the Fremantle business establishment from which he came. He has not the capacity to grasp the needs of this country, and that is proved by every step he takes. But with what little capacity Ministers have—it may be all thrown in—their want of sincerity, of honesty, of activity, of genuine purpose, condemns them as utterly unfit to rule this country for another day.

On motion by *the Treasurer*, debate adjourned.

ADJOURNMENT.

The House adjourned at five minutes past 10 o'clock, until the next day.

Legislative Council,

Wednesday, 24th July, 1907.

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

Prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, By-laws of the Municipalities of Perth and Mount Morgans; 2, The Jetty Regulation Act, 1878—Amended Regulation and Schedule of Charges for Broome Jetty, Carnarvon Jetty, Port Hedland Jetty; 3, The Industrial Conciliation and Arbitration Act, 1902—Return of Members of Industrial Unions, etc; 4, By-laws of the Municipalities of Coolgardie and Leederville; 5, Agricultural Lands Purchase Act, 1896—Amendment of Regulation 8, Land Purchase Board; 6, The Cemeteries Act 1897 and 1899—(*a.*) Midland Junction Cemetery—Balance Sheet; (*b.*) Karrakatta Cemetery—Balance sheet.; (*c.*) Cookernup Cemetery—Balance-sheet; (*d.*) Onslow Cemetery—By-laws; (*e.*) Fremantle Cemetery—Balance-sheet; (*f.*) Coolgardie Cemetery Balance-sheet; (*g.*) Wagin Cemetery—By-laws; (*h.*) Nunngarra Cemetery—Balance-sheet; (*i.*) Southern Cross Cemetery — Balance-sheet; (*j.*) Kalgoorlie Cemetery—Balance-sheet; (*k.*) Cue and Day Dawn Cemetery — Balance-sheet; (*l.*) Upper Preston Cemetery—Balance-sheet; (*m.*) Lennonville Cemetery—Balance-sheet; (*n.*) Kelmscott Cemetery—Balance-sheet; 7, Land Act, 1898—Timber Regulations; Broome Common By-Laws; Regulation restricting cutting of Timber on State Forest at Mt. Monger; Regulation restricting cutting of Timber on State Forest at Malcolm; Guano Regulations; Timber Tramways—Rates for carrying firewood; Regulation for prescribing fees in connection with leases and *caveats*; Timber Regulations.

STANDING ORDERS REVISION.

Farther Report.

Hon. W. KINGSMILL brought up a farther report of the Standing Orders Committee for the present session in regard to the revision of Standing Orders relating to public business, presented to the House July 4th.

Report received, and ordered to be taken into consideration in conjunction with the previous report.

BILLS—FIRST READING (5).

1, Police Force Consolidation; 2, Police Offences Consolidation; 3, Conciliation and Arbitration Amendment; 4, Workers' Compensation Amendment; 5, Public Health Consolidation. Introduced by the *Colonial Secretary*.

SUPPLY BILL, £639,303.

Received from Legislative Assembly, and read a first time.

MOTION— CONDITIONAL PURCHASE LANDS.

Hon. C. A. PIESSE (South-East) moved—

That a return be laid on the table of the House, showing amounts owing to the State by the holders of Conditional Purchase Lands acquired under the various Land Regulations and Acts of this State, such return to give separate details showing the particular section of the Regulations or Act under which the land was acquired and the amount due in each case.

The amount owing by settlers should be referred to annually by the Premier or some Minister of the Government when dealing with the assets and liabilities of the State. That had not been done in the past, and there had been a tendency to speak of the land alienated and that in process of alienation, in a general way, without distinguishing one from another. Very few people, particularly the man in the street, knew what "in process of alienation" meant. It was that certain persons had taken upon themselves certain responsibilities, and owing to those responsibilities were indebted to the State in very large amounts. He anticipated if the return were furnished it would show that the people who held land in process of alienation were indebted to the State in no less a sum than £2,000,000. This fact should not be lost sight of, and should be referred to at the opening of Parliament, and singled out as one of the finest of our assets. It could not be too often held before the public, and by that means show our creditors and those assisting the State that although we had alienated a large area of land, to whatever amount it was, about 12 million acres at present time, there was a large amount of money due to the State from those persons who had taken up land. There should be some annual record to show what was due to the State when referring to land settlement. If the motion were carried it would show what enormous responsibilities the settlers had taken on their shoulders. One reason for asking for the return was that he desired to show that it would be absolutely unfair to inflict farther taxation on the shoulders of people who had taken up land. Every man who paid 10s. an acre had an extra responsibility of 10s. an acre to carry out in the way of improvements, and if the improvements were not carried out the land was forfeited. Therefore, these men had to expend £1 for every acre of land taken up. Those who took up land under Section 56 of the Land Act had to carry out double the improvements; therefore they bound themselves to an expenditure of 30s. an acre. These persons had to carry out improvements within a stated period—to sign papers to that effect—or the land was forfeited. When we considered for a moment the responsibility that these people incurred, and we had the figures before us, it would place before members a good reason why these people should not be farther taxed. If the amount was shown as, say, £2,000,000 owing, that would mean that these people had to expend four millions of money before they could get their titles. If land was taken up under Section 55 and 4s. an acre was paid, the holders had to go on expending money until they made the land reproductive. In 99 cases out of every 100 he thought he would be safe in saying the people had to win the money from the soil before they could pay for the land, as the land was useless when taken up and would only carry a few kangaroo rats until it was improved. He (Mr. Piesse) was within the mark when he stated that 2 millions of money were owing. If the return were furnished it would show that any farther taxation on the shoulders of these people meant,

not "killing the goose that lays the golden egg," but killing the goose that was sitting on the nest to lay the egg.

Hon. V. HAMERSLEY (East) seconded the motion.

Hon. S. J. HAYNES (South-East): The production of such a return would mean the expenditure of a large amount of money, and if now the Colonial Secretary could tell members what the approximate cost would be, it would influence his (Mr. Haynes's) vote.

The COLONIAL SECRETARY moved, "That the debate be adjourned until the next Tuesday." In explanation, he would say there would be no difficulty in satisfying the House that the cost of this return would be so great that it was not warranted.

Motion passed, debate adjourned.

STANDING ORDERS REVISION.

Committee's Reports (2), *to adopt.*

Hon. W. KINGSMILL (Metropolitan-Suburban): In moving as I intend to do at the conclusion of the remarks I have to make, that the Standing Orders submitted by the Standing Orders Committee be adopted, which motion if carried, and I have no doubt it will be carried, will be followed in due course by a motion instructing that an address be presented to the Governor to approve of the Standing Orders, it will be as well for me to recapitulate the circumstances which have led up to the presentation of the report which members have had before them since the 4th of July on these Standing Orders. I may point out that during last session some little trouble arose between the two Houses with regard to a Bill which comes under the category described in the report as money Bills, in relation to the Perth Town Hall. At that time attention was drawn in this House to the fact that our Standing Orders in this respect, and, indeed, not alone in this respect but in many other respects, were defective. That being so, and as a subsequent condition, instructions were given to the Standing Orders Committee of the House, which is one of the standing committees, to during the recess appoint two members in addition to their number and to thoroughly consider and revise the Standing Orders in such a way as seemed to them best. In this connection I have to offer my thanks to the gentlemen who formed the Standing Orders Committee last session in having chosen me as one of the members they added to their number. These circumstances lead up to the presentation of the report. Taking the nature of the Standing Orders as a whole, members must realise that the charter of Parliament is contained in the Constitution Act of 1889 and its subsequent amendments, and what I may call the subsidiary charter is contained in the Parliamentary Privileges Act. The Standing Orders on which the business of this House is conducted really bear the same relation to the two Acts I have named as regulations framed by the various departments and laid on the table of the House bear to their parent Acts, that is they are rules and regulations which should express in a fuller degree than the parent Act the intentions of the Act, and they should be as full and explicit as possible; but at the same time not on any account should they go outside the powers conferred in that principal Act, and when they do so they will be known as *ultra vires*, and liable at any time to be declared null and void. And as I have already said, it is fit and proper that in order that all members of Parlia liament should be well aware of the immunities and privileges conferred upon them by the Constitution Act, it is right and proper that the Standing Orders should express the intention of the Constitution Act, and do so as fully as possible, in order that it may not be left to the decision of the President or the Chairman of Committees as to what they shall or shall not do, but that these

