

In view of all the legislation in favour of that class of people who think they are very hardly used—the Labour Party—they cannot complain of the legislation of this Council. They have got almost everything they want. I cannot conclude without complimenting the Leader of the House on the efficient manner in which he has carried out his duties. They are arduous duties, and require not only a great deal of thought and a certain amount of ability, but a high degree of tact. When I look at some of the members with whom the Leader of this House has to deal, I realise what consummate tact he must have to be able to part from all members in so friendly a spirit, after having been so successful with his Bills. I must also congratulate the Chairman of Committees. He, too, is new. I myself am only two years old as President. Having regard to the newness of almost the entire staff of the House, I think we may fairly congratulate ourselves on the results of the session. Again I thank you all for the remarks made regarding myself, and I wish you a very happy Christmas and a prosperous New Year.

House adjourned at 3.40 a.m. (Friday).

Legislative Assembly,

Thursday, 19th December, 1923.

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

PRIVILEGE—STAMP ACT AMENDMENT BILL.

Mr. RICHARDSON (Subiaco) [4.33]: On a matter of privilege, I wish to ask whether the Stamp Act Amendment Bill was recommended by Message from the Governor, and whether the fact was properly shown on the Clerk's certificate.

Mr. SPEAKER: Neither the Stamp Act Amendment Bill nor the Land Tax and Income Tax Bill was recommended by message from the Governor, and no such statement was made in the Clerk's certificate. Indeed no similar Bill has ever been so recommended during the period I have occupied the position of Speaker. The hon. member's question is due to a pardonable confusion of thought between the two classes of Money Bills—those imposing taxation and those appropriating revenue. If he will turn to the Constitution Act Amendment Act, 1921, he will see that while both these classes must originate in the Legislative Assembly, and both may not be amended by the Legislative Council, for one class only is a Governor's message required—Bills for the appropriation of revenue and moneys. This is clearly stated in Subsection 8 of Section 46, which the hon. member has before him in his copy of the Standing Orders. The hon. member may possibly have observed that the form of Message from the Governor is invariably "The Governor recommends that an appropriation be made for the purposes of a Bill, etc." Obviously such a recommendation would be out of place for Bills imposing taxation.

Hon. P. Collier: Move a vote of censure on the laws.

Mr. RICHARDSON: I wanted to find out the position.

Hon. P. Collier: They know not what they do.

QUESTION—GAOL REGULATIONS.

Mr. MUNSIE asked the Premier: 1, Further to my question of the 6th inst., on what date were the Gaol regulations gazetted? 2, Is it his intention to place a copy of them on the Table at the next sitting of the House?

The PREMIER replied: 1, 19th January, 1923. 2, These regulations were laid on the Table of the House on 23rd January this year.

QUESTION—RAILWAYS, LOCO. SHOPS.

Mr. HUGHES asked the Minister for Railways: 1, On what dates respectively were the seven lathes ordered, costing £4,853, referred to in the reply of the Minister for Railways of 27th November last? 2, Why did not the foreman turner at the loco. shops submit a report as to the number and style of machinery required by the Government Loco. Shops when the department was intending to spend the

sum of £20,000? 3, Is there any officer in the department more competent to report on this subject than the foreman turner? 4, If so, who? 5, How many large milling machines, how many grinding machines, and lapping machines respectively were purchased? 6, At what cost respectively were these machines purchased? 7, What is the estimated time these machines will be fully in use per annum respectively? 8, Will he call for and submit a report from the foreman turner on question 5? 9, If not, why not?

The MINISTER FOR AGRICULTURE (for the Minister for Railways) replied: 1, Two Herbert lathes, ordered 3rd September, 1920; one Chard lathe, ordered 1st September, 1921; one Colchester lathe, ordered 1st September, 1921; two copper lathes, ordered 29th August, 1922; one relieving lathe, ordered 29th August, 1922. 2, As previously advised in reply of the 27th November, no written report was submitted by the foreman turner. He was, however, solely engaged for a fortnight on the selection of the machines. He discussed the types of machines required with the workshops manager, and the list submitted by the latter to the Chief Mechanical Engineer was the result of such selection, consultation, and advice. On tenders being received, the foreman turner was called into consultation and his views ascertained before any tender was accepted. 3, For the machinery in his own section, the reply is, "No." 4, See No. 3. 5, Only one milling machine that could be classed as large was obtained, and four smaller machines of various types. One cylinder grinding machine and one lapping machine. 6, Large plano-miller, £3,349; miller and profiler, £2,684; vertical millers (2), £2,020; universal miller, £677; cylinder grinding machine, £530; double lapper and grinder, £928. 7, With the exception of the cylinder grinder, these machines will be in constant use. The first named, being a special purpose machine, will be used as and when required. Estimated at 50 per cent. of full time. 8, No. Presumably question No. 2 is referred to, the figure 5 evidently being a misprint. 9, Not considered necessary.

QUESTION—RAVENSTHORPE SMELTER.

Mr. CORBOY (without notice) asked the Premier: 1, Is it the intention of the Government to proceed with the settlement of the Ravensthorpe Smelter case on the lines laid down by the courts in the case of McNeil and de Bernales v. the Crown? 2, If so, is it his intention to expedite payment to prevent the continuance of the great hardships at present being borne by many people? 3, If not, is it his intention personally to investigate the whole matter, so that he may make up his mind as to the merits of the case instead of being dependent upon the advice of those who are interested in continuing legal action as long as possible?

The PREMIER replied: I hardly think the hon. member's question is in order, particularly the last part of it. No one is specially interested in prolonging the agony for the people the hon. member refers to. We are anxious to have the matter settled, and as soon as it can be determined who is to get the money, payments will be made. There is no wish on the part of anyone connected with the Government to delay the making of a settlement as the courts have decided, and in the way they have decided.

QUESTION—WYNDHAM MEAT WORKS, LONDON AGENTS.

Hon. P. COLLIER (without notice) asked the Premier: Is he in a position yet to give information to the House with regard to the statement I made on the Loan Estimates as to the American shareholding interest of Messrs. Sheed, Thomson and Co., the London selling agents for the products of the Wyndham Meat Works?

The PREMIER replied: I am glad of the opportunity of reading to the House the following cablegram I have received:—

In reply to your cable of 22nd November this year, Sheed, Thomson and Co., private company, has no uncalled capital. The William Davies Co. incorporated of Chicago, U.S.A., manufacturers, hold 105,000 shares. Sheed and Thomson hold between them 70,000 shares. Mailing full particulars. Colehatch.

Hon. P. Collier: That confirms my statement as to shares.

The PREMIER: It does. I am glad the hon. member mentioned the subject, for I had overlooked it. Apparently 105,000 shares are held in America, but not by these people.

Hon. P. Collier: By meat people.

The PREMIER: The agreement is not signed. When the arrangement was made in London I was careful to ascertain that these people had no connection with the sale of American meat.

QUESTION—ELECTORAL ROLLS.

Mr. McCALLUM (without notice) asked the Premier: Is it the intention of the Government to make a house to house canvass in order to put the rolls in order before the general elections? Is the department taking any action to bring the rolls up to date?

The PREMIER replied: It is a dangerous thing to have a house to house canvass, so far as my experience of it goes. If men are away at their work they are often struck off the rolls.

Mr. McCallum: They are not.

The PREMIER: We have compulsory enrolment.

Mr. McCallum: But it is not enforced.

The PREMIER: It is, and many people have been fined.

Hon. P. Collier: Eighty people in three years in the whole State.

The PREMIER: We might get in a little revenue by this means.

Hon. P. Collier: That would be a good thing.

The PREMIER: Everything possible is being done to put the rolls in order. They are being checked against the Federal rolls, and other checks are also being made. A house to house canvass is not satisfactory.

MOTION—APPRENTICESHIP SYSTEM.

To inquire by Royal Commission.

Order of the Day read for the resumption of the debate from the 11th December on the following motion by Mr. Davies:

That in the opinion of this House a Royal Commission should be appointed to inquire generally into the apprenticeship question.

To which the following amendment had been moved by Mr. Hughes:

That the following words be added: "And also into the question of articles in the professions."

Amendment put and passed.

Question as amended, agreed to.

BILL—STATE TRADING CONCERNS ACT AMENDMENT.

Second Reading.

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

Mr. J. THOMSON (Claremont) [4.44]: I move—

That the second reading be postponed until this day week.

Capt. CARTER: Mr. Speaker—

Hon. P. Collier: Is the hon. member in order in rising to speak on such a motion?

Mr. SPEAKER: Yes, on the question of time. This is a postponement for a week only.

Hon. P. Collier: I rose on another motion to move an amendment, and you refused to give me permission to move it. I wished to speak and move an amendment, but you refused to hear me.

Mr. SPEAKER: Hon. members cannot debate a motion for adjournment, but if time is mentioned I think it can be debated. I am not too sure on the point.

Hon. M. F. TROY: It is possible to discuss a motion for the adjournment of the debate when a time is mentioned in the motion, because Bills go through certain distinct stages. The Standing Orders provide plainly that, in the second reading or third reading stages, an hon. member may move, for instance, that the Bill be read "this day six months." I doubt whether a motion for the adjournment of a debate like this can be discussed. I hope you will look up the point.

Mr. SPEAKER: I do not think I can permit a debate on this motion. If the member for Leederville desires to move a further

amendment to extend or shorten the time, he can do so.

Capt. CARTER: It would meet with the desire of some hon. members if I followed that suggestion. I would like to know under what Standing Order I am debarred from speaking.

Mr. SPEAKER: The hon. member would be in order if he moved a further amendment, but he would be strictly confined to the time, which would restrict the debate.

Capt. CARTER: I move an amendment—

That the debate be adjourned for one hour.

Hon. M. F. Troy: You cannot do that.

Capt. CARTER: Can I move that the debate be adjourned till a later stage in the sitting?

Mr. SPEAKER: I can only take an amendment for a longer period.

Hon. M. F. Troy: The hon. member is not entitled to ask the Speaker to give the Standing Order.

Mr. SPEAKER: I have given the member for Leederville an opportunity to move a further amendment. It is not incumbent upon me to furnish him with the Standing Order.

Mr. A. Thomson: Standing Order 268 provides that an amendment may be moved to the question by leaving out "now," and inserting other words.

Hon. M. F. Troy: That refers only to Bills.

Mr. A. Thomson: We are dealing with a Bill.

Mr. SPEAKER: That Standing Order does not apply to a motion such as is before the Chair.

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

Ayes	17
Noes	19

Majority against	2
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AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. Teesdale
Mr. Davies	Mr. J. Thomson
Mr. Heron	Mr. Troy
Mr. Hughes	Mr. Walker
Mr. Lambert	Mr. Willcock
Mr. Lutey	(Teller.)

NOES.

Mr. Angelo	Mr. Money
Mr. Broun	Mr. Pickering
Mr. Carter	Mr. Piesse
Mr. Denton	Mr. Sampson
Mr. Durack	Mr. J. H. Smith
Mr. Gibson	Mr. Stubbs
Mr. Hickmott	Mr. A. Thomson
Mr. C. C. Maley	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
Sir James Mitchell	(Teller.)

PAIR.

AYER.	NOES.
Mr. Cunningham	Mr. Johnston

Motion thus negatived.

Mr. J. THOMSON (Claremont) [4.57]: I move an amendment—

That all the words after "that" be struck out, with a view to inserting the following: "In view of the near approach of the general elections, this House is of the opinion that the whole question of State trading should be left to the decision of the next Parliament."

Mr. UNDERWOOD: I second the amendment.

Capt. CARTER (Leederville) [4.58]: I oppose both the present and the earlier effort on the part of the member for Claremont (Mr. J. Thomson) to gag the final stages of the Bill. His first effort would have stopped the further debate of this question, and I oppose the present effort, because State trading is a question that has had considerable attention during the present Parliament.

The Colonial Secretary: Too much.

Capt. CARTER: As to whether it has had too much or too little is a matter of opinion. We must face a vote on the Bill. I do not know why repeated efforts are made to dodge such a vote. I cannot understand the attitude of the member for Claremont. I plead for a straightforward attitude on this question. Members on either side of the House are entitled to their opinions on the question of State trading, and surely it is no sin that members on the Government side of the House should oppose a principle that is advocated in all sincerity by members of the Opposition! In opposing the amendment I am quite in order in saying that I stand solidly for the Bill as it has been submitted to the House. I do not know what right we as legislators have to consider the near approach of the general elections. It is degrading our positions as representatives of the people—

Mr. SPEAKER: Order! That has nothing to do with the motion.

Capt. CARTER: Then I cannot read English.

Hon. P. Collier: What the member for Claremont desires to add in the place of the words he wishes to strike out, is not before the House.

Capt. CARTER: Then I do not know where I am.

Mr. SPEAKER: The question before the House is "That the Bill be now read a second time," and to that an amendment has been moved to strike out all the words after "That" with a view to substituting others. The question now is that the words proposed to be struck out stand part of the question.

Capt. CARTER: I am going to oppose the striking out of the words because by their retention we shall have placed before the House the clear-cut issue as to whether this

matter is to be placed in the hands of the Government as a Cabinet to decide the disposal or otherwise of the trading concerns. The words the hon. member proposes to insert are indicative of his intention to kill or attempt to kill the Bill.

Mr. J. Thomson: Leave it to the next Parliament.

Capt. CARTER: It should not be left to the next Parliament. The hon. member gave no reasons for submitting the amendment.

Mr. J. Thomson: I will give reasons when I reply.

Mr. SPEAKER: The member for Claremont, having moved an amendment, will not have the right to reply.

Hon. P. Collier: Never mind, we will say a word or two for you.

Capt. CARTER: If I am to be tied down to the striking out of the words quoted, I take it that I will have an opportunity, after the vote, of discussing the general principles of the Bill?

Mr. SPEAKER: I will tell the hon. member when the time arrives.

Capt. CARTER: You are not of very much assistance to a young member, Mr. Speaker.

Mr. SPEAKER: I am giving the hon. member more latitude, perhaps, than I should do.

Mr. J. Thomson: Hear, hear!

Mr. SPEAKER: Is the hon. member going to proceed with his speech?

Capt. CARTER: Yes, but we have had no notice of this amendment, this eleventh hour misguided thought on the part of our friend.

Mr. SPEAKER: Order! The hon. member must withdraw that remark.

Capt. CARTER: I withdraw the word misguided, and I will not trouble to add any other of an adjectival description, although I have several in my mind. I cannot see which words the hon. member desires to strike out.

[Capt. Carter engaged in conversation with Mr. Pickering.]

Mr. SPEAKER: The hon. member should be able to proceed with his remarks without waiting to be prompted by another hon. member. I remind him that we are not on the stage.

Capt. CARTER: I hardly think that remark worthy of your position, Mr. Speaker.

Mr. SPEAKER: Order! If the hon. member does not proceed with his speech he must resume his seat.

Hon. P. Collier: He is making no attempt to proceed with it.

Capt. CARTER: The position was being made clear to me. I make no apology for the obscurity of the situation. It has been put before us baldly and blindly by the member for Claremont. The position is simply that of applying the gag to the discussion.

Mr. SPEAKER: Order! The hon. member is not in order in attributing the gag to another member.

Capt. CARTER: But if the fact is there?

Mr. SPEAKER: The hon. member is not in order in making the statement.

Capt. CARTER: The fact is there; the amendment simply means the closure, and it is patent to anyone who reads that that is the idea of the hon. member. Surely I am entitled to say what must be obvious to everyone, that that is his desire. The closure has never been used in this House with, I think, but one exception.

Mr. SPEAKER: Order! The hon. member must keep to the subject before the House. There is no suggestion of closure and he is not in order in making the statement.

Capt. CARTER: If the striking out of certain words with a view to inserting others, to allow of another Parliament to deal with the question, is not being done with the idea of preventing the second reading of the Bill from taking place, then I do not know exactly what the hon. member does want. I would like the hon. member himself to explain what he really does mean.

Mr. J. Thomson: If you will allow me, Mr. Speaker, I will pretty soon tell him. I would have told him before, only I thought I would have the right to reply.

Capt. CARTER: The position is simply that it is not the desire of the hon. member that the Bill be now read a second time.

Mr. SPEAKER: Order! The hon. member must withdraw that remark, and I will not permit him any longer to follow the line of argument he has been pursuing.

Capt. CARTER: I withdraw the statement. At the same time, I cannot see on what logical grounds I am forced to withdraw it. There is the plain English of the thing, and it certainly indicates to anyone who can read English that the desire is to stop the debate.

Hon. T. Walker: You are now defying the Chair.

Capt. CARTER: It is useless for me to go any further. I cannot see anything else than a desire to do what I have said and for saying which I have been compelled to withdraw. That being so, I am not going to take up the time of the House any longer.

Opposition members: Hear, hear!

Capt. CARTER: Despite the Opposition "hear, hears," I am entitled to my opinion as much as they are to theirs and, you, Mr. Speaker, in your honourable position in the Chair are entitled to yours.

Mr. J. H. SMITH (Nelson) [5.13]: I applaud the broad, national outlook of the hon. member who moved the amendment. Of course a subject of this importance had to be left to be dealt with at the closing hours of the session! The same thing happened last session, with this difference, that on the present occasion it has been left to a private member to introduce the Bill.

Mr. Hughes: One of the Opposition, too.

Mr. J. H. SMITH: Yes, and who prompted the member for Leederville throughout his speech. The Government apparently favour the Bill, but are not prepared to take the

responsibility of moving it from their own side. I say that advisedly. We have two or three renegades, who endeavour to embarrass the Government on every occasion. Even when the member for Leederville (Capt. Carter) was speaking, he was prompted to use certain words by those two or three gentlemen.

