sideration. In 1873 lighting methods were comparatively poor.

The Minister for Lands: That applied to everything then.

Mr. SAMPSON: Just so. I do not say that the section is not an anachronism, in view of the progress made since as regards the candle power of illuminating auction rooms.

The Minister for Lands: In 1873 shops were kept open until midnight.

Mr. SAMPSON: That being so, I hope the Minister will support the Bill. The motor car is no longer a mystery machine. It is no more difficult to determine whether a car is a good car, and whether the engine is a good engine, in a well lighted auction room at night than in the same room during the daytime. The members of the Auctioneers' Association, we learn from a report that reaches us from another place, are unanimously in favour of this amendment.

The Minister for Lands: That may be one reason why we should look into it very closely.

Mr. SAMPSON: If the Minister will look into it carefully, he will say, "This Bill is a useful measure, and will make it convenient for those who desire to purchase a motor car to do so without the loss of those hours of business when perhaps it would be inconvenient for them to attend a place where cars are sold." The amendment will remove a restriction which certainly causes inconvenience to at least a part of the public. Under the section in the parent Act there are certain things which can be sold by auction at night, among them being tenements. The section does not say that the tenement is to be sold in an auction mart apart from the tenement itself. The tenement might be sold on the very site.

Mr. Taylor: Tenements are invariably sold away from the tenements.

Mr. SAMPSON: One cannot say that that is so invariably, as there is no rule in connection with the matter. I agree with the member for West Perth (Mr. Davy) that Section 11 needs considerable amendment in addition to that which the Bill proposes and that no one would suffer from such amendments being made. The convenience of the community will be studied if the House approves of the measure. Finally, I would remind members that nowadays all auction rooms are well lighted.

The Minister for Lands: So they were in 1921.

Mr. SAMPSON: Yes; but this particular phase was not brought forward and discussed then.

The Minister for Lands: Yes, it was, in connection with the Bill of 1921..

Mr. SAMPSON: Can motor cars be sold by auction at night time?

Hon. G. Taylor: One can buy and sell privately at night time.

Mr. SAMPSON: I do not see that anyone can suffer injury, and certainly a section of the public will receive something they are anxious to get, if the Bill is approved.

On motion by the Minister for Lands, debate adjourned.

House adjourned at 10.35 p.m.

Legislative Council,

Thursday, 15th October, 1925.

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

MOTION—ABATTOIRS ACT.

To disallow Regulations.

HON. J. NICHOLSON (Metropolitan) [4.35]: I move—

That the regulations promulgated under the Abattoirs Act, 1909, published in the "Government Gazette" on the 7th August, 1925, and now laid upon the Table, be and are hereby disallowed.

There were recently laid upon the Table of the House certain regulations under the Abattoirs Act, and the motion I have moved seeks

