

Legislative Council,

Tuesday, 21st August, 1900.

Papers presented—Obituary: Duke of Saxe-Coburg and Gotha—Federal Commonwealth: Admission as an Original State, Address to the Queen—Game Act Amendment Bill, second reading, in Committee (progress)—Address in reply to opening Speech, debate resumed (second day), Amendment moved, adjournment of debate—Adjournment (one week).

THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1. Regulation under Mines Act, amendment of No. 10. 2. Regulations under Goldfields Act. 3. Municipal by-laws, Perth and Busselton. 4. Woods and Forests Report, 1899. 5. Geological Survey, 1899.

Ordered to lie on the table.

OBITUARY—DUKE OF SAXE-COBURG AND GOTHA.

THE COLONIAL SECRETARY (Hon. G. Randell): I rise to move that the following Address to Her Majesty the Queen be adopted:—

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's loyal and dutiful subjects, the Members of the Legislative Council and the Legislative Assembly of Western Australia in Parliament assembled, desire to assure your Majesty of our loyalty to your Majesty's throne and person.

We desire to humbly offer to your Majesty our heart-felt condolence in the great sorrow that has fallen upon your Majesty by the death of His Royal Highness the Duke of Saxe-Coburg and Gotha, and to assure your Majesty of the sympathy of your loyal subjects in Western Australia in this sad bereavement.

We desire also to humbly offer our condolence with Her Imperial Highness the Duchess of Saxe-Coburg and Gotha and the members of the Royal Family, and we pray that the blessing of the Almighty may rest upon your Majesty and your family, and that you may be thereby sustained in your affliction.

It is not necessary for me to add any words to those so well selected as an Address to Her Most Gracious Majesty our Queen. Events which have transpired in other parts of the world must have made Her Majesty acquainted with the feelings entertained by her loyal subjects in all parts of our great Empire;

notably the events that have followed on her visit to one of the great portions of the Empire, Ireland, and those which have happened in South Africa and India. From all parts of the Empire testimonials have reached Her Majesty evidencing and assuring her of the deep interest her subjects have in her well-being; and I am only echoing the sentiments of every member of the House and of the community, when I say we indorse the words used in this Address. Her Majesty has arrived at an age when, I suppose like the rest of us, she feels very keenly losses of this description; but none of us can expect to reach the age of 70 or 80 without having to pass through difficulties or troubles of the kind. I can only reiterate the hope expressed in the Address, which I have no doubt the House will accept, that she may find consolation and comfort from a higher source than from any outside of herself in connection with the Empire. In sorrows of this kind that is the only refuge for all of us, and the only means by which we can have our grief assuaged in a way compensating to our minds for the losses we sustain. Without further words, I move the adoption of the Address just read.

HON. W. MALEY: I second the motion.

Question put and passed.

On further motion by the COLONIAL SECRETARY, the President was requested to forward the Address.

FEDERAL COMMONWEALTH—ADMISSION AS AN ORIGINAL STATE, ADDRESS TO THE QUEEN.

THE COLONIAL SECRETARY (Hon. G. Randell) moved:—

That this House agrees to the following Address to the Queen, praying that Western Australia may be admitted as an original State of the Federal Commonwealth of Australia; and authorises the President to sign such Address on behalf of the Legislative Council, and present it to His Excellency the Governor for transmission to Her Majesty:—

To the Queen's Most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY,

We, your Majesty's dutiful and loyal subjects, members of the Legislative Council of Western Australia in Parliament assembled, approach your Majesty with assurances of our loyalty and sincere attachment to your Majesty's throne and person.

We humbly inform your Majesty that the people of Western Australia have agreed to be united into a Federal Commonwealth together with the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, in accordance with the Act of the Imperial Parliament in that behalf; and we humbly pray your Majesty to declare, by Proclamation, that on and after the day therein appointed Western Australia may be admitted as an original State of the Commonwealth.

He said: I do not know that it is necessary for me to say much on this occasion, with the exception perhaps that the referendum having resulted in a very large, I may use the word "overwhelming," majority in favour of federation, I think it is the duty of us all to accept loyally the decision arrived at. From the first I was in favour of the referendum, and I felt it was not proper for the Parliament to keep from the people an opportunity of giving an expression of opinion on this important matter. Everyone knows I have held very strong views, to which I did not fail to give utterance; but, judging from what has taken place in the various districts and divisions of the colony, I am afraid such expression of opinion had not much influence. However, I held the view that it would be better for us to remain for a considerable time out of federation. Still, federation is now, we may say, an accomplished fact, and it only behoves me, and all other members, to loyally do the best for this country. Possibly some of the troubles and difficulties which a number of us anticipated, will not happen. We only hope they may not happen—[HON. R. G. BURGESS: Question?]
[HON. R. G. BURGESS: Question?]
—and that we shall receive that consideration from the Commonwealth Parliament to which we are entitled as a component part of the Commonwealth, as one of the States. And there are a number of people who believe we shall have that consideration, and that the different States in the Parliament of the Commonwealth will be represented by men who look at questions from the broad point of view of the benefit to be conferred upon all the States, and not upon their own particular State.

HON. R. G. BURGESS: Doubtful.

THE COLONIAL SECRETARY: Of course we are only a very small number in a large representative assembly; but at

the same time we must credit those who become members of either the Senate or the House of Representatives with a desire to take up their duties in a spirit of fairness and justice towards the other States.

HON. R. G. BURGESS: What about their constituencies?

