

gineering undertaking that takes the rivers up to the dry districts in the interior, those improvements in railway traffic and connections, in fact, the first steps towards that completed condition, or condition in process of completion, that we now behold. All these things are now reminiscent of his name; and we cannot write the history of our country without mentioning his name with respect and with honour. Therefore, without further words, I ask permission to move—

That this House desires to place on record its appreciation of the public services rendered to the State by the Hon. F. H. Piesse, and to express its deepest sympathy with his family in the irreparable loss which they have sustained by his decease; and that Mr. Speaker be requested to forward the foregoing resolution to the relatives of the deceased gentleman.

Mr. MITCHELL (Northam): I appreciate the words that have fallen from the Attorney General. The Hon. F. H. Piesse always took the broadest possible view of his public duties and sacrificed himself to a great extent in the interests of the people. To some of us he was known for a great many years. In every phase of his life he was a success; but while he succeeded himself, he endeavoured to improve the lot of others. It was 35 years ago when he was first connected with the great district that has been associated with his name. We all know that it is due to him that the Great Southern district has prospered to such an extent, while to his foresight and ability the great town of Katanning is what it is to-day. In his public life he was an undoubted success. He became Minister of the Crown when the country needed the services of an able, energetic, and capable administrator; and the Attorney General has rightly said that the Hon. F. H. Piesse has been associated with all the great works that have been undertaken in Western Australia. He was associated in no small degree with the great water scheme that supplies Kalgoorlie. Probably no man had less credit for the work

he did. It is true, of course, that not every public man during his lifetime gets the credit that is really his due. Mr. Piesse was known to all of us. We remember him with very strong affection, no matter on which side of the House we may sit. The Attorney General has said, and I agree with him, that Mr. Piesse loved peace, notwithstanding which he was always perfectly willing to fight for his principles. We very much regret his loss, and I have pleasure in seconding the motion moved by the Attorney General.

Question passed; members standing.

House adjourned at 4.42 p.m.

Legislative Council,

Wednesday, 3rd July, 1912.

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

ASSENT TO BILLS.

Assent to the following Bills of last session reported:—

- Agricultural Bank Act Amendment.
- Appellate Jurisdiction.
- Appropriation.
- Collie Municipal Rates Validation.
- Criminal Code Amendment.
- Deputy Governor's Powers.
- Dwellingup State Hotel.
- Early Closing Amendment.
- Goldfields Water Supply Act Amendment.
- Health Act Amendment.
- Hotham-Crossman Railway.

Land Tax and Income Tax.
 Licensing Act Amendment.
 Local Courts Act Amendment.
 Marrinup Branch Railway.
 Municipal Corporations Act Amendment.
 Police Benefit Fund Ordinance Amendment.
 Public Service Act Amendment.
 Supplementary Loan.
 Supply.
 Totalisator Regulation.
 Transcontinental Railway.
 Upper Darling Range Railway Extension.
 Veterinary.
 Workers' Homes.
 Yilliminning-Kondinin Railway.
 The Divorce Amendment Bill, 1911, reserved for the signification of His Majesty's pleasure, received the Royal Assent on 29th February, 1912.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Aborigines Department, annual report; 2, Goldfields Water Supply Administration, amendment of by-laws; 3, Regulations under (a) Public Library, Museum, and Art Gallery Act, 1911, (b) Veterinary Act, 1911, (c) Land Act, 1898, (d) Fremantle Harbour Trust, (e) Fisheries Act, 1905; 4, By-laws under (a) Cemeteries Act, 1897, (b) Land Act, 1898; 5, Permanent Reserves Act, 1899, Amendment of Class B Reserves; 6, Land Act, 1898, timber tramway permits; 7, Municipal Corporations Act, 1906: By-laws of the municipalities of—(a) Queen's Park, (b) South Perth, (c) Albany, (d) North Perth, (e) Wagin, (f) Subiaco, (g) Perth, (h) Collie, (i) Fremantle, (k) Geraldton; 8, Roads Act, 1911: By-laws of the road boards of—(a) Yilgarn, (b) Mourambine, (c) Mullewa, (d) Phillips River, (e) Coolgardie, (f) Toodyay, (h) West Arthur, (i) Kojonup, (k) Broad Arrow, (l) Beverley, (m) Tableland, (n) Coolgardie, (o) Greenbushes, (p) Mount Margaret, (q) Tambellup, (r) Irwin, (s) Capel, (t) Dardanup, (u) Belmont Park, (v) West Kimberley, (w) Order-in-Council *re* Tambellup Townsite.

QUESTION—SAVINGS BANK, STATE AND COMMONWEALTH.

Hon. M. L. MOSS (without notice) asked the Colonial Secretary: Whether after the lapse of time between the last day of the last session of Parliament and the present time, the Government have yet made up their minds as to what they intend to do in the matter of the Savings Bank business and the Commonwealth. The hon. member informed the House last session that the matter was under consideration. I therefore did not get a satisfactory answer.

The COLONIAL SECRETARY (Hon. J. M. Drew): I would prefer that the hon. member gave notice of the question. I will then endeavour to secure the information.

QUESTION—NO-CONFIDENCE DEBATE.

Hon. F. CONNOR (without notice) asked the Colonial Secretary: Is it the intention of the leader of the House to adjourn the debate on the Address-in-reply pending the result of the No-Confidence motion in the Legislative Assembly?

The COLONIAL SECRETARY (Hon. J. M. Drew) replied: With the permission of the House, it is my intention to carry the debate on the Address-in-reply to its conclusion, and then, if it is found that the motion of No-Confidence in another place has not been disposed of, we will adjourn the further business of the House until the Assembly has concluded its debate.

Hon. F. CONNOR: May I give my reasons for asking the question?

The PRESIDENT: I think not at this stage.

QUESTION—UNEMPLOYED AT KALGOORLIE.

Hon. R. D. McKENZIE asked the Colonial Secretary: 1. Are the Government aware that there are large numbers of unemployed men in Kalgoorlie waiting for work in connection with the Trans-

continental railway, the commencement of which is indefinitely postponed? 2, If so, do they intend to take any action to relieve the situation?

The COLONIAL SECRETARY replied: (Nos. 1 and 2), The Government have been informed that such is the case, and prior to the assembling of Parliament, had instituted enquiries with a view to ascertaining the actual position of affairs, and, if possible, promptly relieving the situation. The Government have also been in communication with the Federal authorities, with the object of ascertaining when they are likely to be able to proceed with any work in connection with the Trans-Australian railway. The Right Honourable the Prime Minister has now telegraphed to the effect that the position of affairs regarding the commencement of the railway referred to is now more hopeful, and he expects to furnish a definite reply within a few days.

LEAVE OF ABSENCE.

On motion by Hon. F. CONNOR leave of absence for four weeks granted to the Hon. Sir E. H. Wittenoom on the ground of urgent private business.

MOTION—STATE SHIPPING DEPARTMENT.

On motion by Hon. R. J. LYNN ordered: That all papers in connection with the appointment of Mr. Sudholz as manager of the State Shipping Department, including the agreement entered into with him, be laid on the Table.

BILL—GAME.

Introduced by Hon. W. Kingsmill and read a first time.

ADDRESS-IN-REPLY.

Second Day.

Amendment moved.

Hon. M. L. MOSS (West): It is not my intention to vote for the motion before the House because, after I have fin-

ished the remarks I propose to make this afternoon, it is my intention to move an amendment to the Address. Since the last sitting of this House the usual biennial election has taken place, and while, the House is benefited by the accession of new members, I think it is fitting that something should be said with regard to those who are now no longer members of this Chamber. Those gentlemen have rendered excellent service to the State, and I think it is pardonable on my part if I make special reference to the 12 years of valuable service which my late colleague, Mr. Laurie, rendered to the State and the province. He was a regular attendant at this House and took a highly intelligent interest in all the proceedings, and was in every sense a most useful member. It is a great pleasure to me, now that he is no longer a member of this House, to place on record in the pages of *Hansard* the opinion which I, and I am sure a good many other members of this House, hold of Mr. Laurie. Now, it is a matter of regret that at the recent elections a much greater attempt was made to turn this Chamber into a party House than had ever been made previously.

Hon. J. Cornell: Is it not a party House?

Hon. M. L. MOSS: The hon. member is not sufficiently experienced or conversant with what has transpired in years past, or he would not ask that question. My hon. friend Mr. Connolly, who led this House for a period of six years, on numerous occasions did not thank me or other members for the strong criticism of the measures submitted by his Government from time to time. In no sense has this been a party Chamber. The desire and ambition of every person who urges the retention of the second Chamber is that we shall be able to consider every question submitted to us altogether apart from party bias. That has been the leading principle actuating hon. members in the past, and all the trash and nonsense which is heard outside of Parliament as to this being a conservative Chamber and a party House, is piffle and will not be listened to for one

moment by anyone who knows what are the actual facts. But an attempt was made at the recent election to turn this into a party Chamber, and those responsible for that attempt did not meet with very great success at the hands of the electors, for, outside of those pledged to the Labour platform, who may be called both here and in another place nominees of the Trades Hall—although we have some new members here who bear that trade mark upon them—the numerical strength in this House of men actuated by non-party motives remains as before the elections.

