

Legislative Assembly.*Friday, 15th January, 1904.*

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THE SPEAKER took the Chair at 3 o'clock, afternoon.

PRAYERS.**URGENCY MOTION—HICKS v. GREGORY.****VERDICT AND COSTS, HOW PAID.**

MR. S. C. PIGOTT (West Kimberley) : I ask leave to move the adjournment of the House, to consider the question of payment by the Government of the amount of the verdict gained by Mr. Hicks in the case of Hicks *versus* Gregory. I think it a most important and most urgent matter, and I hope that, by leave of the House, I shall be granted this opportunity for discussing the question.

THE PREMIER : As a matter of usual courtesy, the hon. member should have given me notice of this.

MR. HASTIE : I formally intimated to the Speaker that I desired permission, as a matter of urgency, to call the attention of the House to another subject.

THE SPEAKER : The member for West Kimberley has moved prior to the member for Kanowna. This question has now, by established rule, been left to the verdict of the House, the Speaker not taking any discretion in the matter. It is therefore my duty to put the question to the House as to whether it will grant leave to the hon. member who has asked for it.

MR. MORAN : Is that question debatable? Can reasons be given on either side?

THE SPEAKER : I think it should not be debated.

Question passed, leave granted.

MR. PIGOTT : I would not have been so discourteous as the Premier perhaps thinks I have been in moving the adjournment of the House in the way I have done, except that it has come to my ears that the Government, beyond relieving Mr. Gregory of all his liability in this matter, have undertaken also to relieve some other defendants who are likely to be before the Court in defence of an action for libel brought against them by this Mr. Hicks, on the very same question on which the late action was fought. I desire to get this matter debated in order that an expression of opinion from the various members of this House may be given to the public on the action taken by the Government in this matter. In my opinion the step taken is an extraordinary one, in so much that I believe it is the first instance of its kind that has occurred in the history of Western Australia. If the Government thought that the proper way to settle this matter was to pay, on behalf of Mr. Gregory, the amount of the verdict and costs, which I believe total several thousands of pounds, then I do think their action in that regard should have been followed up by another move, which in my opinion should have been the resignation of the Minister for Mines, who might then have gone before his constituents for re-election, the matter being settled once and for all. If that action had been taken and the Minister for Mines had been returned to this House, we would have had, at any rate, the opinion of one section of the community. Those persons who were the electors of the district represented by the Minister for Mines would have given their opinion that the action of the Government was the right action. However, as it is at present, no opinion has been taken. The Government have taken the responsibility on themselves of spending a large amount of money without asking any sanction whatever from Parliament. I think the case is unprecedented. Though there may have been some difficulties in the way of coming to a just conclusion as to the true way in which to deal with this matter, Parliament might have been considered when it came to the expenditure of large sums of money. When it came to my ears that it was the intention of the Government—I know not

whether the report be true or not—to go farther and force the plaintiff into a position into which he should not be forced, I thought the Government were going a step too far. If the present actions are to be brought forward and the Government do not interfere, we will have one private citizen fighting another private citizen; but if the Government's intentions are as they have been rumoured to me, the position is quite different. Mr. Hicks has already had to fight the Government, and now in these two or three cases which he wishes to fight against private individuals the Government step in and say: "Oh, no; your action must lie against the Government. We are defendants in this case." What is the result? Is it not likely that a private citizen will tremble to think that when he takes an action against any private member of the community the Government may step in and take the responsibility of the defendant? The power behind the Government is being grossly misused. If the Government take an action which is rumoured, they can supply a private firm with funds and can take a case from court to court and make the plaintiffs provide security; they can even carry the case right through to the Privy Council. And even if the Government, on behalf of the private individual, wins the case the country will be committed to a huge expenditure; the result being that no one will in future feel inclined to take an action against a private individual, especially against the proprietors of the Press, if the matter under consideration applies in any way to a servant of the Government. That is how I look upon the matter, and it is only right before Parliament closes that we should have a full explanation from the Ministry on this matter. I move the adjournment in order that this question may be fully debated, and that the public of Western Australia may know the true ins and outs of the case. If the rumours which have reached me are correct, the public of Western Australia do not know the true particulars of the case, notwithstanding the reports which have appeared in the daily newspapers; for these same newspapers which have issued the reports of the case, if the rumours are correct, are being backed up by the Government and are to be defended by the Government

in actions which lie against those newspapers; and the consequence is that nobody can be expected to believe the reports of the case that has taken place and which have been published in the daily Press to be correct. I think this is a most serious matter, and I hope members will express their opinions; and I hope to hear from the Government a full explanation and full reasons for the attitude they have taken up. I move the adjournment of the House.

MR. M. H. JACOBY (Swan): I second the motion.

THE PREMIER (Hon. Walter James): I would have been fully justified in ignoring the observations and the motion of the leader of the Opposition, in view of the discourtesy exhibited in bringing forward a matter like this without giving the usual notice to the Premier of what it was intended to do. It is somewhat significant that the hon. member should launch the matter in this way. The Government have nothing to hide. I have, in response to a question by the hon. member, informed him what the Government proposed to do. There is nothing new in the matter. The position is simply this. There is a Minister who, in what he honestly and reasonably believes the discharge of his duty, makes certain statements which it is alleged and are found by a jury to be libellous, and in respect of which damages were awarded against him. I do not want to go into the merits of the case. I do not think they should be touched on now, for to a certain extent the matter is pending; but I would like to satisfy myself by saying this. As long as Ministers occupy responsible positions they must be defended by the State which they are serving while they are acting in what they believe the honest discharge of their duties towards that State. It rests on all occasions with the House, if members think the slips of any particular Minister or any particular Ministry justify the step, to take proceedings to oust the Ministry from office. In this State we find that on many occasions we have had to pay costs for the action of Ministers. One of the biggest verdicts awarded against the State—a sum of £10,000—was caused by the neglect of one of the predecessors of my friend the Minister

for Mines. It cannot be contended that because a Minister in the discharge of his duties does an act which is held to be unlawful or which is held to be a libellous act, he himself must personally pay the damages resulting from that act. Are we to hold that position, and to place on Ministers not only the responsibility of bringing the best care they can to the discharge of their duties, but that they must guarantee the State against all the consequences that follow from their actions? I do not take up that position, and I do not propose to take up that position while I occupy a seat on the Treasury bench. The Minister made a statement believing it to be his duty to do so, his attention being drawn to the matter at that time. I say without hesitation that where an action is taken such as the suspension or dismissal of a public officer occupying a high and responsible position, the public have a right to some explanation from the Minister for the action which he has taken. If a Minister in response to his duty to the public makes statements which are held to be libellous, it would be wrong if we in this House supported the idea that he should take on his shoulders the personal responsibility for an act which he did only because he honestly believed he was discharging his duty to the State. Quite recently the Agent General made certain statements for which an action for libel was brought against him. I do not suppose there is a member in this House who will suggest that the Agent General himself should be called on to pay the damages or the costs in connection with that action. No such suggestion entered our minds, and we at once recognised the obligation on us to pay the costs to which he had been put. That action, I think, cost the Government £1,200, and we paid it, as we ought to pay it, because we were satisfied that in doing what he did as an officer he was acting in what he believed to be the best interests of the State. So I say in connection with the Minister for Mines that I support his action. There may have been some unguarded words used, but when dealing with the law of libel, unless a man is a lawyer he is very apt to make slips, and even a lawyer makes slips sometimes. In a matter of that kind,

from my professional experience I must say that men are sometimes found to be responsible for an action for libel for words used without a real intention to injure. I should be the last to say that a man found guilty of libel was by virtue of that fact shown to be actuated by unworthy motives, or was not worthy the support of the House. I assert, without fear of contradiction, that the House cannot for a moment tolerate the idea that if a Minister in the discharge of his duty makes mistakes, he shall have to pay for the consequences of the mistakes. It is a most absolutely unheard of idea. It is some new idea which the leader of the Opposition must have discovered. The best men make mistakes sometimes, and there are many instances of that. There are many instances in which, owing to slips and mistakes of officers, the Government have had to pay thousands of pounds. I have pointed out one case in which the Government had to pay £10,000 and costs for the action of one Minister for Mines. No one blamed him for that. No one would say that he should personally pay the costs or damages. It is an argument never heard of in any responsible House in the Commonwealth of Australia. The hon. member said it was the duty of the Minister for Mines to resign. I fail to follow that argument. What does it matter to me what his electors may or may not say? I take on my shoulders the responsibility of the action he took, and in dealing with matters of this kind I am disinclined to pay attention to the voice of any individual elector. I am here to pay attention to the House, and to take the responsibility; and I take it gladly. I do hope the time will never come when the leader of the Government will cast aside any of his Ministers because he may have made accidental mistakes. That policy may be preached by the leader of the Opposition, but I hope it will never be preached by the leader of this House, the leader of the Government, who at all events should be loyal to his colleagues, and insist that when a man does discharge his duty honestly, doing what he believes to be right, this House will loyally support him, and will not for a moment tolerate the idea that because a man in doing his duty makes a mistake,

he personally shall be subject to absolute ruin owing to that mistake. As to other matters in regard to which actions are pending, I decline to say anything. We know that as a rule when an action for damages is brought, the whole damage is borne by the first defendant against whom the action is brought. In this particular case I say nothing about the extent of damages. I have my own opinion, and other people have theirs. None of us can think that the amount of damages awarded by the jury was not based upon the fullest publication given to the Minister's words. It would be wrong and cowardly for us to say that if an action is first brought against a newspaper we should shield ourselves under the strength of that newspaper's financial position to pay damages emanating from words used by us. I hope the time will never come when we shall let journalists think they are not justified in reporting the responsible utterances of Ministers of the Crown. We have to appeal in all these matters to the House. It is to the House that we are responsible, and to the country through this House, in all these matters, and we appeal to them. We accept the full responsibility; and I hope the time will never come when a majority of this House will either directly or indirectly encourage such sentiments as we have just heard expressed by the leader of the Opposition.

MR. C. J. MORAN (West Perth): The Premier no doubt is an adept in putting a very plausible phase on a very difficult question. One would have thought, in listening to him, that the action taken against Mr. Gregory was an action taken against the Minister for Mines in this State.

THE PREMIER: So it was.

MR. MORAN: That is absolutely incorrect.

THE PREMIER: It is correct.

