

The Government should make a change in the Agent General's office as quickly as possible. Personally, he did not know the Agent General. As to the financial work, that was generally done by the London and Westminster Bank, and the Agent General had practically nothing to do with it. As to starting the jobbery in connection with the Midland Railway Company, it was well the Government did not carry out the Agent General's wishes.

AN HON. MEMBER: What was that?

MR. SIMPSON said he could endorse many of the remarks of the last speaker. It would be advisable that the Agent General should abstain from taking part in what might be called wild-cat dinners in London. For instance, when speaking at Colonel North's, our Agent General professed to have such magnificent faith in this colony that the atmosphere was painted golden—whether that was the tint of the wine or not might be doubtful. The Agent General should abstain from attending at gold-mining companies' dinners, and, in saying this, he (Mr. Simpson) spoke with a knowledge of how such companies were "run." It would be better to represent the colony by supplying gold, official facts, rather than supply information inspired with genial Moselle or London champagne.

Vote put and passed.

On the motion of MR. BANDELL, progress was reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 11:13 o'clock p.m.

Legislative Council,

Thursday, 18th October, 1894.

South-Western Railway Returns—Water Tanks on Goldfields—Roads Act Amendment Bill: third reading—Dentists' Bill: committee—Agricultural Bank Bill: second reading—Explosive Substances Bill: second reading; committee; third reading—Police Act Amendment Bill: second reading—Loan Bill: Legislative Assembly's Message—Friendly Societies Bill: committee—Municipal Institutions Bill: third reading—Leave of Absence to the Hon. T. H. Marshall—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

SOUTH-WESTERN RAILWAY RETURN

THE HON. S. J. HAYNES, without notice, asked that the returns asked for in respect of the South-Western Railway, and promised by the Hon. Colonial Secretary, be laid on the table.

THE COLONIAL SECRETARY (Hon. S. H. Parker): They should have been here before this. I do not know why they have been delayed. I will again speak to the Commissioner of Railways about the matter, and endeavour to have them furnished by the next sitting of the House.

WATER TANKS ON GOLDFIELDS.

THE HON. R. W. HARDEY moved for a return showing (1.) The number of water tanks completed and in course of construction *en route* and on the Eastern and Murchison goldfields on the 30th September, 1894. (2.) The capacity of each tank. (3.) How many of these tanks have water in them at the present time and about what quantity. (4.) The cost of each tank. (5.) The number of water bores put down in the above districts, and the cost of each bore. He said: From the information I have received, a good deal of money has been spent upon these tanks, but they have been badly constructed. I am told that water was seen running into one of the tanks, and at one time it had a considerable amount in it, but it leaked away almost as fast as it went in and, looking round outside the fence, my informant states he saw it percolating through the tank and running away outside. With

regard to the bores, I think it would be well for us to know what they have cost, but, I hope, in the future, that the Government will see their way clear to expend a considerable sum of money in this direction, especially on the goldfields, because it is evident to everyone that, if we can get good artesian water, it will be beneficial to the country in more ways than one. I, therefore, formally move this motion.

THE HON. R. G. BURGESS seconded the motion.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no intention of opposing the passage of this resolution, although there may be some difficulty in furnishing the information. The hon. member asks for a Return up to the 30th September; and when we remember that this is only the 18th October, I imagine it will be a difficult matter to obtain Returns of the expenditure in some of the Northern districts. Still, I will do my best to get the information the hon. member desires.

Question put and passed.

ROADS ACT AMENDMENT BILL.

THIRD READING.

The Standing Orders were suspended.

The committee's report was adopted, and the Bill read a third time, and passed.

DENTISTS BILL.

IN COMMITTEE.

Clause 15.—No person entitled to practise as a dentist unless registered:

THE HON. F. M. STONE moved, as an amendment, to add, after the words "medical practitioner," the words "nor to any person who may extract teeth at any place more than 10 miles from the place of business of the nearest practising dentist." He said: Unless this amendment is agreed to, people in the country will not be able to have their teeth extracted without coming in to the nearest dentist, who may reside 30 or 40 or even 50 miles away.

Amendment put and passed.

Clause, as amended, agreed to.

Remaining clauses agreed to, and the Bill reported.

