature should be consulted about, and if it were apparent to the common sense of hon. members that criminal sittings should be held monthly instead of quarterly, the Committee would say so. If not, members would negative the Bill. What objection could there be to having monthly instead of quarterly sittings? It had been said that a person might be committed for trial, and the witnesses would only just have time to pack up and start for Perth to attend the trial; that on arrival here the witnesses might find that the trial was not to be proceeded with, and in this way two lots of expenses would be incurred. The Crown Solicitor, who ought to know his duty, would intimate the date on which a trial would be held, and if the trial was not to be proceeded with, the Crown Solicitor could telegraph to the witnesses.

HON. S. BURT: The Legislature had already enacted that the Judges should sit at such times as they thought fit: that was in the Supreme Court Act of 1880. He would like to know whether the Judges had been consulted, or had it been pointed out to them that it was desirable for them to sit in criminal cases monthly? It would be of some advantage to have monthly sittings, but he did not think it would conduce to the saving of much expense, although there was an advantage in knowing that a man would be brought to trial more speedily than once a quarter. But the Judges could make a rule in five minutes to sit once a month. Had the Judges been consulted? If so, we should be told whether they had any objections to the

course proposed. Having decided by Act of Parliament that the Judges themselves should fix the sittings, it was only polite to ask their opinion when it was proposed to alter that decision. Perhaps on the slightest hint the Judges would have acceded, or the Judges might be of opinion that until some move was made, or some request was made to them, it was no business of theirs to alter the present sittings. At any rate, the Judges should have been consulted before any proposals were made to this House. He questioned the saving of expense in a large place like Western Australia. A man might be committed for trial in a far-off locality. When a person was committed for trial to Perth, the witnesses were bound over to appear. A man might be committed for trial in the middle of a month in some far-off place, and the witnesses would have to pack up and come away at once. The Crown Solicitor might not have time to advise the witnesses, but the Judge might think there was time to get the witnesses down. The witnesses were bound to appear, although they could be stopped by telegram, but he did not know that a witness would pay attention to a telegram, as he would have his recognisance in his pocket binding him to appear under a penalty of £100. It was questionable whether expense would be saved to any great extent. In his time a prisoner had been discharged when it had been absolutely impossible for the Crown to put the man on trial. Supposing the depositions arrived one night, and the next day was the last sitting-day of the Court, and if it was the view of Judges that they had to clear the gaol once a month, they would have to deal with the person who had been committed for trial. If it was thought desirable to have monthly sittings, the Judges ought to have been asked to exercise the power the Legislature put in their hands; and unless that had been done, the Committee would not be acting rightly in saying the Judges should sit monthly. In the circumstances he did not feel satisfied in giving his vote in favour of the Bill.

At 6·30 p.m. the Chairman left the Chair.

At 7·30, Chair resumed.

THE PREMIER: The only object the Government had in introducing the Bill was to obviate the necessity of keeping so long committed those persons who were awaiting trial, and it was further thought the passing of the measure would tend to economy. It was a very expensive business keeping committed persons for two or three months, and also maintaining witnesses in the city waiting for cases to be heard. After all, the first thing to be considered was the liberty of the subject, and a man should not be kept waiting for trial longer than was absolutely necessary. As to the Judges being consulted, he did not think their honours would really care whether the trials were monthly, every two months, or every three months. He had casually and privately mentioned the matter to the Chief Justice, and, so far as he could gather, Sir Alexander Onslow raised no objection; but he (the Premier) would not like to make a point of that in favour of the Bill. It was for the Legislature to say when trials should take place, and for the Judges to conduct the trials; and if monthly trials were found inconvenient, it was open to the Judges to ask for more assistance. If Parliament thought there ought to be a gaol delivery monthly, he did not see why the Judges should oppose the Bill. One argument against the measure was that it was possible under the present law to have monthly trials; but, if that were so, where was the objection to embodying the power set forth in a statute? He as Treasurer complained very often to the Crown Law Department about the great expense of keeping prisoners and witnesses waiting; and any proposal to obviate that state of things ought to be welcomed by the Committee. The only difference of opinion, as far as he could gather, was whether the monthly trials should be instituted by regulation at the request of the Government, or by statute. It was a terrible thing to keep an accused person waiting three months for trial, and the Government should be supported in any attempt to deal as quickly as possible with offenders, and liberate the innocent to resume their ordinary occupations. He had heard no sound argument against the Bill, which, in his opinion, would not interfere with the Judges, who did not mind, he supposed, whether