MR. MORAN: The Courts will decide that. There was no action against the Minister for Mines as such, and the Premier ought to know that, because his firm have been defending Mr. Gregory. No doubt they drew up the briefs, or had a good deal to do with them. The action was taken because Mr. Gregory made use of his position in commenting on the case. There was mention made about something being paid by this State

through an oversight or mistake made by a previous Minister for Mines. No doubt there was. This country has paid thousands of pounds, and is paying every day for mistakes made by its officers, Ministerial and Government employees in their official capacities. Every day we have them. For instance, mistakes take place on the railways, and the Government no doubt pay for them. That is the ordinary function of the Government; but no action for libel can lie against the Crown. That is the most plausible thing I have ever heard coming from a lawyer's lips. It is plausible even for a house of laymen. So far as the action against the previous Minister for Mines is concerned, that was a case in which he carried out judicial functions as Minister, and in which some neglect to recommend a forfeiture or advertising a lease which was not forfeitable was called into question.

THE PREMIER: Pardon me.

MR. MORAN: We are talking about an action against the Minister for Mines. Is not that the case the Minister was talking about?

THE PREMIER: I spoke of two cases.

MR. MORAN: Was it not a mining case in Western Australia?

THE PREMIER: There was also an action for libel against the Agent General.

MR. MORAN: Let us deal with one thing at a time, if you please. In this case the Premier has the sympathy of people which he would not otherwise have, because of the peculiar circumstances. Those peculiar circumstances are that people very much sympathise with the Minister for Mines in this matter for being so foolish as to go outside his Ministerial functions and advertise about the character of a man whom he was dismissing something which was not true. It has been found not true by the highest tribunal in the land, a jury of the Supreme Court, and we must accept that. Surely the Premier is not going to find fault with the ruling of the Court in this matter. Where will this end? It is commenced for the first time in the history of Australia. This case is not even parallel to the case of the Agent General, who, as ambassador of this State, was defending Western Australian timber to the best of his ability, acting entirely in what he thought the best interests of

the State in his capacity as Agent General, and in his zeal he went too far in condemning some other timber. Here is a case in point where an officer of the Government did wrong in the eyes of the Government, and the Minister for Mines dismissed him. There could be no action for a penny piece on account of that dismissal, or for the dismissal of any officer, but the action lay not against the Minister for Mines but Mr. Gregory, after the matter had been completed, the suit being against himself personally for taking action of a certain kind against a gentleman, advertising in the Press something very much to the detriment of this dismissed officer. That is not a Ministerial action at all. Where does the Ministerial action come in? I fail to see it. The dismissal of that man was, I say, competent to the Minister for Mines, as it would be competent to a Minister to dismiss any other civil servant, because we have no Civil Service Act; but is it to be admitted now, are we to establish a precedent in Western Australia—and this is the only point we have to consider—that any Minister of the Government in this State shall, upon the removal from office of any individual in the service of this State, make what statements he likes against that gentleman, the most detrimental to his character, the most ruinous to his reputation, and find always this precedent laid down by the head of the Government, that he has no personal responsibility and his protection shall follow in any action regarding any dismissal he makes? I have never heard of such a case. I defy the Premier to bring forward any parallel case in Australia or in Britain either.

THE PREMIER : A reckless statement.

MR. MORAN : What are reckless statements? One is always met by the twopenny-halfpenny argument on anything against the Premier, that it does not matter, it is a reckless statement. I never heard of such a statement made by a responsible man. We are dealing with a matter which may lead us into any length. It is not only the present Government. Surely the Premier sees the length to which it may go.

THE PREMIER : I said, as long as he acts in the honest discharge of his duty it rests with the Government and the House.

MR. MORAN : Who doubts that for a moment? During the discussion on the Mines Estimates information was given, in reply I believe to the member for Mt. Margaret (Mr. Taylor), that these damages had been paid into Court and not by the Government.

THE PREMIER : That was quite true.

MR. MORAN : Was that done to deceive the House and Parliament until after the prorogation?

THE PREMIER : No.

MR. MORAN : Why was it? The question was asked no doubt with a view of getting information on this important matter on the action which the Government had taken, and the reply was this; and no breath came from them afterwards until a direct question was put here within two or three days of the prorogation of Parliament. The question was asked, "What action has been taken in the Hicks v. Gregory case?" and the reply came from the Ministry, "The money has been paid into Court and has not been paid by the Government." Everybody in this country naturally concluded that this was a private action. Every member of this House was satisfied of that.

MR. TAYLOR : I thought it was private.

MR. MORAN : What else could any member think? A direct question was asked, and a direct answer given. Now we are told the Government have changed their minds. Why was that money paid in, and not by the Government? For this reason, that the Government have only recently become sufficiently emboldened to pay this money out of the public purse. They hoped the matter would blow over; that Parliament would be prorogued, and that in the turmoil of a general election the matter might be somewhat glozed over and forgotten. I do not know of anyone in this Chamber who does not sympathise with the Premier, and does not feel that the hon. gentleman speaks the truth when he says he is loyal to his colleagues. That is a virtue for which we all give him credit. I do not think any Premier in this State has been more ready and willing to place himself in the front in times of danger. In my opinion, the Premier is one to whom his followers can be very loyal, for he has never sheltered himself behind any of his colleagues; and I feel positively certain

that his loyalty in this matter has led him to do what he should not have done, save after due consideration and consultation with this House. The House ought to have been consulted; we should have had a discussion on the matter; it should have been for the people's representatives in this Chamber, if they thought fit that the Government should defend the Minister, to ask the Government to do so. But for a Government to take upon themselves to pay these thousands of pounds, and to subsidise a firm of lawyers to defend this case, and carry it, if need be, to the Privy Council, is unprecedented. An action was taken against a private citizen of this State for defaming another man's character; and that action the Government have defended.

THE PREMIER: From the very start the Government defended the action, through the Crown Solicitor.

MR. MORAN: If you are to defend every Minister, surely you must defend heads of departments also. If an Under Secretary, acting outside of his official functions, is sued, are you to follow him into private life and defend him at the expense of the State? Are you to follow every Minister who at election times makes use of language defamatory to the character of opponents? Why was Mr. Gregory defended? Because in the honest fulfilment of his duty he gave reasons why a certain civil servant was dismissed, or why having been dismissed he was not to be again employed. I maintain there will be no end to this. It opens up a possible vista of slander and persecution by Ministers, all the time cloaked by the mantle of the Government. I think everyone in the House will sympathise with the Minister for Mines if he finds himself landed in difficulties arising from this action; but I do think the Minister was guilty of a gross indiscretion in allowing himself to go beyond his judicial functions and privately to make to the Press statements defamatory to the character of a man who had suffered enough by being dismissed. Not only did the man suffer by his dismissal, but had he not taken this action his character would have been blasted for ever. I should be glad if someone would give an instance of a similar course taken by any other Cabinet in Australia. I am not to be put off by

the instance of the Agent General's libel action. And even were that a parallel instance, two wrongs do not make a right. But the Agent General was acting in his official capacity, and probably under instructions. What I want to know is, was the Minister for Mines acting under the instructions of Cabinet in making those statements to the Press? Had the matter been considered in Cabinet, and were the whole Government privy to the Minister's statements? I should like to know that. Was it a case of defamation by the five Ministers composing the Cabinet, or was it but the indiscretion of one Minister? In any event, I do not think we should protect a Minister of the Crown any more than an ordinary civil servant. I do not think the House or the country has any more right to defend a Minister than to defend a boy who licks stamps. Both are servants of the State. The Minister is a servant of the State, as he is of the House; and an ordinary civil servant is also a servant of the State. Why should the unlimited purse of the people of Western Australia be at the disposal of Mr. Gregory, and not at the disposal of Mr. Hicks, Mr. Jones, or any other unfortunate civil servant who may be wrongfully dismissed? I protest that this is wrong. On the other hand, no one will go farther than I to defend a Minister in carrying out what he considers to be his duty as Minister; but we are not acting rightly in defending a Minister who, in a private interview with Press representatives, undertakes the task of blackening the character of a dismissed officer. Whether the statements were true or false we are not to judge. As British subjects we leave that decision to the highest tribunal we can find, the Supreme Court. The Court has found that a gross libel was perpetrated on Mr. Hicks by Mr. Gregory in a private interview with Press representatives. The Minister had dismissed Mr. Hicks. The Court had previously ruled that a civil servant has no action for dismissal; and in any case, dismissal does not carry with it an action for defamation of character. The utmost Mr. Hicks could have originally claimed was damages for wrongful dismissal; but the action taken by him had nothing to do with his dismissal from the position of warden. The action

was taken against Mr. Gregory, for that Mr. Gregory, after Mr. Hicks's dismissal, libelled his character. I again say, the House is not justified in allowing the Government to pay the money until the people have spoken. I do not think this is a party question, though we know it may be made one.

THE PREMIER: Do you think I ought not to accept official responsibility?

MR. MORAN: I am not speaking of the Premier, but of the House. I say this is a matter on which no member should give a party vote. If a member thinks it wrong that the purse of the country should in this case be at the disposal of the Minister, he should say so. Whatever may be the consequence, we should not at the end of a session like this introduce such a new, important, and far-reaching principle. We should hesitate before countenancing the action of the Government in spending thousands out of the public purse on account of what in the eyes of nine men out of every ten is a private dispute between two citizens of this State.

THE PREMIER (in explanation): I should like to point out one incorrect statement made, no doubt unintentionally, by the last speaker. My firm did not defend Mr. Gregory. He was defended from the start by the Crown Solicitor. The only connection my firm had with the case was that Mr. Pilkington acted as junior counsel on behalf of Mr. Gregory, with the senior counsel, Mr. Burt.

MR. MORAN: Is not Mr. Pilkington a member of your firm?

THE PREMIER: I have explained my position.

MR. A. E. THOMAS (Dundas): I most heartily sympathise with the Minister for Mines in the position he occupies in this matter; but that does not affect the question which should be considered by the House. This matter was previously discussed here, and certain statements were made by the member for Mt. Margaret (Mr. Taylor) in reply to a speech delivered by the Minister for Mines. Mr. Taylor then stated that—

He was sorry the Minister thought fit to mention a case which the Minister himself said was *sub judice*, that of Warden Hicks against the Minister. It had been thought

that this application for a new hearing was made in view of the prorogation of Parliament.

The Minister for Mines: Let the hon. member make no mistake. There were two newspaper actions as well.

Mr. Taylor: It had been said that the application for a new trial was perhaps made with the object of Parliament being prorogued before the matter could be dealt with, and the necessary fees and expenses paid over. Now this is what I wish to call attention to—

The Minister for Mines: The amount had already been paid, and not by the Government. That might surprise the hon. member.

Mr. Taylor was pleased to know that the State was not going to pay for the mistakes of the hon. gentleman.