to disallow these. I think when I have pointed out the position members will have no hesitation in supporting the motion. I am informed that the capital cost of the abattoirs at Midland Junction is somewhere in the vicinity of £40,000, and that the regulations will impose an increased charge that will amount to something like £37,000 per annum, as compared with the charges that previously existed. Prior to 1915 the butchers killed at their own abattoirs without any charge. In that year an Act was brought into operation with the opening of the Midland Junction abattoirs. All the butchers in the Perth district were instructed to kill at Midland Junction, and to close all private abattoirs. In the Fremantle district all the butchers were instructed to kill at North and South Fremantle. In 1916 all the butchers in the Fremantle district were instructed to kill either at the North Fremantle abattoirs, or at the Union abattoirs in South Fremantle. A scale of charges was then operating at Midland Junction, and the same charges were brought into operation at Fremantle. Under the regulations that were brought in the Government did all the work. The butchers handed over their stock to the Department and received back the carcases with all by-products. The charge was then about 8s. per bullock. The charges and conditions continued for some months until the department changed its policy and ceased doing the work. It then provided the floor space only, allowing the butchers to do their own killing, and employ their own men, and charging 3s. 6d. per bullock and 6d. per sheep. It was then found there was not sufficient floor space at Fremantle, and the department rented from the Anchorage Meat Company the killing space at their own abattoirs, which had been closed by the regulations. The department agreed to pay the Anchorage Meat Company £6 per week for the space. When the space was secured the department informed the company that it could kill at its own works, because there was not sufficient floor space available at the Union abattoirs. The department imposed upon the company the same charges at their own works as at the Union abattoirs, namely, 3s. 6d. per bullock and 6d. per sheep, plus 6d. per bullock for the blood. The fees that the company paid the Government amounted to over £50 per week, though they received only £6 per week rent. The same fees were then operating at all abattoirs in the metropolitan area, and continued until the 7th September, when the Midland Junction abattoirs were reopened after being reconstructed and killing accommodation added. During the time the additions were being made all butchers were killing at the Fremantle Freezing Works which the Government had rented from the freezing company. While all the metropolitan killing was done there the Government rented from the company chilling space at a cost of over £100 per week which they had provided free to the butchers brought from Midland Junction and Perth, thus causing a loss of about £5,000. The positon now is that all the Perth and Midland Junction district butchers have been instructed to kill at Midland Junction at the new scale. All the butchers in the Fremantle district have been instructed to kill at the works of the Fremantle freezing company, which have been leased by the Government. The same new scale is in force at Fremantle as at Midland Junction, and in the new scale the charges have been raised 300 per cent. The schedule of charges shows the same enormous increase. For example, I have here a comparative statement of the abattoirs charges showing the old and the new rates. Worked out on the average the old charges amounted to £258 5s. 6d., and the new charges amount to £974 14s., the difference being £716 8s. 6d. These figures are worked out on the basis of the weekly killings for the period covered by the 14th to the 19th September inclusive. I understand that the capital cost of the undertaking at Midland Junction was between £42,000 and £45,000. When we realise that the increased charges will mean the enormous sum of £37,000 per annum, I think it will be admitted that it is time we called a halt, and caused some revision to be made of the rates.

Hon. J. Duffell: There must be some mistake.

Hon. J. NICHOLSON: In view of these facts there should be no doubt that the motion will be carried.

On motion by the Chief Secretary, debate adjourned.

BILL—WATER BOARDS ACT AMENDMENT.

Recommittal.

On motion by Hon. H. Stewart, Bill recommitted for the purpose of further considering Clause 6.

In Committee.

Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 6—Power to rate country land on the area:

Hon. H. STEWART: I wish to deal with Clause 6 which refers to the power to rate country land on the area. I move—

That a new subclause, to stand as Subclause 3, be inserted as follows: "In the case of the owner of a holding who has installed his own water supply, such owner shall be allowed a rebate on such annual rate, equal to £5 per centum on the capital value for the time being of his installation."

Clause 6 provides the power to rate an owner in connection with the provision of water supplies from rock catchments to the extent of 1s. per acre, and a fixed sum not exceeding £5, as a board may determine. It is estimated that on a holding of 1,000 acres of first class land the charges would amount to £55 a year. Where people have provided their own water supplies, they are, in all equity, deserving of some encouragement. If those showing enterprise are to be penalised and no consideration shown to them at all, it will be detrimental to land settlement. I have consulted the Crown Solicitor and the amendment has been drafted by him.

The CHIEF SECRETARY: I cannot agree to the amendment. The whole question was thoroughly debated last night and there was a fairly unanimous agreement on the point. The Government propose to spend an enormous amount of money in providing water supplies from rock catchments. It is at variance with such legislation that anyone should be exempt, even though they have provided their own water supplies. I do not think there is any possibility of a water supply being taken to a holding that is already provided with such a supply. My information goes to show that there are no water supplies in the particular districts affected, although many thousands of pounds have been spent in that direction.

Hon. J. Nicholson: Then the amendment will not affect the position?

The CHIEF SECRETARY: I cannot agree to the introduction of such a principle into the Bill. For years past settlers have been unable to impress various Governments with the necessity for this work, and if the Government are to provide the necessary funds, we must have similar protection to that accorded us in similar legislation in the past.

Hon. V. HAMERSLEY: I support the amendment. I do not wish members of the Committee to understand that the whole of the country affected is unwatered. The Minister's statement is apt to mislead the Committee. Throughout these centres there are people who have put down their own water supplies, and some have spent enormous sums for that purpose. Not only have they provided their own water supplies, but they have been able to give water to their neighbours.

Hon. H. Stewart: Settlers have never been refused water by those people.

