him and very little means of getting cash. A man might be outback shooting and the skins might go bad and he would not be able to get anything back for the royalty he had paid. To his mind the provision was oppressing the honest working man who should not be oppressed.

Mr. McDONALD: The proposed new Subsection 2 would be taking money out of the pockets of the man whom we sought to protect. It was his desire that the man who shot kangaroos for a living should be saved this extra expense. The shooter might be several hundred miles away from port and accumulate hundreds of skins. If anyone should be penalised it was the American buyer of kangaroo skins. The demand for kangaroo skins was great and the American buyer must have them at any cost. If the dealer was saddled with this royalty he would be in a better position to pass it on to the buyer of the skins, but if it was collected first from the shooter, the shooter would have no chance of passing it on.

Amendment put and negatived.

New clause put and passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

House adjourned at 5.12 a.m. (Wednesday).

Legislative Council,

Wednesday, 17th December, 1913.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Health Act, 1911.—By-laws of Comet Vale Local Board of Health. 2, Financial statements in connection with South Perth Ferry Service, the State Dairy Farm, and the Aborigines' Moola Bulla Station. 3, Profit and Loss Statement in connection with Perth Meat Stall. 4, State Trading Concerns.—Re State Hotels and Boya Quarry.

QUESTION—HIGH SCHOOL RESERVE.

Hon. W. KINGSMILL asked the Colonial Secretary: 1, Has Reserve A3421 been vested in the Governors of the High School? 2, Is the Government erecting the building now under construction on the said reserve? 3, If so, at what estimated cost, and from what Parliamentary vote is it proposed to defray such cost? 4, If not, is the Minister aware of the circumstances under which this building is being erected, and will he furnish the House with such information?

The COLONIAL SECRETARY replied: 1, The vesting of this reserve has been approved, but the vesting order

has not been issued. 2, No, but the preparation of plan, and the supervision of the erection of buildings are being carried out by the Public Works Department. 3, Contract for buildings, £6,437 8s. 9d. No Parliamentary vote is being charged, as the cost is borne by the Governors of the school. 4, Answered by Nos. 1, 2, and 3.

QUESTION—SMELTER AT RAVENSTHORPE.

Hon. J. D. CONNOLLY asked the Colonial Secretary: 1, Have the Government taken a lease of the Ravensthorpe smelter? 2, If so, what is the amount of the rent and the period of the lease?

The COLONIAL SECRETARY replied: 1, Yes. 2, The term is seven years from 1st December, 1913, with a right of renewal for a further seven years, terminable on six months' notice, without compensation, under certain conditions. The rental is 2s. per ton on crude ore suitable for smelting treatment, and 1s. per ton on crude ore suitable for concentration treatment, delivered at the works.

MOTION—ELECTORAL CANVASS BEFORE REDISTRIBUTION.

Hon J. D. CONNOLLY (North-East) moved—

In view of the proposed redistribution of seats, in the opinion of this House it is desirable that the Government should immediately instruct the Chief Electoral Officer to make an electoral canvass of all the electoral districts.

He said: My object in moving the motion is to remind the leader of the House so that he might point out to the Government the necessity of having this electoral canvass made at once. We have on the Notice Paper a Bill the effect of which will be a redistribution of seats. It is useless to bring in a Bill of this nature and ask the Commissioners to work on the present rolls, which are by no means perfect. If the Commissioners formulate a scheme on the existing rolls then most decidedly they will be working on a wrong basis altogether and cannot expect to come out right. The first essential for a redistribution of seats is to have an electoral canvass. That was made before the last redistribution of seats, and we found very wide differences in the numbers on the roll and the actual number of electors.

Hon. J. Cornell: Cannot all this be said on the Bill?

Hon. J. D. CONNOLLY: The system proved to be a right one, because the forecast of the number of electors turned out exactly as given to Parliament except in certain agricultural districts, where there was an increasing population. To show how necessary it is to have this electoral canvass made I have only to instance the recent Geraldton election. There were on the Geraldton roll at the general election 2,431 voters, and at the recent by-election 2,446, or only a difference of 15 electors, and at the general election 1,935 voted, whilst at the by-election 1,524 only voted. There was a difference of 411 on rolls of practically the same strength. Undoubtedly a very keen interest was taken in the by-election. Ministers and their supporters openly declared that it would be regarded as an expression of want of confidence in the Government if their candidate was not elected. They regarded the contest as of the utmost importance, and great interest was taken in it also by the Liberal party. Therefore, it goes without saying that there ought to have been as big a percentage of votes polled at that bye-election as at the general election, but the votes recorded were less by 411. We can only account for that in one way, namely that about 400 electors had left the district. The difference cannot be accounted for in any other way, and that shows at a glance the state of the rolls in other electorates. Take other electorates such as Kanowna with 1,900, Menzies with 1,300, Coolgardie with 2,500, and Mt. Margaret with 1,870. These four districts I know very well and I venture to say that in the Menzies, Mt. Margaret, and Kanowna districts there are not to-day 50 per cent. of that number.

It is an unfortunate fact that those three districts have gone down considerably during the last few years. Then take an agricultural district, which I know very well, Beverley, which has 1,700 names on the roll. I venture to say that an electoral canvass would increase that number by at least 30 per cent, and I daresay the same thing could be said with regard to a great many other electorates. I have no doubt that a great many city and suburban electorates have increased in the same way as Beverley. The experience at Geraldton proves that an electoral canvass should take place before there is any redistribution of seats. We also have it on the words of the Premier when speaking outside Parliament on a recent occasion that the bye-election for Kalgoorlie would not take place until the rolls were in order. I do not know what the hon. gentleman meant when he suggested that the rolls were out of order, but it is a very striking circumstance that the Premier should have taken up that position. Under Section 66 of the Federal Act as soon as there is a vacancy——

The Colonial Secretary: I beg to draw attention to the fact that the hon. member is referring to a debate in another place.

Hon. J. D. CONNOLLY: I am not. I am referring to Section 66 of the Act which states that when the Speaker notifies the House of an extraordinary vacancy by resignation a motion should be passed in the House declaring the seat vacant. The resignation of the member for Kalgoorlie was received seven or eight days ago, yet we have the extraordinary position of that seat not having been declared vacant, for the ostensible purpose of getting the roll in order. I saw the Chief Electoral officer only the day before I gave notice of this motion, and I asked him if there were any electoral canvasses taking place and he replied "No." I did not particularly ask him about Kalgoorlie, but I presume if there had been a canvas taking place at Kalgoorlie he would have said so. It is a fair assumption that the Chief Electoral Officer has had no instructions so far as the Kalgoorlie electorate is concerned to make any electoral canvass. I would like to know by what authority that election is being delayed so that names may be added to the rolls? A week ago the president of the Liberal League in Kalgoorlie asked the Chief Electoral Officer whether it would be worth while to put names on the roll, and he was informed that it would be a waste of time to do so as there would not be sufficient time before the election; yet now we are told that the election is being delayed so that names may be put on the rolls, and everybody knows that the names must be added to the roll 14 days before the issue of the writ. This is an extraordinary position that was never anticipated when the Act was framed.

Hon. J. Cornell: It will not make any difference.

Hon. J. D. CONNOLLY: It may not, but the Electoral Act clearly lays down that no names shall go on the roll within 14 days of the issue of a writ, and Section 66 of the Act says that as soon as the House is notified of a vacancy the seat shall be declared vacant. The Government should not go beyond the Act.

Hon. J. Cornell: It does not say that on resignation.

Hon. J. D. CONNOLLY: It does say so, and that practice has always been adopted. I hope that the House will adopt this motion, and that it will be sent to the Government so that they may make an electoral canvass, and if there is to be a redistribution of seats it will be on a true basis. But it looks a doubtful proposition at the present time, because we have had this Bill before us for some days, and we were told last night by the leader of the House that this is the last day of the session, yet the Bill has not been read a second time. It does seem as if the Government are not anxious that the Bill should become law. I move the motion standing in my name.

Hon. H. P. COLEBATCH (East): I have very much pleasure in seconding the motion, and in doing so I feel it to be my duty to make one or two clear and simple statements. If it should happen that those statements do not altogether please everybody, I trust I shall not be subjected

to the same measure of personal abuse as I was subjected to last week for stating my simple opinion. On that occasion I was called "callous," "insincere," and everything but "uncouth." I certainly am not callous and I am always sincere in everything I do, and I resent the fact that because members differ from me on public questions, they should attribute to me motives and aspirations which I do not indulge. I do not see why I, any more than any other member, should be credited with aspirations or a desire to do anything more than my duty as a member of this House. It is necessary, if there is to be a fresh compilation of the rolls, that names which have been omitted through the people's own neglect should be added to them and that names which are improperly enrolled, no matter whose is the fault, should be removed. When this matter was discussed on another motion some time ago, it was pointed out that the Chief Electoral Officer is frequently at a disadvantage by having new and untried men acting as electoral registrars in some parts of the State. I know the difficulties he has to put up with, and I do not suggest he does not do his best. It was pointed out in the particular case to which Mr. Connolly has referred, and which, more than any other, points to the necessity for a revision of the rolls, that there had been within a comparatively short period no less than six different electoral registrars at Geraldton, and it was stated in another place and repeated here that a good many of the names which were improperly on the roll had been placed there by a former registrar (Mr. Udy) who had since resigned his office and become secretary of the Liberal League at Geraldton. I have here a very brief letter from that gentleman which I shall read :—

> I had refused to accept claim cards for the Upper House roll with insufficient particulars as to the qualification of the elector.

That refers to the election of 1912 at which the Colonial Secretary was a candidate for this particular province for which Mr. Udy had refused these votes. This is the telegram which Mr. Udy received from the Chief Electoral Officer :

> Colonial Secretary submits following resolution passed by the Murchison District Council Australian Labour Federation meeting held ot Cue 26th March, namely, "That this Council takes exception to names not being admitted on Legislative Council roll on account of insufficient address, as there is no street, lease, or road to give more definite locality, and the electoral officer be requested to have such names on the roll."

That is the resolution of the District Council of the Australian Labour Federation which was submitted to the Chief Electoral Officer by the Colonial Secretary. The telegram from Mr. Stenberg to his subordinate at Geraldton goes on to say:

> Kindly wire whether any claims received prior to 26th March and found to require further particulars have been actually rejected or have been temporarily received and additional particulars requested. If the latter course pursued they should be finally approved, even though particulars missing which are not absolutely essential under the provisions of the Act. Please wire urgent reply. Stenberg.

That correspondence shows that whilst it is being said that those names got on the roll through the culpable incapacity of the district electoral officers, and through the frequent changes in those officers, but particularly through the culpability of one of those registrars who has since become secretary of the Liberal League, that gentleman put them on the roll on the direct instructions of Mr. Stenberg, who was acting at the request of the Australian Labour Federation at Cue conveyed to him through the Colonial Secretary.

Hon. J. D. Connolly: They wanted to make sure of their candidate.

Hon. H. P. COLEBATCH: It is most unjust that an attempt should be made—

The Colonial Secretary: That has no connection with the Geraldton roll.

Hon. H. P. COLEBATCH: It is in connection with the roll for the Central

province, and when the previous motion was before the House the Colonial Secretary pointed out that if the instruction which it conveyed was observed the Legislative Council rolls as well as the Legislative Assembly rolls would be affected. Another reason why I support this resolution is that about three weeks ago the Colonial Secretary made a statement to this House to the effect that this particular point as to whether the particulars Mr. Stenberg refers to here as not being essential under the Act, that is, a definite locality and a definite place of residence are in fact essential. The Colonial Secretary promised that the matter would be referred to the Crown Law Department and that we would be acquainted with the result. I do not know whether we are in the last day or the last week of the session, and I do not care, but three weeks is a very long time for the Crown Law Department to take to give a decision on a point of this kind. I make this further statement without intending to hurt anyone's feelings, but simply because I think it is justified, and I am quite heedless of the consequences: This opinion comes from the Crown Law Department, and the head of the Crown Law Department is the Attorney General. Therefore we may say it is the opinion of the Attorney General acting on the advice of his permanent officers, and the opinion of the Attorney General is likely to very gravely affect a matter in which Mr. Thomas Walker in his private capacity is appearing for one of the parties in a threatened action.

Hon. J. D. Connolly: What action?

Hon. H. P. COLEBATCH: Never mind; I am stating the fact that the Attorney General has to give an opinion on a point which may affect an action between two parties for one of whom Mr. Thomas Walker in his private capacity is appearing. I do not mind that but I think it is improper that three weeks should elapse before we are able to get an opinion on a point which could be decided simply and in a short space of time. I hope the motion will be carried.

Hon. J. CORNELL (South): I oppose the motion. It is another mischievous attempt to play to an institution in a manner which this Council constitutionally has no right to do. The question of redistribution of seats, I have yet to learn, will in any way affect the members of this Council. The redistribution of seats for the Assembly must in detail affect the present electoral boundaries of the Council provinces, but it is only in detail that it will affect them. For this House to take up the position——

Hon. J. D. Connolly: It is a question for those who are taking the responsibility of passing the Bill.

Hon. J. CORNELL: For those who are taking up the position of a wise old grandmother dictating to children in another place——

Hon. W. Kingsmill: It is very necessary sometimes.

Hon. J. CORNELL: This is only one of those grandmotherly motions—I will not say grandfatherly because a grandfather would have more sense——

Hon. W. Patrick: That is an insult to your grandmother.