Mr. A. Thomson: My attention has been directed to a statement by the hon. member, that there are several renegades here and that the hon. member included me.

Mr. Corboy: He did not mention you. The cap must fit.

Hon. P. Collier: We have no idea who they are!

Mr. SPEAKER: The member for Claremont was discussing with me the words to be added and, unfortunately, I did not hear the remark. If the hon. member accused the member for Katanning of being a renegade, it would be disorderly and he would have to withdraw.

Hon. P. Collier: He did not mention anyone.

Capt. Carter: He referred to members as renegades.

Mr. SPEAKER: If the hon. member takes that as being offensive, the member for Nelson must withdraw.

Mr. Marshall: On a point of order, the words were uttered some time ago, and if the hon. member objected to them it was his place to take exception immediately. He did not take exception at the time.

Mr. A. Thomson: I said my attention had been drawn to the statement.

Mr. SPEAKER: Does the hon. member take the accusation to himself?

Mr. A. Thomson: No, certainly not.

Mr. SPEAKER: Then there is nothing to be withdrawn.

Mr. J. H. SMITH: Apparently it fits the member for Katanning.

Mr. SPEAKER: Order! The hon. member must not make a statement like that.

Mr. J. H. SMITH: If the cap does not fit him, I withdraw the statement.

Mr. A. Thomson: The hon. member should withdraw that.

Mr. SPEAKER: The hon. member has withdrawn it.

Mr. J. H. SMITH: I have religiously voted against the adjournments on this question. I want to find out exactly how members stand, and whether they are prepared to take the responsibility. I wanted the Government to introduce a Bill off their own bat. Apparently they are afraid to do so, wishing to place the blame on the shoulders of supporters or others so that they will be in a position to say, "We did not say the whole of the trading concerns were a failure. The member for Katanning, or someone else, said so." I do not see why Parliament cannot be trusted.

Mr. SPEAKER: The hon. member is drifting into the same groove as other members. It might be as well to allow a debate on the two questions and then close the discussion instead of having two debates. I

shall permit members to discuss the amendment to strike out certain words and insert other words.

Capt. Carter: Then I shall want the right to speak again.

Hon. P. Collier: That does not matter; we have all next week before us.

Mr. SPEAKER: Very well, the discussion will be confined to striking out certain words.

Mr. J. H. SMITH: I do not wish to occupy time unnecessarily. I know how eager everyone is to get through the business quick and lively and save money to the country. We are sitting here all the year round listening to these things.

Hon. P. Collier: Let us take a vote.

Mr. J. H. SMITH: I am prepared to stand by my opinion. I suppose I would be out of order in saying that, but for the State Sawmills—

Mr. SPEAKER: I cannot allow the hon. member to proceed.

Mr. J. H. SMITH: I know that. The great settlement scheme instituted by the Premier would not have been possible—

Mr. SPEAKER: The hon. member cannot pursue that line. He must confine himself to the words proposed to be struck out.

Mr. J. H. SMITH: The next Government will have to take over the responsibility for all the group settlements.

Mr. SPEAKER: That is the time when the hon. member may discuss it, not to-day.

Mr. J. H. SMITH: If these huge trading concerns are closed up—

Hon. P. Collier: It will be a calamity.

Mr. SPEAKER: The hon. member must confine himself to the amendment.

Mr. J. H. SMITH: I support the amendment and shall have something more to say later on.

Mr. DURACK (Kimberley) [5.22]: I oppose the amendment. There is not the slightest doubt, as indicated by the member for Leederville (Capt. Carter), that this is a direct attempt to burke the object of the Bill. There is no getting away from that.

Mr. J. Thomson: My intention was to save the time of the House, and not to block the Bill.

Hon. P. Collier: If the Bill gets blocked incidentally, we cannot help it.

Mr. DURACK: The hon. member said it would do him harm.

Hon. P. Collier: It is all very well for you. You are not facing the barrier again.

Mr. DURACK: I stand in the same position as when before my electors.

Hon. P. Collier: You are not taking the risk now.

Mr. DURACK: The member for Mt. Magnet (Hon. M. F. Troy) made some remarks about equivocation on my part. I challenged him to read my speech in "Hansard," but he did not read it. It was not my intention to speak, but last night when members of the Opposition were speaking, a lot of attention was directed to me on account of my attitude towards State trading concerns. I regret, Mr. Speaker, you have ruled that we

may not reply to those statements. You tried to stop the Leader of the Opposition but he insisted upon going on.

Hon. P. Collier: It was a different subject.

Mr. SPEAKER: I cannot allow you to cast any reflections upon the Chair.

Mr. DURACK: The hon. member was allowed to speak.

Mr. SPEAKER: Then he must have had a right to do so.

Mr. DURACK: We on this side of the House should have an equal right to reply to the statements made last night.

Hon. P. Collier: So you will—later on.

Mr. Corboy: In the next Parliament.

Mr. DURACK: We would not be worth our salt if, holding certain principles, we were not prepared to stand up for them. I appreciate the attitude of the Opposition. They stand up for their principles. State trading concerns form a plank of their platform and they are not afraid to own it. We on this side are not prepared to stand up for our principles.

Hon. P. Collier: That is what smashed you up.

Mr. DURACK: The amendment is intended to burke and shirk the situation, and I oppose it.

Mr. A. THOMSON (Katanning—on amendment) [5.25]: I regret the various amendments moved in an endeavour to burke discussion. The Bill is a simple one and I am astonished at the opposition it has evoked.

Hon. W. C. Angwin: It could have been discussed weeks ago.

Mr. A. THOMSON: I cannot commend the member for North-East Fremantle (Hon. W. C. Angwin) on the way he handled the subject.

Mr. Munsie: Has that anything to do with the amendment?

Mr. Hughes: On a point of order, is the hon. member within the scope of the discussion in referring to the way in which the member for North-East Fremantle handled the subject?

Mr. SPEAKER: He is not in order in speaking other than to the amendment.

Mr. A. THOMSON: I was replying to an interjection by the member for North-East Fremantle.

Mr. SPEAKER: Interjections are disorderly.

Mr. A. THOMSON: But surely when statements are made by way of interjection, I should be able to reply to them. The hon. member said this Bill should have been discussed weeks ago.

Mr. SPEAKER: The question is whether certain words shall be struck out.

Mr. A. THOMSON: I would be pleased if you allowed me a certain amount of latitude.

Mr. SPEAKER: The hon. member is not going to take up the time of the House in discussing interjections.

Mr. A. THOMSON: But when one's honour is at stake, and suggestions are made

by way of interjection, surely one is entitled to explain them?

Mr. SPEAKER: If the hon. member is being accused, it is his duty to call my attention to the fact.

Mr. A. THOMSON: I am endeavouring to do so. I wish to place the matter clearly before the House. I believe members of the Opposition are fair enough.

Hon. W. C. Angwin: I never attacked your honour.

Mr. A. THOMSON: You did.

Hon. W. C. Angwin: I spoke the truth.

Hon. P. Collier: If you told the truth, you must have.

Mr. A. THOMSON: The hon. member said the Bill could have been discussed weeks ago.

Mr. SPEAKER: That has nothing to do with the question.

Mr. A. THOMSON: I am aware of that.

Mr. SPEAKER: Well, you do not indicate it by the way you are proceeding.

Mr. A. THOMSON: The amendment is a deliberate attempt to kill the Bill. If it is carried, I shall be in the unfortunate position of having had numerous accusations made against me to which I have been unable to reply.

Mr. Teesdale: Write to the paper tomorrow morning about the accusations.

Mr. A. THOMSON: The amendment is a deliberate attempt to kill the Bill. The member for Claremont (Mr. J. Thomson) came to the House with the amendment typewritten. His first amendment failed, and now he is making a second attempt. It is designed to burke discussion and set the Bill aside. I have been charged with delaying the Bill and bringing it forward in the dying hours of the session. Members of the Opposition have the courage of their convictions, and ever since I have been in the House I have had the courage of mine. If I am permitted by my electors again to occupy a seat in this House, I shall continue to exercise my privilege of acting up to the standard of what I consider to be right.

Mr. SPEAKER: The hon. member is transgressing. If the hon. member does not keep to the question, he will have to resume his seat. We are not discussing whether the hon. member will be returned to the House.

Mr. A. THOMSON: The object of the amendment is to prevent the discussion of my Bill, which has been on the Notice Paper since August.

Hon. W. C. Angwin: You were absent when it was called.

Mr. A. THOMSON: I was, once. I was attending the agricultural show in my district, as agricultural members do. I asked that the Bill should be postponed.

Mr. SPEAKER: This has nothing to do with the question.

Mr. A. THOMSON: But I must reply to interjections.

Mr. SPEAKER: The hon. member must not reply to interjections.

Mr. A. THOMSON: Last session, if I may be permitted—

Mr. SPEAKER: The hon. member must keep to the amendment.

Mr. A. THOMSON: I am endeavouring to reply to certain statements which have been made. I know that my reply must be narrowed down to the amendment. If I permit this opportunity to go by, I may not have another opportunity of replying. Instead of shelving the question, we should be open and frank: those in favour of the Bill should vote for it, and those opposed to it should vote against it. But why try to put off the discussion of a Bill which many hon. members honestly believe represents the right method of conducting affairs of State? We hear a good deal about trusting Parliament. Why not trust the members of this Parliament? Why throw upon the incoming Parliament the responsibility of dealing with something that it is our duty to deal with? The Bill represents part and parcel of the policy advocated by a majority on this side of the Chamber.

Mr. SPEAKER: That has nothing at all to do with the question. If the hon. member does not keep to the question before the House, I shall have to ask him to resume his seat.

Mr. A. THOMSON: I regret that I am not permitted to reply to many of the statements that have been made.

Mr. SPEAKER: The hon. member has the same right as any other member.

Mr. Underwood: Many of the statements made were not applicable to the Bill at all.

Mr. A. THOMSON: I have no opportunity of replying. I ask members to let us have a vote on the Bill, and not to let the measure be side-tracked, as suggested by the member for Claremont.

Mr. PICKERING (Sussex) [5.15]: I oppose the amendment, because I consider it a deliberate attempt to prevent discussion of the Bill. The measure should have been brought down, but was not brought down, by the Government. I have been in favour of such a Bill as this ever since I have been in Parliament. The member for Claremont at the last moment moves his amendment, which brings the question down to the level of the ridiculous. There is not reason for accepting the assurance of the member for Claremont that he will, if his amendment is carried, move the insertion of other words later.

Mr. SPEAKER: The question before the Chair is that the words proposed to be struck out stand part of the motion.

Mr. PICKERING: There are no other words which I could suggest for insertion and which would give the desired effect. The Bill is overdue. On this side of the House there has been a deliberately expressed wish that the second reading should be now.

Mr. Lambert: You want to sell the State Sawmills, don't you.

Mr. PICKERING: I want to dispose of all State trading concerns.

Mr. Lambert: Including the State Saw-mills?

Mr. PICKERING: I make no exceptions at all. It is important that a Government like the present, who have had a majority behind them for fully three years, should give effect to their policy of doing away with State trading concerns.

Mr. SPEAKER: The hon. member cannot discuss the principle of State trading. I do not wish to compel the hon. member to resume his seat, but he must keep to the question before the House.

Mr. PICKERING: I am strongly opposed to the amendment, and hope the House will not carry it.

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

Ayes	..	..	..	19
Noes	..	..	..	19
				—
A tie	..	..	..	0
				—

AYES.

Mr. Angwin
Mr. Chesson
Mr. Clydesdale
Mr. Collier
Mr. Corboy
Mr. Davies
Mr. Hughes
Mr. Lambert
Mr. Lutey
Mr. Marshall

Mr. McCallum
Mr. Munroe
Mr. J. H. Smith
Mr. Teesdale
Mr. J. Thomson
Mr. Walker
Mr. Willcock
Mr. Willson
Mr. Heron
(Teller.)

NOES.

Mr. Brown
Mr. Carter
Mr. Denton
Mr. Durack
Mr. Gibson
Mr. Harrison
Mr. Hickmott
Mr. Latham
Mr. H. K. Maley
Mr. Mann

Sir James Mitchell
Mr. Money
Mr. Pickering
Mr. Piesse
Mr. Sampson
Mr. Stubbs
Mr. A. Thomson
Mr. Underwood
Mr. Mullany
(Teller.)

Pair.

Aye: Mr. Cunningham | No: Mr. Johnston

Mr. SPEAKER: I give my casting vote with the Noes, to permit of further discussion.

Amendment thus negatived.

Question (second reading) put, and a division taken with the following result:—

Ayes	..	..	..	17
Noes	..	..	..	20
				—
Majority against	..	..	..	3
				—

AYES.

Mr. Brown
Mr. Carter
Mr. Denton
Mr. Durack
Mr. Harrison
Mr. Hickmott
Mr. Latham
Mr. H. K. Maley
Mr. Mann

Sir James Mitchell
Mr. Money
Mr. Pickering
Mr. Piesse
Mr. Stubbs
Mr. A. Thomson
Mr. Underwood
Mr. Sampson
(Teller.)

NOES.

Mr. Angwin
Mr. Chesson
Mr. Clydesdale
Mr. Collier
Mr. Corboy
Mr. Davies
Mr. Hughes
Mr. Lambert
Mr. Lutey
Mr. Marshall

Mr. McCallum
Mr. Mullany
Mr. Munroe
Mr. J. H. Smith
Mr. Teesdale
Mr. J. Thomson
Mr. Walker
Mr. Willcock
Mr. Willson
Mr. Heron
(Teller.)

Pair.

Aye: Mr. Johnston | No: Mr. Cunningham

Question thus negatived; the Bill defeated.

BILL—LOAN, £3,763,000.

Council's Message.

Message received from the Council notifying that it did not press its requested amendment, and that the Bill had been read a third time.

BILLS (4) RETURNED FROM THE COUNCIL.

1. Lake Grace-Newdegate Railway.
 2. Brookton-Dale River Railway.
 3. Roads Closure (No. 2).
 4. Yarramony-Eastward Railway.
- Without amendment.

BILL—LAND TAX AND INCOME TAX.

Council's Pressed Requests.

Message received from the Council notifying that it pressed its requested amendments.

The PREMIER: I propose to move for a conference.

Mr. SPEAKER: Then I think, before I put the motion, I had better give the House my views on this question. In view of the amendments requested by the Legislative Council in the Land Tax and Income Tax Bill, it may be as well to set out plainly the position of this House with regard to Subsection (4) of Section 2 of the Constitution Act Amendment Act, 1921. The main principle in this question is that the Council may not amend Bills authorising expenditure or imposing taxation. It has full power to reject such Bills, but must take the responsibility of doing so. The origin of this principle may be traced through the constitutional developments in England from the seventeenth century, but the modern and practical reason for its observance is this: it is only in the Assembly that the Ministry must have a majority. If the Ministry's financial proposals are seriously reduced in the Assembly,

the Ministry resigns and the Opposition takes its place. No such result can follow if they are reduced in the Council, and a Ministry is left to administer the country with funds which it has declared to be insufficient. This is contrary to the principle of Responsible Government. To provide machinery, without interfering with this principle (that the Council may not amend money Bills), by which the extreme step of rejection may be avoided, the procedure laid down in Sub-section (4) was introduced. By this procedure the Council, before taking the responsibility of rejection, may request the Assembly to make an amendment. The Assembly may refuse to do so. In that case the Council has full power to reject the Bill, but must take the responsibility of the rejection. The Council claims the right to reject, or to press its requests; but, however often repeated, a request remains a request, and the Council cannot evade its responsibility for rejecting the Bill if it thinks fit to do so when the request is refused. But if the Council may repeat its request for an amendment, so may the Assembly for concurrence in the Bill. This course was adopted on the 13th December, 1921, and may well be followed now. This being so, the Assembly cannot adopt any course which conflicts with the main principle that the Council may not amend money Bills, and has only the power to request amendments within the limits of Sub-section (4). To request a conference on the Land Tax and Income Tax Bill will appear to admit that money Bills are to receive the same treatment as ordinary Bills, and that the different procedure prescribed in Section 46 is a mere jugglery with words. It will be, moreover, a marked departure from the previous decision of the House on this subject. I feel it my duty to place this view before hon. members and, having done so, I leave the matter to the House.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.53]: I move—

That a conference be requested.

I do not agree with the whole of your remarks, Sir. We sent to another place for their concurrence in a Bill imposing a land tax and income tax. The Bill was returned to this House with a request for amendments. This House refused to make the amendments, not unanimously, but by a majority. The Bill was then returned to the Council. It now comes back with a message that another place presses its requests. What we now have to say to another place can best be said in conference.

Hon. W. C. Angwin: Not on one precise question such as this.

The PREMIER: If we cannot discuss it with another place in this way, how are we to get the legislation we want? It is not possible for any of the Ministers here to go to another place and argue his point. It can only be done in conference. You, Sir, have ruled that the House has no right to consider this message from another place.

Mr. SPEAKER: No, what I said was that in my opinion it had no right to consider it in conference.

The PREMIER: You quoted sub-section (4) of Section 2 of the Constitution Act, which reads as follows:—

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Legislative Council may not amend, requesting by message the omission or amendment of any item or provision therein: provided that any such request does not increase any proposed charge or burden on the people. The Legislative Assembly may, if it thinks fit, make such omissions or amendments, with or without modifications.