Hon. V. HAMERSLEY: Seeing that these landholders have gone to that expense and, in some instances, have laid down pipes and reticulated their holdings, it is surely unfair to place those people in the same position as others who have been waiting for the institution of a Government scheme. I understand that the estimates of the department allow for a 2 per cent. sinking fund, which the settlers will have to meet. There is no necessity for such a sinking fund to be charged against the scheme for at least 10 years. During that period the settlers could do much better with the money in developing their holdings than in paying a charge that they can ill-afford during that period.

Hon. H. STEWART: It might be inferred from the Minister's remarks that no water has been conserved in these areas. Yesterday I was shown some of the supplies in the eastern portions of the district concerned. Several enterprising settlers have put down their own water supplies.

The Honorary Minister: Where?

Hon. H. STEWART: In the Kondinin district. In one instance a settler spent £200 in roofing his water supply in order to reduce the evaporation. Other settlers have drawn freely from the supplies that have been put down. This does not apply only to the wheat belt and I think no harm will accrue from my amendment.

New clause put and a division taken with the following result:—

Ayes	9
Noes	12
Majority against ..	3

AYES.

Hon. J. Cornell	Hon. J. Nicholson
Hon. J. E. Dodd	Hon. H. Stewart
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. E. Rose
Hon. A. Lovekin	(*Teller.*)

Noes.	
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. M. Drew	Hon. G. Potter
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. E. H. Gray	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. J. R. Brown
Hon. J. W. Hickey	(*Teller.*)
Hon. W. H. Kitson	

Pair.	
Ayes	No.
Hon. T. Moore	Hon. J. Ewing

New subclause thus negatived.

Clause put and passed.

Bill again reported without amendment and the report adopted.

BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Recommital.

On motion by Hon. H. Stewart, Bill recommitted for the purpose of further considering Clause 2.

In Committee.

Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Amendment of first schedule to Act No. 50 of 1911:

Hon. H. STEWART: The Minister has told us that there is no intention to increase the existing rates in those cases where water has been supplied, and we understand that the Bill has been brought in to save the making of separate agreements, and for subsidiary schemes from the main pipe line to be put into operation. It is my intention to ask the Committee to agree to the insertion of a proviso simply because it seems to me to be right and proper to have such a proviso to the clause, so that no matter what Government may be in power, existing contracts shall remain intact.

Hon. J. Cornell: Even though the Heavens fall!

Hon. H. STEWART: If the necessity arises for making an alteration in the future, the then Government can always appeal to Parliament. I move—

That the following proviso be added to the clause:—"Provided that such amendment to the first schedule shall not apply to any holding to which water has been supplied under the provisions of the said Act prior to the commencement of this Act, nor shall any existing agreement between the Goldfields Water Supply Administration and any owner of a holding be affected during the currency thereof.

That proviso has been drafted by the Crown Solicitor and the object is simply to maintain the present status quo after the Bill becomes an Act.

The CHIEF SECRETARY: I cannot accept the amendment. There are many settlers who are paying only at the rate of 3d. an acre whereas we could charge them under existing legislation 5d. an acre. East of Northam to the western side of Southern Cross there are 290 settlers holding 156,921 acres who are paying only 3d.

Hon. H. Stewart: Do you want to increase that?

The CHIEF SECRETARY: If we wished we could do so under the existing Act. The annual interest, sinking fund and maintenance charges amount to £21,241, and the revenue received last year was only £19,718. The deficiency may be made up next year. On the Goomalling branch line there are 80 settlers holding 36,595 acres who pay 3d. per acre although the maximum is 5d.. In the rated extensions there are 827 settlers served and the number of acres is 498,856. These, too, are paying 3d. an acre.

Hon. H. Stewart: Have you the revenue and expenditure in that case?