Hon. J. CORNELL: I have not got one. This, I say, is only one of several grandmotherly motions which have come before hon. members for discussion. It is a side issue, whereby innuendoes may be hurled against members in another place. The question could be dealt with in connection with a Bill which is to come before this House, and for hon. members to say, as the two who have already spoken have said, that we should insist on an electoral canvass being made before there is a redistribution of seats, savours of minding someone else's business and not looking after our own. The hon. Mr. Colebatch in his opening remarks said he would speak his mind irrespective of whether he was inundated with further personalities or not, but that statement is childish. A man who indulges in personalities at times must expect to receive them back. I did not think the hon. member would take exception to anything that has been said by hon. members on this side of the House. I do not think hon. members would go so far as to say he was uncouth,

but if any hon. member called me uncouth, probably the statement would contain a certain amount of truth and I would not take exception to it.

Hon. W. Kingsmill: Rugged.

Hon. J. CORNELL: I have not reached the rugged age. Rocks become rugged, and when I become rugged I hope to be under the rocks. I do not desire to take up the time of the House but I wish to say it would be better if the motion had not been moved. If hon. members think that the rolls are in such a state—and I intend to say something on this point when the Bill comes before the House—as not to provide for a reasonable redistribution, they should vote against the second reading of the Bill. I do not see why members, under the guise of a motion such as this, should take unto themselves the task of criticising the action of members of another place.

Question put and division taken with the following result:—

Ayes	11
Noes	8
Majority for ..	3

AYES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. D. Connolly	Hon. C. Sommers
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. W. Kingsmill	Hon. V. Hamersley
Hon. W. Patrick	(*Teller*)

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	Hon. F. Connor
Hon. J. E. Dodd	(*Teller*)
Hon. J. M. Drew	

Question thus passed.

MOTION—LAND RENTS, RELIEF TO CONDITIONAL PURCHASERS.

Hon. C. A. PIESSE (South-East) moved—

That in the opinion of this House it is desirable that relief should be given to all persons who are holders of conditional purchase land from the Crown, which has been sold to them at a price in excess of its present value.

He said: In moving this motion I would like to say that it has already been dealt with in another place and approved of by the Government. The object is to give relief to settlers who have bought lands under conditional purchase conditions at prices which are in excess of their present value. We know there are numerous cases in which this has been done. I do not think anyone considers the present Ministry is to blame. It was during the administration of a previous Government that most of the land was disposed of at figures which have since been proved to be in excess of its real value. There were many reasons at that period which led to the placing of higher values on the land than should have been placed on it. During that period there was somewhat of a boom in land settlement. Taking the case of the people who have settled to the westward of the Great Southern on land infested with poison plant, it should not have been sold at anything like the price it was disposed at. The poison plant is a peculiar characteristic and a very objectionable one which was quite overlooked by the party in power when they fixed the prices. Again the prices were influenced by the prospect of railways going in certain direction, and in many instances these railways have not been constructed. As regards settlers eastward of the Great Southern we find that the principal reason for the increase in the price was that railways were promised to these localities. These have not been provided. In any instances these men are far distant from the railways to-day, and too far to make it a payable proposition. Anyone who knows anything about agricultural life is aware that if man has to cart beyond a certain distance his estate is of less value than it otherwise would be. This matter has been thoroughly threshed out in another place, and I think it would strengthen the hands of the Government, irrespective of the party in power if this motion is carried. These people's claims will have to be considered, and

considered very soon, and I hope this House will see its way clear to endorse the opinion expressed in another chamber, that this relief should be granted. I do not expect that the Colonial Secretary will object to this motion. His colleagues in another place have already expressed their favourable opinion on a motion of a similar character, and this now is one that he can conscientiously vote for. I do not intend to labour the question. I will leave the motion to hon. members, and trust they will see their way to give it unanimous support.

Hon. J. F. CULLEN (South-East): I rise to second the motion. As hon. members have heard, this motion is exactly similar in terms to the resolution which was carried in another place with the consent of the Government. Had that not been so, I would have suggested a certain alteration in the wording, but for the sake of falling into line with the pronouncement in another place, I am prepared to support it as it stands. The motion does not carry with it any censure of the present Government. As a matter of fact, most of the over-valued sales took place prior to the incoming of this Government. These sales were first of all in connection with poison lands, and they took place at a time when the administration had decided, unwisely I think, to disregard the poison plant altogether, and simply value the land regardless of the poison. Then there was the Denmark land, the bulk of which was sold at double, and sometimes three times and even four times the actual value. Then there are other cases of hardship, where high prices were fixed, in view of intended railway extensions, and where railways have gone elsewhere, leaving the purchasers of those lands high and dry, with unprofitable properties on their hands. Every hon. member will see that all such transactions ought to be reviewed. I admit it is an exceedingly difficult question. Some, however, might be met by leniency, by extension of time, but in many cases there should be a reduction of price. I think that the House will do well to pass this motion unanimously, and then it will rest with the Administration to consider it, and Parliament will no doubt be consulted as to what ought to be done.

Hon. A. SANDERSON (Metropolitan-Suburban): It will be a very brief and mild protest that I will enter against this motion. It is radically unsound from start to finish. One is not permitted to impute motives, but one does not want to impute motives when one knows perfectly well that every hon. member here has to do the best he can for his constituents.

Hon. J. F. Cullen: This is the whole State.

Hon. A. SANDERSON: The people who got these Conditional Purchase leases could give them up. I do not want to labour the question. I merely want to enter a mild and brief protest against the suggestion contained in the motion, and I would like to say that it is a grave reflecton on past administrations.

Hon. R. G. Ardagh: And they deserve it.

Hon. A. SANDERSON: There is an old maxim, *caveat emptor*, which is a very sound one, and which one might apply to what is going on here, and not only here, but in the old country. We find that in connection with the sale of our lands, language is used that would be regarded as extravagant in the mouth of an auctioneer, and this is the kind of thing that is coming back on us. I have great sympathy for those people who, I think, have been misled. We are, however, bound to do our duty to our constituents, and put up some kind of case for them. Personally, I do not think that anyone has more sympathy for those who have been disappointed in this way than I have, but I consider the suggestion contained in the motion is radically unsound. If there is one race on this earth that is capable of success in business, it is the Hebrew race, and while they may exact the last pound of flesh, they will pay, whether they lose or not. Everyone knows that in business one will sometimes, for the sake of peace, if there has been an obvious mistake in a purchase, give way, but in the ordinary course of events we buy presumably with our eyes open, and if we make a mistake we fall in. In these busi-

ness matters I would like to stand on business grounds, and if we carry a motion such as this, we are going to strike a severe blow at the value of property.

Hon. C. A. Piesse: No, you are not.

Hon. A. SANDERSON: These purchasers we see are already beginning to depreciate their own property. I quite admit that the price of land in this country during the last five or ten years has been somewhat exaggerated. We have regarded it as a good thing to be able to get the people on the land at any price. I quite admit that in the past we have promised railways, just as an auctioneer or land agent would do. This has been done in Europe, as well as in Western Australia. I was asked in England and in Eastern Australia about the pamphlet, written in flowery language, which has been issued by the Government. It is no use saying that the Government have not done these things, because everyone knows that the Government have been doing them. I feel that a protest ought to be entered, even at this late hour, against this kind of thing going on. It is not a reflection on the Government, or on past administrations; it is a reflection on the policy of the country, which carries on business on these lines. It is just like a man starting in business in the dry goods line; he wants to effect a sale at any price. One does not pay much attention to the country land agent, or to the drapery department, but one has been accustomed to paying attention to statements by the Government. We have got almost to this position in Western Australia, that owing to the extravagant language used in these pamphlets which have been spread broadcast, we have now been driven to the position that people outside as well as the people inside, attach no more weight to the statements of members of the Government than they would do to the statements of an enterprising draper or land agent. If by passing this motion any measure of relief would be given to those people, I would be inclined, as one of the trustees of this country, to stretch a point to oblige my friend.

Hon. C. A. Piesse: You are not obliging me.

Hon. A. SANDERSON: No, but the people the hon. member represents. I do not believe in grandmotherly motions of this description, but if the one which is before us will soothe the constituents of the hon. member, I shall be glad on this occasion to give it my support.

Hon. V. HAMERSLEY (East): I am pleased to be able to support the motion. I would not have risen but for the remarks of Mr. Sanderson. I am quite sure he misunderstands the true position in which many of these people have been placed. We know from the evidence we have had before us that the values were placed on some of the lands from time to time on the assumption that a railway was to be built in close proximity, but that afterwards deviations were made, and it was found that many settlers were left a considerable distance from communication. Very high prices have been charged in many instances for land which is now not served by a railway, and which is not likely to be served by a railway, because of the deviations which have been made. This motion will, if carried, direct that some help shall be given to these people. I realise that the values went up a few years ago on the assumption that there was to be a great demand for land, and it was considered, particularly by the party in power, that the lands of the State were being disposed of too cheaply. Now, I think it would only be right, and an act of grace on the part of the present Government, to take the first opportunity of reducing many of these values, which undoubtedly are a great drag upon the community affected. I shall support the motion.

The COLONIAL SECRETARY (**Hon. J. M. Drew**): This appears to me to be another attempt on the part of the Legislative Council to dictate to the Government as to how the details of public administration should be carried on. We had another effort about a quarter of an hour ago on the part of Mr. Connolly. I do not think these repeated attempts to usurp the functions of the Executive officers of the State will be at all acceptable to the Ministry. These attempts are being made frequently of late, and, there-

fore, are weakening in their influence on the Government. As to the motion, I do not know what the Government have done in another place, but the terms of the motion embodies a very wrong principle. What does it ask the Government to do? Practically to have a reclassification and reduce the price of land so that it shall not be in excess of its present value. We have had no proof that any blocks of land have been sold at a price that is in excess of its present value. If blocks have been so sold, it seems to me to say that a reduction should be made on that ground; it would be a dangerous principle to accept. If through any cause since the sale the property has depreciated in value, surely the Government are not to be expected to bear the burden. Property has in no way depreciated in value since it has been sold. In many instances to my knowledge the blocks were sold in the first instance at too high a value. An undue price was asked and got from the selector, and if the hon. member had so framed his motion to admit that fact he would have received my sympathy, but he has not done so.

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

Ayes	11
Noes	9
Majority for ..	2

AYES.

Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. C. A. Piesse
Hon. J. D. Connolly	Hon. C. Sommers
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. E. McLarty
Hon. C. McKenzie	(*Teller*).

NOES.

Hon. R. G. Ardagh	Hon. W. Kingsmill
Hon. F. Connor	Hon. B. C. O'Brien
Hon J. Cornell	Hon. Sir E. H. Wittenoom
Hon. J. E. Dodd	Hon. F. Davis
Hon. J. M. Drew	(*Teller.*)

Question thus passed.

BILLS—THIRD READING.

1, Bills of Sale Act Amendment.

2, Opium Smoking Prohibition.

Returned to Assembly with amendments.

BILL—LOAN £2,000,000.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: In introducing a Loan Bill for £2,000,000 it is necessary for me to state, by way of explanation of the reasons for asking Parliament for a further loan authority in view of the generous provision which was granted last year, that although we had a balance on the 30th June last of no less than £4,149,634 under previous Loan Acts available for expenditure, certain individual items have become deficient or exhausted, and, therefore, to continue the programme of works and services necessary for the development of the State, in addition to making further provision for the State's undertakings, including the Agricultural Bank and Workers' Homes scheme, an additional loan authority has become necessary to the extent of the amount stated. It will be seen that the main headings of the items in the Schedule are—administrative, £50,000. This item covers administration charges on loan works, in view of an existing authority of £180,144. We have reduced the amount accordingly, which we consider will be ample. Railways and tramways—for this service we are asking for £470,000, which includes £350,000 for the construction of the electric power station at East Perth for the purposes of the supply of current for the trams, the remaining items being—rolling stock, £26,000; Wongan Hills-Mullewa, £10,000; Wyalcatchem-Mt. Marshall, £32,000. The next items are—Harbours and Rivers, £106,000; water supply and sewerage, £239,500; development of goldfields, £10,000; development of agriculture, £550,000. This consists of agricultural immigration £50,000, and the Agricultural Bank £500,000, this being provision for further capital. There are also, immigration generally, £2,000; purchase of Savoy House for offices for the London Agency, £15,000. Other State Undertakings. £446,000, include—sawmills, £42,000; workers' homes, £350,000; implement works, £10,000; State hotels, £26,000; steamships, £8,000; South Perth ferries,

£4,000; milk supply, £500. These with the provision of £111,500 for discounts and flotation expenses make up the total amount. Although the provision made in the Loan Bill under certain items may appear somewhat deficient for the works required to be undertaken, the balances available under the previous Loan Acts must not be overlooked. Take for instance items under harbours and rivers, such as Albany harbour works, in which case £10,000 only has been provided, but there is an existing authority of £19,867 for that particular work. Geraldton harbour improvements is another item—we have provided £10,000 under the Bill, but £11,263 is also available for the work. For Fremantle harbour works the Government have provided £46,000, but not less than £114,243 has also been authorised for the work and not expended. Albany Water Supply is another illustration. There is an amount of £21,067 available under previous Loan Acts for the work and this is considered sufficient to complete the undertaking. Development of mining is an item with £52,303 to its credit so that the provision of a further £10,000 will meet requirements. For the Goldfields Water Supply the Government are asking for £65,000 which will increase the amount available for the work to £172,407. Under the item agricultural immigration we have provided over £50,000, but this will give the Treasurer £124,174 still to expend on that class of immigration, with another £10,633 under immigration generally. I move—

That the Bill be now read a second time.

