

Legislative Council,

Thursday, 11th July, 1895.

Leave of absence to member—Fremantle Harbor Works; sitting up of Rocky Bay—Government Railways; losses on—Post and Telegraph Office at Perth Railway Station—Bankruptcy of member—Federal Council Referring Bill; second reading—Export Duties Repeal Bill; second reading; committee—Naval and Military Uniforms Bill; second reading; committee—Excess Bill, 1894; second reading; committee—Standard Time Bill; second reading; committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock p.m.

LEAVE OF ABSENCE TO MEMBER.

THE HON. F. M. STONE moved, "That leave of absence for two weeks be granted to the Hon. H. J. Saunders."

Question put and passed.

FREMANTLE HARBOR WORKS—SILTING UP OF ROCKY BAY.

THE HON. F. M. STONE moved, "That in the opinion of this House, it is desirable that no more stones, sand, or rubbish be thrown into the river at Rocky Bay by the Government." He said: I feel sure that this motion will commend itself to the House. We have a splendid river, and I do not think we should allow it to be filled up as is now being done by the Government. The time will come when we shall have to dredge it out, and I do not think we should increase the work of the future by such actions as are now taking place. The channel at Rocky Bay is even now very narrow, and if the Government continue to throw stones and rubbish into it, as they are doing, boats will not be able to get to Fremantle. I am told that at present steamers have a difficulty in getting through, and hence we should not allow that part of the river to be further interfered with. I move the motion, feeling sure that it will meet with the approval of hon. members.

THE HON. F. T. CROWDER seconded the motion.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I hope the hon. gentleman will not press this motion, because he must be perfectly well aware that, in a work

of such magnitude as is going on at Fremantle, complicated machinery and plant are necessary in order that the work may be carried out economically. A great deal of time and expense were incurred in obtaining this plant, and only such was obtained as was necessary for carrying and dealing with the stone. It was considered that the sand could be placed where it has been without any objection being raised to it, and in fact it is only recently that any objection has been made. If this motion is agreed to, the works will probably have to be stopped until fresh machinery and trucks are obtained in order that the sand, as well as the stone, may be dealt with. I am informed that to every truck of stone four trucks of sand have to be moved. To do this would involve an enormous cost, and it would also complicate the carrying out of the work even if it did not stop it altogether. I cannot, I think, do better than read the remarks on the subject which have been put into my hand, and which come from the department which has the carrying out of the work. They are these:—

The Government have given this matter consideration, and have decided that to interfere with the present method of carrying out the quarry works would be a very serious matter, involving the expenditure of several thousand pounds, and probably adding £30,000 to the cost of the harbor works, and causing the entire suspension for a time of the construction of the ocean moles. The procuring of rolling stock and other appliances for the present process took a good deal of time, and it is surely not supposed that appliances designed for one purpose can probably be economically utilised in quite another way. The procuring of suitable trucks for the Kous Head Works (except a few which were imported from New Zealand) took more than a year, the ironwork having to be imported from Victoria and England. Further, the procuring of trucks suitable for raising banks in connection with the improvement of grades on the Eastern Railway, and without which the work could not have been done at all economically, also took more than a year, the ironwork having to be imported from England. These last mentioned trucks, with some slight additions, could be utilised for running sand from Rocky Bay when finished with on the Eastern Railway, and that will not be for some months yet, and, moreover, there are not enough of them for rapid working. If we ran down the sand now it would have to be run to waste on the north side of the river, where if we wait until the new bridge is finished it can be put into reclamation ground, though much more costly than it need be. The magnitude of the alteration can be understood when it is realised that the sand, if run into reclamation ground near East Fremantle, would cost at least 6d. per ton to get rid of in that way, whereas it is only costing 2d. now, and as we have to take out four tons of sand for every ton of stone, this means adding 1s. 4d. to each ton of stone and the quantity of tons of stone will be about 500,000. In addition to this, too, there is the fact that we would thus be spending an additional 4d. per ton to avoid tipping sand into the

river, whereas with pump dredges we could lift it out of the river again for probably 1d. per ton, and that would be most distinctly, in my opinion, the rational way of dealing with the matter, if the tipping into the river caused any serious inconvenience. As to what it would mean if we had to load into trucks and carry all the sand as we do the rock, there is the fact that we now load and carry say 1,200 tons of rock daily, and that in doing so we use five cranes, two locomotives, and 60 trucks, and if we have to deal similarly with the sand, to the extent of four times the quantity of rock, where is the equivalent crane power and rolling stock to come from, and how long will it take to get it? The moles at the present rate of progress would probably be finished before the necessary appliances could be obtained to carry out the work in a different way. The ultimate channel will be through the Spit on the south side of the River.

Hon. members will see from this that if the motion be carried it will involve a very large expense in connection with the harbor works, besides causing a very serious delay. I hope, therefore, the hon. member will not press his motion.

THE HON. S. H. PARKER: I have always observed, Sir, with regard to the Public Works Department, that if any proposal is made which does not originate there, or which runs counter to the ideas of the gentlemen connected with that department, they can always write a memorandum to show the fallacies of what ordinary people deem desirable, and to prove that some heavy cost will be entailed if the opinions of outside persons are carried into effect. It seems to me that this memorandum has been written with the idea of showing, or rather of attempting to prove, that the proposer of the resolution now before the House knows nothing about the subject. We are, however, all fully convinced of this: that although the department so ably presided over by my hon. friend, the Director of Public Works, is constructing the harbor works, it is, at the same time, silting up the river. It is all very well for the compiler of this memorandum to tell us that the sand can be taken out in the future at a cost of one penny per ton; but if once we allow the channel to be stopped it may be years before the obstruction will be removed. It seems to me, Sir, that, if we take this matter in hand and say positively that the Public Works Department shall not destroy the river, a means will be found of conveying the sand and rubbish now thrown in at Rocky Bay to some other spot and at no very great cost. The course being pursued seems to me to be outrageous, bearing in mind that the existing channel is very narrow. On some future occasion I hope to see the channel all the way up the Swan consider-

ably deepened. I have no desire to see the large ships coming to Perth; but I do wish to see the river navigable at all times for moderate-sized steamers. I look forward to the time when we shall have small passenger steamers plying between Perth and Fremantle, in the same way that we see them plying between Sydney and the North Head. But if we allow the Works Department to carry on as they are doing, and as they propose to continue doing, it will be impossible for any steamers to run. By their action they are not only destroying the river, but are depreciating the value of property all along the banks. It is all very well for the Department to say that attention has only recently been drawn to the matter, because in the earliest days of the harbor works attention was drawn to it. I myself brought the matter to the notice of the Department long ago; but it was said it was not intended to continue the practice, in other words, it was only a temporary expedient at the commencement of the work. I understand from this memorandum that the Works Department propose to still go on pitching sand and stone into the river, and that for every ton of stone used in the harbor works four tons of sand will go to silt up the channel. They also tell us that if we pass this resolution it will take twelve months before they can take this sand and rubbish somewhere else. All I can say is that the resources of the Public Works Department are so great that if we insist upon no more rubbish being put into the river, a means will be discovered of taking it somewhere else, and at no very great cost.