Standing Orders shall be adopted by the whole of Parliament, and on which Parliament is called on to adjudicate. Speaking for the committee, I may say the main aim that actuated them in the consideration of these Standing Orders was to conserve to the fullest possible degree, and express to the fullest possible degree, the powers and privileges of the House by which they were elected and which delegated to them the powers to deal with these Standing Orders, not to endeavour by any means whatever to increase those powers, because such an object would indeed be wrong—they would be going outside their scope, as those who seek to decrease those powers also go outside their scope—but to express fully and explicitly those powers conferred upon them by the Constitution and which they have every right to enjoy. Now I propose with the leave of hon. members to go through the Standing Orders as revised *seriatim*, to touch lightly on those which are new and to call attention to the more important. In the first place hon. members who take the trouble to compare the Standing Orders now brought down and proposed to be introduced with those Standing Orders which are now enforced in this House and of which the proposed Standing Orders will take the place, will find that in the very start the present Standing Order No. 1 is omitted. The reason is that in Section 1 of the Privileges Act, which hon. members will find in the book containing the Standing Orders, it is laid down—briefly putting it into non-legal language—that the immunities enjoyed by members in this House and another place shall be at all times not greater than but equal to the immunities and privileges enjoyed by the members of the mother of Parliaments, the House of Commons of Great Britain. That being so, this Standing Order having its place in this Act, it has been deemed unnecessary to repeat it as one of the Standing Orders. In Chapter 1 members will find that what I think is a somewhat serious omission from the present Standing Orders is repaired. Our present Standing Orders contain only the briefest sketch—so brief as to be practically of no use to the officers—of the proceedings that should take place both at the opening and prorogation of Parliament; and based on our present procedure and on the procedure of other countries, the Standing Orders Committee have put into a plain statement exactly what we do at present so that there will be no doubt in the minds of hon. members as to the procedure to be followed both at the opening and prorogation of Parliament. I do not think there is anything very new until we come to Chapter 3 which deals with the office of Chairman of Committees, and in this connection I may point out that the Standing Orders under which we are at present working were adopted by the House, as regards practically the whole of them, in 1891, but I understand that in that year there was no Chairman of Committees in this House and that the office has been created since then. Therefore, it is only in very rare cases indeed that our present Standing Orders deal with that office or that officer, and it has been deemed expedient therefore, as there is a Chairman of Committees in the House, to define his powers more fully, to lay down rules for his election, and also to lay down the period during which he shall hold office. With regard to Chapter 4, which deals with the absence of the President and officers, in Standing Order 31 members will see that the procedure which obtains in another place, namely, that on being requested by the President so to do during any sitting of the House and during that sitting only, the Chairman of Committees may take his place during his temporary absence from the Chamber, is adopted. This is confined to the one sitting of the House and one sitting only. Hon. members will know by the two motions which I moved when the House first sat that the Standing Orders Committee as elected

by this House this session have gone through the work which was done by their predecessors, and have made certain suggestions which I moved should be considered in conjunction with the report we are now considering. These suggestions are for the greater part, and indeed I may say altogether in the direction of the amplification of the Standing Orders presented by our former Committee, and are put forward with the idea of making clearer, if possible, the meaning of those Standing Orders which hon. members are called upon to consider. In this connection certain little alterations in regard to the Sessional Committees of the House have been found necessary. Members will find them in the Schedule of alterations and additions referred to in the Standing Orders Committee's report. For instance, in Subsection 3 the House Committee is to consist of the President and four members. This was rendered necessary because the House Committee is one of those which acts jointly with a committee of the Legislative Assembly, and as their committee consists of five members so the Council do not wish to be short of their powers in any respect and, therefore, will elect five members to meet the members of the Assembly. Another little alteration has been found necessary in Subsection 4. The Printing Committee was comprised of the President, the Chairman of Committees together with one other member. It was thought better that the Chairman of Committees, who is *ex officio* a member of another committee, should not be called upon to act as a member of that committee, so that the members of the committee as now proposed will consist of the President and two other members. Passing on, the next Standing Order I have to deal with will, I think, come as a welcome one to hon. members. It is in Chapter 8, Standing Order 44, which reads:—

> A member who is absent for six consecutive sittings of the Council without leave duly granted, shall be deemed guilty of contempt and may be dealt with under Standing Order 418.

I am well aware from my own experience that there is always a great amount of doubt as to what number of sittings any member was entitled to miss without being guilty of contempt, and that it has given rise to a great deal of anxiety on the part of hon. members. Now that anxiety is by this Standing Order finally set at rest, and it is explicitly stated that, whatever the adjournment of the Council, the time that hon. members may be absent counts not by weeks but by sitting days of the House. This I think members will deem a move in the right direction, and very much more explicit and comprehensible than the system which has been in vogue hitherto. Again in Chapter 9 (Sittings and Adjournments of the Council) there is a slight innovation inasmuch as that Standing Order 48 states what the sitting days of the Council shall be, always with the reservation "unless otherwise ordered." This has hitherto been moved session by session as one of the Sessional Orders. Now it will be unnecessary for the Leader of the House to move that the Council shall sit on Tuesdays, Wednesdays, and Thursdays at a certain hour, because it finds a place in the Standing Orders. At the same time it in no way hampers the Leader of the House, as it will be seen that the order of the Council is to prevail against it. The next Standing Order to which I will call the attention of members is No. 58, which deals with debates upon matters of urgency; and while it still preserves that privilege to any member who wishes to call the attention of the House to what he considers a matter of urgency, it is now set out that before doing so he shall call the attention of the President in writing to the matter which he claims is a matter of urgency, and furthermore in addition to that he must persuade four other members—which I think is a reasonable proportion out of a House

of 30—that the matter is of such urgency that attention should be called to it. I think this is safeguarding the House from what might be frivolous interruptions. It finds its place in the Standing Orders of other countries. Members will find it in the South Australian Standing Order No. 119. There, in their small House, the number is three, which is a greater proportion than the number set down here. I think it is an admirable safeguard that the time of this House shall not be unnecessarily wasted by members wishing to debate matters which they may consider of urgency, but which are really nothing of the sort. I think it is a fair provision, and I hope members will approve of it. Again Chapter 10, which deals with the routine of business, follows out our present procedure, but puts that procedure which is so often left to be inquired after by hon. members into definite words, so that there is no difficulty now for hon. members to find out where and when they should speak, or when they should remain silent, or when they should bring their business before the Council. In dealing with petitions no new feature has been introduced, and practically the same has to be said with regard to Chapter 12 dealing with questions seeking information. In regard to notices of motion, Standing Order 98 provides that a member giving a notice in general terms to move certain resolutions must deliver at the table a fair copy of the proposed resolutions at least one day prior to that for which he has given notice. While that rule is in actual practice at the present time, still it is thought fit and proper and better for the information of members that it should find its place explicitly in these proposed Standing Orders. I pass on now to Chapter 14, and here I would ask that a slight amenment in heading should be made. Members will see at the bottom of page 10 that an allusion is made to "questions." As that may be somewhat misleading because these "questions" are not seeking information, but are really "questions proposed from the Chair," I think it would be well if the words "from the Chair" were added, so that there would be no misapprehension on the point. In Chapter 15 I have to bring before hon. members another innovation which I think will meet with their most cordial approval. More especially will it be good for those members who have lately joined the House. I know that for some considerable time after I became a member of Parliament it was a subject of great inquiry and curiosity and distress indeed to me why the Speaker, or President, or Chairman of Committees should, when certain words were proposed to be left out, put the question in such, what I considered, ambiguous form: "That the words proposed to be left out stand part of the question;" and I always found myself on the verge of voting the wrong way. The Standing Orders Committee have fully considered the question and they cannot see any sufficient reason why this should be done, and therefore the form of the question in future is to be altered and the question will be laid down as in proposed Standing Order 127, namely, when the proposed amendment is to leave out certain words the President shall put the question "That the words proposed to be left out shall be left out." So members will not find themselves voting with the Ayes when they mean No, or *vice versa.* Chapter 16 deals with a method of interfering with debate, a method very seldom made use of; that is, moving the previous question. I have now been for a considerable number of years in Parliament, and I do not remember the previous question ever having been moved; but in case any member wishes to move it, or to criticise the action of another member who moves it, the nature of the proceeding and its effect on the debate may as well be explained to members. Chapter 16 deals fully and more adequately than our present Standing Orders with

that question. With regard to the Orders of the Day nothing new has taken place. As to divisions I would point out to members proposed Standing Order 164, which reads as follows:-

"While the Council is dividing, members may speak, sitting, to a point of order arising out of or during the division."