That statement was made deliberately to the House by the Minister for Mines—that the money had been paid in settlement of this case, and that it had not been paid by or on behalf of the Government. [**THE PREMIER:** Hear, hear.] In reply to a question by the leader of the Opposition, we were told that the Government do intend to pay the money.

THE PREMIER: The Government have not paid it.

MR. THOMAS: I call that nothing more nor less than a quibble; and I think the House will be forced to agree with me when we read in *Hansard* a confirmation of what many of us heard the Minister for Mines say—"The Government had not paid the money: that might surprise the hon. member." I think we were right in drawing the inference which he did draw, and which I think practically every member of the House drew; the inference that the Government did not intend to pay this money. We were right in drawing that inference, because it was made palpably clear by the statement of the Minister for Mines. Yet in reply to a direct question of the leader of the Opposition we were informed yesterday that the Government do intend to pay the money. I should be glad if, before the debate is finished some member of the Government other than its legal head would explain to us laymen the discrepancy between these statements. I should like one of the other Ministers to inform us how these statements can possibly be reconciled. We have on the one hand the Minister boldly informing the member for Mt. Margaret that the Government did not pay the money, and saying that

this would perhaps surprise the hon. member, the hon. member having insinuated that the Government were to pay the money, and the Minister's statement being a reply to the insinuation as to the Government intending to pay. Yet we are told some considerable time afterwards that the Government do intend to pay. I deeply sympathise with the Minister; and no one can possibly be more sorry than I about this unfortunate business. But be this understood: the Supreme Court verdict was not given against the Government; the action was not brought against the Minister or the Government for wrongful dismissal. If that were so, and the Minister had erred in the discharge of his official duty, then I take it the country would have been morally bound to support the Minister in his action.

THE PREMIER: Do you think that when a high and important officer is dismissed, the public have not a right to some statement from the Minister? That is the point.

MR. THOMAS: I am coming to that point. Had the position been that Mr. Gregory as Minister for Mines dismissed Mr. Hicks, and that an action for wrongful dismissal was brought against the Minister, then I take it the House would have been unanimous in declaring that the Government should support the Minister. Afterwards, if we had thought Mr. Hicks had been wrongfully dismissed, we could have dealt with the case on the floor of the House, exactly as we dealt with the cases of Mr. Craig and Mr. White. We could have done that had we thought there had been maladministration, and that a public servant had been unjustly dealt with. Whether Mr. Hicks was right or wrong has nothing to do with this case. The case was not brought against the Government for wrongful dismissal, but was brought against Mr. Gregory for libel in giving to the reporters of the Press certain statements regarding the character of a man called Hicks.

THE PREMIER: Did the reporters ask for a statement from the Minister for Mines or from Mr. Gregory?

MR. THOMAS: The statement was made by Mr. Gregory. The action for libel was not taken against the Minister

for Mines, but against Mr. Gregory; for outside his office as Minister for Mines, after Mr. Hicks had been dismissed from the public service—and I do not intend to defend Mr. Hicks, for that does not enter into the matter at all—when the reporters waited upon him to ask his opinion of the case, Mr. Gregory gave to the newspapers his ideas regarding the public and private character of Mr. Hicks, defaming the character of a man after he as Minister had dismissed him from the public service. Mr. Gregory went outside his position as Minister of the Crown and followed this man outside of the public service after he was dismissed, and so was found guilty of libel and defamation of character. At any rate, a jury of the Supreme Court stated that in their opinion it was a gross libel perpetrated against this man, and they gave a verdict for £2,750. The Minister has told us, and I think we can take it for granted, because it supports what the Minister had previously stated, that libel actions are pending against two newspapers in connection with this matter also; and the Premier has told us that the Government are going to hold the newspapers harmless in regard to these actions. I think we cannot take his statement in any other way, and I can only point out to the House that, if we allow it, we do not know where this thing is going to stop. I would be the last man to go against the Minister in doing anything in the discharge of his duties as a Minister of the Crown. If I think he has dealt harshly with a public servant, and if I make myself acquainted with the position of the public servant, I shall consider it my duty to stand up in the House and defend him against the attacks made against him; but when the Minister goes outside his office and follows a discharged public servant out into the world and again attacks him, much though I regret it, I must go against the Minister in that direction; so I support the motion of the leader of the Opposition.

MR. G. TAYLOR (Mount Margaret): I cannot let this debate close without entering my protest against the manner in which the Minister endeavoured to deceive this Chamber before Christmas.

THE SPEAKER: I do not think that is a proper expression to use.

MR. TAYLOR: I will withdraw it. I believe the Minister misled this Chamber. When I made a statement in this House that the Government intended to keep the thing quiet until Parliament prorogued, the Minister immediately retorted by saying that the money had been paid into Court, and not by the Government. If the Government intended to defend the Minister, why did they not do it straightforwardly and pay the money in at once, and not get some private person to pay it in with the object perhaps, as has been stated by other speakers, of glozing the matter over until Parliament prorogued, when the Government would be able to reimburse the private person? I think it was very unfair on the part of the Minister to try to mislead this Chamber. I was personally satisfied at the time, and accepted the Minister's statement that the Government were not going to pay the money; but I am now very sorry to hear that the Government intend to do so. I have no hesitation in saying that, if the Minister for Mines was acting in his official capacity as Minister and an action was brought against him for wrongful dismissal, the Government would have been justified in defending him.

THE PREMIER: They would not be justified, but by law they would be bound to do it.

MR. MORAN: If that is a fact, what they are not bound to do is not lawful.

MR. TAYLOR: The Government are not justified in defending a man in his private life. Mr. Gregory had no right to slander a man in the Press and to blacken his character so as to prevent his earning a living.

THE PREMIER: Does the hon. member not think it was the duty of the Minister to make a statement to the Press?

MR. TAYLOR: It was the Minister's duty to make the statement to the House. A Minister has no right to make a slanderous statement to the Press, and if he makes it he must pay for it, and not the people of Western Australia. The Minister was outside his official position as Minister when he made the statement to the Press, a statement which he could not uphold. If Ministers are to be defended in actions of this kind we do not know where it will end. During elections Ministers, being human, are likely to make

statements against opponents which may bring them into litigation; and if the Government defend Ministers in the present circumstances, it is only right to defend them in other circumstances. I believe the Minister was justified in dismissing the Warden. That point has, I think, been conceded on all sides; but the point is: Is the Minister as a private person and not as a Minister of the Crown justified in making a statement to the Press which he cannot substantiate, and is this House justified in supporting the Government in paying for the Minister's blunder? It was idle for the Premier to say that it was the duty of the Minister to make some statement to the Press. Was that the case in other dismissals? No. It was a childish statement for the Premier to make.

THE PREMIER: It was the only case where a warden had been dismissed, and it attracted public attention.

MR. TAYLOR: I admit Mr. Hicks was a very responsible officer, but that makes the case all the worse for the Minister, in making a blundering and what turns out to be a malicious statement, ruining a man's character in this country and in every other country where it would be read, if upheld. The Minister could not touch upon the very fringe of upholding it in Court. The Court decided there was no case against the Minister for wrongful dismissal, but that there was a libellous statement in the papers. The State should not have to pay for the Minister's foolishness. I oppose the idea, and I hope the majority of this House will not support the Government in paying for the Minister's blunder. It was not an act done by Mr. Gregory in his capacity as Minister, but was a step taken by him as a private citizen. The defendant appeared in Court as Mr. Gregory and not as the Minister for Mines, and that is the way in which the House should treat the matter. I realise that the Minister himself knows he made a very foolish statement, and that perhaps he has a lot of sympathy in this Chamber for making that foolish statement; but at the same time, when we consider that the charges made against Mr. Hicks, if they had been proved up to the hilt, might have earned for him 14 years' imprisonment, we realise that a verdict of £2,750 does not compensate

the plaintiff for the damage to his career for all time. It is a serious thing. If one placed himself in the position of a dismissed servant he would feel sufficiently punished by dismissal, without being hounded down by statements in the Press, blackening his character without the slightest foundation.

THE PREMIER : I hope the hon. member will bear in mind that I particularly refrained from discussing the merits of the action, and in view of the pending appeal I trust the hon. member will do the same thing.

THE SPEAKER : I think that the case being *sub judice*, its merits should not be discussed.

MR. MORAN : On a point of order, I think there is no restriction against this Parliament discussing this or that case to the fullest extent.

THE SPEAKER : It is laid down as an improper practice. It is done occasionally, but is decidedly unwise.

MR. TAYLOR : I realise that it is out of order in discussing the merits of the case, and I have no intention of doing so; but it is almost impossible to deal with this matter without transgressing in some small particular. Without going into the merits of the case, I say that the Minister was wrong in making a statement to the Press which injured a citizen of Western Australia; that the Minister should have dismissed Mr. Hicks, for he was justified in so doing, and remained at that; and that the Minister should have justified his action before Parliament. With these remarks I will support the motion that the money shall not be paid by the Government.

THE MINISTER FOR WORKS : There is no such motion.

MR. PIGOTT (in reply as mover) : I think that this discussion will have done some good; but I would like to say, in reply to some remarks made by the Premier on the question, that the Premier does not look at the case from the point of view from which a great number of people will regard it. The Premier twitted me with saying that he should not be loyal to his colleagues. I never inferred that in the slightest, nor do I wish to say that the Government as a whole should not support the action of any one of the Ministers. In this case I think we have to deal with a matter

that is distinctly different from any of those cases mentioned by the Premier. As it has already been pointed out, this action did not lie against a Minister of the Crown, nor was it an action for damages for wrongful dismissal. It was an action for libel against a private individual of this State, and if it is the opinion of the Government that a Minister should be relieved of all responsibility by the State for all his individual private actions, then I do not quite agree with the Premier.

THE PREMIER : I do not go so far as that.

MR. PIGOTT : The question is, where the line is to be drawn? The Premier said it was something new to him to learn that a Minister should have to pay the penalty of his action. Those were his words. I agree with the Premier that in any action taken by a Minister, as a Minister of the Crown, he should be indemnified by the Government and by the State; but this action was not of that description. Here we have the case of an officer being dismissed by a Minister, and I can only think it was a matter of spleen on the part of Mr. Gregory that forced him into a most ignominious position to ask the Press to publish a scandalous libel against the man whom he as Minister of the Crown had dismissed from the public service. Again, the Premier ridiculed the idea that the Minister for Mines in this case might have resigned his seat and gone to his constituents.

THE PREMIER : That would not have satisfied me.