AGRICULTURAL BANK BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is a Bill passed by the Assembly, having for its object the promotion of the cultivation and improvement of the land of the colony. I believe nearly every hon. member is agreed that the main object we should have is to promote the settlement of the soil. Our goldfields will increase our population, and add to our wealth, and thereby cause a temporary prosperity; but if we desire to have that prosperity permanent it is obvious we must induce persons to come here, settle upon, and cultivate our lands. With that object, the Government propose by this Bill to advance money to farmers and cultivators of the soil in the proportion of half the value of the improvements they perform. It will be observed that there is a limit of £400 in the advance which the Government will make, and no person will be entitled to obtain any money for past improvements. The Bank will only advance on future improvements, which are specified in the Bill, and which are to consist of clearing, cultivating, ring-barking, and so on. It is not proposed to advance on fencing and building, or anything except the objects specified in the Bill. The Government hope by this to encourage persons to improve their holdings, who are not now in a position to do so. The interest is to be limited to a rate not exceeding 6 per cent., which is to be paid half-yearly. After five years the borrowers will be expected to reduce the principal at the rate of about one-fiftieth every half-year, which will give 30 years for the repayment of the whole principal sum. It is proposed to raise the money, which will be loaned by debentures, at a rate of interest not exceeding 5 per cent., and which will be issued not only in this colony, but abroad. It is hoped, however, that this money, or at any rate the greater portion of it, will be raised in the colony. As I have said, the principle of the Bill is to promote the settlement and cultivation of the soil. We all know the excitement which is prevalent on our goldfields, and in consequence agricultural settlement is retarded, and therefore we must do something to stimulate it. It is with this object that the Bill is brought in. I do not think I need

take up the time of hon. members by explaining further, and I now move that the Bill be read a second time.

THE HON. F. T. CROWDER: I have much pleasure in supporting the second reading of this Bill, and I heartily congratulate the Government on bringing it forward, because it shows an earnest desire to settle the land. It is, I think, one of the best pieces of legislation brought forward this session. This Bill, taken in conjunction with the Homestead Bill, will do more than anything else towards the promotion of land settlement. At the present moment there are plenty of people who are desirous of entering upon the land, but who cannot do so because they have not sufficient capital to work with. With the aid of this Bank, plenty of men with small capitals will be able to go upon the land and improve it, whereas now, if they wish to get a temporary advance, they have to obtain a loan from private individuals, who make them pay 10 per cent. interest, or even more for the advance. This Act will compare favourably with the Village Settlement Act of South Australia. Some twelve months back there was a great labour struggle in South Australia, and thousands of honest, hard-working men were unable to get employment. Many of them, however, obtained blocks of land under the Village Settlement Act, and I am assured by my people in South Australia that in this way the unemployed difficulty was entirely settled. I am sure that in the course of four or five years, when we look back, we shall all feel glad that we assisted in passing this Act.

THE HON. J. C. G. FOULKES: I have great pleasure in supporting this Bill, because I feel sure it will do a lot of good. People in the country find it almost impossible now to borrow money on agricultural land, and even if they do borrow they have to pay a high rate of interest for the money. Thus the cultivation of the land is retarded. A great deal of the success of this Act, however, will depend upon the man who is appointed to manage it. We require some one who himself knows something more about the cultivation of the land than the ordinary bank manager does. I hope the Government will endeavour to appoint a good farmer who has some knowledge of accounts. We do not want

a man with a knowledge of accounts but without any knowledge of farming. The manager will have to see that the money is advanced on proper information, and to make sure that the security is good enough to advance upon. I believe this Bill will be a means of bringing more land under cultivation, and I have, therefore, much pleasure in supporting the second reading.

THE HON. C. A. PIESSE: It is very pleasant to hear these remarks, because we all agree with them, with the exception that the Bill does not go far enough. For my part, I am sure settlement will never take place unless the farmer is protected a little more. I do not advocate anything in the shape of duties which are unfair to the working man, but I think the tillers of the soil should have some more protection than they have. I do not believe it will pay to cultivate the soil if more than 4 per cent. interest is to be paid, considering the price cereals are produced at in the other colonies. I am sure that in the other colonies flour, for instance, is produced at a loss. It can be bought there at £5 a ton, and brought here for 5s., freight, and delivered considerably under £7 10s. per ton. That is unfair to the farmers here, while at the same time the consumer gets no benefit from it. However desirable this Bill may be, I do not think it will have the effect that is desired for it until we give the tillers of the soil a greater certainty to work upon.

THE HON. H. MCKERNAN: The object of this Bill is to encourage settlement of the soil. The provisions set forth do not come up to what I expected. I had hoped to see the Bill in a totally different form. I should have liked to have seen a State Bank pure and simple, and that is what I think this Bill must come to later on. I do not intend to oppose this Bill, but I adhere to the opinion I have expressed that a State Bank of Issue would be much better for the colony than a Bank established only for the purposes set forth in this Bill.

THE HON. R. G. BURGESS: I cannot understand legislation of this kind. We first of all give a man 160 acres, and then propose to lend him £400 to improve it. Now, anyone who knows anything about the land of this colony must be aware that 160 acres is no good whatever.

I think the Government should increase the area to 800 acres, otherwise a man cannot make a decent living on it. The 160-acre blocks will be just as great a failure in the southern portions of the colony as in the other parts. What are the settlers to do? Are they, as in the early days, to bore into the raspberry jam trees, and suck the gum out?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Is that the reason they were called gumsuckers?