Hon. J. Cornell : That was the fault of the franchise.

Hon. M. L. MOSS : I will deal with the franchise presently. It was never intended when the Constitution was granted to this country to have the franchise for the Upper House upon the same lines as that for the Lower House. That, in my opinion, is the great defect in the Federal Senate, and when in Western Australia one House becomes practically a counterpart of the other, it will certainly be time to abolish the Legislative Council. At the recent elections the grossest misrepresentation was practised by those parties who assailed this House and accused us of being tied to party lines, and one of those misrepresentations has been forcibly referred to by an hon. member of this House. Mr. Davis, in seconding the motion for the Address-in-Reply, referred to the fact that this House was responsible for throwing out the amendment of the Arbitration and Conciliation Act. No one knows better than Mr. Davis that that statement is not a fair and accurate criticism of the action of this House with regard to that measure. That amending Bill contained 16 clauses, as I told the hon. member the other day, and 14 of those clauses this House agreed to, 13 being agreed to absolutely and the fourteenth being compromised upon when the managers of this House met the managers of the Legislative Assembly in conference, when the deadlock arose. We have listened to a tremendous lot of rubbish about the fear-

ful technicalities there are in the way of persons who are parties to these industrial disputes getting to the court, but all the clauses in the Bill submitted to the House last session having for their object the simplifying of the procedure and facilitating the parties in dispute getting to the court were agreed to. Mr. Davis knows it well, yet on the floor of this House made a statement that the Act was defective because of those difficulties in getting to the court. Now, a fair statement of the position with regard to the attitude of this Chamber on the Arbitration Act is this: we have extended the definitions of industrial dispute and of industry, we validated the registration of certain unions that had been registered under the Act, in respect of which there was a doubt as to whether they had been properly registered; we allowed an appeal from the registrar to a Judge of the Supreme Court on the refusal to register a union; we agreed to the provisions in that measure entitling the court to make a common rule in regard to any particular award in an industry; we distinctly stipulated that the court's decision was to be final as to whether a dispute existed or not; we agreed to a clause providing that no individual employer should be exempt from the operation of an award by reason of there not being a member of the union in his employ; hon. members will recollect the amendment we agreed to enabling the court to interfere with awards made for a period of three years after they had been only one year in operation; we agreed to a famous clause that there should be a minimum wage for an industry, such minimum wage being one enabling the worker to live in reasonable comfort, having regard to his domestic obligations whatever they might be; we simplified the procedure for taking appeals under Section 97, we extended the provisions of Section 107 to Government employees, and included them in an industry, and simplified the procedure for Government employees desiring to approach the court. These are all the things we agreed to. Now what are the things we did not agree to? We disagreed with

the proposal for a lay president who would be largely a nominee of the party in power.

Hon. J. Cornell: That is your assumption.

Hon. M. L. MOSS: It is my assumption and my assertion, and it is a fact. If we are going to give this Government or the next Government power to appoint a president, we run the risk on the one hand of a man being appointed who is a partisan for the capitalist, and, on the other hand, of a man being appointed who is a partisan for the Labour party. We did not want to make the experiment of having a nominee of either party. We wanted to have a man to preside in that court against whom there could be no breath of suspicion, and who would be entirely free from influence.

Hon. J. Cornell: Do you mean to infer that a judge of the Supreme Court was the only man fit?

Hon. M. L. MOSS: The hon. member will hear if he will have a little patience. That was the first thing we disagreed with. Our next point of disagreement was this: seeing that we had agreed to such a high minimum as was contained in that Bill, we were not going to permit the court to go into any workshop and lay down rules for regulating that industry and classifying and grading the employees, because numbers of hon. members had said that under such conditions the person running the industry would have the extreme pleasure of providing all the capital—and remember a high minimum was fixed, and rightly so—and then the court was coming in to lay down rules and regulations for the conduct of that industry. The capital was to be provided, and ducks and drakes were to be played with it under these two clauses. We disagreed with them and the Council was justified in its actions. Was it a fair thing for persons to go throughout the length and breadth of this country and vilify the Legislative Council as responsible for the rejection of this measure, when we had agreed to all the things of the absence of which our opponents were complaining in the country? This question of taking

control of a man's business they very astutely kept in the background, because they knew that the great bulk of intelligent thought would not fail to resent a provision of that nature. Then, on top of that, we had a repetition of the statement by an hon. member of this House although he knew too well the amount of time and trouble that was devoted to the measure, and how many of the provisions we accepted, to be justified in making the statement that the House was responsible for the rejection of the amending measure. That was one of the misrepresentations practised during the recent elections, but there were two others. The next one was the proposed amendment of the Public Works Act, in connection with which the Premier went to undue length to besmirch the character of an hon. gentleman who sat in this House for 12 years. The electors of the metropolitan province, to their credit, showed their displeasure at such tactics by returning him by a thumping majority to continue to perform his duty to the country for another six years. I had the opportunity and the pleasure of going to North Perth to express the opinion that I, and I believe other hon. members, held of the conduct of Mr. Sommers in his place in the House for years past, and it is a great source of satisfaction to me to know that the Press gave the greatest publicity necessary to, in the first place, clear Mr. Sommers' character, and, in the next place, to clear the House of the gross libel which those fighting this House on party lines had placed upon it, in saying that we fought the Bill on party lines. Let me say that if that Bill comes forward again I will do my best to defeat it, and I believe other hon. members will do the same. I am prepared to reconsider the provisions of the Public Works Act of 1902, in so far as that Bill is not what it should be to mete out justice to the Government and the people of this country. I said when the Bill was in Committee that it had been the practice in the Works Department, when land was compulsorily resumed for public purposes, for the Government to deliberately refrain—and I

am not referring to the present Government only, but equally to the Government of which Mr. Connolly was a member, although perhaps neither Government are so much to blame as the responsible officers working under them—deliberately refrain from making offers when the claims for compensation were sent in. The compensation clauses were copied from the New Zealand statutes, but in New Zealand, if a man puts in a claim for compensation, the Government must make an offer within 60 days, or the amount of the claim is deemed to be admitted. The Act in Western Australia has not that provision and the measure is in this position, that when the owner of the property puts in a claim all the Government have to do is to sit down and make no offer. The result is that the man is deprived of his land and does not get a penny of compensation until the Government decide that they will make an offer. In connection with two claims that were passing through my hands professionally—I mention no names, but I can give their official numbers, 13480/11 and 13679/11—these were put in on the 15th November, 1911, and since this Government came into office. (I want to establish that point; because the Colonial Secretary said in Committee on the Bill, "You will not find this Government behave in that way.") But it was not until the 20th April, 1912, that offers were made in these particular cases, and they were made in this way. Until I could get the good offices of Mr. Bolton, a member of another House for South Fremantle, to go to Mr. Scaddan and tell him what was taking place I got no offer. Fancy being obliged to get a supporter of the Government to approach the Premier to have the law carried out. The offer was not made for five months. I am prepared to see the State get a fair deal in regard to these resumptions, and to see that it is not plundered, but the Act itself is evidence of the bad way in which scissors and paste are used indiscriminately with the result that a fair measure has not been put on the statute-book. Now, the next measure for which this House was vilified was the Public Works Committee Bill. I am not

going to say much about that; there was a great consensus of opinion in this Chamber that the measure should not find its way on to the statute-book, and evidently the public thought that we were amply justified in preventing it from reaching that destination; but we are threatened again with the Public Works Committee Bill, not according to the Governor's Speech, but according to speeches made on various platforms in the country by the Government and by Government supporters. I am not going to recant from the position I took up with regard to that measure; I shall do my best to defeat it again, because it is the fifth wheel to the coach and an unnecessary piece of legislation, and is drafted with the object of providing fees to members of Parliament in this and another place. The result of the election may be regarded as a great victory for this Chamber. It is the undoubted opinion of a large section of the Western Australian community that it is necessary, in the interests of good government, that the second chamber shall be kept intact. The Government have been in office eight months, and State socialism seems to be the leading feature of the programme they are putting before the country. When one commences to put in black and white what is now being undertaken, and what is being immediately contemplated, to see the vast amount of State socialism to which the Government are committing the country, it is quite surprising—the purchase and running of steamers, State saw mills, milk supply, the running of ferries, the establishment of State brick works, the making of agricultural implements. Now, in the name of all that is serious, where is all the money to come from to do this? And, what I want to know also is, when they get the money—what information are they going to give this House and the country as to the estimates that have been made concerning whether these things will be profitable or not?

Hon. J. D. Connolly: They are also going to supply fish.