THE COLONIAL SECRETARY: Of course Victoria and New South Wales will have a very large representation in the House of Parliament, and if they were to use their power unfairly, which let us hope at any rate they will not—[HON. R. S. HAYNES: Hear, hear!]
—it would be to the detriment of the remaining members of the Commonwealth; but we may rest assured the representatives of those States will be guided by broad and just principles in the consideration of the measures which may be brought before them. It is said the States have considerable power left to them yet. My own opinion is that their power will be a diminishing quantity. However, that may not be so, and I may be pessimistic in that respect; but it will be the duty of the Parliaments of the States to watch very carefully and anxiously the measures introduced into the Commonwealth Parliament. I have no doubt that duty will be performed cheerfully and with alacrity by many of the members of this House, and not least amongst them will be Mr. Burgess, who, I am sure, will take great pride in protecting this State—[HON. R. G. BURGESS: What power have we?]
—from anything like injustice, not to say oppression. I do not want to say very much on this occasion, for I do not think it is necessary. We have arrived at that point when it becomes our duty to transmit this Address to Her Majesty the Queen, to give effect to the views which have been substantiated by a large majority of the electors of this colony. I think the referendum has taken place on a satisfactory basis. There may be room for some complaint, but it was the endeavour of the gentlemen entrusted more especially with the control of electoral matters to give as many opportunities as possible for the whole of the inhabitants of the colony to secure the right to record their votes on this occasion. I was extremely anxious that this should be the case, because I wanted a very large vote, and I think the reasons

are not very far to seek. It is more satisfactory to us all to find that a very large number of our fellow citizens found it convenient to record their votes upon this important occasion. It is the first time we have used the referendum here, and perhaps there may have been some little defects arising from that fact. I believe there are some places in which perhaps a little more provision might have been made, but upon the whole I think everyone will admit that satisfactory arrangements were made for the recording of the votes of the people upon this question, the result being that the votes cast numbered about 64,000 odd, I think. Not all those who were able to vote did so, and it may be that some refrained because they would have had to go some considerable distance; but in other cases I believe the same excuse does not apply, notably in Perth and Fremantle, where I believe a considerable number of persons entitled to vote did not go to the poll. What were the motives which influenced them in abstaining I am not prepared to say. Possibly those people were doubtful on which side they should vote. I believe that was the case in many instances. I have heard of some instances which led me to believe it occurred in many other cases, and no doubt there was a great deal of excuse for those persons, for the arguments by one side and the other, and the different statements made—

HON. R. S. HAYNES: And the different coats they wore.

THE COLONIAL SECRETARY: I do not understand the reference.

HON. R. S. HAYNES: It does not apply to you.

THE COLONIAL SECRETARY: The arguments and statements on one side and the other were enough to bewilder any man. I must confess that I myself felt bewildered at times by the floods of eloquence which flowed from the lips of some members of this House who addressed their constituents.

HON. R. G. BURGESS: Some of the hon. member's colleagues.

THE COLONIAL SECRETARY: I did not say very much on the subject. I felt unable to take a very active part in the question. All I was principally concerned with was to let my opinion be well known, and if that influenced anybody I am only thankful such was the case.

But now the matter has been settled, and I trust it will be our desire to "bury the hatchet" (to use an American phrase), and to unite for the purpose of promoting the interests of this country. There are many reasons why we should do so, and I believe these reasons will weigh well with all members. Unity is strength, and by combining together to protect our interests, and to assert our position and exercise influence upon the Parliament of the Commonwealth, we shall be only doing our duty to the State in which we live. I believe that none of us will desert this colony on account of the result of the referendum.

HON. R. G. BURGESS: Doubtful.

THE COLONIAL SECRETARY: Possibly some of us may readjust our arrangements a little, but on the whole I trust there will be the same loyalty which has existed up to the present time with the members of this House and the community generally in promoting the welfare of the country. Our gold development is considerable, and I believe our agricultural interests are looking up considerably, whilst the pastoral interests are promising, and in almost every item of industry there is a hopeful feeling, at any rate. I believe that when we come to gather in the harvest, and are getting towards the end of the year, there will be substantial proofs that the colony has made very considerable progress and material prosperity. Our population is increasing gradually but surely, and if the increase continues at the same rate as it has done up to the present moment, and there is no reason to think it will not—in fact, I am of opinion that our population will increase faster—we shall soon have 200,000 people in Western Australia, and that population will give wealth and afford avenues of employment to the people, and promote the advancement of the colony generally. I trust that will be the result. I looked with some amount of concern on the change, believing, as I did, that it would be more to our interests to continue to develop our own resources, and to carve out our own destiny for a considerable time, until we had reached a more assured position. However, the country has decided otherwise, and I for one, at any rate, am prepared to accept the decision arrived at. It therefore only becomes our duty

to transmit this Address to Her Majesty, and complete the work which has been begun. In any case, I believe it will be nearly twelve months before we shall find any effect from the change which is about to take place.

HON. R. S. HAYNES: Any ill effect.

THE COLONIAL SECRETARY: Any ill effect or good effect. I cannot say what may be the effect upon different lines. The change may have a stimulating effect upon a large number of people who may be able to invest and promote the prosperity of this colony. On the other hand, some may be discouraged and may consider it wise to seek fresh fields and pastures new at as early a date as possible. Whether that will be so or not I cannot say, for I do not know what is passing in the minds of the people generally; whether the merchant, the manufacturer, the pastoralist, or the agriculturist. I dare say we shall hear presently what they have to say concerning the matter, but I think there is no reason to suppose there will be any great and sudden change in the operations of the people generally; and therefore we shall not see any great or marked alteration for some considerable time, at any rate. I only hope and trust, and I am inclined to believe more than I did in the past, that the tendency will be towards the progress and advancement of the colony. I have the honour to move that this Address be presented to Her Majesty.

HON. J. W. HACKETT: I second the motion.

HON. R. S. HAYNES (Central): I have very great pleasure in supporting the motion submitted by the Colonial Secretary, and I only rise to say that I have held all along the view that if the electors, on voting, once decided in favour of federation, I should vote for sending this Address to Her Majesty the Queen. I was one of the opponents of federation for this colony, and I fought the question fairly; but I always fought for sending the question to the people, whose decision I accept in the way we ought to accept it. I wish to congratulate the Colonial Secretary on the very full and perfect arrangements which his department carried out for obtaining a complete vote. I heard very few complaints, and those I heard were, I think, unfounded. It might have been better to accept the

verdict of the majority without any comment, but something occurred after the close of the poll which I think it my duty to refer to. It has been stated in a public newspaper that certain members of the Upper House and of another place, who are Roman Catholics, were banded together and voted against federation at the bidding of the Roman Catholic Bishop. I regret a writer should make such a statement in a responsible journal, and I desire to give the statement the most absolute and emphatic denial. The position which I took up on the question was taken up after a good deal of reflection. I may have been wrong, but I thought the matter over carefully, and I can only say—and I speak on behalf of members who are Roman Catholics—we regret the circumstance to which I am referring; and it would have been well not to have introduced the religious cry into a matter which was decided on its merits. As I say, I regret exceedingly that such a statement should have been made, and would be glad to see some attempt made to withdraw it.