The CHIEF SECRETARY: No, but if we wished we could put up their rate to 5d. Proposed new extensions include Boddalin North, where there are 27 settlers. The capital cost in this instance is £11,200 and the number of acres to be served is 27,354. The annual rate per acre to be charged is 8d., and then there is £5 annual holding fee. The anticipated revenue to cover interest, sinking fund and maintenance charges amounting to £1,000 is £934. At Goomarin-Talgomine there are 36 settlers to be served, and the capital cost of these extensions is £19,400. The number of acres to be served is 43,000. The rate decided upon here is 10d. That was fixed after a consultation with the settlers. The expenditure will run into £1,900 and the revenue will be £1,923. The whole of the others are under special agreement. There is Walgoolan scheme A, eight settlers who will pay 6d. per acre; Walgoolan scheme B, 26 settlers, 9d. per acre; Walgoolan scheme D, seven settlers, 6d. per acre; Walgoolan scheme G, 23 settlers, 10d. per acre; Walgoolan scheme C, eight settlers, 4½d. per

acre; Belka, 44 settlers, 1s. per acre. The last named was fixed up during the period of the Mitchell Government administration. There is no intention to raise any money in excess of what will be required to pay interest, sinking fund and maintenance charges.

Hon. H. Stewart: Are not the first two cases, where the rate is 3d., under a special agreement?

The CHIEF SECRETARY: No, under the Act.

Hon. H. STEWART: The Minister has not produced any argument against the addition of the proviso. I assure him it will not hamper the Government in any way. I do not see why the present Government should make it possible for any future Government to alter the charges.

Hon. J. CORNELL: The goldfields water supply was not constructed for these people. The position is that all those who are on the low rate are favourably situated by being close to the source of supply. The proviso will mean the putting up of the rates in the case of the man who is less fortunate and whose cost of installation will be 100 per cent. greater than that paid by the older established settlers.

Hon. V. Hamersley: It is their fault for not getting in earlier.

Hon. J. CORNELL: It is their fault for not having been born earlier. If I were at the head of a Government, I would make those that were more fortunately situated carry a little more of the burden than the individual less fortunately situated.

Hon. J. J. HOLMES: A point I should like cleared up is whether there is any intention to interfere with existing contracts.

Hon. H. Stewart: The Minister says no.

Hon. J. J. HOLMES: Does the clause give power to interfere?

Hon. J. Cornell: No. One cannot interfere with a contract during its currency.

Hon. J. J. HOLMES: If there is an existing contract and the Government attempt to interfere with it, there will be an action for breach of contract. If there are some users of the water who pay only 3d. and have no contracts, they must run the risk of paying more. But if there are definite contracts for definite periods at 3d. per acre, the Government should not seek by Act of Parliament to get behind those contracts.

The CHIEF SECRETARY: There are 117 settlers who have special agreements with the Government. It was necessary to make those agreements because the Act of 1911 merely provides for land to be rated up to 5d. per acre.

Hon. J. J. Holmes: Are those contracts for a specified period?

The CHIEF SECRETARY: Yes.

Hon. J. J. Holmes: Do you propose to interfere with them under this Bill?

The CHIEF SECRETARY: Not at all. Upon the expiration of their agreements those settlers will come under this Bill. Settlers who are paying 3d. per acre are under the 1911 Act, and if there had been a desire to increase the charge the Government could have done it under that Act. So far as I can learn, there is no intention of doing it.

Hon. J. J. Holmes: Are you interfering with existing agreements?

The CHIEF SECRETARY: There are no agreements in regard to the 3d. rate, which is under the Act. The Mitchell Government would not agree to make extensions to districts remote from the main unless the settlers agreed to pay rates higher than 5d., which would not cover interest, sinking fund and maintenance. The higher rates are under definite contracts, with which, naturally, it is not proposed to interfere.

Hon. H. STEWART: I fully accept the declaration that the Government do not intend to increase the rates of a good many thousand settlers who are under the 1911 Act. Their maximum rate is 5d.; in some cases the rate is only 3d. The Government do not intend to raise those rates. That, however, is not the point. The point is that if this clause is passed, then such Governments as may in future hold power will be able to increase the rate from whatever may be the amount in operation under the Act to any amount not exceeding 1s.

The Chief Secretary: The increase would have to be justified.

Hon. J. J. Holmes: The position is the same in connection with any other water supply.

Hon. H. STEWART: But there is a difference between water supply for production and water supply merely for domestic purposes. Up to to-day I did not know that the special agreements were for a definite period, at the end of which the rates might be increased. Many settlers,

however, get no benefit whatever from the scheme water, but have to pay for it simply because it runs past their properties for the benefit of their neighbours. To my mind, the proviso meets the case and imposes no hardship on the Government.

Amendment put and negatived.

Clause put and passed.

Bill again reported without amendment, and the report adopted.