they were trying civil or criminal cases.

MR. WALLACE: This Bill was of the kind which usually placed hon. members in an awkward position. It dealt with matters generally left to the legal members, and when these members were found differing, as they had differed to-night, it suggested there was something in the Bill worthy of consideration. The member for Albany (Mr. Leake) had urged that there was already an enactment empowering the Judges to carry out the desired object, and the only other objection raised was by the member for the Ashburton (Hon. S. Burt), who considered that if the Bill were passed without consulting the Judges, there would be a non-observance of professional etiquette. Notwithstanding what the Premier had said as to one Judge not opposing the Bill, the better course would be to report progress, to enable the legal members of the House to discuss the question. If a division were taken on the clause, as he thought there would be, members who voted for it might be charged with passing legislation detrimental to the learned Judges; and without referring to the advantages of the Bill, as presented by the Attorney General, he did not feel disposed to vote in his present ignorance of legal technicalities. If he did vote, however, he would vote with the Attorney General, whose arguments in support of the Bill were the best which so far had been submitted to the Committee.

MR. VOSPER: Like the member for Yalgoo, he was completely in the dark as to the value of the Bill. If the Government were in earnest about the matter, they would endeavour to put in force the Circuit Courts Act, passed the session before last. The introduction of this Bill seemed only another excuse for keeping that Act in abeyance, and he thought that if this were passed, there would not be any great saving to the country. In the session before last the Legislature agreed we should have the whole loaf, and yet the deliberate resolution of Parliament was negated by the action of the Government in bringing in this Bill, which was to perform one half of the work the former Bill was supposed to do. He should follow the member for the Ashburton in the matter.

MR. KINGSMILL: Like the member for North-East Coolgardie (Mr. Vosper), he felt inclined to follow the member for the Ashburton.

THE PREMIER: Did the hon. member want to keep people in prison?

MR. KINGSMILL: We already had the necessary legislation. No evidence was forthcoming that the Judges in the colony would be unwilling to accede to the wishes of the Government, if those wishes were expressed to them. He felt inclined to vote for the amendment.

MR. A. FORREST: The lead of the member for Pilbarra would certainly not be followed by him, for the Bill appeared to be drawn on safe lines, and to be one that the House should accept. Surely, if a man was committed for trial, there was no good reason why he should be kept in prison three months. The sooner he was tried, the better for himself and the country. There might be laws which members said were in existence, but to his recollection they had never been carried out in this colony for forty years, and they were not likely to be carried out. The Government appealed to the House to say that on the score of expense this clause should be passed. The whole thing seemed to be in a nutshell, and he was surprised at the course taken by the member for North-East Coolgardie, who was supposed to represent the workers and a great many of the criminal classes [general laughter], more so than most members, because in half the districts the number of criminals was small.

MR. VOSPER: There was a fair share in West Kimberley.

MR. A. FORREST: There must be more criminals in large districts than in small ones. It did not require a tremendous lot of brains to see the object of the Bill. It was not a matter upon which the Judges should be consulted, but a subject for Parliament to deal with. The Judges were under Parliament, and both Houses could remove them; so certainly Parliament could dictate to them what work they were to do.

MR. LEAKE: The Judges already had the power.

MR. A. FORREST: The Judges never carried it out, to his knowledge, for forty years.