THE COLONIAL SECRETARY: I may mention that, in a short conversation between myself and Bishop Gibney, he stated to me that his opinion was it would have been better for this colony to have remained out of federation a little while, but he had no very strong opinion on the matter at all. It is only right to mention that fact, because it shows Bishop Gibney has exercised no undue influence on the people under his charge.

Question put and passed.

GAME ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a short and formal measure, about which I need say nothing more than that it provides for the transference from the Colonial Secretary to the Minister of Lands the control of the carrying out of the statute. Inasmuch as the fisheries are under the control of the Minister of Lands, it is much better that the Minister should have the administration of this particular statute.

HON. J. W. HACKETT (South-West): May I suggest to the Colonial Secretary, as one who takes some interest in this

matter, that it would be inadvisable to give the control of this department over to any particular Minister; but that it would be better to follow our usual plan in late years, of not prescribing the Minister to make the regulations, and inserting in the interpretation clause a paragraph stating that the Minister in charge is the Minister appointed by the Governor. In any case I second the motion for the second reading, and will submit an amendment in Committee.

THE COLONIAL SECRETARY: I do not think there will be any objection to the course suggested by the hon. member.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—Amendment of Section 7, Game Act 1892:

HON. J. W. HACKETT: The opinion of the Chairman might be taken as to the best course to be adopted in order to bring about the amendment which had been suggested on the second reading.

THE CHAIRMAN: It would be better, perhaps, to report progress and postpone the consideration of the clause until something definite was known about it.

HON. J. W. HACKETT: The amendment which it was desired to propose was absolutely definite. What he desired to move was that in the interpretation clause of the original Act, between the words "Governor" and "native game" there be inserted, instead of "Colonial Secretary," the words "the Minister shall mean the responsible Minister of the Crown for the time being appointed by the Governor to administer this Act." It would perhaps be better, however, to report progress and he moved accordingly.

Motion put and passed.

Progress reported, and leave given to sit again.

ADDRESS-IN-REPLY TO OPENING SPEECH.

Debate resumed on the Address-in-reply, moved at the previous sitting.

HON. R. S. HAYNES (Central): I regret that, owing to the date of the elections, we have not a full House under the present Constitution Act to discuss the questions set forth in the Speech of His Excellency the Administrator. I

hope that when those new members do come, we shall find they represent the electors who are now enrolled to vote for them. The most important point of His Excellency's Speech is its length, and it seems to me the longer Parliament lives, the longer becomes the Speech on the opening. When one comes to consider the subject matter of the Speech, there are several passages which look very much like—in fact, the Speech all looks very much like—a report of directors to the shareholders of a company. I regret that when Mr. Moss proposed the Address-in-reply, so ably seconded by Mr. McLarty, the former gentleman did not conclude his speech very much in the same way as I shall conclude mine. Certainly his strictures on the administration of the Government seem to me in many instances well founded. The Government have not done enough in some particulars; in others they have gone quite far enough, and were fully justified in doing so; but the Government have scarcely justified the Address-in-reply which the hon. member moved. The first question of importance which the Speech deals with is the calling of the mail steamers at the port of Fremantle. No doubt this change will give an impetus to trade in the vicinity of Perth and Fremantle; but it is a question how far we are justified in centralising everything in the chief town and port of the colony. I regret to find the removal of the port of call from Albany to Fremantle will be attended with very serious losses to the former port, and we in this House especially, who represent not only one port but all the ports of the colony, should realise that fact. I was informed to-day on very reliable authority that an estimate, made by persons capable of judging, shows the effect of the change in the port of call will be to reduce the revenue of Albany by nearly one-third. If that be so, the value of property in the town of Albany will be reduced by one-third also; and I understand that some attempt is being made in Albany to obtain some allowance for the loss it has suffered by the removal of the mail steamers.

A MEMBER: To obtain some compensation.

HON. R. S. HAYNES: I suppose it would be called "compensation," to which, it seems to me, the people of Albany are entitled. It is said the harbour there

requires dredging; and that is absolutely essential. Albany, in my judgment, will still remain a most important harbour and port; and, inasmuch as steamers of 12,000 or 13,000 tons are calling there, it is necessary every facility should be given for ingress and egress. I join with Mr. Moss in congratulating the colony on the enormous output of gold during the last twelve months; but I also join with him in expressing the opinion that, although the Speech speaks of the improvement of the Mint and of the success of that institution, the figures, unfortunately, prove the contrary. With Mr. Moss, I think it highly regrettable that twenty million pounds' worth of gold should have been exported from the colony, and only £1,700,000 coined in our Mint. That means that less than 10 per cent. of the gold raised in our colony has been sent to the Mint; and shows, to my mind, a want of management, or want of opportunity afforded to mining companies, because it seems clear they would not export the gold if they could get a fair return for it in Perth. Facts speak for themselves. When we turn and look at the subject we find that the gold production has been valued at £20,000,000, and the Royal Mint has coined and issued 1,782,864 sovereigns. That is less than 10 per cent.

THE COLONIAL SECRETARY: A million sovereigns were coined during the last six months.

HON. R. S. HAYNES: "The Royal Mint has already coined and issued 1,782,864 sovereigns." The Royal Mint has been open more than six months, and, though I cannot say for the moment, my impression is that it has been open more than twelve months.

HON. M. L. MOSS: That twenty millions is for the whole time the colony has been producing.

HON. R. S. HAYNES: Ten per cent. only has found its way to the Mint. Now comes a startling proposition: "The value of this institution is being gradually realised by the gold-mining companies, as it becomes more widely known that bullion can be locally treated more cheaply than by exporting it, and as a consequence the Mint is steadily attracting more gold." No figures are given to show how it is attracting more gold, and, if the report speaks the truth, the amount is anything

but satisfactory. Moreover, I am informed that the price of minting in Perth is very much in excess of what it is in Melbourne.

A MEMBER: That is not correct.

THE COLONIAL SECRETARY: The scale of comparison has been laid on the table of the House.

HON. R. S. HAYNES: I will not vouch for the correctness of the assertion, but I was informed by a person who ought to know, that it was cheaper to export gold and pay the bank charges at Melbourne. If you send to Melbourne you get from there more than from Perth.

HON. H. J. SAUNDERS: The bank charges are included.