THE HON. R. W. HARDEY: I quite agree with what the Hon. Mr. Parker has said. If I remember rightly it was only last session that this matter was called attention to, but still the Department are evidently continuing to throw rubbish into the narrow channel there is now at Rocky Bay. I should have thought it would have been better if they had taken the rubbish and sand and have filled in the low-lying land opposite the East Fremantle Station, for this would be doing good instead of harm. As it is they have to put it into trucks, and they might just as well carry it to some place where it is wanted instead of throwing it into the river. In the future all this rubbish will have to be dredged out again. Not only are they stopping up the only deep channel there is, but as soon as the heavy floods come thousands of tons of this sand will

be washed out of Rocky Bay into the harbor they propose to clean out.

THE HON. D. K. CONGDON: It is my intention to support the motion of the Hon. Mr. Stone, because I can see no reason why the Department should not be able to throw the rubbish into some spot where it is wanted, just as well as to cast it in the river. It appears to me that the Works Department has in this case pursued only its usual course. When asked to do anything, the usual reply, if they do not want to do anything, is to say that it will cost £30,000. The same thing occurred over the Workshops' site. The Engineer-in-Chief examined the locality and was of opinion that the site was a good and suitable one. The next thing I heard about it, however, was that it would require the expenditure of £30,000 to make it suitable. Ordinary common sense ought to have shown that there was no reason whatever for such a statement. Here the same thing occurs. If hon. members will refer to the pamphlet which has been written by an agent who went to the other colonies to collect evidence in connection with the Workshops, they will see that everything goes to show that it is an acknowledged fact in the other colonies, that it is desirable that the Workshops should be placed at the terminus, and that the terminus should be at the Port. That being so, it would be easy, in this instance, with the rubbish they are now throwing into the river, to make a site for the Workshops at Rocky Bay.

Question put and passed.

Ordered—That the resolution be transmitted to the Legislative Assembly, and its concurrence desired.

LOSSES ON GOVERNMENT RAILWAYS.

THE HON. R. W. HARDEY moved, "That the following return be laid on the table of the House:—'A detailed account of the sums that have been paid, as compensation or otherwise, by the Commissioner of Railways, for losses, breakages, and miscarriages of goods on the Government Railways, from 1st July, 1893, to 30th June, 1895, and the respective names of persons to whom such payments have been made.'" He said: It will be remembered that I gave notice of my intention to move this resolution last session, and I did so with the idea of giving the Works Department ample time to get it ready. The return I called for last session took six weeks to sup-

ply, and then I only got a portion of it. The balance I have not seen even up to now. The return I ask for is an important one, for we hear very strange reports of miscarriages of goods upon the railways. We hear of carcasses being taken hundreds of miles out of their course in the summer time; we hear of truck loads of timber being lost for goodness knows how long, and some of it has not been found, I believe, to this day. Under these circumstances, I think it quite as well that the country should have a chance of knowing exactly what is going on, and therefore I hope hon. members will agree to the motion.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I am exceedingly sorry that the hon. member has had so much trouble over these returns, but I will do my best to get what he requires as soon as possible.

Motion put and passed.

POST AND TELEGRAPH OFFICE AT PERTH STATION.

THE HON. R. W. HARDEY moved, "That in the opinion of this House it is necessary that the Post and Telegraph Office at the Perth Railway Station should be erected at once." He said: This is also a matter I brought forward at the last session. The then Colonial Secretary promised that we should have the necessary accommodation at Perth Station for a telegraph office, and even went further, and said that we should have a post office as well. Being interested in this matter I saw the Postmaster-General, and he told me that the plans had been submitted to him for approval months ago, but that nothing had since been done. I cannot understand the reason for this. At Fremantle, they have opened a post and telegraph office, yet at Perth, where one is far more needed, nothing has been done. I now move the resolution.

Question put and passed.

BANKRUPTCY OF MEMBER.

Adjourned debate on the motion of the Hon. F. M. Stone—

That Thomas Harry Marshall having become disqualified as a Member of the Legislative Council, his seat, in accordance with the provisions of Section twenty-nine of "The Constitution Act, 1889," has become vacant, and that the President do issue a writ for the election of a Member for the West Electoral Province.

THE HON. J. W. HACKETT: I believe I have exhausted my right of speaking to this

motion, and any remarks I now make can only be by leave of the House.

THE PRESIDENT (Hon. Sir George Shenton): Yes, that is so.

Question, that the indulgence of the House be extended to the hon. member, put and passed.

THE HON. J. W. HACKETT: In moving the adjournment of the debate at our last sitting, I did so in consideration of the responsibility which attaches to the House in coming to a decision upon this subject. As I said yesterday, there is a large variety of interests gravely concerned in any decision that may be arrived at. In the first place there is the constituency which has a right to have, as I may express it, its representation unweakened and unclouded. If the gentleman nominally representing that very important province—the West Province—is unable to sit or vote in this House, without exposing himself to a penalty, it is right that this House should take the matter up in order to set the representative rights of that constituency straight. On the other hand we must remember that those gentlemen who elected Mr. Marshall to this House have a right to have the case fully considered before it is declared that their representative has forfeited his seat. We have also to consider the gentleman himself, whose action and seat are under debate, and who can also claim, before his seat is declared forfeited, that the matter should be gone into carefully, and solid legal grounds advanced why this motion should be agreed to. Further there is the House itself which is also entitled to claim that any gentleman who has forfeited his seat according to the Constitution Act, or any other of the Statutes of the Colony, should be removed from the House if he declines to remove himself, or takes no notice of the operation of the law. And lastly, of course, there are the rights of individual members, which to a certain extent are now at stake, inasmuch as any decision we come to to-day will create a precedent which, according to the rules of any Parliamentary body, must apply to their case should anything of the kind hereafter come up for consideration. I would remind the House, as a justification for my motion for the adjournment of the debate, that this is not a question for ordinary discretion or for ordinary debate. It is not a matter to be decided on its merits, or according to the discretion of hon. members as to

whether they approve or disapprove of this particular course of action. We are here in connection with an examination into the right of an hon. member to sit or retain his seat, and for that purpose we are a strictly judicial body. We have to consider our decision as a judge would consider his judgment in a court of law. That being so, we have to look at the matter pre-eminently from a legal point of view. It seems to me, taking into consideration the Constitution Act and its Amending Act, to which the Hon. Mr. Stone has referred, there can be no doubt that a *prima facie* case has been made out. It is declared by the Constitution Act that no person shall be qualified to be a member of the Legislative Council if he be an undischarged bankrupt or a debtor whose affairs are in course of liquidation or arrangement. Later on it says:—"If any member of the Legislative Council or Legislative Assembly, after his nomination or election . . . ceases to be qualified or becomes disqualified as aforesaid . . . his seat shall thereupon become vacant." The first section refers to the prior right of a gentleman to enter this House, and the second to the disqualification or disability, coming into effect after the gentleman becomes a member. If that be so, we have to look into this further point: Whether Mr. Marshall has become, in the words of the Constitution Act, an undischarged bankrupt, or is a debtor whose affairs are in course of liquidation or arrangement. Then if it be so, we have to look still further and enquire what legal communication has been laid before this House on the subject. Now, Sir, I am strongly of opinion that the best course for us to have adopted would have been to proceed by Select Committee—to have appointed a committee to get the necessary evidence as to Mr. Marshall's alleged forfeiture of his seat and to report to the House on evidence which would be correct and unimpeachable. The House would then have been placed in a position to discuss the matter, and to come to a decision which would be universally accepted. So far as he has gone, the hon. Mr. Stone's argument seems correct, but we cannot overlook the fact that by some strange oversight, an Act was passed in 1892 which materially affects the rights of members of both Houses. I refer to the Bankruptcy Act of that year, section 31 of which reads:—"If a member of the Legislative Council or a member of the Legislative Assembly is adjudged bankrupt, and the