Read a third time and passed.

BILL—MUNICIPALITY OF FREMANTLE.

Read a third time and transmitted to the Assembly.

BILL—JURY ACT AMENDMENT.

Further Recommittal.

On motion by Hon. A. J. H. Saw Bill further recommitted for the purpose of considering the Title.

In Committee.

Hon. J. W. Kirwan in the Chair; the Honorary Minister in charge of the Bill.

Title:

Hon. A. J. H. SAW: I move an amendment—

That the words "repeal the provisions of the Jury Act, 1898, relating to special jurors, and to amend the provisions thereof relating to jurors' fees" be struck out, and "amend the Jury Act, 1898," inserted in lieu.

The present Title is no longer applicable.

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

Bill again reported with a further amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the previous day.

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

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short Title:

Hon. A. LOVEKIN: I should like you, Sir, to inform me whether this Bill comes to us with the certificate necessary under Standing Order 242, which reads as follows:—

If any Bill received from the Assembly be a Bill which any change in the Constitution of the Council or Assembly is proposed to be made, the Council will not proceed with such Bill unless the Clerk of the Assembly shall have certified on the Bill that its second and third readings have been passed with the concurrence of an absolute majority of the whole number of the members of the Assembly.

If you look at the Bill you will see that in three or four clauses it contravenes the Constitution Act, and I should like to know whether the Bill was accompanied by the necessary certificate.

The CHAIRMAN: No certificate has accompanied the Bill.

Hon. A. LOVEKIN: Well, I shall wait until we come to the first clause contravening the Constitution Act.

Hon. J. Nicholson: Could not you refer to it now?

Hon. A. LOVEKIN: The clauses that, I contend, contravene the Constitution Act are Clauses 8, 9, 18 and 52. When we reach Clause 8, I shall ask the Chairman whether we can proceed with the Bill.

Hon. J. J. Holmes: Cannot we have it now?

Hon. A. LOVEKIN: The first seven clauses appear to be all right.

The CHAIRMAN: Do I understand that the hon. member has raised a point of order?

Hon. A. LOVEKIN: I will do so when we come to the first clause contravening the Constitution Act. The first seven clauses of the Bill seem to be all right. If the President had been in the Chair I could have challenged the whole Bill, but I do not think I should be in order in doing that now, at all events, not until I come to Clause 8.

The CHAIRMAN: If the hon. member wishes, he may challenge the Bill on the Title. He can incidentally refer to other clauses.

Hon. A. LOVEKIN: Well, if you will allow me I will do so now. I submit that the Bill is not in order inasmuch as it contra-

venes the provisions of the Constitution Act. Clause 8 reads:—

(1) The Governor may by proclamation (a) divide any district into subdivisions; (b) specify boundaries and names of subdivisions; and (c) alter the boundaries and name of any subdivision. (2) The subdivisions and the boundaries and names thereof shall be such as are specified in any such proclamation.

That clause is taken word for word from the Electoral Act of Victoria, 1923. That Act was passed by the Victorian Legislature as an Act to amend the Constitution Act. That was necessary there, as it is here, inasmuch as the Constitution provides for the districts. Under the Act a district is a Legislative Assembly electorate, and those elecorates cannot be interfered with by any Bill unless it is a Bill that amends the Constitution, and is carried by an absolute majority of both Houses. Under our Standing Orders a certificate from the Assembly must accompany it. It is quite necessary that a Bill of this sort should be carried through Parliament in the proper way, because its effects are very far reaching. Firstly we see that the boundaries of subdivisions may be altered, and it is evidently contemplated that the alteration may affect the district boundaries because the first part of Clause 9 of the Bill reads as follows:—

When (a) a district is divided into subdivisions; or (b) the boundaries of a district or of a subdivision are altered——

This shows it is contemplated to alter the boundaries of a district. So by this Bill, which has not been passed by an absolute majority of the Assembly, we are going to do that which is the special province of the Constitution Act, namely to define the boundaries of districts that elect members. And if we do, we may open ourselves to all sorts of irregularities and even corruptions. Elections are not always held together. There may be a by-election, and if the Governor-in-Council—meaning the Government—can alter a boundary from time to time electors can be transferred to a particular district to secure the election of a particular member. If that is required, it must be done in proper order, through an amendment of the Constitution, which for the passing of its second reading requires an absolute majority of both Houses of Parliament. I submit that the fact that the Bill contemplates the alteration of boundaries of a district is a contravention of the Constitution Act, which provides for those districts and provinces. In another clause—clause 18, I think it is—the period of residence is altered from six months to three months. That is another alteration that ought to be made by amendment of the Constitution. A most glaring case arises under Clause 52 which reads:—

Section 75 of the principal Act is amended by substituting for the words "subject to the provisions of," in the first line, the words "notwithstanding anything contained in."