MR. PIGOTT : It may not have satisfied the Premier, but would that not have been the usual course to take? Throughout the whole of the British Empire when the action of a Minister has gone beyond his Ministerial duties, and through some fault of his the Crown has had to suffer, that Minister has always, until this case arose, resigned his position and put his case before the electors. I appeal to members as to whether that was not the proper course. I know it was the proper course to take. It goes beyond me to conceive any reason for a Minister not taking that course. He might have done it on his own initiative. At any rate he should have taken that course. It was another matter

for the Government to pay the money. That should be dealt with by the House; but the Government in paying the money took the matter on their own shoulders, and I admire them for taking the responsibility. I do not say whether they did the right thing or the wrong thing, but in taking the responsibility in any of these matters I admire them. With regard to the actions against the various newspapers, I cannot help thinking the Government have gone too far. I cannot see why the Government should stand in the place of private defendants in actions, thereby placing behind those private defendants unlimited credit, and the power to force the plaintiff to go from Court to Court and risk the expenditure of all his money. The plaintiff may not be in a position to carry on all the cases right through to the Privy Council, and unless the Government were at the back of the defendants and the verdict was given for the plaintiff no doubt the matter would have ceased there. But the Government are standing in the dock in this matter, and they have a power which is so great that it can grind down this poor unfortunate individual to such an extent as to force him to risk the whole of his belongings or give up his cases against these private persons.

MR. MORAN: The whole public exchequer behind one man.

MR. PIGOTT: It is an unfair position for the Government to take up. The plaintiff whether right or wrong is placed in a most horrible position by the Government; it is an unfair position for him to be placed in. I think his case is a very hard one, and I hope never again will any Government, at the stage which these cases are in, step forward and say, "We will indemnify the defendants from all loss in the case of a verdict going against them." I think it is useless to force this matter to a division.

MR. MORAN: Why? Do not withdraw it; make every one vote.

MR. PIGOTT: I say it is useless to force this matter to a division. The member for West Perth asks me to carry it to a division. I will leave the honour of calling for a division with him. It will be within his power, if he thinks I am doing wrong, to say "No," and a division must be taken. In view of my

own opinion of the way in which the voting will go, and in view of the fact that we have heard from the Government the true intentions they have in regard to the actions pending, I ask leave to withdraw my motion.

MR. MORAN objected to the withdrawal of the motion.

Question (that the House do now adjourn) put, and a division taken with the following result:—

Ayes	9
Noes	20

Majority against	11
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Ayes.	Noes.
Mr. Atkins	Mr. Bath
Mr. Butcher	Mr. Burges
Mr. Connor	Mr. Daglish
Mr. Jacoby	Mr. Ewing
Mr. Moran	Mr. Ferguson
Mr. Pigott	Mr. Gardiner
Mr. Taylor	Mr. Gordon
Mr. Thomas	Mr. Gregory
Mr. Hicks (Teller).	Mr. Hastie
	Mr. Hayward
	Mr. Hopkins
	Mr. Illingworth
	Mr. Isdell
	Mr. James
	Mr. Nanson
	Mr. Rason
	Mr. Reid
	Mr. Throssell
	Mr. Walter
	Mr. Higham (Teller).

Question thus negatived.

CONFERENCE ON CONSTITUTION BILLS (3).

REPORT OF MANAGERS.

MR. WALTER JAMES brought up the report of five managers appointed by the House to meet five managers for the Council in Conference on the Constitution Act Amendment Bill, the Electoral Bill, and the Redistribution of Seats Bill. He moved that the report be read.

Question passed, and the report read as follows:—

To the Hon. the Speaker and Members of the Legislative Assembly.

The managers appointed by this hon. House to meet in Conference the five managers appointed by the Legislative Council in connection with the Constitution Bill, the Redistribution of Seats Bill, and the Electoral Bill, desire to report that the Conference sat at the time and place agreed, but after a long and anxious consideration of the questions raised, lasting from 11 a.m. to 9 p.m., were not able to arrive at an agreement on all the points in difference. The managers desire to place on record their appreciation of the courtesy shown by the managers of the Legislative Council during the long and trying sitting of the Conference.

Ordered, that the report be printed.

CONSTITUTION ACT AMENDMENT BILL.
DISCHARGE OF ORDER—MINISTERIAL
STATEMENT.

Order read, for consideration of the Legislative Council's message as to amendments.

THE PREMIER (Hon. Walter James): I purpose, before sitting down, to move that this order of the day be discharged. But before I submit that motion, I should like to explain to members what took place in connection with the Conference held between the managers for this House and the managers for the Legislative Council. Members no doubt recollect that we had, in dealing with the Constitutional reform on this occasion, divided the matter into three Bills, namely the Electoral Bill, the Redistribution of Seats Bill, and the Constitution Bill. The Electoral Bill and the Constitution Bill we had before us, and the Redistribution of Seats Bill was being retained in another Chamber. I had reason to believe that the Legislative Council were anxious that there should be a Conference on these three Bills, and that an earnest effort should be made to come to a settlement. There was no opposition to the Electoral Bill or the Redistribution of Seats Bill, but there was a desire to see if by means of a Conference some settlement could be arrived at on the questions involved in the Constitution Bill. There can be no doubt that of the three Bills, the Constitution Bill was the one presenting the greatest points of difference between this Chamber and the Legislative Council. So far as the points of difference on the Electoral Bill and the Redistribution of Seats Bill were concerned, I think there would be no difficulty in arriving at a settlement on the points; but in dealing with the Constitution Bill we had to face questions involving plural voting for the Council, a double dissolution, the qualification of the electors, and the referendum. In my opinion the two main points involved were those affecting the qualification and the clause desired by the Council dealing with the question of referendum. So far as the double dissolution is concerned, I explained to the House at an earlier stage in connection with this Bill that, as we had agreed to retain our lower House at 50 and the Council at 30, the need for the insertion of a provision for a double dissolution

in the Bill had gone by, and we could hardly reasonably insist upon that double dissolution being agreed to. But I think I also explained to members that in my opinion plural voting was not such an evil in relation to the Legislative Council as in relation to the Legislative Assembly, where we recognise one adult one vote, the Council being, as we say, a property House, and as they say a House of interests, and having not a general election but a periodical election. Plural voting has the advantage of securing for the Council a greater number of votes, if nothing else. In my opinion the proposal was not of sufficient importance to justify us in sacrificing any Bill in connection with it. As to the qualification, I did think, and I think still, that there was a need and there is a need to broaden the franchise for electors of another Chamber; not for the purpose of making it weaker, but in my opinion to make it stronger. I should personally be inclined to go to the extent of giving every householder a right to vote for the Legislative Council. That is a qualification which I believe would be a useful one. It would secure to the other Chamber the political colour it has now. But whilst it would increase no doubt the number of electors and tend to liberalise that Chamber, I do not for one moment think it would have the effect feared by some people of swamping that Chamber and making it a mere reflex of this House. I am not one of those who believe with my friend the member for the Murchison (Mr. Nanson) that the time has arrived for the abolition of the Legislative Council. The question needs far more consideration than it has yet received, and certainly before we can consider it one wants to have some alternative scheme placed before us in the country before making up his mind on the point. It appears to me now that the subject is more one of public clamour, and is not yet within the range of practical politics. Perhaps most of the members of the House may agree with me on that point, and think that the question does need farther and fuller discussion. Their desire in raising the point from time to time has been to secure that discussion without which no change is desirable. Whilst I do not believe in the abolition of the Legislative Council, for I do not think

the case is yet made for that change, I do think there is need to broaden the franchise and increase the number of electors.

MR. MORAN: That, in my opinion, will strengthen the Legislative Council.

THE PREMIER: It may or may not strengthen it; but at all events we are not the persons who should object to the strengthening of another Chamber. If we increased the number of voters and liberalised the franchise, that would, I entirely agree with the hon. member, strengthen the House, because the House would be more liberal and have a broader foundation, and a greater number of electors to fight for it in case of emergency. There is a need to have a greater number of electors, because we find that in 1894, the first year in which an election for the Council was held, the Assembly electors numbered about 12,800, whilst the Council electors were 4,600. Roughly, the Council electors were then about one-third of the Assembly electors. We pass on to 1903—a period of nine years—and we find that whilst in 1903 the Assembly electors were 101,656, the Council electors were 23,000. One finds that instead of being a third, as was the case a few years before, the disproportion is growing greater, and I think this disproportion is likely to grow while our present conditions prevail, seeing the large number of single men we have in this State. But whatever the reasons may be there is a growth of that disproportion. I do not think there is a doubt of that. This points out the need of broadening the franchise to remove that disproportion to a greater extent than the present franchise allows.

MR. ILLINGWORTH: Women's suffrage has created the disproportion.

THE PREMIER: Perhaps so. Some women have a right to vote for the Council. The point I wish to make, however, is that there is a growing disproportion, and that I think weakens the Council; nor can we in this matter be content to take comparisons with the Eastern States. The Eastern States have their peculiar conditions, and here we have to face our peculiar conditions. The greatest disparity exists on the goldfields. We find there a very large number of Assembly electors and a very small number of Council

electors. There is need of special treatment; and it was to give them that treatment we were anxious to lower the franchise.

MR. BURGESS: Why not grant them land?

THE PREMIER: It is not the question of granting land, which is not of the same value as in Perth, Fremantle, Kalgoorlie, or Boulder, to men with families, carrying on mining operations, because they live away from Kalgoorlie, Boulder, Perth, or Fremantle, and the number of electors is not so great as in the populous centres. In connection with the qualification, the Council were willing to meet our terms to a certain extent, but they made it conditional upon our agreeing to a clause which they wished inserted in regard to the referendum. In dealing with that, we felt that here was a new and novel expedient, untried elsewhere, and occupying a position somewhat unusual for an amendment moved by the Legislative Council. As a rule in connection with constitutional amendments, they always argue in favour of a change being effected gradually, that the Constitution may broaden down from precedent to precedent. Here, however, was rather the reverse of that, and we were suddenly met with this clause inserted by the Council, the effect of which would be that no referendum or poll of the people could be held without the consent of both Houses. On the other hand let me say that the Council contend that whatever may be our power in fact or any power we may claim to exercise, strictly speaking we have no constitutional power to deal with a referendum; their contention being that this clause which they proposed really declared what the constitutional law is to-day. No doubt in dealing with referendums there are two cases to deal with: an effective referendum, which must be by means of a Bill, because we want a Bill to give force and effect to the result; and what is called an educational referendum, which may be moved by this House for the purpose of ascertaining what are the views of the electors on a certain point; taking these views not for the purpose necessarily of giving to them legislative effect, but for the purpose of being informed what the electors' opinions are on the point submitted.