Members will recollect that for some reason which so far as your committee can make out is occult, it has been the habit for any member who during a division wishes to call attention to a point of order to speak sitting and covered. Why he should be covered is so far unknown, but is apparently a survival of some tradition which has, so far as we can see outlived its usefulness: and the efforts which I have seen members make to comply with this provision have I think, been at once ludicrous and undignified, so much so that it is as well that the provision should disappear, and that a member calling attention to a point of order during a division should simply speak sitting. We now come to one of the most important parts of the proposed Standing Orders, Chapter 19, which treats of public Bills; and in dealing with this chapter I will, as I have indeed done in other cases, point out only those clauses which propose any innovation. There is a slight innovation in proposed Standing Order 190, which deals with the order in considering a Bill in Committee, and provides that proposed new clauses, instead of coming at the end of the Bill, and therefore giving the Bill a somewhat dislocated appearance, may be considered in their proper places, in the places which it is proposed they should occupy in the Bill itself. Members will see that if the proposed new clauses are read in conjunction, as they will be, with those clauses which they more materially and definitely affect, members will be able much more easily to understand them, and that the work which is turned out will be much more symmetrical. There is nothing new of any importance until we come to proposed Standing Order 221, which affirms more explicitly the powers now enjoyed by this House, and provides for taking certain courses which may certainly be taken now, but which are not or at all events have not been taken. We have, as our authority for the worth of this Standing Order, first the Standing Orders of the South Australian Legislative Council, Nos. 337 and 338, and also the Commonwealth Senate Standing Order No. 221. The principal item of disagreement with our existing Standing Order will be found in paragraph 7, which gives the Council the power, if an amendment made has been disagreed to by the Legislative Assembly, to repeat that amendment in a modified form. Your committee have thought it well that as many occasions of disagreement, as many opportunities for deadlock, as can be obviated should be obviated; and it is with that idea and with that idea only that this Standing Order has met with their approval. For instance, to mention a wholly suppositious case, let us say that the Assembly proposes that a person, before he can fill a certain office, must have lived in the State seven years, and that a Bill containing such a clause comes to the Council. The Council say, "Seven years is too long, we would make it three years;" and a message is sent back to the Assembly acquainting them with the fact that the Council have agreed to the Bill with the amendment that the word "seven" be excised and "three" be inserted in lieu. The Assembly find themselves absolutely unable to meet the wishes of the Council, and send the Bill back, saying, "No; we still adhere to our former resolution." Under the present Standing Orders as a rule that Bill, if the Council adhered to their determination to make the term three years, would disappear from the Notice Paper. A farther opportunity is given of meeting at all events to some extent the wishes of the Assembly; and to save the Bill,

to obviate a deadlock, it will be possible under the proposed Standing Order for the Council to say, "We do not feel inclined to go as far as the Assembly wish, but we shall meet them half way by making the term five years." I may point out to members that this must have a mollifying influence on communications between the two Houses, must have a tendency to save a good many measures which are now cast aside. And it is in most cases with regret that I see measures over which the time of Parliament has been taken up come to nought. It is always a great pity that so much good work put into many measures dealt with should be lost; and if we can, by making our Standing Orders a little more pliable as between House and House, get over this difficulty, then I say, and what I say is expressed in proposed Standing Order 221, it is the bounden duty of the House so to do; and it is with every confidence that I recommend this order and Order 227, which is of precisely the same effect, and which deals with Bills originated by the Assembly and sent thence to the Council, whereas the other order deals with Bills which travel the reverse way. It is with every confidence that I put forward what seem to your committee ample reasons for the procedure laid down. And in connection with these two Standing Orders I should like to point out that some little amendment will be necessary, not in any way to alter the sense of the Standing Order, but to make it more explicit than it is now, and that will be made in its due place if the House agree. The next section I have to deal with is practically altogether new, and provides for the procedure on what are here termed money Bills. And in case any member may wish to take objection to the nomenclature of these Bills, let me point out that is a matter of indifference, and it is only for the purpose of condensing these Standing Orders that we call such measures money Bills. We might call them something else; what we call them is optional, and does not affect the nature of the Bill, which is fully described in the definition, which follows practically the definition contained in the Constitution:—

> "Bills for the appropriation of any part of the Consolidated Revenue Fund, or for imposing, altering, or repealing any rate, tax, duty, or impost, all which Bills must originate in the Legislative Assembly, are hereinafter referred to as money Bills."

Members will see that this definition follows in its wording the definition of those Bills in the Constitution Act, and hence there can be no mistake as to the measures to which the name "money Bills" refers. The principal Standing Order in this section is No. 243; and as I have a few remarks to make regarding it, I will ask members if I may be allowed to postpone the consideration of that clause until I have touched upon, in the manner already adopted, some of the Standing Orders which occur subsequently. I will deal more fully with No. 243 immediately before I conclude my remarks. Going on for the present to consider Chapter 20, Committees of the whole Council, I will ask members to look for a moment at proposed Standing Order 266, which deals with "dilatory motions, limit as to":—

> "Motions, 'That the Committee do now divide,' 'That the Chairman do report progress and ask leave to sit again,' 'That the Chairman do now leave the Chair,' shall be moved without discussion, and be immediately put and determined, provided that a vote on the question 'That the Committee do now divide,' shall require at least ten affirmative votes."

I would ask members to consider what is meant by putting the question "That the Committee do now divide." By those who are opposed to the motion it is always referred to in most disrespectful terms as the application of the gag; and that being so, by

recognising that it is indeed a weapon that should never be used except as a weapon of last resource, it has been thought well by your Committee to adopt the precautions which find a place in the Standing Orders of the Commonwealth Senate; to make it compulsory that a certain generous proportion of the members of the House shall prove themselves to be in favour of such a course being adopted before it can be taken. Members will find on looking up the Standing Orders of the Commonwealth that the proportion observed there is 13 out of a total House of 36. Thirteen must consent to the application of the gag before it can be applied. Your Committee have as nearly as possible provided the same proportion of this House, and at least ten members will have to vote in the affirmative before this extremely drastic step can be taken. I think members will agree that this should be so, and that more than a bare majority perhaps of an extremely thin House shall be required to justify this extreme step towards stifling debate. With regard to select committees, the Standing Orders are practically the same as those now in force. A little amplification has been made in proposed Order 299, which provides for the payment of witnesses before select committees; and the scale of witnesses' fees which obtains, I am informed, in the Supreme Court of the State has been requisitioned, which I think members will agree is a fair and proper treatment of such witnesses. In Chapter 22 are instructions to committees, which members will agree with me are somewhat rare. In Standing Order No. 307 provision is made whereby instructions may be given to a committee to divide a Bill into two or more Bills, or to consolidate several Bills into one. I think members will agree that when dealing with Bills in Committee it is advisable that this Council should have, if it chooses to exercise it, the power set forth here. With regard to No. 309, this is an importation from the Commonwealth Senate by which instructions may be given to a Committee of the Whole dealing with an amendment of an existing Act, to consider amendments not revelant to the subject matter of the Bill, but relevant to the subject matter of the Act it is proposed to amend, provided that such motion be carried by ten affirmative votes. That is a procedure common to both branches of the Legislature. I think the Colonial Secretary will bear me out that in the past Governments have been deterred from bringing in useful small amendments to extremely important Acts, because they do not know in doing so what trouble they may be laying up for themselves. For instance, in the Health Act, if it were intended to deal with only one section of that Act the Government know that if they introduce the subject of the Health Act they are liable to be inundated with amendments. But if the Government know that any farther amendment must have a certain number of votes behind it, they will not—as has been always the case in the past, and I think rightly—be so chary about introducing necessary small amendments through fear that these may, in Parliament, be amplified into something colossal which might not get through during the current session. That is the object of this Standing Order, and I think it is a good object. Chapter 23 deals with joint committees, and contains nothing that is not contained in the present Standing Orders. Chapter 24 deals with communications between the two Houses, and neither does this contain anything that departs in any way from present procedure. Chapter 25 deals with conferences; and some little amendment will be necessary, as set forth in the farther report which I laid on the table to-day, in proposed Standing Orders 329 and 330. These Standing Orders will be very much shortened, because 329 will be struck out and 330 will be shortened while

not in any way interfering with the sense of it. I am glad in many respects that the committee has vindicated the action this House took last session when a conference was asked for on a certain Bill, when it was ruled that the request was not made at the proper stage. And I think this proposed Standing Order makes it plainer than ever—if it needs making plain—that a conference may be held as a last resource only. And to make that clearer and more effective, the last Standing Order of the Chapter provides that there shall be only one conference on any one Bill or other matter. This is intended to point out that a conference between the two Houses is a sort of machinery which is not to be invoked lightly. If we study the parliamentary history of other countries and of our own State, we find that this rule has been observed; and we hope the present Standing Order, when adopted, will be if anything more strictly observed in this regard than in the past. With regard to Chapter 27, dealing with accounts, papers, and returns, proposed Standing Orders 340 and 341 are new. No. 340 reads:—