Hon. M. L. MOSS: There may be a multitude more. The hon. member's interjection has established the point that

there is a march of State socialism now, not for great national works, such as railways and the water scheme for the gold-fields, which most certainly ought to be in the hands of the public, but for a number and variety of things which most unquestionably ought to be left to private enterprise. In the first place, where is the money on which to embark on all these things? And, then, what are they going to cost, and are the Government satisfied they have made sufficient inquiries, even if we are to be hurled headlong into these business ventures, that they are going to be profitable to the country? It is not like a person undertaking a thing that becomes unprofitable. He can go into the Bankruptcy Court and whitewash himself. The only whitewashing that can be done in carrying out an unprofitable State business is this—increased taxation on the people. And it is coming; it is foreshadowed in the Governor's Speech. What is it to be? It will be interesting when the Colonial Secretary makes his speech in this debate, if he lets us have some information as to what figures the Government are in possession of, as to what they are going to receive on the one side of the ledger in connection with these business ventures, and on the other side as to what these things are going to cost. It is all very well to stand on public platforms, to the accompaniment of brass bands and cheering crowds, and say, "We are going to do it." It is different when we come down to solid business. These things are to be undertaken at the cost of additional taxation on the people of the State; and if that additional taxation takes the shape of an income tax, it will be a most disastrous thing for Western Australia; because we look to the Old Country to provide us with capital, on which there is already an income tax of 1s. 2d. If the income that is earned on British capital in this country is to be burdened with a very much greater income tax than 4d. in the pound, it must necessarily follow that it will stop the inflow of British capital to this country, which will be disastrous not only to the capitalist but also to the working man in this community. These steamer

ventures, saw mills, milk, and ferries—all these businesses have been undertaken by the Government without parliamentary authority; they are in direct violation of the Constitution Act, and the Audit Act; and it is in consequence of this that I propose to table an amendment at the conclusion of my observations. I want to make this position absolutely clear and beyond a shadow of doubt, that as the Government are fresh from the country—they were only elected in October last—it is my intention not to prevent them getting any appropriation they may ask for to carry out any part of the programme they submitted to the people and which they were returned to carry out. If this were a party House, holding strong opinions, as I do, that this State socialism is most destructive of the best interests of the country, it would be my bounden duty here to vote against these appropriations and induce other members to do so; but it is not my intention to give my vote by way of refusing these appropriations. What I do say is that when the Constitution Act and the Audit Act provide that parliamentary sanction for expenditure shall be obtained in a certain way, it is the duty of the Government running the country—whether they hold their position by one or two votes in another place, or whether they have the sweeping majority the present Government can count upon—to act constitutionally. They are the first men who assail and attack the other side in politics if they can catch them tripping on such points in regard to lesser expenditure. I shall satisfy the Chamber that the Government have acted in this manner. There are distinct directions to the Administrators of the government of the country, as to what they shall do when they require public money. Section 64 of the Constitution Act provides—

All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Re-

venue Fund to be appropriated to the public service of the Colony in the manner and subject to the charges hereinafter mentioned.

Then Section 67 provides—

It shall not be lawful for the Legislative Assembly to adopt or pass any Vote, Resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate tax, duty, or impost to any purpose which has not been first recommended to the Assembly by Message of the Governor during the session in which such vote, Resolution, or Bill is imposed.

Then comes Section 7, which reads—

After and subject to the charges hereinbefore mentioned, all the Consolidated Revenue Fund shall be appropriated to such purposes as any Act of the Legislature shall prescribe.

It is, therefore, clear from the Constitution Act that it is not a lawful thing for one fraction to be taken from these funds without the authority of an Act of both Houses of the Legislature. This is not the first occasion in Australia when a Legislative Council has felt that circumstances justified complaint against the action of a Government. In New South Wales, Victoria, Tasmania, and South Australia, conflicts between the two Houses have occurred, and between the Legislative Councils of those States and the Ministries responsible for the administration of the affairs of those States, and they are referred to in *Todd's Parliamentary Government in the British Colonies*. I propose, in justification of the attitude I assume with regard to the constitutional aspect of the question, to quote at some considerable length from *Todd*, in order to establish, not so much for the satisfaction of hon. members sitting around here, who know perfectly well what I am telling them, that money cannot be drawn from Consolidated Revenue Fund without an act of Appropriation, but so that the country can know it at any rate, that there are numbers of precedents to show that the Government have acted in violation of what is absolutely necessary if they have due regard to the duties and obligations imposed upon them

by the Constitution Act. But it is not only the Constitution Act that makes provision in this direction. Section 31 of the Audit Act provides—

No money shall be drawn from the Public Account except under appropriation made by law, or by the authority of the Governor.

The authority of the Governor there alluded to refers to certain sections of the Constitution Act, where there are moneys permanently appropriated. For instance, look at the Schedule of the Constitution Act; there are certain gentlemen whose offices were abolished by the advent of Responsible Government. Those gentlemen were provided with pensions which were permanently appropriated. No provision is necessary in connection with those, nor is any provision necessary with regard to the costs and expenses of the collection of the revenue of the State; they, by the Constitution Act, are permanently appropriated; but when we come to other moneys, the Audit Act, following the provisions of the Constitution Act, lays down, in clear language, that no moneys shall be drawn from the Public Account except under appropriation made by law. Now, what does the Act say with regard to Loan Funds? Section 56 provides—

A separate account shall be kept in the Treasury of all moneys which shall be raised by way of loan upon the public credit of the State, and which shall be placed to the credit of the Public Account. Such account shall be called "The General Loan Fund," and shall be kept under such separate heads as are specified in the several Loan Acts under the authority whereof the moneys were raised.

Section 58 provides—

It shall not be lawful for the Treasurer to expend any moneys standing to the credit of the General Loan Fund, except under the authority of an Act.

Now, it is established clearly that, with regard to the Consolidated Revenue Fund and the moneys from General Loan Fund, it is an unlawful act on the part of Ministers to take any of these moneys for

which there is not an appropriation. Now I come to the Speech, which is exceptional, inasmuch as there never was a Speech delivered by any Governor in Western Australia which was framed in the same way as this Speech. If hon. members will take the Speech they will find that it starts—"Mr. President and gentlemen of the Legislative Council—Mr. Speaker and gentlemen of the Legislative Assembly." There are then a variety of things addressed to members of both Houses of Parliament. There is then a break in the Speech, after which it goes on—

Mr. Speaker and gentlemen of the Legislative Assembly—My Ministers have devoted much attention to the provision of means for the reduction of the cost of living, and at an early date you will be asked to ratify the necessary appropriation for the trading enterprises which have been undertaken for this purpose.

These observations are addressed to the members of the Legislative Assembly only, and it is this I am complaining of. Then follow two paragraphs, one dealing with the purchase of the steamers, and the other in connection with the establishment of State saw mills. In effect it says that only the Legislative Assembly will be asked to ratify this expenditure. I have pointed out clearly that both by the Constitution Act and the Audit Act the appropriation must be by Act of Parliament, in which both branches of the Legislature must concur. Members have only to take up the Constitution Act to see that without the consent of this Chamber it will be impossible to put an appropriation upon the statute book. In all the other conflicts in Australia in connection with this question this has been laid down firmly by the Imperial authorities and the law officers of the Crown in England, namely, that no money can be extracted from revenue or from loan funds except by an Act of both Houses of Parliament. Subsequently the Speech asks for supplies from the Legislative Assembly, which is a perfectly proper thing. Never in the past has a Speech failed to address both Houses on all questions except that of sup-

ply; but here is an admittedly unauthorised expenditure, and the Government ask for ratification of their unlawful acts simply at the hands of the Legislative Assembly. If we were to tolerate this it would be reducing this House absolutely to a sham. There are three individuals to whom members have a right to look to uphold the privileges of the Chamber. In the first place, there is yourself, Mr. President, and in the second place, there is the Hon. Mr. Kingsmill, the Chairman of Committees. It has not been possible for either the President or the Chairman of Committees to do anything in connection with the matter appearing in the Speech, where an attempt has been made to lay it down that it is permissible to spend public money without the authority of both Houses of Parliament. The third individual to whom this Chamber looks to uphold its undoubted privileges is the leader of the House. The Colonial Secretary and the Hon. Mr. Dodd must in Cabinet have had that Speech before them, and I cannot understand that when the privileges of this Chamber were assailed, as they are in the Speech, these gentlemen were consenting parties to the ignoring of the privileges we undoubtedly possess. I will not say that I would go so far as was done in South Australia, as illustrated in the quotation I am about to make, because I do not hold that what was done in South Australia in circumstances not nearly so grave as those with which we are faced, was wholly warranted. If you over-run a vote which Parliament in a previous session has approved, then from a constitutional aspect it is an entirely different thing from embarking in new businesses without Parliamentary authority. I propose to quote from *Todd*, page 712, to show you how the Legislative Council of South Australia regarded an attack upon their privileges—

In 1877, however, a more serious disagreement occurred in this colony.

This refers to South Australia.