The Council are within their rights in asking us to reconsider the message we sent to them. I am not asking the House to do that, but merely to consent to a conference with another place. I realise that this House controls the finances, but I also realise that we send these measures to another place for their consideration. That being so, how are we to get over a deadlock such as has now occurred? There is no machinery by which we can do other than invite them to a conference or, alternatively, refuse to make the amendment now, and leave them to ask for a conference or to reject the Bill. If they reject the Bill, there will be no taxation this year. It is only a common-sense suggestion that if there be some matter in dispute we should endeavour to get over the trouble.

Hon. W. C. Angwin: They have no right to amend the Bill.

The PREMIER: Last night the hon. member did not raise that question at all, did not dispute the right of the Council to ask this House to make an amendment. He voted with me against the Council's amendments, but others sitting opposite voted for the amendments. It does not seem to me this House will lose anything by going to a conference with members from another place and ascertaining what is in the minds of those members. I do not know why they desire this amendment, but I do know that if the Bill be not passed we shall have no taxation this year—unless, indeed, we have another session, and even then I do not see how the matter could be adjusted. So it is only right that this House should endeavour to ascertain what is in the minds of members of another place, discuss the matter with them in conference and endeavour to adjust the difference. That is all I ask, namely, that we meet the members of another place and reason with them. We have no other means of dealing with the question, and so this House ought not to object to its being dealt with in the way I suggest. It would be unreasonable if we were to take up any other attitude. I am not inclined to give to another place power to control the purse, and I am not, by the means suggested, extending their powers at all. We acknowledge their right to consider these matters and so, surely, we are within our rights in meeting

them and discussing such matters in the measure as apparently members of another place object to.

Hon. W. C. ANGWIN (North-East Fre-mantle) [5.58]: I hope hon. members will not agree to the motion. It is clearly laid down in the Constitution Act that the Council may not amend Loan Bills or Bills imposing taxation.

The Premier: They are not amending it.

Hon. W. C. ANGWIN: But they are. The Premier is giving away the privileges of this Chamber. Every time he runs up against the Council, they bluff him.

The Premier: You have no right to say that.

Hon. W. C. ANGWIN: They bluff him continually over the privileges of this House. We have here one clear cut issue, namely, shall there be or not a 15 per cent. supertax? On two occasions this House decided that, this year, there must be a supertax. Now the Premier says, "Let us have a conference." Surely we are not children here.

The Premier: I think we shall be childish if we refuse this conference.

Hon. W. C. ANGWIN: The Premier is acting in a childish manner. He runs away every time he is attacked over his financial policy. He allows the Council to conduct the affairs of Government, for finance is government. He is placing himself in their hands. There are one or two men there who are continually bluffing and frightening him, and he runs away from them without putting up a fight.

The Premier: That is not true, and you know it. You ought to be ashamed of yourself to say such a thing.

Hon. W. C. ANGWIN: The Premier's duty is to throw the responsibility upon the Council of putting the Government into an embarrassing position over their finances. The people of the State would back up the Premier if he protected their rights. You, Sir, have clearly pointed out the position to the House, but through his action the Premier is howling down to the Council, as he has done on other occasions.

The Premier: Name one!

Hon. W. C. ANGWIN: I could look them up if I had time. Last year we had a conference on the Assessment Act on which we could give and take and make an arrangement satisfactory to all concerned. Do we intend to impose this taxation or not? The Council has said, "We want you to wipe out the 15 per cent. super tax."

The Premier: There is also another point.

Hon. W. C. ANGWIN: They insist upon our doing so.

The Premier: There are two amendments.

Hon. W. C. ANGWIN: Both are on the one question. I hope members will uphold their rights and privileges.

Mr. Davies: We may do that after the conference.

Hon. W. C. ANGWIN: There is nothing on which to have a conference. You, Sir, have

repeatedly warned this House, and you have power to rule this out of order. I hope you will protect the rights of the people. Let it not be said that because some old fool in another place takes this action, we must bow down to it.

The Premier: You have no right to be offensive.

Hon. W. C. ANGWIN: When some person is trying to get something to which he has no right, we are liable to be offensive. If a man put his hand into my pocket I would smack him on the nose. We are sent here to protect the rights of the people. This point has been fought for and blood has been shed to maintain it on many occasions.

The Premier: When has blood been shed?

Hon. W. C. ANGWIN: The Premier wants to give away those rights which should be handed down to those who follow us.

The Premier: I protest against that sort of thing.

Hon. W. C. ANGWIN: You, Sir, have set out what the Constitution provides.

The Premier: It does not provide for this.

Hon. W. C. ANGWIN: The Legislative Council is exceeding its rights in insisting upon these things. The Premier now wants to back him up in selling the rights of the people.

The Premier: I am asking for a conference.

Hon. W. C. ANGWIN: Why?

The Premier: We shall see.

Mr. Marshall: You have power to kick out the whole thing.

Hon. W. C. ANGWIN: Let the Legislative Council take its responsibility.

Hon. P. Collier: It will not throw it out.

The Premier: Let this House act reasonably.

Hon. W. C. ANGWIN: Two-thirds of the troubles of the Premier are due to members of the Legislative Council, and he runs away from them every time they bark at him. They know the Premier will give in, and is prepared to sell the rights of the people every time in the hope that everything will be all right in the future. By and by the Council will look upon this sort of thing as a matter of right.

The Premier: You ought to be ashamed of yourself.

Hon. W. C. ANGWIN: Twenty years ago the Council would never have dared to send such a message down here. Did Sir Newton Moore, as Premier, yield in a similar instance? He said, "Throw out the Bill," and they threw it out.

The Premier: It is not a question of yielding.

Hon. W. C. ANGWIN: Parliament was prorogued until the Council arrived at its senses and passed the Bill. The Premier should have a little backbone.

The Premier: I do not want advice from you. Any old woman can give advice.

Hon. W. C. ANGWIN: I hope the Premier is not referring to any old woman in another place. If a woman wants a thing and sets herself out to get it she will

get it. If the Council sets itself out to break down the Constitution it will succeed as far as the Premier is concerned. I hope members will not agree to the Premier bowing his head to the Council every time and saying, "Thank you, Sirs, for what you will give me." The Premier will shortly have to go upon his knees and say to the Council, "Please Sirs, may I do this." I object to this action on the part of the Council.

The Premier: But your colleagues voted against this clause.

Mr. Wilcock: No.

Hon. W. C. ANGWIN: I am not responsible for my colleagues, but no one on this side of the House will allow the Council to insist upon a matter of this description.

The Premier: That is not the point.

Hon. W. C. ANGWIN: We will not permit the rights of the people to be subordinated to those of the Council.

Hon. T. WALKER (Kanowna) [6.12]: You, Sir, have clearly set out the position. There can be no compromise or give and take over this matter. This Chamber has supreme authority over all Bills relating to money or imposing taxation. There can be no conference because if we initiate a conference we shall presume that this House may yield. The Council has no right to do other than suggest or request amendments. All we can do is to accede to or reject their request. Every Legislative Assembly at times has had a similar fight with every Legislative Council, but it will remain for this Chamber to break down the time-honoured traditions of the history of British Parliamentary institutions if we yield on this matter.

The Premier: We are not yielding when we are seeking a conference.

Hon. T. WALKER: A conference implies that we are giving way. If the Council presses a request, it is our duty, not to have a conference, but to refuse it as sternly as the request is made. The rights of this Chamber must be protected. If we give way, the Legislative Council may shortly control the finances of the State. We must stick to our rights or go under.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. T. WALKER: In order that we may understand exactly the position Parliament is placed in, it is as well to have clearly before us what the Standing Orders provide on this point. Prior to the passing of the Constitution Act Amendment Act 1921, it would have been impossible for the procedure to have been followed up to the present stage. The Council could not even have requested an amendment. By the passing of that Act the Assembly made an enormous concession to another place by allowing power to that Chamber to request and even press amendments. That is the limit to which the Council can go. We can now either accept or reject the Council's request but we cannot do

more than that, for we cannot confer on money Bills.

The Premier: Where is that provision set forth?

Hon. T. WALKER: We must recognise the supreme authority of this Chamber on money Bills. Subsection 2 of Section 2 provides—

That the Legislative Council may not amend Loan Bills or Bills imposing taxation or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

The Premier: What about Subsection 4?

Hon. T. WALKER: Subsection 2 is a clear declaration of the supremacy of this Chamber on money Bills. Subsection 4 does not increase the powers of the Council or lessen the powers of the Legislative Assembly but merely grants to the Legislative Council the privilege, no more, of offering suggestions by way of a request to this Chamber that we, of our own volition, shall agree to alter money Bills in the direction requested.

Mr. SPEAKER: They cannot press their requests under that section.

Hon. T. WALKER: That is true. It is a question of law that governs the position. It would be illegal for us to give another place the right to amend money Bills. The Legislative Council has gone as far as it has a legal right to go in requesting us to amend the Bill. Having exhausted that power, the Council can go no further. We would be acting illegally and forfeiting our right to control the finances if we agreed to the Council going further than it has done already. We would be acting illegally if we compromised to the extent of conferring on this amendment. It would be, in effect, a victory by the Legislative Council if we acceded to its proposal. Another place requests us to forfeit our legal rights and act against the law.

The Premier: The Council is not doing that.

Hon. T. WALKER: Yes, it is. The moment we recognise the right of the Council to confer with us on this proposal, the exclusiveness of the Lower House to deal with money Bills is gone.

Hon. W. C. Angwin: And the Council has got what it has been wanting for years.

Hon. T. WALKER: If we were to agree to confer with another place on money Bills we would merely be, in effect, creating another House having the same powers to govern the finances. If we did that, we might just as well sit together. If we sat with the Council's representatives to confer even for five minutes on this question, why should we not sit together for five years or for all time? Such an act would destroy the efficacy of the bicameral parliamentary system. I hope the motion will not be agreed to.

Mr. MONEY (Bunbury) [7.42]: I take it that there is no allegation that another place has overstepped its rights under the Constitu-

tion Act Amendment Act of 1921. Under Subsection 4 of Section 2 it is provided—

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Legislative Council may not amend—

I take it the Bill before us is one which comes within that category.

—requesting by message the omission or amendment of any item or provision therein, provided that any such request—

Hon. W. C. Angwin: The Council is pressing its request now. Hon. members there have gone beyond that stage.

Mr. MONEY: The subsection proceeds:

—provided that any such request does not increase any proposed charge or burden on the people.

I understand the Council's proposal is the reverse. It seeks to reduce and not increase the proposed charge or burden on the people. The subsection concludes—

The Legislative Assembly may, if it thinks fit, make such omissions or amendments, with or without modifications.

It is for this Chamber to say if it will deal with the request.

Hon. W. C. Angwin: We have dealt with that. Give us a fair statement and it may carry some weight.

Mr. MONEY: I take it we are dealing with Message No. 37 from the Legislative Council. We desire, I presume, to communicate with the Legislative Council on this question. I can see nothing in the Standing Orders to prevent this House giving definite instructions to managers after they have been appointed. It is within the province of this House to say on that point, 'We instruct you to insist on the Bill without amendment.'

Hon. W. C. Angwin: What is the good of having such managers; it is ridiculous.

Mr. MONEY: The interjection is more ridiculous. It is entirely within the power and discretion of this House to act, in its communication with the other House, as it thinks fit. It may act by accepting the request; it may act by requesting a conference, and in appointing its managers give them definite instructions as laid down by Standing Order 255. If the House is desirous that the Bill as it left this House should not be amended, then it is within the province of the House in appointing its managers to give those managers specific instructions on that particular point.

The PREMIER (Hon. Sir James Mitchell—Northam—in reply) [7.50]: The Constitution clearly provides that the Council may request an amendment to be made. That is all that the Council have done.

Hon. W. C. Angwin: No; they are pressing the request.

The PREMIER: The Council made a request and this House last night, with the aid of some of my friends opposite, said "No."

Now the Council have asked us to reconsider their request.

Hon. W. C. Angwin: They have pressed it, and they have done it in an insulting way too.

The PREMIER: Every Parliament of the Empire has provision for the holding of conferences. Even the Mother of Parliaments holds conferences on all sorts of subjects.

Mr. McCallum: What will happen if the conference fails? Will the conference have another opportunity of considering the position or will the Bill be lost? Can this House and the other House deal with the position if the conference fails?

The PREMIER: Of course.

Mr. McCallum: On the Licensing Bill you will remember it was said that if the conference did not agree the Bill would be lost.

The PREMIER: What was meant in that case was that the House would not budge. Having discussed the matter we can come back to the House and deal with the amendment as sent down to us. We can still deal with the Council's message.

Mr. SPEAKER: We first deal with the report of the managers. If the conference is abortive we shall then send another message to the Council pointing out that we cannot concur in the suggested amendment.

The PREMIER: We deal with the matter as though there had been no conference. I remember it was pointed out on the Liquor Bill that we would lose it if we did not arrive at a compromise.

Mr. SPEAKER: If the conference proves abortive we can send another message to the Council. The Bill will still be in that House which will be responsible for it.

The PREMIER: The Bill will be with them and the position will be just as if there had been no conference. I hope members will not be led to believe that the Council has no right to request.

Hon. W. C. Angwin: They have no right to press a request.

The PREMIER: It is only a request that is made now. If we said no they would have to reconsider the matter. I hope members will agree to the conference. Really, I cannot understand why it was objected to. There certainly has not been any loss of dignity.

Mr. SPEAKER: Before putting the motion I wish to add a few words to the remarks I made in the early part of the evening on this subject. What the Premier said before tea has to my mind placed me in a somewhat awkward position.

The Premier: I am very sorry if that is so.

Mr. SPEAKER: As Speaker I have done all that I felt it was my bounden duty to do, and that is to inform the House of the proper procedure to adopt on such questions, whether they be questions of messages between the two Houses or on the procedure of this House. It is no use addressing ourselves to this subject unless we do so in the language of truth. The first message that

came to us from the Legislative Council read as follows—

The Legislative Council returns herewith a Bill intituled a Bill for "An Act to impose a Land Tax and an Income Tax" with the request that the Legislative Assembly will make the amendments therein set forth in the schedule attached. Under Section 4 of the Constitution Act 1921 the Legislative Council has the right to make such a request, and it clearly indicates that they have no right to press the request. I have told the House already that the Council's rights cease on their having made a request on a financial Bill. Then we get Message 37 which says—

The Legislative Council requests the Legislative Assembly in reply to Message No. 49—

That is the message we sent to them—that it presses its request for amendments to the Land Tax and Income Tax Bill as set out in the schedule which accompanied its message No. 28.

They are pressing their request, and I have told the House they have no right under the Constitution to press a request on a financial Bill. Subsection 2 of Section 46 of the Constitution Act Amendment Act, 1921, reads—

The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue, or moneys for the ordinary annual services of the Government.

That is perfectly clear. Subsection 4 says they may request an amendment, but their duties and functions and powers cease there. It is of no use our being led astray. If we grant a conference on a financial Bill, we place another Chamber on the same footing as this Chamber in respect to financial matters. That will be permitting them to get in the thin end of the wedge. It will be establishing a precedent that they have powers equal to ours on matters of finance, without any responsibility. If I emphasise this, it is because I am jealous of the undoubted rights and privileges of this Chamber. I maintain we should not yield to another place on financial matters. If we grant a conference, we yield undoubtedly. I have told the House as plainly as I can the position as it appeals to me.

The PREMIER: With all due respect to you, Mr. Speaker, you have replied to my statement. The Governor assented to the Standing Orders governing the Legislative Council—

Mr. SPEAKER: That has nothing to do with this Chamber. Those Standing Orders control the business of the Council.

The PREMIER: Their method is—

Mr. SPEAKER: I cannot allow the Premier to make another speech.

The PREMIER: I do not wish to, but with all due respect, I say the remarks you made at the end of my speech should have been made before I spoke. It is not quite

fair to me. It is not quite right that you should have made those remarks at this stage.

Mr. SPEAKER: I cannot allow the Premier to speak again.

Mr. Money: How is it proposed to convey the decision to another place?

Mr. SPEAKER: By Message. There is no provision for a conference on a Bill which the Council has no right, according to our Constitution, to amend or press amendments.

Mr. Money: On that point may I say—

Mr. SPEAKER: I cannot allow any further debate.

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

Ayes	..	..	..	21
Noes	..	..	..	16
Majority for				5

AYES.

Mr. Angelo	Mr. James Mitchell
Mr. Broun	Mr. Money
Mr. Carter	Mr. Pickering
Mr. Davies	Mr. Piesse
Mr. Denton	Mr. Richardson
Mr. Durack	Mr. Sampson
Mr. Gibson	Mr. Teesdale
Mr. Harrison	Mr. A. Thomson
Mr. Johnston	Mr. J. Thomson
Mr. H. K. Maley	Mr. Mullany
Mr. Mann	(Teller.)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Munro
Mr. Collier	Mr. J. H. Smith
Mr. Corboy	Mr. Stubbs
Mr. Heron	Mr. Walker
Mr. Hughes	Mr. Wilson
Mr. Lambert	Mr. Willcock
Mr. Lutey	(Teller.)
Mr. Marshall	

Question thus passed

Hon. W. C. Angwin: You had better get this House wiped out altogether.

Appointment of managers.

The PREMIER: I move—

That the managers to represent the Legislative Assembly be the Minister for Agriculture, the member for Bunbury, and the mover.

Hon. W. C. Angwin: Have we power to give the managers instructions?

Mr. SPEAKER: The House is its own master. It can send the managers to the conference bound to certain lines, or it can send them free.