Hon. H. P. COLEBATCH (East) : I do not wish to offer any opposition to the Bill, but I feel that I should not have done my duty if I had not expressed my opinion on one or two matters. I cannot help expressing regret that so little money has been provided on the Loan Bill for certain works and so much for others. In regard to the Perth trams, no doubt it is necessary, having gone so far, that we shoud go further, but the Electric Power Station means another half a million on top of the half million already expended. This money would have been far better used for the development of the country. In the matter of Workers' Homes £150,000 was included in the previous schedule, and not only that, but most of the £300,000 provided in the present Bill has already been appropriated, and whilst I heartily approve of the system, I think under better management the money might have gone further, and I am inclined to doubt the policy of spending half a million of money on Workers' Homes when there is a difficulty of getting money, and when the Government are slowing down on the public works policy generally. We have spent a million pounds on a transfer of a public service, the Perth trams, from one authority to another, and half a million on Workers' Homes, and at the same time we have to admit that we have to slow down on important developmental works.

Hon. J. W. Kirwan : Is not the workers' homes an important work?

Hon. H. P. COLEBATCH: Certainly it is, but under a different system the Government might have more largely encouraged thrift. All that has been done in housing the people of the country could have been done for less money. I do not think it is a wise policy—and I never miss an opportunity to say so—to give a £550 house to a man who has not anything to put into it himself, and who probably is not earning more than £3, £3 10s., or £4 a week. It would be better to tell that man he ought to live in a small house until he can save money to enable him to build a better place.

Hon. J. W. Kirwan : Is not the security good enough?

Hon. H. P. COLEBATCH: I do not doubt the security. I do not know why the hon. member will not understand me. The present Government, in common with other State Governments, find great difficulty in getting the money required for the development of the country, and that being the case, there ought to be a sufficient sense of proportion to devote the money to the purposes which will achieve the most good. I am not raising the

least objection to workers' homes, but the policy of the Government suggests a lack of the proper sense of proportion when we find a million of money spent in transferring a service from one ownership to another, without any extra employment being found for anyone, without any better facilities, or without doing good to anyone, when we find a half a million devoted to workers' homes, an excellent principle I admit, but one which should proceed as we can afford it, and when we find a slackening off of the great policies of immigration and agricultural railways on which the prosperity of a country depends. I regret there is not more money for agricultural railways and that there is not a great deal more money for harbour improvements, When I say this. I do not merely refer to Fremantle, but to Geraldton, Albany, Bunbury, and similar ports, for which there is some provision, but altogether insufficient provision in every case. Then there is the important question of the bulk handling of wheat. Probably it would be premature for the Government to make preparations for that, because they have not yet had an opportunity to fully consider the report of the committee appointed to inquire into the question, but it is a requirement on which money will have to be expended. There is an item of which I express my unqualified approval, and that is the sum of £10,000 for the Norseman-Esperance road, including the equipment of motor tractors. This might be, and probably will be a losing service, but since the people have been induced, rightly or wrongly, to settle on this land the Government should try to help them until the finances of the country will permit of the construction of a railway. There is another point to which I would like to draw the attention of the House. These moneys are borrowed under the provisions of the Loan Act, which restricts the Government to paying interest at the rate of 4 per cent. The idea of the Loan Act is that it should never be within the power of any Government to pay an exorbitant rate of interest for money. The intention evidently is that if the rate of interest goes up in the money markets of the world, it should be incumbent on the Government to obtain the permission of Parliament to pay a higher rate of interest. This is a matter to which the Auditor General has directed attention not only in last year's report but in his previous report, and everyone knows that when this Bill is carried the money will be borrowed at a greater rate than is permitted. It will be done by giving discount, and thus this provision of the Loan Act will be evaded. I do not say that the Government will be doing anything wrong or anything which any other Government would not do, but I agree with the Auditor General that if by paying discount the Government make the rate of interest more than 4 per cent. it is an evasion of the provisions of the Act, and it would be far better when Loan Acts are brought down if it was known that it would be necessary to pay by direct interest or discount more than 4 per cent., it should be stated.

Hon. J. F. CULLEN (South-East): Before the Colonial Secretary replies I want to say a word on the question of workers' homes. I take an intense interest in this question and I suggest to the Minister and through him to the Government not to waste time over West Subiaco and over the great idea they had of establishing a big corner there in workers' homes. Even if West Subiaco were available I would rather see these homes distributed amongst the other homes in the country. It is utterly undesirable for any little corner of a suburb or town to be started as a special little settlement on a different footing from other parts of that suburb or town. It would be far better if workers' homes were distributed about amongst the other homes. I also wish to impress upon the Government a point which the hon. Mr. Colebatch has made. I would far rather see the Workers' Homes Board helping the weakest and the smallest than being ambitious about fine cottages. We want to help those who most need help, the struggling workers who will be glad to start at the most with four rooms,

with the intention of adding more on when they get properly on their feet. I want to add to that the expression of a hope that the scales will be held fairly between the freehold applicant and the leasehold applicant. Do not allow the administration to discourage the freehold applicant, who is now paying one per cent. more with a rebate of one half per cent. for prompt payment. That is sufficient handicap, and I hope that the Board will hold the scales fairly between the two kinds of applicant. I notice another matter to which the hon. Mr. Colebatch referred, namely that the Government have openly and above board asked Parliament to allow them to reappropriate the £10,000 previously authorised for the Esperance-northwards railway for the construction of a road and equipping it with motor power. I too support the Government in this. I am not a party to shutting the door of hope to the Esperance people, and in the expenditure of money throughout the country it will be good, other things being equal, to give settlers an opportunity to do the work. I think the Minister will appreciate this point. I am not attempting to dictate to him and he understands my attitude. Sometimes a lot of labour is taken into the district when there is no need to do so. Where there is a number of settlers to whom it would be a great advantage to take a little contract near home and earn a little cheque to tide them along they should have an opportunity to do the work. Practical assistance can in this way be given to the settlers on the Esperance land.

Hon. J. W. Kirwan: Do not you think the Government will do that in any case?

Hon. J. F. CULLEN: The work is generally announced and a great deal of labour goes to the district from outside; they clamour for the work, and the Government give them the work, but I say that first consideration should be given to the man on the spot, because the settlers deserve our first care.

Hon. J. W. Kirwan: That goes without saying.

Hon. J. F. CULLEN: But I have pointed out that it is often overlooked and that itinerant labourers take the work which ought to be given to the man on the spot. I have no opposition to offer to the Bill.

Hon. F. CONNOR (North): Without the object of opposing the Bill in any way, I rise to draw the attention of hon. members to the fact that this Bill for the loan of two millions, the burden of which is to be put on the backs of the people in all parts of the State contains no mention of the North or the North-West in the items of expenditure. Is that fair? The other day there was a discussion on the development of the Esperance district. I would like to see the Esperance district developed and justice done to the settlers there, but I am here as a representative of the North of this State and I enter my emphatic protest, though it is no good and will make no difference, against the unjust way in which the North-West is treated, and against the unjust taxation imposed upon the people North to carry on everything that suits the people in the southern part of the State. It is not fair; it is not just; it is not statesmanlike; it is not even politic. The time will come, as the hon. Mr. Kirwan used to suggest, for separation. Something must be done. I as a representative of the northern part of the State cannot sit in this House and see legislation passed which entails on the part of the people of the far North, just as on the people of the South, tremendous responsibilities in the shape of taxation. I rise here now to enter my protest against all this money being spent in the southern part of the State and against the ignoring of the North, although the people of the North have to carry their share of the responsibilities in the way of taxation. At the expense of reiteration I repeat that it is unjust and unfair and not in the interests of Western Australia. Let me refer to the two Kimberleys. There is a proposal before the Federal Parliament for the establishment of freezing works, chilling works or meat works at Port Darwin which will take away from this State trade to which Western Australia is entitled, and which its geographical position will ensure to it. The establishment

of the works at Port Darwin will result in this trade leaving the State and the State will be the poorer for it. I blame the Government for bringing down the propositions contained in this Bill. They are not in the best interests of the State as a whole, and to the best of my ability I protest against the policy enunciated in this measure. It is absolutely ignoring the rights——

Hon. R. G. Ardagh: What particular works do you refer to?

Hon. F. CONNOR: I have referred to the freezing works. There is also a water supply for Wyndham, which if provided would enable meat works to be established. I do not think the hon. gentleman is very much seized of the requirements or the potentialities of the North. I unhesitatingly say that an injustice has been done to this very important part of the State, that it has been absolutely neglected to build up dairies that do not produce milk, sawmills that have not produced any sawn timber, pubs that are not yet in existence.

Member: Steamers.

Hon. F. CONNOR: Oh, steamers! Get off them, they stink. I do want hon. members to think this thing out. Is it fair that all this money should have been borrowed within the last few years, and two millions more now be authorised without any attention whatever being paid to the North? I saw a newspaper report the other day in which it was shown that there was one item of £200 in the Loan Schedule for the water supply of the Kimberleys. I went and asked some of my friends in another place to move to strike out the item as a protest against the absurdity of it. Fancy £200 for a water supply when there are two millions at issue, especially when we consider that the people of the North have done so much for the development of the State inasmuch as they have put their capital and their work and their lives into it, and have done it for years. Yet we see them absolutely neglected. I am not going to oppose the Bill, but I hold as being unfortunate and unjust the position taken up by the present Ministry. Somebody should try to influence them to a sense that some little measure of justice should be meted out to the North which deserves all that can be done for it because of what it has done for the development of the State in times past.

Hon. A. G. JENKINS (Metropolitan): I notice two items on the schedule, one for steamships, £8,000, and another for saw mills, £42,000. Seeing those two items one concludes that the steamship item is either to make up a loss on the service, or is part payment of the purchase money. These steamships apparently were worked last year at a loss roughly of £19,000.

Hon. F. Connor: They lost over £100,000.

Hon. A. G. JENKINS: What I want to show the House is how they might have turned that £19,000 loss into a profit if they had pursued the methods of business which would commend themselves to the ordinary trading person. Some time during last month a contract was entered into by the Government with P. McArdle and James Bell and Co. for the conveyance of powellised sleepers from this State to Port Augusta. That contract exists for a period of, roughly, three years, and amounts to the huge sum of £60,000. Tenders for this immense contract were not publicly advertised, as one would think they should have been. The Government boats, I suppose, would have ample time to take some of these 45,000 loads of timber. Evidently that department were not consulted in the matter. But an officer went round to certain firms in the State, obtaining a quote from them as to the price at which they would be prepared to take these sleepers and convey them to Port Augusta. Here is a contract for £60,000. One would think that in the ordinary way of business the Government would have publicly advertised the contract, not only in this State, but also throughout the whole of the Commonwealth, and have seen that it was given as much prominence as possible. This was not done. I want to know why. I asked a question in the House, first of all as to whether the contract was entered into—because nobody knew anything about the contract outside the Government and the few for-

tunate tenderers until the contract was completed and signed. I then moved a motion that in view of the importance of this contract, in view of what I have no hesitation in terming the highly suspicious circumstances in connection with the contract, the papers should be laid on the Table; and the House carried that motion. Now I am sorry to say—I do not blame the leader of the House, because I feel sure that had it been in his power to produce the papers he would not have shown that discourtesy to the House which had been shown—the production of these papers had been denied the House, and the House has been deliberately refused by the Minister in charge of the department access to those papers. I have been offered a private inspection of them, but what is that?

The Colonial Secretary: You saw them.

Hon. A. G. JENKINS: I had a hasty glance at them, but that does not make them available to the public. In all honour I cannot disclose to the Press and public what I say advisedly should be disclosed to the Press and to the public; because the transaction disclosed by that file is of such a doubtful and suspicious nature that whoever the person may be who is responsible for having entered into that contract he should be brought to book. I am not in a position to and I cannot, even if I would, disclose who is the person responsible for having entered into that contract; but whoever he may be, whether an officer of the department or a Minister of the Crown, he certainly should be brought to book. I would like to give the House some facts supplied to me by a gentleman who takes a very keen interest in this matter. Those facts have been confirmed by others who also take a keen interest in this, not only on the score of commercial morality, but because perhaps they are directly affected by the way this contract was entered into. Mr. Simpson, an officer of the department, I think he is Government storekeeper, went round some months ago and saw certain shipping firms and agents in Fremantle and asked them to put in prices for the carrying of these powellised sleepers. Subsequently a Mr. Humphries, who I believe is superintendent of the State saw mills, saw three different firms in Fremantle and asked them to put in their prices, saying that they must be in by a certain date, the 7th November. What happened? These prices were put in. Mr. Humphries apparently saw the interstate people, who put in a joint tender of 26s. And in that tender, in order that there should be no disguise, they stated that the whole of the interstate fleet would be available for the carriage of these powellised sleepers. The next tender was by Bell and Co., whose Western Australian representative is Mr. Evans, who is also a member of the Fremantle Harbour Trust. The next tender was by Crosby and Co., whose representative is Mr. Viles. A tender also came in from some people who had never been interviewed by Mr. Simpson, who had never been interviewed, so far as I can ascertain, by Mr. Humphries, and who had never been interviewed by Mr. Munt. Those people were McArdle Bros., who put in a tender for 24s. The extraordinary part of it is this: The interstate people can carry out a contract for hundreds of thousands if necessary. Bell and Co. is a very influential firm and so, too, is Crosby and Co. But none of these people were asked, as is customary, to put up any money to bind their tender. I ask the Minister is that the ordinary way that the department carries out business? Surely when a tender of this magnitude, involving an amount of £60,000, is called for, one would expect at least that some guarantee would be asked for from the people who were invited to tender. But what happened? On Friday, the 7th November, the date on which tenders would close, Bell & Company rang up and were informed by the department that their tender of 24s. 9d. was not accepted. Crosby & Company's agent was also informed that their tender of 24s. 3d. was practically the lowest, and he was asked to put up £5,000 guarantee. He put up the £5,000 guarantee and concluded that his tender was to be accepted. I would remind hon. members that the dates become