disqualifications arising therefrom under this Act are not removed within six months from the date of the order, the Court shall, immediately after the expiration of that time, certify the same to the President or Speaker of the House of which the bankrupt is a member, and thereupon the seat of the member shall be vacant, and the like proceedings shall be taken under "The Constitution Act, 1889," for supplying such vacancy as in the case of a vacancy caused by death or resignation." Then higher up in section 32 it says:—"Section thirty-two of 'The Constitution Act 1889' shall be read and construed as if the disqualification imposed by this section was mentioned in that Act." Then, further, the disqualifications mentioned in Section 30, to which a bankrupt is subject, are to be removed and cease, if and when he obtains from the Court his discharge. It has been pointed out by many that these sections conflict with the Constitution Act. The Bankruptcy Act is later legislation than the Constitution Act, and if these Acts conflict, the question arises as to whether the latter is not over-riden or repealed, to the extent of these sections at least, by the former Act. It seems to me, after a full consideration of the matter, that the provisions of the Constitution Act and the Bankruptcy Act, are not so much in conflict as they are of a supplementary and alternative character. That is, if under the Constitution Act we find a member is bankrupt, we may declare his seat vacant; but should it so happen that this House were not in session, and no steps are taken by the bankrupt (and, of course, the House could not take any steps if it were not sitting), six months must pass under the Bankruptcy Act, at the expiration of which, the law says it shall become the duty of the proper officer of the Supreme Court to certify the fact of the bankruptcy to the President or Speaker of the House of which the bankrupt is a member, and that thereupon the seat of the member shall be vacant, and the like proceedings shall be taken under "The Constitution Act 1889," for supplying such vacancy as in the case of a vacancy caused by death or resignation. It seems to me that this is not so much subverting the Constitution Act as it is giving us additional security. I take it we can proceed under either. If we fail to proceed under the Constitution Act, the Constitution is not defeated, but on the proper official intimation of the bankruptcy being brought to your

notice, you, Sir, as President, can issue your writ for the election of a member to fill the vacancy, in the same way that you could if death or resignation had taken place. I am quite satisfied that the points brought out by the Hon. Mr. Stone, although he only dealt with the Constitution Acts, are sufficient; but still another point arises. Are we satisfied that Mr. Marshall—the Hon. T. H. Marshall, a member of this House—is a bankrupt? The only evidence we have on that point, it seems to me, is that contained in a document sent by the Registrar of the Supreme Court—Mr. F. A. Moseley. In connection with this, I would point out firstly, that if there is no statutory provision empowering the Registrar to take this course, I do not think we have any legal or proper intimation of Mr. Marshall's bankruptcy. If, however, the House decides that this notice is sufficient under the Constitution Act, and is willing to dispense with the securities and safeguards we ordinarily require in enquiring into the validity of the seat of a member, there is nothing more to be said. Even yet there is another point. I want to have this fact established: That the Hon. Thomas Harry Marshall, the junior representative for the West Province of this colony, is the same person as a gentleman who is called Thomas Harry Marshall, who was adjudged bankrupt on the 29th of April, and against whom an order of adjudication was made on the 24th of June. I want to be sure that this is one and the same person. We have nothing on the face of these documents, nor in the *Government Gazette* to show it. All the *Gazette* intimates is, that a gentleman named Thomas Harry Marshall has been adjudged a bankrupt under the Bankruptcy Act, and that a trustee was appointed on such and such a date, but the residence and style of this gentleman are not given.

THE PRESIDENT (Hon. Sir G. Sbrnton): The order of adjudication is on the previous page.

THE HON. J. W. HACKETT: I see it is, but the words used are almost exactly the same. They describe him as of Cue, Murchison goldfields, licensed victualler. Has this House anything to identify the Hon. T. Harry Marshall, a member for the West Province in this House, with the gentleman described in this notice? If we have not we should seek to get some identification, for it is far too serious a step to take, to declare a seat vacant, unless all the necessary legal steps are complied

with. If this order is considered sufficient (and I may say I do not know why it came from Mr. Moseley, how it reached this House, under what right he sent it, or why we should take notice of it) to indicate that the Hon. Mr. Marshall, a member of this House, has been adjudged bankrupt, and remains undischarged, which he must be, to bring him within the disqualification contained in the Constitution Act—about which not a syllable is said in the notice—there is no doubt but that we can proceed with the resolution, and declare the seat vacant. But failing all these points being made perfectly plain, I think hon. members should fully consider the matter before committing themselves, the House, and the rights of hon. members to anything which may appear to be in the smallest degree a hazardous proceeding. The only intimation we have that the Mr. Marshall who was adjudged bankrupt and the Hon. Thomas Harry Marshall, a member of this House, are one and the same person, is contained in a letter, from some private gentleman named Wainscot. He states that Thomas Harry Marshall, of Cue, licensed victualler, and a member of the Legislative Council, has been adjudged bankrupt. I cannot see that we have anything to do with Mr. Wainscot in this matter. At most, his letter is only a private communication, covering an official document. I desire only to point out these facts and lay these matters before the House.

THE HON. E. W. DAVIES: I would like to point out the fact that the West Province is now deprived of the services of one of its members, and in case of a matter of importance arising which concerns the Province, we lose a vote. As to whether the Thomas Harry Marshall who is a member of this House is the same person as the Thomas Harry Marshall who was adjudged bankrupt, I do not think there is the slightest doubt—at all events, there is not a doubt in the minds of Fremantle members. We have also the fact that he has written a letter to the Minister, and has sent a telegram to the President stating that he has written to the Minister, and unless hon. members want to deprive Fremantle of a representative, they will pass this motion. I have the assurance of Mr. Marshall that he intends to resign.

THE HON. J. W. HACKETT: He cannot resign if he has no seat.

THE HON. E. W. DAVIES: His seat is not yet declared vacant.

THE HON. J. W. HACKETT: He having become bankrupt, his seat is vacant.

THE HON. E. W. DAVIES: If hon. members want any evidence that the Mr. Marshall, a member of this House, and the Mr. Marshall who has been declared bankrupt is one and the same person I am prepared to give it. I certainly think the Hon. Mr. Hackett is right in telling this House to be cautious; but at the same time, by carrying this motion, we shall only be doing justice to Fremantle, for the sooner the seat is declared vacant and a writ issued for a new member the better.

