

ADJOURNMENT.

The House adjourned at a quarter to 11 o'clock p.m.

Legislative Council,

Tuesday, 29th August, 1893.

The Royal Marriage: message from the Governor—
Criminal Law Amendment Bill: third reading—
Constitution Act Amendment Bill: committee—
Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at half-past two o'clock p.m.

PRAYERS.

THE ROYAL MARRIAGE.

THE PRESIDENT (Hon. Sir G. Shenton) announced the receipt of the following Message from His Excellency the Governor:—

"The Governor forwards to the Hon. the Legislative Council a copy of a despatch from the Right Honourable the Secretary of State for the Colonies, conveying the expression of Her Majesty's cordial thanks for the loyal congratulations and kind wishes of your Honourable House on the occasion of the marriage of their Royal Highnesses the Duke and Duchess of York."

Downing Street, 11th July, 1893.

SIR,

I received and laid before the Queen your telegram of the 6th inst., on the occasion of the marriage of their Royal Highnesses the Duke and Duchess of York.

Her Majesty was pleased to receive very graciously the contents of the address voted by both Houses of Parliament, and to command me to request that you will convey to them the expression of her cordial thanks for their loyal congratulations and kind wishes.

I have, &c.,

(Sd.) RIPON.

Governor Sir W. C. Robinson, G.C.M.G.,
&c., &c., &c.

CRIMINAL LAW AMENDMENT BILL.

This Bill was read a third time, and passed.

CONSTITUTION ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3.—"New Legislative Council:"

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, That the first five lines of the clause be struck out, and that the following words be inserted in lieu thereof:—"Notwithstanding anything contained in the Principal Act, the Legislative Council constituted by that Act shall not cease to exist on the coming into operation of Part III. of the said Act, but shall continue and subsist until the issue of the writs for the first general election of members to serve in the Legislative Council constituted by this Act, when such last-mentioned Legislative Council shall take the place and have all the powers, functions, and privileges of the Legislative Council constituted by the Principal Act." He said: The object of this amendment is to make it clear that this Council shall not cease to exist until the first writs for members to serve in the new Legislative Council are issued.

THE HON. J. W. HACKETT: The object, I understand, is to keep in existence the Legislative Council, not only as a whole, but in its parts; that is, that there shall be no interval in law between the vacating of a seat and the election of a gentleman to fill it. But will not this interfere with the question to be raised later on as to whether elections shall be held the moment a seat is vacated?

THE COLONIAL SECRETARY (Hon. S. H. Parker): No, it merely extends the life of the present Legislative Council until the issue of writs for the new Council.

THE HON. J. W. HACKETT: Then there will be no Legislative Council between the issue of the writs and the return.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Of course; that must be.

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

Clause 4.—"Constitution of Council":

THE HON. E. T. HOOLEY: I move to strike out the words "twenty-one" in

the clause, and insert eighteen in lieu thereof. My reason for this is that I consider 21 members out of all proportion to the number of members for the Lower House. At present there is great difficulty in getting men with time to spare although we have only 15 members, and to increase the number to 21 will only extend the difficulty. We shall have to deal with the same question later on, and I will not, therefore, take up the time of the committee further now.

THE HON. J. W. HACKETT: We are in rather a difficulty in dealing with this question. We have the Notice Paper before us, and the alteration of these words seems to be only part of the object of the hon. member. Later on he intends to reduce the number of divisions from seven to six, and that for the purpose of amalgamating two of them. I would, therefore, ask your ruling, sir, as to whether it would not be better to consider the subject as a whole.

THE CHAIRMAN (Hon. Sir G. Shenton): We can postpone the consideration of clause 4 until after the consideration clause 5.

THE HON. J. A. WRIGHT: Then I move to that effect.

Question—put and passed. Clause postponed.