On June 12th inquiry was made of Ministers in the Legislative Council in regard to certain rumoured preparations for the erection of new Parliament

buildings. In reply the Council was informed that the Government contemplated the building of a new Chamber, as part of a proposed design for the better accommodation of both Houses, but that no money had yet been voted for the purpose. Upon which, on July 5, the Legislative Council resolved "that the action of the Government, in deciding upon a site, and commencing to build new Houses of Parliament, without the (previous) sanction of both branches of the Legislature is unconstitutional, and does not meet with the approval of this Council." A private member then gave notice of a motion for an address to the Administrator of the Government to represent the right of the Legislative Council to be consulted on this subject. Sir Henry Ayers (Chief Secretary and leader of the Government in this House) then gave notice of a motion to resolve "that it is desirable to proceed immediately with the erection of the new Assembly Chamber." On July 25, before the aforementioned notices were discussed, it was resolved "That the Chief Secretary, by ignoring the constitutional rights of this Council, and by his conduct generally with reference to the proposed new Parliament Buildings, has lost the confidence of this Council." On July 31, in amendment to a motion by the Chief Secretary, that the Council, at its rising, should adjourn to the following day, it was resolved, "That this House would not proceed to business so long as the Government is represented in the Chamber by a member in whom it has no confidence; and therefore that business be postponed for a week, to afford the Ministry an opportunity of changing their representative." No such change having taken place, further adjournments were made, for a week at a time, until August 28. On that day a motion to resolve, "That the Council insists upon its rights to be forthwith consulted upon the necessity and expediency of building new Houses of Parliament at the present time," was negatived upon the previous question. The

Council then adjourned. On August 29 it was resolved, "That this Council, while objecting to the leadership of the present Chief Secretary will proceed with business, and directs that all public Bills received from the Assembly be placed in charge of the Hon. William Morgan, a private member of the House." The Council then adjourned until September 4, and afterwards until September 11, and September 18, doing some business at each sitting.

A change of Government came along within a short time, and the Hon. William Morgan became leader of the House in the new Government. I am not suggesting that because our privileges have not been protected by the Colonial Secretary this Legislative Council should go to the extreme of passing any such resolution as that passed in South Australia. I think it was wrong to do so.

The Colonial Secretary: You are quite welcome to do it.

Hon. M. L. MOSS: I say it was a wrong thing to do. I am merely stating the case to establish the point that in a neighbouring State, where money was voted and the Houses of Parliament were commenced without consulting the Council, it was thought necessary to take a drastic step, as related in *Todd*. It establishes my point that in another State the expenditure of money for a practically necessary thing without the Parliamentary authority of both Houses, was regarded as sufficient excuse for passing that drastic resolution. I do not propose to do anything of the kind. My amendment, which I will read at the close of my speech, will be a sufficient protest against this unlawful action. I have stated emphatically that when the Bill comes down, I and perhaps other members of the House, will give the Government the necessary money. Because the Government must get the opportunity they asked the people for of cheapening the price of food, if they are able to do it, so that the conditions of living in Western Australia may be improved, and it is not for this House to attempt to stop them. I go further and say that if the state-

ment made by the Colonial Secretary to Mr. Connolly the other day is an accurate one—and I accept unreservedly the statement of the Hon. Mr. Drew, because it would be unparliamentary for me to do otherwise—if the statement is accurate that the Supply Bill which we passed through the other day while the Standing Orders were suspended contains no amount at all in respect to the payment for these steamers, or other unauthorised works, it is a surprising thing to me where the money has come from. We granted two months' supply and voted money from the Loan funds. I know that some money has been paid for these steamers, and it is a mystery where it came from. I accept the statement of the Hon. Mr. Drew in that regard, but I will be delighted if, when he speaks, he will enlighten us as to where the Government raised the money to pay for these steamers. I know some of them have been paid for. If, however, the Hon. Mr. Drew has made an incorrect statement, I will not say wilfully, then most extraordinary advice has been given to His Excellency the Governor to sign the necessary warrants for the money for these steamers, seeing that it is for the carrying out of a part of the Government policy which has not yet received the approval of both Houses of Parliament. There is no doubt that a Governor of a State or Colony in which Responsible Government obtains, has a right to act upon the advice of his Ministers. If he does that on every occasion, whether it may meet with public or other approval, he has done his duty, and the penalty is with the Ministers if that part of their policy has not received the endorsement of the electors. But it is another thing that advice should be given to the Governor to sign the warrants for this expenditure if it is at all doubtful that Parliamentary sanction will be ultimately given, and the reference in *Todd* which I did intend to read, but with which I do not now propose to weary the House, lays it down clearly and distinctly that a Governor is standing on tender ground if he takes that course when there is a doubt about Parliamentary ratification being subsequently given. However,

I assume His Excellency the Governor has acted on the advice of his Ministers, and therefore it is the Ministry who must take the responsibility of the unlawful action. This procedure would be very objectionable in any Government, but it is doubly objectionable in a Government ruled by caucus and dictated to by the Trades Hall.

Hon. J. Cornell: Oh! Nonsense.

Hon. M. L. MOSS: Do not talk about nonsense. We know of that big procession on the Esplanade organised by sixty or seventy trades unions to the accompaniment of two or three brass bands. We know the power behind the throne. It is no use the hon. member talking about "nonsense;" the Trades Hall have given the instructions. We do not know what took place inside caucus, but there may have been a large number of the supporters of the present Government desirous of refraining from doing these unconstitutional actions, but caucus No. 2 and instructions from Trades Hall No. 1 are the motives which impel this Government. Unauthorised expenditure to aid State enterprises, not previously ratified, committed by a Government subject to these peculiar influences, is doubly objectionable. I acquit the Colonial Secretary and the Honorary Minister of deliberately intending to insult this Council, but I believe the reference to ratification by the Assembly only being sufficient is a studied insult to this House. The Government are pledged to abolish this Chamber, and the Government lose no opportunity of belittling it, and belittling it in the most unfair way, and to have put into His Excellency's mouth language which interferes with and ignores the constitutional principles of this House, in my opinion, is a studied insult to the House and its members. What do they propose? The Labour platform contains a plank for the reduction of the franchise with a view to the ultimate abolition of the Legislative Council. We have had that dished up in season and out of season. I am proud to say that here, and on every public platform on which I have expressed my opinion, I have said I would never vote to reduce the franchise for the Council below

£25. That has never interfered with my obtaining a seat in this House, and all the time that steps were being taken by the late Government to reduce the franchise to £15, I was one of the strongest thorns in their side, trying to prevent it. I had long ago come to the conclusion that when we had got the qualification down to that of the Lower House, the Legislative Council would be a thing of the past. The Labour party have tried the cry of abolition; they have secured a reduction to £17, but the election has not suited them as well as they anticipated. This House is as strong to-day in favour of retaining the Legislative Council, and against further reduction as it was before the election took place. This House has the latest mandate from the people of Western Australia on a large number of public questions.

Hon. F. Davis: A portion of the people.

Hon. M. L. MOSS: The portion we represent; the portion who have material interests in this country; the people who have to shoulder the burden of increased taxation which under the socialistic enterprises into which the Government desire to enter will soon come; the people who have something to lose, and Mr. Davis is one of them. I do not want to predict bad days for this country; that is the last thing I want to do. I am sufficiently patriotic to Western Australia to wish her well. All I have in this world, I owe to Western Australia, but there is a limit to what even a rich country like Western Australia can stand in the way of taxation. We will know it when a lot of these enterprises, which should be left to private industry, grit, energy, and business acumen to carry out, do not succeed. I have not so much confidence in Government departments generally—the refuge for many destitutes who cannot make their way outside—to believe that these industries can be carried out for the good of the State by public departments. The franchise reduction view has not worked well, and so there is to be a convention to revise the Constitution. It is useless for the Government or anyone else to deny what that means. They are quite

satisfied with the Legislative Assembly and everything else in the Constitution, except the fact that there is a second Chamber. The second Chamber is the one barrier that will prevent this party or any party going too far or running this country into a dreadful mess. The convention would be elected on the franchise of the Lower House, a convention probably with the whole State as one electorate. I do not know; we shall hear details later on probably, I think it could only be worked that way as you could not have separate districts. It will be a convention of ten, fifteen, or twenty individuals of Western Australia to revise the Constitution. Then a Bill will be drawn up containing the provisions to which the convention agrees. When it comes along that will be the short cut (if we are fools enough to agree to it) to abolish the Legislative Council. Mr. Scaddan and his friends may rest assured that the Legislative Council will not agree to anything of the kind. I am sure that Mr. Lynn and other honourable gentlemen, who are fresh back from the electorates, and who have contested the elections at some expense to themselves, and loss of time, will not cheerfully embrace the opportunity to agree to such a thing.

Hon. J. Cornell: Self preservation.