THE HON. J. G. FOULKES: I have looked at the Bankruptcy Act, and also at the Constitution Act, and there can be no doubt but that there is a contradiction. Section 31 of the Bankruptcy Act seems to give an opportunity to a member who has become bankrupt to have the disqualification removed within six months. If he does that, it would appear that he is entitled to hold his seat; but by the Constitution Act the moment a member becomes bankrupt he loses his seat. Then the Bankruptcy Act refers to the Constitution Act, and says that certain sections of it are to be read and construed with those of the Bankruptcy Act. I am unable to give an opinion at this moment as to which Act should have most effect; but there is no doubt that the two Acts conflict. Perhaps the Hon. the Minister for Mines will inform us what are the opinions of the law officers of the Crown on the subject.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It seems to me from what I can gather that there are two ways in which a member can lose his seat, or bring himself into trouble in the House. In the first place, he can commit certain acts which will disqualify him under the Constitution Act and in the second place, he can continue to hold his seat, and subject himself to large fines. In the present case, it seems our primary consideration is to establish a vacancy, and show that we have one to deal with. Once we can prove a vacancy, the House can then deal with it under section 10 of the Amending Constitution Act. Now, is the hon. member referred to a bankrupt? There is no method of ascertaining that except under section 31 of the Bankruptcy Act, and there it is provided that if a member of the Legislative Council or a member of the Legislative Assembly is adjudged bankrupt, and the disqualifications arising therefrom under the

Act are not removed within six months from the date of the order, the Court shall, immediately after the expiration of that time certify the same to the President or Speaker of the House of which the bankrupt is a member. The time mentioned in this section has not expired; but we have had a notice. Whether the Court can send that notice before the expiration of the six months mentioned is a question more for the legal members of the House to give an opinion upon than for me to do so; but, to my mind, there does not seem to be anything in the Act to prevent the Court from sending the notice before the time. As I read it, the Court may send it before, but shall do so immediately after the expiration of the six months. Then clause 29 of the Constitution Act says:—"If any member of the Legislative Council or Legislative Assembly, after his nomination or election . . . ceases to be qualified or becomes disqualified as aforesaid . . . his seat shall thereupon become vacant." Now what does the "aforesaid" relate to? It is taken for granted that it relates to section 23, which says that no person shall be qualified to be a member of the Legislative Council or Legislative Assembly if he . . . be an undischarged bankrupt or a debtor whose affairs are in course of liquidation or arrangement. That, I take it, refers to when a man is putting up for election and not to when he has been elected. When Mr. Marshall was elected, none of the matters referred to in this section applied to him. If, however, this section does apply after election, then I should be inclined to think a vacancy is established. Whichever view we take, there is a great deal of uncertainty about it. Still, I think, once we can prove a vacancy has occurred, the matter is a very simple one to deal with. Sections 30 and 32 of the Constitution Act seem rather to apply to members who are exercising rights, claiming seats, or sitting without the right, and in consequence rendering themselves liable to a penalty, than to this question. What we have to decide is, has the Hon. Mr. Marshall become bankrupt, and does section 29 refer to section 23, in which it is said that a bankrupt is not qualified to be a member of the House. We might consider this matter, I think, in connection with the other disqualifications mentioned in Section 23. By that section a judge is disqualified, and so is a sheriff, and we may take it, therefore, that the section applies to a bankrupt,

who is placed in the same category, and then if section 29 applies, a vacancy has occurred, always provided that Mr. Marshall has legally been adjudged bankrupt. On that point we have the notice mentioned in section 31 of the Bankruptcy Act.

THE HON. J. G. FOULKES: That can only be given after six months.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Not necessarily. At any rate it is a moot point as to whether it can be given before or not. The section says the Court *shall* give the notice after six months; we may take it, I think, that it may be given before. Whatever we do, it must be admitted that we are trying to act fairly to the Hon. Mr. Marshall, and our only regret is that it has become necessary for us to consider the question at all.

THE HON. F. M. STONE: The Hon. Mr. Hackett raises the question that the Bankruptcy Act, and Constitution Acts, are in conflict. On referring to the Bankruptcy Act, it will be seen that a seat cannot be declared vacant until after the expiration of six months, but under the Constitution Act, we find it laid down, that if a person ceases to become qualified, or becomes disqualified, his seat becomes vacant. There is no doubt a conflict if the Bankruptcy Act overrides the Constitution Act; but I think I shall be able to show that it does not. Under the Constitution Act, it is clear, that what was intended was, that immediately a member became bankrupt, his seat should become vacant, and the Province should have an opportunity of electing someone in his place. I submit that the Bankruptcy Act, cannot in any way repeal or alter the Constitution Act. If we turn to section 73 we shall find it is provided as follows:—"It shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly, respectively." Thus the Constitution Act could only be altered as contended, and therefore section 29 of the Constitution Act, could not be altered or repealed by the Bankruptcy Act, although it is a later Act.

THE HON. J. W. HACKETT: Does that invalidate the Bankruptcy Act?

THE HON. F. M. STONE: Those sections only which refer to the Constitution Act. I say the sections in the Bankruptcy Act which deal with the Constitution Act are *ultra vires*.

THE HON. J. W. HACKETT: Read section 73 again. You will see it refers to the whole Bill.

THE HON. F. M. STONE: I am not prepared to argue that. I say these sections are *ultra vires*. The Amending Constitution Act, which was passed after the Bankruptcy Act, in section 10, shows how a vacancy is to be filled up when one occurs. It says:—"Whenever a vacancy, other than by effluxion of time as provided by section 8, occurs in the Legislative Council, from any cause, upon a resolution by the Council declaring such vacancy and the cause thereof, the President shall cause a writ to be issued for supplying such vacancy." The Hon. Mr. Hackett has argued that if the House were not sitting and the Court reported, a writ could issue. Here again is another conflict, for the Constitution Act provides that a writ can only be issued on a resolution of the House. This shows that when the Amending Constitution Act was passed it ignored the Bankruptcy Act altogether. The way that these clauses crept into the Bankruptcy Act was this:—Our Act is a copy of the English Act. The English Constitution, we know, is an unwritten one, and there were no means of getting rid of a member who was an undischarged bankrupt. When the Bankruptcy Act of 1883 was before Parliament, these clauses were inserted to get over the difficulty. In copying the English Bankruptcy Act we copied these clauses as well, although we had no occasion to do so, because we had already provided for such cases in the Constitution Act. It appears to me, therefore, that we are quite right in moving under the Constitution Act and in ignoring the Bankruptcy Act. The only question for us to consider is, is the seat vacant under section 29. On first looking into this matter, I thought that the course suggested by the Hon. Mr. Hackett was the proper one, viz: that we should refer the matter to a Select Committee to enquire whether Mr. Marshall was an undischarged bankrupt; but on finding that the fact has been officially reported to the President, and that there is a certificate of the bankruptcy, which could be

used in any court of law in the colony, it seems to me that we should be only wasting time to refer to a Select Committee a matter on which we have already direct evidence. Another question raised by the Hon. Mr. Hackett was whether the Thomas Harry Marshall who was adjudged bankrupt is one and the same person as the Hon. Thomas Harry Marshall, a member of this House. Of course if any hon. member has a doubt upon this point by all means let us refer it to a Select Committee; but I feel sure that no one has the slightest doubt about it. That being so, it seems to me that it will be waste of time to refer to a Select Committee to ascertain what we are already convinced of. Having arrived at this conclusion, I say that, under section 29, he has ceased to be qualified, because under section 23 no person is qualified to be a member if he be an undischarged bankrupt or a debtor whose affairs are in course of liquidation. If these sections cannot be read in this way, then the disqualification would not attach to any of the other provisions of section 23, and the seat of a member would not be vacated if, for instance, he were convicted of treason or felony. It seems to me section 29 must clearly apply to the disqualification referred to in section 23, and not only applies to a person about to be a member, but also to a person who, while being a member, becomes disqualified. If we get rid of that objection, nothing remains for us but to pass the resolution, and allow the President to act under section 10 of the Amending Constitution Act.