HON. R. S. HAYNES: I do not know what is included, but people get more from Melbourne than from Perth, and that is an unsatisfactory state of things. One paragraph is taken up with a vast number of names of places which I have never heard before, where certain buildings have been erected. Paragraph 14 deals with the erection of certain buildings: "Police stations at Colliefields, East Fremantle, Leonora, and Mount Malcolm; artillery gun-shed at Perth; police courts at Boulder and Colliefields." I do not see that they put a new lock on some of the places, but the paragraph deals with most things: "Post offices at Abbott's, Burbanks, Mandurah, Mount Malcolm," and so on. Looking at the whole of it, it looks very much like padding, and all the items together would find employment for a second-rate architect for about six months, and one good contractor for about the same period. The array of buildings looks formidable, but when you come to think of the artillery-shed at Perth, the police courts at Colliefields and Boulder, the post offices at Abbotts, Burbanks, Mandurah, Mount Malcolm, Mount Morgans, and so on—

HON. M. L. MOSS: Do not read them all.

HON. R. S. HAYNES: I am not going to read them all: "New Assaying Offices at the Royal Mint," etc. The paragraph says the post office at South Perth is in course of erection. I know something about that post office at South Perth, and I think the money for it was voted upwards of two years ago. From time to time various members have applied to get the work commenced. On one occa-

sion I was informed the work would be commenced in a very short time, but unfortunately the whole staff were engaged on the plague hospital at Fremantle. It is almost frivolous, it is laughable to hear a statement like that, yet the statement was made as an excuse why the post office was not erected. The whole of the plans could be drawn in a couple of days, and the work could be carried out by an ordinary builder in the course of about six weeks. Although there is a formidable array of buildings here, when one comes to look at them one finds there is practically nothing in them. A matter which the architects of the Public Works Department might have bestirred themselves over was the erection of the Supreme Court; but it is only after repeated efforts by many members of this House and of another place, and repeated remarks falling from the Judges of the Supreme Court as to the unfitness of the Court for the administration of justice, that an attempt has been made or there is some indefinite sort of promise made that the building will be undertaken soon. When, I do not know, because it frequently happens, as in the case of the Mint, that after contracts have been accepted it is found they are unsuitable, and changes take place; the result being that another six months passes before the work is undertaken. Then in paragraph 16 reference is made to the impending dissolution of one branch of the Parliament. I think a little attention ought to be paid to that, because it seems to me to stand out in direct opposition to the two paragraphs that follow: "Owing to the fact that a dissolution of the existing Legislative Assembly will shortly take place in order that members may be elected under the extended franchise of the Constitution Act passed last session, my Ministers do not propose to recommend for your consideration the construction of many new works of magnitude, more especially as there are a considerable number of authorised works already in hand. My Ministers hope, however, that it will be possible to consult you in regard to providing a permanent water supply for the whole of the metropolitan districts, including Fremantle and Guildford," and so on. That seems to me to strike the very keynote of the whole of the Speech.

We cannot deny the fact that this Parliament is called practically a moribund Parliament. To my mind it is very doubtful whether the other branch of Parliament has not really expired. I have given my opinion that it has, although I understand that other gentlemen have given their opinion that it has not. It is unnecessary for us just now to decide whether I am right or wrong. I am not alone in the contention that Parliament has expired under the Constitution Act, and I take it the matter will be decided in a very short and summary way.

HON. J. W. HACKETT: Hear, hear. It ought to be.

HON. R. S. HAYNES: One thing is certain, namely that a moribund Parliament—and a moribund Parliament about whose legal existence there is considerable doubt—ought not to engage in new works, or certainly ought not to spend further money, especially when we recognise the fact that Parliament at the present time does not represent the country, inasmuch as under the new Electoral Act the electors are different from those who returned the present Parliament. If I am right in my contention in that respect, it necessarily follows that no new legislation ought to be introduced until the House has been dissolved, and I venture to think that any prudent man would hesitate before introducing any new works. But we find in the next paragraphs, 17 and 18, that new works are proposed to be taken up. The railway from Cue to Nannine is to be carried out. When we look at this, we find that this line was authorised in 1896, just four years ago, but not one attempt has been made to construct the line, and not one new fact has been brought to this House why the line should be constructed at once. Absolutely no new fact. So far as I know there have been no new discoveries which warrant an extension of the line. If the line was not warranted last year, it cannot be warranted this year. If it was warranted last year, then it ought to have been constructed last year and not this year. But no new statement whatever is made to give us any justification for the construction of this line. I happened to be in Cue recently, and there I learned, and it was news to me, that Parliament

was going to construct the line from Cue to Nannine. I naturally asked why Parliament intended to do so, and what authority there was for making such a statement; and I was informed that one of the Ministers had purchased some of the blocks through which the railway was to run, and some of the blocks adjoining.

HON. H. J. SAUNDERS: He was a lucky man!

HON. R. S. HAYNES: I consider he was a dishonest man, and I do not want any Darling Harbour resumptions in this colony. We saw enough of that in New South Wales. Directly a person in the Ministry uses the information he gets for the purpose of dealing in land, he forfeits the respect and confidence of the people, and he ought to be ejected from the Ministry with ignominy.

A MEMBER: Prove it.

HON. R. S. HAYNES: I shall prove it when the proper time comes. I may say the land was not bought in the Minister's name, but in the name of another person closely connected with him in other transactions.

HON. D. MCKAY: A confederate?

HON. R. S. HAYNES: No; not a confederate. The person who bought the land is a person connected with the Minister in other transactions.

HON. J. W. HACKETT: It was not the Colonial Secretary.

HON. R. S. HAYNES: It was not the Colonial Secretary, but he may know who it was.

THE COLONIAL SECRETARY: No, I do not. Give us the name.

HON. R. S. HAYNES: I shall have the facts and figures in due course.

HON. M. L. MOSS: Give us the names.

HON. R. S. HAYNES: We are asked also to construct a railway from Coolgardie to Norseman. I was not present in the House when the question came before members last session, but I understood it was rejected.

HON. R. G. BURGESS: Someone else has promised it since.