Hon. M. L. MOSS: Preservation to prevent a lot of irresponsible persons running riot with the country. Property and proprietary interests have to be protected, not only in the interests of the owners of these properties, but in the interests of the working men. Otherwise if there is such distrust in the Government of this country that people are not prepared to bring capital into Western Australia, the working man will present a sorry spectacle, and be without means of earning a livelihood. There should not be these attempts to stir up strife between employer, on the one hand, and employee on the other; that is at the bottom of it all. When the Labour party, or any other party, get charge of this country they cannot turn it into a prosperous country merely by passing Acts of Parliament. This country will be made prosperous in the way that

the great republic of the United States has been made prosperous, namely, by the greatest freedom, and not by hampering conditions against men who are prepared to bring their capital into the country and do their best to develop it. If there is one place on the face of the earth where men appear to be prosperous, and where high wages and high prices obtain, it is the United States; but I am not going to deal with that republic. Go to the great empire of Germany, and see her well ordered and prosperous communities. That is a country where they have not looked to the statute-book for a mass of experiments to make the country prosperous. Western Australia wants millions of capital to develop it, and necessary public works to open it up, and every inducement at our command to get people with money to come in and develop its great resources. The Hon. Mr. Connor has lately come back from a visit to the Philippines, and it is interesting to hear him talk of the great facilities afforded to people going there to put their capital into those islands. The people of Western Australia must not imagine that this is the only spot on the globe. There is plenty of territory on this earth, and the Governments of those territories are anxious to give people facilities to go there and invest their money to develop it. We should not be setting class against class and running to the statute-book to make the country prosperous by fantastic schemes. Why should a man who has embarked a certain amount of capital in a venture be an object of attack; why create an arbitration court against that man to take away from him the control of his business and tell him how to manage it? This country should be satisfied to see fair conditions of labour and a fair minimum wage. As to the rest, if the workmen are true to themselves they will recognise that the employer is entitled to a certain amount of liberty.

Hon. J. Cornell: The working man thinks the employer gets too much.

Hon. M. L. MOSS: No, he does not; I will tell you who does. There are too many agitators to think for the working men, and who on all kinds of platforms

stand up and tell them of imaginary grievances. There are not enough men going through this country telling the working men, who are getting, as I believe they are on the Boulder, 13s. 4d. a day, that is £200 a year—"You are much better off than the men in the old country who work down coal mines for 15s. or £1 a week." We do not want those conditions here. I want to see no industry carried on which will not keep men in reasonable comfort. It is a very different thing, however, when an agitator gets on a platform and makes men dissatisfied with their lot. Too much of that goes on.

Hon. F. Davis: Then you infer that the working man does not use his own brains?

Hon. M. L. MOSS: He is not allowed to. You have only to go to the Law Courts within the last fourteen days to see if a man can exercise any independence—three tyrants saying if a man was not put out by his employers they would stop the *West Australian* coming out. That sort of thing goes on right through. Do you think the lumpers' strike at Fremantle was relished by the men and their families? It is the dread of being stigmatised a "blackleg" that frightens them. The working man can use his brains, and intelligently too, and the working man of this country will use his brains intelligently before another twelve months are over, when all these schemes are carried out at a loss to the country. The Government have no more chance of cheapening the cost of commodities than the people who are in these businesses who have made every point in the game a fine art.

Hon. F. Davis: Working men are not the only ones in the unions.

Hon. M. L. MOSS: I do not object to the unions, but to the tyranny of a good many men in the unions. The union is an absolutely necessary thing. Before unionism came men were ground down to servitude of a nature which we do not want to see in this country. The hon. member seems to think (judging by his interjection) that probably I am a great opponent of the working man. When the hon. member can put up a Parliamentary

record on the part of social reform as I have since 1895—

Hon. F. Davis: I did not infer that; I said the workers are not the only ones in the union.

Hon. M. L. MOSS: I know that. The union is a lawful thing; it has been legalised by Act of Parliament. It is a combination of men to get better wages and better conditions of labour; it is regarded as a perfectly proper thing. With regard to the Commonwealth, though this does not refer to Western Australia, it is a crime for men having capital in businesses to combine in the same way. The Coal Vend was fined £15,000. The Australian Industries Preservation Act is an Act which prevents vendors of commodities and persons carrying on different services in Australia from combining to keep up their industry as the working man is authorised to do his. When the hon. member interjects about unionism, there is a great deal to be said on the other side. The other side are not permitted to do what the worker is allowed to do. However, that is the law, and I am not complaining about it. It is a good thing when men combine, but the men ought to see that the leaders are reasonable in their demands, and they should also understand that those who do not see eye to eye with them should not be tyrannised in the way we know tyranny goes on in this community. I branched off a little bit. I was dealing with the convention, and I said that Mr. Scaddan and his colleagues would know pretty well when this debate was ended that we would agree to no convention. This Constitution Act of Western Australia, some people think is a document that can be played with as if it was of a trifling character, but it is a fundamental charter that gives the rights to this Parliament to sit; that gives rights to both Houses. It is a measure which has passed the Imperial Parliament. It was amended in 1899, authorising Parliament to make amendments from time to time in it. The Constitution of a country is a very solemn document, and it is necessary that there should be great obstacles in the way of

whittling away that Constitution. There is a permanent necessity that this House should continue to exist, and I feel strongly that the legislation which can be the result of compromise in another place or the result of a party vote should be dealt with by this House. Members who have sat with me in this Chamber for years must admit that it is disgraceful the way in which the legislation session after session has come down to this place. Every Bill which is brought down by a Government, and which is in the Governor's Speech, is part of the Government policy. It may be confiscatory in character, and outrageous in many respects, but it is more than any supporter in that party dare to vote against. Measures come here bearing such party imprints, and we have from time to time practically to redraft them. We have had in Western Australia two parties evenly balanced, with four Independents keeping the Government in power, and we may have such a condition of affairs again. In these cases legislation becomes a question of compromise. Is it not necessary that there should be a House not bound to one party or another to give these measures calm consideration, when they arrive here? Under such conditions as I have alluded to it is essential that we should keep in existence this House where party conditions do not prevail. I have been accused of being a party man, yet for years and years we have had legislation coming here, legislation coming from the Wilson Government and the Moore Government, which has had to be put through the crucible of this House, and I have taken a great part in criticising it. When the Land tax came here originally I moved that the Bill (and it was a serious step to take) should be thrown out. That was a strong stand to take up against any Government. It took Mr. Connolly two years to get that measure placed on the statute-book but he only was able to do so in a form modified to suit our views. We have had all this talk about the high cost of living. If there is one thing which is impressed upon one more than another, it is the small amount people in Australia get for the money expended. When we have got the Federal

Tariff imposing something like twenty millions on the people of Australia, heaped-up protection, where we have Arbitration Acts, where there is demand after demand coming along, all these things will increase the cost of living. You cannot have these things on one hand, you cannot have high pay and reduced hours, and at the same time have reduced cost of living; they will not fit in.

Hon. J. E. Dodd (Honorary Minister): How do you account for it that in all other parts of the world where they have not these things, it is the same.

Hon. M. L. MOSS: I am dealing with this part of the world at the present time, and I say you cannot get short hours, long pay, and cheap cost of production; they will not fit in together. Therefore, the cost of living must increase. I put this to Mr. Dodd. What we do know has occurred in this country. Men who were getting 9s. a day now receive 10s. a day and 11s. a day, and of course the merchant has put up his prices all the time. That works out splendidly until it operates against the mining industry, the agricultural industry and other industries that have to send their commodities outside this country. Then it becomes a very serious question indeed. The Government have purchased steamers to reduce the cost of living. I said before that I should like to know what estimates have been made to find out if these ventures are to be make a profit to the country or not. To refer to one in particular. Why did not the Government charter a vessel for a year, instead of embarking on a huge expenditure for purchasing vessels, until they were satisfied that this was a payable venture. But the business capacities of members of the Government may be able to give a reason for that. It has been laid down by members of Governments, and has been frequently mentioned in another place, that the way to cheapen meat that has to be brought 2,000 miles from the sparsely populated parts of the State was by the erection of freezing works at Wyndham. It does not require a very brainy person to see this, that if you are carrying animals alive, the space

they occupy is very much greater than if animals were slaughtered on the spot and their carcasses brought down here chilled and put into consumption; and it does not require a very great intelligence to understand that on a journey of eight or ten days from Wynham to Fremantle the wastage that goes on in the animal is enormous and the quality of the meat suffers. All this adds enormously to the cost of living. It is not by the chartering or the purchase of steamers that that cost is appreciably diminished. Take a 600 pound bullock. I do not know if that is the average weight, but take a 600 pound bullock, and suppose for the sake of argument, that the freight charged by the shipping companies is £3 or £3 10s. a head to bring that bullock from Derby here, and suppose the Government carry bullocks at one-half the cost at present charged. In a 600 pound weight beast that amount, when divided out, is not appreciable, and I tell the Government what will be the result. The butcher, or whoever purchases the cattle coming down by the steamer will put the 30s. in his pocket and the general public will not get the meat any cheaper.

Hon. W. Kingsmill: Then they must go butchering.

Hon. M. L. MOSS: Yes, they must go butchering, and they will not stop at butchering; they will not rest until all are down at a fair level of £4 a week, and everybody is a Government servant. It is a crime that a man, by his superior intelligence or industry is able to make more than the average wage. All must start off scratch; they must run the race at the same pace and all come in at the finish at the same time. There is no room for anybody else. We are told that there is a meat ring and a shipping ring. When the referenda proposals were before the people of the country, the Commonwealth Government, a Labour Government, said the Act dealing with arbitration, with monopolies, with combines and trusts could only be brought into operation when applied to inter-State transactions. It was one of the complaints against the State, that we had not passed a law dealing with mono-

polies, combines and trusts. I wanted my friend, Mr. Connolly, when in the late Government, to remove the objection and introduce a Bill.