THE HON. S. J. HAYNES: I shall support the motion, for I am thoroughly convinced of the soundness of the Hon. Mr. Stone's argument. The only doubt I had was that raised by the Hon. Mr. Hackett, as to whether we had sufficient and proper evidence that the Thomas Harry Marshall who was adjudged bankrupt, and the Thomas Harry Marshall, a member of this House, are one and the same person. Morally we have no doubt, but there is nothing in the document before us to connect the two persons.

THE HON. E. W. DAVIES: Mr. Wainscot says the two persons are the same.

THE HON. S. J. HAYNES: I know that, but there is no connection between the letter and the document. I am of opinion that under section 29 Mr. Marshall as become disqualified and with respect to the Bankruptcy Act, although when I first looked into the matter I was under the impression we should have to

wait for six months, I now, after the Hon. Mr. Stone has referred to section 73 of the Constitution Act, am convinced that the sections of Bankruptcy Act which refer to the Constitution Act are *ultra vires*. Although the evidence of the identity of Mr. Marshall seems not altogether clear, still I think it is sufficient to satisfy ordinary business minds and to satisfy the House. I think, therefore, we might pass this resolution, especially as the longer the vacancy occurs the greater will be the injustice done to a very important constituency.

THE PRESIDENT (Hon. Sir G. Shenton): Before putting the question I should like to make a few remarks on the matter which is now under the consideration of the House. In the first place, there seems to be some difference of opinion as to whether the clauses of the Bankruptcy Act clash with those of the Constitution Act. I have looked into the matter, and have ascertained by reference to *May* the reason why the sections dealing with the ankrupcty of members were put into one Imperial Act from which our Act is copied. It was laid down in England, as a settled principle of Parliamentary law, that when once a member accepted a seat he could relinquish it. We all know that the Constitution of Great Britain is an unwritten one, and there being a difficulty in removing a member if he became bankrupt, the opportunity was taken, when the Bankruptcy Act of 1883 was before Parliament, to provide a means by which the seat of a member becoming bankrupt could be declared vacant. *May* says:—

“By the Bankruptcy Act, 1883, ss. 32, 33, if a member of the House of Commons is adjudged bankrupt, he is incapable of being elected to or of sitting or voting in the House, or on any Committee thereof, until the adjudication is annulled, or until he obtains from the Court his discharge, with a certificate to the effect that his bankruptcy was caused by misfortune, without any misconduct on his part. If the disqualifications imposed by the Act are not removed within six months of the date of the order, the Court is required to certify the bankruptcy to the Speaker; the seat of the member thereupon becomes vacant; and, if the House be then sitting, a new writ is issued; or if the Speaker receives the certificate during a parliamentary recess, he issues his warrant for a new writ to supply the vacancy which the bankruptcy has created. As no penalty attaches to a bankrupt for sitting and voting, and as no official notice of his bankruptcy is required to be given to the Speaker for six months, a bankrupt member may sit with impunity unless the House take notice that he is incapable of sitting and voting, and order him to withdraw.”

Here, of course, these provisions were already

in the Constitution Act. Section 23 of that Act provides that no person shall be qualified to be a member if he be an undischarged bankrupt or a debtor whose affairs are in course of liquidation. Then section 29 provides that if a member ceases to be qualified as “aforesaid,” (referring, as I take it, to section 23), his seat becomes vacant. Then if any objection arises as to the construction to be placed on section 37 of the Bankruptcy Act, I think it is removed by section 10 of the Amending Constitution Act, which is a later enactment than the Bankruptcy Act. In this section I think our procedure is clearly laid down, and in my opinion we have power to deal with this case. Certainly the question raised by the Hon. Mr. Hackett is an important one, viz., that the House should be certain that the member referred to is one and the same person as the gentleman who has been declared bankrupt. But it is for the House to decide whether it will appoint a Select Committee to take formal evidence, or whether it will be satisfied with the letter and documents, together with the *Government Gazette*, which have been forwarded to me by the Official Receiver. I may point out that in these documents the person alluded to is described as Thomas Harry Marshall, licensed victualler, of Cue, and not as the honorable Thomas Harry Marshall, a member of the Legislative Council. The matter is entirely one for the House to deal with. I might ask hon. members whether they would like to have a Select Committee appointed to take the formal evidence.

THE HON. J. W. HACKETT: If you are referring to me, I may say I am satisfied, but I think when we are about to take a judicial step we should proceed in a judicial manner. The evidence, such as we have, is of a fragmentary character and is purely circumstantial.

Question put and passed.

Seat declared vacant.

FEDERAL COUNCIL REFERRING BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I rise to move the second reading of this Bill. It is a very short one, and is brought in for the purpose of enabling several matters to be referred to the Federal Council to be dealt with. Before that body can act, a similar Bill to this must be passed by two Legislatures belonging to the Council. There

is a Standing committee of the Federal Council whose duty it is to prepare the Bills, and it is necessary that the two Legislatures I have referred to should pass this Bill, so that the work of drafting may be proceeded with in readiness for the next meeting of the Council. There is nothing of great moment in the Bill. One of the matters proposed to be referred to is that relating to the establishment of a federal quarantine. There is also the question of joint stock companies, and other matters on which it is desirable there should be uniformity of legislation throughout the colonies. I hope hon. members will see their way to support this Bill, so that the Federal Council may discuss these various matters at its next meeting.