HON. R. S. HAYNES: I cannot help who promised it. I do not know for what purpose the House is asked to go back upon its vote. No new developments have taken place, and no new facts have been put before the House for us to assent to such a proposition. Are we to be treated as if we were children? Is it

to be thought that if a measure is brought before us and we reject it, we shall forget all about it next session, and be cajoled into voting for it? For my part, when I vote one way I generally adhere to it, unless something happens which justifies me in taking a different view.

THE COLONIAL SECRETARY: What about the Reform Bill in the House of Lords?

HON. R. S. HAYNES: I was not there. I take it the principle upon which the House of Lords acts is that when a measure is passed by the popular House and sent to the House of Lords, if the House of Lords rejects it and the House of Commons goes to the country and is returned upon that question, and again passes the measure and sends it up to the House of Lords, the House of Lords passes it.

THE COLONIAL SECRETARY: The House of Commons sends it up the second time before going to the country.

HON. R. S. HAYNES: If the House of Commons finds it has the voice of the country, the House of Lords always gives way; but here is no such thing as that. There has been no appeal to the country. There has been absolutely nothing except asking the second time. I hope the House will adhere to the resolution which it passed last session, and vote against the construction of this line. There is also a very good reason why the House should adhere to this resolution. In the history of this Parliament there has never been any time or occasion on which we have been more in the dark or more in doubt than now as to what will eventually happen to us. At the present time we know exactly how the revenue is raised and spent; we know our financial position. But shall we know next year? We are about to enter federation, and we will not know where we are. The leader of the House said he hoped for better times; but we all hope for better times, and until we are in a position, or have some basis on which we can calculate our revenue and how to pay interest on money borrowed, it would be idle for us to attempt to construct further public works. That is so, especially so far as this House is concerned, which does not represent the people. At the present time we are short of six members, and the other

branch of Parliament will expire, in any event, within six or eight months, if it has not expired already. On the latter point I see there is a doubt as to its existence now. As to the Leonora line, it is suggested that should be proceeded with; but again I ask whether we ought to incur further expenditure? Ought we not to pause before we further involve the country?

THE COLONIAL SECRETARY: Both Houses have agreed to this line.

HON. R. S. HAYNES: It is all very well to agree. I may agree to go into a speculation, but if I find the bank has suspended payment, I have to pause for the reconstruction, and see where the money is to come from. At the time we agreed to this line we were in a very different position from that we are in to-day. A sop has been thrown to the Labour party. One clause of the Speech deals with social legislation, and for the life of me I do not see why the Government did not before introduce an Arbitration and Conciliation Bill. When there were strikes on, and when strikes were imminent, Parliament was sitting, and yet no attempt was made to introduce a conciliation measure.

HON. M. L. MOSS: That is not the time to introduce a Conciliation Bill. A quiet time is the proper time.

HON. R. S. HAYNES: A quiet time would be before disputes occurred. Why was it suggested that a moribund Parliament should introduce such a measure, if not as a sop to the Labour party? Personally I am strongly in favour of such a measure, and will support it and see that it is made such an Act as will do justice to and satisfy both parties. At the same time I look on the proposed measure as a sop, and an attempt to trap the Labour party into supporting the Government. It was a very wily move, and enabled the Government to say there might be a dissolution, and that in such an event the Labour party would lose this Bill; though at the same time it was rather a transparent move.

THE COLONIAL SECRETARY: It is a good measure at any time.

HON. R. S. HAYNES: But the time to introduce such a measure is when Parliament represents the people; not when Parliament does not represent the people. In the Speech we are promised a Public

Service Bill, a Distillation Bill, and other measures, each one of which is an artificial fly for fish to swallow. There is also promised a repeal of the duties on meat; also a measure dealing with the carriage of mails on private lines, and the latter will bring me to something presently. All these measures are promised to catch the Labour vote at the next election, and, of course, to throw on any person, who attempts to do his duty to his constituents and asks Parliament to go to the country, the onus of endeavouring to stop social legislation. But surely we can see through this? Has our political life descended so far that we are going to angle for votes at the close of a Parliament?

HON. A. B. KIDSON: It is often done.

HON. R. S. HAYNES: I do not admit that it is often done. Some people may do it, but even they are in a minority, and sooner or later they go out.

THE COLONIAL SECRETARY: The hon. member is only just elected.

HON. R. S. HAYNES: Pardon me, I am going out soon, being first in order to face my constituents. Talking of the carriage of mails on private lines reminds me of something which I referred to at the last sitting of the House; and this is the first opportunity I have had of replying to a certain paragraph published after the House adjourned. I refer to what is now known as the "A B C" case which was stated for the opinion of the Attorney General. That gentleman's answer, instead of being given as it might have been, in the place where I could reply to it, was made through the public Press, and I desire to say that from that statement—and I have with me, I think, the whole of the Bar of the colony—I was absolutely justified in saying what I did, namely that the Attorney-General had advised against the Government. The weak answer given that it was only an "A B C" case, and that the Attorney General did not know it referred to the Government, is idle and absurd. How was it possible for any person but the Government or Her Majesty to carry mails? If there be any doubt about that, the reply published by a certain Mr. Millar is absolutely convincing. That gentleman had the effrontery to say the Attorney General was perfectly right—that the Attorney General was absolutely fooled by Mr. Millar, who put a case in

such a way that it was impossible for the Attorney General to find out whom he was advising. If that be so, Mr. Millar lays himself open to the remark that, knowing the Attorney General was acting on behalf of the Government and was the legal adviser of the Government, he very improperly went in a surreptitious manner and obtained the opinion of the adviser of the Government—taking Mr. Millar's statement as true—by hoodwinking the Attorney General. That I call absolutely dishonourable conduct.

THE COLONIAL SECRETARY: It is true. I have seen the letter.

HON. R. S. HAYNES: I am afraid it is a case of *arcades ambo*; that there were two of a kind. The way in which they have attempted to relieve themselves from that which reflects no credit on either of them only redoubles the ignominy. Had the matter ended there, I perhaps would not have gone further; but later in the session I hope to be able to bring before the House certain facts that will show the administration of the department of the Attorney General is deserving of the gravest censure, and is open to the gravest suspicion. Prosecutions have been commenced by private individuals on very important subjects, and a great deal of money and time has been wasted in obtaining evidence for the purpose of bringing criminals to justice, and after full and patient hearings by the police magistrate well capable of deciding, cases have been sent on to the Attorney General in the ordinary course. These cases go to the law officers of the Crown, who in some instances have advised a prosecution—one case I know personally, and one by report—and yet the bills have been thrown out. I am not at liberty to say why those bills were thrown out, because I had no opportunity to read the depositions.

