

Legislative Council,

Friday, 13th December, 1912.

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Adjournment: Close of Session.	

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Fremantle Harbour Trust Commissioners for the year ended 30th June, 1912. 2, Annual report of the Police Department. 3, Report of proceedings under the Industrial Conciliation and Arbitration Act. 3, Report of Registrar of Friendly Societies. 4, Report of Surveyor General for 1911-12. 5, Report of Superintendent of Public Charities.

QUESTION — SAVINGS BANK, STATE AND COMMONWEALTH.

Hon. M. L. MOSS: May I ask the Colonial Secretary whether he is in a position to tell us anything about the Savings Bank deposits.

The COLONIAL SECRETARY: I shall probably be able to do so later on in the afternoon. Owing to the all-night

sitting in the Legislative Assembly I have not been able to see the Premier, and I would first of all like to have the authority of the Premier before I answer this question. I understand that it was the intention of the Premier to make a statement in another place last night but I notice that there is no report of it in the Press this morning. I do not think any thing has arisen since I saw the Premier to bring about an alteration of the position in any way, and I can promise the hon. member that I will make a statement later in the evening.

Hon. M. L. MOSS: I have no intention of moving the adjournment of the House, because I have had a short conversation with the Premier, and I have learned that the position with regard to the Savings Bank deposits will be entirely satisfactory. I merely ask the Colonial Secretary to make the statement in this House with the object of providing the country with the information which is being eagerly awaited.

QUESTION — SLEEPERS FOR TRANS-AUSTRALIAN RAILWAY.

Hon. H. P. COLEBATCH asked the Colonial Secretary: Will he, in compliance with a promise made on the 31st October, place on the Table the contract, or a copy thereof, entered into with the Federal Government for the supply of sleepers for the Trans-Australian railway?

The COLONIAL SECRETARY replied: The form of contract has not been received from the Commonwealth Government, but the following information is contained in a communication from the Prime Minister:—Consequent upon your guarantee to supply 1,500,000 sleepers within three years from date, I accept your tender for supply of 750,000 sleepers, schedule "A" Kalgoorlie to Port Augusta Railway. You will supply from 10,000 to 12,000 unpowellised jarrah sleepers per month commencing delivery from three months from present date for ten months, after which you will supply at least 30,000

karri sleepers (powellised) per month for 12 months, and supply balance powellised karri sleepers within next following 14 months; your price for karri sleepers to be subject to reduction of 1d. per 100 super. feet to which Westralian powell wood process has agreed. In addition to foregoing, I accept your tender for supply of 720,000 karri sleepers, Schedule "B." Kalgoorlie-Port Augusta Railway, but am not in a position to state definitely whether require these last sleepers to be powellised or not. Am writing.

BILLS (3) THIRD READING.

1, Employment Brokers Act Amendment.

2, Money Lenders.

3, Roads Act Amendment.

Returned to the Legislative Assembly with amendments.

BILL — MELVILLE WATER AND FRESHWATER BAY ROAD.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 2—Power to construct road;

The CHAIRMAN: An amendment had been moved, to strike out the words "the eastern boundary of Melville Lot S to Point Chidley" with a view of inserting other words.

The COLONIAL SECRETARY: Since the previous day he had been able to get some information about this matter. He had seen Mr. Wisdom, the member for Claremont, who had taken a great interest in the question, and that gentleman had said that it would be inadvisable not to pass the Bill as it stood. It would be many years before it would be possible to go to the extent of reclaiming the whole of the foreshore, but the day certainly would come when that would be possible, and as it was contemplated taking a portion there was no good reason why the whole lot should not be taken.

Hon. D. G. GAWLER: Since the previous day he had been furnished with communications on this matter from the Peppermint Grove road board and the

Cottesloe Beach road board. The former expressed the hope that he would give support to the Bill, and gave reasons as well. The Cottesloe Beach road board also asked him to accord the Bill support. The municipal council of Claremont had previously written to him stating that at a meeting of the council it was unanimously resolved that he should be requested to do his utmost to secure the passage of the Bill before the end of the present session.

Amendment put and negatived.

Hon. J. F. CULLEN moved an amendment—

That in lines 3, 4, and 5 of Subclause 2 the words "vest in His Majesty the King freed and discharged from all rates and claims to the owners of adjacent lands, and all other persons howsoever arising" be struck out.

That was a drastic way of getting rid of claims. Many of the property owners interested faced Melville Water. They had paid extra for their water frontages and surely there was not a member of the Committee who did not understand that water frontages were at a premium. To take them away would be to impose an injustice upon the owners. It was all very well to say that the local authorities were in favour of the proposition, but that meant nothing beyond a readiness on their part to give up something which belonged to somebody else. The clause was tantamount to daylight robbery; it was a monstrous thing to take these lands without giving compensation.

Hon. D. G. GAWLER: The hon. member was dealing with a section of the public whom he did not represent. These people, speaking through their local representatives, were quite willing to give up these rights. If any of these owners did not agree with this, they had their remedy against their local representatives. The only rights proposed to be taken away were rights of exclusive access to the water through private grounds. This road would not be constructed when the Bill was passed. The Bill merely provided that the land might be resumed by the Government, and that with the permission of the Minister the

local authorities might construct the road. Of all the owners involved only two were against this, and one of those was out of the State.

Hon. C. SOMMERS : The hon. member was limited in his vision, because he thought only of that portion of the roadway which would run round from Claremont towards Peppermint Grove, or about a quarter of the length of the proposed roadway. There might be only one objector in that particular section, but he (Mr. Sommers) knew of others who had paid fancy prices for blocks at other points along the proposed road and who were by no means willing to give up a tittle of their rights. Again, one block of which he knew would be depreciated £300 by the building of this road. It was all very well to say the local authorities were in favour of it, but many members of the Board were mere taxpayers with nothing to lose.

Hon. F. DAVIS : The question really was as to whether there were any substantial rights to be taken away if the Bill was passed. Those whose land abutted on the river previously would still have free access to the water, while in addition many thousands would receive benefit and pleasure from the use of the road.

Hon. V. HAMERSLEY : The clause was a most pernicious one. He could not understand how hon. members could say that nobody was objecting, and that no rights would be interfered with.

Hon. J. F. CULLEN : Naturally the local authority would be in favour of anything given to them. Mr. Davis contended that the opinion of the great majority of the people should be considered. There was no objection to that, but any rights that were taken away should be paid for. Outsiders said that they wanted this road, but they wanted Parliament to give it to them on honest lines. His point was that Parliament should give the road to them fairly and justly. The amendment would only protect whatever rights the people now had.

Hon. A. SANDERSON : This question had been before the roads board and everybody interested had had an oppor-

tunity of protesting. The argument of Mr. Sommers was that a great many of the leaseholders did not take the trouble to do anything in connection with their properties except when they saw the chance of getting compensation. We had no right to give those people the opportunity of bleeding the local authority after the Bill was passed, and that was why the words proposed to be struck out had been inserted in the Bill.

Hon. M. L. MOSS : In reality there was no confiscatory principle contained in this clause; the same thing had been done at East Fremantle where his own private house stood. His certificate of title showed the river frontage as the boundary, but a road had been made between his house and the water. The same thing had been done in East Perth in connection with the frontages to the Swan river.

Hon. F. DAVIS : If there were boat sheds on the foreshore they were there by license of the State, and any license which the State had given the State had a right to take away. The State would be simply resuming what had never left its possession, because those people had no right to use the foreshore except by permission of the State.

Hon. R. J. LYNN moved—

That the question be now put.

Motion passed.

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

Ayes	8
Noes	18

Majority against .. 10

AYES.

Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. V. Hamersley	Hon. C. Sommers
Hon. C. McKenzie	Hon. Sir E. H. Wittenoom
Hon. W. Patrick	Hon. E. McLarty
	(Teller.)

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. E. M. Clarke	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. T. H. Wilding
Hon. J. M. Drew	Hon. Sir J. W. Hackett
Hon. D. G. Gawler	(Teller.)
Hon. A. G. Jenkins	

Amendment thus negatived.

Clause put and passed.

Clause 3—agreed to.

Clause 4—No compensation:

Hon. J. F. CULLEN: A highway robber would not ask more than was contained in this clause, for which there was no possible justification. If a man suffered an injury, he should be compensated; if a right was taken away from him, he should be compensated. The clause should be struck out.

Clause put and division taken with the following result:—

Ayes	19
Noes	7
	—

Majority for 12

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. E. M. Clarke	Hon. J. W. Kirwan
Hon. H. P. Colebatch	Hon. R. J. Lynn
Hon. J. D. Conolly	Hon. C. McKenzie
Hon. J. Cornell	Hon. R. D. McKenzie
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. W. Patrick
Hon. J. M. Drew	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. M. L. Moss
Hon. Sir J. W. Hackett	(Teller.)

NOES.

Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. E. McLarty	Hon. Sir E. H. Wittenoom
Hon. G. A. Piesse	Hon. V. Hamersley
Hon. C. Sommers	(Teller.)

Clause thus passed.

Clauses 5 and 6—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and *passed*.

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received the following communication from the Audit Department:— , "

Sir,—Referring to my communication of the 10th instant, I forward herewith balance of my Annual Report for 1911-12.—I have the honour to be, (Sgd.) C. S. Toppin, Auditor General.

BILL—ESPERANCE-NORTHWARDS RAILWAY.

Second Reading—Ruled out of Order.

Order of the Day read for the second reading of the Bill.

Point of Order.

Hon. M. L. MOSS: I rise to a point of order in reference to this Bill. It is a Bill to amend the Norseman-Esperance Railway Bill which was introduced and rejected by this Chamber, and I submit that it is out of order under Standing Order 120, which says:—

No question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

This point was raised in another place, where it was held the Bill was in order, but I would point out that the Standing Order of the Legislative Assembly is different to our Standing Order in that our Standing Order says "no question or amendment," whereas their Standing Order says "no question." In the Assembly it has to be substantially the same question, but in this House an amendment of the same question is out of order. This Bill is to construct half the line already rejected by the House, and if it be competent for the Government to bring in this Bill it would be competent for them to bring in another Bill to construct the balance of the line from Norseman southwards, and thus they would get the effect of that which has already been disposed of by this House. I ask for a ruling whether this Bill is in order.

The President: The Bill now before the House is one to authorise the construction of a railway from Esperance northward for a distance of about 60 miles, and I am asked to decide whether this Bill is the same in substance as a Bill which was rejected by this House on the 4th December, and which sought to authorise the construction of a railway from Norseman to Esperance, a distance

of about 125 miles. It appears that the present Bill in fact proposes to authorise the construction of a portion of the line which it was proposed to construct under the Bill rejected by this House. Under these circumstances I am asked to rule whether it is in order. The Standing Order which refers to this matter is No. 120 and reads as follows:—

No question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

It is my duty while occupying this Chair to uphold the Standing Orders, and in face of the one I have just read, I do not see how it is possible for me to decide otherwise than that the question now before the House is the same in substance as the one which was rejected on the 4th December, and I rule the Bill out of order. Notwithstanding this opinion I hope that some hon. member will move that my ruling be dissented from, so that the responsibility of dealing with the point of order be thrown on the House, and shall not rest on the President alone.

Dissent from Ruling.

Hon. J. W. Kirwan: I move—

That the President's ruling be dissented from.

I regret very much to have to take this course, because I am sure that every member of the House always has the most profound respect for the President, but as an old Parliamentary hand the President will not regard this matter in any way as a slight.

Hon. M. L. Moss: He invited it.

The President: Even the President may make mistakes, and it is only the extreme importance of the case that justifies my taking this attitude. Mr. Moss in referring to the difference between the Standing Orders of the two Houses has pointed out that the word "amendment" is included in the Legislative Council Standing Order, but not in the Standing Order of the Legislative Assembly, but I claim that the Bill before the House is not an

amendment. The test as to whether it is an amendment or not is this: Suppose the substance of the present Bill were to be proposed in the form of an amendment to the Esperance-Norseman Bill, as an amendment it could not be accepted by the House, so it cannot be considered an amendment. I see Mr. Kingsmill is smiling, because he knows very well it is a Standing Order that many members have not had much opportunity of noticing. I refer to Standing Order 173, which says:—

The title of a Bill shall coincide with the order of leave, and no clause shall be inserted in any such Bill foreign to its title.

If the Norseman-Esperance Railway Bill were before the House, and an amendment were to be proposed that a line should be built from Esperance northward for 60 miles, that amendment could not be accepted by this Chamber, because it would be inconsistent with the title. The title of the Bill being the Norseman-Esperance Railway, the Bill as introduced was intended to connect these two towns, and an amendment such as I have suggested could not be moved inasmuch as it could not be accepted. Though hon. members seem to imply that this new proposition is an amendment to the Norseman-Esperance Railway I say it is not an amendment inasmuch as it could not be accepted by the House. That is the very point Mr. Moss seemed to lay stress on, that the word "amendment" was used in our Standing Order and not in the Standing Order of the Legislative Assembly bearing on the same matter, but I say this Bill cannot be regarded as an amendment of the Norseman-Esperance Railway Bill, inasmuch as it could not have been accepted as an amendment when the Norseman-Esperance Railway was before the House. That is the important point that ought to be considered by those voting on the proposition now before the Chamber. I claim that the Bill just introduced is not the same in substance as the Norseman-Esperance Bill according to the interpretation of "the same in substance" of *May*. "The same in substance" must necessarily be the same argument and matter. Now the same argu-

ment and matter does not apply to the Bill as applies to the other. In the first place the Norseman-Esperance railway covers a distance of 120 miles. The Bill for the railway Esperance-Northwards provides for a line 60 miles in length, that is less than half the distance. A railway connecting two towns such as Norseman and Esperance must be totally different from a railway running northward from a port like Esperance to provide assistance to the agriculturists in the wheat belt to convey their produce to their natural port. The two Bills are totally different in substance, in argument and matter. I would like to point out that in the interpretation of "the same in substance" it means that the question must be the same in substance and the question that is involved in these two railways is totally different. Another point, the difference in cost, is very important. This line will only be half the cost of the other line. As to whether or not the question involved is the same in substance, one very important test that can be applied is whether it is not possible for a man to vote in favour of the one railway Bill and vote against the other railway Bill, and to be perfectly consistent. I claim that a member of this House might vote against the Norseman-Esperance railway, and he might with perfect consistency vote in favour of the railway 60 miles Esperance Northward. The arguments that apply to the two Bills are different and as an instance of that I may quote from the debate that took place on this question during the last session of Parliament. There were two hon. members of this House who during that debate said that although they did not feel justified in voting for the railway from Norseman to Esperance still they recognised that a railway 60 miles northward of Esperance was a totally different proposition. I would like to quote in support of that a statement by Mr. Kingsmill on this point. Mr. Kingsmill said on this matter. "I shall, however, make this promise"—I am quoting this because I claim one of the tests as to the question being the same in substance is that hon. members who may vote in favour of one Bill

would be perfectly justified in voting against the other, and in support of that argument I shall quote two speeches by members when the Norseman-Esperance Bill was before the Chamber last session—Mr. Kingsmill said—

I shall, however, make this promise to the leader of the House, that if the present Government carry out the recommendations of Mr. Paterson—

Hon. M. L. Moss: Which they have not done.

Hon. J. W. Kirwan: I do not want to be led astray, and it is unfair for the hon. member to make that interjection. I do not think Mr. Moss should interject in an endeavour to lead me to discuss the merits of the Esperance-Northwards line, which are not now before the House.

Hon. W. Kingsmill: At all events I perceive your motive; it is too bad of Mr. Moss.