Question put and passed.

On motion by the Premier, resolved: "That the Legislative Council be acquainted accordingly."

Instruction to managers.

Hon. W. C. ANGWIN (North-East Fre-mantle) [8.12]: I move—

That it be an instruction to the managers appointed by this House to insist upon the Bill as transmitted to the Legislative Council by this House.

Hon. T. WALKER (Kanowna) [8.13]: I hope the House will pass the motion, although I question its power to do so. It is out of order equally with the motion of the Premier. It appears to me that the proper course is to adopt the methods prescribed in the Standing Orders, and send up a message direct. What is the good of a conference if the managers cannot compromise? If we send them up to insist, a message will convey that intimation without wasting time and suspending the sitting for the period of the conference. If we do not instruct the managers to insist upon the rights of this House to keep their hands upon money legislation, then we shall have yielded on Section 2 of the Constitution Act. We shall have given another place the power to make amendments to money Bills to the extent of the compromise. We shall have violated the Constitution.

Question put and passed.

The Premier: Did you say that the Ayes had it, Mr. Speaker?

Mr. SPEAKER: Yes.

The Premier: Then I say, "Divide."

Mr. SPEAKER: It is too late to divide now. We shall have to await the receipt of a message from the Council. Meantime we can go on.

The Premier: I think it is quite useless to go on now.

Mr. SPEAKER: But I have here a message from the Council in reference to another matter.

The Premier: I am very sorry, Sir, that I did not realise you said the "Ayes" had it.

Mr. SPEAKER: I certainly did say it.

The Premier: I am very sorry indeed.

BILL—LAND ACT AMENDMENT.*Council's Amendments.*

Message received from the Council notifying that it had agreed to the Bill subject to two amendments, now considered.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

No. 1—In Clause 3, Subclause 1, after the words "per annum," in line 4, insert "with compound interest":

The PREMIER: I move—

That the amendment be agreed to.

The difference between compound interest and simple interest for the period in question is not worth arguing about.

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

No. 2—In Clause 3, Subclause 2, insert after the word "shall," in line 6, the words "as regards the date of commencement thereof":

The PREMIER: I move—

That the amendment be agreed to.

The amendment of another place merely makes the position clearer.

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

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

BILL—VERMIN ACT AMENDMENT.*Council's Amendment.*

Amendment made by the Council now considered.

In Committee.

Mr. Stubbs in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 7—Add at the end of Subclause 5 the following words:—"and as regards the existing fence in the Gascoyne district, such rate shall not be applied otherwise than for the payment of interest on, and sinking fund for, the redemption of the loan already raised":

The MINISTER FOR AGRICULTURE: I move—

That the amendment be not agreed to.

Hon. P. Collier: It is a good amendment.

The MINISTER FOR AGRICULTURE: I have stated here more than once that the rate under this Bill will have no reference to any rates already struck under existing legislation by the Gascoyne Vermin Board district for payment of interest and sinking fund on the loan made by the Government to the Gascoyne Vermin Board.

Hon. P. Collier: But the amendment seeks to make the rate under this Bill apply to that purpose.

The MINISTER FOR AGRICULTURE: I am objecting to that, because the rate under this Bill will not apply to the erection of fences or to the redemption of loans already made or which may in future be made for the erection of fences. The amendment is not warranted.

Hon. P. COLLIER: I quite understand the Minister's statement that the Bill does not apply any of the funds to be raised by rating under it for the purpose of paying interest owing on loans for fencing, or redemption of loans granted for fencing. But why should not the Bill so apply?

The Minister for Agriculture: We have all the other powers necessary.

Hon. P. COLLIER: I understand that a considerable amount is owing to the Government by the Gascoyne Vermin Board,

and has been owing for many years. The debt includes not only the capital expended in the erection of the fence, but a considerable amount of accumulated arrears of interest. The payment of interest, at any rate, should be a first charge upon any moneys which may be raised under a rate struck or levied.

The Minister for Agriculture: The redemption is going on all right now.

Hon. P. COLLIER: But what has become of the arrears of interest?

Mr. Angelo: There are no arrears.

Hon. P. COLLIER: The Minister has, I think, just agreed with my statement that there are arrears of interest owing. If there are none, then the Council's amendment will not apply.

Mr. Teesdale: There is no cost of maintenance now, so that the debt is being liquidated naturally.

Hon. P. COLLIER: But the member for Gascoyne says there is nothing owing.

Mr. Angelo: No sinking fund or interest. The pastoralists have paid up to date all they agreed to pay.

Hon. P. COLLIER: The whole of it?

Mr. Angelo: Not the whole of it; they are still paying.

Hon. P. COLLIER: That is a different statement.

Hon. W. C. Angwin: Unless the words of the amendment are inserted, the amount must be taken out of the penny rate.

Hon. P. COLLIER: It would be of assistance if the Minister could give us information about the interest owing. We could then say whether it would be legitimate to apply the rates towards wiping off interest liabilities.

The MINISTER FOR AGRICULTURE: It became necessary for the Minister to take over the functions of the Gascoyne vermin board because, inter alia, the fence could not properly be maintained, the board's administration was costly and, generally speaking, the board was not functioning properly. Since acting as the board, the Minister has taken out of the special rate, provided to redeem the loan, approximately, £18,000 for the maintenance of the fence. The rabbits were just as numerous inside the fence as outside and, seeing that the loan was not being redeemed as rapidly as had been expected, we were asked to discontinue the maintenance of the fence, leaving the rate to automatically reduce the liability to the Government.

Hon. P. Collier: So the fence has been abandoned?

The MINISTER FOR AGRICULTURE: Practically, except where it forms the boundary of certain pastoral holdings. The obligations of the pastoralists to the Government, instead of being reduced, have risen from the original sum of £66,000 to, approximately, £72,000. We were entitled to maintain the fence out of the rate struck, and so, as I say, we spent on maintenance £18,000 that otherwise would have gone to the redemption of the liability to the Government. Now

that there are no longer any maintenance expenses, the rate of 1s. per 100 acres will be devoted exclusively to the redemption of the debt.

Hon. P. Collier: By about how much per annum will the rate reduce the debt?

The MINISTER FOR AGRICULTURE: About £2,000 per annum; so, approximately, it will be 30 years before the obligation is redeemed.

Mr. ANGELO: It is necessary to go back a little into the history of the fence.

Hon. W. C. Angwin: I should not advise you to do so.

Mr. ANGELO: I intend to do so. The Gascoyne vermin board was constituted in 1910 under the provisions of the Vermin Act of 1909. The board borrowed £66,000 from the Government at 5 per cent. The pastoralists taxed themselves to provide their own fence, the Act enabling them to borrow the money from the Government. The board operated until 1915. In 1914 there was a severe drought in the North-West and, in consequence, several of the pastoralists got into arrears with their rates and their interest. The board, consisting of pastoralists, did not like to insist upon payment from fellow pastoralists, and so they practically handed over to the Government, agreeing to the Minister acting as the board. The rabbits were not increasing as had been feared. The pastoralist agreed to continue to pay cost of the fence, together with interest.

The Minister for Agriculture: The fence was keeping the rabbits, not out, but in.

Mr. ANGELO: Nothing of the sort. An arrangement was made with the Government that the pastoralists should repay the loan, with interest, within a certain time, but it was distinctly stated by the pastoralists that no maintenance was to be charged against them, since the fence was useless to them.

The Minister for Agriculture: The Minister had to perform the functions of the board, and maintenance was one of those functions.

Mr. ANGELO: It was distinctly understood that the fence was not to be maintained for the pastoralists. An agreement was made under which the shilling rate was to be applied to the redemption of the liability to the Government. The Government accepted that. Still, the Government maintained the fence, and charged the cost of maintenance to the pastoralists. Consequently, instead of the obligation of the pastoralists being reduced by £18,000, the pastoralists are now £6,000 to the bad.

Hon. P. Collier: People who do not pay their debts always go to the bad.

Mr. ANGELO: The pastoralists have loyally paid their instalments for every year. But this maintenance has been charged against them.

Hon. P. Collier: Properly so, too.

Mr. ANGELO: The Solicitor General said the Government had to maintain the fence, because that was the security. Whoever heard of a fence as a security? The Government's

security lies in the leases. Six years ago, when first I came to the House, the then member for Albany pointed to this account in the Auditor General's report. I immediately told the House the real position, and the then Minister for Agriculture promised to have the matter rectified. On two subsequent occasions we had an assurance that the account would be put right. Yet to-day the account shows the pastoralists to be behind in their payments, which is not the fact. Now the pastoralists have decided to take the matter to court. We did not want the fence maintained and the Government at last say they will no longer maintain the fence. Here is a learned opinion that will surprise the Minister—

The Minister has no greater powers than the old board, and is subject to the same obligations and duties as the old board. The point at issue should be looked at as if the board still existed.

Hon. P. Collier: By whom is that?

Mr. ANGELO: By an eminent legal adviser. It continues—

Section 54 of the Act is imperative and requires that all proceeds of rates levied shall be applied towards loan reduction, and that only the surplus, if any, shall be applicable to maintenance.

So that puts the Minister out of court. The Council's amendment is to make the position quite clear. We have had a misunderstanding ever since the Government took over the board for, in the opinion of the pastoralists, the Government have been expending the pastoralists' money in maintenance instead of in the redemption of interest.

Hon. W. C. ANGWIN: I thought this amendment was to get over a difficulty raised when the Bill was in Committee here. It is true, as the member for Gascoyne (Mr. Angelo) says, that under the Bill the Minister has power to supersede the board and become the board. But the Bill knocks out the whole of the vermin districts, because it provides that the Minister shall supersede the boards, except in the South-West, and so all the vermin areas outside the South-West become one area.

Mr. Money: There could be separate boards, and the Minister could supersede them.

Hon. W. C. ANGWIN: He supersedes them all except in the South-West. He also has power to strike a rate for a district.

Mr. Teesdale: A flat rate.

Hon. W. C. ANGWIN: If the Minister has power to strike the rate he may make a levy on every rateable holding in the district and not differentiate between one and another.

The Minister for Agriculture: The Gascoyne board have already abolished themselves, because they could not carry out their obligations.

Hon. W. C. ANGWIN: Has the Minister power to keep separate districts?

The Minister for Agriculture: He is protected under Subclause 5. We propose to bring in another Bill to strike the rate.

Hon. W. C. ANGWIN: That will get over the difficulty in regard to the Gascoyne vermin area.

Hon. P. Collier: Are you going to bring in the Bill to-night?

The Minister for Agriculture: Yes.

Hon. W. C. ANGWIN: The amendment we have before us does not overcome the difficulty, but this new Bill may do so.

Hon. P. COLLIER: Subsection 5 says that the shilling rate shall only be devoted to the purpose of the erection or maintenance of the fence, and the payment of interest and sinking fund on loans already or hereafter to be raised. According to the Minister the annual receipts under Section 59 of the Act are insufficient to pay the annual interest bill on the capital cost of the Gascoyne fence. The capital cost was £70,000. The Minister said the receipts were £2,200.

Mr. Angelo: The receipts were £4,600 last year.

Hon. P. COLLIER: That would allow a margin towards the wiping out of the arrears, and clears up the matter. We shall be lucky if the capital is repaid in 60 years.

Mr. Angelo: The squatters have paid every penny according to the arrangement.

Hon. P. COLLIER: The members of the vermin board entertained such kindly feelings towards the squatters that in the time of drought they did not prosecute them for the rates due. The department then took over the responsibility. No sooner did the Minister take control than the squatters complained that he was not acting up to the agreement, and was spending some of their money on the maintenance of the fence. They wanted it all to go into liquidating the capital cost.

Mr. ANGELO: We do not want the Government to spend another penny on the fence, because it is useless.

The Minister for Agriculture: We are not spending any now.

Mr. ANGELO: We want to make it clear that the Government will not attempt to do so in the future.

Hon. P. Collier: Cannot you trust Ministers? You were trustful enough on the State Trading Concerns Bill.

Mr. ANGELO: Had the present Minister been in office all along we would have had no complaint. The pastoralists stuck loyally to the agreement, but the Government have mounted up the cost from £50,000 to £70,000.

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

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

BILL—VERMIN RATE.

Standing Orders Suspension.

The PREMIER (Hon. Sir James Mitchell—Northam) [9.3]: I move—

That so much of the Standing Orders be suspended as is necessary to enable the Vermin Rate Bill to be introduced without notice and passed through all its stages at one sitting.

Mr. SPEAKER: It will be necessary for an absolute majority of the House to pass the motion. There is an absolute majority of members present, and if there is no dissenting voice when I put the question, I shall declare the motion carried.

Question put and passed.

All Stages.

Introduced by the Minister for Agriculture and read a first time.

Second Reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [9.5] in moving the second reading said: The Bill provides for the rate to be levied for the purposes of the Vermin Act Amendment Bill to which we have recently agreed. I do not think any further explanation is required. I move—

That the Bill be now read a second time.

Hon. W. C. ANGWIN (North-East Fremantle) [9.6]: I am sorry the Minister has not seen fit to explain more definitely the provisions of the Bill. The Vermin Act provided for various districts controlled by vermin boards that were vested with rating powers. A Bill has been passed this session under which the Minister has superseded all the districts apart from those included in the South-West division. Thus all areas, once that Bill becomes operative, are merged into one district. The member for Bunbury (Mr. Money) intimated, by way of interjection, that the proviso to Clause 3 of the Vermin Act Amendment Bill overcomes the difficulty I foresee. That would be all right if it were not that we have passed a new clause, standing as Clause 7, which is entirely different, and places certain areas beyond the scope of the Vermin Act generally. The Bill now before us says that a rate may be imposed in respect of each vermin district in all parts of the State except the South-West division. There is a possibility that the Bill will provide the right to strike only one rate which will apply over the whole area.

The Minister for Agriculture: All the old districts remain, and I, as Minister, only supersede the boards.

Hon. W. C. ANGWIN: If the rest of the State becomes one district, there can be only one rate charged, in which case the State will have to forego its claim against the

Gascoyne district regarding the rabbit-proof fence, or else use money contributed from outside the area for the purpose I refer to. I am afraid that the Bill provides only one district and one board. The Minister should obtain legal opinion on the point.

The Minister for Agriculture: I have just done so, and the position is as I have indicated. All the districts remain, but the Minister supersedes the boards.

Mr. UNDERWOOD (Pilbara) [9.9]: I oppose the Bill, because we have no guarantee that we will have any return from its provisions. The representatives of other pastoral districts may do as they like, but as for the pastoralists of the Pilbara electorate, I, as their representative, oppose the Bill because those pastoralists have no guarantee that they will get anything as a result of the Bill for the money they will have to pay.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Imposition of rate:

Hon. W. C. ANGWIN: I want some information on the clause. How will it apply?

The MINISTER FOR AGRICULTURE: The districts will be maintained and I, as Minister, will merely supersede the boards. The rate will be applied equally in the area of the Gascoyne Vermin Board as in other areas outside the South-Western division. By that means, all pastoralists will combine in a uniform effort to cope with the dingo pest.

Mr. TEESDALE: Will the Gascoyne pastoralists have to pay the present rate plus the additional rate of 1d. in the pound referred to in the Bill?

The Minister for Agriculture: That is the position.

Hon. W. C. ANGWIN: The Minister says that it is implied that each district will be separate. If that be the case, the rate cannot exceed a penny in each and every district.

The Minister for Agriculture: That will make it uniform.

Hon. W. C. ANGWIN: How will that be possible when you have to charge a fairly high rate in the Gascoyne district to pay interest and sinking fund on the loan they obtained from the Government for the payment of the fence? They will not be able to do it.

The Minister for Agriculture: The Gascoyne liability is in regard to the rabbit proof fence netting.

Hon. W. C. ANGWIN: The clause implies that the Minister can only charge a rate in the districts in which he supersedes the board, the rate not to exceed a penny in the pound.

The Minister for Agriculture: The hon. member will see that Clause 1 declares that

this measure shall be read as one with the Act of 1918.

Hon. W. C. ANGWIN: Well, you are risking it. If the other people are satisfied, I do not mind.

Clause put and passed.

New clause:

On motion by Minister for Agriculture the following new clause was added to stand as Clause 3: "This Act shall come into operation on a date to be fixed by proclamation."

Title—agreed to.

Bill reported with an amendment and the report adopted.

Read a third time and transmitted to the Council.

BILL—OPTICIANS.

Order discharged.

Order of the Day read for the second reading.

On motion by the Premier the Order was discharged from the Notice Paper.

MOTION—GOLDFIELDS PASTORALISTS.

Price of Scheme Water.

Mr. LAMBERT (Coolgardie) [9.30]: I move—

That in the opinion of this House it is essential, in order to assist the development of the pastoral industry and encourage the production of stock, the price of water on the Eastern Goldfields for stock purposes supplied from the water scheme should be considerably reduced.

I have had some conversation with the Premier upon the necessity for lowering the price of water for stock purposes on the Eastern Goldfields. Some time ago, at the request of small holders in my district, I urged upon the Government that the high charge militated against the industry. Two or three years ago, after several meetings of small stock owners, the Government decided that water for stock purposes should be charged for at 2s. 6d. per thousand gallons. For some mysterious reason the old rate was reverted to soon afterwards. The Government should view this request sympathetically. There is no chance of small owners stocking up their holdings unless in dry seasons they can be assured of water at a reasonable rate.

The Minister for Works: Where are they breeding stock?