HON. M. L. MOSS: We should have a "grand jury."

HON. R. S. HAYNES: The gravest suspicion is abroad in the minds of many mercantile people of the community, and these latter are at present working in order to obtain some information as to why those bills were thrown out. Appointments to the magisterial bench, for which this department is responsible, have given widespread dissatisfaction. I will say no more now, because the

appointments have been made, and I do not wish to say anything which might lessen the respect the public ought to show to those sitting on the bench. In another department, Mr. Sayer is filling the office of Examiner of Titles under the Transfer of Land Act, a section of which says that the person who fills that office shall abstain from practice because the duties he has to perform are frequently of a judicial character. He has to decide between contending parties; and it is necessary he should never be brought into contact with those parties, especially solicitors, in practice, because he, in the capacity of a Judge, has to decide on the arguments of those gentlemen. On these grounds it was felt advisable that the Commissioner of Titles should be absolutely forbidden practice; and that is the law in all the colonies where the Transfer of Land Act is in force. Yet we find that Mr. Sayer fills the position while, at the same time, he has to conduct a good deal of legal work on behalf of the Government, appearing in Chambers and conducting cases. That is highly improper. If Mr. Sayer is going to take over the Crown Law Office work, let him do so; but he certainly cannot fill the position of Commissioner of Titles and come into contact largely with other practitioners who are in the various Courts. There is also widespread dissatisfaction and distrust as to the administration of the Railway Department. I admit at once that the Railway Department is a large one, and that the Minister is generally blamed for the work of his subordinates. Unfortunately, however, the Minister is the only person to whom we can refer; and when I speak of the Minister it will be understood I do not personally refer to the gentleman who lately occupied the position, but to the working of his subordinates. Is it possible to imagine a more disgraceful state of things in a department than that which arose in relation to the carrying of goods to Kalgoorlie? It was only by accident—it was only owing to the remarks of the editor of *The Sun*, a country newspaper, that this disgraceful manipulation came to light. A very large sum of money has been embezzled; I will put it another way and say that the Government have been defrauded of a very large sum of money by misrepresentation and lies,

by fraud and conspiracy. This was not the act of one person, but the act of several: one person alone could not do it. It could not be done by the manager alone or by the subordinates alone: there must have been more than one in the series of robberies that have been perpetrated on the Government. That in law is a conspiracy; and the legal adviser of the Government, if he knows anything of law, ought to so advise the Government. The facts are admitted, and what have the Government done? We have waited for some time in order to find out what has been done to those culprits, and we find that nothing has been done. No excuse has been made.

THE COLONIAL SECRETARY: They have paid the money.

HON. R. S. HAYNES: That is compounding a felony, or compounding a misdemeanour. Then it means that if you rob the Government of a sufficiently large sum of money, and are found out, you will have to pay the money back; but if you rob the Government of five shillings, you will go to gaol. I think that until the Government take steps to bring these culprits, whoever they are, to justice, they are not deserving of the confidence of the public. No attempt whatever has been made; and it is not there alone my remarks ought to end, because certain other very ugly rumours are in circulation as to defalcations of a very large amount in another branch of the Railway Department. I do not know whether these ugly rumours are well-founded or not.

THE COLONIAL SECRETARY: I think you will hear more about them.

HON. R. S. HAYNES: I hope so.

THE COLONIAL SECRETARY: They are unfounded.

HON. R. S. HAYNES: I am glad they are unfounded. It will be quite refreshing to find there is any rumour in regard to the Railway Department which is unfounded. What kind of administration can there be where a series of robberies can be carried on, a series of frauds perpetrated, and no one found out until a country paper sees into the thing? It is impossible to say that only one man knew of what was taking place. Speaking as a lawyer accustomed to deal with cases having reference to nefarious prac-

tices, I say there are a number who must have known, and they ought to be brought to justice.

HON. D. MCKAY: There should be a searching inquiry.

HON. R. S. HAYNES: You may depend upon it there will be no searching inquiry. The Government have accepted the money. Still, I hope with my hon. friend that there will be such an inquiry. Accepting the money does not in any way condone the offence. The Government can still prosecute. The whole of the mercantile community are induced to come and rob the Government, the invitation being, "Come and rob us. If you rob us of a sufficient sum and we find you out, you will pay us what you rob us of." Is any member of the House satisfied that this amount is the only sum of which the Government have been defrauded by that company? I do not think so. Then we come to another serious and sad bungle with reference to the management of the men. Each person is entitled to his own opinion as to whether the Railway Associations ought to be recognised by the Minister or not. I admit that a good deal can be said on both sides. The general consensus of opinion is, in my judgment, favourable to the recognition of these associations. On the merits of the case, as appearing in the correspondence in the Press, my opinion is that the associations ought to be recognised. The associations have made out a very good case, and whoever the gentleman was who signed himself "Observer," although he thought he had satisfied himself that the associations were not entitled to recognition, I do not think he satisfied many other people. I have a very shrewd idea as to who "Observer" is, but I do not wish to mention the name. What, then, do we find? We find that in Parliament certain members have exerted themselves for the recognition of the associations. Railway associations are recognised in all the other colonies except New South Wales, and one association in this colony was recognised for twelve months. I am not sufficiently conversant with the facts to know why the exception in New South Wales was made, or what the rules are. But I repeat that is the only colony in which an exception was made. The exception was

not made in this colony, but, on the contrary, the association was recognised.

THE COLONIAL SECRETARY: For twelve months.

HON. R. S. HAYNES: Suddenly the Commissioner of Railways thinks he will recognise this association no longer, and we find a repetition of what has happened before. The Minister has to resign, or, to be more accurate, he tenders his resignation. What is the result? Is the association recognised or to be recognised? We are left in an entire blank in this matter. The subject is one of the burning questions of the day, and yet there is no mention of it. Is that a fair way to meet the House upon one of the most important questions, a question which has caused dissension in the Cabinet? Not one word is said about it in the Speech. I do not suppose the Commissioner of Railways personally cares very much whether this association is recognised or not. He is taking a firm stand, and, whether he is right or wrong, I cannot but admire him for the stand he has taken. He has been firm at all events in supporting his responsible officers; and one must admire him for that. He resigns, but the responsible officer—the officer upon whose authority and upon whose advice he rests—still remains, and the association is not recognised. That is a nice kettle of fish to stew. What is going to be the result? Not one word is given to us to show how things are to be managed. At the present time there is no person in charge of the administration of the railways. I suppose it is left to the General Manager.