Hon. J. W. Kirwan: This quotation is merely given, not for the purpose of discussing the merits of the railway, but to show that the question involved is different and members who could not see their way to vote for one Bill could vote for the other. Mr. Kingsmill on that occasion said—

I shall, however, make this promise to the leader of the House, that if the present Government carry out the recommendations of Mr. Paterson, and if experiments are found to be satisfactory, I shall have very much pleasure in supporting the line which is now recommended by the Advisory Board: that is, a line for 60 miles inland to the northward of Esperance.

He made it plain in his speech that he would not favour a line the whole of the distance, but he would favour a line for 60 miles. Mr. McLarty on the same occasion took this view. He said—

I take much the same view as the Hon. Mr. Kingsmill, namely that if the suitability of this country can be proved for agriculture the Government will be justified in connecting the port of Esperance with the agricultural land; but I see no reason why we should construct another 75 miles of line through country which is no good for any purpose.

That quotation from the speech of Mr. McLarty shows clearly that he also recognised that the two questions are totally different. I claim that these quotations are very important illustrations of the fact I am trying to establish that the two Bills involve totally different questions. I would like also to remind members of another fact. It is this, yesterday we rejected the Land and Income Tax Bill. I see that the Premier has announced that he intends to bring in another Land and Income Tax Bill.

Hon. J. F. Cullen: That is a very different matter.

Hon. J. W. Kirwan: I shall ask for your ruling, Mr. President, on those two Bills, and we will see that while the Land and Income Tax Bill introduced yesterday and rejected in this House provided for a large measure of taxation, the Land and Income Tax Bill which will be introduced later on in this Chamber will provide for the same measure of taxation, although in not so extensive a form. In view of that question I certainly shall ask for your ruling on that particular measure when it comes forward. I expected a point of order would be raised to the Esperance-Northwards Bill. In all probability this complaint would have been raised in this House because it was raised in another place and because there are certain members who never fail, in so far as the question involved is concerning railway connection with the Esperance district, to block it in every possible way. I therefore anticipated that some such action would be taken and I went to some trouble to look up authorities, some of which were not quoted in another place, and which emphasise and strengthen the position given in another place. I regret that the point of order bears on the Esperance railway, a matter on which I have always taken a deep interest, but deep as has been my interest in that question if I did not genuinely feel that this Bill was perfectly in order I would not question your ruling and be speaking as I am to-day. When we look at authorities on the matter concerned in this question, the first authority we always turn to—it is the authority that parliamentarians regard as

their bible in Parliamentary practice—I refer to *May*, and *May* is very clear and emphatic in this respect. I shall just read one paragraph, and it and other considerations must surely have escaped your attention, Mr. President, or you would not have ruled as you have done. *May* on page 302 of the eleventh edition states as follows:—

It is also possible, in other ways, so far to vary the character of a motion, as to withdraw it from the operation of the rule. Thus, in the session of 1845, no less than five distinct motions were made upon the subject of opening letters at the post-office, under warrants from the Secretary of State. They all varied in form and matter, so far as to place them beyond the restriction; but in purpose they were the same, and the debates raised upon them embraced the same matters.

Hon. M. L. Moss: Read on.

Hon. J. W. Kirwan: I will—

But the rule cannot be evaded by renewing, in the form of an amendment, a motion which has already been disposed of. On the 18th July, 1844, an amendment was proposed to a question, by leaving out all the words after "that," in order to add, "Thomas Slingsby Duncombe, Esq., be added to the committee of secrecy on the post-office:" but Mr. Speaker stated that, on the 2nd July, a motion had been made, "that Mr. Duncombe be one other member of the said committee;" that the question had been negative; "and that he considered it was contrary to the usage and practice of this house that a question which had passed in the negative should be again proposed in the same session." The amendment was consequently withdrawn.

The latter portion that Mr. Moss asked me to read does not at all affect the point I am endeavouring to make. The position taken up by *May* is supported by an authority that was quoted in another place by the Speaker. I quite understand it is customary for *Cushing* to be regarded as secondary to *May*, but he was an American barrister and most of the arguments he used in this work are based on what was done in the British

House of Commons. On page 894 he says—

When it becomes necessary to institute a comparison between the different provisions of two Bills, which are already drawn, it may appear that, although intended for the same purpose, and consequently "of the same substance," and "of the same argument and matter," in one sense, they nevertheless differ so essentially in the mode and means, by which that purpose is to be effected, as to be in substance different bills. In such a case, the judgment of the house against one of the bills, that is, against effecting a particular object in a particular manner, ought not to preclude it from entertaining the other, which proposed to effect the same object in a different manner.

That is a very important point. Further on there are still stronger quotations which may be given in support of my contention. On page 898 he says—

When a bill has been rejected in any of its stages, in the house in which it originated, the same bill cannot be again introduced in the same house; but a new bill, which really presents a different question, or the same question in a modified form, however slight the difference or modification may be, is not objectionable in point of order. Hence, in matters of considerable importance, in reference to which the opinion of the house has undergone a change, some trifling variation in the question has been deemed sufficient to prevent the operation of the rule.

The words used are "some trifling variation." Surely, Sir, you can see that there is considerably more than a trifling variation between the Norseman-Esperance railway and the Esperance-Northwards railway. The variations are numerous and certainly not trifling. An instance is given on page 898 in a foot-note which says—

Bishop Burnet (*History of His Own Times*) relates an instance of the evasion of this rule by substituting the words "skins and tanned hides" in place of the word "leather," of which Mr.

Speaker Onslow remarks that "the method here spoken of to recover the loss of the former question was unparliamentary and dangerous, and mean too."

In addition to these quotations may I take another from page 899—

When a bill has been passed in one branch, the rule is equally peremptory that no similar bill can be afterwards introduced. In practice, however, when it has been ascertained that a bill, which has been passed in one house and sent to the other, is there unacceptable in some particulars, a new bill may be introduced and passed in the house in which it originated, with such variations from the first bill, as to make it acceptable to the other house.

The speeches of the two members from whom I have quoted surely were a sufficient indication that the second Bill would probably be acceptable to this House. The first Bill, Norseman to Esperance, was defeated by only three votes and the two members from whom I have quoted indicated that they, under certain circumstances, which I consider have been amply met, might have voted in favour of the Esperance-Northwards Bill. I could go on quoting a number of cases but I think sufficient has already been said upon the authorities to which I have referred. I regret to have to take this course but it is, as I have stated, the extreme urgency and importance of the questions that has led me to do it. I move—

That the ruling of the President be dissented from for the following reasons:—That the question of a railway 60 miles north from Esperance is not the same in substance as a Bill for the construction of a railway from Esperance to Norseman. To be the same in substance the question must have the same intention, the same purpose and the same effect.

Hon. J. Cornell: I desire to second the motion and in doing so it is with a considerable amount of regret. I am only a new member and since I have been in this Chamber I have desired to extend my tribute to your courtesy towards me. My regret, however, is modified by the course

taken by yourself, Sir, in asking the House to decide, so that the whole responsibility should not rest upon your shoulders. I intend to deal with this matter briefly as it appears to a layman of very little experience. The point raised by Mr. Moss that the Bill is an amendment does not seem to be to be valid. When a Bill comes before the House, or when a motion is moved, it becomes a question, and if the amendment is carried it supercedes the original question and in turn becomes the question. If a question was again brought before the House of the same substance as the amendment it would be competent to rule it out of order. That is my opinion of an amendment and this Bill is not an amendment. The other Bill was rejected. If a motion was moved and an amendment was moved, and both motion and amendment were lost, I hold that no further question could be moved relative to either the motion or the amendment. The original Bill was for 120 miles of railway from Esperance to Norseman. This Bill is for 60 miles of railway northwards from Esperance. I will admit that partially it is of the same substance for it goes half of the way and costs half of the money.

Hon. M. L. Moss: You will give the case away.

Hon. J. W. Kirwan: The question involved is not the same.

Hon. J. Cornell: No, the whole question involved is not the same.

Hon. R. J. Lynn: Then you admit it is an amendment of the question?

Hon. J. Cornell: No; when the original Bill was before the Chamber if an amendment had been moved that 60 miles of line should be constructed in lieu of 120 miles, that would have been an amendment but the original measure has been rejected and a new one brought down.

Hon. J. W. Kirwan: That amendment could not have been accepted.

Hon. J. Cornell: Quite so. Mr. Kirwan has raised a point which appeals to me and I think it is on all fours with a question now before the Chair, namely, the Land and Income Tax Bill. That has been on the statute-book since 1907. A Bill was brought down last evening modi-

fying it.

Hon. C. A. Piesse: Very moderately.

Hon. W. Kingsmill: Repealing it.

Hon. J. E. Dodd (Honorary Minister): Extending it.

Hon. J. Cornell: The principle was exactly the same though the incidence may have been different. The original land tax was set out with certain exemptions, the Bill which was rejected struck out these exemptions, but it was a Land and Income Tax Bill just the same. It went further than the existing Act. If another Bill comes down, as it will, I hold that if this Esperance-Northwards Railway Bill is ruled to be the same in substance as the original Bill there will be no difference between the Taxation Bill which is coming down and the one which has been rejected.

Hon. J. W. Kirwan: We shall have to prorogue for a few days.

Hon. J. Cornell: The original Bill asked for the construction of 120 miles of railway and the present Bill seeks to authorise the construction of 60 miles of railway, therefore the two cannot be the same in substance. If one half is equal in substance to the whole the same thing must apply to the Land and Income Tax Bill.

Hon. D. G. Gawler: Would it be the same if the distance was 100 miles?

Hon. J. Cornell: No.

Hon. Sir E. H. Wittenoom: I do not think the hon. member need waste any more time.

Hon. J. Cornell: If I lost a leg I would not be the same in substance. I regret having to second this motion but whether it is lost or not I think the President took the right course in asking the House to decide an important question like this, which should be decided by the House and not be thrown on the shoulders of the President.

Hon. W. Kingsmill: It is necessary I take it, that members when they approach a subject of this sort should take out of their minds altogether any preconceived ideas they may have as to the merits of the case on which the point of order is raised. That is absolutely necessary. A point of order is a point of order

not a point of merit, and I hope members will do so when they are considering this matter and making up their minds whether they will support the President's ruling or not. For my own part, irrespective altogether of what my inclinations might be—not bringing my inclinations into the question—I take that it is my duty to a slighter extent, but perhaps almost to the same extent, as it is the President's duty to uphold the Standing Orders which we have to guide our deliberations, and this matter resolves itself into one not so much of the conflict of authorities as the interpretation of the Standing Orders.

Hon. M. L. Moss : Hear, hear; that is the whole point.

Hon. W. Kingsmill : Parliamentary authorities are only admissible into a debate of this sort when they may serve to elucidate the Standing Orders, or when there are no Standing Orders dealing with the question. So far as I can see this Standing Order No. 120 deals fully, amply, and to my mind satisfactorily with the question, and I think Mr. Kirwan, Mr. Cornell, and may I be pardoned for also saying Mr. Cushing, if I may use a colloquialism, put the case away when they alluded to the trifling nature of the variation necessary to constitute a difference. Our Standing Order goes far to combat that reading or that argument. It says, "No question or amendment." I think perhaps our Standing Order goes a little too far the other way, but irrespective of what my inclinations might be, it is perfectly clear to my mind that the Bill which is now introduced is undoubtedly an amendment of the Bill which was introduced a few days ago.

Hon. J. W. Kirwan : Could its substance have been made an amendment on the previous Bill ?

Hon. W. Kingsmill : Most certainly it could. With regard to that I wish to point out that the hon. member is evidently labouring under a misapprehension as to the relation of the title to the contents of the Bill. I point out to him that a Bill must not be introduced having a clause therein which is outside of the order of leave and the Title, but on the

other hand it is quite competent to introduce into a Bill an amendment which necessitates an alteration of the Title, and we need go no further than the proceedings of this session to get a precedent for both these particular cases. According to my reading of the Standing Order, it alludes more to the preparation of a Bill than to anything else. I would ask the hon. member to cast his mind back a few days and consider two Bills which were before the House. One was the Government Tramways Bill, wherein a clause was inserted which was absolutely foreign to the title, and the Bill was referred back to the House whence it came, attention being called to the fact that it was out of order because it contained a clause outside the order of leave and which was foreign to the title. That point was upheld in another place. Now, take the other case. The other day we had a Bill providing for the creation of two State Hotels—one at Wongan Hills and the other at Rottnest Island. An amendment was moved, striking out the hotel at Rottnest, and in order that the Title might conform with the Bill as amended it was altered and a special report was made to that effect. The Standing Orders of the two Houses in this connection are different and cannot be construed the same way. Recourse was therefore had to a great extent, I understand, by those in authority in another place, to *Cushing*, but I have read a chapter from *May* in this connection, and I have come to an altogether different conclusion from that of the hon. gentleman who is now disputing the ruling. Perhaps it is not wise for me to say anything about the point of order which he has threatened to raise later on, but I might be permitted to say that if it has the effect the hon. member expects, I will be extremely glad if the hon. member will raise it. I beg to tender you, Mr. President, my hearty support for your ruling in this matter.

Hon. M. L. Moss : I am very pleased that the hon. member adopted the suggestion thrown out by yourself, Mr. President, that there should be a distinct motion submitted to disagree from your rul-

ing, for it throws on the House the responsibility in connection with an important question of this kind, and it does not thrust upon the President the unpleasant duty of taking the full responsibility for this action. In your position as President, exercising judicial functions to a large extent, when it comes to a question of the proper construction to be put upon a Standing Order, irrespective of what one's feelings might be, we know that nothing would induce you to deviate one iota from the strict path of duty in considering that Standing Order. In the way the Standing Order is couched there is a clear indication that if this Bill is the same question or an amendment of that which we have already dealt with, your duty is plain and clear. The hon. member has moved that your ruling should be disagreed with and the responsibility is thrown on the House. Mr. Kingsmill is perfectly right in his argument. *May's Parliamentary Practice* is not a guide to which we resort except where our Standing Orders are deficient, and then it is provided that the Standing Orders and Rules which guide the House of Commons shall be the guide for this Chamber. Where there is a distinct Standing Order, it is incompetent for the House to refer to *May*. Take an illustration altogether away from the point. In the House of Lords, when the Lords are addressing the House they do not address the Lord Chancellor, they address the rest of the Lords in general. In the House of Commons the method adopted is to address Mr. Speaker. We have a distinct Standing Order which provides that we shall address the President. *May*, therefore, is no guide, because we have a distinct procedure laid down in our Standing Orders. My opinion of the whole point is this: What is an amendment? It is a modification or a qualification of a question submitted for the consideration of the Chamber, and this point is answered by putting this question: Was it competent when the Bill for the construction of a line from Norseman to Esperance, 120 miles in length, for an amendment to have been moved to construct 60 miles from Esperance north-

wards, and then to alter the Title? Obviously it was. We could have cut down that line to 60 miles and we could have altered the Title of the Bill. We would then have made the Title in keeping with the contents, and thereby amended the original question contained in the Bill. When it is put that way it is obvious, in the words of the Standing Order, that it is a question or an amendment of that question, which is the same in substance. Mr. Cornell has said that it would be partially the same; if that is so, it is an amendment of the question and it is therefore the same in substance. It is not totally the same, and in that fact comes the difference between the Standing Order of the Legislative Assembly and the Standing Order of this House. There is a well-known legal maxim that the greater includes the less, which applies with much force to this question. A Bill to construct the whole line is a Bill to construct these 60 miles contained in the present Bill. Is it not then substantially the same question? I have a word to say with regard to Mr. Cornell's observations concerning the Land and Income Tax Bill. There is all the difference as between night and day with regard to that Bill and the one we are now considering. The Bill rejected yesterday was a machinery measure and it was the machinery clauses that we objected to here and not the taxation part. When that Bill comes forward, I submit, without wanting in any way to anticipate the judgment you, Mr. President, may give upon that question, it will be quite easy to distinguish that case from the one we are now discussing. It is a well-known rule laid down by *May* on page 286, that no question or Bill shall be offered that is substantially the same on which the judgment of the House has already been expressed in the current session. This rule has been so strictly adhered to that on several occasions the British Parliament has been prorogued for a few days in order to enable a Bill to be passed containing clauses contradictory to those of another Bill which had previously been rejected; and this practice has indeed been adopted by our own Legislature. As

late as the year 1907 when the Council, having rejected the Land Tax Bill put forward by the then Government, His Excellency prorogued Parliament on the 19th September until the 8th October in order that a new Land Tax Bill might then be introduced. There was a case where it became necessary to prorogue Parliament because the two questions were substantially the same and could not come up in the same session. The whole point is summed up in this—what is the true construction to put upon Standing Order 120? There cannot be a shadow of doubt about the construction when it is looked at carefully and with an unbiassed mind. Here is a Standing Order which is the most important in the Bill, and the only one that cannot be suspended by a vote of this House. The only way to suspend it would be by seven days' notice being given to rescind it and an absolute majority voting in favour of the redecision. The whole matter is simply whether under the Standing Order quoted this is a question, though not exactly the same, which is substantially the same as the question that was submitted, or an amendment of it. These words are of the utmost importance, and if an unbiassed person will read that, it is quite obvious this is a clear amendment upon the other Bill. The Chairman of Committees put the position in a nutshell. You could have cut down the mileage of the railway, started it from Esperance and carried it on 60 miles north, and if it was possible to do that it was clearly an amendment.