THE HON. F. T. CROWDER: I beg to move as an amendment to strike out all the words after "That," and insert the following in lieu:—"This House deems it would be wanting in its duty to the constituents it represents, if it consents to any matters being referred for consideration and legislation by the Federal Council of Australasia until provision is made by Statute for the due and efficient representation of this House in the said Council." In moving this resolution I can assure hon. members that so far as I am concerned there is no ill-feeling consequent upon the late appointments to the Federal Council. I intend to leave the past alone and deal only with the matter concerned the amendment. In bringing forward this amendment, I do so not only in the interests of the privileges of this House, but also in the interests of the different constituencies represented by hon. members here present. According to the Statute which governs the appointment of delegates to the Federal Council, it is laid down that the Governor shall have full power to make all appointments. He may appoint his own friends, irrespective of the wishes of this House, or the wishes of the Assembly, or he may appoint persons who do not belong to either House. It will be remembered that in the controversy which took place some time ago between the Premier and the hon. member who lately represented the Ministry in this House, as to the appointment of delegates to the Federal Council, it was distinctly laid down by the Premier that he, notwithstanding the use of the word Governor in the Statute, had the sole power of making the appointments. Therefore, if the Premier chooses, members of this Council

may be totally ignored, and will have no say in any matter which may be brought forward at the Federal Council. The Bill now before us deals with matters of the greatest moment to the people of this colony, and the Premier has the power, if he thinks fit to exclude members of this House from being represented, or having a word to say. If we pass this Bill, we leave it in the power of the Premier to totally ignore us, and elect delegates irrespective of the wishes of this House. I ask hon. members whether, under the circumstances, we shall be doing our duty to our constituents if we pass this Bill. We are sent here, I take it, to hold the balance of power and to check hasty legislation. If we pass this Bill what power shall we have? It seems to me we shall have parted with everything, and we shall hand over the power to the Assembly, for the Premier really represents that House. This is a matter of serious consequence to us, and I hope hon. members will look at it in this light. In asking hon. members to vote for this amendment, I am not seeking to put the Government in a fix. The Federal Council will not meet for two years, and therefore the Government will have plenty of time before proceeding with this Bill to bring in another, which will give to this House a full measure of representation at the Federal Council. Hon. members have no right to pass this Bill until they are assured without doubt that representation will be given to this House when the time arrives. I do not think it is necessary for me to say any more, and I now simply move the amendment.

THE PRESIDENT (Hon. Sir G. Shenton): I suggest it would be advisable to adjourn the debate so that we may consider the amendment; for I rather think it clashes with our Standing Order 243. This Standing Order says: "Amendments may be moved to such question by leaving out 'now' and adding 'this day three months,' 'this day six months,' or any other time, or 'that the Bill be rejected,' or by moving the previous question." Then Standing Order 245 reads, "No other amendment may be moved to such question unless the same be strictly relevant to the Bill."

THE HON. S. H. ARKER: Surely this is particularly relevant to the Bill. It goes to the root of the Bill, and says we shall not read it until something is done. This course is continually adopted in the House of Commons.

THE PRESIDENT (Hon. Sir G. Shenton) : I see it is now. I had not an opportunity of reading the amendment before.

THE HON. F. M. STONE : I shall support the amendment and for these reasons : Under the Federal Council Act the Governor is the person who appoints delegates to the Council. From the correspondence which has been published, the Premier claims the same right as the Governor. It was all very well when we were a Crown Colony for the Governor to make the appointment, but now that we have representative Government, it seems to me that the delegates to the Federal Council should consist of the representatives of the people—those taken from both Houses. Under the Act, the Premier can, if he chooses, appoint any person he likes to be a delegate. He can appoint all the representatives from members of the Assembly if he likes, and leave out entirely the members of the Council. In this way measures may be passed by the Federal Council which we would decline or refuse to pass. Measures might be passed by the representatives of the Lower House which this House would not agree to. It seems to me, therefore, that the Federal Council Act should be amended so as to give proper representation to both Houses. At the present there is nothing to prevent the Premier (and we are not dealing with the present Premier) from taking any number of members from the Lower House and ignoring this Council altogether : but I think that as long as this Council exists, and its members are elected by the people, it should have a voice in all measures brought before the Federal Council. I therefore second the amendment.

THE HON. J. G. FOULKES : The mover and seconder of this amendment seem to apprehend that there might be danger of a Premier in the future appointing his own friends to the Convention without consulting Parliament. I think I shall be able to show that the present Premier held, as far back as 1891, the same views that the Hon. Mr. Crowder has just expressed. On referring to *Hansard* I find that the Hon. Mr. Parker, when holding a seat in the other House, said :—“I do not see any necessity to resort to a ballot in the appointment of these delegates. I understand we are to send seven representatives. I presume that two members of the Government will go, and there is His Honor the Speaker ; and, as this question of Federation is not a party question, I should

like to see at any rate one member on this side of the House go. I may say that we have arranged as to the gentleman we are willing to send, and no doubt the Government will arrange as to the gentlemen they will send ; so that, instead of balloting for the names, they might be accepted by the House unanimously.” Then the Premier replied, and said :—“There seems to be a desire on this side of the House that the selection should be by ballot. The Government wish to be represented by two of their number, and we wish, Sir, that you also should be one of the delegates. There will be four more required. Two of these will have to be nominated by the Upper House. Amongst our own supporters, I do not like to nominate anyone in particular, and, for that reason, I would prefer a ballot. I think it would be better to leave it to the House to elect whom they like to represent the country. I believe that in the other colonies the delegates were all nominated, and went to the ballot afterwards ; and I think that in South Australia even the Premier had a very narrow escape of being elected. At any rate, I do not think we can do better than to allow every member of the House to have a voice in this matter. I do not know that it is a party question in any way. We do not go to this Convention as representing the Government, or as representing any particular political party. Each delegate will go there with perfect freedom to act upon his own responsibility.” With these words I cordially agree. I do not suppose the Premier has changed his mind since then. At all events no reason has been given to us from which we can conclude that he has changed his views. I must say, however, that when the appointments were made last year, without consultation with members of this House or another place, I was surprised that more care had not been taken in making the selection. I should like to make it clear that I, personally, had no idea of being selected, because it was impossible for me to leave the colony ; but I feel certain that there were, at least, two or three members in this House who might have gone with advantage. It is not nice to make personal allusions, but we all know that the appointment of one gentleman was treated by the members of another place as a perfect joke. Under all the circumstances I think the question of representation is so important that I shall make up my mind to support the amendment.

THE HON. S. J. HAYNES : I shall support

most strongly the motion of the Hon. Mr. Crowder. I think it would be dangerous to the privileges of this House if this Bill, as it is at present drawn, were to pass without our first having before us another Bill containing the subject matter of the amendment. The Premier, I believe, claims the power of appointing delegates to the Federal Council. Under that power he may appoint members of the Assembly or the Council, or persons outside either House. If the appointments were made without this Council being represented, this danger presents itself to me. By this Bill very important questions may be submitted to the Federal Council. The amendment of the laws relating to Joint Stock Companies and Banking Laws are included in the list, and these are particularly matters which this House should take an interest in as representing the property holders of the colony. In the future we may be cursed with a Premier we may not have the same respect for as we have for the present occupant of the office, and if this Bill passes, and the whole of the delegates are appointed by the Lower House, this House will be bound by what is done, although it will have had no voice in deciding the questions. In these circumstances I shall strongly support the amendment.

THE HON. D. K. CONGDON: It is my intention to support the amendment, and I shall do so because our past experience teaches us that it is absolutely necessary we should guard carefully the privileges of this House. Our treatment in the past must show us how we are likely to be dealt with in the future if we allow things like this to go by. I need not say more. I have said enough to convey what I mean.