HON. R. G. BURGESS: The resignation of the Commissioner of Railways is not accepted yet.

HON. R. S. HAYNES: I can only say there is no person in charge of the administration of the railways. Is not that deplorable? And remember that, when they still had an officer in charge, people were thieving from the railway, and defrauding. How are things going to be managed with no person in charge of the department? No statement is made to give us any information. You find one department open to severe censure and suspicion, and you find another department compounding crimes and accepting money from persons who ought to be in prison. And now we have no person at the head of affairs. Is that the sort of

Government which we expect will pilot us through the financial crisis we anticipate under the new form of Government? This is the Government that asks us now to give it our support, and to give it a free hand to coddle the electors through offers in the shape of railways. For my part I regret to say I cannot consent to it, and I hope hon. members here will join with me. The management of the Perth Hospital, which is under the direction of the leader of this House, has also given cause for grave dissatisfaction.

THE COLONIAL SECRETARY: I do not think so.

HON. R. S. HAYNES: That is my opinion, and I am backed up by the view of the jury at a recent inquest, notwithstanding the fact that the police magistrate who sat at that hearing took a very partial and one-sided view of the matter, in my opinion. I think he took a one-sided view and exceeded his duty when he told the jury he would not accept their verdict; because, after all, it is not the coroner but the jury which finds the verdict. As far as a certain doctor is concerned in that case, I do not wish to make any reference to him. All the jury said was that they wanted to emphasise the fact that the management of the Perth Hospital required alteration; and the alteration is one which I am sure every member of the House will support. I mean to say it must not be open to argument how that hospital ought to be supported. The hospital ought to be supported by public subscription, and the Government ought to give £ for £. That is what obtains in most of the other Australian colonies. Speaking of New South Wales, I know that is the practice there, and no person thinks of refusing to contribute towards the hospital. The Government pass a vote, and, as I say, give £ for £.

THE COLONIAL SECRETARY: In England, hospitals are maintained entirely by private contributions.

HON. R. S. HAYNES: I know that, but I am speaking of the colonies. The subscribers elect their board, and all the officers are elected by the contributors. I fail to see why that system cannot be introduced here, because you would put that hospital under the control of a board elected by subscribers. The Government in the other colonies are absolutely free,

and they say, "The remedy is in your own hands." The persons who manage the hospitals are, I repeat, those who are chosen by the people. No attempt is made to adopt that system here.

HON. D. McKAY: The Chinamen are the only ones who subscribe.

HON. R. S. HAYNES: The hon. member is wrong. The friendly societies subscribe to the hospital, and I noticed a complaint by the friendly societies that one of the members recommended was refused admission to the hospital. I do not know sufficient of the circumstances to be aware whether the hospital authorities were right or wrong, but I do know that the Colonial Secretary refused to see a deputation from the societies; whether rightly or wrongly I cannot say.

THE COLONIAL SECRETARY: From the friendly societies?

HON. R. S. HAYNES: The United Friendly Societies.

THE COLONIAL SECRETARY: No; I received a deputation.

HON. R. S. HAYNES: I saw the newspaper report, which was that the Colonial Secretary refused, and they were going to refer to the Premier. I only want to point out that all these instances go to show that there is widespread dissatisfaction about the management of the hospital.

THE COLONIAL SECRETARY: No; I do not believe it.

HON. R. S. HAYNES: Then the hon. gentleman does not mix so much with the public as I do. My opinion is that there is widespread dissatisfaction, that can only be removed in the way I have pointed out. Again, I want to refer to something the leader of the House is responsible for by his position, though I am sure he does his best to perform the duties. I allude to the answering of questions in this House. Questions in this House do not receive the fair and proper answers which ought to be accorded to them. I admit that any questions I ask in relation to the hon. gentleman's department are answered in a full, fair, and complete manner. But, unfortunately, if we ask questions with regard to some of the other departments, we do not get fair and honest replies. We have to frame our questions much in the way of interrogatories, in order to catch the necessary answers. If

there is a way of slipping out of giving the answers, the departments generally adopt it. If that occurs again, I shall move the adjournment of the House, in order to call attention to the subject. One return I asked for the hon. gentleman promised to place on the table of the House last session, but it has not yet been placed on the table. That was a return of the number of boys in the High School, and the cost to the State for each boy. That was promised, but for some reason or other it was not produced.

A MEMBER: I moved for such return three years ago, and have not obtained it.

THE COLONIAL SECRETARY: I think the return was handed in.

HON. R. S. HAYNES: Last session I was here in full attendance, and the return was not handed in. For the reasons I have given I propose to move a motion to test the feeling of the House as to whether, in view of these disclosures which I have made, the Government any longer enjoy the confidence of a majority of this House. I am aware that some attempt is made to say that if any effect be given to such motion, the result will be that the other House will be sent to the country; in other words, that there will be a dissolution. All I can say is that there is no ground whatever for a dissolution if an adverse motion is carried against the Government—absolutely no ground whatever. The constitutional procedure in the event of a vote of want of confidence being carried is to send for the mover of the motion to form a Ministry, and if he is unable to obtain proper support in the House, then he is entitled to a dissolution. But no person is constitutionally entitled to a dissolution simply on the ground that a vote of want of confidence in the Ministry has been passed; and I take it that this bogey which has been very adroitly raised by certain supporters of the Government and in a certain section of the Press, can be met by a counter move. In the event of a majority in both Houses of Parliament supporting such a motion as I am now about to move, it is competent for members to interview His Excellency to point out that the Government are not entitled to a dissolution; and I feel sure His Excellency would be loth to grant a dissolution under such circumstances.

HON. J. W. HACKETT: They could prevent it by stopping supplies.

HON. R. S. HAYNES: Supposing there is a dissolution, it is simply going back on the old rolls. When are we to have a dissolution? We have heard it said that it will be in February, in March, or April. I want to point out that by the Electoral Act the revision takes place on the first of December, and every person has to be six months on that roll. Consequently there can be no new rolls until the 31st June.