Hon. H. P. Colebatch: I do not intend to quote constitutional authorities, but I desire to say a word or two in regard to the practical effect of disagreeing with your ruling. If this Bill is in order it is quite obvious that another Bill to provide for the construction of a line from Norseman 60 miles southward, would be equally in order, and therefore by a simple process of cutting the Bill which this House has rejected, into two, the same result would be arrived at and the Standing Order would be set at nought. Some reference has been made to the rejection of the Land and Income Tax Bill, and if your ruling in this particular is wrong, it is quite competent for the Government

now to present to this House again two Bills, containing between the two all the provisions of a Land and Income Tax Bill, which was rejected yesterday. It will undoubtedly be competent for another place to submit to us a Bill providing for taxation on somewhat similar grounds as was provided in that Bill, although it would be open to question whether it would be competent for an exactly similar measure of taxation to be submitted. But, undoubtedly, if your ruling is wrong, we may be called upon to discuss in two measures the Land and Income Tax Bill which we have already rejected as one. I do not wish to discuss the merits of the Bill at the present stage, but to my mind the loss to the State arising from an isolated length of railway from Esperance northwards would be so heavy that I hope the country will never have to face it. And if we are entitled to consider this proposal, and if the House should adopt the Bill, then we are entitled to consider another proposal for a railway from Norseman 60 miles southward. Indeed out of regard for the finances of the State, if this is passed I sincerely hope the Government will at once bring in a Bill for the construction of such a line, so as to keep in touch with the through line, and thus give the Esperance line a chance of paying expenses.

Hon. J. W. Kirwan (in reply): I fail to see how any arguments adduced by those who have opposed my resolution can bear weight with hon. members. I have quoted some unanswerable authorities. Mr. Kingsmill has thought fit to sneer at *Cushing*, a Parliamentary authority often quoted in the House of Commons and the House of Lords. It is quite true he is an American lawyer, but the instances, the cases of Parliamentary practice in the House of Commons and House of Lords which he gives are no less extensive than those to be found in *May*. It seems to me, however, some hon. members, despite the fact that *Cushing* makes so plain, and which is supported in *May*; despite that fact, for reasons best known to themselves, have decided to assume they do not see the force of the

case presented. There is a good deal more which might be said upon the question, and a great many quotations which I could make from these books, but it seems to me from the speeches we have heard that the members of this House are quite determined to support your ruling, and as the session is in its last hours I do not want to prolong the proceedings any further.

Question put and negatived.

BILL—WORKERS' COMPENSATION.

Assembly's Message.

The Legislative Assembly having declined to make four of the amendments requested by the Council the same were now considered.

In Committee.

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

No. 2, Clause 4.—Add at the end of definition of "dependents" the following, "and who are domiciled in the United Kingdom or some other portion of His Majesty's Dominions":

Hon. J. E. DODD moved—

That the request be not pressed.

In making this amendment the Legislative Council was taking a retrograde step as far as workers' compensation was concerned. In the principal Act the dependants might recover compensation, no matter in what part of the world they should be. The amendment was likely to act prejudicially in this State, because the employer was given an incentive to employ foreigners for the reason that he had not to pay compensation to dependants who were living in a foreign country. There were some employers who did not insure. They themselves paid the compensation, and it was a direct incentive to those employers to employ only foreign labour so as to avoid compensating the dependants under this Bill.

Hon. H. P. Colebatch: Are you not proposing a Bill to prevent them employing foreigners?

Hon. J. E. DODD: If the hon. member would agree to that Bill the Government were bringing forward to prevent the employment of aliens, he (Mr. Dodd) would withdraw his opposition to the amendment.

Hon. A. SANDERSON: The Minister's speech placed the argument against the amendment on an even lower plane than the reasons urged by other members. He would not deal with the point taken by the Minister, but he could not allow this amendment to pass without a protest. Now that members had had an opportunity of further considering this question, he hoped that on national or imperial grounds they would not insist on the amendment. No clause passed this session had hurt him more, politically and morally, than this extraordinary idea that, because the dependants were domiciled outside the British Empire, they should not be entitled to compensation for the loss of a breadwinner. He again appealed to the Committee not to persist in the amendment in order not to lower ourselves in the eyes of civilised communities by this narrow system of legislation.

Hon. M. L. MOSS: In insisting on the amendment, the Committee would be erring in very good company. In New South Wales dependants must be resident in New South Wales, in Queensland they must be resident in the Commonwealth of Australia or New Zealand; in New Zealand they must be domiciled or resident in New Zealand, except when the Workers' Compensation Act was extended to countries with which the Dominion had reciprocity. The Queensland principle of limiting the compensation to dependants within the Commonwealth was a very good one, but the amendment went much farther and extended the payment of compensation to dependants within the British Empire.

Hon. J. CORNELL: It was to be hoped the Committee would see their way clear not to insist on this amendment. The Commonwealth Seamen's Compensation Act drew no invidious distinction as to where dependants might be resident. The amendment would exclude from claiming compensation residents of Europe, some

of the most intelligent and desirable citizens Australia could possibly have, but at the same time compensation would be paid to Chinamen and Hindoos. A Chinese cook's dependants residing in Hong Kong could get compensation, but if the dependant was residing in France or Germany no compensation would be paid. That was a most invidious distinction.

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

No. 7—Clause 6, Subclause (2), paragraph (b), strike out "unless the injury results in death or serious or permanent disablement":

Hon. J. E. DODD moved—

That the amendment be not pressed.

In the United Kingdom the provision was the same as was contained in the Bill, and the same provision was in operation in New Zealand also. It had been pointed out how a dependant widow, or mother, or children, would be unjustly treated if they were deprived of compensation by reason of death resulting to the worker from serious and wilful misconduct.

Hon. M. L. MOSS: This was an amendment which the Council most certainly should insist upon.

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

No. 9—Clause 9, Subclause (1)—Insert at the end of the clause the following words: "But the immediate employer shall be primarily liable and failing his or their liability to satisfy the compensation due the principal shall become liable for the unsatisfied balance":

Hon. J. E. DODD moved—

That the amendment be not pressed.

This was a clause upon which the Bill had been recommitted, and it must be apparent to every member how prejudicially it would affect a worker if he had to apply to three persons, first to the sub-contractor, then to the contractor, and finally to the principal. Owing to the heavy expense which would be involved in recovering his compensation, the worker or his dependants would be practically put out of court.

Hon. Sir E. H. WITTENOOM: It was a distinct advantage to the worker to have three people to go for, because if

he could not get money from one he could get it from the other two.

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

Ayes	..	..	..	18
Noes	..	..	..	5

Majority against .. 13

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. E. M. Clarke	Hon. J. W. Kirwan
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. J. F. Cullen	Hon. W. Patrick
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. C. A. Piesse
Hon. J. M. Drew	(Teller).
Hon. D. G. Gawler	

NOES.

Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. J. Lyne	Hon. T. H. Wilding
Hon. C. Sommers	(Teller)

Question thus passed, the Council's amendment not pressed.

No. 29, First Schedule, Clause 16, page 22, lines 2 and 3. Strike out "either the worker or":

Hon. J. E. DODD moved—

That the amendment be not pressed.

The second schedule provided a certain percentage of compensation should be paid for the loss of limbs. Despite this fact, the worker was not allowed to apply to the court to have a lump sum paid. We should remove this manifest injustice.

Hon. M. L. MOSS: If the amendment applied to the second schedule only there would be no objection to allowing the worker to apply to the court for the fixing of a lump sum, as the worker in such a case would not be a malingerer, but to restore these words to the schedule would open the way for men with so-called injuries to mangle the necessary period with the object of getting a lump sum assessed.

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

Ayes	..	..	..	7
Noes	..	..	..	16

Majority against .. 9

AYES.

Hon. R. G. Ardagh
Hon. J. Cornell
Hon. F. Davis
Hon. J. E. Dodd

Hon. J. M. Drew
Hon. J. W. Kirwan
Hon. B. C. O'Brien
Teller.

NOES.

Hon. E. M. Clarke
Hon. H. P. Colebatch
Hon. J. D. Connolly
Hon. J. F. Cullen
Hon. V. Hamersley
Hon. A. G. Jenkins
Hon. R. J. Lynn
Hon. R. D. McKenzie
Hon. M. L. Moss

Hon. W. Patrick
Hon. C. A. Plesse
Hon. A. Sanderson
Hon. C. Sommers
Hon. T. H. Wilding
Hon. Sir E. H. Wittenoom
Hon. D. J. Gawler
(Teller).

Question thus negatived, the Council's amendment pressed.

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

BILL—EMPLOYMENT BROKERS' ACT AMENDMENT.

Message received from the Legislative Assembly notifying that the amendments made by the Council had been agreed to.

BILL—MONEY LENDERS.

Message received from the Legislative Assembly notifying that the amendments made by the Council had been agreed to.

BILL—ROADS ACT AMENDMENT.

Message received from the Legislative Assembly notifying that the amendments made by the Council had been agreed to.

BILL—APPROPRIATION.

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: I do not think it is necessary to make a speech in connection with this Bill. I could recite bushels of matter but I would be breaking through the traditions of the Legislative Council were I to do so. The Budget which was delivered by the Treasurer in another place

and which was listened to by many members of the Legislative Council has supplied all the necessary information. This is a Bill covering supplies provided on the Revenue Estimates and Loan Estimates for the current year. If hon. members desire any information regarding the items I shall endeavour to supply it as far as lies in my power. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill. Clauses 1, 2, 3, 4—agreed to.

Schedule A :

Hon. M. L. MOSS : This was the proper time to take once more the opportunity of putting forward a protest which formed the subject of an amendment to the Address-in-reply at the beginning of the session. We had most ineffectually endeavoured to get information from the Government as to where the money came from to carry out their socialistic enterprises, and this House by its protest claimed that the Government spent large sums of money without the authority of Parliament. We now knew that when this expenditure was incurred and the money was paid there was no Parliamentary authority for it, and after Parliament was opened it was proposed to ask the Legislative Assembly only to ratify that expenditure.

The Colonial Secretary: That is not so.

Hon. M. L. MOSS: It was so. Why on earth did the Government ask for a ratification for something that was done in an unauthorised way if the authority was there? We knew that the hon. member was alluding to the "Advance to the Treasurer." We now knew that the Government had no funds from which they could take this money. It could not be taken from revenue because it had never been specifically appropriated for the year ended 30th June, 1912. We now knew from the schedule of the Loan Bill that there were sums allocated to replace the money that came from somewhere—

the Treasurer's Advance, it was supposed. This State had embarked on quite a number of ventures without Parliamentary authority. We had a line of steamships running, we had ferries, milk carts, butchers' shops, sawmills, brickyards, State hotels, and he wondered if these were to be all the socialistic enterprises or whether there was to be further interference with the private business people of the State. Sir Edward Wittenoom drew attention just now to the preamble of this Bill, which declared that we were cheerfully giving to our Sovereign what was contained in the schedule. This cheerfulness on his (Mr. Moss's) part went forth with a good deal of protest. It was a serious thing to start out on a business of running steamships when the Government did not know where they were going to be landed.

The Colonial Secretary: We are doing all right so far.

Hon. M. L. MOSS: You do not know where you are landing yourselves.

The Colonial Secretary: The steamers are booked up for 12 months ahead.

Hon. M. L. MOSS: If they were booked up on the same basis as some of the recent transactions, there would be a lovely debit balance. Sheep had been brought from one part of the State to another for 2s. a head, and the gross profit on that transaction was 9d. The Government had to make a rebate of 1s. 3d. to the person who shipped the sheep.

The Colonial Secretary: That is not true.

The CHAIRMAN: It is quite out of order for one hon. member to contradict another hon. member.

The Colonial Secretary: The contract was for 2s. 3d., and there was a rebate of 6d.

Hon. M. L. MOSS: Assuming it was that: but why a rebate of 6d.? A worse illustration could be given. He was credibly informed in connection with another transaction, also the carriage of sheep, that the price was something like £1,000 and that the Government only got £500 and the other £500 was retained by the person who contracted with the Government. The circumstances attending that

business were as follows:—A charter party was entered into by the department to carry the sheep, and when the sheep arrived at Sydney there was no copy of the charter party; it was not there.

The Colonial Secretary: I do not think that is right. This might prejudice a case that might arise in the Supreme Court.

The CHAIRMAN: I would take no notice of that.

Hon. M. L. MOSS: That transaction was carried out in an unbusinesslike fashion; there was not a copy of the charter party when the sheep arrived at Sydney. The shipper had a copy in his pocket and the captain of the steamer was in a hole, and the result was the Government used portions of the ship for other purposes in violation of the contract entered into and they only got £500 and were lucky to get that. In regard to the steamer "Western Australia" they were experiencing such a difficulty so far as coaling that vessel was concerned, that when she went on a trip to the North-West, they almost had to send coal after her to bring her back. A shipment of cattle came down on this vessel, but through the delays that occurred in bringing the stock to market at Fremantle, the Government had to purchase the whole shipment at £6 15s. per head when it was not worth £3 a head.

The Colonial Secretary: Ridiculous.

Hon. M. L. MOSS: Well then, did the Government buy a shipment of cattle from any shipper, and what did they give for them and what did they realise? We did not find private shipping companies making such blunders as these. If, as the Colonial Secretary informed us these ships were fully booked up for 12 months, it did not follow that a profit would result. Now, we found that one of the State steamers was taking a cargo of timber to New Zealand, and that she was taking the Minister for Works along, but whether it was that the Government had no work for that steamer in consequence of the closing of the Kimberley season, he did not know, but it would be interesting for the House and the country to know on whose behalf this ship was going to New Zealand and why they had put it

into the jarrah business instead of keeping it in the meat business.

Hon. J. E. Dodd (Honorary Minister): It hits you very hard indeed.

Hon. M. L. MOSS: It hit the country very hard. The Government were put into power to carry out the provisions of the existing statutes and to preserve law and order and to encourage private enterprise in every way possible, and not put obstacles in its way by embarking on all kinds of undertakings, which required men of great business capacity to work successfully.

The Colonial Secretary: Who have been the men of great business capacity in the past?

Hon. M. L. MOSS: The running of a fleet of steamers called for great business capacity, for a knowledge of all the tricks of the trade, and he did not think it was possible to find that marked business capacity in a Government.