Mr. LAMBERT: All along the line. The greater portion of the Eastern Goldfields, which was originally given over to mining, has been taken up, and if provision be made for cheap water, the pastoral industry will expand considerably. Provision should be made for catchments for the conservation of

stock water. Many localities are suitable for conservation. This obligation, of course, rests upon the stock owners, but at times even such supplies must fall short of requirements. In the Ora Banda district the rainfall during the last two years has been only 2½ in., so that whatever provision was made locally, the stock would perish unless water was provided from the scheme at a reasonable rate. I have never held the view that the scheme should be run on strictly commercial lines. No water supply of the kind should be expected to meet the whole of the interest and sinking fund charges. I hope a different attitude will be adopted. The pastoralists should be shown that the Government are sympathetic towards the industry. It is impossible to breed stock out there unless the scheme water is accessible in dry seasons. I have discussed the matter with the Premier and I believe he is sympathetic to granting all possible facilities, consistent with due regard to the State's financial obligations. I hope some definite assurance will be forthcoming from the Government. Now that the loan is practically repaid, the Government should seek to extend the utility of the scheme in many directions. The mining and pastoral industries should be encouraged to make use of the scheme water, and as mining declines a greater demand from the pastoral industry should be fostered. The goldfields have the soil and all the essentials to semi-tropical growth if only cheap water were available, and I should not be surprised to see the day when the whole of the Mundaring supply will be utilised on the goldfields.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [9.40]: The mover of the motion will not charge the Government with indifference to the development of the pastoral industry or with being averse to encouraging the production of stock. The question of the price of water for stock purposes must be considered with great care in the light of all the points bearing upon it. The hon. member said that some time ago the price was reduced to half-a-crown and then raised again. I have not in memory the reason for that, but I shall look into the matter to-morrow. I was pleased to hear that all the water from Mundaring could be used on the fields, but the hon. member should know that the pipes at present are carrying all the water that can be pumped through them. Although the pipes at Nos. 1 and 2 pumping stations are taking 5 million gallons a day, only 2 million gallons are used on the fields. The rest is being used on the way, and the demand on the scheme is increasing right from No. 2 station to Kalgoorlie. Later on it may be necessary to consider whether the capacity of the pipe line should not be increased. If the scheme is required to supply water for stock, it will be necessary for a uniform quantity to be taken at regular intervals. It would be difficult to supply a big quantity of water on one day and then none at all

for some weeks. The whole question of the price of water from the scheme will be considered carefully and sympathetically to ascertain if it is possible to make the conditions to all users of water more reasonable than they are to-day. Neither I nor any other Minister could totally ignore the commercial aspect, but the possibilities of the pastoral industry must carry weight.

Mr. LAMBERT (Coolgardie—in reply) [9.44]: In view of the remarks of the Minister, I ask leave to withdraw the motion.

Motion by leave withdrawn.

MOTION—LUNACY, CUNNINGHAM CASE.

To inquire by Royal Commission.

Mr. MUNSIE (Hannans) [9.46]: I move—

That in the opinion of this House a Royal Commission should be appointed to inquire into and report upon the committal to and detention in the Hospital for Insane at Claremont of Frank Cunningham.

At the outset let me say that I shall not attempt to put my judgment as to Cunningham's sanity or insanity against the judgment of any medical practitioner, or indeed of any other man, in this State. I ask for the inquiry because of the circumstances under which Cunningham was committed to the Hospital for the Insane. I desire to secure to him the right of an independent inquiry, before which he may be able to substantiate his statement to me, that nothing can be proved against his sanity. I know that the mere carrying of this motion will not lead to the liberation of Cunningham. It will, however, afford him the opportunity of being heard, an opportunity which so far he has not had. The circumstances in which the man got into the asylum are remarkable. I shall trace briefly the history of the case up to the time of Cunningham's committal to the institution. What in the first instance led to the trouble was a letter received by the Director of Education, Mr. Cecil Andrews. That letter, I understand, was handed to the police, and action was taken upon it and Cunningham was arrested. He was tried before a judge of the Supreme Court and a jury, and the jury returned a verdict of guilty. Thereupon Cunningham was bound over in his own recognisances of £100 and two sureties of £50 each to be of good behaviour for two years; in default, 12 months' imprisonment. The first letter on the file dealing with this case is a letter from Cunningham to the superintendent of the Fremantle Gaol. It points out to the superintendent that in his, Cunningham's, opinion the judge did not fix an alternative, but simply bound him over to be of good behaviour, and that if sureties were forthcoming he must be released. On that basis of reasoning Cunningham contended that he was being illegally detained. A little later that contention was disproved, and it was

shown that the judge had imposed a term of imprisonment in default of sureties being found. I do not think any exception can be taken to the first letter on the file; it is a plain, straightforward document. Replying to that letter, the Comptroller General of Prisons writes to Cunningham that if he complies with the condition as to sureties, he will be released. Cunningham's first letter, let me point out, is dated the 29th April, 1918. He has spent over five years either in prison or in the Claremont asylum. The next letter on the file is dated the 30th May, 1918, and is from Mrs. Cunningham to the Superintendent of Fremantle Prison. It asks that the superintendent shall confer with Cunningham with a view to his sending Mrs. Cunningham his cheque book and stylographic pen. That letter was produced by the superintendent to Cunningham, who immediately agreed that the cheque book and pen should be sent to his wife. Then arrangements were made to obtain the two sureties. Cunningham was a man of some means, and there never was any hesitation on the part of the authorities as regards accepting his recognisances, seeing that he possessed property. Mrs. Cunningham had practically agreed to be one of the sureties. On the 25th June, 1918, the Crown Solicitor, after making the necessary inquiries as to sureties, forwarded to the Commissioner of Police the names of the two persons who were proposed as bondsmen for Cunningham. The other surety was a Mr. McVea, a farmer. On the 26th June, the next day, the Commissioner of Police conferred with the police at Moora, from whom there is a long letter on the file as to the sureties. The letter points out that Mrs. Cunningham had property, and that Mr. McVea, a farmer of Moora, who had agreed to be the other surety, was a man of some standing in the district. The sureties were approved of. Then the bonds were sent on to Mrs. Cunningham for signature, and some considerable delay occurred. The file discloses absolutely no reason for that delay. However, it appears that on the 26th June the Commissioner of Police approved of the bonds. On the same day the Crown Solicitor wrote to the Colonial Secretary's office asking that Dr. Williams, Surgeon of the Fremantle prison, should examine Cunningham as to his sanity. On the 6th July Dr. Williams writes stating that after having had Cunningham under observation for several days he considers him to be quite sane. Up to that time there was no suspicion whatever that Cunningham was insane.

Mr. Teesdale: Why did the doctor examine Cunningham?

Mr. MUNSIE: On account of the letter he had written, and because he had been convicted of using threatening language. Therefore it was considered the proper thing to get a medical certificate before accepting the bonds and releasing the man.

Mr. Underwood: Cunningham is a dirty dog and ought to be in gaol.

Mr. SPEAKER: Order!

Mr. MUNSIE: That may be all right so far as the hon. member interjecting is concerned. I have heard all manner of things said outside, but since this motion appeared on the Notice Paper I have received letters from all parts of the State expressing the hope that the motion will be carried, and that Cunningham will get the inquiry. An inquiry is all I ask for him. He has never had an inquiry. On the 15th July the Crown Solicitor forwarded the doctor's certificate to the Chief Justice, who had to approve the release, subject to the bonds being completed. On the 12th July the Chief Justice did approve. The only thing remaining then was to obtain the signed bonds. Requests were made that the bonds should be sent forward. However, there was a delay from the 1st June to the 12th July. Had the bonds been returned executed, there is no shadow of doubt that Cunningham would have been released.

Mr. Underwood: It would be a terrible pity to release him.

Mr. MUNSIE: On the 16th July, the Under Secretary for Law wrote stating that there was some difficulty in obtaining Mrs. Cunningham's signature; he asked that inquiries be made. The file then contains a letter or two from Cunningham to the Comptroller General of Prisons, asking the reason of the delay in getting the bonds signed. The next letter appearing on the file is dated the 1st August, 1918, and this letter I regard as the worst feature of the whole case. The letter is in pen print—neither typed nor written, but simply printed with a pen, evidently for the purpose of disguising the hand writing; there can be no question about that.

Mr. Wilcock: Is it signed?

Mr. MUNSIE: It is signed "A Friend Indeed." That letter is addressed to the Attorney General, no doubt because the Attorney General had practically approved Cunningham's release provided the bonds were signed. Some of the statements contained in the letter are that Cunningham is mad—the word "mad" being underlined; that he should be in Claremont.

Mr. Underwood: He should be in gaol.

Mr. MUNSIE: He was in gaol then. The letter also states—

He will pay his bond, and others too, to get his revenge. Send him to Claremont as soon as possible; that is the proper place for him.

Most of those statements are underlined. There are numerous other statements. Next the file contains a letter dated the 9th August, 1918, addressed to the Crown Prosecutor. It is on the same lines as the previous letter and also done in pen print. The writer of that letter says, in effect, "I believe you are making arrangements for the release of Cunningham. In my opinion it would not be legal to accept his wife as one of the bonds. Moreover, if a bond be signed it has to be signed within three months of his committal, and he has been there longer than three months." That letter is signed "Good Advice."

Mr. Underwood: What motive is there for keeping him there?

Mr. MUNSIE: I want this inquiry so that all the evidence can be given before the Commissioner. I am not suggesting that anybody has any motive for keeping him there. The writers of these letters, if they can be discovered, ought to be called as witnesses. Up to date Cunningham has not had a trial of any sort.

Mr. Underwood: God's truth, read his file!

Mr. MUNSIE: I have read it. There is another letter, also in pen print, addressed to the Superintendent of Prisons, and signed "A Friend, One Who Fears." After having received a letter from the office, the Solicitor General, on the 23rd April, 1918, sent a prepaid wire to Mrs. Cunningham to ascertain the reason for the delay in signing the bond. The reply to that was, "Unable to see McVea for a week or two, hence delay."

Mr. Underwood: You are not putting up a case against Mrs. Cunningham, are you?

Mr. MUNSIE: I am not putting up myself as a judge of whether Cunningham is or is not sane. Only once in life have I seen him. That was when I went to the asylum.

[Resumed on page 2094.]

BILL—LAND TAX AND INCOME TAX.

Conference agreed to.

Message received from the Council notifying that it agreed to a conference as requested by the Assembly, that 10 p.m. be the time and the President's room the place for holding the conference, and that the conference managers for the Council would be Hon. J. Ewing, Hon. A. Lovekin, and Hon. R. J. Lynn.

Sitting suspended from 10.15 to 10.55 p.m.

BILL—LAND TAX AND INCOME TAX.

Conference Managers' Report.

The PREMIER (Hon. Sir James Mitchell—Northam) [10.50]: On behalf of the managers I have to report that they met the managers of the Legislative Council and failed to come to an agreement. I move—

That the report be adopted.

Question put and passed.

Council's pressed request.

The requested amendments pressed by the Legislative Council further considered.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

No. 1.—Clause 6, Delete Subclause 1:

The PREMIER: I move—

That the amendment again requested by the Council be not made.

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

No. 2.—Delete Clause 7:

The PREMIER: I move—

That the amendment again requested by the Council be not made.

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

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

BILL—VERMIN ACT AMENDMENT.

Council's Message.

Message received from the Council, notifying that it insisted on its amendment, now considered.

In Committee.

Mr. Stubbs in the Chair; the Minister for Agriculture in charge of the Bill.

The CHAIRMAN: The amendment of the Legislative Council, in which the concurrence if this House is desired, is as follows: "In Clause 7 add at the end of Subclause 5 the following words: "And as regards existing provisions in the Gascoyne district, such rates shall not be applied otherwise than to the payment of interest on and sinking fund for the redemption of the loan already raised."

The MINISTER FOR AGRICULTURE: I move—

That the amendment be not agreed to.

Hon. W. C. ANGWIN: The Minister could well give way on this point. He informed hon. members that at present nothing was being done to maintain the rabbit-proof fence. In the circumstances the Council's amendment will not affect the position adversely.

The Premier: How can the dogs be destroyed?

Hon. W. C. ANGWIN: Provision is made for that in the Vermin Rate Bill. The Minister told us that money would not be spent on the maintenance of the fence and the Council's amendment will not interfere with the Government.

Mr. ANGELO: I join with the member for North-East Fremantle in asking the Minister to agree to the Council's amendment. The opinions of two or three solicitors have been obtained and they agree that the amendment should be inserted in order to safeguard the pastoralists in the future. It should be remembered that there are only 34 of them and they do not desire to evade their liabilities. They are willing to pay their

rates, together with the special rate, and also, as general taxpayers, to pay their contributions towards the maintenance of the fence. I hope the Minister will agree to the Council's amendment and not prejudice the Bill.

The MINISTER FOR AGRICULTURE: If the member for Gascoyne does not wish the Bill to be prejudiced he should use his influence in another place. While I appreciate the point raised by the member for North-East Fremantle, no amendment such as that suggested by the Council should be placed in the Bill, setting out definitely that no maintenance work shall be undertaken. In the circumstances I am not prepared to depart from the attitude I took up when I suggested we should not accept the amendment. It is entirely unnecessary.

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

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

MOTION—LUNACY, CUNNINGHAM CASE.

Resumed from an earlier stage of the sitting.

Mr. MUNSIE: Undoubtedly the files show that at that point, had the bonds been signed, Cunningham would have been released from prison and would not have been sent to the asylum. On the 19th September, 1918, Cunningham was committed to the asylum on a certificate signed by Dr. Anderson. As to the intervening period since he has been in the asylum, I know that some hon. members say that Cunningham has written all sorts of letters and that he has made statements in those letters that, to say the least of it, are peculiar for any man to make. It has been stated that he has written most insulting letters to his wife. Cunningham point blank denies these charges and the only evidence on the point is that of an expert in handwriting, who has drawn attention to the similarity between the letters and those written by Cunningham, and who stated that, in his opinion, the writing was that of Cunningham. If the letters were written by Cunningham, and that fact can be proved, what is wrong with giving Cunningham an inquiry to allow the point to be cleared up? It is only by that way that we can say whether Cunningham is right or whether the handwriting expert is right. If it is true that Cunningham is responsible for some of the statements he is supposed to have written, then the Claremont Hospital for the Insane is where he should be. I am not convinced that he is guilty on that point. I will never agree that a man is guilty until he has stood his trial. I do not see what objection anyone who believes the statements are true can raise to the course I suggest. Whoever may be opposed to my views should at least give credit to those who agree with me for believing what we say to be correct.

For that reason there should not be any objection to a public inquiry being held. If the inquiry shows that the statements made concerning Cunningham are true, that will be the end of the plea for Cunningham's liberation from the asylum. One or two peculiar instances have occurred in connection with Cunningham's examination. Several people in the metropolitan area have taken an active part in an attempt to secure Cunningham's release.

Mr. Teesdale: Were they relations?

Mr. MUNSIE: No, friends.

Mr. Hughes: In one case a total stranger interested himself in the matter.

Mr. MUNSIE: That is so. A month or so ago a deputation was appointed by the Metropolitan Council of the Australian Labour Federation for the purpose of interviewing the board of visitors who examine patients at the asylum. At the time it was thought that the deputation would be permitted to hear the examination of Cunningham by the board members. When they arrived at the asylum, however, they found that that was not to be. The board of visitors took upwards of an hour and three-quarters over their interview with Cunningham. After the examination the deputation interviewed the board of visitors. The chairman, Dr. Birmingham, is an expert in matters relating to insanity. He is a man of wide experience in mental diseases and he was the only member of the board who spoke to the deputation. After several questions had been asked, one direct query was put to him. He had stated that Cunningham was a paranoic. He was asked if Cunningham was a dangerous paranoic and to that the doctor did not reply. He was then asked to say candidly if there was anyone in Western Australia who was afraid of Cunningham. According to the file there are only two people who are supposed to be afraid of Cunningham. Cecil Andrews, the Director of Education, is one and a reverend gentleman is the other. Dr. Birmingham was asked as to whether he thought Mr. Andrews was afraid of Cunningham, and his reply was "Certainly not." As a matter of fact Cunningham met Mr. Andrews one day, and it was not Mr. Andrews who was afraid, it was Cunningham, because he ran away from Mr. Andrews. It has been said by certain people that Cunningham is dangerous. During the time of the Royal Show, Cunningham with others from the Hospital for the Insane, accompanied, of course, by an attendant, visited the Show grounds and was allowed to wander amongst thousands of people.

Mr. Underwood: Have you any confidence in the board?

Mr. MUNSIE: Yes, and the board do not object to the inquiry.

Mr. Underwood: They do object.

Mr. MUNSIE: I will prove they do not. The hon. member does not know what he is talking about.

Mr. Underwood: He is a paranoic.

Mr. MUNSIE: You are a paranoic.

Mr. SPEAKER: The hon. member must not make use of such remarks. He must withdraw the expression.