> "A document relating to public affairs quoted from by a Minister of the Crown, unless stated to be of a confidential nature, or such as should be more properly obtained by Address, may be called for and made a public document."

And No. 341 reads:—

> "A document quoted from by a member, not a Minister of the Crown, may be ordered by the Council to be laid on the table; such order may be made without notice immediately upon the conclusion of the speech of the member who has quoted therefrom."

That I think is a reasonable proposition; for, to use a phrase which (this being a non-party House) is not frequently heard in this Chamber, everybody should have equality of opportunity; and equality of argument as to the merits or demerits of a case is given to some extent by providing that the sources of information before this House shall be to as great extent as possible general. It is not proposed, as members will see from Standing Order 340, to attempt to violate any confidence; but at the same time it is thought that when a quotation is made, members should have the opportunity of finding out without undue trouble whether that quotation is accurate. Of course I take it there will be very little doubt about that; but more than that the opportunity is thus given for finding out whether the quotation is as full as it might be. These Standing Orders are provided with that object. They find a place in the Standing Orders of the Commonwealth Senate, and I hope members will consent to allow them to find a place here. Chapter 28 deals with messages to or from the Governor. A little innovation is introduced in so far as this Chamber is concerned, as to the method of delivery of those messages. It is scarcely worth while taking up the time of the House in explanation; but as I promised to touch on all new points, I will do so. As members are aware, when a message is received from the Governor it is usual for the gentleman bearing the message to be admitted within the Bar, and to walk with great pomp and circumstance to the honourable the President, deliver the message, and retire bowing at various stages without hearing the message read. In other countries, and we hope in this country in the future, it will be necessary for the Governor's messenger to come to the Bar of the House, for one of the officers of the House to meet him there, receive the message, and deliver it to the President, who of course then reads it forthwith; and the Governor's messenger having satisfied himself by hearing the President read it that the message from His Excellency has really been presented to the House, will then withdraw and make report that the message has finally reached its destination. With

regard to the treatment of strangers and witnesses, I have nothing new to call members' attention to. Chapter No. 32 deals with the conduct of members and the rules of debate. This finds a place in our proposed Standing Orders somewhat later than it does in our present ones; but there is very little new or additional except in two places. Proposed Standing Order 375 provides that every member shall be uncovered when he enters or leaves the Chamber, or moves to any other part of the Chamber during the debate, and shall make obeisance to the Chair on entering or leaving the Chamber. There is nothing very new in that, because it simply calls members' attention to matters which are already observed; but in the rules of debate Standing Order 407 introduces a principle which I have already dealt with, that is, if a motion "that the Council do now divide" be carried, the Council shall vote on the question immediately before it without farther debate or amendment, provided that a vote on the question "that the Council do now divide" shall require at least ten affirmative votes; but if the motion to divide be lost, the debate shall be resumed where it was interrupted. That deals with a question already explained, and finds a place naturally in the rules of debate. There is nothing new between the Standing Order I have just alluded to and the end of the report from which I am reading, with the exception of certain new Joint Standing Orders which deal with joint committees of the two Houses, and which are explained to members in the report. If members will allow me, I will hark back to that clause which has caused some little trouble between the Standing Orders Committee of this House and the Standing Orders Committee of the other House; that is proposed Standing Order 243, which is an exact replica of Standing Order 245 of the Commonwealth Senate. I will ask members to give this subject their earnest attention, because it is to this Chamber, I think, a momentous question, and one which we will do well to ponder over before we seek to make a deviation from the course which the committee proposes to lay down. No. 243 deals with amendments in money Bills, and reads as follows:—

> "If the Bill is returned to the Council with any request not agreed to, or agreed to with modifications, any of the following motions may be moved—1, that the request be pressed. 2, that the request be not pressed. 3, that the modifications be agreed to. 4, that the modifications be not agreed to. 5, that some other modification of the original request be made. 6, that the request be not pressed, or be agreed to as modified, subject to a request on some other clause or item which the committee may order to be reconsidered being complied with."

I take it that when any branch of the Legislature, or any committee appointed by a branch of the Legislature, finds itself confronted with a problem, the first thing it naturally does is to look round for a precedent. Our whole parliamentary practice and the practice of every Parliament in the world is built up on precedent; and in order to get precedents, you have to get conditions and procedure as nearly alike as possible. Your committee have considered the Constitution Acts of several States in this connection, and have found that in so far as the powers conferred on the Upper Houses throughout Australia, and the powers conferred upon the Commonwealth Senate, these are precisely identical with the powers conferred upon this House of which we are all proud to be members. These powers are contained, with regard to the Commonwealth Senate, in Section 53 of the Federal Constitution Act, the subsection of which dealing with this matter reads as follows:—

> "The Senate may at any stage return to the House of Representatives any proposed law which the

Senate may not amend, requesting by message the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments with or without modifications."

I ask members to compare that with the wording of section 46 of our Constitution Act Amendment Act 1899, under which we hold the powers which we desire to exercise. It reads as follows:—

"In the case of a proposed Bill which according to law must have originated in the Legislative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, make such omissions or amendments or any of them, with or without modifications."

Now I will ask hon. members to consider for a moment if anything could possibly be more on all-fours, more identical in its meaning and, presumably, have more of the same effect than these two sections I have read. That being so, your committee has thought well to adopt as a Standing Order with regard to money Bills this Standing Order 243, which is, as I say, a direct copy of Standing Order 245 of the Commonwealth Senate. I would like to point out that the latter Standing Order was not framed without the greatest consideration having been given to it. I would ask hon. members for a moment to consider a most important debate upon this point which occurred at the Federal Convention of 1898, at which you, Mr. President, had the honour to be one of the delegates from this State. In dealing with this proposed clause in the Constitution, several very pertinent remarks were made by men whose names are household words throughout Australia, and who are undoubtedly acknowledged by all Australians and even by the outside world to be constitutional authorities on this point. In the first place the debate arose upon what was then Clause 45, Subsection 4, and it read as follows:—

"In the case of a proposed law which this Senate may not amend, the Senate may at any stage return it to the House of Representatives with a message requesting the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications."

You will see that the proposed law as it was then is exactly the law which came into effect, and which you will find now in the Constitution of the Commonwealth of Australia. Mr. Higgins, a delegate from Victoria, who was widely known throughout Australia, spoke on the question, and the following is a report of that portion of the proceedings at the Convention:—

"Mr. Higgins: I have not given notice of motion for the recommittal of this subsection, but may I ask one question about it? It has been suggested to me that there is not anything to hinder the Senate, if its suggestions have not been accepted, from making other suggestions. I wish to ask the Drafting Committee, because it will become a very important matter, are they clear that, if a suggestion has been made by the Senate and it has not been accepted, the Senate is bound down to the duty of simply accepting or rejecting the whole Bill?

Mr. Brown: What is the meaning of the words "at any stage"?

Mr. Higgins: Quite so; of course that question might become very important. The leader of the Convention will see that it is an important matter whether there is to be only one suggestion or several.