The Colonial Secretary: We have a good man in charge.

Hon. M. L. MOSS: The gentleman referred to had been a most admirable accountant before taking over the Government enterprise, but there was a wide distinction between keeping accounts and knowing all the delicate finesse required for the successful running of steamers. The private shipping firms employed men with much more experience than had Mr. Sudholz, and the running of these companies was reduced to a fine art. Was it to be thought that by creating a Government department these things could be run by men without experience? The Government were paying their manager a few hundreds a year, whereas a firm like the Adelaide Steamship Company probably paid its manager £4,000 or £5,000 a year. This business had been entered into without any Parliamentary authority. If the running of these trading concerns was to be attended with similar results to those communicated to him as being the outcome of the running of the steamers, then the deficit to be piled up during the next two years, before the Government went to the country, would be too terrible for the country to face. The question was, were the Government thinking of starting more of these

enterprises without Parliamentary authority? In the Loan Bill there was an Advance to the Treasurer of £250,000. It was the same sum as was included in the Loan Bill of last year. Possibly this was only a coincidence. At all events, something more serious than was done this session would have to be done next session if further socialistic enterprises were entered upon without due authority from Parliament. The action taken would have to be of a nature that would put the Government on their defence. His next move in the House would be a petition to His Majesty the King to see that the Ministers in Western Australia preserved intact the provisions of the Constitution, and to see whether they should not be called upon to give some account to the Home Government of their reasons for setting the Constitution at defiance.

Hon. J. W. Kirwan: It is very easy to start a counter-petition.

Hon. M. L. MOSS: The petition referred to would be a petition from the House with a view to seeing that the privileges of both Houses were preserved.

Hon. J. W. Kirwan: We can have a petition from the people.

Hon. M. L. MOSS: But if the people were rightly informed it would be a dense crowd who would attempt to justify acts such as those complained of.

The COLONIAL SECRETARY: The remarks made by Mr. Moss could not be allowed to pass without protest. Mr. Moss would persist in saying that the money paid for the steamers was money not appropriated by Parliament.

Hon. J. F. Cullen: Not for that purpose.

The COLONIAL SECRETARY: That was so, but the Government had been given a perfectly free hand. The vote was granted under the Revenue Estimates and could be applied to many different purposes.

Hon. R. J. Lynn: Will you buy more steamers out of this advance account?

The COLONIAL SECRETARY: It was not easy to frame an answer to that offhand.

Hon. R. J. Lynn: Will you consider that you are justified in doing it?

The COLONIAL SECRETARY: In view of the demonstration which had been made by one section of Parliament it was unlikely that he would consider such action justified. The Moola Boola station had been purchased under the Treasurer's Advance, and after the 1st July, when the books came up balanced, there was a transfer to General Loan Account. A few months ago we had brought in an Excess Bill, and got it transferred permanently. Mr. Moss had said that certain contracts were made weeks ahead, before the steamer had left port, and that the Government had since found they could not keep those contracts. As a matter of fact the gentleman had never asked for a rebate, notwithstanding which it had been considered that he was entitled to have it. There was one case pending, and litigation might result. It was regrettable that Mr. Moss had put his side of the case, which was not correct, before the House and country. He had made all sorts of reckless statements, which was not singular for him at all. There were all sorts of exaggerations in his statements. He (the Colonial Secretary) had gone through the documents and had the advice of the Crown Law Department on the matter, and could say it was very unfair where a case was practically *sub judice* that a member of the House should put his side of the case, which was based purely on rumour. When he was a private member, all sorts of statements were made to him by constituents, but he always exercised great care before giving them credence.

Hon. M. L. Moss: These were made by creditable persons.

The COLONIAL SECRETARY: The carrying of cargo to New Zealand was a sore point, as opponents of State steamships appeared to consider it wrong to engage in an enterprise outside of the State. These steamships had to be made to pay. The Government's political reputation was at stake, and every legitimate method and means would be exercised to make them pay.

Hon. J. F. Cullen: It is only a tramp service.

The COLONIAL SECRETARY: Whatever the hon. member called it, it was

proving very profitable. From the 1st July to the 30th November the revenue exceeded the expenditure by £2,865, and in addition, £2,000 worth of goods were not taken into account, but were allowed to stand aside against depreciation, interest, and sinking-fund. Since then the boats had done considerably more business and the Government had the support and sympathy of the people of the North-West, and a large number of business people in Perth and Fremantle. The steamers were booked up for twelve months ahead, and work could be found to-morrow for another steamer for twelve months. The Government could take orders for 10,000 head of cattle, and 11,000 sheep, but the Government considered that they had gone far enough.

Hon. J. F. Cullen: Quite.

The COLONIAL SECRETARY: And that it was wise to wait and see the results of the year's operations.

Hon. J. F. Cullen: Very wise.

The COLONIAL SECRETARY: There was no doubt in his mind that the boats would prove a splendid success.

Hon. J. F. Cullen: Wiser still if you had stopped altogether.

Schedule put and passed.

Schedules B and C—agreed to.

Schedule D:

Hon. J. D. CONNOLLY: The Minister should give information regarding the general Loan Fund. Roads and bridges and public buildings represented very big items, namely, £98,000 and other undertakings, £271,000. It was a prominent plank in the Labour platform that they should only borrow for reproductive works. Public buildings were certainly not reproductive, and perhaps the Minister would explain why the Government had departed in such a serious particular from their principles. What did other undertakings consist of? In the Loan Estimates there was a sum of £100,000 for ships, and a smaller sum for brickyards, the milk business, and items of that kind. Mr. Moss's strictures could not be regarded as reckless, because he had been told exactly the same thing. It was not necessary to go outside the House to know that Mr.

Moss's statements must be true. The shipping business was run in a haphazard way. That was obvious from the questions which had been asked the Colonial Secretary. The printed balance-sheet of the profits made from these ships was given, yet the Minister yesterday could not tell how much coal the "Western Australia" had when she began her voyage nearly 13 weeks ago.

The Colonial Secretary: The balance sheet is up to October.

Hon. J. D. CONNOLLY: The "Western Australia" left on the 20th September, yet the Minister could not tell the House what the coal taken on board some six weeks before the balance sheet was prepared had cost. This was the sort of balance sheet Parliament would get with regard to other undertakings. The engineer's log book would show the coal consumption for each day, and that information should have been given when the ship arrived. The purser must know all about the cargo from the manifest. Suez Canal dues had to be paid before the ship entered the Canal, yet the Minister said he had no information. Of course, the Minister was not to blame, but this illustrated the absurdity of the Government undertaking trading concerns. It was on a par with the plumbing and sewerage works in Perth, to which he directed attention a few days ago. Regarding meat supplies, the Government started with a bold front to break up the meat combine. They brought down a few bullocks which had been originally purchased to feed the aborigines.

Hon. V. Hamersley: They sent the rejects.

Hon. J. D. CONNOLLY: Yes, the Government steamer was carting jarrah to New Zealand, and the Government were buying carcasses of meat from the meat ring, and giving as good an average price as had been obtained by the meat ring for a long time. The Government had erected a meat stall and a sausage machine.

Hon. J. F. Cullen: And the Premier has become butcher boy.

Hon. J. D. CONNOLLY: Was that what the advisers of the King had come to?

Hon. J. W. Kirwan: It is better than jerrymandering with electoral boundaries, anyhow.

Hon. J. D. CONNOLLY: The hon. member had paid for the privilege of using that word.

Hon. J. F. Cullen: He means "jarrah-mandering."

Hon. J. W. Kirwan: The hon. member is ashamed of the reference.

The CHAIRMAN: Order! The question is Schedule D.

Hon. J. D. CONNOLLY: The hon. member should not feel so sore about it. The Government meat stall did not affect the meat ring, but was competing with the small man.

The COLONIAL SECRETARY: In regard to roads and bridges, about £30,700 would be required to clear tracks to sidings on new railways. That surely was reproductive. Hitherto the cost of constructing feeder roads had been a charge on the Department of Agriculture, but it was considered that the expenditure on this class of work should be included under the heading "Roads and Bridges." There was £2,358 for the Fremantle high level bridge. Public buildings, £65,000, included quarters at the Claremont hospital for the insane, Perth Public Hospital sewerage, technical schools at Perth, Fremantle, and Midland Junction, Medical and Health offices, and a police station at Geraldton.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. F. CULLEN: Last session Parliament passed hurriedly a Bill to enable the Government to systematise their assistance to the settlers in the dry areas, and because the matter was urgent the Bill was rushed through both Houses. It was pointed out in this House that under that Bill the Government could levy heavy charges upon all the owners. The Minister was asked whether it was likely that the Government would do any injustice, and he replied that nothing of the kind would be done. Many of the pipe lines, however, were laid on sufferance. The Government had not secured from Parliament any

authority to lay those pipes, and naturally the property owners thought this was for a great public purpose and no objection was raised to carrying those pipes through their properties. Now the Government had notified them that it was intended to levy in some cases 5d. per acre and in other cases 4d. for a mile and a half back from each side of the pipe line. This was clearly a dishonest thing to do. The Minister might look into it.

The COLONIAL SECRETARY: The matter would certainly be investigated.

Hon. T. H. WILDING: Would the Colonial Secretary inform him what amount of money had been spent in connection with the Water Supply Act, which was passed at the end of the last session for the purpose of taking water to the agricultural areas? His desire was to ascertain the expenditure that had been incurred because of the fact that the people were being rated so heavily. The people to whom these pipe lines were to be extended had gone on those areas, given their consent to the pipe line being taken out, and to taxation being imposed, but it was never anticipated that it would be so heavy.

The CHAIRMAN: The hon. member was not in order in discussing the provisions of another Act on the Schedule of this Bill.

Hon. T. H. WILDING: What he desired to point out was that these heavy charges would seriously affect the agricultural districts along the Avon Valley and further east.

The COLONIAL SECRETARY: The information the hon. member desired was not available just at the moment. The hon. member, however, might have asked for it earlier.

Hon. J. CORNELL: It had been said that the Commonwealth Government had not done everything they might have done in regard to immigration. This was not a party question, and he held that the Commonwealth had done all they legitimately could do without discrimination between the States. He would like the Colonial Secretary to inform him whether it was the intention of the Government throughout the next financial year to pursue the policy of

assisting immigration? It had been said in another place that the immigration policy must be continued because our industries could not expand without more population. If the influx of people assisted to bring about prosperity, the statistics would not show, as they did now, that with the increase of population poverty was becoming greater. If the Government had money to spend in assisting people to come to the State they should first endeavour to assist the people within the State. In the constituency he represented there had been a large number of men unemployed and the wolf had been at the door, but though a protest had come from those men it was like a voice crying in the wilderness: it was far away, and could not be heard. On the coast there had been deputations of unemployed to the Government, and in his opinion the policy of bringing immigrants to the State was not going to make the conditions any better, but rather would intensify the present difficulty. He protested against the action of the Government in not meeting to a certain extent the wishes of the unemployed in his district. So far as the mining industry was concerned, he noticed that out of a loan appropriation of £3,866,000 only £70,000 was provided for the development of the gold-fields and mineral resources; that was not enough; but the agricultural industry and the coast had nothing to complain of in comparison with the outback portions of the State.

The COLONIAL SECRETARY: It was the policy of the Government to assist immigration to the State to a reasonable extent. He did not think there would be very much necessity to assist any great number of immigrants because the number of nominated people who came into the State was enormous. Those new arrivals were all absorbed as they came. An unemployed difficulty cropped up now and again, but it soon disappeared. A little time ago there had been a loud cry of unemployment about the city, but when the Minister for Works undertook to find work for all who might apply, only 150 applications came to hand. He knew that as fast as

immigrants arrived in the State they were absorbed, and they were no further trouble to the Government. The fact that occasionally 100 or 150 men might be out of work because of the stoppage of some big undertaking was no reason why the immigration policy should be stopped.

Hon. J. D. CONNOLLY: The immigration policy of the present Government was not such that it was likely to cause much unemployment. All the immigrants who arrived would be readily taken up for the reason that four-fifths of them were nominated by their friends. The present Government were no enthusiasts about immigration, and practically all the immigrants that were being brought into the State were those who were arranged for by the previous Government.

The Colonial Secretary: That is not so; 9,000 are coming this year.

Hon. J. D. CONNOLLY: Very nearly that number of passages had been granted before he left office.

Hon. T. H. WILDING: The settlers along the different extensions from the Goldfields Water Scheme were to be penalised very heavily by the imposition of an excessive rate which was to come into force at the beginning of the year. Great hardships were imposed on the settlers in the administration of this scheme. A neighbour of his had been asked for permission by the departmental officers to take the pipe line to Toodyay across his land. At first he had refused and said that if the pipe was put through his land the department would have to pay compensation and also severance. The departmental officer informed that gentleman that he (Mr. Wilding) had allowed the extension of the York to Beverley pipe line to go through his property without claiming compensation and persuaded him to consent to do likewise in regard to the Toodyay pipe line. That gentleman had now received a letter that after the 31st December rates would be collected from him. Members would realise that a great injustice was being perpetrated there. The same thing had happened in his own case, and he too

was to pay the excessive rate which was to apply throughout the Avon Valley, although the pipe ran along the railway line a great distance and only a few of the settlers were using the water, because they had already made other provision.

The CHAIRMAN: No rate was imposed in these Estimates; this was a question of the expenditure of a certain sum of money.

Hon. T. H. WILDING: There was an item of £80,000 for water supply in agricultural districts including drainage and irrigation. His complaint was the money should not be spent on further pipe extensions to penalise the people on the land, when those people did not have the means of putting in their crops and yet had to pay excessive rates. He hoped the Government would not insist on collecting these rates this year.

The COLONIAL SECRETARY: I will bring the matter before the Minister for Works at the first opportunity.

Schedule put and passed.

Schedules E, F, and G—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, the report adopted.

Read a third time and *passed*.