MR. THOMAS: On a point of order and for information also, should not consideration of the Legislative Council's message be taken in Committee?

THE SPEAKER: No; the hon. member has given notice to discharge it.

MR. THOMAS: Then it is not to be done in Committee?

THE SPEAKER: No; not to discharge the order from the Notice Paper.

THE PREMIER: Where we desire to make a referendum effective, we must have a Bill, and the Council in this case must be consulted. In the other case there will be no need for it. I candidly admit that the power we claim to have to grant a referendum is one which needs to be exercised with very great care. It should not be exercised as a sort of experiment, but only in those matters where by means of it public discussion and public opinion are quickened. Nor is it intended to be used to an extent that will interfere with Ministerial or Parliamentary responsibility. I can understand the other Chamber may look with concern upon possible abuse of the power with regard to the granting of a referendum. But I think, and we all think, that the need for that clause regarding the referendum has not been shown so clearly that we could have come back to this House and have justified the retention of that clause; so the result of it was, I think I am justified in saying, that a deadlock ensued, because the Council were convinced they should retain that clause dealing with the referendum as a matter which they held to be vital. That caused a split in connection with the Conference; the Council looking upon that new clause as being vital, and we contending that, assuming it to be vital, it was certainly a matter which needed more consideration, that it had not been discussed as fully and publicly as it ought to have been, that it was taking from us a privilege we claimed; and we urged that the matter might be allowed to stand over until the next Constitution Bill was being dealt with. To encourage our fellow managers on that point we offered very liberal terms indeed, and were prepared to come down and recommend this House to accept terms which I think we should have found some little difficulty in persuading our fellow members to agree to. The Council, however,

maintained that the referendum clause was essential; so we have not been able to settle the difficulties arising out of the Constitution Bill, and the only course is to move that this order of the day be discharged. I need hardly say that I move a motion like this with very great regret. We have had this question before us for two sessions past. It has been a cause of very great difficulty and great anxiety to me. In a great number of matters I have had to subordinate my own personal opinions and feelings. My one desire was to place upon the statute-book a Bill which would meet the wishes of a majority of members of this House and of another Chamber, and the majority of the people of this State. I think I am justified in saying that in placing these Bills before this House I brought forward Bills which appealed to moderate members of both sides of the House; and I was hopeful when I introduced those Bills and fought for them in this spirit that the result would be more satisfactory than it has been. I fear, however, that recent events not in connection with State politics have had a somewhat hardening effect, and this has spoiled our chance of placing that Constitution Bill upon the statute-book. I have explained to members how the difficulty cropped up, and the efforts made at that Conference to overcome the difficulty; but whilst I think the Legislative Council have been unwise in not accepting the generous terms we offered, whilst I think they have adopted a somewhat unusual course in insisting upon such a novel and unusual clause as this referendum clause without the full discussion it ought to receive, I also must admit that the managers of the Council and the Council themselves believe that clause is essential. There is an honest belief on their part that the terms we were prepared to offer were not terms they could agree to. The difficulty we are placed in is that this question has to be faced again, and the Council has to face one of two alternatives—either a substantial broadening of its franchise and a substantial increase in the number of its electors, or an additional development of the feeling in favour of the abolition of that Chamber. I believe that if the Council franchise were broadened the Council would be stronger than ever; and believing that, I

regret to find that the members of the Council cannot see eye to eye with me in that regard. However, we have made our effort to broaden the franchise, and have failed; and in asking the House to discharge this order of the day, I wish to point out that by doing so we lose nothing. In the Constitution Bill, with the exception of the reduction of the qualification, there was nothing of substance worth fighting for. The law on the subjects dealt with by that Bill will remain as it stands to-day; and although it is disappointing to think that after two years' efforts we have not succeeded in making an advance in this respect, I think we have in the other Bills secured substantial benefits as a result of the work we have done. I move,

That order of the day No. 1 (Constitution Bill) be discharged.

MR. A. E. THOMAS (Dundas): I am rather surprised at this farther change of front by the Premier. When we first discussed the Constitution, Redistribution, and Electoral Bills the Premier definitely told the House on several occasions that the three Bills were to be considered as one. Amendments were afterwards made to allow of each of the Bills being taken on its own merits and separately considered. Again the day before yesterday, when the Premier asked us to consent to a Conference as to these Bills with the Council, he told us that the three Bills would have to be considered as one, and that they could not be separated. I disagreed with him on that occasion; and now he asks us, by moving to discharge the Constitution Bill from the Notice Paper, again to separate the Bills which the day before yesterday he said could not be separated. I do not think I am in order in reading the report of a debate which took place this morning in the Legislative Council; but in speaking of the Constitution Bill, which affects both Assembly and Council, I think I am in order if I read to the House newspaper reports which show what was two days ago the intention of the Government as to this matter.

THE SPEAKER: The hon. member cannot read the report of a debate this session.

MR. THOMAS: I can read a newspaper comment. I will refrain from reading a report of the debate; but I

ask members, before voting on this subject, to read the reports of the Council debate which appear in the *West Australian* and the *Morning Herald* of the 13th January; for these reports will give members an idea of the understanding arrived at in the Council as to the decision of the Government on the question of these Bills. This is what the *West Australian* says by way of general comment:—

In the Legislative Council the assurance was given by the Colonial Secretary that in the event of the Chamber handing over the Redistribution of Seats Bill to the Legislative Assembly, the Government would ask the Assembly to consent to a Conference between representatives of the two Houses on the three Bills in question. The farther undertaking was given that the Bills, when finally dealt with by Parliament, would express the wishes of the Conference; otherwise the Government would drop the measures altogether. On this understanding the Council, after appointing a committee which drew up reasons for disagreeing to certain of the Assembly's proposals in regard to the Redistribution of Seats Bill, returned the Bill to the other Chamber. When the Legislative Assembly meets this afternoon the Premier will move that the three Bills dealing with the Constitution be referred to a Conference, consisting of five members of each Chamber, to act as managers for their respective Houses. As the request will come from the Legislative Assembly, the privilege of appointing the time and place of the Conference is reserved to the Legislative Council, as the House agreeing to the request. The Colonial Secretary remarked in the Legislative Council last evening that it was hoped that the difficulty would be finally settled, and that Parliament would prorogue in the course of a day or two.

I regret that the Standing Orders do not allow of my reading a newspaper report of the Legislative Council debate. Privately I have read the comments of the *West Australian* and of the *Morning Herald*, and the full reports of the debate which have appeared in both papers; and I cannot grant that two leading newspapers such as these can both be wrong in reporting so important a discussion. Both report the debate practically word for word; and that I take it is *prima facie* evidence that they correctly report what the Colonial Secretary, acting on behalf of his colleagues, stated when he persuaded the Council to give up possession of the Redistribution Bill.

THE MINISTER FOR WORKS: You have read the comments only.

MR. THOMAS: I read the reports of the debate which appeared. I will tell the Minister interjecting that both the *Morning Herald* and the *West Australian* had their staffs in the Press Gallery at the Council while the Colonial Secretary was speaking; and they took down his speech.

MR. MORAN: You have forgotten one thing. The Government have since proof-read *Hansard*.

MR. THOMAS: I shall come to *Hansard* directly. Both newspapers report the Colonial Secretary almost word for word as giving his pledge on behalf of the Government that if the Redistribution Bill were returned to this House, the Government would do everything in their power to get this House to consent to a conference; that those three Bills would then be taken as one; and that if the Bills did not meet the views of the Conference—that is, I take it, if the Conference could not agree—the three Bills should be withdrawn. And now the Premier moves to withdraw one only. As against the evidence of the *West Australian* and the *Morning Herald*, two papers which had their reporters present to take down the words of the Colonial Secretary, we have the evidence of *Hansard* produced this morning in another place. And I know well that any member—any Minister, at any rate—can get an advance copy of *Hansard*, and that any member has a right to revise *Hansard*. I prefer the reports of the *West Australian* or the *Morning Herald* to a corrected copy of *Hansard*, as evidence of what was said during that debate.

THE SPEAKER: The hon. member appears to be imputing some improper motive. This he has no right to do in speaking of another House.

MR. THOMAS: No. I say that, as evidence, I prefer the two newspapers to *Hansard*.

THE MINISTER FOR LANDS: You said "a corrected *Hansard*."

MR. THOMAS: Rather than *Hansard*, which may or may not have been corrected.

THE MINISTER FOR LANDS: Your statement is more likely to be true if you put it in that way.

MR. THOMAS: I prefer the reports of the *West Australian* and the *Morning*

Herald to what someone says may or may not be corrected in *Hansard*. If the reports in those newspapers are correct, there is no getting away from the fact that a pledge was given by the Government that the three Bills should be taken as one. Certainly the Premier led us to infer that, by his remarks the day before yesterday. I protested against his statement, and said there was no reason why we should adjourn on that occasion, there was no reason to wait for any farther debate in the Council, because he had his amendments carried which made each of the Bills separate and distinct from the others; and while we were waiting for the Redistribution Bill there was nothing to prevent our going on with the Constitution Bill and the Electoral Bill, which the Premier had made distinct measures. Then the Premier said that the three Bills must of necessity be taken as one and not as three. I appeal to any member as to whether my recollection of that statement is not correct, and whether that remark was not made by the Premier. At all events, it was reported by both the morning papers. Then we have on top of that a deliberate pledge given by the Colonial Secretary—if we are to believe the evidence—that if the Conference could not agree to recommend some procedure so as to make those Bills suitable to both Chambers, the Government would withdraw the three Bills. I think farther evidence is needed before the Premier is allowed to play a political trick of this sort; and I can but class it as a trick. Four different times he has changed front as to these Bills, by associating them and dissociating them. I certainly intend to vote for the discharge of this Bill from the Notice Paper, and for the discharge of the Redistribution Bill also; but I should much prefer the Premier to carry out the pledge which the evidence before us leads us to believe was made by the Colonial Secretary on his behalf in the Council. We should have much preferred to see a compact apparently honourably entered into honourably carried out. After definite statements by the Premier, made time after time in this House, to the effect that the three Bills should not be dissociated—statements made when he was discussing the questions of a Con-

ference and of the adjournment of this House pending the decision of the Council on the Redistribution Bill—we should have preferred his carrying out his then declared intention of keeping the three Bills as one instead of attempting to dissociate them now, at the last moment. I know that the Premier has been working for a considerable time to secure an amendment of the Constitution, Redistribution, and Electoral Acts. I think the feeling of the House is that the Electoral Bill is a distinct improvement on the existing Act, and that its passing into law will be agreeable to both sides of the House; but I am certain that the same opinion is not held by any section of the House as to the Redistribution or the Constitution Bills. We know well that if members when called on to vote for those Bills voted in accordance with their speeches on the Bills, they would not only vote with the Premier to throw out this Constitution Bill, but would throw out the Redistribution Bill also. We have the “cave party,” who declared then that if they could not amend they would end it.