most important in connection with the acceptance of this tender, and I would ask them to pay special attention to them. Nothing more was heard until Monday, when Crosby & Company's agent came up to complete his tender. He was then informed by Mr. Humphries or Mr. Munt that at 12.30 p.m., after office hours on Saturday, P. McArdle, who, I would like to point out to the House, is the person who tendered as McArdle Brothers—who are not a registered firm and who do not exist as a shipping firm or as shipping agents, or in any capacity in which they are likely to undertake a contract of this magnitude —at 12.30 on Saturday P. McArdle rang up and stated that Bell & Company, the unsuccessful tenderers at 24s. 9d., were going to back him and enable him to carry out his contract. Although that conversation took place at 12.30 on the 8th November there is on the file a letter dated the 7th November, written in the same strain, to the effect that Bell & Company were going to assist him to carry out his contract. The letter purports to be written from Fremantle on the 7th November, and yet, strangely enough, it was not received at the Works Department till Monday the 10th November. I have no hesitation in saying that that letter was never written on the 7th. If it had been written it must have reached the office either by the morning delivery or the midday delivery on the 8th, instead of which it did not reach the department till November 10th. There is something highly suspicious in that fact. Why did McArdle ring up on the 8th November to say that Bell & Company were going to carry out the contract, if he had written to the department on the 7th November to tell them the same thing? It would be interesting to know when that letter was posted, and why, if it was written on the 7th, it was not received by the department until the 10th. McArdle Bros. of course were only a dummy and would not have been heard of if Bell & Company's tender of 24s. 9d. had been the lowest. I would like to follow this matter a little further, because McArdle Bros. gave as their address a Fremantle office, and there is no such firm known at the address they gave. Imemdiately Crosby & Company found out these facts and knew that the department intended to accept the tender of Bell & Company and P. McArdle they protested, and I would point out how unfair it is that Bell & Company, after tendering at 24s. 9d. should be allowed to revise their tender and come in at 24s. They must have had some inside information to enable them to come in and guarantee what I say was seemingly a dummy tenderer. Crosby & Company protested. They said to the department, "If you are going to allow Bell & Company and P. McArdle to come in and make their tender good at 24s. after the date of the closing of tenders, we want also the right to revise our tender, and we will do the contract for 23s. 9d." I may point out that that further reduction of 3d. would have meant a saving to the department of something like £1,600. But Crosby & Company were refused that right.

Hon. M. L. Moss: It would be a Dutch auction if everybody was allowed to reduce his tender.

Hon. A. G. JENKINS: It was already a Dutch auction. Crosby & Company were refused the right to amend their tender and the tender of Bell & Company and P. McArdle, who had never tendered at 24s. originally, was accepted. It now becomes a matter that certainly demands closer investigation. I do not know who is responsible for the acceptance of that tender, I do not know who is the person who recommended that those people should be allowed to revise their tender, or recommended that Bell & Company, after tendering at 24s. 9d., should be allowed to come in, guarantee and receive a tender at 24s. But somebody must have done it and that person must have known that the tender of McArdle Bros. was to all intents and purposes a dummy. This is what happened: the tenders closed at two o'clock on the Friday. On that date Crosby & Company were the lowest genuine tenderers. McArdle Bros. who came in later at 24s. were quite unknown to the Government, and I have not the least hesitation

in saying that if the file is produced it will show that the officer in charge said he had no knowledge of McArdle Bros., he had never been informed of their tender and did not know who the McArdles were; in fact, I might also say that the tender was treated by the department at first as a hoax. What I want to know is what happened between Friday, when Bell & Company were told that their tender was refused, and Monday when P. McArdle and Bell & Company's tender was accepted at 24s. Something extraordinary must have occurred, and I think that not only should that have closer scrutiny, but the whole of the facts in relation to the matter should be made public. Unfortunately on the last day of the session the House is denied the right to have those papers produced.

Hon. M. L. Moss: Why?

Hon. A. G. JENKINS: That is what I want to know. We are told that there are confidential papers on the file. I said to the Minister, "take off every confidential paper if you like, and I will be satisfied if you produce the remainder of the papers for the inspection of the House." But the Minister says "No, that exposes my methods of business and I am not going to put the file on the Table." If that is the way the department carries on business I say the sooner the Press and the public obtain these papers so much the better. One cannot challenge the Government to produce the papers and I cannot move for a select committee to inquire into the matter.

Hon. W. Kingsmill: There are other methods; they must produce the papers.

Hon. A. G. JENKINS: According to *May* the House has power to deal with any person who refuses to produce papers. My only object in referring to this matter is to show how ridiculous is the contention that these papers are confidential. If that tender had been called by the Tender Board every one of the tenders would have been open to inspection and all the tenders would have been published, and where is the difference, so far as publicity is concerned, between calling tenders through the Tender Board and calling them privately through the Minister's office? If one is possible of investigation why should not the other be? Why should there be this secrecy? Who is being sheltered and who is being protected, and who has something to hide in the matter? Somebody has, that is very evident. I do not know who it is, but a perusal of the file would enable members to see without a doubt all those particulars. I have nothing more to say except that indignant protests have been made by the Fremantle Chamber of Commerce in regard to the way the tenders were called for and the way in which they were accepted. Indignant protests have also been made by practically all the commercial people in Perth. I ask, is it the policy of the Government when they have steamers lying idle on their hands for a certain time, to allow them to continue idle when they could have utilised them in taking these sleepers to Port Augusta? Is that the business policy of the Government, or do the Government intend, whenever they have a contract involving £60,000, to ignore the Tender Board, to ignore public advertising for tenders, and to allow a departmental officer to go to two or three privileged persons and invite them to give tenders privately? If that is the business method of the Government they cannot complain if some people take exception to it, and think that it is not quite the right way of carrying on a business. This is the only opportunity I have of bringing this very grave matter to the attention of the House. These papers should have been produced to the House. This Chamber is practically being defied by the Minister in charge, and I say advisedly that a very grave wrong indeed has been done to some tenderers and that the whole of the transaction is one of a very highly suspicious nature.

On motion by the Colonial Secretary, debate adjourned.

BILL—TRAFFIC.

Assembly's Message.

Message received from the Legislative Assembly declining to make the amendments requested by the Council.

BILLS (4)—FIRST READING.

1, Flinders Bay-Margaret River Railway purchase.

2, Electric Light and Power Agreement.

3, Plant Diseases.

4, Local Option Vote Continuance.

Received from the Assembly.

BILL—GAME ACT AMENDMENT.

Returned from the Assembly with amendments.

BILL—MINES REGULATION.

Council's Amendments.

Message from the Assembly notifying that amendments Nos. 1, 9, 10, 13, 14, 15, 19 to 23, 25, 26, and 27, requested by the Legislative Council, had been made, declining to make amendments Nos. 3 to 8, 16, 17, 18, 24, 28 to 30, and notifying that amendments Nos. 2, 11, and 12 had been made with modifications, now considered.

In Committee.

Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

The CHAIRMAN: It was his desire to point out that this Message was wrong in its wording inasmuch as no amendments had been pressed. The word "pressed" was evidently an error of some sort, and he would alter the phrase to read, "Schedule of amendments requested by the Legislative Council in the Mines Regulation Bill which the Legislative Assembly have declined to make."

Hon. J. E. DODD: It was desirable to have some information regarding the method of proceeding. The first six amendments were consequential on the question of periodical inspection on behalf of workmen. If possible he would like that question settled first. That provision had not been struck out of the Bill, but another place had agreed to a certain modification. If we could settle that question many of these other amendments were consequential.

The CHAIRMAN: There was no objection to the hon. member moving that amendment No. 29, which the Legislative Assembly had declined to make, should be the first taken into consideration.

Hon. J. E. DODD moved—

That amendments Nos. 3 to 8, 17, 18, 24 and 28 be postponed until after the consideration of No. 29.

Motion passed.

No. 29.—New Clause: Add to stand as No. 19. Periodical inspection on behalf of Workmen. The majority of persons employed in any mine may, at any time, at their own cost, appoint two of their number or any two practical working miners, not being mining engineers, to inspect the mine, and the persons so appointed shall be allowed, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery. Every facility shall be afforded by the owner, agent, or manager, and all persons in the mine for the purpose of inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in the Record Book, and shall be signed by the persons who make the inspection, and if the report states the existence or apprehended existence of any danger they shall forthwith cause a true copy of the report to be sent to the district inspector. Mode of Appointment. The persons to inspect shall be appointed by ballot by the majority of the persons employed in the mine present at a meeting convened for the purpose by notice signed by not less than five of such persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present shall elect a chairman, who shall notify the manager of the mine of the result of the ballot.

Hon. J. E. DODD moved—

That the amendment be not pressed. It was his intention to move later to insert in lieu the modification which appeared on page 208 of the Votes and Proceedings. This was a very important matter. Almost the whole of the Bill had been so altered as to make it the same as the Act at present. Another place had consented to many of the amendments that had been made, some of them very material amendments. The amendments relating to stoping, passage-ways, 44-hour week, night shift, employment of foreigners, contract, an accident being *prima facie* evidence of neglect, and compensation for injuries had been agreed to by the Legislative Assembly, so that members would see the most important parts of the Bill had been agreed to in the other place. There was only one justification for accepting this Bill at all, and that was that if any consideration could be shown which would give relief in the way of reducing the number of accidents or bringing about better conditions, the Government were justified in showing it. The clause he was moving would provide that the majority of the persons employed in a mine could at any time at their own cost appoint two of their number or any two practical working miners to make an inspection. It was almost impossible to get a number of persons in a haphazard way to agree to the appointment of any two men, and it was not possible to pay them. There was no organisation to pay them for making an inspection, and there was no system by which money could be collected to pay these men except by passing round the hat. The proposal he desired to insert in the measure was very much on the lines of the New Zealand Legislation. There was provision also that the Minister might pay not more than one-half of the cost of any inspection that might be made. That was recommended by the Royal Commission which had dealt with this particular question. There was no reason why the State should not help to pay some of this burden. Attention might be drawn again to the number of accidents which had taken place in our mines.

Hon. J. F. Cullen: We know all that by heart.

Hon. J. E. DODD: If the hon. member knew this information he would not object to the amendment.

Hon. J. F. Cullen: Can the Minister put a limit on the number of inspectors that would be appointed or the amount of money it would cost the country.

Hon. J. E. DODD: If it were possible he would be willing to accept a minimum that might be suggested. If £1,000 or something like that would be sufficient, he would be willing to accept an amendment to that effect. The number of accidents to which he intended to draw attention, had taken place up to the end of September this year. The figures appeared in the *West Australian* of Thursday last and they were taken from the *Labour Bulletin*.

Hon. J. D. Connolly: They were contradicted.

Hon. J. E. DODD: The contradiction only made a difference of one accident at the very most. In New South Wales there had been 48 fatal accidents up to the end of September; the March quarter was responsible for 17, the June quarter 16, and the September quarter 15. In Victoria the numbers in the three quarters were two, two, and four. There was nothing abnormal there. In Queensland the numbers were nine, three, and three. That showed that in the first quarter the accidents were abnormal; some catastrophe no doubt occurred which made the figures higher than the ordinary. In South Australia there were no accidents in the first six months, and in the third quarter there was only one. In Tasmania there were no accidents in the first quarter, there was one in the second quarter and seven in the third quarter. In Western Australia there were nine in the first quarter, seven in the second quarter and nine in the third. These figures showed that there was nothing abnormal in Western Australia. The number of accidents here was far in excess of the number in the Eastern States. The latest statistics showed that one-sixth of the total number of miners were engaged in mining in Western Australia, and if this average was maintained, Western Aus-

tralia would be holding the unenviable record of providing one in four of the fatal accidents, while employing one in six of the miners of the Commonwealth. He was aware that one of the mine managers had contradicted these figures but the contradiction merely amounted to a difference of one. The number of accidents which happened here was a sufficient justification for the Government to ask that some different method should be adopted in connection with the inspection of mines.

Hon. J. D. CONNOLLY: The Committee should press this amendment. Members were just as desirous as the Minister of protecting the lives of the workmen, but though the Minister had spoken of the terrible accidents which had happened in mines he had not introduced one argument to show how the appointment of workmen's inspectors was going to prevent these accidents from occurring, or how it would lessen the number. In regard to the accidents mentioned, it was to be deplored that the Minister in season and out of season had tried to put the gold mining industry in such a bad light. To show how unfair the statistics quoted were, he might mention the fact that the Minister had quoted a report taken from the Commonwealth Statistics and published in the *West Australian* of the 11th December. That report showed on the face of it that so far as Western Australian mining was concerned it stood in a bad way, but a reply had been published in a newspaper showing conclusively that the statistics were not worth the paper they were written on. In the other States accidents on the surface were not included in the statistics, and it was not fair to compare the percentage of fatalities in a State where the mining conditions were not similar to those in some other State with which the comparison was made. The ore taken from the Broken Hill mines was reduced at Port Pirie, in South Australia. The accidents in regard to the reduction plants therefore were not included in the New South Wales statistics. As to accidents in or about a mine, the workmen's inspectors would not enter into the matter at all, for the workmen's inspectors would be employed partly underground. The Minister proposed to go beyond workmen's inspectors and allow the men to elect their own inspectors. State inspectors were qualified men and had to pass a stiff examination. If more inspectors were necessary then why not add to the number of State inspectors, for we had no guarantee that workmen's inspectors would be of any assistance in preventing accidents. There were many good provisions in the Bill and it was an improvement on the present Act, therefore it should not be lost. It was idle for the Minister to say that if the Committee did not agree to the provision for workmen's inspectors the Bill was no good. If further inspectors were needed, why not appoint efficient men which had to pass an examination.