BILL—MINES REGULATION ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

Second Reading—Bill Rejected.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said: It is very late in the day to bring down this Bill, but the circumstances have made it almost impossible for the Government to introduce it earlier. It is a Bill to control the manner and method of regulating the working and conditions of mines. The first principles are with regard to the health of the men and to control the hazardous nature of the employment, and at the same time to conserve the interests of the State and see that the mines are conducted and worked in a proper manner. Many of the mines are small villages employing up to 900 people. I believe

the Golden Horseshoe employs about 950. So members will realise how necessary it is to have good and stringent regulations in order to thoroughly safeguard the interests of the men working in these mines. There is also in these mines all kinds of machinery, and intricate machinery that requires very careful control and safeguarding. When we consider the number of men who are killed or maimed and mutilated for life by reason of working in these mines it will be agreed that, despite the lateness of the session, the Government are justified in introducing the measure. From the 1st January until the present there have been 22 fatal accidents in the Kalgoorlie district and 276 serious accidents, so that it will be seen how necessary it is to use every possible means to try to bring about better conditions. During the last year the amount of mileage driven and sunk and risen in the Kalgoorlie mines was over 10 miles; during a period of eight months over 10 miles of workings have been developed in the Kalgoorlie mines quite apart from the stopes. When we realise the extent of all that work taking place underground where there is very little daylight, we will see the necessity for trying to bring about good conditions. The first measure in connection with mines regulation of any moment at all was a Bill carried in 1895, and in that Bill were many good and wise provisions; but as mining developed in the State it was found necessary to bring in other measures, and the last we had was carried through this House in 1906. It also contained some really good provisions, some of the best, perhaps, there are in the States of the Commonwealth, but since then it has been realised that there is necessity for still further amendment. Accidents are continually happening, the mines are getting deeper and deeper, the driven footage is extending in every direction and stopes are being worked more continuously and at higher pressure. So we find it once more necessary to come along and ask Parliament to pass a Mines Regulation Bill. I do not know any industry in Australia where there is so much tragedy as there is

in mining. I have been acquainted with the industry for the last 15 years in this State and I have been closely associated in an official capacity for the last 10 years with the men working therein, and have seen the tragedies happening in the mines, sufficient to make me almost think it would be a benefit to the State and humanity were mining wiped out altogether. I have visited the scene of every accident which has taken place on the Golden Mile in the course of the last eight or ten years, and have attended every inquest and, probably, every funeral of the victims. I have seen many men with whom I previously worked stricken down at a moment's notice. Some of the victims are mutilated beyond recognition in these accidents. If the industry is to flourish at that cost, I am inclined to think it were better the industry was wiped out. It may be that we will be told we are going to stop the industry, that we will completely stop the mines from working. I can honestly say that nothing of the sort will take place even if every clause in the Bill is made law. The glamour of mining is all past, there is very little glory about it to-day. It is simply one hard round of toil, day and night. The miner, even when on day shift, is working away down in the darkness. For two out of three weeks he works most of his time by night; his light is artificial, he is right away from the sunlight and all that makes life worth living. It has been said that if a gleam of sunlight could penetrate a mine and show the miners the atmosphere they work in not a solitary one of them would ever go underground again. I can quite believe it. If a miner could realise the smoke and rock dust which he inhaled hour after hour the whole shift through, he would most certainly find something else to do. A leading Kalgoorlie doctor has said that the man who would work in a mine is almost insane. I do not know that I should take up the time of the House any further except to explain the various clauses. The Bill before us somewhat alters the position of a mine manager. It places a little more responsibility on him, and it provides that

he shall give certain certificates of competency. One of the principal parts of the Bill is that dealing with the appointment of workmen's inspectors. At the present time there is only one class of inspector in our mines. The Bill provides for workmen's inspectors and special inspectors to be appointed to carry out the provisions of the measure. A special inspector will be called upon to deal with the technical or scientific matters which, possibly, the ordinary district inspector is not qualified to deal with; but that will probably only be in the case of a disaster, or something that would require special knowledge of technical matters in order to make a thorough inquiry into the mines. The provision for workmen's inspectors has been agitated for during the last nine or ten years. It is very difficult indeed for the ordinary inspector to travel all through a mine, visiting various working places and inquiring into all complaints, in addition to the ordinary work of his office. For that reason the Bill provides for the appointment of workmen's inspectors, to be elected by duly registered unions. This is not a new provision. Something very similar is in operation in coal mining districts all over the world. These workmen's inspectors will assist the district inspector, and to them complaints will be made. It is the hardest job in the world at the present time to get a man to furnish an inspector with a complaint. Owing to the nature of mining work it is impossible for an inspector to thoroughly enquire into all the workings of a mine and ascertain whether improvements can be made. Secretaries of unions have made many complaints to them, and to the best of my belief the inspectors have never yet betrayed the confidence reposed in them by a union secretary. But the men have no feeling of security. They are afraid of losing their positions on the mines. The appointment of a practical man, one who has worked underground, would tend to bring about better conditions of working. The district inspector has to undergo an examination in many subjects in which the ordinary mining man is not qualified, and in consequence we believe the appoint-

ment of workmen's inspectors will effect a great deal of good. The Royal Commission appointed in 1904 by the late Minister for Mines (Mr. Gregory) recommended the appointment of check inspectors. That commission was presided over by Mr. Montgomery, and Mr. Mann was also a member. A mine manager had a seat on the commission, as did also Dr. Black, who held a position in the Public Service at that time. That commission strongly recommended the appointment of check inspectors. All through the amending Bill consequential amendments are made in order to provide for the appointment of these special and workmen's inspectors. The terms and conditions of the appointments are to be made subject to regulation. Passing on to Clause 40 of the amending Bill, we have a provision by which the State Mining Engineer, the Government Geologist or any assistant geologist may inspect a mine for the purpose of sampling it. Under the present Act they have a power of inspection, but no power is given for sampling. I wish to say in passing that had that power been provided under the existing Act many of the gambles in connection with the Bullfinch field would not have occurred. It is a very necessary provision, and in this respect the entire House will support the Bill. In Clause 22 provision is made for the limitation of the height of stopes. At present there is no limitation whatever. If an inspector of mines wishes to limit the height of a stope or if he wishes to restrict stoping in particular workings of the mine because of danger, he has to go through a cumbersome method of arbitration, and while the matter is being referred to arbitration it is quite possible that a number of men may be killed as the result of the stoping. In order to get away from the cumbersome method of dealing with dangerous places it is provided in the Bill that stopes shall be limited to ten feet and, under certain conditions, to 15 feet. There is no more dangerous part of a mine than a stope. Stoping is taking away from a bottom drive to a higher one all the ore in between the two. Sometimes

these stopes run 20 feet, 60 feet, and even 100 feet in width, and some of them are 20 to 30 feet in height. You will imagine, then, what the men have to put up with, and the great danger there is of stone falling away. The great majority of miners killed are killed in stopes. I do not think any great hardship would be imposed on the mine owners by having the height of the stopes restricted to 10 or 15 feet, because the more economical working of the mine and the feeling that the men were working under great safety, would tend to an improved class of work. No man can work well when he feels that every moment may be his last. He is continually on the alert and speculating how he is going to avoid the danger. But if the stope is limited to 10 or 15 feet, a height which the workman can reach and sound, I am sure the mines will reap an increased amount of work. Provision is made for better regulations dealing with the skips and the raising and lowering of men by machinery. These are really incidental amendments, many of them dealing with the better working of the Mines Regulation Act. There is also an amendment providing that there shall be independent ladder-ways apart from the principal entrances or exits to the shaft, in order that the men may have an escape in the event of anything happening to the main entrance of the shaft. This is very necessary, because if anything occurs to the shaft all will realise what a danger it is to the 200 or 300 men who may be down below. The Bill also provides under Clause 25 for the appointment of a mines regulation board. The appointment of this board was also strongly recommended by the Royal Commission to which I have referred. This is to take the place of the cumbersome system of arbitration in existence at the present time. The mines regulation board will consist of not more than seven members, who shall deal with all matters upon which an inspector of mines is not pronounced to be competent to deal with, that is, to hear evidence, investigate and decide upon appeals from any owner, agent, manager, or person directly concerned in a mine, and also to hear an appeal from an inspector of mines, indeed, to inquire into almost any-

thing in connection with the mines. This was recommended by the commission of which I have spoken, which sat for nearly two years, and upon which, during that time, nearly £11,000 was spent. In Clause 27 we come to what may be a very debatable point in this House, and that is the abolition of the night shift. The Bill provides that on and after the 1st January, 1914, the night shift from midnight to 8 a.m. shall be entirely abolished. The reason is that it is unnatural that a man should work on that shift. There is nothing I know of which tends to the physical disability of a man more than to work this night shift. I had a few years of it myself, and I do not think there is anything in the world which will tend to bring a man down and destroy his health more than having to work the night shift one week in three. In addition if we could secure statistics of the number of accidents in the mines, I am sure from a very close knowledge that the biggest percentage would be found to happen on the night shift. There is no doubt that men, especially in a hot climate such as on the goldfields of this State, do not when working on the night shift get sufficient rest to enable them to carry out their duties properly, and the consequence is that they suffer from a bigger percentage of accidents on the night shift. If this shift is abolished, it might be said that we will be doing something to close down the mines. I do not believe it. Many managers would be only too willing to give abolition of this shift a trial. The greatest difficulty I can see is in providing the extra machinery in order to keep the output going. I do not think there will be a great difficulty in providing a sufficient number of faces in the mines, as was intimated in an article in the *West Australian*. Nearly all the mines should be able to find sufficient faces in order to allow sufficient men to raise enough ore during the two shifts. The subclause provides that the intention and purport of this section is that night shift work underground shall be limited to the smallest number of men reasonably possible and the discretionary powers of the Minister shall be exercised only in cases in which it has been proved to him that it is neces-

sary for the proper working of the mine. I hope that if this Bill gets into Committee this clause will be allowed to remain. There is another matter which I feel sure will have the support of Mr. Colebatch after what he said in regard to the Workers' Compensation Bill to-night, and of other members who seemed to be in approval with him, and that is the limitation of foreigners. It is proposed to limit the number of foreigners in the mines to one in ten, and I feel that I am appealing to a sympathetic audience in asking that the number should be thus limited, because the number of foreigners being introduced into the mining fields of this State is not only a danger to the worker as I pointed out during the discussion on the Workers' Compensation Bill, but is also a grave danger to the people living in these centres, and a danger to the whole State. The foreigner as a rule does not bring his wife and family here. No worker, I think, has any objection to the foreigner who comes here and is naturalised, and who settles down and brings his wife and family and lives like any other man. They object to the single men who live in their own hotels and wine shops and cost three or four times as much to keep in order as the ordinary Britisher. When the clause is being discussed members, I think, will agree that we are only seeking to do what is right in limiting the number. In the Bill which was introduced by the late Minister for Mines (Mr. Gregory) provision was made that only one foreigner to seven Britishers should be employed, so that we are simply trying to graft into this Bill the ideas of the late Government in limiting the number. In addition, any person who cannot readily and intelligibly speak the English language is not to be allowed to work in any mine and it will be an offence if it is proved that any foreigner who cannot speak the English language is working in a mine. It will be an offence not only against the manager but against the man. This is a very important addition and one which I think will help us in trying to administer this measure. The principal Act is also amended to provide that when men are required to work in cases of emergency, 24 hours' notice

or such shorter period, but as long notice as possible in the circumstances, shall be given to the men. This is very necessary because sometimes men work only a seven-hour shift on a Saturday and may only be given notice on that particular day that they have to work one or two hours longer and the consequence is that their wives or mothers do not know where they are, and in view of the large number of accidents which have occurred, members will understand the frame of mind they are in when their husbands or sons do not return home at the ordinary hour. I simply ask that as much notice as possible shall be given the men in order that they shall be able to acquaint their dependants of the fact. In Clause 34 we provide that contracting underground shall be entirely prohibited. Members perhaps may think this is a somewhat drastic clause, but any one who knows anything of the workings of mines and the conditions of contracting would understand in a moment why we are seeking to abolish the contracting underground in mines. The mining employment is the most dangerous there is in existence, and when a man is working under contract he is apt to take risks which he would never dream of taking under ordinary circumstances. It is only natural to try to earn as much as one can when working on contract, and if a man is working in the stopes to which I referred, there is a great incentive for him to go higher than he otherwise should in order to secure the increased measurement, and he would take risks in a hundred other ways. If he is firing out an end he will go back in the smoke perhaps immediately after firing in order to try to push ahead, and no doubt the contract system is responsible for fully a half of the miners' complaints with which we are faced. In addition the mine owner is continually trading one man's necessities against another's. A man makes a little addition to the ordinary rate of wage, and he will probably find that the rate of footage or tonnage is cut down at the end of the fortnight. There is little contracting in mines by any length of time, or for so many feet or so many tons, it

is merely fortnight to fortnight, and if a man earns at the rate of £6 or £7 a week in one fortnight it is possible he may be cut down to bring the rate of wage nearer to the ordinary standard days' work. I will not say that in the mines I know of this is always being done. Many managers are always willing to give a fair price for contract work, but this clause is not only to protect the miner against the employer, but also to protect the miner against himself and it should enable us to do something to stop the rapid growth of miner's disease with which we are faced at the present time. By Clause 36 we seek to reinsert in this Bill a clause which was cut out of the 1895 measure in 1902, that is a clause making a mine owner liable in the event of an injury. Since the passing of the Workers' Compensation Act, 1902, this clause has been deleted from the Mines Regulation Act, and the miner has no interest in reality no remedy with the exception of what he may recover under the Workers' Compensation Act, but we desire the reinsertion of this clause in order that the miner may be able to recover from a company in the event of a breach of the statutory regulations. I do not know that I need explain the Bill any further. I hope that, despite the lateness of the hour, members will give this Bill some consideration. It is not the first time that Bills have been brought down at the tail end of the session, and although there are some important matters in this amending Bill, I ask members to give it as much consideration as possible and see if we cannot do something for a class of men who perhaps are more deserving of consideration than any other class of men in this State. I beg to move—

That the Bill be now read a second time.

Hon. J. D. CONNOLLY (North-East): A Mines Regulation Bill has my entire sympathy, and I agree with a great many of the remarks made by the Minister in introducing the Bill, more particularly those relating to the hazardous occupation of mining. I know of no more hazardous occupation,

and I agree to a large extent with the Minister regarding the unhealthy conditions under which miners generally have to work. I have often said, and I repeat it, that if I had to work for my living by manual labour, mining is about the last occupation I would think of undertaking. While I agree with the necessity for mines regulations, let me say I think it is an outrageous action to bring down a measure of this description, involving new principles, at the last hour of the last day of a long session. There is no excuse for the Government in this instance, because it was one of their battle cries during the last election. We have had a long session, and remembering that a majority of the members of the present Government are members representing goldfields electorates, there is no excuse that they should have left this Bill till the eleventh hour of the last day of the session. I sympathise with the Minister in the task that has been allotted to him in the introduction of this Bill under these circumstances. I sympathise with him, because I know he feels exactly as he has spoken. He feels sympathy for the miner whom he thinks this Bill will benefit. Mark the awkward position in which that gentleman is placed. He has to come to this House in the closing hours of a six months' session and ask members to accept a Bill which would revolutionise the mining industry, if it did not kill it outright, by the provisions which are contained in it. I think it is an insult to the intelligence of this House to put a Bill before members and expect them to accept it in so short a time. The Minister has correctly stated that we have a very excellent Mines Regulation Act on the statute-book of this State. I want to emphasise that, and the statement, I may point out, was made by the Honorary Minister and also by the Minister for Mines when he introduced this measure in another House. The Minister for Mines said that we had a Mines Regulation Act which in many respects was a very excellent measure. He went on to say, as the Honorary Minister did, that it had proved defective in certain respects. We know that it has

proved defective, but not for the last week or month or two, but according to the expressions which have been uttered for the last year or two. Therefore that is an additional reason why we should not accept the Bill at this period. I emphasise that we have a Mines Regulation Act on our statute-book, and I intend to ask members of this House not to accept this measure for the reasons which I have already stated, and for the further reasons which I intend to give before I resume my seat. Drastic as this Bill is, and as far-reaching as it will be in its effect on the mining industry, believing as I do the hazardous nature of the occupation of mining, I would ask the House to accept it and take the risk if we did not have a good and I maintain effective Act already on our statute-book. A short time ago we had introduced to this House a very drastic Land Act Amendment Bill, and when I moved that it be read six months hence that was endorsed by a large majority in this House. In speaking on that Bill I stated then if the Bill was passed, it would mean death to land settlement in this State. The Bill we have before us now contains at least six clauses, almost any one of which, if applied to the mines of the State would spell death to them. This Bill is worse than the Land Act Amendment Bill which did away with freeholds. The Land Act Amendment Bill would have not only injured the present settlers to a large extent, but it would have absolutely killed all future land settlement. This Bill, however, will not only injure, but as I have said kill almost every mine in the State, and it will stop all new mining operations. When we come to realise that, the House would be justified in rejecting the Bill to-night. Notwithstanding the length of the Session and the expressed intention of the Government ever since they assumed office to present this Bill, they never thought fit to submit it to the mine-owners of the State so that their views might be obtained on this important question of its necessity, and as to the effect it would have on the mines. The mine-owners knew nothing of the provisions of

the Bill until it was introduced into another place a few days ago.

Hon. R. G. Ardagh interjected.