HON. J. W. HACKETT: The 31st December.

HON. R. S. HAYNES: That brings us to the 1st July. The first time the new rolls can be made up is 1st July; and if an election has to take place in February, March, April, or May, the election may as well take place now.

HON. M. L. MOSS: That is not correct.

HON. R. S. HAYNES: I am speaking of something I have taken the trouble to find out.

HON. M. L. MOSS: There is an August court of revision.

HON. R. S. HAYNES: Any person now on the rolls will, of course, be on the new rolls, but the great bulk of the rate-payers will not.

HON. J. W. HACKETT: The Roads Boards lists of voters, for instance.

HON. R. S. HAYNES: The Roads Boards lists and Municipal lists. I moved last session that power should be given to send these lists in before December; and that certainly would have been an amendment of the Constitution Act, but not of the Municipal Act. I thought, and still think, the Governor has power to alter the dates, because there is a special clause empowering him to alter all dates; and I thought he had power to provide that the rolls might be made up earlier. We are face to face with the fact that with a dissolution we would be in no worse plight next year in May than we are in now. Parliament, according to some authorities, expires in May next, and according to other and very eminent authorities, it expired on the 17th August of this year. In order to test the feeling of the House, I propose that the following words be added to the Address-in-reply, so ably moved by Mr. Moss; and I ask that gentleman to vote for the additional words as being essential to give point to his speech in moving the Address-in-

reply. The additional paragraph reads as follows:—

We desire, however, most respectfully to inform your Excellency that your advisers no longer retain the confidence of a majority of the members of this House.

HON. H. LUKIN: I second the amendment.

HON. W. MALEY: I move that the debate be adjourned.

Motion put and passed, and the debate adjourned.

ADJOURNMENT (ONE WEEK).

THE COLONIAL SECRETARY moved that the House at its rising do adjourn till the next day.

HON. R. S. HAYNES: There was a desire on the part of several members that the House should adjourn until the next Tuesday.

THE COLONIAL SECRETARY: There was not the slightest objection on his part to adjourn until the next Tuesday, if hon. members did not want to get on with business. This was a matter entirely in the hands of hon. members.

HON. R. S. HAYNES: If the House adjourned to the next Tuesday, he took it the sitting would continue on Tuesday and Wednesday, when the debate would no doubt conclude. No other business of importance would be done in the meantime, because, as he understood, a similar amendment had been submitted in the other Chamber.

HON. A. B. KIDSON suggested that Tuesday would be a better day than Thursday, seeing that the amendment was a very important one, and that hon. members required time for consideration as to what course they should take. Personally he had thought the Colonial Secretary would move the adjournment until the next Tuesday, but that hon. gentleman had allowed his position to be usurped by a private member, though the motion would certainly have come better from the leader of the House.

THE COLONIAL SECRETARY: Tuesday might perhaps be a better day to which to adjourn the debate, seeing that hon. members would not come down from the country for a Thursday sitting only. He would endeavour to inform hon. members who were away that the House would not meet until Tuesday. He

accepted the suggestion of Mr. Haynes, and now moved that the House at its rising do adjourn until Tuesday next.

Motion put and passed.

The House adjourned at eight minutes past 6 o'clock, until the next Tuesday.

of the petition, but I feel that I ought to present it to the House. I have read the petition, which is in form and respectfully worded, and I move that it be received.

Petition (for repeal of Act) received.

QUESTION — VOTERS' CERTIFICATES FOR REFERENDUM, IRREGULAR ISSUE AT KALGOORLIE.

MR. HIGHAM (for Mr. Monger) asked the Premier: 1, Whether his attention had been drawn to certain irregularities alleged to have been committed in the issue of voters' certificates at Kalgoorlie and elsewhere. 2, Whether the matter had been investigated. 3, If so, what was the result of the investigation.

THE PREMIER replied.—1, Yes. 2, It is being investigated. 3, As soon as the result is obtained, it will be communicated to this House.

SESSIONAL ORDERS.

On motions by the PREMIER, Sessional Orders were made as follow:—

Business Days and Hours: The House, unless otherwise ordered, shall meet for the despatch of business on Tuesdays, Wednesdays, and Thursdays at 4.30 p.m., and shall sit until 6.30 p.m., if necessary; and, if requisite, from 7.30 p.m. onwards.

Precedence of Government Business: On Tuesdays and Thursdays, Government business shall take precedence of all Motions and Orders of the Day.

Standing Orders Committee: Standing Orders Committee for the present Session shall consist of the following members, namely Mr. Speaker, Mr. Pennefather, and Mr. Harper; with leave to sit during any adjournment, and with authority to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council.

Printing Committee: Printing Committee for the present Session shall consist of the following members, namely Mr. Speaker, Mr. Piesse, and Mr. Harper; to assist Mr. Speaker in all matters which relate to the printing executed by order of the House and for the purpose of selecting and arranging for printing returns and papers presented in pursuance of motions made by members, and

Legislative Assembly,

Tuesday, 21st August, 1900.

Papers presented—Petition: Dividend Duty Act (Companies)—Question: Voters' Certificates for Referendum, irregular issue at Kalgoorlie—Sessional Orders—Obituary: Sir Malcolm Fraser—Obituary: Duke of Saxe-Coburg and Gotha—Federal Commonwealth: Admission as an Original State, Address to the Queen—Supreme Court Act Amendment Bill, first reading—Probate and Administration Consolidation Bill, first reading—Trustees Law Consolidation Bill, first reading—Conspiracy Bill (Workmen), first reading—Address in reply to opening Speech, debate resumed (second day), Amendment moved (no confidence), adjourned debate—Adjournment (one week).

The SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER OF MINES: 1, Report of Geological Survey, 1899; 2, Regulation under Mines Regulation Act, amendment of No. 10; 3, Regulations under Goldfields Act, amendment of 110a and 111; 4, Regulations under Public Elementary Education Act.

By the COMMISSIONER OF CROWN LANDS: Report of Woods and Forests Department, 1899.

Ordered to lie on the table.

PETITION—DIVIDEND DUTY ACT (COMPANIES).

THE PREMIER (Right Hon. Sir J. Forrest): I have received from England a petition to this honourable Assembly, from mining companies carrying on operations in Western Australia. I may say I am not in accord with the prayer