Hon. J. CORNELL: It was to be hoped the Committee would not pass the amendment. Mr. Connolly had accused the Minister of not putting up a case, but the hon. member had only dealt in generalities and had indulged in his powers of imagination. The hon. member stated that the only difference between the clause of the Bill and the section of the 1904 Act was that men could appoint inspectors. Mr. Connolly had stated that he was just as eager to protect the miners as the Minister, and if that were so he would agree to miners appointing their own inspectors. Mr. Connolly had stated that the Minister had tried to put the industry in a bad light in quoting the number of accidents that occurred in our mines. That was not placing the industry in a bad light, but giving honest information to the Committee. Mr. Connolly had said that in Western Australia the accidents included all those in or about a mine. He referred to the Proprietary mine. Even when we added New South Wales and South Australia, what had been the number of accidents this year? How many accidents had occurred on mines above ground in Western Australia during the last nine months? His figures had not been refuted. Out of a membership of 1,100 surface workers on

the Golden Mile in a period of 64 weeks, not one fatal accident occurred. During the last two years there had not been one fatal accident to members of the Surface Workers' Union employed on the Golden Mile. There had been a fatal accident to a member of the Engine Drivers' Union through the over-winding of an engine, and that was the only case this year. Ninety-eight per cent. of the accidents occurred underground. The surface workers did not desire the protection of workmen's inspectors. The light of day shone on them always, and the general public knew the conditions under which they worked, but when a man went underground the eyes of the public were sealed, and the men had to rely on the inspectors. The workers considered that the appointment of these inspectors would minimise the number of accidents underground, and their opinions were entitled to respect. If workmen's inspectors were appointed by the union, the Minister had to approve of the appointments. Exception had been taken to the extensive powers which workmen's inspectors would have, but the only logical objection which could be offered to the proposal was that they would be appointed, and, to a certain extent, controlled by the union. This was the only important portion of the Bill which had been insisted on by another place, and the proposal should be given a trial.

Hon. J. F. CULLEN: Both the Honorary Minister and the hon. Mr. Cornell persisted in reasoning in a circle, and did not attempt to answer the real position. Why had not the workers taken advantage of the powers under the present law? They had done so at Broken Hill, and why not here? Was it because the unions considered they were shut out, and would not allow it? He was willing to meet the Government as far as possible, but the Minister should state frankly what the difficulty was. Presumably he wanted the recognition of unions, and then for the Government to pay half of the inspectors' salaries. That would be giving a blank cheque. Both hon. members overlooked the fact that the Assembly had restored to workmen's inspectors all the powers under the Bill as originally drafted. Workmen's inspectors were given power to initiate and conduct prosecutions, and, in a word, the unions, through their workmen's inspectors, would boss the mines. This was the whole position, and it would not be tolerable. The hon. Mr. Cornell objected to the appointment of more Government inspectors. Why? Because they would be impartial and qualified persons. The hon. member wanted union appointments, whether the men were qualified or not, so long as they were union representatives bossing the working of the mines. He was willing to assist the Government in so far as recognising the unions and consenting to the Government making a certain portion of the payment was concerned, but the powers of workmen's inspectors must not be such as to allow them to dominate a mine. There should not be power to prosecute or summon the managers to come to their feet. Let the Government inspectors have these powers, but not the creatures of the union. The clause might involve an outlay of £5,000 or £10,000 a year. There might be two inspectors to each mine.

Hon. J. Cornell: Do you think the Government are mad?

Hon. J. F. CULLEN: No, but the unions might be. It was impossible to put these inspectors on all fours with qualified Government inspectors.

Hon. J. E. DODD: One got tired of repeatedly bringing forward arguments in favour of this clause, and being told that no reason had been given why the clause should be passed.

Hon. J. F. Cullen: Will the Honorary Minister answer the speeches?

Hon. J. E. DODD: There was not one single argument or reason in the hon. Mr. Connolly's speech.

Hon. J. F. Cullen: Then the Honorary Minister is deaf.

Hon. J. E. DODD: The only effect of his argument was to show reasons in favour of the proposition. In the Eastern States conditions were different, for there there were alluvial mines, and here there was deep mining, big lodes, and altogether a different proposition. As

regarded the qualifications of inspectors, this was beside the mark, because they would be dealing with measures of a practical nature, and not with questions of a technical character. It was hard to sit still and listen to the arguments in reference to some of these clauses. The accident to which Mr. Connolly had drawn attention was the best example to be found as showing that it would not have occurred had there been a workmen's inspector. In another case of accident a man had been working over a pass, trying to get the stone down. A workmen's inspector would have seen to it that this practice was not indulged in. It had been said that the system acted well in Broken Hill, and therefore would act well here. But the application of this was illimitable, and might be extended to cover innumerable systems. The statement made by Mr. Cullen that the unions would not allow the men to act as inspectors under the provision in the existing Act was scarcely worthy of that gentleman. It had been frequently pointed out that there were hundreds of men not in any union and that these men ought to have a say in the appointment of the inspectors. The unions had never entered into this phase of the question at all. The Chamber of Mines had held that it was not reasonable to allow a man to act as workmen's inspector and still work in a mine. It was only asked that the union should have the right to elect a man if they so desired. He was quite prepared to accept an amendment that the amount to be paid should be limited. The only powers given up to the present were those powers contained in paragraph (b) of Subclause 1 of Clause 11. Of course he was not referring to the other amendments which might be dealt with as they came along.

Hon. J. D. CONNOLLY: In the Commonwealth statistics quoted by the Minister, the other States, particularly Victoria, were held up as shining examples of immunity from accident, as compared with Western Australia. As a matter of fact in Victoria there were no workmen's inspectors at all, and so there was not much point in quoting those statistics.

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

Ayes	..	..	9
Noes	..	..	12
Majority against			13

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. C. McKenzie
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. E. McLarty
Hon. J. M. Drew	(*Teller.*)

NOES.

Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. T. Hamersley	Hon. Sir E. H. Wittenoom
Hon. M. L. Moss	Hon. A. G. Jenkins
	(*Teller*).

Question thus negatived; the Council's amendment pressed.

No. 3, Clause 8—Strike out in line 2 "and workmen's":

Hon. J. E. DODD: The amendment was consequential. He moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 4, Clause 9—Strike out in line 2 "and workmen's inspector":

Hon. J. E. DODD moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 5, Clause 10—Strike out the clause:

Hon. J. E. DODD moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 6, Clause 29—Strike out in line 4 "and to the workmen's inspector":

Hon. J. E. DODD moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 7, Clause 30—Strike out in line 2 "a workmen's inspector or":

Hon. J. E. DODD moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 8, Clause 34—Subclause 3, line 3, after "shifts" insert "or winzes":

Hon. J. E. DODD moved—

That the amendment be not pressed.

It was a ridiculous amendment. It was not required, it was ungrammatical and it altered the whole reading of the clause, which had nothing to do with winzes.

Question passed; the Council's amendment not pressed.

No. 16, Clause 40—Subclause 1, Strike out "seven" and insert "three," and strike out "five" and insert "two":

Hon. J. E. DODD moved—

That the amendment be not pressed.

Here again the limitation made by the Council had altered the usefulness of the clause, which was now of no utility whatever.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. D. CONNOLLY: The Mines Regulation Board had been reduced from a strength of seven to three. If the Government accepted the responsibility for the higher number and the Minister thought it necessary, no further objection would be offered.

Question put and passed; the Council's amendment not pressed.

On motion by Hon. J. E. DODD, amendments Nos. 17 and 18 not pressed.

No. 24, Clause 49—Strike out the proviso:

Hon. J. E. DODD moved—

That the amendment be not pressed.

Hon. J. D. CONNOLLY: This proviso would impose unnecessary restriction on mine managers who should not be called upon to secure a permit as they were liable to be prosecuted if they allowed unnecessary work on Sunday.

Question put and negatived; the Council's amendment pressed.

No. 28, Clause 70—Subclause (9): Strike out:

Hon. J. E. DODD moved—

That the amendment be not pressed.

Hon. J. D. CONNOLLY: This amendment should be insisted on. The subclause provided for the mine manager and foreman having certificates. In the interests of the small mine and prospecting show this should not be required though it would entail no hardship on the big mines.

Question put and negatived; the Council's amendment pressed.

No. 30—Add a new clause relating to regulations to stand as Clause 72:

Hon. J. E. DODD moved—

That the amendment be not pressed.

Hon. J. F. CULLEN: This amendment was the most essential clause which was being placed in all Bills authorising the making of regulations.

Hon. J. D. CONNOLLY: Such a proviso should appear in this Bill. Notwithstanding all that was contained in the measure much had to be left to regulation and the regulations had as much effect as the Act. It was only reasonable that the regulations should be laid before both Houses of Parliament.

Question put and negatived; the Council's amendment pressed.

The CHAIRMAN: The next amendments were those requested by the Council which the Assembly had made with modifications.

No. 2, Clause 7—Insert a new clause relating to workmen's inspectors:

Hon. J. E. DODD moved—

That the amendment as modified be agreed to.

Question negatived; the Council's amendment as modified not agreed to.

No. 11.—Clause 35, Subclause (15), paragraph (b): In lieu of striking out the words proposed to be struck out, and inserting others, substitute "District Inspector" for "Minister":

Hon. J. E. DODD (Honorary Minister) moved—

That the amendment as modified be agreed to.

Question passed; the Council's amendment as modified agreed to.

No. 12.—Clause 35, Subclause (20): Substitute the words "unless exempted" for the words "if required."

Hon. J. E. DODD (Honorary Minister) moved—

That the amendment as modified be agreed to.

Question passed; the Council's amendment as modified agreed to.

Resolutions reported, the report adopted and a Message accordingly returned to the Assembly.

BILL—OPIUM SMOKING PROHIBITION.

Message received from the Assembly notifying that amendment No. 3 had been agreed to, that amendment No. 2 had been disagreed to for reasons set forth in the schedule, and that amendment No. 1 had been agreed to subject to a further amendment in which the Assembly desired the concurrence of the Council.

BILL—ILLICIT SALE OF LIQUOR.

In Committee.

Resumed from the previous day.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

The CHAIRMAN: A new clause to stand as Clause 15 had been moved by the Colonial Secretary.

Hon. M. L. MOSS: In accordance with a promise he had made he had drafted five new clauses to carry out the suggestions he had made on the previous day. Perhaps it would be advisable to deal with them separately.

The CHAIRMAN: It would be better first of all to determine what to do with the new clause which had been moved by the Colonial Secretary.

New clause put and negatived.

New Clause:

Hon. M. L. MOSS moved—

That the following be added to stand as Clause 15:—"Section 27 of the Licensing Act of 1911 is hereby amended by inserting between the 8th and 9th lines the words "(ee) Australian wine bottle license."

New Clause passed.

New Clause:

Hon. M L. MOSS moved—

That the following be added to stand as Clause 16:—The Licensing Act of 1911 is hereby amended by inserting a new clause after Section 32 of that Act as follows:—32a. An Australian wine bottle license shall, subject to the provisions of the Licensing Act, 1911, authorise the licensee to sell and dispose of on the premises named in the license, any wine made in a State of the Commonwealth produced from fruit grown in the Commonwealth in any quantity of not less than one reputed pint, to be drunk on the premises in which such liquor is sold.

That would meet the objections raised by Mr. Clarke.

Hon. E. M. CLARKE: This clause was aimed at abuses in restaurants in certain places. Without mentioning where they were, could the Minister put in a proviso exempting certain country districts? He had in mind more particularly places where fruit was sold and where no abuses were committed.

Hon. M. L. Moss: We give them two years' notice.

New clause put and passed.

On motion by Hon. M. L. MOSS, the following new clause to stand as Clause 17 agreed to: "Section 72 of the Licensing Act, 1911, is hereby amended by adding after the word 'license,' in the sixth line thereof, the words 'or an Australian wine bottle license.'"

On motion by Hon. M. L. MOSS, the following new clause to stand as Clause 18, agreed to:—"The second schedule of the Licensing Act, 1911, is amended by adding between the forms of Australian wine license and packet license the following form:—

The Licensing Act, 1911.

Australian Wine Bottle License.

Whereas the Licensing Court for the licensing district of at a sitting held on the day of , 19 , by its certificate dated the day of , 19 , authorised the issue to of of an Australian wine bottle license for the sale of wine made in any State of the Commonwealth, for certain premises, situated at And whereas the said has paid the sum of £ as the fee for the said license.

Now it is hereby declared that the said is licensed to sell wine made in

any State of the Commonwealth, the produce of fruit grown in the Commonwealth of Australia, on the said premises, under and subject to the provisions of the Licensing Act, 1911, and the Illicit Sale of Liquor Act, 1913.

The license to commence on the day of , 19 , and continue until the 31st December, 19 , if not forfeited in the meantime.

Dated this day of , 19 .
Receiver of Revenue.