Hon. J. D. CONNOLLY: Mr. Ardagh must know that when the last Bill was introduced, after it was submitted to Parliament copies of it were forwarded to the miners' unions in Kalgoorlie and to the Chamber of Mines. Both parties had an equal opportunity of discussing its provisions and giving their advice to the Minister and expressing their opinions as to how it would affect the bodies concerned.

Hon. J. Cornell: Whose dictum was adopted?

Hon. J. D. CONNOLLY: That Act was not brought in at anyone's dictum. It became law and although it has been on the statute-book for six years and was passed by the Moore Government and it has been spoken well of even by the present Minister for Mines to-day.

Hon. R. D. McKenzie: It was well spoken of by many Labour members too.

Hon. J. D. CONNOLLY: While I have already stated that there are a number of small matters in this Bill which may be considered necessary, and which I would readily support, I cannot give my support to the measure because of the other far-reaching proposals which have been put before us within a few hours of the termination of the session. There is a provision in this Bill in regard to which members may not see eye to eye with me and that is compulsory inspection and sampling of mines by the Government. I agree with that provision and all that the Minister has said in that respect. There is no reason why the mining inspector or some officer authorised by the Minister should not sample every mine. The information need not be given to the public, but as the Minister has said many shareholders would be saved from being swindled, and many improper practices of the past would not have taken place if this provision had been on the statute-book. We would not have experienced that disgraceful manipulation which a Royal Commission some time back was appointed to investigate. I refer to the

Boulder Perseverance and the Boulder Deep Levels affairs. Some people might say, what right have the Government to inspect a mine. I say they have every right. These are public companies and the Government have a perfect right to protect the public, and every shareholder has a right to know what the mines contain. What would be said of a steamship company if a statement were made at an annual meeting of shareholders that they possessed a fleet of 60 steamers, and three or four months later it came out that instead of 60 they had only 20? That is exactly the kind of thing that took place at the time I speak of at the Boulder Perseverance Mine. They stated at their annual meeting that they had certain ore reserves and it was found some time later that they had only 20 per cent. of the amount previously stated. This provision in the Bill I heartily endorse, and as I said before, there are a number of small amendments which are necessary, and which would not effect any great harm, but they can well afford to stand over for another 12 months. Through the action of the Government in submitting the measure at this late stage there is no option for us but to shelve the measure until next session. There are half a dozen revolutionary principles in this Bill and I venture to say if one or two of them were applied to the mines, with the exception of mines like the Great Boulder and Ivanhoe, not one would survive. The conditions in the Bill will not afford any great relief to the mines. The provisions contained in the Bill will do nothing but harass the working of the mines. I would like to refer to one or two of the provisions contained in the Bill and the first is in Clause 5, and relates to the appointment of workmen's inspectors. Here we have an effort being made to place an entirely new principle on the statute-book. It is provided that the workers may elect one of their number to be an inspector of mines and its far-reaching effect can well be imagined. It would be a one-sided arrangement which hon. members should not agree to; it certainly would not be thought of for one moment in connection

with any other business. Then we have a provision in Clause 22 to limit the height of stopes. I admit there is a good deal in what the Honorary Minister has said in regard to stopes, but the Minister must know that the safety of a mine does not altogether depend upon the height of the stopes. They may be considerably higher than 10 feet and they may even be 10 feet without being safe. It is difficult however in the limited time at my disposal to explain the many technicalities connected with these subjects, but it is plain that if we imposed the restrictions provided in the Bill we would add immensely to the costs of working. Unfortunately the mines of this State are becoming poorer and poorer, and every restriction that is placed on them will have a far-reaching effect. At the present time they are working close to the limit, and while at one time it might have been possible to take certain liberties with them, such a thing is out of the question now. The same arguments apply to the proposal to limit the height of rises to 20 feet. I do not think they are ever as low as 20 feet; they are usually a great deal higher. I admit there should be some limit but it would be difficult to specify in so many feet what that limit should be. We next come to Clause 25 which provides another new principle, a Mines Regulation Board, to be composed of not more than seven members to be appointed by the Minister. The Board in itself might not be so bad, but it is to be appointed by the Minister, and there is nothing said about the qualifications of the members. When we notice also that all the powers vested in a Royal Commission are to be given to that board it will be realised that there is some necessity for providing in the Bill the manner in which the members of the board should be selected. If hon. members will read Clause 38 they will notice what extensive powers it is intended the board shall have. It is to have the power to grant, cancel, and suspend certificates of competency to mine managers, mine foremen, mine surveyors, and such other classes of persons employed or engaged in or about mines as the Governor may deem it expedient from time to time to require to be in

possession of certificates of competency. We next come to a serious alteration which must affect mining considerably and that is the limiting of the hours of work underground, and which from the 1st January, 1914, are to be 44 hours a week. First of all this is altogether out of place in a Bill of this character. The question was recently determined in the measure which amended the Arbitration Act, and it was provided that the working hours should be referred to and settled by the court of arbitration. Another very revolutionary proposal is the abolition of the night shift. That is a very serious change to bring about in practically a few minutes. I admit a good deal of what the Honorary Minister says, especially that night is not the best time to work in a mine, but so far as working underground is concerned, I do not suppose that it makes any material difference to the worker who has to carry out his duties by artificial light no matter at what period of the 24 hours he may be engaged in his duties; but the fact remains that it is absolutely essential that in most mines night shift should be worked. Its abolition would add enormously to the cost of mining. The machinery has to be kept working continuously, and with the exception of one or two, it is certain that the mines could not operate at a profit if a cessation of work took place during any period of the 24 hours. Another serious matter is that it would diminish the output of gold by anything from 15 to 30 per cent. A principle of this kind needs to be thoroughly investigated and debated before it is placed on the statute-book. Next there is the question of the limitation of the employment of foreigners. We should recognise that once we admit people of other nationalities to our shores we cannot by any process of reasoning refuse them the right to work for their living. I agree with that portion of the Bill which provides that they shall have a knowledge of the English language. That is essential in the interests of safe mining. I think Mr. Gregory was the first Minister for Mines who placed that provision on the statute-book of the State.

Hon. J. Cornell: It only became necessary in his time.

Hon. J. D. CONNOLLY: I think it was in the time of the Daglish Ministry, and it was strongly opposed by a member of the present Ministry. It is absolutely necessary that those who are working underground should have a knowledge of the English language. Then we come to the proposal for the abolition of contracts. What right have we to lay down in the Bill that no contract should be worked? Let me say to the Minister that the miners' unions on the Eastern Goldfields have never been able to get the miners to agree, themselves, to the abolition of contract.

Hon. J. Cornell: Yes, they have agreed by ballot.

Hon. J. D. CONNOLLY: It must have been in recent years. I remember what was almost a stand-up fight at Leonora over the question. In any case it is a question for the Arbitration Court, and not for the Bill. If a man desires to work contract, why should he not be allowed to do so, especially as the Arbitration Court has the power to regulate piecework? There is no need for it in the Bill. I have touched briefly on the main principles of the Bill. I regret very much that it was not brought down earlier. If the Bill is rejected, as I hope it will be, the Government must accept the blame. They, and they alone, will be responsible for it. I certainly would not feel that I had done my duty as a member of the House if I voted in favour of a Bill containing all those drastic alterations of the existing law, whether it related to mining or to men, or anything else, with the little consideration we have been able to give it. And while I have every consideration for the welfare of the miners who are well protected under the existing Act, the Bill would mean death to the mining industry, and I say we cannot afford to take a risk of that kind. I regret that on account of the late introduction of the Bill I have had to deal hurriedly with it. I had intended to move that the Bill be read this day six months, but I will not do that, because it would make it appear that this House was against the principle of the Bill. But

I will move a motion not often made in this House, a motion which I think fits the occasion. I move—

That the question be not now put.

Hon. J. E. DODD (Honorary Minister): I just desire to say a few words in reply to Mr. Connolly.

Hon. J. Cornell: Will I have the right to speak after the Minister sits down?

The PRESIDENT: No, not unless you catch my eye.

Hon. J. Cornell: Will the Minister's speech close the debate?

The PRESIDENT: No, the previous question has been moved, namely, "that the question be not now put," and there can be a debate upon that.

Hon. J. E. DODD (Honorary Minister): I will give way to Mr. Cornell.

Hon. J. CORNELL (South): It seems somewhat of a paradox that two members coming practically from the one place, should hold diametrically opposite views. The question at issue is whether or not there is time to debate this question. I would have much preferred that the question had been brought down earlier, but as it has not come along earlier I am prepared to go on with it now. Hon. members have expressed the opinion that the session has been a strenuous one. I sympathise with hon. members if they have lost in weight and in health; I have gained in both, and I am prepared to go on with the question.

The PRESIDENT: The question before the House is the previous question.

Hon. J. CORNELL: Well I am in a quandary.

The PRESIDENT: Chapter 16 of the Standing Orders will inform the hon. member as to the previous question.

Hon. J. CORNELL: The question at issue is a very vital one. The motion may be an ingenious method of getting rid of the question, but the position boils itself down to the issue as to whether or not the question should be debated now. I hold that the first consideration of this Chamber should be in the direction of some protection to the lives of members of the community, and Mr. Connolly's motion can be summed up in that. I hold that the question relative to the Bill now be-

fore the House is an important and vital one. It has been held that the Mines Regulation Act is a vital question, and that a deal of time in this Chamber should be given to the discussion of the question. With that I heartily agree. But surely at this late hour of the session we can at least discuss this, even if it take us till next week.

Hon. J. D. Connolly: The Government say they are closing down to-night.

Hon. J. CORNELL: I do not care. I am quite prepared to stop here till next July and debate an important question concerning the lives of the workers of the State. Mr. Connolly in speaking said that the question was outrageous at this stage. I think it could only be outrageous in one direction, namely, that there is not time to discuss it. The hon. member said it would revolutionise mining, if it did not kill the industry. I will admit that the Bill is, to a certain extent, a drastic measure, but it has for its one specific object the protection of workmen engaged in the industry. That being the case, I do not give one iota of consideration as to whether the Bill will kill the industry. I say that with all sincerity. I say of this and of other measures that the first consideration of legislation should be the protection of the units of the State who are forced to work. Mr. Connolly said it was an insult to the House to ask it to deal with this Bill at such short notice. I said earlier in my remarks that I am prepared to swallow a lot of insults if I can do any good for the men engaged in the mining industry. The hon. member said there were many features of the Bill with which he sympathised and agreed, and the only inference in regard to the insult can be that he refers entirely to the lateness of the hour at which the Bill was introduced. I agree that it would have been much better if hon. members had been given further time to consider it, but the salient feature that should characterise members of this Chamber is that the principle of legislation contained in the printed clauses of the Bill should be the first consideration and not the lateness of the hour or the heat of the weather. I do not think that Mr. Connolly meant the assertion that

this was an insult other than in regard to the lateness of the hour, but I ask hon. members to swallow the insult and let us consider this Bill. If hon. members do that they will, even at this late hour, entrench themselves stronger in the regard of the electors than they have hitherto done. Mr. Connolly has said that at the present time there is an equitable measure on the statute-book. I agree to differ.

Hon. J. D. Connolly: The Minister for Mines said so.

Hon. J. CORNELL: That is not my opinion. The Minister for Mines may have been reported as having said so, but I have not had time to look up *Hansard* to see the exact words the Minister for Mines used in qualification of that statement. Such being the case, I refuse to accept the report in the newspapers, because I do know that such reports do not always contain all that is said. Mr. Connolly said that he would ask the House to take the risk of dealing with this Bill if the present Act was not in existence. That Act has been in existence since 1905 without a solitary amendment to it having been made. I do not absolve the Government from blame for not bringing down an amendment earlier, because there are anomalies in the Act which are apparent. Mr. Connolly said that the outcome of the Land Bill would be death to land settlement. I am sorry to see that the hon. member has become imbued with pessimism, and he goes further now and says that the outcome of the present Bill would be death to the mining industry. If there has been one feature which has characterised the mining industry in this State it has been the death of the miner employed, either by accident, industrial diseases, or other causes, and we have to choose between death to the industry and better protection for the miners and fewer deaths amongst those whom the industry employs. I do not think the mining industry will go out of existence even if the Bill does become law. In going through the Bill I find that many features are copied from existing legislation. The profit made during the short term the industry has been in existence in this State is out of all proportion to the profits made in the mining

industry in Victoria. The profits in Victoria—

The PRESIDENT: I wish the hon. member would approach the question before the House, that is, that the question be not now put. I do not wish to hamper the hon. member, but if he will direct his remarks to the question before the House it will be more proper.

Hon. J. CORNELL: I know that at all times, you, Sir, have extended to me all the consideration you could possibly extend to a new member. I know I have been digressing, but I am not conversant with the rules of the House, and the amendment is an ingenious one. I have no desire to further weary the House because I know the outcome of the voting on this amendment will be the rejection of the Bill. I have appealed to the Chamber to, even at this late hour, give some consideration to the Bill. If that consideration is given I will owe a debt of gratitude to hon. members, and hon. members will have that debt acknowledged by the miners of the State. I oppose the amendment. I would have continued at length, but I recognise that I am digressing and trespassing on the indulgence of the Chair.

Hon. J. E. DODD (Honorary Minister) in reply: I just desire to say a few words as to why this amendment should not be adopted. I think the attitude of Mr. Connolly is one of Satan reproving sin. I have been a member of this House for something like three years, and during that time on almost every occasion Bills have been brought down towards the end of the session of equally as great importance as this Bill.

Hon. J. D. Connolly: Certainly a Bill of this description was never brought down at such short notice.

Hon. J. E. DODD (Honorary Minister): I remember the Bill that placed the present Government in office, and was responsible for the Government of which Mr. Connolly was a member going out of office—I refer to the Redistribution of Seats Bill. I remember it being brought down in the closing hours of the session, and that was a measure which was going

to alter the whole representation of the State.

Hon. J. D. Connolly: You do not mean to say that it was brought down at less than a day's notice, or even less than a week's notice.

Hon. J. E. DODD (Honorary Minister): I remember it was forced through another place at all night sittings, and by the naming of several members and their removal from the House, and for Mr. Connolly to reprove this Government for not bringing down the Bill earlier is, as I said before, like Satan reproving sin. I wish to refer to a few Bills which were brought down this session and for which ample time was given for their full consideration. One was the Land Bill, and what sort of treatment was meted out to the Government in connection with that measure?

Hon. J. D. Connolly: You kept it here fourteen days without us having an opportunity of discussing it.

Hon. J. E. DODD (Honorary Minister): Then there was all the more opportunity for considering it. But what happened? The Colonial Secretary introduced the Bill. At a caucus meeting of the party by which we are surrounded in this non-party House, one speaker (Mr. Colebatch) was put up to oppose the measure, and he made certain statements which it was impossible for the Colonial Secretary or myself to refute at a moment's notice. I moved for the adjournment of the debate in order to get time to answer the statements, but the guillotine was immediately applied, and although I am a Minister of the Crown, I was refused the opportunity of a reply. The Public Works Committee Bill was brought down with sufficient time to allow of full discussion of every aspect of the measure, but one member was put up to oppose it and the measure was immediately wiped out. The Esperance Railway Bill received the same treatment. One speaker said a few words, but the Opposition caucus had already decided the fate of the Bill, and consequently it too was wiped out. We had the same treatment in connection with the State Hotels Bill, and almost the same treatment in connection with the Fremantle Harbour

Trust Bill; and yet Mr. Connolly is complaining that we are only giving ten or twelve hours for the discussion of this Bill, although when even more important Bills were being dealt with, Ministers were refused an adjournment in order to answer objections—an almost unprecedented proceeding in the history of this House. I offer my protest against the treatment to which we have been subjected. Without digressing from the Standing Orders, I may say that we brought down a Bill which aimed at mitigating the effects of industrial diseases. We brought down the Workers' Compensation Bill, and provided that miners' complaint should be classed as an industrial disease, so that the effects of that terrible malady might be mitigated. But the House has thought fit to strike out that disease as one for which compensation should be paid. Now, we bring down a Bill and say to members, "Will you endeavour to make the mines better from the point of view of health and safety, so that the causes of industrial diseases may be mitigated;" and again I believe the numbers are up, and this Bill is to be wiped out without consideration. The party whip has been cracked in this non-party Chamber, and caucus has already decided that this Bill is to go out.