THE HON. R. G. BURGESS: I do not think sufficient allowance has been made for managerial expenses. There is no single man who can do the work. I think that the farmers who have grown up on the land, and have not been able to borrow money so easily, are the men who have got on, and are a credit to the colony. To borrow money too easily is the greatest curse to the small farmer settled upon the soil. Then there is nothing to keep borrowers from going off with the money. The money is to be paid in instalments, it is true, but one instalment will pay a man's passage. We can consider the Bill in committee and amend it, although, being a money Bill, perhaps we have not the power to touch it. Our power is very much limited, and we appear to have no power unless we send message after message to another place.

THE HON. E. H. WITTENOOM: As this is a very important matter, I move that the debate be adjourned.

THE HON. E. ROBINSON seconded the motion.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It is proposed that Parliament shall adjourn over next week, and the Bill having been before the Assembly for some months, members have had plenty of time to consider its provisions. The functions of the House are to check reckless extravagance and hasty legislation by the Lower House. We are here to watch the Lower House.

THE HON. R. G. BURGESS: Yes, watch them, and that's all.

THE COLONIAL SECRETARY (Hon. S. H. Parker): If we find that the Assembly has offended in either of the ways mentioned, we can then interfere. That is a very dignified position to take up. But if we interfere with the legislation of the Assembly unnecessarily, we shall be brought into collision with that

House, and the popular voice, being against us, must eventually bring us to grief. I am not attempting to lecture hon. members. I have been taken to task by a writer, for whom I have the very greatest respect, for not lecturing members. What I have said is backed up by the authorities which I have been able to read on Parliamentary practice. I think that, if we adopt the position I have pointed out, we shall occupy a dignified position, entitling us to the respect of the whole community.

THE PRESIDENT (Hon. Sir G. Shelton): My opinion has been asked by a member as to whether this is a money Bill. I think it is in every sense of the word.

The committee divided on the question that the debate be adjourned.

Noes	9
Ayes	6
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Majority	3

AYES.
 The Hon. R. G. Burgess
 The Hon. R. W. Hardey
 The Hon. S. J. Haynes
 The Hon. E. Robinson
 The Hon. F. M. Stone
 The Hon. E. H. Wittenoom
 (Teller).

NOES.
 The Hon. D. K. Congdon
 The Hon. F. T. Crowder
 The Hon. E. W. Davies
 The Hon. Ernest Henty
 The Hon. H. McKernan
 The Hon. E. McLarty
 The Hon. C. A. Piosse
 The Hon. J. E. Richardson
 The Hon. S. H. Parker
 (Teller).

Question negatived.

THE HON. S. J. HAYNES: I regret the result of this division. It seems to me we are about to rush through important business with unnecessary haste. I desire to speak, but I must do so in the dark. I have followed the debates of the Lower House carefully, but since the Bill has come up here I have not had the proper time to consider it carefully. I believe the Bill is brought forward with the best intentions, but I doubt whether it will have the effect anticipated for it. I hope the Government will be able to obtain the services of some gentleman of highmindedness as manager, and thus leave no loophole for corruption. Then as to the valuation of the improvements. I can see there are loopholes in this Bill for fraud. I have had some experience of how the valuations have been made in Victoria. A man has been sent down, and then the selector has been able to get his improvements passed by the simple means of a £5 note changing hands. I

give second place to no one in desiring to see a prosperous agricultural community settled on our soil, but I feel strongly that this is a move in the wrong direction, and one which will turn out a curse rather than a blessing. Farmers who make money are not those who are pampered up and spoon-fed. A large number of men go on the land with little or no money, and know practically nothing about farming, and with this Bill we shall have more of this class of people settle on the land. It is impossible for them to succeed, and the Government will lose the money they may have advanced.

THE HON. E. McLARTY: I intend to support the second reading of this Bill. I cannot say that I am very sanguine as to the results which may come from it, because my experience is that the best settlers, and those who are most prosperous, are the men who rely entirely on their own resources. Still I think, if proper care is taken in lending the money, it may assist a good many small farmers. It is not proposed, I take it, to assist those who are already settled upon the soil, but those who are just starting; and if the Government can be properly protected, perhaps this Bill may do good. I should like to see local boards appointed to report upon the improvements and advise the manager as to the value of what has been done and who are deserving applicants for the loans.

Question put and passed. Bill read a second time.

EXPLOSIVE SUBSTANCES BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The necessity for this Bill has been shown in consequence of the recent explosion which took place in the district of my hon. friend Mr. Burges. When the individual who caused the explosion was committed for trial, it was found that the law in this country was defective, and, in consequence, this Bill has been brought in. It provides penalties and punishments for persons who cause explosions likely to endanger life or property. This Bill provides for punishment for making or possession of explosives under suspicious circumstances. Then it empowers the Attorney General

to make inquiries into the cause of explosions which take place, although no person may be charged with causing them. No prosecution can take place except by leave of the Attorney General. This Bill really embodies the law which prevails in most other countries, and the reason we have been behind the times up to the present is that we have never had any occasion to prosecute anyone until recently, and I hope it will be a long time before we have to take proceedings against anyone else. I move the second reading of the Bill.