THE SPEAKER: The hon. member must confine himself to the Bill under consideration.

MR. THOMAS: I appeal for similar consideration to that given to Ministers in explaining the Bills.

THE SPEAKER: The Minister explained his course, which he had a right to do. The hon. member cannot discuss the Electoral Bill now.

MR. THOMAS: Since I cannot follow the Minister and discuss the three Bills, I will agree to the striking of the Constitution Act Amendment Bill from the Notice Paper; and when the other Bill comes up I shall have to speak. Ministers can take the three Bills together, but I must consider them as separate and distinct Bills.

Question passed, the order discharged.

ELECTORAL BILL.

COUNCIL'S MESSAGE—AMENDMENTS.

THE PREMIER: With the indulgence of the House, I would like to deal with this order after the next order of the day. If the House objects, of course I will withdraw my request.

MR. MORAN: What is the reason?

MR. THOMAS: I will not object, but I have half a mind to do so. You can discuss the three Bills together, and I cannot.

THE PREMIER: I want to take the Electoral Bill and the Redistribution of Seats Bill together.

MR. MORAN: You could not take them together even by changing the order.

THE PREMIER: I will withdraw my request. I move that the Speaker do now leave the Chair for the purpose of considering this message in Committee.

Question passed.

IN COMMITTEE.

Amendment No. 4—Clause 35, Council's reason stated for allowing the elector to choose the division for which he is to be registered: “In the present circumstances of the State, it is inexpedient that voting in more than one province should be prohibited”:

THE PREMIER: The points of difference between the two Chambers on this Bill were simple ones. In the first case the Assembly inserted in the Electoral Bill, on the assumption that plural voting for the Council would be abolished, a clause providing the machinery to make single voting effective; but the Council disagreed with it, and with that disagreement we must agree, because the Constitution Act provided for plural voting for the Council. The other disagreement was with regard to the increase in the amount which a candidate for the Council could spend, from £200 to £500. The other point dealt with the number of election agents, the Council objecting to have the number limited to one election agent. Further amendments were made by the Assembly before the Bill was returned to the Council to enable the Bill to stand by itself, and with these amendments the Council had agreed, with the exception that, these amendments being based on the assumption that plural voting for the Council would be abolished, and the Council having objected to its abolition, the Council had struck out the words which implied plural voting. He moved that the Council's amendment be agreed to.

MR. PIGOTT: Though we all regretted that the result of the Conference was

practically nothing, we all agreed we would be doing an injustice by not passing the Electoral Bill with its many improvements, simply because we had not been able to come to a satisfactory arrangement with another place by which we would be enabled to pass the Constitution Bill. Holding that view, he did not think it necessary to discuss in any way the amendments which were now before us, and which the Premier asked us to accept. Though the Committee would be giving way to a great extent in accepting all these amendments from the Council which had already been refused by members, we would perhaps be doing the best thing that remained in our power by backing down in this instance, accepting the amendments, and passing the Bill.

Question passed, the Council's amendment agreed to.

On farther motions by the PREMIER, Nos. 6 and 10 (consequential) agreed to; Nos. 15 and 16 (Assembly's farther amendments) not insisted on; also No. 1 (Council's farther amendment to Clause 15) agreed to.

Resolutions reported.

REDISTRIBUTION OF SEATS BILL.

COUNCIL'S MESSAGE—AMENDMENTS.

The Legislative Council having insisted on amendments Nos. 14, 15, 16, and not agreeing to the Assembly's farther amendment in the boundaries of Kalgoorlie electoral district, the Council's message was now considered in Committee.

No. 4—New Clause [requiring the second and third readings of any amending Bill to be passed by absolute majority of members of Council and Assembly]:

THE PREMIER: This Bill was, so far as the Assembly was concerned, the most important of the three Bills we had discussed, because it more directly affected the constitution of the House, and in his opinion provided for a far more equitable distribution of seats than existed under present legislation. When the Bill was passing through Committee we had full and lengthy discussions in relation to the schedule, and we had these discussions also during the course of last session, so that the Bill had received the fullest consideration and had the fullest discussion from members. He was quite aware of the fact that there were members who

thought that the scheme of redistribution provided for in the Bill was not as equitable as it ought to be, and that there were members who thought that a larger share of representation should be given to populous centres, and that others thought too large a share of representation was given by the Bill to those centres. Each member thought the contention of the other side to be improper, untenable, and unworkable; but these were the contentions put forward. The Government pointed out what were the inequalities that had to be removed. We knew in one instance of an electorate like Hannans, with 10,000 votes as compared with one of the Kimberleys, the smallest electorate, with a very small number of votes. These were some of the inequalities we endeavoured to overcome by means of the Bill. The Assembly had agreed to the Bill after full discussion, and it was to be hoped the Committee would support their past action and pass the Bill into law. Whatever might be its defects in the minds of those who thought it gave too much or too little power to populous centres, no one would deny that it was a distinct improvement on the existing Redistribution of Seats Bill, and if the Bill passed into law it would enable the new Assembly to be elected under more favourable conditions than existed to-day. We secured a more equitable distribution and removed some, he thought a great majority if not all, of the inequalities that existed to-day. The Government asked the Committee to treat the Redistribution and Electoral Bills as one. So far as the Constitution Bill was concerned, another Chamber had rejected that, and were responsible. It was not the Government who were responsible. The Government came to the House with a scheme, and it was only fair to ask the House to accept the scheme or reject it, and not take it piecemeal. By adopting these Bills the Committee had an opportunity of securing the abolition of plural voting in the Lower House. That was given by the Electoral Bill, which stood or fell by the fate of the Redistribution of Seats Bill. [MR. TAYLOR: Why fall?] These two Bills stood together. We secured one man one vote to the Assembly, and he hoped members appreciated that fact and that the electors of the State appreciated it also. The Bill

secured in addition to that the abolition of the existing term contained in the Constitution Act, that no one should record a vote until he had been six months on the roll. Under the Electoral Bill there was no such qualifying period, and after a man had been six months in the State at any time he could place his name on the roll and vote.

MR. STONE: Was it necessary to take the two Bills together?

THE PREMIER: The measure secured the limitation of election expenses. At present there was no limitation. It secured simpler machinery of the electoral law, and gave to us an Electoral Bill which was far in advance of the Commonwealth Electoral Act, because it contained far less red-tape, far fewer formalities, and placed fewer difficulties in the way of a man registering and recording his vote. These were some of the advantages offered by the Bills in addition to the advantages pointed out. By these steps we removed the gross inequalities now existing in some of the large electorates, notably Hannans, which now had one member and under the new distribution would have three. There was an inclination on the part of some members to think that the Redistribution of Seats Bill would give too great a power to the Labour party, and that under the scheme the Labour party would come back with an undue preponderance. He (the Premier) could not recognise that as an argument against the Bill. He did not think it a fair argument. If that party or any other party could convince a majority of the electors, that was so much to their advantage. All he wished to see was a real majority, a good, fair fight on both sides, and let the man have a fair fight and win and take his seat accordingly. Some found fault with a Bill of this nature because they said it gave the farmer too much or the Labour party too much; but members would see that on the whole it was a fair Bill. He asked the Committee to deal with the Redistribution of Seats Bill as carrying with it the Electoral Bill, because, as he had previously said, the Government came down with that policy. Another Chamber having rejected the Constitution Bill, the Assembly was not responsible for that, but as these two Bills were a part of the policy of the Government, he

asked members to accept both Bills or reject both. He moved that the amendment be agreed to.

MR. PIGOTT: One failed quite to understand the attitude taken up at the very last moment by the Premier in regard to this Bill.

THE PREMIER: The hon. member should not say that, for he had made a statement before the Electoral Bill was opened.

MR. PIGOTT repeated the words "the last moment," although the Premier made his statement half an hour ago. We had been told time after time that these Bills were to be taken together as one during their different stages through the House; but in the end they were to be treated as separate Bills. Now the Premier stated that if the Committee did not agree to pass the Redistribution of Seats Bill, the Government were prepared to sacrifice a Bill that had gone through all its stages in the Assembly and had been approved by members and which, according to the Premier's statement, gave remarkable advantages over the present electoral law.

THE PREMIER said he wanted to control the business of the House while he was Premier.

MR. PIGOTT: It was a mistake for the Premier to take up the position and threaten members that if the Committee did not pass the Redistribution of Seats Bill the Electoral Bill would be lost, no matter how good it was. He could not help saying that members had been most liberal to the Government. These matters had been fought out, divisions had been taken time after time, and sometimes these divisions were won or lost by one or two votes only. Yet after all this help which members had given to the Government, the Premier turned round and said if members would not pass the Redistribution of Seats Bill they must be responsible for wrecking the Electoral Bill, and this after the Premier had lauded the Electoral Bill.

THE MINISTER FOR LANDS: The Premier had said the other Bill was not a bad one.

MR. PIGOTT: The Premier did praise it. He praised the Redistribution of Seats Bill with very faint praise. He said that great advantages were to be gained by the Electoral Bill, and that the

Redistribution of Seats Bill made some movement towards removing a few of the inequalities of the present distribution.

THE MINISTER FOR LANDS: That was so.

MR. PIGOTT: Something had been done, how much he was ashamed to say. He was certain that if the member for Boulder were not Minister for Lands he would be damning the present Redistribution of Seats Bill more than it had ever been damned. We had to recollect the speeches made by that member.

THE MINISTER FOR LANDS: From an entirely different standpoint.

MR. PIGOTT: From an entirely different standpoint to the hon. member who then fought for the interests of the people. The last division taken in the Assembly on the Redistribution of Seats Bill, which carried life or death to the Bill, was gained by one vote. This was the Bill which the Premier said should pass—a Bill which was carried by a majority of one vote; and if the Committee did not pass it the Government were prepared to throw over the Electoral Bill. That was the position, and he wished to make it thoroughly understood. It was a most unfair position for the Premier to take up. He intended to test the feeling of the Committee once more as to whether they were prepared to accept the Redistribution of Seats Bill even though they knew that if they rejected it the Electoral Bill would be lost. He intended to ask members if they were prepared to accept this Bill as a full measure of reform that had been promised; because we knew that measures affecting the Constitution could not be brought before every Parliament, and if the Bill was passed, what hope was there for the people to have another Bill introduced during the next five or six years?