Hon. R. D. McKenzie: You nearly won the Esperance Railway division.

Hon. J. E. DODD (Honorary Minister): Reference has been made to the fact that we did not submit this Bill to the mine owners, but neither did we submit it to the miners. We have gone to neither party. Mr. Gregory undoubtedly did go to the miners, but he also went to the mine owners, and the only persons he took any notice of were the latter. He took no notice of the recommendations of the miners or of the Royal Commission appointed by his own Government to inquire into the ventilation and sanitation of mines. I have the recommendation of that Commission in respect to a Mines Regulation Board—

It appears to us that the best means of obtaining the above and similar information—

That is information in regard to the health of mines, cyanide fumes, and all those matters—

and of giving the necessary attention to all matters of the ventilation and health of mines, would be the appointment of a permanent board, who should arrange for investigations to be carried out from time to time by competent persons.

I am not going to weary the House by reading the whole of that recommendation, but with regard to check inspectors, the Commission reported—

In view of the importance of ventilation and good sanitary conditions in and about mines to the health of the men employed, it seems to us reasonable that they should themselves have facilities for inspection and report in metalliferous mines in the same way as they have in the collieries. To make the check-inspectors' office of the most value they should be permanently engaged in the larger centres and not merely employees of the mine told off to go round from time to time, though this might be necessary in smaller places. We are of opinion that they should be appointed and removed by the recognised associations of miners of each district, subject to approval by the Minister for Mines, who should, however, possess full power to dismiss them if he thinks fit, that they should be paid by the associations with the aid of a subsidy from the State, and that they should report through the inspectors of mines.

This was a Commission appointed, not by the present Government, but by the Government of which Mr. Connolly was a member. The Commission was composed of Mr. A. Montgomery, Dr. R. L. Jack, Dr. E. Black, Mr. T. Hewitson, Mr. E. A. Mann, Mr. F. Reid, and Mr. J. Carr. We are only seeking to give effect to the recommendations of that Commission. There is just one other remark I wish to make, and that is in reference to the powers of the Mines Regulation Board. Mr. Connolly said we are giving the board vast powers, but I would like to say we are not giving the board any, or very little, more power than is

given to an inspector of mines. We are limiting the powers of one in order to place them in the hands of a board of seven or less, and in doing that I think we should have the support of members of this House. Once again I express the hope that the House will not support the amendment, but will endeavour to do something to assist a much deserving class of men.

The PRESIDENT: The question is, "That this question be not now put."

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

Ayes	20
Noes	6

Majority for	14
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AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. W. Patrick
Hon. D. G. Gawler	Hon. C. A. Plesse
Hon. Sir J. W. Hackett	Hon. A. Sanderson
Hon. V. Hammersley	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. W. Kingsmill	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. E. McLarty

(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. F. Davis

(Teller).

Motion thus passed; Bill rejected.

BILL—RIGHTS IN WATER AND IRRIGATION.

Assembly's Message—Request for Conference.

Message received notifying that the Assembly declined to make amendments Nos. 7 to 16 and 18 to 21, inclusive, and asking for a conference, now considered.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill. No. 7, Clause 5, strike out Subclause 3:

The COLONIAL SECRETARY moved—

That the request of the Legislative Assembly for a conference consisting

of three managers from each House be agreed to and the Council appoints the Hons. H. P. Colebatch, E. M. Clarke, and F. Davis as managers on behalf of the Council, and that a message be sent to the Legislative Assembly accordingly.

The CHAIRMAN: The motion could not possibly be accepted because in the first place a conference must be moved for in Council and not in Committee, and in the second place because in his opinion a conference was not possible at this stage of the Bill.

Hon. J. D. Connolly: Would not you have to send back the amendments first?

The CHAIRMAN: Certainly. The proper procedure was that these amendments should be considered in Committee and either pressed or not pressed, and then to obviate the laying aside of the Bill, a conference should be requested by the Legislative Assembly. The first amendment requested by the Legislative Council and not made by the Legislative Assembly was No. 7, Clause 5, strike out Subclause 3:

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Hon. H. P. COLEBATCH: The suggestion that a conference should be held was in accord with his views, and the quickest way to reach a conference would be for the Committee to press the whole of the amendments for the time being.

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

The COLONIAL SECRETARY moved—

That amendments Nos. 8 to 16 and 18 to 21 be not pressed.

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

Resolutions reported; and the report adopted.

BILL—LAND AND INCOME TAX
(No. 2).

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

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

That the Bill be now read a second time.

Hon. J. W. KIRWAN (South): In view of the ruling given by you Mr. President earlier this evening, I desire to ask your ruling now as to whether this Bill is in order in accordance with Standing Order 120 which reads—

No question or amendment shall be proposed which is the same in substance as any question or amendment, which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded. This Standing Order shall not be suspended.

I would draw your attention to the fact that the Bill rejected yesterday was a Bill for an Act to regulate the assessment of land and income taxation, to impose a land tax and an income tax, and for purposes incidental thereto. The Bill that has just been introduced is for an Act to impose a land tax and an income tax. I think that these two Bills are the same in substance. The Bill of last evening was rejected and the Bill we have before us also imposes a land and income tax only that this measure is not so extensive as the former one. I take it, in accordance with the ruling you have already given, that this Bill is certainly out of order. I claim with all due respect that this Bill is a direct infringement of Standing Order 120.

The PRESIDENT: Though the short title of this Bill is the same as that of the Land and Income Tax Bill rejected by this House on the 12th inst, yet from a hasty reading of this Bill and applying Standing Order 120, I rule with great confidence, after hearing the hon. Mr. Kirwan's definitions of "substance" a few hours ago, that this Bill is in order, not being of "the same substance matter and argument" as the rejected Bill, which was a machinery measure. The present is purely a measure to impose taxation under the existing law, viz., the Land and Income Tax Assessment Act, 1907.

The COLONIAL SECRETARY: In moving the second reading of this Bill I feel it is quite unnecessary that I should repeat the arguments I used yesterday in support of the Bill which was rejected by this House. All that it is necessary for me to do is to briefly explain the provisions of the measure. Clause 2 provides that for the year ending the 30th June, 1913, there shall be charged, levied, collected and paid, for the use of His Majesty under and subject to the exemptions, deductions and rebate, enacted in the Land and Income Tax Act, 1907, and in manner therein prescribed (a) a land tax at the rate of one penny for every pound sterling of the unimproved value, as assessed by or under the said Act, of all land chargeable with such tax; and (b) an income tax on the taxable amount of all incomes—(i) at the rate of fourpence for every pound sterling thereof up to five hundred pounds; (ii) at the rate of fivepence for every pound sterling thereof in excess of Five hundred pounds up to seven hundred and fifty pounds; and so on. I leave the Bill with confidence in the hands of members.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

BILL—WORKERS' COMPENSATION.

Assembly's Message.

Message received from the Legislative Assembly notifying that on this occasion the Legislative Assembly waived its objection to receiving Messages in which requests were pressed and no longer declined to make the amendments requested.

Bill read a third time and *passed*.

BILL—STATE HOTELS (No. 2).

Assembly's Message.

Message received from the Legislative Assembly notifying that it declined to

make the amendments requested by the Council.

No. 1, Clause 2, Paragraph (b), subparagraph (1), strike out "and at Rott-nest Island":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Hon. J. D. CONNOLLY: The Committee had previously carried an amendment prohibiting the opening of a State hotel at Rottnest. He trusted the Committee would adhere to the former decision and insist on the amendment.

The COLONIAL SECRETARY: Hon. members should understand what was at stake. If this Bill was lost the Government would not be able to open an hotel at Wongan Hills and might be called upon to close the hotel at Gwalia.

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

Ayes	..	..	..	12
Noes	..	..	..	14

Majority against .. 2

AYES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. H. P. Colebatch	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. E. McLarty
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. Sir E. H. Wittenoom
Hon. J. M. Drew	Hon. R. J. Lynn
	(Teller).

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Plesse
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. V. Hamersley	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. R. D. McKenzie
	(Teller)

Question thus negatived; the Council's amendment pressed.

Nos. 2 and 3 consequentially pressed.

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

BILL—GOVERNMENT TRADING CONCERNS.

All stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This is a Bill as to the necessity and advisability of which there can be only one opinion. Everyone will realise that when the Government enter upon a trading concern it is desirable and necessary that proper and strict accounts should be kept in connection with the business transactions of the concern. That is the object of this measure, which provides that proper accounts shall be kept in connection with every commercial undertaking of the Government. The correctness of such accounts is to be certified to by the Auditor General and reported to Parliament annually. It will then be possible for Parliament and the people of the State to learn how any undertaking stands, whether it is being operated at a profit or at a loss. This, of course, refers only to the keeping of accounts. The manner in which revenue earned can be disposed of is determined by the Constitution Act which stipulates that all moneys received by the Crown shall be paid into Consolidated Revenue and all disbursements shall be from moneys appropriated by Parliament. By the Audit Act an Auditor General is appointed whose duty it is to see that all revenue is brought to account, and that all payments are in order and properly appropriated for the purposes to which they are applied. He is in no way concerned regarding the system of book-keeping and accountancy in any particular department, although he is entitled to offer his opinion on that point. He is not called upon to report to Parliament in respect of any other matters than the correctness of the accounts and the proper application of the public funds. As a matter of fact when it was suggested to the Auditor General that he should undertake the inspection of accounts in connection with State batteries, he replied that such work was beyond his province, and that if it was desired that he should do that work an amendment of the Audit Act would be required, or preferably a special Act. I could go extensively into this matter, but I believe that hon. members have followed the course of this Bill

through another place, and therefore I shall content myself with moving—

That the Bill be now read a second time.

Hon. W. PATRICK (Central): I have to congratulate the Government on the introduction of this measure. Unfortunately we all know that the Government have gone in for a number of trading enterprises to be conducted by the State on a fairly extensive scale. In order that the country may know what they are doing it was absolutely necessary that a measure of this kind should be introduced. I have had only a short time to look into the Bill but it appears to me to meet the case in almost every particular. For instance, it is necessary to have an annual estimate of expenditure of each trading concern, and each account is to be kept separate—shipping, butchers' shops, brickworks, and so on—and all moneys received in the course of carrying on business are to be paid into Consolidated Revenue Fund and paid out as appropriated by Parliament. There is a provision in Clause 12 for depreciation, and in Clause 14 there is a very excellent provision that in the event of any other department giving services or the use of premises to any of these trading concerns, then the trading concerns shall be charged for the whole of those services. That is a very important provision because it has not always been the custom in the past to carry out that excellent system. I remember some years ago when looking through the accounts of the Goldfields Water Supply it was pointed out by the Auditor General that the premises occupied by the officers of the scheme and insurance charges were not debited, but in this Bill they will be charged and a yearly balance sheet will need to be presented. Considering the lateness of the hour and the fact that we are at the end of the session, I do not think it is necessary for me to say anything further, except that I am in favour of the second reading, but there are one or two small amendments which I shall propose in Committee.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Clause 1—Short Title:

Hon. W. PATRICK: As there was nothing in the Bill authorising the raising of money the title should be altered.

The CHAIRMAN: The hon. member must raise that point in the title.

Clause passed.

Clause 2—Application of Act:

Hon. W. PATRICK moved an amendment—

That in lines 3 and 4 of paragraph (b) the words "the Governor may by Order-in-Council" be struck out, and Parliament may by specific motion" inserted in lieu.

The COLONIAL SECRETARY: Such an amendment would destroy the value of the Bill. It would mean that the Government would have to bring down a Bill to specify different trading accounts.

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

Ayes	..	..	..	16
Noes	..	..	..	8
				—
Majority for	..	..	..	8
				—

AYES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. McKenzie
	(Teller).

NOES.

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

Amendment thus passed, the clause as amended agreed to.

Clauses 3 to 14—agreed to.

Clause 15—Interest on capital expenditure from revenue:

Hon. W. PATRICK moved an amendment—

That in line 3 the word "may" be struck out, and "shall" inserted in lieu

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

Ayes	..	..	..	15
Noes	..	..	..	6
				—

Majority for 9

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. C. Sommers
Hon. R. J. Lynn	(Teller).

NOES.

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

Amendment thus passed; the clause as amended agreed to.

Clauses 16 to 21—agreed to.

Title:

Hon. W. PATRICK: According to the Title the Bill was for the purpose of authorising the raising and expenditure of certain money. He could not find anything in the Bill concerning the raising of money. It dealt simply with the expending of money. Was the Title in order?

The CHAIRMAN: In his opinion the Title was not in order. Clause 3 provided that the funds necessary for the carrying out of the measure should be such moneys as might be appropriated by Parliament for the purpose. He did not think the Bill was a money Bill.

The COLONIAL SECRETARY: There had been a clause in the Bill enabling the Government to raise money by debentures. Apparently that clause had been struck out in another place, but the Title had not been amended.

Hon. W. PATRICK moved an amendment—

That the words in line 1, "raising of" be struck out.

Amendment passed, Title as amended agreed to.

Bill reported with amendments and an alteration to the Title, and the report adopted.

BILL—WORKERS' HOMES ACT AMENDMENT.

Assembly's Message.

Message received from the Legislative Assembly notifying that amendments Nos. 1 and 2 requested by the Council had been made, and amendments Nos. 3 and 4 had not been made.

In Committee.

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

No. 3, Add the following new clause to stand as Clause 10:—Section 29, paragraph (c) of the principal Act is amended by omitting the words "six per centum per annum (but subject to a rebate as provided by section thirty)" and inserting the words "five per centum per annum in lieu thereof":

Hon. J. E. DODD moved—

That the amendment be not pressed.

Question passed; the Council's amendment not pressed.

No. 4, Add the following new clause to stand as Clause 11:—Section 30 of the principal Act is hereby repealed:

Hon. J. E. DODD moved—

That the amendment be not pressed.

Question passed; the Council's amendment not pressed.

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

Bill read a third time.

BILL—GAME.

All Stages.

Bill received from the Assembly, taken through all stages without debate, and *passed*.

BILL—INTERPRETATION ACT AMENDMENT.

All Stages.

Received from the Assembly, and on motions by the Colonial Secretary read a first and a second time.

In Committee, etcetera.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 16:

The COLONIAL SECRETARY: This clause was rendered necessary by an omission in Section 16 of the Interpretation Act. The word "proclamation" had been omitted, and the word was found to be essential. Therefore it was by this clause inserted after the words "Order in Council."

Clause put and passed.

Clauses 3 to 5—agreed to.

Title—agreed to.

Bill reported, the report adopted.

Read a third time and *passed*.

BILL — NEWCASTLE - BOLGART RAILWAY EXTENSION.

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is introduced to open up the belt of country between the Wongan Hills line and the Midland railway. The settlement is an old one and people there are struggling under adverse circumstances carrying their produce long distances to get it to the market. It is a portion of the country which is well worthy of special consideration in the shape of railway facilities. The line will run midway between the Wongan Hills and Midland routes and will allow of the recognised distance of 25 miles between each proposition. As a matter of fact it is rather less but we are on the safe side. The limitation of deviation is five miles after the first 15 miles. The particulars are: length of line, 31 miles; distance from Perth to commencement, 89 miles; gauge, 3ft. 6in.; weight of rails, 45lbs.; sleepers, 6ft. 6in. by 8in. by 4in.; ruling gradient, one in 40; sharpest curve, 15 chains radius; estimated cost of construction, £41,000, rails and fastenings, £23,250; total, £64,250; estimated cost per mile, £2,073; resident occupiers, 59;

acreage held by them, 70,806 acres; population, 265; land under cultivation this year, 4,153 acres; land cleared, 10,045; land ringbarked, 25,460 acres; additional area to be put under cultivation next year, 5,447 acres.