Clause 5.—Electoral Divisions:

THE HON. E. T. HOOLEY moved, That the word "seven" be struck out, with a view to inserting the word "six." I move this because six will be more in keeping with the electoral divisions than seven. If hon. members will look at the map showing the divisions they will see vast areas in the Central, North, and South-West which are to be represented by only three members, while the small space coloured red, representing Perth and Fremantle, and which can be covered with a sixpence, is to have six members. I maintain that this small space is not entitled to more than three members for the Upper House. It will have six members in the Assembly, and there is no sense or reason for such a proposition as that it should have six members in the Upper House as well. If Perth and Fremantle are to be separately represented, why should not other districts have equal representation? If this amendment is agreed to, I shall then move to amalgamate the districts of Perth and Fremantle.

THE HON. J. W. HACKETT: I am glad that this discussion has come at the very commencement of the committee stage, as we can approach the subject with minds perfectly fresh, and be able to understand the arguments that are addressed to us, before any heat is imported into the debate, and which might, in some cases, have the effect of warping our opinions and prejudicing an impartial view being taken by one side or the other. This is a most important amendment, both as to the mischief it will do to the colony generally as well as to the greater mischief it will do to two most important centres—Perth and Fremantle. It is further important, because, if carried, it will necessitate the entire recasting of this Bill in all its essential features. I hope to be able to make good all these objections against the amendment of my hon. friend. He starts by pointing out that a sixpenny bit would cover the electorates of Perth and Fremantle; and he points to the enormous areas of some of the other divisions. Before, however, the hon. member is entitled to argue in this way, he must get back to first principles, and allow the committee to understand what the Legislative Council and the Legislative Assembly are intended to represent. Is it sheep or cattle? Is it wastes of timber or ironstone? Is it sand? If not, it will soon be discovered that the enormous areas contained in the central and Northern divisions may be boiled down to small strips of territory along the coast, and four-fifths of which contain nothing but leagues of sand and unexplored country, which may, of course, in time, become the centres of flourishing settlements; when they do they will naturally be entitled to additional representation, and even then not on account of the area of sand they contain, but because human beings are there, and because their property is there. In other words, the two great bases of representation will have been established—population and property. My hon. friend has not referred to this; but I am not prepared to see the verdict of this House go forth to the world that the Upper House is to exist to represent leagues of barren sand, while the Lower House takes credit for the representation of human beings and property. There can be no question that this amendment is dictated by a feel-

ing—a perfectly justifiable one—that the North and outlying districts should have a proportionately larger representation in this House than the more populous and more wealthy parts. I myself am prepared to go a long way in that direction; but I cannot go as far as the hon. member proposes. As a matter of fact, if we take the electorates of the Lower House, it will be found that they are nearly those of the new Council. In the Northern districts, which contain a few settlements along the seaboard, we find constituencies having only 188 electors, while in Perth there are 2,000, and in the three electorates of Fremantle something over 1,000. I hope hon. members will bear in mind that the North, with its 188 electors, will have the same representation under this Bill as Perth with its 2,000 electors, and Fremantle with its 1,100 or 1,200. One of the many objections to the amalgamation of these two districts is that, not only will both places lose, to a large extent, the advantages of representation, but there will be established an amount of friction and jealousy which must inevitably lead to a fierce and prolonged struggle, and sooner or later the two districts must be separated, as is now proposed by the Government, for Perth and Fremantle are as distinct politically as are the Eastern and Central Districts. If the hon. member's amendment is accepted two of the members must represent Perth, and Fremantle may, perhaps, get the odd man, and this must lay the foundation of a struggle which must, in a short time, lead to a fresh Bill being brought in exactly on the lines of the present one. The proposal goes very much further than the hon. member would have us believe. Why does the hon. member wish to join Perth and Fremantle? Simply because these important electorates would then be out-voted by the people of the North. The Government, however, wish to lay down the principle that each division for this House should contain a group of interests distinct as to the rest of the colony, but similar in themselves, to join the group and give it separate representation in this House. If Perth and Fremantle are to be joined there can be no conceivable reason why the South-West and South-East should not be amalgamated also, for combined they contain fewer electors than