We have there a complete reversal. Section 75 of the principal Act reads as follows:—

Subject to the provisions of Section 8 of the Constitution Act Amendment Act, 1899, the Governor may extend the time appointed for the nomination of candidates, the taking of the poll or the return of the writ for any election.

The Governor may do it subject to the Constitution Act, but the Bill says that notwithstanding the provisions of the Constitution Act the Governor may extend the time for the appointment and nomination of candidates, the taking of a poll or the return of a writ for any election. That is a very serious matter. The principal Act refers to Section 8 of the Constitution Act, 1899. If the amendment is agreed to in the manner proposed here, all sorts of irregularities and even corruption may creep in. Let us look at Section 8 of the Constitution Act, which the Bill proposes to interfere with. Amongst other things it says in paragraph 2—

Every writ for the election of a member of the Legislative Council to fill any seat hereafter vacated under this section shall be issued before the tenth day of April immediately prior to the occurrence of such vacancy, and every such writ shall be returnable not later than the twenty-first day of May following. The member elected to fill any such vacancy shall not sit or vote until after the said twenty-first day of May, at the close of which day the retiring member shall vacate the seat.

So, under the Constitution, the writ must be issued by the 10th April, the member vacates his seat by the 21st May, and the new member takes his place. If we are going to amend it in the way proposed by the Bill the Ministry may, at, say, a bye-election, postpone an election for the Legislative Council. This position may arise: We may have no member after the 21st May for a month or two months or three months, for the clause provides that the election may be postponed. To take an extravagant case, let us suppose that we had a Bolshevik Labour Government in power, instead of a Conservative Labour

Government, and that they wanted to abolish the Upper House.

Hon. J. R. Brown: The Government would not do that.

Hon. E. H. Harris: The present Government are pledged to do it.

Hon. A. LOVEKIN: The present Government, I take it, will act constitutionally and do things in a reasonable way, but we never know what is ahead. We may get a Government of which Mr. Tom Walsh, or Mr. Johannsen is the head, and such a Government might endeavour to give effect to what the present Government say they are desirous of achieving. I do not believe the present Government are really desirous of abolishing this House; I rather think that is a plank in their platform which has been forced upon them. I believe the present Government comprise reasonable men, who desire only what is reasonable and who prefer to have all measures properly thrashed out in the best interests of the State. Things are progressing, however, and there is no telling what we might come to. We might get in power a Bolshevik Government who desire to abolish the Council, and they could postpone the election for 10 seats for a period of two or three months. In the meantime they might put up a Bill to abolish the Council, and as the Council under the Constitution would continue to function with 20 members present instead of 30 in this House, they might succeed in abolishing the Council in that way. I admit it is an exaggerated case, but it is quite possible. The Constitution seems to me to have been framed on fair and equitable lines, but if the clause be passed, we may have a Council of only 20 members for some months, during which time the House would function. We should not agree to that, and certainly we ought not to agree to entertain such a proposal unless the Constitution has been complied with. The Constitution Act of 1889 provides that if any alteration of the Constitution is desired, it must be brought about in the proper way, that is, it must be passed in both Houses by an absolute majority of the members. You have informed me, Mr. Chairman, that you have no certificate that this Bill has been passed by an absolute majority in another place, and it being undoubtedly an amendment of the Constitution, it seems to me the Bill is not in order. I may point out that the Victorian Act, which contains Clauses 8 and 9, word for word, was treated as an amendment of the Constitution, and in South Australia, where similar provisions were adopted, they also were treated as an amendment of the Constitution. Therefore I ask your ruling.