New clause: Australian wine license:

Hon. M. L. MOSS moved an amendment—

That the following be added to stand as Clause 19:—No Australian wine license shall be granted or renewed after the 31st day of January, 1915, except in respect of premises—(a) used for the sale of Australian wine, in which no goods of any other kind, except aerated waters, cigars, cigarettes, and tobacco, are sold or offered or exhibited for sale or apparently for sale; or (b) certified in writing by the Commissioner of Police to be a restaurant in which cooked meals are served.

The Minister's proposal made the issue of licenses impossible after the 31st December, 1914. He proposed to extend them a year longer. That meant that the fruit shops which to-day had Australian wine licenses, instead of getting one year's notice, would get two years' notice.

Hon. J. F. CULLEN: The Commissioner of Police could not possibly certify to an eating house in Albany, Gascoyne, Wyndham or any other far distant place. Clause (b) should be made to read "certified in writing by the clerk of the licensing court, to be a licensed eating house in which cooked meals are served."

Hon. M. L. MOSS: If Mr. Cullen's amendment were adopted it would limit the sale of wine still further. The words "a restaurant in which cooked meals were served" gave a wider range than an ordinary eating house licensed under the Act.

Hon. J. D. CONNOLLY: It might be advisable to require a certificate by the police officer for the district.

Hon. M. L. MOSS: With the permission of the committee, paragraph (b) might be amended to read "certified in writing by the chairman of the Licensing Court."

Hon. J. F. CULLEN: Restaurant was not a legal term. The chairman of the Licensing Court might find it difficult to say what was a restaurant. It would be wise to confine the license to licensed eating houses. He moved an amendment on the amendment—

That "restaurant" in paragraph (b) be struck out, and the words "licensed eating house" inserted in lieu.

To insert "boarding and lodging house" would be too dangerous as practically anything might be regarded as a lodging house.

Amendment on amendment put and passed.

Hon. V. HAMERSLEY: Was he to understand that all the places in the country districts where they were selling colonial wine would have to be eating houses to enable them to sell this wine? Some of these people had paid large sums for the right of selling fruit and wine in the same shops. He understood the clause would give them two years' notice to wipe out their licenses.

The Colonial Secretary: They can sell by the bottle.

New clause as amended put and passed.

New clause—Complaints to be heard by a magistrate:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 17:—"All proceedings upon a summons or arrest under this Act shall be heard and determined before and by a police or resident magistrate."

The penalties and provisions under this measure were so severe that the Government were of opinion that the cases should be heard only by a magistrate.

Hon. M. L. MOSS: The magistrate at Fremantle, through the arrangements of the Law department, was obliged to go to Pinjarrah to perform official duties. On two or three occasions in this House he (Mr. Moss) had urged the Government to appoint a coroner, who could be utilised

for magisterial duties at times when his services were not required for the holding of inquests. It was a good thing not to allow justices to try cases under this measure. This was another argument added to the one he had previously used for a coroner to be appointed promptly in the metropolitan area, so that when a magistrate was required to go all the way to Pinjarra to try some case under this measure his services would be available.

Hon. J. F. CULLEN: The new clause had his approval. It should be noted that in two Bills now before the House the range of penalties was from a big penalty down to one-twentieth; in this Bill it was to one-fifth. The Minister should try and avoid that disparity.

New clause put and passed.

Title—agreed to.

Recommittal.

On motion by the COLONIAL SECRETARY, Bill recommitted for the further consideration of Clause 9.

Clause 9—Supply of liquor to persons convicted of unlawfully dealing, prohibited:

The COLONIAL SECRETARY moved and amendment—

That after "liquor" in line 5 the following subclauses be inserted:—"(2) On the hearing of a complaint under this section proof of the service upon the person charged with the offence (or, if such person is a licensee, upon a servant of such licensee employed on the licensed premises), before the alleged offence of notice in writing signed by a police officer that a person therein named was on a date therein stated convicted of unlawfully dealing in liquor, shall be prima facie evidence of the knowledge of the person charged with the offence that the person named in the notice had been convicted of unlawfully dealing in liquor. (3) The production of a copy of a notice under this section, with an endorsement setting forth the day, place, and mode of service, shall be prima facie evidence of such service, and the signature to such endorsement shall be prima facie evidence that the endorsement was signed by the person whose signature it purports to be. Any false statement in an endorsement of service shall render the person making the same liable, on summary conviction, to imprisonment with or without hard labour for not exceeding six months."

They were purely machinery provisions.

Amendment passed; the clause as amended agreed to.

Bill again reported with a further amendment, and the report adopted.

BILL — BILLS OF SALE ACT AMENDMENT.

Message received from the Legislative Assembly giving reasons for disagreeing with certain amendments.

BILL — INITIATIVE AND REFERENDUM.

Second Reading Amendment, six months

Debate resumed from the 16th December.

Hon. D. G. GAWLER (Metropolitan-Suburban): My difficulty in dealing with a Bill like this is that it is one of such great magnitude that it really deserves much more time than can be given to it in the expiring hours of the session. And my difficulty, too, is that it gives such possibility of referring to so many eminent authorities on the question that it is very difficult indeed to sift those authorities and put before the House any opinions of those authorities which would do justice to the subject and yet not leave out something which should be discussed. I want to come at once to one of the main points in the speech of the Minister who introduced the Bill, namely the question of its effect on representative Government. The Minister said that the Bill would not affect representative Government. Other gentlemen in another place also laid great stress on the fact that it would not affect representative Government. But in urging his argument the Minister pointed out defects in the present system of responsible Government, which is allied with representative Government; he pointed out the absur-

dity, to his mind, of legislation being introduced by a body of eight men, and also that a majority of one was in a position of overriding an almost equal minority. The Minister, by referring to those defects, implied that he did not believe in the present system of representative Government, and at the same time he said that this proposed system will not interfere with representative Government. Let me point out to the Minister what, to my mind, is the significant reference in the *Age* article which he quoted last night. The *Age*, in congratulating the West Australian Government on having introduced the Bill, went on to say—

> The representative principle has, after many years of patient trial, absolutely disgusted the overwhelming mass of democratic thought, not only in Australia, but in America, and even in Great Britain. We have lost hope in it, for the simple reason that there is no room for better things; our only possible resort therefore is to return to our democratic starting point and reinvest the community with powers of direct legislation and direct popular control over all delegated forms of executive functioning.

What is that but an attack on representative Government? And in the opinion of the *Age* the great point in introducing the Bill is to get rid of that representative Government. Are we to believe the Minister, who says it will not interfere with representative Government, or the *Age*, which says it is the death blow to representative Government? The Minister, in putting it in the way he did, tacitly admitted that he was introducing a sort of excrescence on our present system of Government. He disbelieves in it and is trying to bring about this new hybrid system. I say, let us get rid of the present system of responsible Government and then we can discuss a system of this sort; but we cannot engraft such a system as the initiative and referendum upon our present system. The Minister also pointed to the fact that a majority of a party might override an almost equal minority. But what about the point embodied in the Bill, where a majority of one may override the minority? I would like to point out to hon. members that in discussing this subject they must recognise the fact that nearly all the authorities quoted by the Minister, and nearly all the authorities dealing with the subject, have dealt with it from the point of view of its application to the English Constitution. Such an authority as Leckie, for instance, refers to it only from the point of view of referendum, and not really of the initiative, which in the present Bill is inseparable from the system. The object of the Bill is to give the people power to initiate a law, and if the Houses do not pass that law, it must be referred to the people. Another object, too, is to provide that where the Houses pass a Bill, apart from one introduced by the people's initiative, 10 per cent. of the electors may demand that the Bill shall be referred to the people. But is there not an extraordinary omission in the Bill? What have we been hearing for the last few years from the Labour party? We have been hearing that the Upper House stands in the way of a democratic legislation and there is no means of getting the people's sense on legislation on which the Houses disagree. But there is not a single provision in the Bill for referring to the people disputed legislation upon which the Houses cannot agree. The only reference is to Bills which the people initiate and which the Houses will not pass. It seems to me a most extraordinary omission.

Hon. J. W. Kirwan: There is a provision to deal with a deadlock.

Hon. D. G. GAWLER: No, not of the sort I am referring to. I will ask the hon. member not to interrupt at the present moment, but to refer it to himself if he wishes. I have been unable to find any provisioin for dealing with disputed legislation upon which the Houses cannot agree, apart from disputes on initiated legislation. The object of the Bill, we are told, is to bring the people into touch with legislation. Have we not to consider whether the people are not already in touch with the legislation? What are the conditions under which our system works?

We have universal suffrage in the Lower House; then we have——

The PRESIDENT: I remind the hon. member that Upper and Lower House, though popular, are invidious terms, and unknown to the Constitution. The Legislative Council and the Legislative Assembly are the proper names for the two branches of Parliament.

Hon. D. G. GAWLER: I should have said we have universal suffrage for the Assembly and we have what is practically household suffrage for the Council. Let me refer once more to a sentence in the *Age* article, which shows the touch the Legislative Council is in with the people. The article states—

> The Legislative Council may block it for a term perhaps, but not indefinitely, because the Council of Western Australia is nearer the people and much more representative of public opinion than the Upper House of any other State.

That is the opinion of the *Age*.

Hon. J. E. Dodd (Honorary Minister): Perhaps it is not correct.

Hon. D. G. GAWLER: The Minister is very ready to take the *Age* when it suits his argument, but not at other times. Then we have triennial Parliaments. In other words we have to go back to the people every three years. We have for the Council a process of return of members every two years, so that there shall be continually filtering through this House members in touch with public opinion. We have annual parliamentary sessions, sometimes two sessions in a year. We have our Cabinet system, under which the Government place their programme of legislation before the people, and are pledged to carry it out, and under which, if they do not follow out that programme, they can be turned out by a vote of no-confidence and sent back to the people. Then we have, in the interests of the party of which the leader of the House is a useful member, a policy laid down by the Labour Congress for the guidance of the Labour Government, and that policy is laid down for the next three years. Then we have a body which keeps very close watch on the legislation brought about by the Labour party, namely, the Australian Labour Federation. In all these circumstances is it not difficult to get closer to the people and know their sense of what legislation they wish? We are told to trust the people. That is to say, the main argument in favour of this proposed system is "Trust the people; they know what legislation is required; their voice is unerring. Trust them and let us introduce this system of referring legislation to them." But let me take hon. members' minds back to the way in which certain members of the party to which I have referred, trusted the opinion of the people when they got it. Look at the Federal referendum sent to them three years ago, and which the people rejected. The other day the party said, "We do not believe you knew what you were talking about; we will put the question to you again." They did so, and got the same answer. That is not trusting the people. If that is the principle under which the referendum is to be carred out, I do not think it is an honest and genuine intention on the part of those who would bring the system into use. America and Switzerland have been quoted as examples of countries where the referendum is in use. But take the State Legislatures of the United States. They are elected, certainly, but in some of those States they have only a session every two years. They do not come before the people except once in every two years. On top of that is the Governor's veto of legislation. He can veto it and send it back unless passed by a stipulated majority. Then take the Federal Senate of the Congress of the United States. Their Federal Senate is a Senate representing the States and not the people. I have here a work by J. A. Marriott, entitled *Second Chambers*. He says—

> Two points arrest attention at once. The first is that the Senate is neither hereditary nor nominated, nor directly elected. It represents, not the peoples but the Legislatures of the constituent States of the union.

That is to say the members of the Senate represent the States.

Hon. F. Davis: Is that correct?

Hon. D. G. GAWLER: Yes. Members of the Senate of the United States are elected by the Parliaments of the various States.

Hon. Sir E. H. Wittenoom: That is what it ought to be in Australia, too.

Hon. D. G. GAWLER: That being so, I desire to point out that the undoubted corruption in America is one of the reasons why this initiative and referendum is required. I have a work by Beard and Shultz, entitled *Documents on the Initiative, Referendum and Recall,* which shows that it is not wonderful that the people asked for the initiative and referendum there when legislation is carried on under the circumstances which I have mentioned, namely, under the circumstances of gross corruption which goes on in the legislatures of the United States. The book says—

> This notion (that is the question of corrupt practices) was voiced by Mr. Gamaliel Bradford in an article published in the *Evening Post* in 1908. "Consider how our legislatures try to govern. When they meet in session there are two Houses in each State, varying from fifty to three hundred men, all representing different districts and all precisely equal. There is nobody there representing the State as a whole or the State administration. The only duty of each member is to get all he can for his constituents, and he would be regarded as impertinent if he interfered with the schemes of any of the others. Every member can propose as many measures as he pleases upon any subject he pleases, and they are all thrown on an equal footing into a number of committees made up by the Speaker, who is elected for that purpose, at his discretion; while the legislature, with little discussion, passes what the committees recommend. It is an ideal system for corruption. It was the origin of the lobby, that is, a power which, by corrupt methods, can induce a mass of conflicting atoms to act together for private ends; and out of the lobby is evolved the boss. What the government of the State is, that will be the government of the cities." In addition to these unquestionable proofs that there is a decline in public confidence in legislative ability and honesty, attention may be drawn to some passages in current history. While no one would deny that a great amount of conscientious, serious, and honourable work is done in our State legislatures, it must be admitted that there is a vague feeling abroad to the effect that one can never be certain that any particular legislature is engaged in the faithful discharge of its duties. Almost within the last year the legislatures of New York, Ohio, and Illinois have been smirched by exposures and scandals which, in spite of the exaggerations, contain a distressing amount of established fact.