either Perth or Fremantle; but they had been divided for the soundest of all reasons, namely, because there is no community of interest between the two sides of the Darling Range. The South-East is given three members, and the South-West three members, and will anyone say that there is such a community of interest between them as to warrant them being combined. On the same principle that the Government divided the South-East and South-West so they divided Perth and Fremantle. If my hon. friend will go the length of urging as a matter of policy the amalgamation of these two towns, I say every reason will apply with equal and double force to amalgamating the South-East and South-West. To my mind the weakest point of the whole thing is that the South-East has the largest number of members and the smallest number of individuals, always excepting the North. When we remember that the territory, which has its headquarters at Albany, has no true or intimate connection with Bunbury or the Vasse, and when we consider the vast interests which will develop themselves in these districts and that it will be Albany returning the three members, although only having one-seventh the population of Perth and Fremantle—I say the idea of giving three members to that province is a most just and politic step, and for the same reason I think Albany should be separated from Bunbury. Therefore I challenge my hon. friend to point to any reason on which those can be justifiably disconnected, which will not apply also to the two towns of Perth and Fremantle. We know what all this arises out of. There is a feeling that Perth and Fremantle will go Radical—I speak from common report and belief—and that it is the duty of the outlying districts to the South, North, and East to control with the Conservative force which exists outside, the Radical element which exists inside. Let me ask hon. members who lend themselves to that view to look round and inquire into history, and they will discover that the large towns are not these hot-beds of radicalism.

THE HON. J. A. WRIGHT: Where?

THE HON. J. W. HACKETT: In Australia, and my hon. friend may convict me of error if he can.

THE HON. J. A. WRIGHT: I should be sorry to convict you at all.

THE HON. J. W. HACKETT: If you look at London, you will see that the vast majority of constituencies not only go Conservative, but many of them go blue-Tory. Of course what is running in hon. members' minds are cases in the Australian colonies. I remember the first Berry Government, not one member of which sat for a metropolitan constituency, because, in the first place, most of the metropolitan constituencies were opposed to him; and, secondly, because it was not considered safe to have to seek re-election even in the constituencies which were not opposed to him. As a rule, extreme Radicals are to be found in England, in South Australia, in Victoria, and in New South Wales—not in the metropolis or the large towns, but in the small outlying country towns, such as Geraldton, Roubourne, Albany, and Bunbury. Perhaps they have not become so, so far, but they may in time. There is, however, no fear that the centres of wealth, population, and political movement—and, if I may say so, of intelligence—will abandon themselves to the charm of the Socialist. For my part, I have lived a long time in Perth, and I have failed to find any general instances of these vicious, reckless, and unpatriotic feelings we are taught to believe exist in the towns. We have here one hon. member who has spent a long and honourable life in this town—I refer to the Hon. Mr. Glyde—and I ask him to point out if I am mistaken in my view, that, although the people have their faults and their foibles, they are wont to err, politically of course, in the vicious, unintelligent, or unpatriotic way it is alleged. What we want is more political education. Under all the circumstances, I ask are these two towns to be politically wiped out? If this proposal is carried it will lead to endless friction. There is no conceivable reason why they should be combined which should not also lead to the amalgamation of other districts. When we recognise the enormous wealth and property they possess, and when we recollect that if they do go a little too fast at times, they have parties, and numerous parties, who pull them up if they go too far; and when we remember that there exists the metropolitan Press, which is not only an exponent of public feeling, but a check on the people—I say this House should emphatically endorse