Mr. Barton (New South Wales): As I understand it, the proposal is

that the Senate may, at any stage of the passage of a proposed law through the Senate, return the Bill to the House of Representatives with a message requesting the amendment or omission of any items or provisions therefrom.

Mr. Kingston: As long as the Senate has possession of the Bill?

Mr. Barton: Yes, as long as the Bill is in the hands of the Senate. That means, I take it, a power not solely to send a Bill down to a stage at which the measure has, at the moment, arrived, but that if it arrive at a farther stage in the Senate, there being in the meantime some settlement or no settlement with regard to the suggestion made, that the Senate would have power to make other suggestions. Whether it would have power to repeat the same suggestion is a matter I have not considered, but it seems to me that there is nothing in this clause to restrict the Senate, after making a suggestion at one stage of the Bill, from making another suggestion at another stage of the measure, as long as the Bill is in the course of its passing through the Senate."

Then Mr. Higgins, wishing to take the senses of the Convention upon this very question, as to whether the power of suggestion could be exercised once or more than once, moved as an amendment, "That the words 'at any stage' be omitted with a view to the substitution of the word 'once.'" This was to limit explicitly the power of suggestion of the Upper House to one occasion. This amendment was considered, but was negatived. In order that there might be absolutely no misconception, Mr. G. H. Reid proposed that the whole subclause should be struck out. He held views about the powers pertaining to the Upper House in those days which I venture to think he would not express now. Be that as it may, after farther debate, this amendment of his was also negatived, and the clause was passed as it stands in the Commonwealth Constitution at present. That being so, I do not consider there is any lack of evidence as to the intentions of the Convention when framing the Constitution Bill. They saw plainly enough what the clause was going to mean, and what Standing Orders would be prepared under it. Seeing all that, they went farther, took the responsibility and gave their Upper House the power which it enjoys at present, and which this Upper House should enjoy also, as the two sections of the two Acts which empower the House to enjoy these powers are identical in each case. A report has been laid upon the table of another place, and I take it that I am in order in referring to it. This was prepared by the Standing Orders Committee of the Legislative Assembly, and in the report it dealt with this question. That Committee states:—

> "It is the opinion of your committee that the Standing Orders proposed for the Legislative Council, though copied from those in use in the Federal Senate, encroach more upon the privileges of the Legislative Assembly than was intended by section 46 of the Constitution Act 1899."

That is to say, the opinion of the Assembly committee is that these Standing Orders go outside the powers of Section 46 of the Constitution Act, or in plainer words that the proposed Standing Orders are *ultra vires* of the Act. Let hon. members think who are the judges. I have already read portion of the debate, by which it must be abundantly evident that whether any Standing Orders that were framed on that occasion were *ultra vires* or not, the point must have been in the minds of every member who took part in that debate, and there were such authorities as Sir Edmund Barton, Sir John Downer, Sir Josiah Symon, and many others who concurred in the view that they were not *ultra vires*. Farthermore, at a later stage, we have the whole of

the consensus of opinion of the majority of the Senate of the Federal Parliament, who adopted a Standing Order exactly similar to the one proposed in 1903. The reason put forward by the Standing Orders Committee of the other House reads as follows:—

> "The position is made more clear by the following extract from *Quick and Garran*:—'A House which can make an amendment can insist on the amendment which it has made; but a House which can only request another House to make an amendment cannot insist upon anything. If its request is not complied with it can reject the Bill or shelve it; but it must take the full responsibility of its action.'"

The Standing Orders of the Federal Parliament were adopted by the Senate in August 1903. If hon. members will look at the work by Quick and Garran, they will find that it was written on December 7, 1900. Therefore the Federal Senate, when it adopted this Standing Order, had the full benefit, and had had the full benefit for some two years, of the views which had been expressed by those two constitutional authorities: but with all due deference, personally I think that the House will agree with me when I say I am inclined to take the view upheld by Sir Edmund Barton and the other learned gentlemen who supported him on this question. That opinion was upheld by the Federal Senate by the adoption of the Standing Orders in 1903, and also by the gentleman who framed those Standing Orders, and who is known to all of us as the most eminent constitutional authority in Australia. I refer to Mr. E. G. Blackmore. What has Mr. Blackmore to say on this very subject. I will read you a letter which has been received from him. It is not a private letter, for it was written by him in response to a letter sent to him in his official capacity, and the reply was addressed to an officer of our House in his official capacity. The letter to Mr. Blackmore asked how these Standing Orders had worked, and Mr. Blackmore in reply, after apologising for having neglected to answer the letter for some time, and giving pressure of business as a reason for that, states:—

> "Touching our (Senate) Standing Orders and procedure on money Bills, we have had no difficulty or collision with the House. No attempt has ever been made to contend that our orders and practice have in any way exceeded our powers under the Constitution. We never conferred with the House, nor in any way sought the concurrence of that body or their sanction and ratification for the orders or procedure in this connection, viz.: that of money Bills. The actual *modus operandi* as to requests for amendment was based on the practice which experience had taught in South Australia was convenient and satisfactory to both Houses."

I maintain that no farther evidence should be required by any thinking man of the justice, the suitability and the practicability of the Standing Order your Committee propose to place among those of this Chamber. Reasons by the Standing Orders Committee of the other House for their opposition to the Standing Order are conspicuous, from my point of view at all events, by their absence. They quote one authority, which is not a very decided one. On the other hand, we quote authorities like Sir Edmund Barton, we are backed up by the ability and accumulated experience of four years of the Senate and, above all, we quote the opinion of the man whose letter I have just read, and who is the best fitted man in Australia to give such an opinion. So that the contention of the Standing Orders Committee of another place that this proposed order is *ultra vires*, may be dismissed as being frivolous in the extreme. As a matter of fact these gentlemen are not wishing to attack our Standing Orders. That is not

their intention, for the point they wish to make is that Section 46 of the Constitution Act gives this House too much power. That being so, allow me to point out that there is a procedure laid down by which they can remedy that evil, if the House thinks fit to accept the remedy. And in attacking the Standing Order, it has been proved by actual experience and by the opinion of the foremost men of Australia to be well within the provisions of the section under which it is framed; and therefore it is the Constitution they should attack and not the Standing Order. I hope I have made myself fairly plain in this connection; but if not, the will has been there and it is the expression that has failed. Perhaps this is the crux of the whole question with regard to this Standing Order. From the point of view of this House, it is the most important. It is not under the Standing Orders, your Committee say, that we seek to encroach on the privileges of the Legislative Assembly; I fear we must say that the Standing Orders Committee of the Legislative Assembly wish to curtail our powers very much below that limit which is set to them, and under which we exercise them according to section 46 of our Constitution Act. I for one would never consent to have those powers curtailed which we already possess; and, as I have said, I think the position your committee take has been fully justified. I have to reiterate that the wish of your committee in dealing with these Standing Orders was to conserve, to clearly define, not to encroach, not to increase those powers, because they recognise that such a course would indeed be futile; but the committee have thought it their duty to lay down what in their opinion, after consulting the authorities, was the limit of those powers, to which limit we may safely go, and to crystalise those ideas in the Standing Orders which I have the honour, and I esteem it a very high honour, to be allowed to introduce to the House on this occasion. I have to thank hon. members for the extremely patient hearing; and before concluding my remarks I would like to express, on behalf of the committee the very great thanks which are due to the officers of the House, and especially to the Usher of the Black Rod, for the painstaking ability which was shown both in preparing the basis and in the construction of these Standing Orders. I beg to commend these revised Standing Orders to the favourable consideration of the House.