THE HON. E. G. HENTY: This Bill seems to be brought in for one particular purpose, but I am afraid it will work a hardship in certain instances. In Clause 2 an explosive substance is deemed "materials for making explosive substances." Now, there are materials which in themselves are perfectly harmless and useful to miners, but which, when combined, make explosives of a dangerous character. However, we can alter this when the Bill is in committee.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2.—Interpretation:

THE HON. E. G. HENTY: One explosive substance used in mining can be carried about in a more handy form than dynamite, but to make it explosive it has to be combined with another chemical. Neither of the two substances are explosive, but this Act would make it an offence to carry them about, because combined they are explosive.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I would point out that a man can only be prosecuted when he is in possession of explosive substances under circumstances which are suspicious.

THE HON. R. G. BURGESS: But if he is found with them he has to disprove it.

THE COLONIAL SECRETARY (Hon. S. H. Parker): That is so, but if you relinquish that provision you will never get hold of the dynamitard. If a man has these explosives under suspicious circumstances, surely it is not too much to ask him to afford an explanation. No miner would have the slightest difficulty

in showing what he had the explosives for.

Clause agreed to.

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

The Standing Orders were suspended.

THIRD READING.

The Bill was read a third time, and passed.

POLICE ACT AMENDMENT BILL.

THE HON. F. T. CROWDER: This is a Bill, Mr. President, which was brought in another place by a private member, and I have been asked to see it through this Council as far as I can. Although it is but a short Bill, it involves a great principle. To put it in a nutshell, it aims at wiping out those birds of prey—the bookmakers, and also the “spinning jennies.” I have always taken a great interest in sport, and in horse-racing particularly, and I see here many gentlemen who also take an interest in it. At the same time I am aware that many have an aversion to it, and I can assure them that I respect their opinions. I think that most of them, however, do not object to the sport so much as to the great evils which surround it. As one who has carefully watched this sport, I am convinced that the bookmakers are at the bottom of the evils connected with it. I can assure hon. members that the occupation of a bookmaker is a most vicious one. Hon. members must not confound having anything to do with them with a game of chance; because if people do play with them, they will find out that it is nothing of the kind. These vultures pounce down upon every race meeting, and when there are sheep to be shorn, or pigeons to be plucked, one or two of them combine—they do not have too many in it, for they cannot trust one another—and go about for a day or two to try and select the winner. Having done this, they open a book and lay odds against the favourite. After a while their book is full and they stand to win say, for the sake of argument, £3,000 and lose £5,000, although they never intend to lose it. Then they start what is known as the stiffening business, and wait upon the owner. If they cannot get at the owner, they get at the jockey. It is a great temptation to an owner to run

“stiff” when he has £1,000 offered to him where he can only win £250, or in the case of the jockey to have £500 given him as a bribe where he can only get £25 if he wins. This having been done, we see them on the race day laying the odds and catching the few stray sheep they have not caught before. The race starts, and if the jockey knows his business he comes in a neck behind. Numbers of public scandals of this kind have occurred, while the “bookies” have sailed away with their pockets full to get a few more pigeons to pluck. Of late years these birds of prey have not confined themselves to the race-courses. In Perth you cannot attend athletic sports or bicycle sports without they are there, and gentlemen who previously only had objections to attending race meetings on account of them, are now objecting to attend other sports in consequence of the presence of these individuals. It has been openly stated in the colony that several football matches have been lost through the bookmakers having greased the palms of several of the players. Sweep away the bookmaker, you sweep away the tempter and have pure sport. Many say that if we do away with the bookmaker we cannot have horse-racing. I say if that is so, let it go; but I maintain that it will thrive, for in place of the bookmaker we shall have those attending who now object to go simply on account of the presence of the bookmaker. In earlier days people were content to run horses and go in for sport, simply for the honour and glory of it, and for a laurel crown; but at the present day they run for money. As there are good and bad in every class, so there are good and bad bookmakers, but the good ones are very few and far between. If this Act works an injustice to the better of them it cannot be helped, and the fact of their suffering will be small compared to the gain to hundreds of their fellow-men. This Bill will purify sport, and do away with swindling to a great extent; and on these grounds I ask hon. members to support it. I move the second reading of the Bill.

THE HON. E. H. WITTENOOM: I should like to draw attention to Clause 3 of this Bill, which limits the right to use games on racecourses. I have given notice of an amendment asking that this section shall not be allowed to come into

operation until the first of January, 1895, and my reason is that several meetings that are to come off here based their programme of prizes on the sale of the rights to these games. To bring the Bill into operation at once would, therefore, be manifestly unfair to those racing clubs; and I hope hon. members will consequently support the amendment I intend to bring forward in committee.