MR. LEAKE: It was a Government matter.

THE PREMIER: The Government had no power.

MR. A. FORREST: We employed the Judges, and expected them to do the work; and if more work was required, and they were unable to do it, we must obtain more Judges.

THE ATTORNEY GENERAL: The member for Albany (Mr. Leake) had pointed out that the whole objection to the Bill lay in this, that the Judges had the power to make this amendment to-morrow if they chose, and there was no necessity for the Bill.

MR. LEAKE: That was one objection.

THE ATTORNEY GENERAL: This was the answer to it. If up to the present no alteration or amendment had taken place in regard to criminal proceedings, it argued that the learned Judges thought they were justified in only holding quarterly criminal sittings. That was the point.

MR. LEAKE: The Government could ask the Judges to hold sittings more frequently.

THE ATTORNEY GENERAL: The Judges and every member of the House must know that the business had grown apace for the last ten years, and certainly for the last three or four; and, in the consideration of the administration of justice, if the Judges were overworked, civil proceedings must give way to criminal trials, the criminal trials first because they concerned the liberty of the subject. Why the argument he had referred to should be used against the Bill, he could not understand for the life of him. The Judges could have made an alteration; but had they done so? He was told that he ought to have consulted the Judges before introducing the Bill; but he repeated that it would not be right to consult them about matters concerning the welfare of the community. It would be a bad precedent. The question was not whether the Judges had the power or not, but that they had not exercised it. He spoke with a little warmth on the subject, because he felt sure all the arguments were on the side of the Bill. It was introduced for the benefit of the community, to give speedy trials to people in gaol, and also to secure economy by lessening the expenses of witnesses. What answer could there be to that?

MR. GEORGE: It was not often he had an opportunity of agreeing with the Attorney General, but he did so with regard to the Bill. It was an old saying that he who paid the piper had a right to call the tune. We paid the Judges, who screwed us up a session or two ago in order to get a highly increased salary, for which highly increased salary members voted; so he did not see why we should not be able to say to them, "We want you to do the work." If there were not sufficient Judges, surely the Premier, now he had managed to retrench a little, could secure some cash to pay another Judge; and, possibly, we might be able to find a gentleman suitable for the appointment not far from him at the present moment. His constituency did not contribute very much to the criminals of the colony, but if they contributed only one person, it would be an abominable shame for that person to be kept in gaol any longer than necessary. If the Judges had too much work, they were not above representing the fact to the Government, who could appoint another Judge; and he thought they had sent a round-robin on the question of salaries.

THE PREMIER: Oh, no.

MR. GEORGE: The Premier used those words.

THE PREMIER: No, no.

MR. GEORGE: His memory was pretty good, although his hearing was not. He heard the hon. gentleman say something to the effect, at any rate, that the Judges were pushing for this extra salary.

MR. LEAKE rose to a point of order. Was the hon. member in order in referring to what took place on the question of Judges' salaries?

THE CHAIRMAN: It was not very pertinent to the question.

MR. GEORGE: It had been suggested that the Judges should be consulted, and he thought he was in order in referring to the Judges' salaries. Why the member for Albany should raise this point of order he did not know, unless it was "squirming;" but he thought the squirming was all on the Government side.

THE CHAIRMAN: The question was not one of the Judges' salaries.

MR. GEORGE: There could not be a Judge without a salary. If the Judges

had no salary they would very soon strike work; but it was not for him to bandy words on a question of this sort. The question of the Judges' salaries was debated very strongly. In ordinary commercial life, when we raised a man's salary, we naturally expected him to show increased zeal; and the Supreme Court Judges certainly did, by means of an hon. member who acted as their mouthpiece, bring before the House the question of their salaries. He would support the clause.