Hon. M. L. MOSS (West): I have much pleasure in seconding the motion; and after the eloquent, clear, and lucid speech Mr. Kingsmill has made, there is little for me to say. I propose addressing the House briefly on Standing Order No. 243 as revised. Hon. members will know well that I have not shared the opinion of Dr. Hackett, who contended last session and on previous occasions that there was no machinery enabling us to carry out Section 46 of the amending Constitution Act of 1899. I was previously and am now of opinion that the ordinary Standing Orders applicable to ordinary public Bills could be easily applied, with the exception that instead of making amendments in money Bills we could request or suggest amendments to be made in items or in clauses of Bills originating in the Legislative Assembly; utilising the words in Section 46, and making the other Standing Orders accordingly fit in. Farther, as it was the desire of this House that there should be a reconsideration of the whole of the Standing Orders, there can be no question that in dealing with them it is highly expedient we should have the several Standing Orders put into plain English, as to the power the Council seeks to exercise in regard to money Bills, and which according to law must originate in the Legislative Assembly. Mr. Kingsmill has pointed out that a section similar to Section 46 of our Act of 1899 appears in the

Federal Constitution Act, Section 53. He has correctly and properly pointed out the discussion which ensued at the Convention with reference to the powers conferred on the Senate. There is no doubt that section was framed in view of the enactment of Section 46 of our Act of 1899 and the similar provision in the South Australian Act relating to the Legislative Council. I may say here that in Queensland, in New South Wales, and in New Zealand, which are still nominee bodies, there never was such a provision in their Acts as is contained in Section 46 of our Act of 1899. But there is every reason why we should have that power here, because the Legislative Council in this State, as in South Australia, being elected on a very liberal franchise, it was clearly sought to give this body very extensive powers with regard to Bills passed by and originating in the Legislative Assembly, called money Bills: because members of this House are direct representatives of the people as compared with those members of Legislative Councils elsewhere who are merely nominees of the Crown. There is no denying the fact that a number of gentlemen in another place are strongly of opinion that Section 46 should not appear in our Constitution Act; they are imbued with that idea; and they resent the Standing Orders being passed in accordance with the terms of the proposed Standing Order 243. When I pointed out at a meeting of the Joint Committee the reasons for this course, one gentleman met us by stating that Section 46 should not be in our Constitution Act; and I said I thought that, in making such objection, those members were departing from the purpose for which the Joint Committee was formed. There is no doubt that Sir Edmund Barton's opinion on the question relating to the powers of a Legislative body to make these Standing Orders is well worthy of due consideration, and is probably the best opinion we could get in Australia. Sir Edmund Barton had long occupied the position of Speaker of the Legislative Assembly in New South Wales, and has been recognised as the one man best fitted to advise the Convention in framing the Commonwealth Constitution Act. His opinion leaves no doubt that there is full power, that we have in our Constitution power to do all the things sought here. The late Sir James Lee Steere read this section very narrowly indeed, and I think he put a wrong construction on it. He sought to construe it that you could only return a Bill once. Sir Edmund Barton was not of that opinion, and a large number of those Australian politicians who framed the Commonwealth Constitution Act took the same view. But I think it is a matter of no concern to us here as to what may have been the opinion of Sir Edmund Barton, or the late Sir James Lee Steere, or the present members of the Legislative Assembly in this State. The position is that under the original Constitution Act, Section 34 contained this provision:—

> "The Legislative Council and Legislative Assembly, in their first session and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and for the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker."

I only cite that with the object of making this point, that it is a matter purely for this Council to make its own Standing Orders; and the only matter on which the Legislative Assembly has a right to express its opinion as to Standing Orders is in regard to the Joint Standing Orders of the two Houses. But it is one of the privileges possessed by this Council, and possessed also by the Legislative Assembly, that each may make its own Standing Orders without regard to the other Chamber; and these Standing Orders,

to have force of law, only require the assent of the Governor. So it is entirely a matter of making the procedure for more orderly and convenient carrying on of our own business; and it is not for the other House to express an opinion as to the propriety or otherwise of the Standing Orders we make for this House. Again it has been correctly pointed out that under the original Constitution, Parliament was empowered to pass an Act to define the privileges and powers of both branches of the Legislature; and Parliament passed a Bill known as the Parliamentary Privileges Act, defining the privileges and powers of both Houses; and in pursuance of this it is no more open to the other House to dispute any right we possess under that Act, than it is to dispute a right we possess under Section 46 of the Constitution Act of 1899. In now dealing with the question of putting the Standing Orders into a better form, I think we cannot adopt a better attitude than that taken by your revising committee. The reasons given by the committee of the Legislative Assembly, as referred to in *Quick* and *Garran*, may be very lightly passed over, in view of the fact that the Commonwealth Senate has adopted Standing Orders strongly in accordance with what we find in our Standing Order 243. It is highly expedient that the relations between the two branches should be such that the business may go on smoothly and amicably; but I do not feel inclined to give away rights which this House possess. I believe that with this, as with the voters' franchise for this House, we should leave everything intact and give nothing away; for it is easy to give away, but difficult to get back. I say that Section 46 conferred on this House great responsibilities with regard to money Bills. It intended to give us all the powers of another place except the power of originating. Except that, we have practically the same rights as in regard to other Bills. except that in other Bills we can make definite amendments. but in money Bills we cannot make amendments but can make suggestions to the other place to the effect that certain amendments should be made. For a case in point we require to go no farther back than last session, when we did make suggestions with reference to the Land Tax Assessment Bill; and the position of this House is absolutely affirmed by the definite attitude we took on that occasion. I have nothing more to say. Mr. Kingsmill has so lucidly explained the Standing Orders as revised by the committee that I simply desire to add that I think the services of the revising committee, including particularly the President and Mr. Kingsmill, and especially the services which I am informed Mr. Randell has rendered, are deserving of recognition by this House.

Question (that the Report be adopted) put and passed.

At 6.15, *the President* left the Chair.
At 7.30, Chair resumed.

As to Procedure.

Hon. J. W. Langsford: Do we go into Committee to consider these Standing Orders.

The President: No; it is not a Bill; it is a report.

Hon. J. W. Langsford: Have we any opportunity to move amendments if it is desired?

Hon. G. Randell: It would be most inconvenient.

The President: Yes. The committee have spent time over the report, but it is open to any member to move an amendment.

Hon. W. Kingsmill: If the hon. member has any amendments to make would it not be better for him to move it as an amendment to the motion, "That the report be adopted, subject to the following amendments?"

The President: Of course it is competent for any member to move an amendment to the motion.

Hon. S. J. HAYNES: After hearing the speeches of the mover and

seconder of this motion, members must feel indebted for the lucid manner in which the proposed amendments have been explained, but I think in a matter of such importance it is right that members should have an opportunity of looking through the proposals. I therefore move—*That the consideration of this motion be adjourned until to-morrow week.*

Hon. W. Kingsmill: They will have been on the table a month then.

Motion passed, debate adjourned.

MOTION—RETRENCHMENT OF GOVERNMENT OFFICERS.

Debate resumed from the 10th July on the motion of the *Hon. C. A. Piesse* to recompense retrenched Government servants by a free gift of land.

The COLONIAL SECRETARY (Hon. J. D. Connolly): I do not know whether Mr. Piesse intends to go on with this motion.

Hon. C. A. Piesse: Yes.

The COLONIAL SECRETARY: I did not know whether the hon. member was quite serious when he moved it. I thought perhaps, after he had ventilated the matter somewhat, he would have been satisfied to withdraw the motion; but I do not think it requires many words of mine to show that the motion is altogether impracticable. I would ask the hon. member why these particular people who are retrenched from the railway and other Government departments should be recompensed by a free gift of land. First of all, where are we going to draw the line? People have been in the service, some a month, some two months, some a year and some five years, but simply because they have been in the service—and by the way they have been paid for their services—they are to receive a free gift of land of no less than 300 acres and not more than 500 acres. I ask the hon. member: Do these people want the land; are they practical farmers: what experience have they had in farming; have they the necessary capital—because it certainly requires capital—and why should the State give land to these people any more than to other citizens of the State? Under the Public Service Act and under the Railways Act, if any officer is retrenched his case is taken into consideration on its merits. If an officer has a long and a good service he receives recompense accordingly. If he has not been so good and his service has been short he receives no recompense. If the Government adopt a motion of this kind every man, whether in the service of the Government a month or five years, would receive a free gift of land. If some of these people are entitled to compensation—and no doubt some of them will be and they will get it—a gift of land may not be acceptable to them. I just point out these few difficulties that would arise in giving effect to this motion. After all, if the people require land, anyone can receive 160 acres free and may take up another two or three hundred thousand acres at a small payment, and may get assistance from the Agricultural Bank. We cannot have one kind of assistance for one class of people and another kind for another class of people. I trust the good sense of the House will reject the motion. I thought the hon. member would have seen fit to withdraw it after bringing the matter forward.