THE HON. H. MCKERNAN: I should like, sir, to draw the attention of the House to the origin of this Bill. From what source did it originate? It is not a measure of the Government, but of a private member of the Assembly, and hon. members of this House have to ask themselves why a member of the Assembly interests himself in getting it passed. It may seem curious and strange, but nevertheless we have it on the face of it, and no hon. member can close his eyes to the fact, that this Bill has been instigated and brought forward by a member of another place who feels hurt, and who has declared outside that he would see himself rectified, and have vengeance on certain people by availing himself of his position to have a Bill like this produced and passed through this Council. Now, sir, this Bill has been passed through the Assembly, and I do hope that whatever may occur in this deliberate Assembly we shall not, in anything we do, be actuated by any private feeling in our dealings with legislative matters, but that we shall look broadly at them from an Australian national point of view. I hope, whatever we may take in hand in this Council, we shall not be actuated by feelings of spite and spleen against individuals, and that this Council will, above all things, discountenance the introduction of a measure which carries with it private feelings. Sir, let hon. members ask the question why this Bill has been brought forward, and they will immediately arrive at the conclusion. Why is betting and wagering on race-courses allowed at the present time? Let hon. members ask themselves this, and they will say that the principal supporter of betting and wagering is the gentleman who introduced this Bill in another place.

THE PRESIDENT (Hon. Sir G. Shepton): I think the hon. member is going a little too far.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I was going to rise to a point of order. It is a clear Parliamentary rule that nothing can be said in one House derogatory to a member of the other House. The reason of the rule is obvious. Do we desire to work in harmony with the other House? If we do, it is clear that we must treat the members of it with every possible respect. I remember a case where Mr. Labouchere spoke in disrespectful terms of Lord Salisbury (although the words used were a little stronger than those used by the hon. member) and he was suspended from the House of Commons for seven days for it. I do hope hon. members will not speak in derogatory terms or attribute motives to members of another place.

THE PRESIDENT (Hon. Sir G. Shepton): The Hon. Mr. McKernan is exceeding the bounds of debate, and he must restrain himself.

THE HON. H. MCKERNAN: I did not know I was doing so, and I must express my regret. At the same time, when we have a Bill like this before us, we are entitled to view it from different aspects. We are entitled to ask why it is brought forward. It is a private Bill, and the Government have refused to accept it. Can we drive the proceedings immediately outside the introduction of this Bill from our minds, and accept it in good faith? If that is possible I have little further to say; but if not, then I say that the Bill should be totally rejected by the members of this House. When we ask ourselves, "Who desires the suppression of betting?" what do we find? We find that the very people who introduced and support this Bill are the principal supporters of betting and wagering.

THE PRESIDENT (Hon. Sir G. Shepton): The hon. member must stop. He is exceeding the bounds of debate.

THE HON. H. MCKERNAN: I say that people who are the supporters of this Bill are the principal supporters of betting and wagering.

THE PRESIDENT (Hon. Sir G. Shepton): It is half past six, and I will now leave the chair for an hour.

On resuming,

THE HON. H. MCKERNAN: I have very little more to say on this matter, except to remind hon. members that the

intention of it is to suppress betting on racecourses, and at places of public resort. I think the intention of the promoters, as expressed in the Act, would have been better met by their abstaining from betting and inducing others to do so. I have followed racing for the six years I have resided in this colony, and have not made a bet with a bookmaker. I have always patronised the totalisator. I do not believe people are made moral by Act of Parliament. Even if this Act is passed there is nothing to prevent people negotiating wagers on commission. Bets may be made without money passing. I move that the Bill be read this day six months.

THE HON. D. K. CONGDON: I think we should be cautious in passing this Bill. I have every confidence that the object of it can be attained by people refusing to bet, and I shall support the proposition of the Hon. Mr. McKernan that the Bill be read a second time this day six months.

THE HON. J. C. G. FOULKES: I shall support this Bill, mainly because one of the leading bookmakers in the colony asked me to vote against it. He seemed to be most anxious to go on bookmaking. I think we should endeavour to stop it as much as possible. I do not think we can prevent private betting. There are many people who make small bets of 1s. or 2s. 6d., and under this Act they will be liable to a fine of 40s.; and if they are again caught doing so, they are liable to be dealt with as rogues and vagabonds. While I agree we should try and put down the bookmakers, I do not think we should go as far as to stop anyone making a small bet. I would therefore suggest to the hon. member that he should take some steps to alter clause 2. I think we ought to congratulate the hon. member on the able speech he has made. There are many people who object to race meetings altogether. Although I have been here four years I have never been on a racecourse, and I have no desire to go there. Still, if I had, I should not like to get under the operation of clause 2.

THE HON. F. M. STONE: I shall support the second reading of this Bill, because I think that the existence of bookmakers on the racecourse is demoralising to the community. It is not only upon the racecourse that they ply their

vocation, but wherever there is the slightest sport indulged in, the bookmaker is there shouting his odds. I am not prejudiced against bookmakers, but I do think we should prevent them invading every sport there is, and becoming a nuisance by shouting the odds. In South Australia they have similar provisions in force to those provided by this Bill, and persons can now go to the racecourse and enjoy the sport without the nuisance of the bookmaker.