THE HON. J. W. HACKETT: I think I have to thank hon. members for the way in which they have conducted this debate. I presume I am the *fons et origo* of this amendment, although in addressing this House no reference has been made to which I can take the slightest exception. The debate has been exceedingly friendly and courteous. What I understand hon. members take exception to is the method of selection and not the *personnel* of the selection. I merely rose to point out that this amendment, which really amounts to a discharge of the Order of the day—for it is an intimation that the House will only consent to the restoration of that order on a pledge being given—drives another

nail into the coffin of the Federal Council, and I must say, I believe no great harm will be done by it. The Federal Council has done good work, but it is, as it always has been, in a helpless condition. It has no machinery at all. It may pass resolutions, but it has no power to carry them out. It cannot even defray its own expenses, except by the voluntary contributions of the colonies which are represented in it. There are seven colonies of Australasia, and only four of them send representatives to the Council. On the last occasion on which we met, we had absolutely no business before us, and it was proposed, after passing the Address-in-Reply, that we should adjourn, the idea being that the conference of Premiers, which was meeting at the same time, would be able to put together a scheme for a larger and more effective federation, and which would be adopted by nearly all the colonies. In the course of the discussion notices of motion were given, and these embodied three out of the five matters which are alluded to in this Bill—the question of federal quarantine suggested by Sir John Forrest, and the question of federal laws relating to Joint Stock Companies by one of the Queensland delegates and the question of the amendment of the Banking laws. Even if the Federal Council does pass laws on these five subjects it will have no money to carry them out, and they will apply to only four colonies of the group, unless the others come in. That being so, it is, as I have always felt, that the Federal Council has fulfilled its object. It has been useful as a great living embodiment of the grandest principle which has been given to us in this part of the world; it has afforded some evidence, at all events, of the idea of a Federal life. Apart from this (although it has done good work in the past, and that it does not seem to have very good claims for the future) if this Bill is not carried, it will seem as if this House is hostile to the Federal Council. ("No, no.") From one point of view the non-passing of the Bill might not matter much. There are four colonies belonging to the Federal Council, and any two of them may refer these matters to the Council for consideration. The amendment which the hon. gentleman seeks to introduce involves a principle which is new to the Federal Council, and from which the Federal Council may be either the better or worse for. Hitherto the Governments of the Colonies have, in every case, appointed the

representatives. In Queensland the Government of the day appointed five members from the Assembly, and passed by the Council altogether; but for my part (so devoted a believer am I in the principles of representation), I not only agree with this amendment, but do not think it goes far enough. I distrust any Federal body not based upon popular representation. To my mind, the Government of the day is in many cases, and may be in most, a more effective vehicle of conveying information to the Federal Council than the two Houses meeting and electing the delegates from among themselves. I should like to see the selection made by the people—not a selection by this House or the other, or the two in conjunction, but by the constituencies, which represent the popular will. Of course, I recognise that this amendment, if carried, shelves the question for this session.

THE HON. F. T. CROWDER: Not if the Government accept the suggestion.

THE HON. J. W. HACKETT: We know they will not accept it. All the other colonies have adopted the same Federal Council Act, and the arrangement in that Act is that the appointments shall be made by the Government of the day.

THE HON. S. H. PARKER: That is not the case.

THE HON. J. W. HACKETT: It is so in our Act.

THE HON. S. H. PARKER: I know it is in our Act.

THE HON. J. W. HACKETT: At all events, if the Federal Council get another blow on the head it will open the eyes of the people of the colony to what has been a very insufficient substitute for the real thing, and show more forcibly than ever the necessity of making a change.

THE HON. S. H. PARKER: I have not the slightest objection to the Federal Council; in fact, I have a high opinion of the work done by that body. It has passed measures which are useful and beneficial, and my idea is that we should make this Council more representative and more popular. I may remind hon. members that the Federal Council Act is an Imperial Statute passed by the Parliament of Great Britain. It is enacted by that Statute that the Federal Council shall have the authority and powers defined by the Act, and it is further provided that the Legislature of any colony may make such provision as it thinks fit for the appointment of its repre-

sentatives, and for determining the tenure of their office. It is not laid down how the representatives shall be chosen, nor is it suggested by the Statute that the Government should nominate them. I am not prepared to say but that the hon. gentleman who has just spoken may be correct, when he says that the Government of the day in the other Colonies make the appointments. I was under the impression that the power of appointment in the other Colonies was given to the Legislatures; but whether it is so or not, it rests with the Parliament to determine the mode in which the colony shall be represented. When this Bill became law, this was a Crown colony, and the then Legislative Council passed a Statute which provided that the representatives to the Federal Council should be appointed by the Governor, and that they should hold office during pleasure. And it is further provided by section 7, that the appointment of an additional representative or representatives should be regulated by the Act. When this was a Crown colony, it was only right that the Governor should hold the power of appointment, because he was in fact carrying on the Government, and it would have looked strange, to say the least, if he had been represented by a person opposed to his views. When, however, we have representative institutions, the right of the Governor to appoint is entirely done away with. We know that as a rule, where in a Statute the word "Governor" appears, it means "Governor-in-Council." If the representatives were appointed by the Governor-in-Council, I do not think there would be the same objection to the mode of appointment as there is at the present time. So far as this colony is concerned, we know that the appointments are not made by the Governor-in-Council. The Cabinet is not consulted. The Premier claims and exercises the right of making the appointments alone. The right which is claimed by the present Premier will be claimed, no doubt, by future Premiers. Therefore a Premier under this Act may entirely ignore the Council or the Assembly, and may appoint any persons, whatever their views may be, or whether they be radical or conservative. What we have to look at is that he may appoint persons who may entirely misrepresent the Council, and the class of the community the Council is supposed to represent. In fact he may delegate powers to persons to pass measures, which may be of all importance as far as

the colony is concerned, and these measures may contain provisions entirely opposed to our views and the wishes of those we are supposed to represent. One of our duties is to act as some kind of a check on hasty legislation, or as a check on radical legislation. In fact, our particular duties pertain rather to property than persons, and if we give power to the Federal Council to pass measures which may affect property, they may pass measures which are entirely opposed to the views of this Council and its constituents. The hon. gentleman who last spoke, said that the power exercised by the Premier is also exercised by the Governments of the other colonies. All I can say is that if that be the case, the Federal Council cannot be said to represent the views of Australia.

THE HON. J. W. HACKETT : I have looked into the four Acts of the other colonies and find they have all the same clause, and in which is used the words "Governor-in-Council."

THE HON. S. H. PARKER : Then all I can say is that the Federal Council will never become popular ; it will never develop into a Federal Council such as I desire to see it, so long as it only represents the Governments of the day. If the Premiers of the other colonies exercise the same rights as the Premier does here, it may be said that the Federal Council represents only the views of the Premiers—some of whom are democratic, some conservative—and the inhabitants, or the great majority of them, may be opposed to the Premiers. We want a Federal Council representing the people ; not one representing only the Premiers. I agree with the Hon. Mr. Crowder, that until the Government is prepared to bring in a measure which will make this Federal Council more representative—and even if it does not represent the people directly, one that will represent them indirectly through both Houses—it will be most unwise and dangerous for us to allow such a body to legislate and affect persons or property in this colony. I should like to draw the attention of my hon. friend, the Minister, to the fifth section of the Act. I do not know whether the Government have in mind the fact that there is a Legislative Council ; but this section shows that there are certain duties owing to this House. It enacts that every appointment, removal, or resignation shall be immediately notified to both Houses if in session. I am under the

impression that at our last meeting we increased the number of representatives to five. There was one resignation we know, and although Parliament has been sitting for a fortnight, no notice of appointments or resignation has been given to this House. This matter has been fully argued, and it is needless for me to repeat what has already been said. I can only say now that my desire is to make this Federal Council more popular, more representative, and give to it greater power. I have not the slightest desire to stifle it or put it down, and in passing this resolution my object is only to draw the attention of the Government to what is the desire of this House. The Federal Council will not, in all probability, meet until January, 1897. Even if it should meet in January, 1896, there will be ample time to bring in a measure to give this Council proper representation. We have been told by one gentleman who has been there that they had nothing to do, and therefore it is more than probable that no meeting will take place till 1897 ; hence even if a Bill is brought in next session there will be still ample opportunity for us to pass it in time for the meeting of the Federal Council.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved the adjournment of the debate until the next sitting of the House.