Hon. E. McLARTY (South-West): I quite appreciate the motive my friend has in view in moving the motion. We regret that there should be necessity for retrenchment, and quite sympathise with those who are deprived of the manner of their living for the time being, but I am at a loss to know how this proposal is to be carried out. I must say I am astonished at the hon. member bringing such a motion before the House. How a Government servant can receive 300 acres of land I am at a loss to understand. I have been in the State since I was born, and I have not had

any free land. All the land I have obtained I have had to pay for; and perhaps I have done more to develop the State than any of these retrenched public servants. [*Hon. M. L. Moss:* The country has been very kind to you, because you have got a big slice]. I had to work hard for it and to pay for it. I have had none given to me. To give every Government servant whose services are dispensed with a piece of land like this means mopping up a lot of country that will be of no use to these people. The motion should state that they would have the right to sell it; but that would be a means of depleting the population very quickly. They would acquire the land and sell it as quickly as possible without making any improvements on it. I cannot see my way to support the motion.

Hon. G. RANDELL (Metropolitan): Like Mr. McLarty I can hardly understand that a clear-headed hon. member like Mr. Piesse should introduce a motion like this. I think almost every word of it could be carried if we were so inclined, but if dismissed public servants are entitled to 300 or 500 acres of land, why should not the dismissed servants of the storekeepers and other business men be entitled to the gift? The hon. member in introducing the principle should look to the end. It seems to me entirely out of keeping and out of harmony with the interests of this country. Objections could be taken in many respects. The motion does not say that the servants must have been good and faithful. Sometimes public servants are discharged for incompetency, sometimes for misbehaviour, sometimes from one cause and sometimes from another; and if we are to provide 300 to 500 acres for every servant discharged from the public service in the time of retrenchment, or for any other cause, I think we would find ourselves in a very bad condition. It does not say what kind of land should be given to these people.. Would it be sand-plain, or would it be in some better location? [*Hon. C. A. Piesse:* What do you now give the settler?] I think the proposal would be a distinct injustice to those who have already acquired land by other means, and paid for it. As the hon. member says, he has worked hard for his land, and by his economy and diligence in his business he has accumulated wealth which is advantageous to him and to the country at large. If the persons mentioned are given land and settle upon it without funds or means for its cultivation or improvement, what is to happen? I wonder whether the storekeeper, or the Agricultural Bank in the first instance, will accept the land as good security for advances. But I think exception might on other grounds be taken to the motion. Thus far I have taken it seriously, by advancing some few arguments against it, which might be multiplied; but I think I could draw the attention of the Chair to the fact that the motion really involves a money grant, for land is equivalent to money, having a certain monetary value; and therefore it seems to me this is not a motion which can properly be introduced in this House. But I would rather see the motion discussed on its merits, if it has any. I am really surprised at the hon. member's action and cannot follow his arguments so far as he has gone. I need not repeat myself, but I think the dilemma in which he would find himself if the motion were carried, is one from which extrication would be difficult. I hope the hon. member will not take a vote on the motion, but that having heard the opinions of two or three members, he will let it be withdrawn.

Hon. C. A. PIESSE (in reply as mover): The Colonial Secretary asked where I should draw the line. I was particularly careful to refer to men who had been for several years in the service of the department; and after all, there is nothing outrageous in giving the land. We do not draw

the line to-day at outsiders who have no claim whatever upon the State. We permit them to take 160 acres free, and my motion was simply to make the area a little larger. I am sorry that I forgot to deal with an important point in my motion. I should have said that the right to sell the land so granted was only to be enjoyed by persons physically unable to go on the land. I did not mean that men should be able to barter the land away as they liked; and the grant of land was to be only optional after all, because I understand that a hope is now held out to men who are retrenched that when a vacancy does occur they will have the first chance. In the circumstances, many of the retrenched public servants would not avail themselves of the opportunity of securing the 300 acres. We give free farms to outsiders, total strangers to the State; therefore I can see nothing so foolish after all in my suggestion, which appeared to me to be the only way in which we could show our consideration to those discharged servants, without actually giving them money; and the gifts could be protected in such a manner as to prevent the abuse of such a privilege. I can see nothing silly in the motion. The object was to try to make those people feel that they had a little more to fall back on than the ordinary individual possesses. Mr. McLarty spoke of their selling-out and leaving the State. I was particularly careful to mention that they could not sell the land before they effected the improvements; they would hold it under the land-selection conditions; and I wish to ask the Colonial Secretary, what should we be giving them after all? It is only after they come into possession and have the land surveyed, for which survey I should make them pay, that the land is worth anything. Mr. Randell said I proposed to put these people on the land without funds. We are doing that every day and every week in the year. We are putting people on the land without a shilling. [*Hon. G. Randell:* I do not know that.] You do know it. The Government know it. Who carries those people? The very storekeeper who you did not believe would be willing to carry the people mentioned in this motion. The storekeeper carries settlers, on their personal security as we may say; because, until improvements are made on the land, it is not worth this sheet of paper. To-day we have millions of acres to dispose of, and outside the pastoral leases what are they bringing in to the State? Simply nothing. There is no more risk in giving such men a gift of land than there is in giving it to an outsider. I do not know that the gift need even be doubled in the case of discharged civil servants. If a man has been only a short time in the service, he can now receive 160 acres free. Why not give him 140 extra? [*Hon. W. Kingsmill:* We do not owe him anything.] Such men have been years in the service. I have my opinion and you have yours. I thank members for the discussion. I see it is useless to push the motion, and in the circumstances I ask leave that it be withdrawn.

Motion by leave withdrawn.

MARINE INSURANCE BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly): In moving the second reading of this Bill, I may say that the measure pretty well explains itself. It is a non-contentious Bill, a codification of the existing law relating to marine insurance. On this subject the law is at the present time not very clear. In the schedule will be found the list of the Acts now in force, which will be repealed on the passing of this Bill. They are Acts of George II. and George III., and are altogether out of date. The Bill is a copy, word for word, of an Act passed in the House of Commons in 1906. It was then referred to the Standing Committee on Law, by whom it was carefully criticised, the committee con-

sisting of the highest legal authorities both of the Lords and Commons. The Bill was introduced to the Imperial Parliament at the request of almost every chamber of commerce in Great Britain, where it was badly needed; and it is just as badly needed here. It will be welcomed by the whole of the mercantile community and business people of the State. This is a branch of the law in which, I understand, very few even of the legal fraternity pretend to take much interest, or to comprehend thoroughly; therefore it would be rather difficult for me to give a clear explanation of the law of marine insurance. I have read the debates in the House of Lords and the House of Commons. The Bill defines "marine insurance," "marine adventure," and "maritime perils," in clauses 2 to 4; "avoidance of wagering or gaming contracts," and "insurable interest," in clauses 5 and 6; it ascertains the measure of insurable value in Clause 17, and contains a provision as to disclosures and reports. Clause 18 specifies that a contract of marine insurance is based upon the utmost good faith, and if the utmost good faith be not observed by either party, the contract may be avoided by the other party. Clauses 18 to 23 provide for the essential parts of a marine policy, and the Bill provides in Clause 31 provision for double insurance, special warranties, the undertaking by the assured that some particular thing shall or shall not be done, or that some condition shall be fulfilled. The Bill then defines the implied conditions on the voyage, the risk consequent upon a change of voyage, or deviation or delay therein. These provisions are in clauses 43 to 50. There are provisions as to assignments of policies, as to premiums, and as to questions of loss and abandonment, partial and total loss, including salvage and general and particular average. In the existing Acts these expressions are not defined at all, but have grown up from practice, the decisions being founded rather on law reports than on statutes. The law as to the measure of indemnity is set forth in clauses 68 to 79, which deal with the extent of liability in case of total loss, and in case of partial loss of ship and of freight respectively. The Bill will be of the greatest convenience to the mercantile community, and will put this branch of the law in a comprehensive and intelligible form. The measure is badly needed, and its best recommendation is, it is a copy word for word of the English Act. I move that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