Amendment put and negatived.

Bill read a second time.

LOAN BILL.

LEGISLATIVE ASSEMBLY'S MESSAGES.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It will be observed that there are two notices of resolutions to be submitted to the House. The notice which I have given is this: "That this House, having considered Message No. 22 "from the Legislative Assembly, will not "insist on its suggested amendments to "the schedule of the Loan Bill." The message sent from the Legislative Council to the Legislative Assembly was a suggestion that it should omit from the schedule of the Loan Bill certain items relating to railways. I regret to see that apparently a good deal of misapprehension exists in regard to the powers of the Legislative Council. I think it has been conceded, in some instances, that the course that has been adopted by the Legislative Council is not altogether opposed to constitutional practice, as well as Parliamentary practice; that, in fact, by adopting this course the Legislative Council has invited a collision with the Legislative Assembly. It has been freely stated, I think, that this House is encroaching upon the province and privileges of the other House, but it seems to me this view is entirely incorrect. In the Constitution Act of 1889 this House had all the powers and privileges of the other House, with only certain exceptions, one exception being that all Bills which imposed any taxation or impost upon the people must be originated in the Legislative Assembly. These Bills are termed money Bills, and, in regard to such Bills, they must be first introduced into the Legislative Assembly by message from His Excellency the Governor. So far as the constitutional

practice is concerned, which existed before the passing of the Act of 1893, this House, following the Parliamentary practice of the House of Lords, had only, however, either to reject or assent to money Bills; no power being given to amend. But the Constitution Act of 1893 gave power to the Legislative Council to return a money Bill with a message suggesting omissions in any items, and the Legislative Assembly can make such omissions with or without modifications, or not accept them. Consequently, when the House thought proper recently to send suggestions to the Legislative Assembly as to the omission of certain items in the schedule of the Loan Bill, we were following the only constitutional, proper, and dignified course the House could adopt. I take it it is the duty of every member of the Council to uphold the privileges and rights of the House; and if it is the duty of hon. members to do so, it is still more incumbent on me, in virtue of the position which I occupy, to say that the privileges and rights of the House should not be invaded. Although I took an opposite view to the majority of hon. members in regard to the items, and still take an opposite view, I am not prepared to sacrifice the rights and privileges of the House to the mere temporary advantage of the Government or the party which it represents in the Legislative Assembly. It has been said on several occasions by persons, whom I think ought to be better acquainted with the subject, that the privileges and rights given to the Legislative Council by the Amending Act of 1893 were not intended to be exercised in the case in which we have exercised them only recently. It has been said that they were not to be exercised when the items formed part of the policy of the Government; that they should not be exercised unless it were a matter of large and vast importance to the public generally, or to the colony at large; but I know of no such limitation in the section. Construing the section, as it is bound to be construed, according to the ordinary meaning of the English language, there is no limitation to the rights of the Council to make suggestions, however unimportant or insignificant the items might be. I may say further, in South Australia this practice of making

suggestions has prevailed for the last thirty years, simply by a compact between the two Houses. In South Australia the Council formerly claimed the right to amend money Bills, and by an agreement between both Houses it was arranged that the Legislative Council, instead of making amendments, should have the right to suggest; and when the National Australasian Federation Convention met in Sydney, in 1891, the question arose, and was debated at considerable length, as to what powers should be given to the Senate, which would be the Upper House, as to whether they should have the power of amending money Bills, or whether they should have the power simply to assent to or reject, or whether the Senate should have power, as in South Australia, of making suggestions to the Lower Chamber. In speaking on the point, we find Mr. Playford, the well-known South Australian politician, and who now represents that colony at Home, stated that the privilege had been in force in South Australia, and there had never been the slightest trouble as to the working of the compact; nor had he heard a member of the Legislative Assembly say it should be broken. I will read what he said:—"The Constitutional Committee "have adopted precisely the mode adopted "in the colony of South Australia, where "it has been in force for between twenty "or thirty years. We have worked under "that system for between twenty or thirty "years. The Upper House has the right "to make suggestions, and those sugges- "tions have been as respectfully treated "and considered by the Lower House as "any amendment which has ever been "made in connection with any Bill. They "have been quietly and intelligently "debated in the Lower House; they "have been agreed to either with or "without amendment, or disagreed to, "as the case may be; and they have been "sent back to the Legislative Council "precisely in the same way as is proposed "here. Ever since we made the compact, "in consequence of the claim of the "Legislative Council in South Australia "to co-equal powers with the House of "Assembly in dealing with money Bills, "except as regards initiation—ever since "we entered into that compact, nearly "thirty years ago, we have never had the "slightest trouble with regard to the