I have referred to this to show the strong reason why there should be a desire among the people to have something to say in legislation carried on under these circumstances. In Switzerland there are 22 cantons, and 16 of them consist of single chambers, and six are direct assemblies of the people. In the Federal legislature there is a States Assembly of 44 members, two of whom are elected by each canton, not by the people. Then they have a National Council of 144 electors, one elected by each 20,000 people or fraction of over 10,000. In Western Australia we are in such touch with the people that some hon. members represent only a few hundred electors. The largest number that any hon. member in either House represents, I think, is 5,000 or 6,000 people, but in Switzerland a man may represent from 10,000 to 20,000 people, This shows the difference in vote value, and I submit they are not in touch with the people to the same extent that we are. These Houses in Switzerland have equal power.

Hon. F. Davis: Are not you representing over 12,000 electors?

Hon. D. G. GAWLER: No, there are three of us representing the province. In Switzerland the initiative and referendum is confined solely to constitutional questions and is not taken on general laws. Then, again, the amendments to their Constitution have not only to be approved by the people, but by a majority

of the cantons. Therefore, they go further than we do. Consequently I say that in America and Switzerland there are vastly different circumstances as compared with the circumstances in this State. Now, take the systems of government in our own State and in the countries I have mentioned. Here both Houses are elected; we have short Parliaments; we have political organisations looking after all political matters and we have Responsible government. In America the Senate are not representative, there is no responsible government and the President is supreme in legislation. Let me read a few words showing the excessive powers exercised by the President of the United States—

> The duties of the President were prescribed (that is by the Constitution). As the first officer of the nation, it was agreed that he ought to be the commander-in-chief of the army and navy, and of the militia, when called into the actual service of the United States. He was permitted to make treaties by and with the advice and consent of the Senate, and could therefore make peace; but he was not permitted to declare war, lest his ambition should lead the nation into useless wars. That power was vested in Congress. Vast and almost unlimited executive powers were conferred by the provisions, "The executive power shall be vested in a president" and "he shall take care that the laws be faithfully executed." The only expressions in the Constitution authorising a Cabinet are "the principal officer in each of the executive departments," whose opinion the President may require in writing, "and heads of departments" and "any department." His independence of Congress and influence over legislation were provided for by giving him a qualified veto power. His fidelity was secured by his oath of office and liability to impeachment. Great as is the presidential office by reason of the powers and duties entrusted to it by the Constitution, it has become still greater, because Congress has entrusted it with many discretionary powers which it can limit, or prescribe the means and methods of performance. Its greatness is partly of constitutional and partly of legislative creation. It is often said that the President has greater power than any constitutional monarch; if this is so, it is largely because Congress has made it so. It is our pleasure, not our obligation, that makes him so great.

This shows the enormous power of the President, and without any Cabinet responsible to the Houses as we have here, which I venture to say make the conditions in the United States in regard to legislation different from what they are here.

Hon. J. E. Dodd (Honorary Minister): That is only a theoretic power; it is very little used.

Hon. D. G. GAWLER: I will admit that if the Minister likes, but have we not the fact that there is no Cabinet? The President appoints his own Ministers with the nominal approval of the Senate and they are responsible to no one but him. He is elected for four years, and cannot be put out of office. That is not responsible government in the sense that we have it here. The States' governments are very similar inasmuch as they have long Parliaments, there is no responsible government in them, and the governor has the veto. Take Switzerland: There they have a Federal Council consisting of nine. They are called the executive and are in no sense a Cabinet. They hold office for three years and cannot be turned out. Let me shortly refer to a passage in the *Historians' History of the World* which was compiled by some of the greatest constitution and historical authorities in the world. This is the view they put of the Swiss Constitution—

> Now the federal executive (federal council) is in no sense a cabinet—*i.e.*, a committee of the party in the majority in the legislature for the time being. In the Swiss federal constitution the cabinet has no place at all. Each member of the federal executive is elected by a separate ballot, and holds office for the fixed term of three

years, during which he cannot be turned out of office, while as yet but a single instance has occurred of the rejection of a federal councillor who offered himself for re-election.

They are practically a permanent body for three years holding practically all the powers of legislation in their hands. Then again in Switzerland the Houses are practically drafting bodies and not legislative assemblies at all. I have a work by Temperley, entitled, *Senates and Upper Chambers*, and he gives in a note to one of his chapters the following as regards the legislative position of these Swiss Houses—

> The proposal of the referendum as a method of preventing deadlocks between the two chambers is almost as frequent as is that of composing the upper House entirely from nominated elements. It is open to almost as great objections. The Swiss referendum cannot be applied in any direct manner to England, because its operation can only be effective when both the party and the parliamentary system, as we understand them, have disappeared.

That is the point I endeavoured to make at the beginning of my remarks. Temperly continues—

> In Switzerland the referendum is, in fact, the real Upper Chamber, and the people as a whole—the electors—the real Lower Chamber. Both Stande-Rath and National-Rathe (Senate and Popular Chambers) are really drafting bodies and administrative councils rather than legislative assemblies. The referendum pure and simple is really compatible only with direct democracy, and not with representative democracy in our sense. The use of the referendum on constitutional amendments only is not open to the same objections, because it does not, to the same extent, destroy the responsibility or independence of the legislature. It has been introduced into Federal Australia, and has been used to settle any doubts which may exist in a legislature as to the expediency of joining a federation (as *e.g.*, in Natal in 1909). It also exists for all legislative deadlocks in Queensland. If it were introduced into England for constitutional amendments, the committee of three judges could issue a proclamation for the referendum, which would have the advantage of confining the issue to the measure in dispute between the two Chambers. This would, of course, be a great advantage, but it is balanced by an almost equally great drawback. The referendum only allow the voter to vote Yea or Nay, and no discussion is possible. Now constitutional amendments are, of all others, those in which concession, compromise and discussion are desirable.

One more passage to show his idea of the Swiss Constitution. It reads—

> In England, Parliament has always possessed a certain independence; in Switzerland its moral authority is weakening every day before the direct influence of the people as a whole. In addition to this, Cabinet and parliamentary responsibility do not exist, and therefore the Upper Chamber of Switzerland need not be further considered.

Therefore, these examples put before us of America and Switzerland with regard to the initiative and referendum are not applicable in a State where political conditions exist such as we have here. There is no method of getting to the people on a vote of no-confidence, or of framing a policy to put before the people, which can be carried out. Our system is representative and theirs is nothing of the sort. Let me point out that in regard to the municipal referendum and referenda under particular Acts referred to by the Honorary Minister, the principle is certainly recognised, but the referenda proposed under those specific Acts are on specific questions, and further than that they do not include the initiative. But to refer certain specific questions to a referendum is certainly a vastly different proposition from a general power of initiating legislation on any possible subject, which a certain number of electors desire, thus throwing the whole range of subjects open to the people.

Hon. J. E. Dodd (Honorary Minister): What we have now is a modification of the referendum.

Hon. D. G. GAWLER: Yes, and a serious modification of the referendum, but the referring of one simple question under a simple Act to the people is a very different thing from throwing the whole of the scope of political matters and subjects of all sorts open to the people, with power to initiate them under circumstances which I will mention presently. What will be the effect of this Bill on existing conditions? Is it not idle to deny that the effect will be that any questions which the trades unions are told to take up and initiate will be taken up?

Hon. F. Davis: Who would tell them?

Hon. D. G. GAWLER: Who tells them what to do now?

Hon. F. Davis: I cannot say.

Hon. D. G. GAWLER: I could mention the names of those who, I will not say, pull the wires but have a very great influence in these trades unions that they can do much as they please.

Hon. J. E. Dodd (Honorary Minister): Suppose they do, what is the effect?

Hon. D. G. GAWLER: The effect is that it is an absolutely blind vote. It is easy for the trades unions to put their members up to vote. This is in accordance with their ideas, and not in accordance with the general principles of the State.

Hon. J. E. Dodd (Honorary Minister): You admit that trades unionism is in a majority.

Hon. D. G. GAWLER: I am referring to the initiation of legislation on any subject they please. Let me put this before hon. members: The provision with regard to getting signatures is hedged around by protections certainly, but will these safeguards be of any use? Let me quote here what they say in America on what they call signature-getters. This is a work by Beard and Shultz, and it is on the initiative and referendum. It also adds the recall, and that is the only respect in which it differs from the Bill before us. This is what it says with regard to the signature-getters—

> At all times these "signature-getters" keep busy, writes Mr. Hendrick, though they are most active during the April and May following a legislative session. They are found in practically every part of the State. They invade the office-buildings, the apartment-houses, and the homes of Portland, and tramp from farmhouse to farmhouse. Young women, ex-book canvassers, broken-down clergymen, people who in other communities would find their natural level as sandwich-men, dapper hustling youths, perhaps earning their way through college—all find useful employment in soliciting signatures at five or ten cents. a name. The canvasser bustles into an office, carrying under his arm a neat parcel of pamphlets, the covers perhaps embellished with coloured pictures of the American flag. He gives his victim a few minutes to read the printed matter, and then, placing his finger on a neatly ruled space, says "Sign here." Very likely the person approached will demur. The proposed law is foolish, unnecessary—the work of a group of hare-brained cranks. Perhaps a protracted argument takes place which may ultimately ramify into the fundamental principles of constitutional government. Everywhere that the canvassers go there is a flood of talk. There is no State in the Union so perpetually argumentative and voluble as Oregon. This is especially true when the solicitors are not paid workers, but enthusiasts. And at times these workers do not receive a cordial welcome; there are plenty of Oregonians who regard the whole system as a nuisance and treat its representatives accordingly. In other instances people sign petitions thoughtlessly, sometimes without reading the measures or even understanding their contents. "I could easily get ten thousand signatures to a law hanging all the red-haired men in Oregon," one cynic on popular government remarked to the writer. It is not at all unlikely that he could. The business of getting names, as everybody knows, depends more upon the individual than upon the merits of the particular case at issue. This new profession in Oregon

has its well-recognised experts ; and not infrequently one group of canvassers will return disheartened, having absolutely failed in pushing a particular measure, only to have another group go out and return with all the signatures the law requires.

The PRESIDENT: When the hon. member is quoting authorities it would be of advantage to members to know the page the quotation is taken from.

Hon. D. G. GAWLER : The page is 36. There is another objection I have to the proposal. Is not this initiative and referendum more applicable to closely settled places like America, and not entirely inapplicable to a place of enormous distances like ours? Will the people bother to make themselves familiar with the intricacies of the proposed law? My opinion is they will sign with readiness in the way that I have suggested, and as is done in America.

Hon. F. Davis : Will the hon. member explain what geography has to do with the question ?

Hon. D. G. GAWLER : Perhaps not geography so much as immense distances in this State. Distances in my opinion will affect the proper working of such a scheme as this. If this system is genuinely worked it must be worked under conditions which in this State cannot possibly be exercised. The object is to get the true will of the people. Are we going to get that true expression under those circumstances in a State of such immense distances as ours ? Will not that argument about the signature-getters apply to a huge State like this? What will the people understand about the law ? This Bill which we have before us provides for the whole Act being placed in the petition, and the people whose signatures are sought will be expected to read and understand that. Will these people we are going to ask to sign the petition make themselves masters of the contents of an Act of Parliament? There may be portions that they do not approve of, but in order to get rid of the man who presents the petition they will sign the whole lot. It is not altogether to be a question of yes and no—a simple question placed before the people which they may easily understand—but it is going to be, as I put it to hon. members just now, an intricate Act of Parliament, and an Act which even after a full discussion members themselves might not understand. May I conclude with an opinion by Lecky—an authority who has already been quoted by the Honorary Minister. This will be found on pages 242 and 243 of Volume 1. It says—

> It seems to me also clear, that in a country like England, the referendum could never become an habitual agent in legislation. Perpetual popular votes would be an intolerable nuisance. To foreign polities the Referendum would be very inapplicable, and in home politics it ought only to be employed on rare and grave occasions. It should be restricted to constitutional question altering the disposition of power in the State, with, perhaps, the addition of important questions on which, during more than one Parliament, the two Houses of the Legislature had differed . . . . . The welcome the reader will extend to such considerations will depend largely upon his view of the existing state of the Constitution. If he believes that parliamentary government in its present form is firmly established, working well, and likely to endure, he will naturally object to any change which would alter fundamentally the centre of power. If he believes that some of the most essential springs of the British Constitution have been fatally weakened, and that our system of government is undergoing a perilous process of disintegration, transformation, and deterioration, he will be inclined to look with more favour on possible remedies, even though they be very remote from the national habits and traditions.

To throw this Bill upon us at the fag end of the session—a Bill the merits or demerits of which require a lot of discussion, and a Bill which will upset our present form of government—a Bill such as this, is not to be received without the

greatest consideration. I for one do not believe that it will tend to improve the government of the State. Therefore I beg to move—

That the word "now" be struck out and "this day six months" added to the motion.

Hon. Sir E. H. WITTENOOM (North): After the admirable remarks which have fallen from my friend who has just spoken, it seems almost superfluous for me to say anything on such an important Bill as this. I think most of us who have given reflection to the matter can perhaps say a few words. In my opinion the Bill is a retrograde movement, and not at all an advancement in our legislation. So far as I can read the Bill, it has been brought in with the object of doing away with the Legislative Council, and the theory is that instead of the representatives of the people dealing with measures brought before them all these measures, or many of them, shall be submitted to the people by way of referendum. Will any reflective person, anyone who has studied the politics of this country, tell me for one moment that they believe that the mass of the people ever give the slightest consideration to these measures? I am quite prepared to say that there is a certain majority of the people who do consider them, and consider them from a sensible point of view, but will anyone tell me that the masses give these measures which are brought before Parliament even the slightest consideration. I can tell hon. members little experiences I had during one or two elections which have taken place in the past, and in which I was foolish enough to try and get votes for other people. I tried very hard in connection with a recent Federal election to secure votes, and when the people were called upon to vote, not only for candidates but to answer five or six questions which were put to them, a great number of people told me that they did not intend to vote at all, for the simple reason that they had not considered the measures which were affected by the questions. Yet, in the face of this, the Government urge us to submit these things to the people. If they want to do that, what is the use of having representatives in Parliament?