Mr. MUNSIE: I will withdraw it. I am informed that this direct question was put to Dr. Birmingham, "You have made a statement that Cunningham is a paranoic; can you give us one instance during the period of Cunningham's detention in the institution or even before it, that leads you to believe he is a paranoic?" Dr. Birmingham replied "No." The general surroundings led Dr. Birmingham to confirm that opinion. I am not advancing the argument that Cunningham is sane, but I do claim that he has the right to defend himself and that he should not be denied that right. If all the statements that have been made about him are true there should be no difficulty in proving them. Then if they are proved I shall be satisfied. The board have no objection to the inquiry. After the deputation to which I have referred waited on the board, the board came to the conclusion that it was not much good arguing the point in this direction, and they said "We will write to you." We asked whether they would give us a reply in writing, and we received an affirmative answer. They were plain and open about the matter. They told Dr. Birmingham that I was moving a motion in Parliament and that I wanted the reply for that purpose. Dr. Birmingham knew that his statement would be used here. This final paragraph was put in the letter to Dr. Birmingham, "As Mr. Munsie is moving in Parliament in connection with Cunningham's detention we would be pleased to have a letter from you confirming the above." This is the reply that was sent by Dr. Birmingham. It is addressed to the secretary of the Metropolitan Council, Trades Hall, Perth, and reads—

Re F. W. Cunningham. I am in receipt of yours of the 1st inst., and in reply beg to remind you that the board gave no pledge, but informed the deputation referred to that they did not consider an inquiry necessary though they would not raise any objection to one by a competent authority.

Now what has my friend from Pilbara to say to that? There is no objection to an inquiry by a competent authority. All I am asking is that a competent authority be appointed, and if in the opinion of that authority Cunningham is not fit to be liberated, then he can stay where he is. I have no personal interest in the matter, one way or the other. I met Cunningham only once in my life. That was an occasion when a man in whom I have every confidence and who I have known for 23 years came to me in this building, after meeting Cunningham at the Show Grounds and said, "I do not want you to take my word for it, but I would like you to look at the file and before you take any action see Cunningham for yourself." I did so. I went to the Hospital for the Insane, primed with all the information I could get

for the express purpose of confusing Cunningham if I could.

Mr. Underwood: Good propaganda to get the man out of the asylum.

Mr. MUNSIE: The hon. member ought to be ashamed of himself for making such a remark.

Mr. Underwood: So ought you.

Mr. SPEAKER: Order! The member for Pilbara must keep order.

Mr. MUNSIE: I would be failing in my duty to humanity, believing as I do that Cunningham has never had a fair chance, if I did not draw attention to the existing circumstances. Cunningham has never had a fair trial; he has never had the opportunity to place his case before any kind of tribunal and to call witnesses. He has appealed to all the Supreme Court judges in this State under a certain section of the Lunacy Act. That section provides that a doctor's certificate must be presented certifying that the individual is sane, in which case the judge would have the power to hear the case. After Cunningham had been at Claremont for a couple of years he got a certificate from a well-known medical man. That certificate, however, did not say that Cunningham was sane. It stated that in the doctor's opinion he was fit to be at large. The matter came before Judge Burnside. The judge was sympathetic. But when he discovered what the certificate said he found that he did not have the power to order that Cunningham be liberated.

Mr. Underwood: How did he get there?

Mr. MUNSIE: Because people refused to enter into a bond.

Mr. Underwood: Why do not we all get there?

Mr. MUNSIE: It is a pity the hon. member is not there, he should have been there long ago.

Mr. SPEAKER: The member for Pilbara must keep order.

Mr. MUNSIE: I do not desire to say anything further except that Cunningham is entitled to an open and public inquiry. I might go further and say that I do not want an inquiry to be held before a Supreme Court judge; a police magistrate will do me, so long as whoever conducts the inquiry makes it an open one. I want Cunningham or a solicitor acting for him to have the right to examine witnesses. I want him to have British justice, nothing more, nothing less. If Cunningham's opponents can prove what they say to be true, then Cunningham can stay where he is.

Mr. Underwood: If he gets out of there he will go to gaol.

Mr. MUNSIE: The hon. member is growling again; he growls like a grizzly bear. I submit the motion.

Lieut.-Col. DENTON (Moore) [11.30]: I come from that part of the country where Cunningham lived, and I consider he is in his right place at present. I would never be a party to keeping any man in an

asylum unless there was justification for it, but I happen to know a lot of the circumstances of Cunningham's case. I know he has written to various persons as well as to me. I have taken no action regarding his letters. I hope I shall always stand on the side of humanity, but I shall strongly oppose any effort to get this man released from the asylum.

The COLONIAL SECRETARY (Hon. R. S. Sampson—Swan) [11.31]: I am loth to speak against the appointment of a Royal Commission when the liberty of any man is at stake, but I have gone into this matter, and in view of the evidence I have, I am convinced that Cunningham is properly held. The member for Hannans (Mr. Munsie) has said this man has opponents. He has failed to mention the names of any of those opponents.

Hon. P. Collier: I do not think the hon. member meant it in that sense. He was referring to those people that thought Cunningham should not be released.

The COLONIAL SECRETARY: The writers of the anonymous letters?

Mr. Munsie: Yes, or anyone that thinks he should not be released.

The COLONIAL SECRETARY: Apart from the anonymous letter writers, I know of no opponents. The Chairman of the Board of Visitors, Dr. Birmingham, and another doctor on the board, and all the members of the board are of opinion that Cunningham is properly detained in the hospital. There is no question about that. While no objection is raised to an inquiry, it may be reasonably asked whether the money that a Royal Commission would cost could not be more usefully employed for the benefit of other inmates. Dr. Birmingham's letter is informative and convincing. It says:—

Freemantle, Dec. 4th, 1923. At the November meeting of the board a deputation from A.L.P. attended and interviewed the board re F. W. Cunningham, if the board would object to an inquiry into his case by an outside body. We replied that we had no objection, provided it was carried out by a competent authority. Yesterday I got a letter from them asking me to give this in writing. I called the board together yesterday afternoon, and the reply decided on was to the effect that "the board did not consider such an inquiry necessary, but had no objection, provided it was conducted by a competent authority." I should like to point out to you that money is urgently needed for furniture and would be much more useful in this direction than in paying expenses of a Royal Commission. Further, Cunningham's case was considered by the Royal Commission of which Dr. Jones was president. I have the honour, etc., W. P. Birmingham, M.D.

Mr. Teesdale: Then he has had one Royal Commission?

The COLONIAL SECRETARY: He was merely before the commission.

Mr. Munsie: The commission had no power to deal with his case, or make any recommendation.

The COLONIAL SECRETARY: Many medical men have seen Cunningham, and they are unanimously of opinion that he is insane.

Mr. Underwood: That's it.

The COLONIAL SECRETARY: The Inspector General, Dr. Jarrett, and Dr. Bentley, and the whole of the staff with the exception of Dr. Thomson, are of that opinion.

Mr. Underwood: The visiting board are of that opinion also.

The COLONIAL SECRETARY: Dr. Thomson is engaged on the female side of the hospital, and has not come into contact with Cunningham at all. All that have examined Cunningham and come into contact with him, including the board of visitors, are of opinion he is properly held. It would be much more pleasing if I could come here and ask for the release of this man, but if I did so I would be failing in my duty, having regard to the information placed in my hand.

Mr. Munsie: I am not asking for his release.

The COLONIAL SECRETARY: If we gave a Royal Commission to everyone in the hospital, we would require 1,100 commissions.

Mr. Willcock: Most of those patients are obviously insane.

The COLONIAL SECRETARY: The members of the board are Dr. Birmingham, Dr. McWhae, Mr. Weir, Mr. Darbyshire, and Mrs. Casson. The board of visitors have considered this case many times and have concluded that Cunningham is insane. The board of visitors are doing useful work. They are sympathetic and if there is involved only a little risk, they are prepared to accept it. In the opinion of one of the members, this man is the most dangerous patient in the hospital.

Mr. McCallum: They did not say that.

Mr. Munsie: Where is proof of that? There is not a word to that effect on the file.

Mr. Willcock: They should all be sacked if they have expressed that opinion.

Mr. Underwood: If you saw the letter he wrote to his daughter you would say so, too.

Mr. Lutey: Then he was a nice man to be allowed to attend the Royal Show.

The COLONIAL SECRETARY: I am giving the opinion of Dr. Jarrett. It states:—

I am informed Dr. Jarrett said Cunningham is the most dangerous man in the Claremont Hospital for the Insane.

Mr. McCallum: Who said that?

The COLONIAL SECRETARY: That is the note I have.

Mr. McCallum: Secondhand information.

The COLONIAL SECRETARY: That was after discussing the matter with Dr. Birmingham. I am not here to put up a case against a man that may reasonably be thought to be sane. I give facts as they have been given to me.

Mr. McCallum: I do not believe any of the doctors would make that statement.

Mr. Munsie: Have not the board of visitors recently recommended Cunningham's transfer to Whitby Falls?

Mr. Underwood: No.

Mr. McCallum: Of course they have.

Mr. Munsie: I say they have. I have seen it in writing.

Mr. Underwood: I say they have not.

Mr. SPEAKER: Order! I cannot allow an argument.

The COLONIAL SECRETARY: I should like to know when such a recommendation was made.

Mr. Munsie: Quite recently. It is on the file.

Mr. McCallum: Within the last month.

The COLONIAL SECRETARY: A minute dated 30th November, says:—

I have to inform you that at a meeting of the board held on the 28th November it was decided to transfer patient Cunningham to Whitby Falls.

Mr. Munsie: Where is the member for Pilbara now?

Hon. P. Collier: That surely discounts the statement that Cunningham is the most dangerous man in the hospital.

The COLONIAL SECRETARY: Whitby is a hospital for the insane. I have discussed this case with Dr. Birmingham and Dr. Anderson, and have given the House the information. Dr. Jones, Chairman of the Royal Commission, expressed the opinion that Cunningham would be dangerous if released. I do not know whether all those people desire to hold Cunningham unjustifiably. I should like to see him released if it were safe to let him go.

Mr. Chesson: We are asking, not for his release, but for an inquiry.

The COLONIAL SECRETARY: It is claimed that his condition does not justify his release. He has an obsession that certain people are endeavouring to injure and persecute him.

Mr. Willcock: He has been injured; there is no doubt about that.

The COLONIAL SECRETARY: I have a sheet of handwritten matter that was sent with a picture to Cunningham's wife.

Mr. Willcock: Did he send it?

The COLONIAL SECRETARY: The written matter has been typed out.

Hon. P. Collier: I know his handwriting. I have had a hundred letters from him.

Mr. Teesdale: Did he write you a hundred letters?

Mr. McCallum: Yes; I have had a hundred, too.

Mr. Teesdale: Then surely there is something wrong with the man.

The COLONIAL SECRETARY: It would be improper to read this matter to the House. It is couched in very filthy terms, and altogether is shocking language. Therefore I shall not read it.

Mr. SPEAKER: If members wish to see it, they may do so.

The COLONIAL SECRETARY: One portion says:—

I learnt to make bombs in the Old Dart, and I would blow you and your — daughter to hell, etc.

That is an extract from written matter sent to Mrs. Cunningham. I have shown that to the member for Hannans.

Mr. Teesdale: Is it quite certain Cunningham wrote it?

Hon. P. Collier: Have you the original?

The COLONIAL SECRETARY: Yes, the hon. member may see it. I have a certificate from Mr. F. Geo. Villiers, who is a recognised expert in handwriting, and does a good deal of work for the Criminal Investigation Department. He says:—

I have made an examination of the handwriting in the specimens submitted to me by Dr. Anderson and compared it with the letters written by Frank Cunningham, and am of the opinion the writing in the two specimens is that of Cunningham.

Mr. Willcock: No jury will accept the opinion of an expert in handwriting.

The COLONIAL SECRETARY: Mr. Villiers has no hesitation in saying the specimens submitted to him by Dr. Anderson had all been written by Cunningham. If this evidence is to be accepted—I know of no reason why it should not be accepted, because it is evidence of an expert—and it is proved that Cunningham wrote it, then undoubtedly he should not be permitted to be at large. Such intense bitterness is shown towards Mrs. Cunningham—

Mr. Munsie: I, too, should say that, but how can you prove it without an inquiry?

Mr. Underwood: Look at the letters sent to his daughters.

The COLONIAL SECRETARY: Some time ago Cunningham was examined by Dr. Blackall and a certificate was given that he was fit for discharge. That certificate was submitted to the judge when Cunningham asked for an examination under the Habeas Corpus Act. The judge said the certificate did not state that Cunningham was sane, and as under the Act it was essential that before consideration a certificate must be produced declaring the person sane, it was not competent for him to examine Cunningham. The certificate given by Dr. Blackall was insufficient, and was not a certificate under the Act. Bearing this in mind, and that all the doctors that have had anything to do with Cunningham in the hospital, and the board of visitors, are of opinion he is insane, I would be failing in my duty if I did other than advise the House to vote against the motion.

Mr. McCALLUM (South Fremantle) [11.45]: I have had, I suppose, fully a hundred letters from this man during recent years in which he has appealed for an inquiry.

Mr. Underwood: That is sufficient evidence.

Mr. McCALLUM: I have discussed the matter with Dr. Birmingham and other mem-

bers of the board, and I know Cunningham personally. From my own observations I believe Cunningham to be mentally unsound, but I am not in a position to pronounce a judgment that would warrant this man being kept in custody as Cunningham is. I think he is entitled to an inquiry, and that is all the motion asks. I have had a look at the letter handed over by the Minister, and I express grave doubt whether it is Cunningham's writing. He distinctly denies having written quite a number of the letters on the file. What harm can be done by allowing the man to appear and state his case? It is an awful position for a man to be confined to an asylum if he is fit to be at large. I for one would not have a man confined unless he was dangerous to others. There are any number of lunatics at large now.

Mr. Underwood: Yes, quite a lot.

Mr. McCALLUM: But the State should not have to bear the charge of keeping patients unless they are a danger to other citizens. Because they are merely mentally unbalanced is not sufficient reason for keeping them in custody.

Mr. J. Thomson: Have you seen Cunningham?

Mr. McCALLUM: I have seen him scores of times; I know him well. A man that feels he is suffering an injustice from being confined in the hospital, and whose friends and relations feel he is suffering an injustice should at least be granted an inquiry. Then, if the man is not fit to be at large, no one can complain. All that the motion asks is that an inquiry be held. It is an awful thing to have a man who may be proved to be sane confined in an asylum. History tells us what was done in days gone by by way of bolstering up charges in order to keep people confined in asylums, and we know what this led to in Great Britain. As that kind of thing was done in the past, so it may be done in the future. I intend to vote for the inquiry. The Minister could well say that he offered no opposition to the inquiry. Why should there be objection to an inquiry? Dr. Birmingham and the board are not objecting, though the board say there is no occasion for an inquiry. The motion merely affirms that the man is entitled to an inquiry.

Mr. UNDERWOOD (Pilbara) [11.50]: Whether the motion is carried or not matters little, but I oppose it. I asked the mover not to bring it forward, for the sake of the wife and the two daughters. The wife has been heavily afflicted. Undoubtedly the man is mad. Shall we appoint a Royal Commission whose proceedings will be open to the Press, and bring the wife and two daughters before it and expose their affliction? They have had sufficient trouble. I have confidence in the management of the Hospital for the Insane and in the board of visitors. I have consulted the board. They have let out over 100 patients, but they will not let Cunningham out. I hope the House will not carry the motion.

Mr. J. THOMSON (Claremont) [11.53]: I know the wife and two daughters and I know Cunningham. I do sincerely trust that the House will not agree to the appointment of a Royal Commission.

Hon. P. COLLIER (Boulder) [11.54]: The question of the wife and the two daughters does not enter into the subject at this stage. The question now is, should an inquiry be held to ascertain whether Cunningham is fit to be at large. If as the result of a thorough inquiry, it appears that Cunningham ought to be released, then he should be released. If the result is otherwise, he should be detained. The Minister in charge is sympathetic. It would be much more pleasant for him to release Cunningham and all the other unfortunates at Claremont. I hope the Minister will not press his opposition to the motion. Let us remember that within the recent history of the institution the resident medical officers declared most emphatically that men were insane and incurably insane. The doctors swore these things. In one case a wife was suing for divorce on the ground of her husband's insanity and the Inspector General declared on oath that the man was incurably insane and would never get out of the asylum. That man has been for the past two years a fairly prosperous business man in the metropolitan area. In quite a number of cases the board of visitors have refused to release patients, refused quite honestly in the discharge of their duties. The board have been proved wrong in some of those cases because the persons concerned have been liberated, and for years have been found to be absolutely sane. Only last session this House declared that a man who had been detained for years in the Claremont institution should be compensated for the injury that had been done to him, that injury consisting in the fact that he was detained for nine years in the Claremont institution, while he was perfectly sane.

Mr. Mann: That was not quite the point. The point was that the Government had not administered his estate properly.

Hon. P. COLLIER: That was not the point, though it was a fact that the man's estate was neglected. The estate, however, was valued at only a couple of hundred pounds.

Mr. Mann: The Government sold a drill worth £50, for 30s.

Hon. P. COLLIER: In any case this House voted compensation. The Inspector General had declared him to be a panaroiac, the same as Cunningham, and incurable. All the doctors who had to do with the man in question declared that he would never be right. At the instance of this House a Royal Commission was appointed to inquire into the case and that Commission declared the man to be sane. It was only after persistent agitation, extending over two years, that the Commission was obtained. The same objections were put forward then as in this case.

Mr. Teesdale: Is the man all right now?

Hon. P. COLLIER: Yes, and he was liberated more than two years ago. He has gone to the Eastern States and has set up in business there. I frequently hear from him. I attach no more importance to the opinion of the ordinary medical practitioner as to one's sanity than I do to the opinion of the veriest layman, and I would pay far more attention to the opinion of an attendant in the asylum.

Mr. J. Thomson: But there would be no incentive to keep a patient confined.