THE PREMIER: The hon. member need not worry about the people.

MR. PIGOTT: The only member who worried about the people was the Premier.

THE PREMIER: There was some truth in that.

MR. PIGOTT: If this Bill were passed, there would be no more talk of constitutional reform for five or six

years. That was what he wished to impress upon members.

MR. DAGLISH: The hon. member might be able to talk more effectively.

MR. PIGOTT: We might be able to talk more effectively, but he did not believe in tinkering with the Constitution year in and year out.

THE MINISTER FOR LANDS: Why perpetuate it?

MR. PIGOTT: Were we to go on with these Bills and pass them? We knew that the improvements offered us were practically nothing. He asserted that the House ought to throw out this Bill with contempt; that a new Parliament should be formed, and that Parliament should go through the whole question of Constitutional reform again, and bring in a Bill deserving of the approval of the people. He felt very strongly on the matter, and hoped he would be supported when he moved as an amendment,

That the Chairman do leave the Chair.

Amendment put, and a division taken with the following result:—

Ayes	...	...	...	15
Noes	...	...	...	20

Majority against ... 5

AYES.	NOES.
Mr. Butcher	Mr. Atkins
Mr. Connor	Mr. Bath
Mr. Hassell	Mr. Daglish
Mr. Hicks	Mr. Ewing
Mr. Jacoby	Mr. Ferguson
Mr. Moran	Mr. Gardiner
Mr. Nanson	Mr. Gordon
Mr. Oats	Mr. Gregory
Mr. Pigott	Mr. Hastie
Mr. Quinlan	Mr. Hayward
Mr. Stone	Mr. Hopkins
Mr. Taylor	Mr. Isdell
Mr. Thomas	Mr. James
Mr. Wallace	Mr. McDonald
Mr. Burgess (Teller).	Mr. Piesse
	Mr. Rason
	Mr. Reid
	Mr. Throssell
	Mr. Walter
	Mr. Higham (Teller).

Amendment thus negatived.

Question put and passed, the Council's amendment agreed to.

Nos. 15 and 16—agreed to.

No. 13—Second schedule, Hannans Electoral District, strike out "Hannans" and insert "Brown Hill" [with consequent alteration of boundaries]. Farther amendment by Assembly, strike out all words after "Brown Hill":

THE PREMIER moved that the Assembly's farther amendment be not insisted on, and that the Council's amendment be agreed to.

MR. MORAN: A dictum had been laid down that each House should look after its own boundaries; yet now we were asked to agree to an alteration of one of our boundaries. As far as the Assembly was concerned, it came out very badly. It would be far better for reform not to have this Redistribution Bill, but to let the question go to the people.

MR. BURGESS: Where was the hon. member who represented the electorate affected? One member might have gone to another and have got the change made.

MR. MORAN: The member for Kalgoorlie was against the alteration made by the Council.

MR. BURGESS: The member for Kalgoorlie was away. The hon. member had plenty of chance to explain this. He (Mr. Burgess) heard the hon. member say he did not care which way it was. Sometimes the Government got their Minister in the Council to make an alteration in a Bill.

MEMBER: Did the Government do this?

MR. BURGESS: No; but no doubt the hon. member who represented that electorate did it; otherwise the electorate would not have been altered in the Council.

MR. BATH: That was absolutely wrong.

MR. TAYLOR: The member for Kalgoorlie resented it repeatedly.

MR. BATH: The member for Kalgoorlie objected repeatedly, but had stated that rather than lose the Redistribution of Seats Bill he was prepared to accept this amendment in the boundaries, although at the same time that hon. member did not care particularly for the manner in which the amendment was secured from the Legislative Council.

MR. TAYLOR: The member for Kalgoorlie was not responsible for it.

MR. BATH: Certainly not.

Question put and passed.

Resolutions reported, and the report adopted.

THE PREMIER moved that a message accordingly be returned to the Legislative Council.

MR. MORAN: There had been some difference of opinion as to whether the Government had acted fairly with Parlia-

ment as a whole in dealing with these three Bills. According to the evidence given by the member for Dundas (Mr. Thomas), there was a distinct promise made by the representative of the Government in the other House that these three Bills should be dealt with as a whole. If the other place had been trampled upon, there was such a thing as refusing to receive a message. He did not know whether the Council would go to that length.

THE PREMIER assured the hon. member there was no foundation for the statement made.

MR. MORAN: The statement had been read by him in two papers. It was stated distinctly in both reports and in the notes.

THE PREMIER repeated that there was no foundation for the statement. That was shown by a brief report in this evening's paper of a short debate which took place in another Chamber.

Question put and passed.

GOVERNMENT RAILWAYS BILL.

COUNCIL'S AMENDMENTS.

Schedule of six amendments made by the Legislative Council now considered, in Committee.

THE MINISTER FOR RAILWAYS: These amendments were purely formal, and in no way altered the intention of the Bill, but were for the most part decided improvements on the measure as it left this House.

Amendments 1 to 6—agreed to.

Resolutions reported, and the report adopted.

MR. MORAN: It was satisfactory that the Government had accepted the amendments, which did not affect any principle. The service would now have a fair tribunal to which aggrieved officers could appeal. He hoped this would result in peace and harmony in the department, and that railway servants would share in the general prosperity of the country.

Message accordingly returned to the Council.

FACTORIES BILL.

AMENDMENTS.

Schedule of six amendments insisted on by the Legislative Council, also two

farther amendments made by the Assembly and not agreed to by the Council, now considered in Committee.

No. 2—Clause 2, definition of "boy," strike out "sixteen" and insert "fourteen":

THE PREMIER: Clause 2 defined "boy" as "every male under the age of 16 years." The Council insisted on substituting 14. He was anxious to place this Bill on the statute-book. In every State there was extreme difficulty in passing the first Factories Bill; but once the Bill became law it was found that as a result of registration and inspection, information was collected, public opinion was quickened, and there was no great difficulty in either Chamber in amending the law. Though when such legislation was initiated opposition arose from factory owners, yet after the Act had passed the same persons became some of the warmest advocates of factory legislation; and extensions of Factories Acts had often been due to factory owners who had found themselves handicapped by the unfair competition of traders who did not observe ordinary rules. Fourteen was the age at which a boy usually left school in this State. He moved that the amendment be agreed to.

MR. DAGLISH regretted that this and some other amendments should have been made by the Council. However, it was desirable to pass some sort of Factories Bill, and especially one which would deal effectively with cheap Asiatic labour; and on this the present Bill did seek to put some restrictions. The alteration in the definition of "boy" was regrettable. The clause related mainly to the hours during which a boy could be worked; and by the amendment any boy over 14 could be worked for more than 43 hours per week—perhaps 50 or 60—to his serious injury. The amendment was ill-advised, and not in the interests of the community.

MR. HASTIE: Here and in the Council it was pointed out that men were in trades unions, and could protect themselves under the Arbitration Act; and as boys usually entered trades unions at 16, the Assembly wished them to be treated as boys until they reached that age. But by the amendment, boys under 14 were under the Factories Act and boys over 16 under the Arbitration Act; yet the

employer could treat as he chose boys between the ages of 14 and 16. This was highly regrettable; but we must content ourselves with pointing out the cruel nature of the Council's amendment.

Question passed, the amendment agreed to.

No. 5—Clause 2 (definition of "factory"), strike out "four" and insert "six":

THE PREMIER: This was also an amendment to the Assembly's definition of a factory as a place where two were employed. The Council suggested it should be six. The Assembly then agreed to make it four, and the Council agreed to that number. The Assembly also provided in subclause (f) that the Act should not apply to a place where not more than four members of a family worked, but the Council proposed to make it six. The Assembly thought six too high and adhered to four, but the Council thought that the proportion of four to two in the one case should work out as six to four in the other case. He moved that the amendment be agreed to.

Question passed, the amendment agreed to.

Nos. 15, 16, 17 (consequential)—agreed to.

No. 25—Clause 40, Subclause 1, strike out paragraph (c):

THE PREMIER: This dealt with the sweating clause, in which it was provided, in order to prevent sweating, that every occupier of a factory should keep a record of the name and address of each person to whom he supplied material, the situation of the place where the work was carried out, the quantity of the work, and the nature and amount of remuneration paid for the work. Paragraph (c) dealt with the nature and amount of remuneration, and that paragraph was struck out by the Council, who insisted on their amendment. He regretted the paragraph was struck out, but he had little hesitation in saying that the information would be obtainable by other means.

MR. WALLACE: Would not the amendment kill the intention of the whole of the clause? How could we check sweating without the paragraph?

THE PREMIER: The name and address of the worker would be supplied,

enabling us to find out whether the work was done in a factory or not, and whether the wages being paid were sufficient to enable the person to live under proper conditions. In the great majority of cases we could tell whether persons were being paid properly or improperly, according to the place in which the person lived. He moved that the amendment be agreed to.

Question passed, the amendment agreed to.

No. 3 (Assembly's farther amendment to strike out "six" and insert "four")—not insisted on.

No. 13 (Assembly's farther amendment to reinsert Subclauses 2 and 3 of Clause 19)—not insisted on.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

ROADS ACT AMENDMENT BILL.

COUNCIL'S AMENDMENT.

The Council insisting on one amendment, the reasons were now considered in Committee.

No. 5—Clause 20, line 2, strike out the words "sea or":

THE MINISTER FOR WORKS: This was a very useful measure, and Clause 20 gave to roads boards the power to build and maintain river or sea jetties; but the Council insisted that the words "sea or" should be struck out. If any other body but the Legislative Council had insisted on such amendment, he would say it was perfectly ridiculous. He would not be allowed to say so in this instance, and would refrain from doing so.

THE CHAIRMAN: The hon. member must not reflect on another place.

THE MINISTER FOR WORKS: There was no reflection at all. It seemed peculiar to strike out these words and thus give a local body power to build and maintain a jetty in a river, but not on the ocean beach. If any member of another place had decided in his own mind there should be no jetty at Cottesloe, for instance, he could not have taken a more effective method of preventing the construction of such a jetty than by insisting on this amendment. We must now agree to this amendment or lose the Bill; and under the circumstances he

moved that the amendment be agreed to.

Question passed, the amendment agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

MOTION—SINGLE-CHAMBER CONSTITUTION, REFERENDUM.

Order read for resuming debate on the motion by Mr. Nanson adjourned from 30th September.

MR. J. J. HIGHAM moved that the order be postponed till the next day.