Question put and passed.

The President then left the chair until 8 o'clock, p.m.

On resuming,

EXPORT DUTIES REPEAL BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) : I have now to move the second reading of this Bill. It is a very short one, and hon. members will at once see that it applies to two articles of our produce—sandalwood and pearlshells. Both of these have been at their lowest ebb for a long time. Once sandalwood cutting was one of the most flourishing industries in the colony, but recently the value of the wood has so fallen as to make it hardly worth while getting. As regards pearlshells, they have not only fallen in price, but they are so reduced in quantity that few people can make the occupation pay. In these circumstances

the idea of the Government is to help these industries by removing the export duties.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

The Bill passed through committee without amendment, and was reported to the House.

NAVAL AND MILITARY UNIFORMS BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): In moving the second reading of this Bill, I may explain that it is a measure introduced at the request of the authorities in England. It seems that at Home some uniforms have been stolen, taken out to the colonies, and sold; therefore a circular has been sent to Australia asking them to make it penal for anyone to wear these stolen uniforms. Clause 3 makes it penal to wear uniforms without authority, and clause 4 states that no person shall wear military or naval uniforms in such a way as will bring them into contempt. I do not think I can add anything more, and I now move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2 passed.

Clause 3—"Military uniforms not to be worn without authority."

THE HON. F. T. CROWDER: The clause allows uniforms to be worn at theatrical performances, but not at fancy dress balls. Is this intended?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It is not intended to allow the wearing of uniforms at fancy dress balls.

THE HON. D. K. CONGDON: I understand that no uniforms can be worn without authority, even for stage plays. Who is to give the authority?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): No authority will be necessary.

Clause agreed to. The remaining clauses were agreed to and the Bill reported.

EXCESS BILL 1894.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have now to move the second reading of this Bill. In doing so I may explain that the expenditure to which it relates

has been necessitated by the advances which the colony has been making lately. In all departments it has been found necessary to incur fresh expenditure to enable them to keep up with the times. Any explanation that may be desired I shall be happy to give when the Bill, which I now move be read a second time, is in committee.

THE HON. F. T. CROWDER: I trust in future that the Government may see its way clear to bring in Bills of this description earlier. The expenditure to which this Bill relates took place more than twelve months ago. I have read the reasons given by the Premier for the delay, but I trust to see an altered state of things in the future. I also hope a better condition of things will prevail at Coolgardie, for on referring to the Auditor-General's report matters seem to have been in a deplorable state. Money to the extent of £8,000 or £9,000 was found to be kept in a safe, and no accounts of it in existence. The books of officers were lost, and in fact all round the state of affairs was deplorable. I trust the Government will give an assurance that this will not happen again.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1: Agreed to.

Schedule.

THE HON. F. T. CROWDER: I notice that £439 19s. 8d. appears under the head of extra labor for the printing department. I am not finding fault with the amount, because I am quite aware of the large quantity of work the Government establishment turns out, and I think hon. members will bear me out in saying that the printing compares favorably with that done at any of the offices in the Australian colonies. My reason for drawing attention to this matter is that I learn that even this extra money has not been sufficient to enable the Government Printer to do all the work. I am credibly informed that thousands of pounds' worth of work is being done outside the Government establishment. They have the machinery and the room, and if the staff is not sufficient, steps should be taken to provide it. Of course if the Government can show that the work can be done cheaper by outside persons all well and good, but if not, all the work should be done by the Government Printer.

THE HON. D. K. CONGDON: If hon. mem-

bers will look at the progress report of the Civil Service Commission they will see that work is done by the Government Printer at a profit of 50 per cent., so that it quite pays to do it.

THE HON. F. T. CROWDER: I do not see any item in this Bill which refers to the printing done outside. Is it paid for out of contingencies?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It is not paid for out of contingencies. If the hon. gentleman desires any information on the subject I will get it for him.

THE HON. F. T. CROWDER: I know the amount is very large. What drew my attention to the matter was seeing heaps of printing coming from Mr. Traylen's establishment.

THE HON. S. J. HAYNES: There is a large item, £818, under the head of "Medical," of which no explanation is given in the Auditor-General's report.

THE CHAIRMAN (Hon. Sir G. Shenton) The hon. member cannot go back. A later item has been dealt with.

THE HON. S. J. HAYNES: I should only like to say that the item seems a large one, and I should like to have some explanation.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The only way I can explain it is on account of the outbreaks of disease at the goldfields.

Schedule agreed to. Bill reported.

STANDARD TIME BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a short Bill to enable us to have a recognised time throughout the colony. The time fixed will be about 15 minutes ahead of the present Perth time, the actual time, I believe, being Yilgarn time. We shall then be exactly one hour in advance of South Australian time, and two hours in advance of Victorian and New South Wales time. I think hon. members will agree that it will be a great thing to have a standard and uniform time, especially if we can keep the clocks to it. I move the second reading of the Bill.

Question put and passed,

Bill read a second time.

IN COMMITTEE.

The Bill was considered in Committee, agreed to without amendment, and reported.

ADJOURNMENT.

The House, at 8.30 o'clock, p.m., adjourned until Tuesday, 16th July, 1895, at 4.30 o'clock, p.m.

Legislative Council,

Tuesday, 16th July, 1895.

Collie Coalfield: return as to—Days of Sitting—Export Duties Repeal Bill: third reading—Naval and Military Uniforms Bill: third reading—Excess Bill 1893-94: third reading—Standard Time Bill: third reading—Post Office Savings Bank Bill: second reading; committee; third reading—Federal Council Referring Bill: second reading; laid aside—Perth Mint Bill: first reading—Federal Council: appointments and resignations of members—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock p.m.

COLLIE COALFIELD—RETURN AS TO.

THE HON. F. T. CROWDER moved that a return be laid upon the table showing—

1. What amount has been expended by the Government up to date on the Collie Coalfield.
2. The quantity of coal raised and cost per ton.
3. The quantity used by the Government, and the cost of same at per ton delivered at the Collie Railway Station.
4. What number of bores have been put down on the field, and what distances from the main workings.
5. The depth of such bores.
6. If any of the bores have passed through coal; and, if so, at what depth, and was the coal so passed through equal in quality to that now being raised from the main workings.
7. Have the Government received any fresh