HON. S. BURT: The point in dispute was a small one. On the second reading, the member for Albany (Mr. Leake) and himself had pointed out that the Bill was unnecessary, and had suggested its withdrawal, as there was ample power given to the Judges by the Supreme Court Act to do what was required. It was also suggested that the better way would have been to have asked the Judges to hold monthly sittings. However, the second reading had been allowed to pass, and it was now his desire to have the clause amended, so as to prevent such sittings becoming general monthly gaol deliveries. The object of the Bill might be effected by a rule of the Supreme Court. No one denied that monthly criminal sittings would be advantageous: it was only suggested that the Judges had power to hold such sittings, and that they be asked to exercise that power. If, however, the Government preferred to attain their object by the Bill, he would not do more than protest against it, and suggest that the procedure was not proper. Neither he nor the member for Albany was opposed to monthly sittings of the Supreme Court in its criminal jurisdiction; but Parliament having delegated its authority to the Judges, why should not the Judges be asked to use that authority, and to make the necessary change? The question was not worth wasting time about, and having agreed to the principle of the Bill by passing the second reading, hon. members would not now be doing wrong by allowing the measure to pass in some shape or other.

MR. WILSON: The member for the Ashburton (Hon. S. Burt) had thrown more light on the Bill than any other speaker, and his argument that this was not a question of how soon criminals should be tried, but as to whether the Judges should be consulted in the management of the business of the Courts, was most convincing. It would have been well to have consulted the Judges, seeing that they had the power to hold such monthly Courts if thought desirable. When the member for the Murray (Mr. George) was managing a large commercial concern, he would have been the first to protest had his employers, without consulting him, insisted upon an important change of policy.

MR. GEORGE: The parallel was not obvious.

MR. WILSON: It was a pity the hon. member was so dense as to fail to see the parallel. If the Judges saw fit to make the alteration set forth in the Bill, such alteration could be made; therefore, the proper course evidently was, first to ask the Judges to make the change, and if the request were refused, it would then be for the House to insist upon monthly criminal sittings.

MR. GEORGE: Why not do it at once, without wasting time?

Amendment (Attorney General's) put and passed, and the clause as amended agreed to.

Preamble and title—agreed to.

Bill reported with amendment.

DOG ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest): This Bill has been before the House previously. Last session it came to us from another place, and did not fare very well. I do not know why such a small Bill should give so much trouble, but it seems to be almost as troublesome to deal with as the Fencing Bill, which always comes in, passes its second reading, and then is heard of no more—never gets any further.

MR. ILLINGWORTH: It is a very different Bill.

THE PREMIER: This Bill is very simple.

MR. VOSPER: It is a Bill to abolish dogs, is it not?

THE PREMIER: It has for its object the giving to the local authorities in the various districts power to appoint registering officers, and also the giving to the roads boards the moneys derived from dog licenses. The dogs outside municipalities

are to be registered by the roads boards, which will take the fees, and the moneys so received are to belong to the roads boards which, if they think fit, may give rewards out of such moneys for the destruction of wild dogs. The Government are of opinion that they cannot better use the fees received for registering dogs than by handing them over to the roads boards, giving the boards the right to use them as they please, and also giving them the power to use the funds for the purpose of destroying wild dogs. Of course the revenue will suffer a little, for while hitherto the fees paid for the registration of dogs throughout the colony came into the Treasury, now we are generously handing them over to the roads boards, and are allowing the boards to use the money in giving rewards for the destruction of wild dogs.

MR. VOSPER: Why not wild cats?

THE PREMIER: There is another provision, that every dog licensed or registered must bear upon its neck a metal disc, on which will be engraven the date and number of the registration, and the name of the district. There is a considerable difference of opinion as to whether dogs should wear such discs on their collars, or should wear collars at all; but there seems to be no other workable plan for distinguishing licensed from unlicensed dogs.

MR. VOSPER: Tin cans tied to their tails would be better.