MR. J. L. NANSON trusted the motion would not be postponed. Should it be so, the chances were that no opportunity would be given for concluding the debate. The circumstances of the last few days had given an added importance to the subject of the Upper House. It must be fresh in the recollection of members, and it certainly was fresh in the recollection of those who had spent the greater part of yesterday in conferring with managers for the Legislative Council, how the Upper Chamber dealt with matters of constitutional reform.

THE PREMIER: Was the hon. member discussing the merits of his motion?

MR. NANSON was discussing whether the motion was to be shelved, or whether there should be a division on it. Knowing the treatment the other Chamber meted out to every suggestion for reform so far as itself was concerned, and knowing that it had done its best during the last few days to make it impossible to have a referendum without its consent, he thought it well, whatever might be the fate of his motion, that an opportunity should be given for taking it to a division.

MR. C. J. MORAN: As was possible the motion might lapse by postponement, he intended to support the member for the Murchison in not having the gag applied to him, as he (Mr. Moran) always voted for freedom in these matters. All through the discussion on constitutional reform he had expressed the belief that the time had not come for the abolition of another place. While we were yet in the maelstrom of Federal politics, and might have very big troubles coming over us, it would not be wise to stir up strife between the two Chambers

as to the life of one Chamber. On a great question like this he would not agree to vote against giving freedom of expression of opinion to the electors of the State; but he would object to the decision even if a majority of the people of Western Australia said that the time was ripe for the abolition of the Upper Chamber. Similarly he had voted for the federation referendum, while objecting to federating. He entirely favoured the modernising and liberalising of the Upper Chamber, and the broadening of the area of election and the franchise, and for the present that was his policy; but the time might come when Western Australia could do with one House, and he would not gag any member who proposed to take the usual course, now approved of in Australia, of referring a great matter like this to the whole of the electors. There could be no harm in knowing what the people thought in regard to the matter, and it would give members an opportunity of going before the electors to advise them. His advice to the electors would be not to initiate a big struggle between the two Houses in the present raw condition of Federal politics. There was great trouble coming over us in dealing with the powers of the Federal Parliament, and until that trouble was settled he would not favour the initiation of a big campaign lasting for several years to bring about the abolition of the Upper Chamber. That was the only reason. He was in entire sympathy with the member in having the expression of opinion of Western Australia on this point. When the debate on the referendum took place he intended to ask the Chamber to allow the electors of Western Australia to say how many members should sit in the Assembly, as was done in New South Wales. He was confident, if the opinion of the electors was taken at this stage, from what he could gather outside, that the people of Western Australia were likely to believe in 40 to 42 members for this Chamber. He was confident the people believed that it was better to have fewer members in either House and bigger pay. That matter should go to a referendum if we could not agree amongst ourselves in reference to it. There should be a referendum whether the Assembly should consist of 40 or 50 mem-

bers. He did not think there would be found an overwhelming majority in the country in favour of abolishing another Chamber, but the people should have an opportunity of expressing their belief on the matter.

MR. T. H. BATH: The very fact that another place had set itself determinedly against any reforms was the very thing that would strengthen the Federal Parliament in the Commonwealth to-day. We should keep the State Legislatures intact because the policy of centralisation was detrimental to the interests of Australia. The Legislative Councils, not here only but elsewhere, had set themselves against reforms and in this way were gradually building up an opinion in Australia in favour of one Parliament for Australia, and that the Federal Parliament. A referendum on the question was the best way to settle opinion in the State on that matter.

Motion (postponement) put, and a division taken with the following result:—

Ayes	...	...	...	22
Noes	...	...	...	11

Majority for ... 11

AYES.	NOES.
Mr. Atkins	Mr. Bath
Mr. Burges	Mr. Daglish
Mr. Butcher	Mr. Hastie
Mr. Ewing	Mr. Holman
Mr. Ferguson	Mr. Moran
Mr. Gardiner	Mr. Nanson
Mr. Gordon	Mr. Oats
Mr. Gregory	Mr. Pigott
Mr. Hassell	Mr. Reid
Mr. Hayward	Mr. Taylor
Mr. Hopkins	Mr. Thomas (Teller).
Mr. Illingworth	
Mr. Isdell	
Mr. Jacoby	
Mr. James	
Mr. McDonald	
Mr. Piesse	
Mr. Rason	
Mr. Stone	
Mr. Walter	
Mr. Yelverton	
Mr. Higham (Teller).	

Question thus passed, the order postponed.

TRANSVAAL LABOUR PROBLEM, CHINESE.

MOTION IRREGULAR.

Mr. Nanson had given notice to move "That this House earnestly hopes that the labour problem in the Transvaal will be settled by other means than the introduction of Asiatic labour."

THE SPEAKER: This question having already been dealt with this session, the motion would be out of order.

MR. NANSON: Could not the Standing Orders be suspended to allow the motion to be moved?

THE SPEAKER: Notice of such intention must be given.

MR. NANSON: With the permission of the House, he moved that the Standing Orders be suspended to allow the motion to be dealt with.

THE SPEAKER: A ruling having been given, if the House desired it the decision could be altered.

THE PREMIER: That would not be interfering at all with the ruling.

THE SPEAKER: No.

THE PREMIER: If the House gave permission, it would be no disrespect to the Speaker.

MR. THOMAS: It would be establishing a dangerous precedent, and he opposed it.

THE SPEAKER: The hon. member could do that when the motion was moved.

MR. THOMAS: But could not one member object?

THE SPEAKER: The question was that the Standing Orders be suspended in order to allow the member to deal with the motion of which he had given notice.

MR. MORAN, on account of the great importance of the question, supported the suspension of Standing Orders. It was an extraordinary thing to do, and he hoped it would not be taken as a precedent except on matters of great importance. We should not establish such precedents, but this being an unusual matter, it was hoped the House would agree to the suspension because it did not affect local politics but was a matter concerning the Empire, and was a question on which we who sent an armed force to the Transvaal to help in maintaining that part of the Empire should speak.

THE SPEAKER: The hon. member must not discuss the question.

MR. MORAN: One must give reasons for voting for this extraordinary motion.

THE SPEAKER: The hon. member must not discuss the subject matter.

MR. MORAN: This should not be taken as a precedent, for a matter might be dealt with early in the session, and afterwards at the end of a session, when many members had gone away, the same question might be reopened and a contrary decision perhaps obtained. It was

to be hoped that a motion like this would be confined to large questions, and not matters affecting local politics.

MR. HASTIE: If one member objected, could the question be discussed?

THE SPEAKER: It was a question for the House to decide.

MR. A. E. THOMAS: It was doubtless a unanimous wish of the House that the labour problem in the Transvaal should be settled without the introduction of Chinese labour; but he objected to a motion such as this, for Standing Order 176 stated that "No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative." He had always opposed the suspension of the Standing Orders when the Government had asked for it in order to carry Bills through, except during the last few days of a session; therefore he entered his protest against the suspension of the Standing Orders to establish a precedent so that a member could consider a private notice of motion. This matter could not be considered urgent. It was not brought forward by the Government, and he hoped the Government would not consent to the suspension of the Standing Orders, for he saw endless difficulties if such a precedent were established. It would not matter what motion a member on either side of the House brought forward for discussion, if that motion were defeated, towards the end of a session the member could re-table the motion and have it again considered. This was establishing a most dangerous precedent.

THE PREMIER: It was to be hoped the House would agree to the suspension of the Standing Orders. Whatever the substance of the motion, there was a vast difference between the motion in the language as now framed and that in which it was couched when moved as an amendment on the Address-in-reply at the opening of the session. The member for Dundas agreed with the wording of the motion, that we should express the hope that the labour problem in the Transvaal could be settled without having recourse to the employment of Chinese labour. He would like to see such a motion carried and go as a joint expression of opinion from the Legislative Assembly of Western Australia, indi-

cating their hope in the direction pointed out. That would be sufficient for us to say, and those who read between the lines would know what we meant by it.

MR. PIGOTT: This course should certainly be opposed. He admired the rapid change of the Premier. We had seen some remarkable somersaults turned this session, but the somersault by the hon. gentleman within the last five minutes was about the quickest thing done by any politician in the world. When the last question was before the House, the Premier said members were too fagged to go into the merits of it; and now he supported the member for the Murchison and hoped that matter would be discussed.

THE PREMIER: This was a matter we all supported.

MR. HASSELL: We had enough to do to attend to our own business, without looking after the affairs of other parts of the Empire.

MR. NANSON: Probably no one wanted the matter debated at length. The circumstances were singular. He would never have thought of moving for a suspension of the Standing Orders except that earlier in the session he moved a similar motion, and he understood that the Government were in favour of the spirit of it but could not see their way to accept it as an amendment to the Address-in-reply. Doubtless many members took the same view. It would be a pity that we should be debarred, through a mistake he had made previously, from debating the question.

THE SPEAKER: To suspend the Standing Orders required the vote of an absolute majority of the House,

Question put, and a division taken.

MR. HOLMAN: On a point of order, was it possible for a number of members to leave the House when a division was called for, and not to vote?

THE SPEAKER: Until the doors were locked, any member had the option of leaving. The member calling for a division had no right to leave, and that member (Mr. Pigott) must return to his place.

MR. PIGOTT returned to his place.

Division resulted as follows:—

Ayes	23
No	1

Majority for	22
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AYES.

Mr. Bath
Mr. Burges
Mr. Daghish
Mr. Gardiner
Mr. Gordon
Mr. Gregory
Mr. Hastie
Mr. Hayward
Mr. Holman
Mr. Hopkins
Mr. Illingworth
Mr. Isdell
Mr. James
Mr. McDonald
Mr. Moran
Mr. Nanson
Mr. Oats
Mr. Plesse
Mr. Rason
Mr. Reid
Mr. Taylor
Mr. Walter
Mr. Higham (Teller).

NOES.
Mr. Pigott (Teller).

THE SPEAKER: There not being a majority of the whole House in favour of suspension, the Standing Orders could not be suspended.

ADJOURNMENT.

PROROGATION ARRANGEMENT.

THE PREMIER said he intended, with the assent of the House, to prorogue to-morrow afternoon at three o'clock. There were one or two matters on the Notice Paper that could be discussed, and we might meet at a quarter past two, if that would suit members. There was a motion in the name of the member for Kanowna regarding taxation on unimproved value of land.

MR. YELVERTON: Was that the only business?

THE PREMIER: There was the question of a referendum.

MR. PIGOTT: Did the hon. gentleman expect to get through with that?

THE PREMIER did not say we could do so, but it was our business to try. A quarter-past two would be a fair time to meet. He moved that the House at its rising do adjourn until a quarter-past two o'clock to-morrow.

Question put and passed.

The House adjourned at 6:28 o'clock, until the next afternoon.