Hon. J. D. Connolly : We intended to do so.

Hon. M. L. MOSS : Introduce that Bill and allow it to apply to intraState transactions, and I will support it. It will stop rings, and it will stop the complaints against this country not having done its duty when the referenda proposals come along again. I think the party in power is anxious that the question should be left out so that there will still be that cause of complaint, because from what has occurred in connection with the Savings Bank no doubt the Government are playing into the hands of the Federal Ministry with the idea of forcing Unification against this State. I said just now that I did not know whether estimates existed to show whether these ventures were going to be successful or not. I do not propose to quote many figures, but can the State stand these ventures ? The Government took office in October, when there was a deficit, in round numbers, of £29,000. They have been in office about 8 months—we have not the figures to the 30th June, but we have the figures in the *Statistical Abstract* up to the 31st May, and the deficit on the 31st May was £183,000, or, in plain English, the Government had gone astern to the tune of £154,000 in eight months. The Government are committed to all these fantastic schemes, which are in the dark, and which will go to swell the deficit and impose more taxation upon the people of the country. I want the Minister to say, when he speaks, that we will have an assurance that proper mercantile accounts will be kept with regard to these ventures. We do not want the ventures run by rule of red tape so that the expenditure can take place and can be sunk in a different department and then we will not know what loss the State is making on this or on that venture. We want to see everything go into the balance-sheet as if the venture was run as a private concern. We want to know whether the interest

is charged against this concern, and whether depreciation is charged, and a hundred and one things that a professional accountant would provide for. Not an accountant who is down in a groove, such an accountant as we find in a Government department, but we want accountants similar to those outside, who have to rub shoulders with other accountants and know how business accounts should be kept, so that we shall know exactly how the venture stands at the end of six or twelve months. I suppose it would be futile to expect that by a debate in this Chamber or anywhere else the Government can be compelled to do other than that which they think fit. There are people in this country who can put their hats on their heads and walk out if things go on unsatisfactorily, and it would be a relief therefore to know that proper trading accounts are going to be kept so that we may know exactly at the end of six or twelve months whether these ventures are profitable. In one or two connections I want to tell the country where they may be in dealing with the Government. It is known that in every statute put on the statute-book the Crown is never bound unless the fact is specifically mentioned. We have passed an Act called the Sea Carriage of Goods Act; the object of it was to prevent shipping companies putting all kinds of conditions on their bills of lading to exempt themselves from liability on every conceivable occasion. The Crown is not bound by the Sea Carriage of Goods Act; they will be carrying for the general public, and, if bills of lading are being issued with all these conditions on, they are getting an advantage over the private carrier in that respect, and their customers will be under a considerable disadvantage. Then the Health Act does not bind the Crown, but steamship owners have been prosecuted for allowing their boats to get into an insanitary condition in the carrying of stock. That may seem a small matter, but it is not so, because there are great difficulties in the way of doing what the Health authorities demand. It will be interesting to know whether similar demands will be made

against the Government when carrying stock. I have reason to suppose that in the carriage of goods by land, where the Government have a monopoly in the State, the provisions of the Sea Carriage of Goods Act do not apply, because it is the most difficult thing in the world to get at the Commissioner of Railways. There are two risks for carrying, the Commissioner's and the owner's. No one can consign at the Commissioner's risk, because the rate is altogether beyond what any business person can pay; all goods are therefore carried at owner's risk, and the exemptions from liability are so great that, although the Railway Act says the Commissioner is a common carrier, his obligations are whittled away, and he has no obligations at all. Thus it will be seen that the Government, with regard to this monopoly, legislate themselves out of all liability, and compel people to be bound by the conditions on their bills of lading. I have every occasion again to make this point. We have an Act in force called the Crown Suits Act, which was passed in 1898, and it is a copy of an Act taken from the New Zealand statute passed in 1881—over thirty years ago. Thirty years ago, Governments in Australia had not embarked on the number of enterprises that they have done to-day. Private persons and public companies were left to do all these things. There is a maxim that the King can do no wrong, and the King, in this country, is the West Australian Ministry, to all practical intents and purposes. The Crown Suits Act does not allow you to bring an action against the Government for any wrong they may do. One of the first Acts which the Commonwealth Parliament passed was the Judiciary Act, and a honest and a reasonable thing was done. They said that as the Commonwealth would embark upon enterprises similar to those which private people were undertaking they would throw the doors of the courts wide open, and allow any action to be brought freely against the Commonwealth. We, in this State, under the Crown Suits Act, permit no action to be brought unless it is a wrong in connection with a public work, and that public work

is defined in the Act. I will give an illustration. The Government are carrying on a State farm at Brunswick; there was no such thing as a State farm in this country in 1898. The Government, at this State farm, are growing commodities, and selling them, against other farmers. If two settlers own some land, and one settler puts a fire on his land and does not keep it within his boundary and allows it to do an injury to his neighbour, he has to pay for it. I will tell hon. members what has occurred at the State farm. Fires were started there, and a settler, owning an adjoining property, had some damage done to his crop. A request was made to the Government to allow that man to go to the courts of law, and that request has been made since this Government has been in office. The man's claim was only £25; he was a poor, struggling farmer; and if he had taken action the point would have been raised that his farm was not a public work as contemplated by the Act. The Government was asked to waive that point, and let the man sue for damages. That request, however, which was made in writing, was refused.

Hon. C. Sommers: Shame!

Hon. M. L. MOSS: I will give hon. members the name of this person, if they desire it. The Government are embarking on a large number of enterprises; this may be a good policy or it may be bad. I think it is bad. I want the Government of this country to conduct its business on honest lines. Let us have the Commonwealth legislation and throw open the doors of the courts of the country wide, for the people to get their rights when there is a breach of contract, or a wrong on the part of the Government, carrying out these enterprises. I asked the Government, two years ago, to amend the Crown Suits Act, and they said then that the matter was under consideration. It is important that the Government should not be in a better position than private individuals in carrying out these ventures. If they take risks, or do wrongs, they should put themselves precisely in the position of the Commonwealth Government, and allow people to have resort to the courts of law, in order

to get justice, which they are entitled to in every case. The Attorney General said a few days ago that fresh taxation was to be imposed, and that it was to be a bleeding process; that a cupping apparatus was to be put on and the people bled. A very nice statement from a responsible Minister to go out from this country to the place we look to for capital with which to develop the State. I have always been strongly against exemption from taxation. I fought against exemptions in the Land and Income Tax Act. People ought to be compelled to pay according to their means; there should not be one class to escape, while another class should be made to pay. The Income Tax Act exempts incomes under £200; I think that is wrong. The Government say that the Land and Income Tax Act is to be subjected to amendment; I hope this House and another place will agree that everybody, according to his means, must be compelled to pay towards that land and income tax. This is a thing that does not affect me personally in the slightest degree, and I say this because I do not want to be accused subsequently of advocating something for my personal advantage. I question also whether it is advisable to keep two land taxes, Federal and State. I do not want people who are drawing incomes from land in any part of Australia to escape the burden of contributing towards the government of the country. I am not altogether opposed to no exemption being given in the Federal Act to people living outside Australia; they should pay something more for the benefits they are getting in the protection of their property. But, bearing in mind that there are no exemptions to people living outside the country, is it good policy to keep two land taxes? The late Government were prepared to remove the State tax, and I think that would have been an excellent policy. The present Government, I know, are committed to keep it. If they are so committed, it is to be hoped that the adjustment of the cupping apparatus and bleeding process will be reasonable when it applies to further burdens being imposed on the land of the country. I am speaking more

particularly with regard to the area from Fremantle to Midland Junction, which we know is rated at nearly 6s. in the pound municipally, and then, on top of that, there are two land taxes and the income tax. The burden is becoming a serious one for the people to bear, and when on top of that we are committed to enterprises about which we have heard so much lately—I may be accused of being a “croaker,” but I think I know as much as the Government know about these things—which, if run at a loss to the country, will mean that the added taxation will prove an exceedingly bad thing for Western Australia, and must, of course, recoil badly upon the bulk of the population, and by the bulk of the population I mean those who are depending on a weekly wage. It is not by putting this bleeding policy into operation that the Attorney General will achieve all that he hopes. We have had a long speech from the Governor dealing with all kinds of things. This Government was committed to a certain policy of immigration, and I may say here that the best thing the late Government did was to make contracts with certain steamship companies to carry people to Western Australia. I am sorry that these contracts were not for a longer period. Now we find in the policy of the present Government that there is nothing at all said as to what is to be done in connection with the most important question, that of immigration.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. M. L. MOSS (West): I was saying that in the Speech there is an absence of one of the most important matters, affecting not only Western Australia, but every State of the Commonwealth. I was alluding to the contracts that were made by the late Government for the bringing of immigrants to this country. Not a word is in the Speech as to the continuation of this necessary policy. If there is one thing which is absolutely necessary to be done in the interests of the whole of the Commonwealth, it is that some continuous policy

be laid down for the peopling of the vast empty spaces of this continent. The great danger of Australia to-day is its empty spaces. We have, as I remarked on numbers of occasions previously, at the very doors of this continent, teeming millions of Asiatics, and those people are becoming real live political powers.