Hon. P. COLLIER: No, but the best of us, in all good faith, make errors. We on this side say there is a doubt as to Cunningham's sanity, and so we ask for an inquiry. We are not even asking that he should be released. Realising the awful tragedy it must be for a sane person to be confined in an asylum for the insane, we say that if there be any doubt at all the House should give the person concerned the benefit of that doubt. I have had, I suppose, 100 letters from Cunningham, and I have no hesitation in declaring that the letter produced here to-night is not in Cunningham's handwriting; or, alternatively, he has there most effectively disguised his handwriting. I can mention at least eight men released from the Asylum for the Insane during the past three years, men who were previously declared by all the doctors to be incurably insane.

Capt. CARTER (Leederville) [12.10]: The House is unanimous in its desire to give relief to inmates of the Hospital for the Insane whenever opportunity occurs. Into no life can come greater tragedy than that of insanity. We ought not to consider the cost of the proposed inquiry. If there be any hope of helping Cunningham by the appointment of a commission, that commission ought to be appointed. I know Cunningham well, and as the result of many conversations I have had with him, I could not say he was not entirely sane. But I have faith in the visitors' board, and also in the hospital staff, and I cannot conceive of anything that would impel them to wrongfully keep the man in the institution. Unlike the previous speaker, I would not accept the opinion of a layman against that of a doctor in point of a patient's sanity. If a commissioner be appointed, I hope he will be an expert, so that the House can fully rely on his findings. I know Cunningham's handwriting, but I should not like to say whether those letters are in his handwriting. Can the Leader of the Opposition say that the letters received by him from Cunningham read as though from a sane man?

Hon. P. COLLIER: All those received during the last six months certainly did, but some of his earlier letters were scarcely normal.

Capt. CARTER: The letters I have received from him give no clue one way or the other. In recording my vote for this motion I do so in the earnest hope that some good will accrue as a result of it, and with the idea of giving that chance, for which the Opposition is pleading, to one who is in the sorest straits that a human life could reach. I have met

many men in the institution who impressed me far more than did Cunningham with their apparent sanity. I have met men who could talk on current newspaper topics with as much clarity of vision and knowledge of present day affairs as any man one would meet outside that institution.

Hon. P. Collier: I met a man there who offered to stand as a Labour candidate for Claremont.

Capt. CARTER: That was proof of his sanity.

The Premier: It should be quite the reverse.

Capt. CARTER: It simply resolves itself in my mind into a question whether in a period of their existence these unfortunate inmates are not, in many cases, worthy of such an inquiry as is proposed? I have seen letters that I have every reason to believe are original documents from Cunningham, which could only have been written by a man possessing a most degenerate mind and a man who was obviously lacking in sanity. These letters indicated that the writer was not in possession of his full senses. That being so, my mind has become disturbed in discussing this question. The House should be honest with this man. I take it that the party opposite would not have taken up the matter as a party if they had not felt they should do so.

Mr. Munsie: I did it off my own bat without consulting any member on this side of the House or outside.

Capt. CARTER: I was merely going on certain party newspaper articles I have read, but I withdraw that statement.

Mr. Munsie: It has not been taken up by the party.

Hon. P. Collier: Not as a party, but only a section of it that happened to be constituted of members of the party.

Capt. CARTER: That section was too strong. It led me to think it must have proper grounds for assuring the House there is doubt in this man's case and in his position. I feel impelled, therefore, to record my vote in favour of the motion.

[The Deputy Speaker took the Chair.]

Mr. MANN (Perth) [12.20]: I shall vote against the motion. I received a number of letters from Cunningham and went down to the institution to interview him. While I was interviewing him, I was in turn interviewed by two or three other inmates who are just as certain regarding their sanity as is Cunningham.

Capt. Carter: Only two or three?

Mr. MANN: There were two men in particular. One is there because he killed another man, and both are there for serious offences. Each of them would impress one with the idea that he is as sane as Cunningham. What influences me is that a Royal Commission was appointed to inquire into the administration of the institution generally and into all cases, including Cunningham's, that required investigation. That

Commission comprised an expert from Victoria, one well-known member of the Assembly, and another man with a good clear mind.

Hon. P. Collier: The Royal Commission was appointed to inquire into the administration and not into specific cases.

Mr. MANN: But Cunningham was before them. I doubt if he could put a better case before any other Royal Commission.

Hon. P. Collier: They had no authority to deal with individual cases, although they might have expressed an opinion.

Mr. Lambert: It was only an inquiry into the general conduct of the hospital.

Mr. MANN: That may be so. If Cunningham had put up a good case to the Commission it would have been their bounden duty to report as they found it. The board that visits the institution includes Dr. Birmingham, who has a lenient and kindly feeling towards the inmates. I am closely in touch with that board because every year I help to finance them up to £200. I also attend many of their meetings. I know that they go thoroughly into the cases that come before them, and would, if they conscientiously could, recommend Cunningham's liberation. Because the board has not liberated Cunningham he has made charges against individual members of it. A grave risk would be taken if Cunningham were liberated. I fail to see how any better evidence could be obtained than has already been placed before the Royal Commission and before the board. How could any man get any better evidence than that? The board is in touch with the doctors, the attendants and the patients every day throughout the year. The Leader of the Opposition mentioned that several men had been discharged from the institution. That is so, and some of them have gone into business or are working. Others, however, have had to return to the institution.

Mr. J. Thomson: They are going back.

Mr. MANN: When these people are up against the fight for existence they are not able to successfully continue the battle.

Hon. P. Collier: I should like to be assured that a number of inmates who have been released as cured, have gone back again. I have not heard of them, but I know of eight people who have not gone back.

Mr. MANN: People who have been liberated as cured have had to go back.

Hon. P. Collier: Patients are continually being let out on trial.

Mr. Wilson: I know of a soldier who gets out every year.

Mr. MANN: I feel that the wife and daughters in this case should be considered.

Hon. P. Collier: They are not in the issue. The hon. member assumes that the result of the inquiry will be the release of Cunningham whether he is sane or not. We must assume he will not be released if he is proved to be insane, and therefore the wife and daughters will be protected.

Mr. MANN: They should be protected.

Hon. P. Collier: They are.

Mr. MANN: Especially if there is a chance of their lives being forfeited.

Mr. Lambert: Is the hon. member in order in assuming that as a result of the inquiry Cunningham will be released? This is merely a motion for the inquiry.

The DEPUTY SPEAKER: That is not a point of order.

Mr. MANN: I am opposed to the motion.

Mr. LAMBERT (Coolgardie) [12.25]: It is regrettable that the member for Perth (Mr. Mann) should have strayed so far from the motion.

The Premier: It is a question of an inquiry into whether this man should be released.

Mr. LAMBERT: It is a case of an impartial inquiry being held.

Mr. J. Thomson: By whom?

Mr. LAMBERT: The Government can determine who shall be entrusted with the work. It is entirely foreign to the question to suggest that Cunningham will be released as a result of the inquiry. The point is whether there is sufficient doubt in the minds of members that this man may be sufficiently sane to be released to warrant them in passing the motion? If we put aside much of the correspondence, which would lead to one conclusion only, and admit that in other cases mistakes have been made, we may then feel that in this case Cunningham may be detained when he should be released. The member for Perth said that the Royal Commission had inquired into Cunningham's case, but they did not inquire into specific cases. They merely inquired into the general administration and conduct of the hospital.

Mr. Mann: Cunningham put his case before the Commission.

Mr. LAMBERT: It was outside the scope of the inquiry. No matter how sane Cunningham may have been the scope of the inquiry did not permit of a report on his sanity.

Mr. Mann: Have you consulted the member for North-East Fremantle?

Mr. LAMBERT: The scope of the inquiry is definite and they could not go outside it.

Mr. J. Thomson: I know a lot about Cunningham.

Mr. LAMBERT: And I have a clear opinion as to the sanity of some members of Parliament.

Mr. J. Thomson: My opinion is based on the judgment of the doctors.

Mr. LAMBERT: I could get doctors to verify my doubts as to the mental stability and sanity of a lot of people, but would that justify me in assuming that the individuals concerned were insane? Can it be said on the evidence we have that Cunningham should remain in the institution?

Mr. J. Thomson: I can say that. I had a letter from him to-day.

Mr. LAMBERT: It is an unfortunate case. The Premier will admit that, if there is a lingering doubt in the minds of members con-

cerning it, it should be dispelled. If we believed all we were told, there would not be any doubt in our minds in dealing with a matter like this. However, we should judge this individual as we should expect one man to judge another. We should not go on hearsay.

Mr. J. Thomson: I should like to know what the member for Kanowna thinks.

Mr. LAMBERT: With his great knowledge of mental diseases, he would no doubt adopt a charitable attitude. If there is a lingering doubt as to the sanity of this man, it would not be a charitable thing to deprive him of an opportunity to prove his mental state.

Mr. J. Thomson: Have you seen him?

Mr. LAMBERT: I do not want to see him. I do not want to judge from his appearance, or to judge him by his alleged correspondence. In common justice to a man who, with others, believes he is sane, the motion should be agreed to. I counsel hon. members to take a charitable view of this matter, and to consider the terrible position of a man confined within the four walls of an asylum, deprived of an opportunity to prove his sanity. For the very little at stake by way of expenditure, there should be no question of depriving the man of the inquiry. For God's sake, let us hold the inquiry!

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	16

Majority against .. 1

AYES.

Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Corboy	Mr. Munslie
Mr. Gibson	Mr. Walker
Mr. Heron	Mr. Willcock
Mr. Hughes	Mr. Wilson
Mr. Lambert	Mr. Carter
Mr. Lutey	(Teller.)

NOES.

Mr. Denton	Mr. Richardson
Mr. Durack	Mr. Sampson
Mr. George	Mr. J. H. Smith
Mr. Harrison	Mr. Teesdale
Mr. H. K. Maley	Mr. J. Thomson
Mr. Mann	Mr. Underwood
Sir James Mitchell	Mr. Mullany
Mr. Money	(Teller.)
Mr. Piessie	

Question thus negatived.

BILL—THE WEST AUSTRALIAN TRUSTEE, EXECUTOR AND AGENCY COMPANY, LIMITED, ACT AMENDMENT (PRIVATE).

Council's Message.

Message from the Council received and read notifying that it had agreed to the amendment made by the Assembly.

MOTION—MINING LEASES, MONOPOLY.

Mr. CHESSON (Cue) [12.50]: I move—

That in the opinion of this House the granting of a monopoly of the abandoned gold-mining leases is not in the best interests of this State, and should not be completed.

My object in moving the motion is to secure an expression of opinion from this House. Every mining man with whom I have come in contact, apart from company promoters, is opposed to the suggested monopoly.

The Premier: There is no intention of granting a monopoly.

Mr. CHESSON: This has been approved by the Minister for Mines, and will be given effect to as soon as the promotion of a company is complete. The question has been thoroughly investigated by the Mines Department, and on the 27th November, 1922, the Minister approved of the proposal. We know that under Section 276 of the Mining Act the Minister can grant a monopoly of this description over a prescribed area. If this monopoly is granted, it will be the end of prospecting in Western Australia.

Mr. Lutey drew attention to the state of the House.

[Bells run, and a quorum formed.]

Mr. CHESSON: The proposal is to cut up the auriferous belt into 33 squares comprised within parallels of latitude and longitude. That means the squares will be 63 miles long and 63 miles broad, and each square will include 3,869 square miles. The greatest number of men the company could be asked to employ on one of these squares is 18—three parties of six each. The monopoly it is proposed to give will extend over a period of five years, and the Minister is to have the power at the expiration of one year, if the promoters do not comply with the conditions of the contract, to cancel the monopoly. From past experience however, we know that unless a strong case is put forward, Ministers do not take a hand in the matter. We know what has happened in connection with the oil leases. The Minister also has the power to prevent a sale. Again, we know in connection with the oil areas that a clause was inserted, and that in spite of it big sales have taken place. Precisely the same thing can happen in this case. Everything that has been discovered in Western Australia has been the result of the work of prospectors. Company promoters never do anything in the nature of prospecting. They merely take sampling options and after working a lease for a while, if it develops well, they will take over the proposition. If we are going to give a big tract of country as it is proposed to do in this case, one man will be able to retain possession of 33 squares, and in that way have control of the whole of the auriferous belt of the State, with the exception of the North-West which has been exempted. If we are going to give a monopoly to one company it will mean that the pros-

pectors will be driven out of Western Australia altogether. The companies are not likely to employ the prospectors.

The Premier: Are there many?

Mr. CHESSON: I know of 109 in my district who are prospecting without a title. They are prospecting by virtue of the miners' rights they possess, and their work is being carried out on abandoned holdings. The square in the Cue electorate runs from Lenonville almost to Nannine. If it is proposed to grant this square to a company, it will mean that all the prospectors there now will have to leave the place. They would not even be allowed to carry on dry blowing. My object in bringing forward the motion is to get an expression of opinion from the mining members in the Chamber, who I am sure do not wish to see the prospectors driven out. The proposed monopoly will have the effect of retarding prospecting and if anything like that happens it will certainly not be to the advantage of the State. Every member is prepared to assist and to encourage these men who have done so much for Western Australia. All the goldfields' representatives are against this monopoly. We know what great powers are vested in the Minister under the Mining Act. I trust that we can get such an expression of opinion from the House as to prevent a monopoly being granted.

The Premier: If I were you I would say that no man has the right to do anything.

Mr. CHESSON: Under existing conditions any man can take up an abandoned holding so long as he complies with the labour covenants. A monopoly such as is suggested will give the individual who secures it, the chance of hawking round the various leases. If it is desired to assist the mining industry, the abandoned leases should be handed over to pioneers to work and not company promoters. These people have been the means of retarding mining development, men of the stamp of De Bernales, Shallcross and others. I trust the Government will not do anything that will have the effect of locking up an enormous territory. I have received protests from every portion of my electorate and the file contains protests from all parts of the goldfields. I leave the matter to the decision of the House, satisfied that members will not countenance the granting of any such monopoly.

[The Speaker resumed the Chair.]

The PREMIER (Hon. Sir James Mitchell—Northam) [1.3]: It is easy to agree with the motion because it says, in effect, that no monopoly should be granted over the whole of the abandoned gold mining leases in the State. I told the member for Cue (Mr. Chesson) the Government did not intend to do anything in the matter of the proposal. I heard of it only a little time ago and the hon. member will recollect my telling him after the Minister went away that nothing would be done.

Mr. McCallum: By the way, what has become of the Minister? Is he attending any bowling conference?

Hon. P. Collier: He must be on long service leave.

The PREMIER: I wish the hon. member would get lost.

Mr. McCallum: I have no doubt about that.

The PREMIER: The Minister had no intention of granting this request without consulting the representatives of mining constituencies. Those members have come together and are taking a keen interest in the development of our mining fields. I hope their coming together will prove very useful to the industry. It is the first time since I have been in the House that they have come together in that way, and I am sure they will endeavour to do good work for the State.

Mr. Marshall: I do not know what you would do without us.

The PREMIER: I hope their conferences will lead to considerable development. There is too little development going on. The leases referred to are those that have not been worked for two years.

Mr. Chesson: They have been worked, and are being worked now, under miners' rights. They have not been taken up.

The PREMIER: I have not seen the file. A couple of months ago I travelled from Leonora to Wiluna with the Leader of the Opposition and we saw miles and miles of workings but, except here and there where we came across a little show, we saw not a soul. Yet the whole line of our journey was marked by machinery, batteries and all sorts of mining gear lying idle in the bush. It struck me that if we could get someone to take up part of the mining areas and develop them, the State would derive great benefit. We were told all the mines were good, but because of bad management had been abandoned; with good management all would be well.

Mr. Heron: And also because of high costs.

The PREMIER: I agree that no one man should have a lease of the whole country. The hon. member said it was intended to lease very large areas. He did not say the proposal was to take over some of the old abandoned mines, which altogether would not cover very much country.

Mr. Chesson: They cover the whole of my electorate.

The PREMIER: Then it is wonderful that the whole of the electors there have not fallen down the shafts. The Minister said there was no intention of going on with the proposal, and I do not think negotiations had proceeded very far. He asked me to inform the House that he would not go on with the proposal without consulting mining members. We ought not to prevent capital from working in the State. We should encourage it. We went to St. Ives some time ago and saw a good many people working, but there seemed to be too many shows for the capital. Had there been more capital and fewer shows, we might have got something good. I noticed in the Press that a man had found a 16oz. nugget at Kalgoorlie.

Mr. Heron: A very nice Christmas box.

The PREMIER: I hope more will be found. We can well agree to the motion because it does not mean any more than that no one man shall have the whole of the lands. I hope the House will not do anything to deter the development and manning of some of the old mines. At Coolgardie we saw some, and I do not consider that a certain man there was committing a crime when he collected some of the machinery, put in his own money, and endeavoured to work a mine once more. I thought he should be applauded.

Mr. Lambert: He could not do that if this monopoly were granted. It would stop individual effort.

The PREMIER: I do not think so. I hope the Minister will not be expected to prevent any man that has a little money from putting it into mining. Such a man ought to be encouraged.

Mr. Chesson: We do not object to that.

The PREMIER: It is extraordinary that members should object to the encouragement of capital, the very thing that we want in this State, and we should not do anything to deter expenditure on development work. I saw some of the old prospectors at Wiluna, and delightful old chaps they were, picking up stone around abandoned shafts and getting a little gold. One man had crushed 10 tons during the current year and was apparently doing very well on it. The motion refers to a monopoly over the whole of the land of the State, and members can be sure that no one will get more than he can work. The member for Brownhill-Ivanhoe (Mr. Lutey) seems anxious to speak, and when he does I hope he will tell us a good deal about St. Ives. I think he has a bit of a monopoly out there.