THE PREMIER: There seems to be no other way of doing it than by having a collar with a disc attached to it. Hon. members will notice that an occupier of land, after advertising in the *Gazette* his intention to destroy dogs trespassing on his property, may destroy the same, and, if the land is beyond town and suburban limits, may lay poison for that purpose, and notice of poison being laid is to be conspicuously exhibited on such land; but no poison is to be laid within 200 yards of any public road or way. No doubt that clause is one that perhaps will receive some attention. Those who have dogs will not like to run the risk of having them poisoned. On the other hand, those who have stock will tell us that these dogs become a pest; that those who own the dogs should look after them and not allow them to stray about the country. If any person wilfully or maliciously removes the disc required to be worn by a dog, such person shall, on conviction, be liable to imprisonment for any term not exceeding six months. Then there is power given to the Commissioner of Crown Lands from time to time to make regulations for the carrying out of the principal Act. I think there is a little omission there, but it can be remedied. The clause gives the Commissioner of Crown Lands power to make regulations, which ought certainly to be made, with the approval of the Governor. There is another clause which I have not referred to: it is an important one, dealing with dogs belonging to aborigines. It shall be lawful for any adult aboriginal native to keep one dog, which shall be registered free of charge, provided that such dog shall be kept free from mange or other contagious disease. I think that will puzzle him. If he does not keep the dog free from disease, then anyone may apply to a justice of the peace or the chairman of the roads board and obtain an order for the destruction of the dog. These are the principal provisions of the Bill, which is a very small and simple one. I have much pleasure in moving the second reading.

MR. WOOD (West Perth): This is not a long Bill, containing fourteen clauses. The Premier has just said it is a simple Bill; but I think it can be made more simple by reducing it to Clauses 1 and 2, so as to have every dog in the country destroyed except kangaroo dogs and cattle dogs. That is my opinion of what a Dog Act ought to be.

THE PREMIER: What about house dogs?

MR. WOOD: That is my opinion.

MR. GEORGE: You are a sad dog!

MR. A. FORREST (West Kimberley): If this Bill becomes law, there will be some difficulty with people living inland, away from settlement, who are not able to get a collar for their dog according to the Bill.

THE PREMIER: If a person registers a dog, a disc is given by the registrar.

MR. A. FORREST: Supposing a man lives 100 miles away from the registrar, he will have to come in to register his dog.

THE PREMIER: The police will have discs to distribute.

MR. A. FORREST: I do not see much good in having a collar. The police can

always ask a man to show his receipt for the payment of the license fee. It will put people to expense in having to get straps to put round dogs' necks. These straps cost two or three shillings each, and the license fee is already heavy enough. The license fees are pretty well looked after in the city of Perth, and the dog registrations bring in an immense amount of money. The member for West Perth (Mr. Wood) does not like to see dogs at all, but I am fond of them. Although dogs are very troublesome, still they are useful. A dog is more kind than a human being; he will do more for you than any human being in the world; he will stand by you in trouble if anyone attacks you. I do not see why people should have to go to the expense of providing a collar for a dog. The law will be a dead letter in the country.

MR. LEAKE: Clause 11 meets your objection.

MR. SOLOMON (South Fremantle): It is high time we had a Bill of this kind to allow those living outside municipalities to register their dogs. It also gives the roads board fees which at present they are unable to collect. So far as Clause 13 is concerned, I think that could be altered. It should be optional whether a person is fined or imprisoned. It seems hard that a man should be liable to six months' imprisonment for removing a collar from a dog.

THE PREMIER: It says "wilfully and maliciously removes."

MR. SOLOMON: I think it should be made optional. We might say, "a fine not exceeding £10 or imprisonment not exceeding six months." Then it would be for the magistrates to say whether, in the circumstance, the fine should be inflicted. I support the Bill; I think it is a very reasonable one.

MR. KENNY (North Murchison): This little pet of the Government appears to turn up every session with the most dogged persistency. The Government appear to take a great deal of trouble about destroying wild dogs, but if half the trouble were taken to destroy the "wild cats" of the country, we should be in a better position to-day. Year after year we have been asked to deal with this measure, and I think the best thing we can do on this occasion is to pass the Bill on the distinct understanding that it shall never again turn up. As to the simplicity of the Dog Act, "thereby hangs a tale" that I am not prepared to go into at present.