Hon. C. SOMMERS: Read what the Consul General for China said the other day.

Hon. M. L. MOSS: It is quite obvious that, in order to properly protect the people of this country, and the best interests of Australia, the handful of people who are in this continent are insufficient to carry out the duty that we owe not only to ourselves but to humanity at large. It is impossible for the Australian people to keep this country, unpeopled as it is to-day, when other nations are hungering for territory and will be prepared to do a greater duty to Australia than the Australian people, or at any rate a large percentage of them, feel disposed to do. I have before said that with the great and enlightened German people, who are confined in a circumscribed country, hungering for territory for national expansion, and precluded from landing anywhere on the American continent on account of the Monroe doctrine, with the armaments of the United States strong enough to prevent them from breaking that plank of American policy, it is only the strong arm of Great Britain that protects us in Australia; and if the day comes when the mother country meets with reverses, a rich country like Australia, capable of maintaining millions of white people, will be one of the spots on the earth's surface upon which people who are envious of our heritage will make claims, followed by force, in order to do what the Australian people fail to do at the present moment. In my opinion, almost superhuman efforts should be put forward to put people in this country. I am the last one to desire to see a large unemployed difficulty in Australia, and particularly in Western Australia, but I believe the country capable of absorbing a much great number of people than have been coming into the country even during the time that the

Wilson Government were carrying out their immigration policy. There is not a word in the Speech on that point, but, on the contrary, we have had very conflicting statement, for which the Premier of the country is responsible. On the one hand we are led to suppose that it is against the policy of the Government to continue the system of immigration, but, on the other hand, when the best side was being held up to London, the Premier led the people at the annual Western Australian banquet at the Trocadero restaurant recently to suppose that this policy of immigration is to be pursued. The country can perhaps stand socialistic enterprises that may end in a loss of money, but this country cannot recover from what might take place unless population is put into it. The building up of an Australian navy, and compulsory service on land, are no doubt good things in their way, but it will be much better for this country if a huge population is crowded into it. I hope the Government will continue the immigration policy of the Wilson Government and not be afraid that it is going to congest the Labour market. The bringing in of people will provide a greater demand for all the commodities of life, and will provide more work for every man living by the sweat of his brow. It is a narrow policy to suppose that, by the bringing in of the right class of population, we are going to cause undue competition with the working class of this State. I stated before, when referring to the socialistic enterprises, that it was doubly wrong for a Government ruled by caucus, and dictated to by the Trades Hall, to embark on a policy of the kind contained in the Speech. The Colonial Secretary interjected that I was talking nonsense.

The Colonial Secretary: I never made use of the expression.

Hon. M. L. MOSS: Somebody in that quarter said I was talking nonsense. If I was talking nonsense, I am going to give facts in connection with another matter which shows that if the Trades Hall people do not dominate the party in power, they have, at any rate, met with a great amount of good luck in connection with the public funds of this State. Mem-

bers will know at once that I refer to the proposals of the Government in regard to the Trades Hall in Perth. The Trades Hall people purchased the land with their own money, and they were justified in doing so, and they erected a hall with their own money, which also they were justified in doing, but a Labour Premier, who was dealing with public money, quite unsolicited—and even if solicited, it was still entirely wrong—promised a thousand pounds of the money belonging to this State as a grant in aid of the cost of that building. That is a new use to which to apply public money. The Trades Hall is nothing more nor less to-day than a huge political organisation, and it ill becomes a Government, who derive their powers from that organisation, to be distributing public funds, again without consulting Parliament, by giving a grant towards that building. But that is not the worst aspect of the question. The Premier says, “We are land nationalisationists and we are prepared, if you transfer the property to us, to pay you the whole cost of the land and buildings, and give it back to you at a peppercorn rental.”

Hon. J. F. Cullen: At three or four per cent.

Hon. M. L. MOSS: Well, three or four per cent. I do not suppose that the Liberal League are going to ask for any such consideration, but, assuming that they do, will land and buildings be provided at the three or four per cent. for the Opposition organisation? We know what reception a request of that sort would meet with. It is a scandalous abuse of power that public funds should be utilised for purposes of that kind. The Trades Hall nominees in the Government have their instructions no doubt in regard to that. The dress rehearsal in public, which occurred afterwards, I pay no attention to, but the nominees of the Trades Hall were told, I presume, to provide the necessary funds at three or four per cent., and I repeat that it is a scandalous abuse of power that public money should be utilised in this fashion. After it had become public property that the Commonwealth Government were embarking on a banking business, I and other members

realised the danger that the State Savings Banks were in. Mr. Wilson, when Premier, had said in September last, just before the general elections, that the Government were holding 2s. in the pound only of liquid assets to liquidate the obligations of the taxpayers to the Savings Bank, and there were at that time something like four million pounds worth of deposits in the bank. In other words, there was roughly £400,000 available to meet the liability of four millions, and I and others viewed with apprehension the possibility of the Commonwealth embarking in the banking business, and the State Government allowing our Government Savings Bank deposits to be controlled by Federal officers. As hon. members know, with the exception of Perth and Fremantle, where there are branches of the Savings Bank the business throughout the State is done by Federal officers employed in the Postal Department. I immediately asked the Colonial Secretary whether, in view of the position which had been reached, the Government would remove the whole of these deposits to the control of some State department, or number of State departments. The hon. gentleman first asked me to postpone the question. It was a short session, and we were working at high pressure, but on five occasions I tried to extract an answer. It was under consideration, was the reply I received in the expiring hours of the session. I asked the question again to-day, so that I might be able to make use of the answer in the speech I am delivering. Surely the Government have had time to consider this grave question, which is of paramount importance to us. The whole of the money for the running of the Agricultural Bank comes from the Savings Bank, and a number of other important undertakings get their funds from the same institution; and if those funds are under the control of Federal officers, whose first duty is to serve the Commonwealth, it will become a most serious financial problem for the Government if obliged to find the bulk of that money quickly. They cannot do it. If such a demand were made they would be obliged to go, cap in hand,

to the Federal Government and borrow the money back from them at a higher rate of interest. But the Labour party throughout Australia are Unificationists, and anything, it seems to me, all along, that will force on Unification they are always supporting. There is not the slightest doubt that the Ministry in Western Australia are very strong supporters of Mr. Fisher and his policy, and it is a question as to whether Mr. Fisher is entitled to the greatest amount of support to carry out the proposals of the Federal Government, or whether, for the financial safety of this country, it was not the proper course to pursue to remove the Savings Bank deposits from Commonwealth control. This is what the Victorian Government have done—I am quoting from page 279 of *The Australasian Insurance and Banking Record*, published in April of this year, in which there is a small article under the heading of "The Victorian Savings Banks"—

In pursuance of its resolution to defeat the designs of the Commonwealth Government with respect to the Savings Bank the Victorian State Government has given notice that it will not require the services of the post offices after the end of May. There were 350 post office agencies, and in substitution there will be forty-two new branches of the Savings Bank and 318 new agencies. For the new branches suitable buildings are in course of erection. Of the new agencies 200 will be conducted by business people or leading municipal officers in country towns, and the remainder by the trading banks, with whom arrangements for representation have been made.

Then follows a list of the banks, and the towns with branches of these banks with which these arrangements have been made by the Victorian Government for carrying on the Savings Bank business. That is something of the policy I wanted the Government to carry out last October, and now we are in the month of July, and they are still considering it, and they are going to consider it probably at the time when we find the bulk of these deposits under the control, as they now are,

of the Federal officers, at the credit of banking accounts that will be controlled by the Commonwealth. In my opinion, that is very bad business. We have four and a quarter millions of money in jeopardy. The Government cannot be so flush of the funds necessary for carrying on these important institutions which borrow from the Savings Bank that they can afford to run a risk like that. Here is the experience in Victoria, and can the Government reasonably, in the interests of the country, delay or postpone dealing with this important matter for another instant? However, if they do, their chickens will come home to roost. I dealt some time ago with the unfair attack that had been made by the members of the Ministry and others who were fighting the election in the interests of the Labour party in May last, and I specially referred to the speech Mr. Davis made the other day when he accused this House of throwing out the Arbitration Bill. In the Governor's Speech it is mentioned that a Consolidating Conciliation and Arbitration Bill is to be one of the measures to be submitted for our consideration. Within about a year or so we have had two tram strikes, a coal strike, a brickmakers' strike, a plumbers' strike, a humpers' strike, an aerated water employees' strike, and a strike at the loco. shops, and all of these men were working under awards or industrial agreements under the Act; yet, whereas strikes are unlawful, probably with the exception of one prosecution, in the case of the tram strike in Perth, this important law has been broken without any attempt to penalise those responsible for breaking it. Furthermore, we have the fact that the section of the Act which penalises the strikers, as I have said before, is practically a dead letter; because the non-payment of fines means imprisonment, and imprisonment means the use of military barracks, and even if we had military barracks it would be intolerable and impossible in a community like this. No one would advocate it; I would not at any rate. When the new Arbitration Bill comes along what other provisions are going to be inserted to secure the enforcement of these awards? Mr. Dodd

has admitted to me in the House, and others have, that this is the weak point in this class of legislation. I have not had an opportunity of perusing the New Zealand statute; but from a cablegram I read in the *West Australian* a little while ago, I suspect that they have some law which makes the funds of the unions responsible for the observance of these awards.