Hon. J. E. Dodd (Honorary Minister): You had an example of that here to-night.

Hon. Sir E. H. WITTENOOM: What was it?

Hon. J. E. Dodd (Honorary Minister): Members going out and not listening to the debates, and then coming in to vote.

Hon. Sir E. H. WITTENOOM: We must have good and bad everywhere, and I do not think that interjection can be made to apply to the whole House. It might readily be hurled at members who are sitting around the Honorary Minister, who, if they never listened to the debates, would always vote in the same way. Some hon. members who do go out do know how to vote. But when I was interrupted so ably just now I was asking is it not far better to have representatives who can make it their business to study public questions and form their opinions, than to hand over the responsibility to the balance of the people who never bother their heads about these matters? Moreover, if we do have a referendum how are we going to reconcile the different interests? We might have publicans who want to get rid of other publicans, and teetotallers who want to get rid of all publicans, and how are we going to reconcile them all? Is it not better to have electorates who return members in whom they have some confidence, to study these questions? How could we have any question more ably debated than this was discussed by our legal friend, Mr. Gawler, to-night, who made himself master of the whole subject, and convinced all sensible members of the Chamber? I have studied the debates which took place on this Bill in another place, and there is not the slightest doubt about it that the whole object of this measure is to get rid of the Legislative Council so that it shall not be an obstruction in their way. There is no necessity for this Bill.

Hon. J. E. Dodd (Honorary Minister): The hon. member cannot trust the people when he says that.

Hon. Sir E. H. WITTENOOM: I can trust the people so long as they send representatives, but I cannot trust them

otherwise. The hon. member no doubt thinks that majority rule is a good thing, but I do not, because numbers are never better than experience and education, and majority rule simply means numbers versus experience and education. I trust the people, but the people do not make it their business to study these questions. It takes us all our time when we make it our whole business to study them to get a grasp of their meaning. How can we expect the people who follow avocations which claim their whole time and energy, to master the details of matters when even members returned specially to deal with them are not able to thoroughly grasp them? Instead of trying to get rid of the Legislative Council by introducing this Bill there is another way of doing it. There are in this House at the present time six members who belong to the Labour party and who are pledged to the abolition of the Legislative Council. I believe they have the support of two other members who are not very wavering in their support; that means eight. There is an election pending in which possibly two of these six members may not come back, at which I shall grieve very much; that will leave four who are pledged to the abolition of the Legislative Council. If the people of the State are so desirous of getting rid of the Legislative Council, they will have the opportunity in May next to vote for ten members who are pledged to the abolition of this House. That will make 14. Then surely with Mr. Drew and Mr. Dodd at the head of the House, their pleadings will be able to seduce two or three from the other side, even providing no one gets ill, and that will give them a statutory majority in favour of getting rid of the Legislative Council. But even if that be not so, members have only to wait two more years and if the people are desirous of abolishing this terrible Chamber they can put in ten more members of that mind, and then they can do what they like. There is no need for a referendum. It can all be done under the Constitution. I intend to vote for the amendment moved by Mr. Gawler, and I consider that the Bill was brought forward only for the one object. It is a retrograde measure; it is not an advance in political movement, but is brought forward with the one idea of getting rid of the Legislative Council. But, as I have pointed out, members can do that by constitutional means if the people are agreeable. Whether the people want to or not I do not profess to say, but in May of next year they will be able to tell us their opinion without all the bother of this Bill.

Hon. J. CORNELL (South): In offering a few remarks on this Bill I also regret that more time is not available for the consideration of such a very important measure. There is no doubt that the measure is important inasmuch as I believe this is the first Parliament to introduce such legislation in the Commonwealth or in any part of the British Dominions. That fact denotes the importance of the measure. Another fact that the Bill denotes is that Western Australia is well alive to the reforms that are agitating the minds of men the world over. It will go down to posterity that the Scaddan Government were the first to introduce this kind of legislation in the Commonwealth.

Hon. F. Connor: What?

Hon. J. CORNELL: And when the hon. member has crossed the Great Divide this Bill will be looked upon as an act of good judgment on the part of the Scaddan Government. All reforms are invariably agitated by a few minds, and the great mass of people in any community are in a sense conservative: they are against any sweping reform, and in consequence it takes a considerable period in which to educate the people to the necessity of such a reform. However, the party with which I am identified has advocated this reform almost from its inception, and long before it entered the political arena in Western Australia. Therefore it has been consistent upon this point, and bear in mind the party with which I am identified, and which is responsible for this, comprises the majority of the people of Western Australia. I must confess, as every other hon. member must, that the question is to-day an academic one, and I approach it with a

considerable amount of diffidence, although I will say that for many years past I have given a good deal of consideration, so far as my limited means and time would allow, to this all-important reform. I am surprised indeed at the way in which Mr. Gawler received this Bill. The hon. member is looked upon as the father of the proportional representation movement in this State, and proportional representation is just as academic a question as the initiative and referendum, because there are more countries in the world which work under a form of initiative and referendum than there are working under a system of proportional representation.

Hon. D. G. Gawler: Why not introduce proportional representation and there would be no need for the initiative and referendum?

Hon. J. CORNELL: The initiative and referendum has been represented to be the natural corollary of proportional representation. I submit that with this Bill in operation there would be very little need for proportional representation. I do not want to go kite-flying and refer to other countries of the world. I recognise that constitutional reform to a very great extent has to grow up with the wishes of the people, and what may be good and applicable in one country would not be applicable in another. Constitutional authorities are without exception conservative in their thoughts and their writing, and the gentlemen quoted by Mr. Gawler and even by the Honorary Minister cannot be looked upon as in the category of reformers. Mr. Gawler has said, "Let us get rid of the present system. We cannot graft this Bill on to it?" The hon. member did not tell the House how he proposed to get rid of the present system. The present system is a bi-cameral one; one Chamber is elected on adult suffrage and the other on a property qualification, and we have the spectacle of 150,000 people electing their representatives to the popular Assembly and, on the other hand, 50,000 electing their representatives to this Chamber, and when we examine the powers of the Council and the Legislative Assembly on all matters affecting legislation, the Assembly is subordinate to this Chamber. Yet hon. members will tell us that we have democratic government. Is it democratic government that 50,000 people can outvote per medium of their representatives 150,000 people? I say it is absurd. It may have been good at one time; it was a necessary factor in the evolution of Responsible Government, but it has eventually got to go by the board. Sir Edward Wittenoom, in his very short and pithy remarks, made three points, but these points are in no way dangerous, inasmuch as they were blunt and a blunt point is not going to hurt anyone. One of the points the hon. member touched upon was that the Bill was brought in with a view of doing away with the Legislative Council. Hon. members of this Chamber in conjunction with Sir Edward Wittenoom have a sort of nightmare that anything in the direction of reform legislation is with the object of doing away with this Chamber. There is nothing in the Bill which leads one to believe its aim is to do away with this Chamber. The hon. Mr. Gawler himself touched upon one of the safeguards in this connection, inasmuch as the Assembly can bring down a measure for the abolition of this place, and when it is thrown out by this place the Assembly cannot refer it to the people; but if the people were to petition Parliament to do away with this Council and that question was submitted to the people, who by an overwhelming vote decided that it should be abolished, do not hon. members think it would be time it was abolished? If this Bill is agreed to the Legislative Council can perform its functions as it has performed them hitherto. The Bill in no way clips or lessens the power of the Legislative Council; all the Bill does is to allow a given number of the people to petition and per medium of the initiative to initiate legislation or to have legislation submitted to them to vote upon. In most of the States of America they have a dual chamber elected on the property qualification, and the initiative and referendum works excellently in those States, and I venture to say it would work excellently in this State. Sir Edward Witten-

oom said that the masses of the people give legislation no consideration. I think that is fairly correct in a generalisation; but there is a cause, I think, for the masses of the people not giving full consideration to many measures that came before Parliament, and it is that our present system of government provides for the election of parliamentary representatives; when the people elect these representatives their responsibility ceases until the next general election, and as a consequence of that responsibility ceasing the people cease to give the thought to certain reforms and legislation which they should give. In what better way could we induce the great mass of the community to give more and fuller consideration to matters which come before Parliament than they have done hitherto than by trusting more power and responsibility to them? I have told a little parable at different times, and I will tell it again, that one could have the most up-to-date machine obtainable in the most up-to-date building, but unless some person was instructed to operate that machine it would be of no use. I think that immediately we throw more power and responsibility on any person that person must of necessity give more consideration to the responsibility which has been thrown upon him. Sir Edward Wittenoom asked how would we reconcile the various sections of the community? I take it the hon. member infers how would we reconcile them to vote on a proposed law or a law in detail. We know that the community as a whole is made up of many sections of thinkers, but we know there are issues on which the thinking community has to arrive at a conclusion, and when every election day arrives we find the community placed in the position of having to reconcile their various degrees of views; we find that on election day in the Federal arena and in the State arena, the issue is boiled down to two parties, Liberal and Labour. I ask whether half of the community of the Commonwealth are Liberal and half are Labour in their views? Undoubtedly they are not. But the issue is boiled down, and there is a line of demarkation between the two parties who are going to conduct responsible government as we know it to-day. And as a consequence of that the people have to vote aye or no, and consequently subordinate all the separate and individual views they hold in the hope of getting the better of what probably may be two evils. These two representations are returned. Although they may be of diverse views, they are confronted with the same condition in legislative halls and they have to arrive at a decision, aye or no. To my mind that is no argument, whatever form of government we may have or may come to as time goes on. I think it has prevailed from time immemorial that the people must make up their minds and agree in the direction of majority rule. This Bill aims at the final acceptance or rejection of legislation being placed in the hands of the people. The people return their representatives, and if the people's representatives say that those who return them are not sufficiently intelligent to vote per medium of the referendum on Bills or legislation I consider that to be a reflection on the member who says it and a reflection on the intelligence of those who sent him here. I say if an elector is intelligent enough to vote for me to come to this place, I think he should be intelligent enough to vote on what I do. Hon. members can, I think, only oppose this Bill for two reasons, one being that the percentage allowed in petitioning for the referendum on a proposed law is too low. That reason can be obviated by increasing the percentage. The other point is that the Bill proposes to give too much power to the people to vote upon. If the House desires to meet the wishes of the Government responsible for this Bill that could probably be modified and members could show their intention of supporting the measure in some degree. In conclusion I want to say there is one portion of this Bill which the hon. Mr. Gawler and the hon. Sir Edward Wittenoom have not touched upon, namely that even though this Bill is agreed to by both Houses of Parliament it cannot become law until such time as it is submitted to the referendum of the people. Parliament itself has not the final

say as to whether this Bill shall become law or not; the final say is left with the people. If this House was to agree to it, the people could throw it out if they so desired. I know no other Bill that has come before this Parliament or come before any other Parliament in the Commonwealth that has a similar provision. The provision is good, and any hon. member who is opposed to and votes for the rejection of this Bill is, I say, afraid to trust the people. I can understand one idea which may dominate hon. members of this Chamber, that if the Bill was submitted to the whole of the people the people who are responsible for returning them here would be in a minority. But that is a point that should be weighed. I hope the amendment will be defeated. If the Bill is defeated I hope to see the Government bring it down again next session, and if it is then defeated I hope to see them bring it down again the first session of the new Parliament—because there can be no doubt they will be in power—and bring it down for every session of Parliament in which they occupy the Treasury bench. If this is done, and sufficient notice of it is given to the people, then I have no need to fear what will be the result; and if this Chamber persistently rejects a measure which proposes to restore to the people the power which they once possessed, the abolition of the Legislative Council will not be a mere chimera but will be something tangible, and will come about much sooner than the majority of members of this Chamber expect. I hope the Government will persist in the submission of this proposal, and I hope that hon. members who support the Bill will also be consistent and heartily point out to the people the fate which evidently the Bill is to have at the hands of the Council.

On motion by Hon. F. Davis debate adjourned.

ADJOURNMENT—PROROGATION ARRANGEMENTS.

The COLONIAL SECRETARY (Hon. J. M. Drew): I move—

That the House at its rising adjourn until two o'clock to-morrow.

I have told a number of members that the House would not meet until three o'clock, as usual, but I have since been approached by a number of other members and it seems to be the general wish that we should meet at two o'clock. I have an undertaking given me by Mr. Connolly that he will communicate with those I have told that we would not meet until three o'clock, in order that they may have knowledge that we will meet at two o'clock.

Hon. J. F. CULLEN: Will the Minister tell us when we are to finish?

The Colonial Secretary: I cannot.

Hon. J. F. CULLEN: It would be a good thing if the Minister would to-morrow put the really vital matters first on the Notice Paper. We have had a long time wasted over this Initiative and Referendum Bill, which can come to nothing. It is utterly impossible that it should. The Minister is responsible for the work of the session and it would be wise for him to put early on to-morrow's Notice Paper the really important matters he wants dealt with. I for one cannot stay very late to-morrow, and I think it is a fair thing that we should close at a reasonable hour to-morrow night.

Question put and passed.

House adjourned at 9.48 p.m.