The CHIEF SECRETARY: I considered the Bill carefully last night and came to the conclusion that Clause 52 was in reality an amendment of the Constitution. This morning I sent for the Chief Electoral Registrar and discussed the matter with him. I expressed the opinion to him that it was an amendment of the Constitution, and added that it was a very objectionable clause, as it would leave the provinces without representation for a period. Under our present law, when a new member is elected on the 13th May, he does not take his seat until after the 21st May, while the member who was defeated, or has retired, still continues to represent the province until the 21st May, so that there is unbroken representation. If the clause were passed, that position would obtain no longer and lots of complications would arise. If an amendment in that direction is needed, it should be more far-reaching to cover the position and thus give unbroken representation to the different provinces. This afternoon I received the following letter from the Solicitor General:—

> As regards the clause amending Section 75 (which I think now stands as Clause 52 of the Bill), as it has been suggested that the provisions of the Constitution Act relating to the date of Council elections might be affected, the clause might be struck out. It was intended to relate to an extension of the time for the return of the writ, but the amendment is not really essential and therefore, as I have said, there is no objection to the clause being struck out.

That, however, is not a remedy. The clause is in the Bill, and if it is an amendment of the Constitution Act, it should be certified as having been passed by a majority of members of the Legislative Assembly.

Hon. A. LOVEKIN: If it will facilitate the Minister, I do not wish——

Hon. J. J. Holmes: The Bill is not before us.

Hon. A. LOVEKIN: I am afraid that is so. I was going to say that if it will facilitate the Government——

Hon. J. J. Holmes: You cannot get behind the Constitution and neither can the Government.

Hon. A. LOVEKIN: If the clause is struck out, we might not take notice of it.

Hon. H. A. Stephenson: We must take notice of it.

Hon. E. H. HARRIS: I should like to know whether in your ruling, Mr. Chairman, you propose to cover the points raised by Mr. Lovekin, or only one particular point.

The CHAIRMAN: My ruling will cover all the points raised by Mr. Lovekin. The hon. member gave notice that he would raise this point of order, and I have had the advantage of being able to investigate the questions involved. Apart altogether from the clause referred to by the Minister—Clause 52—there are other clauses of the Bill that unquestionably are intended to change the Constitution of both Houses of Parliament. One of the clauses will allow of the alteration of the boundaries of a district by proclamation, and that to my mind makes the Bill virtually a redistribution of seats Bill. Again, no certificate has been received of the Bill having passed its second and third readings in the Legislative Assembly with the concurrence of an absolute majority of the whole of the members. Therefore I have no alternative but to follow Standing Order No. 242 which reads—

> If any Bill received from the Assembly be a Bill by which any change in the Constitution of the Council or Assembly is proposed to be made, the Council shall not proceed with such Bill unless the Clerk of the Assembly shall have certified on the Bill that its second and third readings have been passed with the concurrence of an absolute majority of the whole of the members of the Assembly.

I have therefore no hesitancy whatsoever in ruling that the Committee cannot proceed with the Bill. If the Committee raise no objection to my ruling, I shall leave the Chair.

The Chairman accordingly left the Chair and the Bill lapsed.

BILL—PERMANENT RESERVE A 4566.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.56] in moving the second reading said: Before the Subiaco cemetery was proclaimed a reserve for a cemetery, a new reserve was declared at Karrakatta, and the reserve at Subiaco for cemetery purposes was cancelled in March, 1897. Two small areas, however, were retained, one of which has been set apart for recreation and the other has been included in the Daglish townsite. The desire is that the latter reserve might be subdivided and sold. It comprises an area of only half an acre, which formerly was used for a cemetery.

Hon. J. Duffell: The remains were afterwards interred in the Karrakatta cemetery.

The CHIEF SECRETARY: Yes. There is no longer any use for this small block and it will be attached to the Daglish land thrown open for sale.

Hon. J. Nicholson: Where is it situated?

The CHIEF SECRETARY: Between Robertson-terrace and Richardson-terrace. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [5.58]: Whenever a Bill is brought before us for the closing of a road or street, or the taking of a reserve, I always make a point of asking whether the local authority has raised any objection to it.

The Chief Secretary: There is no objection at all.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Cancellation of reserve:

Hon. J. NICHOLSON: Is it intended to sell the land in question?

The Chief Secretary: Yes.

Hon. J. NICHOLSON: To square the block; I see.

Bill reported without amendment and the report adopted.

House adjourned at 6.2 p.m.