Mr. Lutey: No, I did my brass out there.

The PREMIER: He had a fair bit of land, and it seemed that if he had had £100,000, he would have made a good thing out of the lease. The House will be safe in carrying the motion, because no one will be granted a monopoly over the whole of our lands.

Mr. MULLANY (Menzies) [1.12]: I support the motion because a proposition to grant any individual or company a right to hold up all the abandoned leases in the State for any term would be detrimental to the industry. I agree with the Premier in his desire to influence people to invest their capital in mining. The proposition of abandoned leases appeals to me somewhat. There are many abandoned leases that have got beyond the capabilities of the average prospector and the only possible chance of getting them worked again would be for outside capital to take them in hand. This is a proposition to give an individual or company the right to hold up all the abandoned leases in the State for five years. The intention was to mark off the State in 30 sections and the individual or company would have the right to hold them up for five years. There are many abandoned leases that might well be investigated with a view to a revival of the mining

industry. But I do not think this proposition would have that effect. I desire to quote from "Hansard" a few extracts from a speech I made as far back as 1912, when I was seeking to direct attention to many leases which, having been worked and having produced a considerable amount of gold at a good profit, were at that time abandoned. I dealt mainly with leases and mines in my own electorate. I said—

I have a few figures relating to the gold production of some of the mines immediately north of Kalgoorlie, most of them being situated in the Menzies electorate. The Paddington Consols, 30 miles north of Kalgoorlie, has crushed 133,000 tons of ore for 60,000 fine ounces. The mine is now abandoned, and the greatest depth reached on this mine was 600 feet. A little further on, at Bardoc, there is the Zoroastrian. This mine treated 70,393 tons for 49,494 fine ounces of gold, but is also abandoned, and the greatest depth reached is something over 400 feet. There is also the Golden Pole at Davyhurst. The member for Pingelly was at one time managing this mine, and I know he has stated, and, I believe, correctly, that it paid over 400 per cent. upon the capital that was put into it. It has crushed 74,500 tons for 71,961 ounces. It is also abandoned at a depth of about 700 feet vertical. The Westralia Waihi at Davyhurst has crushed 46,279 tons for 19,700 ounces. This also is practically abandoned at a depth of 600 feet. I think I am correct in saying that there is no producing mine in Australia to-day, payable at a depth of 1,000 feet or over, that has been continuously payable from the surface down to a depth of 1,000 feet. In almost every instance in gold-mining in Australia poor zones have been met with at different levels, but the mines payable below that depth have kept on with their development work and have gone through the poor zones to get payable values at greater depths. Yet we find these mines, which took a great amount of money out of the districts I have referred to, did not give the propositions a fair mining chance; and now the State is in the position that it has spent a great amount of money in providing water services, railway communication, public offices, and all the different conveniences the State provides to try to assist these people to carry on the industry; but I claim the companies have not, and the figures I have quoted support me in claiming that they have not, given the State a fair go in the mining industry at any rate of Western Australia. Another instance, and one of the most glaring of the lot, is the Queensland Menzies at Menzies. The mine has crushed 50,321 tons for 76,928 ounces, but is also abandoned at a depth of 600 feet. I have here a clipping from a report of the inspector of mines for this district which bears upon this matter. It reads: "The Queensland Menzies mine has done very little

work during the year. This is a remarkable mine, after having paid between £80,000 and £100,000 in dividends, that it should be to-day lying almost idle. The shoot of values which paid these large dividends pitched diagonally through the entire lease, and was mined to within 10 feet of the boundary, where displacement occurred, the boundary being so near to the Nada lease, belonging to another company, that they stopped further prospecting for this splendid ore shoot. It is the opinion of several competent miners that this shoot could be again located."

While I am opposed to the proposition to grant the whole of the abandoned leases to any one company, yet I hold that if a company, or an individual, comes along showing a genuine desire to exploit our abandoned leases, attention might well be devoted to the offer. I would welcome the advent to this State of such a company or such an individual. In such a case I would not care if 20 or 30 or 40 abandoned leases were reserved. The proposal at which this motion is aimed is, however, an utter absurdity. We know that 95 per cent. of the country between Kalgoorlie and Menzies and Laverton has been held under mining lease at one time or other. Why should one company ask to have all that area reserved for them? In my opinion, the proposition is purely a promoting proposition, to be taken to London for the purpose of obtaining capital.

Mr. SPEAKER: The motion does not deal with any question of capital.

Mr. MULLANY: I oppose the proposition irrespective of the question of capital.

Hon. P. Collier: The company might work the leases as Bernaldes works his leases, without any capital.

Mr. MULLANY: This is not a genuine proposition at all. The only object of those putting it forward is to be able to go to London and say, "We have the best mining areas in Western Australia reserved for us." Thus they hope to induce people to put money into the proposition. I support the motion.

Mr. J. H. SMITH: I move—

That the House do now divide.

Motion put and negatived.

Mr. LUTEY (Brownhill-Ivanhoe) [1.28]: It is just as well that that motion has been negatived, if there is not to be a brawl here.

Mr. SPEAKER: Order! The hon. member must not threaten the House with a brawl.

Mr. LUTEY: At no period have I ever taken up much of the time of the House. Even to-day this Chamber spent a considerable time over the question of a Royal Commission for a person incarcerated in a lunatic asylum. On this question, however, there seems to be an intense desire to burke discussion. Yet it is the most important question that has come before the mining community for years.

Mr. SPEAKER: The Premier has agreed to the motion.

Mr. LUTEY: The Premier has said that the Government have had no intention of granting the proposed lease without consulting mining members. That may be all right. I resent any suggestion that the time that the House may devote, even at this late hour, to the present question is time wasted.

Hon. P. Collier: The House has been spending six months on farmers' business, and now we are not allowed six minutes to discuss a mining question.

Mr. Wilson called attention to the state of the House.

Bells rung, and a quorum formed.

Mr. LUTEY: Up to within a day or two, it may have been news to the Premier that there was an intention to grant this monopoly to a private syndicate, and without mining members being consulted. We have heard practically nothing of it. Yet the files show that the Minister for Mines has already agreed to this iniquitous proposal to hand over the abandoned mining leases. The Premier probably has had his eyes opened during the last few days. The member for Cue (Mr. Chesson) has exhaustively pointed out what the proposal means to the goldfields. The Premier asked why we should not encourage capital being put into these ventures. The member for Menzies (Mr. Mullany) and others are even now resurrecting an old lease in the Menzies electorate. They are the class of investors we should encourage, but if this proposal were accepted that little syndicate at Menzies would be cut out altogether. Even the member for Collie (Mr. Wilson), with all his Scotch caution, is in that syndicate, so it must be a pretty good proposition. Not until quite recently did the Premier realise the enormity of this proposal to hand over the abandoned leases. All the people of the goldfields are up in arms against it. Any day the 109 prospectors out in the Cue district might strike something that would employ hundreds of men.

Mr. SPEAKER: The hon. member is not keeping very close to the motion.

Mr. LUTEY: I am right on it. This Stevenson—

Mr. SPEAKER: Mr. Stevenson does not come into the motion.

Mr. LUTEY: The monopoly to Stevenson has been approved of by the Minister for Mines. This Stevenson, this carpet-bagger, would prevail on the Minister to give him the monopoly. Now that the proposal has been ventilated I trust it will be turned down with a thud. Still, it is as well to realise the power the Minister has, and the position into which he was about to put us. If Stevenson had been able to finance the show, it would have been a poor look out for the prospectors.

Mr. SPEAKER: Nothing of this is in the motion. The hon. member must discuss the motion.

Mr. LUTEY: I am showing why the monopoly should not be granted. The Premier went to Wiluna. There are wonderful prospects in Wiluna. On one lease where boring is proceeding, a company is prepared to spend £30,000.

Mr. SPEAKER: Has the motion anything to do with that?

Mr. LUTEY: Yes, for Wiluna is part of the monopoly proposed to be granted.

Mr. SPEAKER: The hon. member cannot suggest that a lease being bored upon is abandoned.

Mr. LUTEY: But there are abandoned leases on the same line of lode, and if the monopoly were granted the monopolist would have control over those leases, and prospectors would have no chance of working on them. Take the abandoned lease, the old "Maggie," at Bulong. When that lease was abandoned the lode was still rich. Suppose the monopolists were prepared to work that show. They could put their 18 men on to the one mine, and so hold up all abandoned leases for hundreds of square miles around. It is the most atrocious scheme ever suggested in respect of mining in this State, and I am glad the Premier approves of the motion before us.

Question put and passed.

Sitting suspended from 1.15 a.m. to 3.30 a.m.

BILL—LAND TAX AND INCOME TAX.

Council's further Message.

Message from the Council received and read notifying the Assembly that it no longer pressed its requested amendments.

BILLS (3)—RETURNED.

- 1, Public Service Appeal Board Act Amendment.
 - 2, Women's Legal Status.
 - 3, Appropriation.
- Without amendment.

ADJOURNMENT—CLOSE OF SESSION.

Complimentary Remarks.

The PREMIER (Hon. Sir James Mitchell—Northam) [3.22]: I move—

That the House at its rising adjourn until Thursday, 27th December.

Before the House adjourns I should like to thank you, Mr. Speaker, and the staff, for the unfailing courtesy and kindness accorded to us during the life of this Parliament. It is the last sitting of this Parliament. I should also like to thank members for their courtesy towards me during the last three years that I have occupied this position. We have been fortunate in many respects. We have done our best for the country so far as our ability has enabled us to do it. There has been very little ill feeling shown towards the Government at any time. It has been

a pleasure to work in this Parliament. I thank members who have supported me during this time. There are some people who think the Opposition might have shown us a little too much consideration, but I know they have only supported measures that have been for the good of the people and the country. Some members have probably had a little more than ordinary feelings of friendship for me, but at the bottom of it all they have only supported those measures they have felt it right to support. We know that you, Sir, have the good will of all members, and during the time you have occupied the Chair we have all learned to respect you as Speaker.

Mr. Marshall: I do not know about that. He kicked me out one night.

The PREMIER: I wish you, Mr. Speaker, and the whole House a merry Christmas and a happy New Year, and I hope you will be spared to occupy your position for many years. On behalf of the House I wish you all the good things that life can bring you.

Hon. P. COLLIER (Boulder) [3.25]: I join with the Premier in expressing my thanks to you, Mr. Speaker, for the kindly consideration you have extended to me and all members of the House during the life of the present Parliament. I should also like to express the same sentiment regarding the Chairman of Committees and the Deputy Chairmen, whose unfailing kindness and courtesy have been of great assistance to members. To the Clerk, the Clerk Assistant, the messengers and officers of the House we are one and all greatly indebted. I do not know how we should get along very often were it not for the assistance that has at all times been rendered by them, and for the great courtesy they have shown towards us. To the "Hansard" staff we are more particularly indebted. I do not know what the electors would think of us on many occasions if the "Hansard" staff did not come to our assistance.—

Mr. Richardson: Make our speeches for us.

Hon. P. COLLIER:—in the production of "Hansard." When I have looked through the copy as it has come out on Tuesday, I have felt very grateful for the manner in which it has been—

Mr. Richardson: Sub-edited.

Hon. P. COLLIER: Presented for the benefit of the public. This is the end of a perfect day.

Mr. Richardson: We hope not.

Hon. P. COLLIER: It is the end of a perfect Parliament. In one respect it has been a most perfect Parliament. There has been very little in the way of acrimonious debate, less than in any Parliament I have been associated with for the past 18 years. We have been able to conduct our discussions in a friendly way, free, so far as it is given to us to be free, when we are contending strongly from opposite views, of any personalities. I believe this Parliament has set an example in that respect. I remember in the old days the bitterness that was some-

times imported into the debates in this House. Whilst the discussions have been carried on a fairly friendly manner we can all say that no member has sacrificed anything in the way in which he presented his case. We have learnt—at least I have as I have grown older in this House—that we can present our case and fight strenuously, argument upon argument, without finding it necessary to be unduly offensive or aggressive. This Parliament has done fairly well in that respect. I regret, or, at least, I would do so were it not that we are sitting in opposition, that Parliament terminates so shortly.

The Premier: It is better than not sitting at all!

Hon. P. COLLIER: One could hardly expect the Opposition to regret the approach of the elections because it may bring changes with it. We have to go before our masters, and, on behalf of the Opposition, I wish members sitting on the Government side of the House as good luck as one political opponent may wish another. I hope I am not misunderstood.

Mr. Piessé: Your wish is reciprocated.

Hon. P. COLLIER: During the years I have been in Parliament, I have formed friendships apart from political associations and it has always been a matter of regret that elections from time to time have had the effect of severing those friendships in this Chamber. Each Parliament brings with it the voluntary retirement of members. I regret the retirement of several who have served in this and previous Parliaments. The member for Kimberley (Mr. Durack), with whom we do not see eye to eye on some matters, particularly regarding State trading concerns, is a gentleman we have learned to like and respect. I am sorry that he is retiring from public life, but I am sure he will continue to take an active interest in the affairs of State. The member for Beverley (Hon. F. T. Brown) has also indicated his intention of not seeking re-election. He, too, has earned our respect, and the next Parliament will be the poorer because of his absence. We shall all pass through a strenuous time shortly, but I hope the conduct of the elections will be such as to enable us to meet again without having engendered any undue amount of ill-feeling.

Mr. JOHNSTON (Williams-Narrogin) [3.33]: On behalf of the Country Party, I wish to join with those who have extended to you, Mr. Speaker, to the officials of the House, and particularly to the "Hansard" staff, complimentary references regarding the work of the session. While those who remain in the Country Party are few in numbers, we wish to specially express our appreciation of the "Hansard" staff because it is felt that we have done our fair share, in proportion to our numbers, in keeping that staff busily engaged. We wish to thank them for their valuable assistance. It is true that we have had changes lately in our ranks. If any of the gentlemen with whom we have been

associated for so long should fall by the way, I can assure them that in their period of rest and leisure they will always have our best wishes for a peaceful, happy, quiet time—

Hon. P. Collier: Down on the farm.

Mr. JOHNSTON: And long life to enjoy it.

The MINISTER FOR AGRICULTURE: (Hon. H. K. Maley—Greenough) [3.35]: On behalf of the great majority of the Country Party members—

Capt. Carter: The Majority Country Party.

Member: The dinkum party!

The MINISTER FOR AGRICULTURE: —I do not quite know why, at this particular stage, such an incident as we have just witnessed should have occurred. We are approaching a season of goodwill and I do not know why I should have been forestalled by the member for Williams-Narrogin (Mr. Johnston) in the exercise of the privilege I have enjoyed. However, it does not affect me in the slightest degree, for, on behalf of the Country Party itself, I can offer to you, Mr. Speaker, and to the staff of Parliament, our best thanks for the many acts of courtesy and kindness extended to us during the session. I sincerely hope we will meet again to share in those courtesies. We are about to embark on the deep and troubled waters of a political campaign.

Hon. P. Collier: On an unknown voyage.

Mr. Lambert: Through uncharted seas.

Capt. Carter: And the River Styx for some of us!

The MINISTER FOR AGRICULTURE: During the seven years I have been in Parliament, I have formed many strong friendships that will continue. I join with the Leader of the Opposition in the hope that we can pass through the political campaign, strenuously fighting for the respective policies we stand for, with the least possible friction. I recognise that, once one enters the ring with the gloves off, it is a case of "go for your life," but I believe we can appreciate one another's good qualities, or lack of them, and bear with each other in a spirit of toleration. We are approaching the season of "Peace on earth and goodwill to-

wards all men" and I can join in the heartiest expressions of goodwill to you, Mr. Speaker, to every member of the House, and to the staff, with every wish for a happy Christmas and a bright and prosperous New Year.

Mr. SPEAKER [3.39]: I thank hon. members for the expressions of kindness and goodwill to myself, to the Chairman of Committees, to the temporary Chairmen of Committees, to the Clerk and Clerk Assistant to the "Hansard" staff, and to the staff generally. It is indeed pleasing at the close of a strenuous session to feel that those who have been associated with me—perhaps I may have appeared at times, in my position as Speaker, to have been severe—enjoy the respect of hon. members. I have done only what I have felt to be my duty when I have extended all the assistance possible to hon. members. I am grateful to the Chairman of Committees, the temporary Chairmen of Committees, the Clerks, the "Hansard" staff and all others connected with Parliament for the generous support, assistance and courtesy they have extended to me at all times in helping me to carry out the duties attached to my office. If I had not their assistance, I could not have carried out the work I am called upon to do. Although we are parting now, I hope that, at a later date, we will be together again, after facing the electors. If the people realise our value, they will send us back to undertake another three years of hard and laborious work. If those who aspire to political honours knew what we have to contend with, they would stay at home.

Mr. Willcock: We don't want to go back to our homes.

Mr. SPEAKER: Perhaps they do not realise that, and ambition may carry them to the point of endeavouring to disturb us at the general election. I wish everyone a merry Christmas and a prosperous New Year, and success at the general elections to all parties without reservation. I shall be pleased to see all hon. members in their places after the election.

Question put and passed.

House adjourned at 3.43 a.m. (Friday).

Parliament was prorogued to the 29th January, 1924, by proclamation published in the *Government Gazette* on 21st December, 1923. By further proclamation published in the *Government Gazette* on the 28th January, 1924, the Legislative Assembly was dissolved as from and after the 28th January, 1924.