HON. S. BURT (Ashburton): There are two or three Acts in reference to dogs on the statute book, and the Bill before us is merely an amendment. All the Bill professes to do is to make the roads board the licensing authority, instead of persons being appointed by the Court of Petty Sessions to do the work. The Bill also gives the roads board the money collected by this means. As a second object, the Bill amends the present law by allowing an aboriginal to keep a dog, and also allows poison to be laid. In these respects the Bill is an amendment of the present law. If we rejected this Bill we would still have two or three Acts on the statute book dealing with dogs. The real question is whether the House at present will give the roads board the fees; that is the main object of the Bill. The only other new matters dealt with are reference to aborigines' dogs and the laying of poison. I think we should allow the Bill to go to the Committee. In the measure which was before us last session there was a clause dealing with a curious state of things, which I need not mention at the present moment, but it is absent from this measure. It was a very wise provision, indeed, and I hope in Committee some hon. member will see fit to move a similar provision in this Bill.

MR. VOSPER (North-East Coolgardie): We have been considering a Bill of this character year after year, and it would not be a matter of very great importance if the Bill passed as it at present stands. Instead of encumbering the statute book with a large number of Bills dealing with dogs, I think we should pass a short Bill, giving the roads boards and municipalities power to make by-laws, and to deal with the registration of dogs; also power to make a charge for registration. Ever since I have been in Parliament this subject has come up session after session, and it does seem strange that after the House earlier in the evening should have been considering the Commonwealth Bill, now we should have to consider a Dog Bill. We may be asked to pass an extradition law providing for the passage of one dog from one district to another. It seems an

absurd thing that the representatives of the country should be debating this subject hour after hour. As far as I am personally concerned—I except my own dogs from this provision—there might be only one regulation necessary, that the authorities should have power to cut off the tails of all dogs, and cut them off as close to their ears as possible.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 7 inclusive—agreed to.

Clause 8—Registering officer to make inquiries in his district for unregistered dogs, with power to get search warrant:

MR. LEAKE: Was there any penalty attaching to a person for keeping an unregistered dog?

HON. S. BURT: Yes; in the principal Act.

Clause put and passed.

Clause 9—Amendment of Sec. 5 of 49 Vict., No. 10:

HON. S. BURT moved that before the word "adult" in line 3 the word "male" be inserted. It was not necessary for aborigine women to keep dogs.

THE PREMIER: But there were aborigine widows, who might require dogs for hunting.

HON. S. BURT: Aborigine widows, so far as he knew, never required dogs for hunting. It was undesirable to perpetuate this companionship of aborigine women and dogs, and it was not only one dog, but usually nine or ten pups, the women desired. Aborigine women with dogs in the country were a disgrace, and if hon. members knew the purposes to which these animals were put, the debate would be stopped at once.

MR. WALLACE: There were many aborigine women who did not possess husbands or other male protectors, and they should not be deprived of the privilege of keeping dogs, while the objections raised could be overcome by the local authorities. The dogs of the blacks did not cause so much destruction as the dogs of white people, and from what he had observed, the women did most of the hunting, while the men loafed about the camp.

MR. KENNY: It was surprising to hear the member for the Ashburton say he had never seen a widow "hunting," because he (Mr. Kenny) never saw a widow doing anything else.

THE PREMIER: There were many native women who went hunting, and it would be better not to deprive them of their dogs. The clause was not likely to work adversely in any case, because the black race was dying out; and the few who remained in the settled districts caused more inconvenience with their dogs than on the out-stations, the owners of which could keep a sharper control over them. He hoped the amendment would not be pressed.