STATISTICS BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly), in moving the second reading, said: This also is a very short measure, though not unimportant. It is purely a machinery Bill. The Statistical Act now in force is insufficient for present requirements. The Bill will repeal the Industrial Statistics Act of 1897, which is now somewhat out-of-date and unsuitable to the needs of the Commonwealth authorities. Members will recollect that the Commonwealth passed a Statistics Act and appointed a Registrar General for the Commonwealth; and these proposed amendments of the Act of 1897 will make that Act an almost exact copy of the Commonwealth Act. The alterations are necessary because the Commonwealth intends to include more subjects than are provided for in the State Act: and it is intended that the Commonwealth, instead of establishing a separate statistical office here, shall receive returns from the State office. It will, as members readily see, save considerable expense in having one statistical department instead of two. This is an order of things which has been rather reversed by the Commonwealth. Mr. Knibbs, the Common-

wealth Statistician, was here and I had several interviews with him. He looked at matters in an entirely different light from what Commonwealth officials do in taking over departments. They think everything ought to be centred in Melbourne, and they treat the States, this State particularly, with scant courtesy. Mr. Knibbs, I am pleased to say, had a rather different opinion. His idea was not to have a big department in Melbourne, but to have a small one there and receive information from the different States. The information must be obtained on a uniform basis in all the States, for information would be no good being obtained on one basis in one State and on another basis in another State. This Bill provides machinery so that the figures may be collected here in the same way as they are collected in other States. It is really an extension of the present Act. There are a few small alterations that members will notice, which I think will be better explained in Committee. For instance there is a provision where a deputy Government statistician may be appointed. This will not entail additional expense on the country, for one of the officers in the Registrar General's Department will be appointed deputy to act in the Registrar General's absence. Resident Magistrates are to act as agents for obtaining statistical returns, thus relieving the police officers who act at the present time. By this means greater competence will be secured than at the present time. The Bill provides better machinery for the collection of these statistics. I move,

"That the Bill be now read a second time."

Hon. G. RANDELL (Metropolitan): I have not examined the Bill very closely, but there is one if not two matters that struck me, requiring explanation. In Clauses 4 and 5 the Governor is given power to appoint an officer or deputy to be called a Government Statistician or a Deputy Government Statistician, but I do not see any power given to the Governor to remove such officer. I draw the hon. member's attention to this so that a provision may be embodied in the Bill. Difficulties have occurred in the past through failure to place in an Act the power of the Governor to remove persons from time to time and appoint others in their places. I would like to ask the member whether the compulsion is of greater stringency than prevails at the present time as to furnishing statistics?

The Colonial Secretary: That is so.

Hon. G. RANDELL: It ought to be because I read recently that certain persons could not be bothered to furnish statistics. I wish to draw the Minister's attention to these two points.

Question put and passed.

Bill read a second time.

BILL—MARRIAGE ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is another non-contentious Bill and simply makes a few necessary amendments of the Marriage Act of 1894. These amendments are very slight, and most of them have been found necessary in the working of the Act. I may mention a good many of them, if not all, have been made at the request of the ministers of the different religious denominations.

Hon. G. Randell: Are you sure of that?

The COLONIAL SECRETARY: I think I will be able to satisfy the hon. member that that is so. I think I know what the member has in his mind, that the Bill does not satisfy some ministers of the Gospel.

Hon. G. Randell: They had not been consulted, I am informed.

The COLONIAL SECRETARY: I am not informed that is the case. These amendments have been received from the Registrar General, and when Mr. Kingsmill was Colonial Secretary

he had these amendments before him when he left office. This Bill was ready last session, but owing to the great number of Bills before the House I did not bring it forward. I do not know that it is necessary to touch on the amendments. Briefly they extend the hours during which marriages may be celebrated. At present the Act provides that marriages must be celebrated between the hours of 8 a.m. and 6 p.m. That time has been extended from 8 a.m. to 8 p.m., two hours longer.

Hon. G. Randell: We had a great fight to get 6 o'clock.

The COLONIAL SECRETARY: That amendment is inserted at the request of ministers. Some people are too busy all day.

Hon. W. Patrick: Why not make it all night?

The COLONIAL SECRETARY: It may be impossible for people who are occupied all day, a busy man for instance, to get married during the day time. According to the amendments he can do his business during the ordinary working hours and get married afterwards.

Hon. G. Randell: People can get married in Victoria all night or at any time at night.

The COLONIAL SECRETARY: I think the time is limited, in some districts at any rate. The Bill also dispenses with the necessity for banns being published on three consecutive Sundays. There is a difficulty sometimes about banns being proclaimed on three consecutive Sundays. In scattered districts for instance ministers may not be at the church three consecutive Sundays, and it is difficult for the banns to be proclaimed, but as long as the banns are proclaimed on three Sundays that should be all that is necessary, and this amendment provides to meet such cases. The Bill reduces the time for posting notices on church doors to 14 days. A declaration having been duly made, a marriage can be celebrated by any minister or any district registrar, not necessarily before the district registrar or minister before whom the declaration has been made. Provision is made for ministers sending in monthly returns along with the returns sent in when the marriage is celebrated. The last amendment is made at the request of the members of the Jewish community, and places this denomination on an equal footing with others, allowing members of the Jewish persuasion to be married by a district registrar. That cannot be done now; only members of the Christian faith can be married by the registrar. Jewish ministers are not very plentiful and it is difficult at times to get a Jewish minister, so that this will place members of the Jewish persuasion on the same footing as persons belonging to other denominations. I beg to move the second reading of the Bill.

Hon. G. RANDELL (Metropolitan): I do not wish to offer opposition to the Bill, but I am given to understand it does not meet the wishes of all denominations, but not on very important points, and probably some amendments may be handed to me or some other member, and no doubt the Government will accept them. I am pleased to see the Bill liberalises the Marriage Act. I remember we had a very great contest in the old Legislative Council about the hours, and the alteration was most strongly opposed by some members, especially by the Government. The alteration of the hour later than four o'clock was eventually carried, and marriages could then take place up till six o'clock, and also in private houses. It is advisable in sparsely populated portions of the country, as long as the regulations are complied with, that marriages may take place in private houses. No unreasonable difficulty should be placed in the way of persons wishing to enter the marriage state. One point the Minister has referred to has been taken exception to, and that is the publication in the churches. I understand some denominations have

no churches in a district within a radius of 40 or 50 miles, and persons would have to get the banns published in the church by another denomination. This is objected to. That is one of the points that is taken, and it is a point of some little importance at any rate. I am quite in accord with the extension of the hours, especially as we find in some of the States, one or more of the Eastern States, marriages are permitted at any hour of the day or of the night. This does not often occur, but circumstances may arise to make it necessary to be married late in the day. I have heard of a minister in this country riding 40 miles to celebrate a marriage. He ran the time very close, but he managed to commence the service before six o'clock, and in such case I believe no prosecution took place. The minister endeavoured to do the best he possibly could in the circumstances, but the coach in which he was riding broke down and he was detained on the road and consequently was a little late in arriving at his destination. That has occurred I believe more than once, and it is possible it may occur again. There are very good reasons why the hours should be extended. To ride 40 miles and find that you cannot celebrate a marriage, and having to go home again and then ride another 40 miles, is a hardship which is almost intolerable. Of course such a thing would not occur in many parts of the country, but in the North it is possible. I do not wish to offer any opposition to this Bill, but if necessary I shall furnish myself with particulars on these and other points so as to submit them when the Bill goes into Committee. I hope the Minister will be good enough to defer the Committee stage until a later period, say Tuesday week next. I believe there is no hurry, and the alterations to the Act are very few indeed, and on the whole they liberalise the Marriage Act of the State. I support the second reading of the Bill on that understanding.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): The point mentioned by Mr. Randell has been referred to by several of the churches. It sometimes occurs that the denominations have not churches in all the registrars' districts. I understand that this is an attempt by the Colonial Secretary to bring in a reciprocal feeling between all the churches. I think he is to be commended for that. If this Bill becomes law it will mean that, if banns are desired to be published in a district in which there is no church of the denomination to which the parties belong, then some other church in the district will publish the banns instead. [*Hon. G. Randell:* You think they will?] I think that is what the Minister has in view, and it would have the result of bringing the churches closer together. Any effort in that direction is to be admired. If there is no direct understanding that there is to be this reciprocal feeling between the churches, it will work a very great hardship to some of those who have not their church in that particular registrar's district. As to extending the hours for the ceremony to 8 o'clock, I think, while we are about it, we should strike out this clause altogether, and liberalise the measure to the fullest degree so that the 24 hours may be available for this important ceremony. I beg to support the second reading of the Bill.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 8·17 o'clock, until the next day.