Hon. J. E. Dodd (Honorary Minister): They have not that power.

Hon. M. L. MOSS: They may not, but are our Government going to make a reasonably legitimate attempt to secure the observance of these awards?

Hon. J. E. Dodd (Honorary Minister): Why are there no strikes against the Federal awards?

Hon. M. L. MOSS: That is an unfortunate interjection. I answer it by using the words of Mr. W. H. Irvine, of the House of Representatives. A statement had been made by Mr. Justice Higgins that there had been no strikes against his awards, and that there had been such a large number of industrial agreements entered into. Mr. Irvine said, "Yes, it was no wonder from the class of award, and it was not surprising there was such a large number of industrial agreements as people were afraid of approaching the court." Other politicians in Australia have accused Mr. Justice Higgins of being a sentimental humbug. I have said enough when I point out that in no application to the Federal court has there ever been an award given that has created the slightest amount of disapproval, so far as the workers are concerned.

Hon. J. E. Dodd (Honorary Minister): You said in the course of your speech that judges should be above that.

Hon. M. L. MOSS: You are asking me why there have been no complaints against Federal awards; I am quoting to you from speeches that have been made by eminent men in Australia, and you can draw your own conclusions. But the fact remains that in any measure that pretends to be a measure dealing with this question there must be some legitimate attempt made to enforce obedience to these

awards. A man's property is easily got at. If a master is being attacked for disobedience of an award, it can be enforced by ordinary means of execution on his property; but when dealing with large bodies of men it is a different proposition. The result of years of experience has shown that the Act is an instrument of oppression in the hands of the men. They can always enforce an award they choose to obey, however strong it may be, and however unfair against the master; but the master has not got that power to enforce the observance of an award against the men. However, we shall see when the Bill comes down what it proposes. The large number of strikes that have taken place, not only in this State but throughout Australia is a very serious blot on this class of legislation. But it is not surprising they take place, when the greatest amount of sympathy is evinced by people in high positions towards these strikes. Even the Prime Minister subscribed to a strike fund, and other men in responsible positions in the Commonwealth state that strikers should get all sorts of preferences and priorities. Is it to be wondered at when people in high positions talk and act in this way, that we should have these strikes? But in any legislation proposed to deal with this question, there must be some attempt made to deal with this very weak spot in connection with it.

Hon. J. Cornell: Would you be a party to compelling a man to work?

Hon. M. L. MOSS: No. But I would be a party to compelling all men to allow other men to live. I have heard in the course of debates in this House about men being victimised; I have heard a lot aboutmen being victimised; I have a lot of that; but I have seen a lot more tyranny on the part of men who strike, accusing others of being "scabs" and "blacklegs," and terrorising over them until they join the ranks of the strikers. In that there is refusal to allow people to live. One part of the Governor's Speech meets with my entire approval; that is where it mentions railways to open up the country.

Hon. J. D. Connolly : What is the good of passing railways if they can only build 200 miles a year?

Hon. M. L. MOSS : But, still, the policy is good. The country needs to be opened up. Railways can be made in this country as cheaply as main roads in other parts of Australia, and the more railways we make into the interior the better it will be.

Hon. R. D. McKenzie : You are talking of Esperance now?

Hon. M. L. MOSS : I am talking of justifiable railways. I shall be a convert to the Esperance railway when the circumstances justify it. It will be interesting to ascertain what has been done to carry out the recommendation of Mr. Paterson in the minority report of the Advisory Board as to testing that country, that enormous belt of wheat-producing country, to ascertain whether it is capable of producing what the majority of the Advisory Board said it was capable of doing. Railways throughout the country at proper distances to open it up and give facilities for transit, is a good policy, and I shall support the Government to a very great extent in carrying out a policy of that kind. They propose a scheme of irrigation at Harvey. It is excellent work. They deserve to be highly commended in endeavouring to make the country more productive; they are deserving of the greatest commendation for undertaking a work of that kind. So with their policy of agricultural development. Now we come to one aspect of their policy which is surrounded with the greatest difficulties. The agricultural possibilities of the country are absolutely undoubted? Where there is agricultural land, no doubt it will be a payable proposition to make railways. At the election, as well as since the election, it was said the mining industry had not received a sufficient amount of encouragement in the past. I contended all along that huge sums of money had been expended to aid that industry; and it will be difficult for Mr. Collier, as successor to Mr. Gregory, to do more than Mr. Gregory did in connection with bringing that industry to the position it ought to occupy, and the posi-

tion it occupied in times gone by in this State. There is to be a systematic prospecting of the country. It will be interesting to find out how that is to be achieved. I am not an advocate of low wages; but unless the prospecting is to be undertaken by the Government, who will find the money for the men to go out into the country? It is very doubtful if the capitalist, at the rates of wages that must be paid under the Arbitration Court awards, can afford to go out in the back country and prospect it, but if they do, and if it results in the discovery of another Golden Mile in this State, it will be the best day's work in Western Australia. A gold mining field again will give good vigour to this country; our agricultural industry will get the greatest fillip possible. Nothing can do so much to a country like Western Australia as another mineral find. So far as the expenditure of a reasonable amount, or a large amount, of money is concerned, it will be good policy on the part of any Government to pursue it; but I see a great difficulty in the way, if the Government are depending on private enterprise to prospect this country at the rate of wages paid on the Golden Mile. They are better able to answer this question than I, as to whether they can get anyone who is going to find the funds to do it. Now, it is a matter for the greatest possible regret that I have to stand in my place in the House and say a few words in regard to the fiasco which has resulted in connection with the Fremantle dock. I was a strong advocate of the work, all along.

Hon. C. Sommers: I advised you about that.

Hon. M. L. MOSS : Never mind what advice you gave. In comparison with what I am talking about, your advice is not worth a rap. The construction of that dock was started under the best expert advice the Government of the country could procure.

Hon. C. Sommers: You look at those reports now.

Hon. M. L. MOSS: Sir Whately Eliot came and advised that Rous Head was the best site, and in reply to ques-

tions he said that if the bridges were all away and he had a free hand to choose a site for the dock Rous Head would be the position. Certainly you cannot do better than follow the best expert advice the British Admiralty were able to send. But I cannot bring my mind to believe that the people responsible for the starting of that dock have not been sadly wanting in their duty to the country. The area embraced by the dock is very small, and the putting down of bores every five or six feet to thoroughly find out exactly what they had at the bottom must have been a simple matter. I should say that a sum of from £5,000 to £10,000 would have made perfectly sure as to what was underneath. The construction of that dock was strongly advocated, particularly by representatives from Fremantle. It is quite obvious that Fremantle representatives were actuated by two motives in advocating the construction of a dock. In the first place it was regarded as a practicable national concern, and in the second place the expenditure was to take place at Fremantle. Therefore it was only reasonable to suppose that the Fremantle representatives would be strong supporters of the dock. But I never would have supported any dock at Fremantle if we had been supplied with data which would lead us to the conclusion that it meant the throwing of the better part of £200,000 into the sea. It is a disgrace to the professional advisers that so much money should have been expended and so much work proceeded with without proper borings to satisfy them that the money so expended was not going to be thrown away. I have spoken at too great a length and I now come to say that it is necessary, in view of the opinion I hold of the unconstitutional practices of which the Government have been guilty, that some protest should be made by this House. It is not, I say emphatically, a protest made with the intention of refusing the Government the necessary appropriation when they ask for it. They will get that. They went to the country upon these questions. They were returned to cheapen the cost of living, if they could do it, and this House dare not refuse them the necessary money

to carry out the policy distinctly and prominently before the electors. That is one question. It is another question entirely to ignore the constitutional privileges of this Chamber, and I say that you, Sir, in the first place, the Chairman of Committees, and the members of the Government in this House are the people we look to to uphold the privileges of the Chamber and not have it treated in a way which reduces it to a mere sham. I therefore move the following amendment—

*That all the words after the word "Sovereign" be struck out with a view of inserting the following words:—
"and to protest against expenditure incurred by your Excellency's Ministers without an Act of Appropriation, such procedure being derogatory to the privileges of Parliament and subversive of the Constitution, while in addition thereto the proposal contained in your Excellency's Speech, implying that a ratification by the Legislative Assembly of such unauthorised expenditure is sufficient in law, ignores the constitutional rights of the Legislative Council."*

The PRESIDENT: Hon. members will address themselves to the amendment, which becomes a substantive motion. They will subsequently have an opportunity of addressing themselves to the Address-in-reply.

The COLONIAL SECRETARY (Hon. J. M. Drew): In accordance with custom I will reply when everyone else has addressed the House; that has been the custom.

Hon. J. F. Cullen: Not at all. The Minister should reply to the challenge.

On motion by Hon. C. Sommers debate adjourned.

House adjourned at 8.8 p.m.