“working of the compact. It has worked “in the most harmonious manner, and, “so far as the Legislative Council is “concerned, I have never heard a single “member of that body—and I have “been in Parliament since 1868—utter “a wish that the compact should be “broken in any way.” I do not see why the sections of the Act of 1893 should not work as harmoniously in this colony as the similar provisions, by virtue of the compact, works in South Australia. I find that the Legislative Council of South Australia has acted in the same manner as the Legislative Council here. I find on one occasion that that Legislative Council made no less than 25 suggested amendments to the Tariff Bill, ranging from such items as taxation on boots 33s. a dozen, to various items of a similar nature, and the whole of the suggestions were accepted by the Legislative Assembly. As far as I can see, there is no reason to suppose that the Legislative Council, in this instance, exceeded its duty if it considered the items objected to were wrongly inserted in the Loan Bill. I mention this particularly, because it is incumbent on us to maintain to the utmost our rights and privileges; and I observe, that although the rights of the Council to make the suggestions are conceded, still the whole arguments of those persons who admit the right have been with a view to show that the Council is constitutionally wrong. Having said so much, we have now to deal with the present position. The Legislative Council have the right to make suggestions, and the Legislative Assembly have the undoubted right to refuse to accept them. But because the Legislative Council has made suggestions, and the Legislative Assembly has refused to accept them, there is no reason to say it is a constitutional difficulty or disagreement, as in the case of the House passing an amendment in any other Bill, and the Assembly refusing to accept it. There is no disagreement between the Houses, or any constitutional difficulty. What we have to look at is this: Having made the suggestions to the House, which is primarily responsible for the finances of the colony, and which maintains the Government of the colony, the question for us to consider is whether we are prepared to enter into a disagreement with

the Legislative Assembly. So far there has been no disagreement; and it will be a question for us to say whether we are prepared to come into collision with the Legislative Assembly. I would like to quote from Mr. Alpheus Todd’s work on Parliamentary Government in the Colonies, to show that the Upper Chamber derives peculiar efficacy and importance from the fact of its independent position in dealing with all public questions; and I would ask hon. members to weigh his words, with a view to arriving at what is the proper procedure in regard to this message which we have received: “Under “Parliamentary Government, an Upper “Chamber derives peculiar efficacy and “importance from the fact of its independent position. Free from the trammels “of party, it is able to deliberate upon all “public questions on their merits, “unrestrained by political considerations, “which are too apt to bias the judgment “of every administration, in certain “contingencies. For the same reason an “Upper Chamber, being unable to determine the fate of a Ministry, is much “less influenced by party combinations “and intrigues than the popular Assembly. “This constitutes the special value of an “Upper House, under Parliamentary “institutions. But, while the Upper “Chambers of all constitutional legislatures recognise their position as one “removing them entirely from party “considerations, and as designed to be a “guard against hasty and immature “legislation, they would doubtless feel it “to be their duty to weigh, with more than “ordinary anxiety and care, the explicit “declarations of public opinion, when “deliberately given by all classes of the “community upon any measure, after the “period of excitement which might have “given rise to it had passed away. “When such a spirit pervades the Upper “Chamber, there need be no apprehension of a conflict between the two “branches composing the Legislature.” Then, further on, Mr. Todd says: “We “may, therefore, safely conclude that the “true remedy for legislative disputes is “to be found in the general acceptance “by both Houses of counsels of moderation, and in the avoidance by each of “the assertion of extreme rights. It is to “such a temperate and forbearing policy “in the two Houses of the Imperial

"Parliament towards each other that their good understanding and cordial co-operation for so long a period is mainly attributable." I would remind the House that the two railways in question have been before the country for several months, that they have been discussed in the newspapers, and that a large majority of hon. members in the Legislative Assembly have been returned to accord their support to the Government; so that I think we are safe in assuming that, after due consideration, the country has endorsed the action of the Government in proposing to build these lines of railway, and that action has also been endorsed by a large majority in the Assembly. I would ask, are we to take upon ourselves the responsibility of throwing aside the Loan Bill? Are we to take upon ourselves the responsibility of deciding that we shall have no railway to Cue or Coolgardie, no harbour works, simply because we think that two of the railways should not be built?

THE HON. R. G. BURGESS: Nonsense.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The hon. member says nonsense, but we cannot send any more suggestions to the Legislative Assembly; we have exhausted our powers; we have made suggestions, and these suggestions have not been accepted. We have now to go into committee to pass the schedule or reject it, and if we reject it the Loan Bill will be laid aside. Are hon. members prepared to go before their constituents and say they refused to borrow money for any of these works, which are so necessary for the welfare of the colony? If they are, then the next step is to throw aside this Bill. There is no other course. As regards the Hon. Mr. Stone's proposed resolution, I know of no Parliamentary procedure as regards these suggestions at all. There are no Standing Orders upon it at all, because the powers are quite new. There is also no necessity for the Legislative Council to give reasons any more than that the Legislative Assembly should. Had this House accompanied its message with reasons, there might be some grounds for saying that the Legislative Assembly must adduce reasons. In the absence of reasons from the Legislative Council, it is quite inconsistent for us to ask for reasons from

the Legislative Assembly. Again, referring to the terms of the hon. member's motion, the Legislative Assembly have asked the Legislative Council to reconsider the Bill. I am quite of the opinion that the Legislative Council ought to have forwarded reasons for our suggestions, although it was not for me to suggest them at the time. I further contend that the resolution will bring the House into contempt, not only with the Legislative Assembly, but with the whole community.