Hon. C. A. Piesse: We have those particulars and are satisfied.

The COLONIAL SECRETARY: Then I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

BILL — WYALKATCHEM - MOUNT MARSHALL RAILWAY.

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: Members have been supplied with all the information regarding this line. Therefore I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill. Clauses, Schedule—agreed to.

Title:

Hon. R. G. ARDAGH: The Minister might inform members where this railway was to be built. He was not aware.

The CHAIRMAN: There were maps in the Chamber available for the hon. member.

Hon. J. F. Cullen: The hon. member can stay behind and study them.

Hon. R. G. ARDAGH: The question ought to be answered. He did not take

up much time of the House and certainly not as much as a member who had interjected.

The COLONIAL SECRETARY: The proposed railway would open up a portion of the country which had been settled for a considerable time, more particularly, the area known as Cowcowing. Mount Marshall had been more recently settled, but at Cowcowing there had been a fair number of settlers for some years and they had justly asked that they should be provided with railway communication.

Hon. R. G. ARDAGH: Thank you.

Title put and passed.

Bill reported without amendment and the report adopted.

Read a third time and *passed*.

BILL—HOTHAM-CROSSMAN RAILWAY EXTENSION.

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The object of this Bill is to authorise a slight extension of the Hotham-Crossman railway which is now under construction, the object of the extension being to bring the line more closely into touch with the old-established settlement of Wandering.

Hon. M. L. Moss: We are all satisfied.

The COLONIAL SECRETARY: Then I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

BILL—WAGIN-BOWELLING RAILWAY.

All Stages.

Received from the Legislative Assembly and read a first time.

Second Reading.

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

That the Bill be now read a second time.

Hon. J. CORNELL (South): I believe this is the last of the railway Bills. I have only risen to say that the Bill for the construction of the line from Esperance to Norseman has been defeated, and that if hon. members have been reading the Press they will have noticed that the feeling in the constituency I represent is that on account of that action the members representing goldfields constituencies should oppose all other railway Bills in this Chamber. This is the last night of the session, a night of retribution, and I desire to say that I have accepted the opinions of those who ought to know and have voted for every Bill that has come before the Chamber, and it is my intention to support this, the last of all. In doing so I am taking a considerable amount of responsibility, but when the opportunity comes along again I will expect hon. members to do what I am doing now, namely, support the construction of a railway which the responsible Ministers consider is justified.

Hon. C. A. PIESSE (South-East): It would ill-become me to let this measure pass without thanking the Government for having had the fairness to put right a wrong which the people who will be served by this line have suffered for so long. I am taking this opportunity of doing so because I know that the people in the Bowelling area and along the route of the proposed railway desire me to do so.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Bill taken through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

COMPLIMENTARY REMARKS— CLOSE OF SESSION.

The COLONIAL SECRETARY (Hon. J. M. Drew): We have concluded our very strenuous labours which have extended over six months, and I desire to thank you, Mr. President, for the kindness and the forbearance you have shown towards me during the whole of that period, and I tender you and the members my best wishes for a happy Christmas and a prosperous new year. I also desire to extend my thanks and good wishes to our respected Chairman of Committees and to members without exception. I have experienced most kindly consideration from every member in this House. There have been times when the criticism has been severe but it has always been offered in the best possible spirit and it has been accepted in a similar way by myself. I am also grateful for the assistance I have received from the officials of the House and I thank them for it. I again thank you all and wish you the compliments of the season.

The PRESIDENT: I thank the Colonial Secretary for his kindly remarks, the more so as sometimes such remarks are looked upon as a mere conventional form. But we have had a longer session than I recollect since coming into this House in 1896, and taking it altogether I think hon. members have worked harmoniously and well together. I wish you, Mr. Colonial Secretary, the Chairman of Committees, and every member of the House and the officials a merry Christmas and a happy New Year.

Hon. J. CORNELL (South): I think I am the junior member of the Chamber, having been the last sworn in, and I would like to extend to you, Mr. President, my sincere thanks for the fatherly consideration you have shown me as a member of this House. I do desire to extend to you my appreciation and thanks for the courtesy you have shown to me. I likewise desire to thank every official and every member of the staff of the Chamber. As one who has

sprung from the bottom rung of the ladder I appreciate it, and what is more, I appreciate courtesy and consideration when it is extended without docility. Docility destroys courtesy and consideration between mankind, and I think we can agree to differ as men and not carry our differences out of the Chamber. We can all sincerely hope that whatever our differences may be now, and whatever the differences of opinion may be, as time goes on we may as one human family learn to extend consideration to one another.

Hon. M. L. MOSS (West): I wish to join the Colonial Secretary in the good wishes extended to you, Mr. President, to the Chairman of Committees, and to the officers of the House, and I desire to say in behalf of myself and several other members that we all hold in the highest esteem the Colonial Secretary and his colleague, Mr. Dodd. I do not think that the differences that have existed between us in connection with political questions discussed in this Chamber during the session detract from the high personal esteem and regard we have for both those gentlemen. In our long political connection with Mr. Drew he has been absolutely upright in all his dealings, and as a friend and gentleman outside the House he and others can forget their politics and meet us on common ground. We have not known Mr. Dodd so long, but we cannot but appreciate the many sterling qualities he possesses. We have had many accessions to the membership of this House, but one of the most important is the Honorary Minister. He has a great knowledge of industrial questions, and although I cannot see eye to eye with him on all things, it is a matter of great importance to the vast body of workers in this State that they have such an able representative in this matter. I hope that he will remain in this House for a long time, because the more we see of him the more we appreciate his qualities. I wish the Colonial Secretary and his colleague the compliments of the approaching season. We have been through a very heavy session, and I hope the Government will come down with fewer measures next session, because the burden

of 27 weeks of continuous sitting we have gone through is more than an ordinary individual should be called upon to bear.

Hon. J. D. CONNOLLY (North-East): While wishing you, Mr. President, the Chairman of Committees, and the officers of the House the compliments of the season, and joining with others in thanking you for your kindness and assistance, I wish more particularly to endorse the expressions of regard towards the leader of the House and his colleague. It is true, as Mr. Moss has said, that at times we have been somewhat severe on the leader of the House and Mr. Dodd. I know that when I led the House I felt at times that I was harshly dealt with, but I ask him to remember that it is not a personal matter. We have to deal with these matters in what may seem a severe and harsh manner at the time, but I, at any rate, have reason to appreciate the difficulties of the position held by the leader of the House and his colleague. It has indeed been a strenuous session. We have had a record number of Bills to deal with, and nobody who has not been in the position can know the strenuous time the leader of the Council has. No single Minister has to do anything like the work which devolves on the leader of this House. Of course the present leader of the House has been assisted by an able colleague, but apart from that the amount of work he has in keeping himself *au fait* with all the details of the Bills, and at the same time carrying on the administration of his department is appalling. I congratulate Mr. Drew on the work he has done, and I also congratulate his colleague. At times we have to differ on measures submitted to us, but the difference is not personal. I wish you, Mr. President, the Colonial Secretary, and the Honorary Minister, the compliments of the season.

Hon. B. C. O'BRIEN (Central): It may not be out of place for me, as one who entered this House twelve years ago, to say a few words of thanks to the officers of the House for their kindness on all occasions. You, Mr. President, have been thanked by other members, and I cordially agree with them that you have always acted in a thoroughly gentlemanly

manner towards all members. We have to depend on the officers of the House a good deal. They are always the essence of courtesy on all occasions, and it is only right to extend to them a little meed of praise. Our *Hansard* staff and the Press reporters, I am sure, are very glad that the session is about to close. I cannot say much more than that I hope we can all look forward to meeting again next year. There is an old saying that "there's many a slip 'twixt the cup and the lip," and we never know what may happen before next session, but I hope we shall all meet here again. There is no election intervening to divide us, and I hope nothing else will occur to bring that about.

Hon. J. E. DODD (Honorary Minister): I desire to express my appreciation of the manner in which you, Mr. President, have assisted us in many ways. I well remember the first session when I spoke in this Chamber. I was exceedingly grateful for the manner in which you helped me, and in fact helped all new members. I felt very timid and diffident about rising to speak then. The Chamber put me in mind of a church, and I scarcely knew how to speak. However, I have gained a little more confidence since then, and I am sure it is due to the courtesy and kindness which you and the Chairman of Committees have been good enough to extend to me. I hope, in fact I know, there is no personal feeling in this House. So far as I am concerned, I can go outside the Chamber and shake hands with any member of the House. There will be political differences as long as the world endures, but although we fight our political battles here we can still be friends. I remember Sir Edward Wittenoom said on one occasion that while he was a Minister he was always dreading the time when some member would rise, put his finger on a spot in the Bill, and ask for information on a point he knew nothing about. I may admit that is the way we feel at times when some member asks a question. However, I wish all members the compliments of the season and I am very grateful for the courtesy that has been extended towards us. At the same time I hope that during all the time I

may be in this House I will never have another Arbitration Bill to pilot through.

BILL—RIGHTS IN WATER AND IRRIGATION.

Request for Conference.

Message received from the Legislative Assembly as follows:—

With reference to Message No. 62 of the Legislative Council, the Legislative Assembly requests the Legislative Council to grant a conference respecting the Rights in Water and Irrigation Bill. Should a conference be agreed to by the Legislative Council, the Legislative Assembly will be represented at such conference by Mr. Walker (Attorney General), Mr. George and Mr. Bath (Minister for Lands).

The COLONIAL SECRETARY: I move—

That a message be sent to the Legislative Assembly agreeing to the conference, that Hon. H. P. Colebatch, Hon. E. M. Clarke and Hon. F. Davis be appointed managers on behalf of the Legislative Council, and that the conference meet forthwith in the President's room.

Question passed.

Sitting suspended from 11.40 p.m. to 1.10 a.m.

BILL—GOVERNMENT TRADING CONCERNS.

Assembly's Message.

Message received from the Legislative Assembly notifying that it declined to make the amendments requested by the Council.

In Committee.

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

No. 1, Clause 2, paragraph (b), line 3, strike out "The Governor may by Order in Council," with the view of inserting "Parliament may by specific motion."

The COLONIAL SECRETARY moved—

That the amendment be not pressed. This was simply a Bill to regulate the keeping of accounts and it would be ne-

cessary to prepare a balance sheet and submit a profit and loss statement to Parliament.

Hon. W. PATRICK: The object he had in moving the amendment originally was to protect the State against the Government. He did not specifically mean the present Government but any Government, because he apprehended that the measure would remain on the statute book for many years. His opinion was that under the clause the Government had power to start new industries, but if the leader of the House gave an assurance that the Bill simply meant that it would enable the Government only to carry on the industries which were in existence, and that the object of the measure was solely to regulate the keeping of accounts, he would not press the amendment.

The COLONIAL SECRETARY: Unless the House by specific motion declared that the steamers for instance should come under the Bill it would not be possible to bring them within its provisions. There was nothing in the Bill which would enable the Government to start new trading concerns.

Question passed; the Council's request not pressed.

No. 2, Clause 15, line 3—strike out "may" and insert "shall":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Hon. W. PATRICK: It was to be hoped that the Committee would insist upon this amendment because the clause would have no value unless the amendment was made.

Hon. J. CORNELL: There were several trading concerns run by the Government and it was not obligatory on the Government to supply any statement at all to Parliament. The question before the Committee was whether the clause should be made permissive or mandatory. It was the bounden duty of any Government to furnish the people with a correct statement of accounts for each trading concern, and he trusted the Committee would place in the Government of the day sufficient confidence to pass this clause in a permissive form. If the Government

did not next session bring down a proper statement of accounts he would be prepared to support an amendment making the clause mandatory.

Hon. W. PATRICK: The object was to bring this clause into line with Clause 4 which provided that the Government should, in reference to capital, do certain things. Clause 15 simply referred to spending money out of revenue. To have in the word "may" instead of "shall" was as if the clause did not exist. There was no desire to throw any reflection on the Government. It was better for the Government there should be a distinct direction so that they could say they were carrying out the law.

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

No. 3, Title—strike out "raising and":
The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Hon. W. PATRICK: It was a matter of indifference. There was no power in the body of the Bill to enable the Government to raise money.

The Colonial Secretary: Without the authority of Parliament.

Question passed, the Council's amendment not pressed.

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

BILL.—RIGHTS IN WATER AND IRRIGATION.

Assembly's Message as to pressed requests.

Message from the Legislative Assembly received declining to make the amendments in the Rights in Water and Irrigation Bill, the requests for which were pressed in Message No. 62.

Report of Conference Managers.

Hon. H. P. COLEBATCH: I have to submit the following report of the managers appointed by the Council to meet the managers appointed by the Assembly in a conference upon the Council's amendments in the Rights in Water and Irrigation Bill. The report is as follows:—

The managers met the managers of the Legislative Assembly and took into consideration the differences between the two Chambers and failed to come to an agreement.

I understand in circumstances like this it is not necessary for me to say any more except that I regret very much that we were unable to agree. I move—

That the report be adopted.

Question passed, the report adopted.

BILL—GOVERNMENT TRADING CONCERNS.

Assembly's Message.

Message from the Legislative Assembly received and read notifying that it no longer declined to make amendment No. 2 requested by the Council.

Read a third time and *passed*.

BILL—LANDLORD AND TENANT.

Returned from the Legislative Assembly without amendment.

BILL—WATER SUPPLY, SEWERAGE, AND DRAINAGE.

Assembly's Message.

Message from the Legislative Assembly received and read, notifying that the Council's amendment had been made.

Bill read a third time and *passed*.

ADJOURNMENT—CLOSE OF SES-

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

That the House at its rising adjourn sine die.

The intention is to prorogue by proclamation.

Hon. W. Kingsmill: *Sine die?*

Hon. J. D. Connolly : You ought to adjourn to a particular date.

Hon. J. CORNELL : I second the motion.

Hon. W. KINGSMILL : I entreat the leader of the House not to make this motion. It has never been heard of before. As a matter of fact I think it is

distinctly out of order. If the House adjourns it must adjourn to a fixed date. In the interests of members and of the Government I ask the Minister not to move this motion. It is an absolute absurdity.

Hon. J. D. Connolly: Adjourn for a fortnight, and prorogue in the interval.

Hon. W. KINGSMILL : The only object of adjourning the House is that Bills passed by Parliament must be assented to by the Governor while Parliament is sitting. That is the only object in adjourning the House. Prorogation by proclamation is an innovation of a very good character, but in adjourning the meaning of the word is that the sitting of the House is delayed until a future date. It is a contradiction of terms to move the adjournment *sine die*, and it is an absurdity that members should have held over their heads the necessity for assembling at some indefinite time for no purpose whatever. There is no intention on the part of the Government that this House should meet for the despatch of business in connection with the present session, and I therefore ask the Minister for the sake of the Government, and for the sake of members, to amend the motion and adjourn to a fixed date instead of moving the absurd proposition which he has moved.

The COLONIAL SECRETARY : The only object in moving the motion that the House should adjourn *sine die* was to fall into line with what was being done in another place. By permission of the House he would withdraw the motion.

Motion by leave withdrawn.

The COLONIAL SECRETARY moved :

That the House at its rising adjourn to 3 p.m. on Tuesday, 31st December.

Question put and passed.

House adjourned at 2.3 a.m. (Saturday.)