Amendment put and negatived.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Registering officer to supply metal disc, with date and number of registration and of district to be attached:

MR. RASON suggested that the words, "the date of the year," in line 4, should be struck out. A disc bearing all the particulars prescribed in the clause would be rather expensive, as it would necessitate every registering officer being provided with a machine to make the impressions. To prescribe the colour of the disc, a number and the name of the district would be quite sufficient.

MR. GEORGE suggested that the word "colour" in line 3 might also be struck out as unnecessary, and likely to cause expense.

THE PREMIER: These discs were said to be very cheap.

MR. GEORGE: It would be of no use painting a metal disc unless it was enamelled to give it durability, and that would be a costly process. A metal disc sufficiently large, say not quite the size of a half-penny, could be varied in shape each year by clipping at very little expense, so that one disc could be made to do duty for several years, a number and information as to the district being stamped first of all by the original die. Places could be represented by alphabetical letters, so that at a glance it could be seen where a dog had been registered; and then, in order to register the dog the following year, the owner need only present the disc for the necessary clipping. It had been suggested that such a plan opened the door to fraud, but it was hardly likely illegal clipping would be done to such an extent as to materially affect the revenue.

MR. LEAKE: Was it necessary to mention in the Bill that all these particulars should be inscribed on the disc? There was already authority to prescribe these matters by regulation.

THE PREMIER: Yes; perhaps it was unnecessary to prescribe all these particulars in the Bill.

HON. S. BURT: Last session a proposal made by the Legislative Council that dogs should be compelled to wear discs was negatived by the Assembly as impracticable. Collars and discs might be removed by owners, or through contact with fences and other obstacles, and in the end no notice would be taken of their absence, and the law would become a dead letter. That was his (Mr. Burt's) own opinion then and now. If a man had a valuable dog, and it got out of the house without a disc, it would be liable to destruction.

MR. LEAKE: And the owner be sent to gaol for six months.

HON. S. BURT moved that the clause be struck out.

Put and passed, and the clause struck out.

Clause 12—agreed to.

Clause 13—Illegally removing disc:

THE PREMIER moved that the clause be struck out.

Put and passed, and the clause struck out.

Clause 14—Regulations:

THE PREMIER moved that the words "Commissioner of Crown Lands," line 1, be struck out, and "Governor" inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Title—agreed to.

MR. VOSPER: Now let the "dogsology" be sung.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 8·50 p.m. until the next day.

Legislative Council,

Wednesday, 19th July, 1899.

Papers presented—Question: Kangaroos, to Protect—Question: Life-Saving Apparatus, Rottnest—Motion: Leave of Absence—Police Act Amendment Bill; Wines, Beer, and Spirit Sale Amendment Bill; Imported Labour Registry Amendment Bill; Immigration Restriction Amendment Bill, first readings—Motion: Midland Railway Company, Inquiry—Evidence Bill; Criminal Evidence Bill; Perth Mint Amendment Bill, first readings—Criminal Appeal Bill, second reading, debate resumed and concluded—Bills of Sale Amendment Bill, second reading—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Registrar General's Report on the working of the Statistical Office from its inception on 1st July, 1897, to 31st December, 1898; 2, Letter from Secretary of Agricultural Department relating to Contagious Disease (Bees) Bill.

Ordered to lie on the table.

QUESTION—KANGAROOS, TO PROTECT.

HON. C. E. DEMPSTER asked the Colonial Secretary whether it was the intention of the Government to bring in a Bill to prevent the destruction of kangaroos for their skins.

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—No; there being no necessity. Full power to protect kangaroos is already provided in the Game Act, 1892.

QUESTION—LIFE-SAVING APPARATUS, ROTTNEST.

HON. A. B. KIDSON asked the Colonial Secretary whether it was the intention of the Government to provide a life-saving apparatus at Rottnest Island.

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—The matter will have prompt attention, and necessary inquiries will be instituted as to what appliances, if any, are required and calculated to be most suitable to the particular circumstances of Rottnest Island.