the proposal of the Government, and I hope my hon. friend will, under all the circumstances, withdraw the resolution he has just moved.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I fully concur in the remarks of my hon. friend Mr. Hackett, and I do not know that I can add anything further to them. He has fully brought to the notice of this committee the various matters which affect the question, and I can only say that if this amendment is carried, it will necessitate the entire re-casting of the divisions. We should have to report progress and prepare new plans, for I feel quite certain that neither the Government nor the Lower House would consent to the amalgamation of these two towns and allow the other divisions to stand as they are. Those who represent the people would never consent to Perth and Fremantle being represented by three members and Albany also by three members. Whatever we, who do not represent constituencies, may do, it is obvious that those who do represent them would never consent to an amendment of this kind; and therefore, if it is carried, it will be my duty to report progress, draw up new divisions and plans, and submit them to the House. Even then there is no doubt we shall come into collision with the Lower House, but I have no doubt that that is what some hon. members would like, it being their wish to damn the Bill. It is essential, however, that a Bill of some kind should be passed, and I ask hon. members not to be led astray by those who wish to damn the Bill. The Hon. Mr. Hooley says twenty members are too many. I do not know that the number is too many. It has always struck me from the time I entered here, that our present number was far too few, and I have often thought that if we had a larger number we should take more interest in the proceedings, and there would be more pleasure in addressing a larger number than a smaller one, and members would be better inclined to discuss matters more fully than they do. Although the House would consist of twenty-one members, it is not to be supposed they would all be in attendance at every sitting. Then my hon. friend said that we only contemplated having eighteen members because there are only

eighteen seats, but I would remind him that the House of Commons consists of 670 members and that there is only seating accommodation for about 500.

THE HON. J. W. HACKETT: It would only cost about £3 to add a couple of seats.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes, I dare say we could spend two or three pounds to add a few seats, and if the Government could not afford it the three extra members might pay for them themselves.

THE HON. J. A. WRIGHT: That would be impracticable, because then they would be paying for their seats.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Then my hon. friend says we must look to the future, in drawing this Bill, but I will ask him to bear in mind that no constitution is drawn up for all time, and of course the Constitution of this colony will be again and again altered, as population increases and as the exigencies of circumstances require. Then the hon. member says the numbers are disproportionate to the Lower House. I cannot see that, for they will have a little over 50 per cent. more than we have, and it may be that in a short time the number of members for the Lower House will have to be increased, but, because at the present time there is no necessity to increase the number, that is no reason why we should not have an effective and reasonable number in this House. I think it most important that we should have a sufficient number, in order to give interest in our proceedings and in order to infuse some life and spirit into our debates. We have a very full House to-day, but if we had six more members, I am sure that our proceedings would be still more effective and more lively. I trust my hon. friend will not insist on his amendment.

Question—That the word proposed to be struck out stand part of the clause—put.

The committee divided.

AYES—6.
The Hon. D. K. Congdon
The Hon. J. W. Hackett
The Hon. E. W. Hardey
The Hon. G. Randell
The Hon. J. A. Wright
The Hon. S. H. Parker
(Teller).

NOES—8.
The Hon. J. G. H. Amherst
The Hon. H. Anstey
The Hon. G. Glyde
The Hon. E. Hamersley
The Hon. J. F. T. Hassell
The Hon. G. W. Leake
The Hon. J. Morrison
The Hon. E. T. Hooley
(Teller).

Question—That the word proposed to be struck out be struck out—put and passed.

Question—That the word “six” be inserted in lieu thereof—put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I should like to consult my colleagues as to how they would like the divisions altered. Under these circumstances I move that progress be reported.

Question—put and passed.

ADJOURNMENT.

The Council, at 4:30 o'clock p.m., adjourned until Wednesday, 30th August, at 4:30 o'clock p.m.

Legislative Assembly,

Tuesday, 29th August, 1893.

Invitation from Mayor of Bunbury to Members of Legislative Assembly—Message from the Governor: Her Majesty's thanks for congratulations upon Marriage of Duke and Duchess of York—Return showing Investment of Colony's Sinking Funds—Motion for Adjournment: Complaint of a Minister's non-compliance with order of the House—Legal Practitioners Bill: in committee—Fremantle Gas and Coke Company's Act, 1886, Amendment (Private) Bill: second reading—Wines, Beer, and Spirit Sale Act Amendment Bill: second reading—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

INVITATION FROM MAYOR OF BUNBURY TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

THE SPEAKER stated that he had received a communication from the Mayor of Bunbury, inviting the Speaker and hon. members of the Legislative Assembly to attend at the official opening of the