THE HON. R. G. BURGESS: I doubt it.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Council will have an opportunity of considering these railways again, and I have pledged the Government that they will bring in each Railway Bill as a separate measure, so as to give the House fuller opportunity to reconsider the vote—

THE HON. R. G. BURGESS: Vote the money first.

THE COLONIAL SECRETARY (Hon. S. H. Parker): And to determine whether they will allow these railways to be built or not. We do not vote the money first. We authorise the Government to raise the money; and, as I pointed out with regard to the Collie Railway, the Government undertook that it would not be undertaken for at least twelve months, and that no money would be spent except for surveys, and even then that the sum expended should not exceed £600, and beyond that no money will be spent unless it is proved that good merchantable coal exists. I think it will be extreme to go any further with the suggestions we have made, and to refuse to pass the Bill, unless the Assembly strikes the items out. I move the motion.

THE HON. D. K. CONGDON seconded the motion.

THE HON. F. M. STONE: I move, "That the Council, having received a message from the Legislative Assembly returning the Loan Bill, with the suggestions of the Legislative Council, regrets that the Legislative Assembly has not adopted the more Parliamentary procedure of giving reasons why the Council should reconsider the Bill. The Council does not see how it can reconsider the Bill, unless it is possessed of the reasons of the Legislative Assembly for not agreeing to the suggestions of the Council." He said: I

do not propose to discuss the rights and powers of the Council; but I have no doubt that, when the occasion arises for asserting these rights and powers, the Council will not be wanting in dignity in enforcing them. The Standing Order 313 of the Assembly lays down that when a Bill is returned from the Assembly to the Council, with a Message disagreeing with the amendments sent down by the Council, the reasons shall be given. I find that in 1857, when the Council of South Australia sent down a Bill to the Assembly with suggestions, the Assembly returned the Bill without giving any reasons for disagreeing from the suggestions made by the Council. The Council then returned the Bill to the Assembly, asking for the reasons of that House, and the reasons were then given. In so doing, the Parliamentary procedure was followed, and the Assembly of South Australia acted in accordance with the Standing Order of this colony. I think the only course we can adopt is that suggested in my motion, because, if we go into committee, what are we going to discuss? Suppose the reasons which have actuated the Assembly are of a constitutional nature, the Council would then uphold its rights and privileges. But if the reasons of the Assembly are on the merits of the question, members who voted against the items might be induced to vote for those items. If reasons had accompanied the message of the Assembly, much time might have been saved, and we might have passed the Loan Bill. I propose to send the message in order that the Council may be in a position to discuss the reasons of the Assembly.

THE HON. F. T. CROWDER: I have much pleasure in seconding this motion. I do not intend to waste the time of the House by discussing the matter at the present time, as we shall have a full opportunity of doing so when the Assembly return to us their reasons.

THE HON. J. W. HACKETT: I am prepared to support the amendment, with a modification. I have listened very carefully to the remarks of the Colonial Secretary, and although I agree with the Hon. Mr. Parker in wishing the House to assent to the two items to which exception has been taken, yet the course suggested by Mr. Stone commends itself

more to my judgment than that proposed by the Colonial Secretary. I am not going to speak at length, because my mind is in a state of confusion as to what we are discussing. Are we discussing the Loan Bill or the reasons which induced us to send the Bill to the Assembly, with the two items omitted? Are we discussing the action of the Assembly in returning the Bill, or whether the Assembly are following their Standing Orders in returning it unattended by reasons? I think that the message returning the Bill should have been accompanied by the reasons of the Assembly, because, although it is perfectly true that a new condition of affairs has arisen since the amendment to the Constitution has been made, yet the circumstances are only different in name, surely not in principle. We have no Standing Orders on the question as to suggestions sent to the Assembly, but, as reasonable beings, we have to apply the rules we find in the Standing Orders, and to act in accordance with their spirit, if we have no clause dealing particularly with the special circumstance. Standing Order 297, referring to messages setting forth amendments sent to the Assembly by the Council, says nothing of attending the messages by the reasons of the Council for making the amendments; and I venture to say that the proposition to send down reasons from the Council on the first disagreement is one which the Colonial Secretary would be unable to discern any precedent for. In the absence of clear and explicit rules on the matter, we are bound to act in accordance with the spirit of the Standing Orders. But, according to the Standing Order 295, the Assembly should send up their reasons when they decline to agree with amendments of the Upper House. This may not be an amendment, but it is the next thing to it; it is a request for an amendment. I am not going to argue the Constitutional question, but, if it should be necessary, I think we may be able to show that the right of amendment of the House is as strong and as valid as it had ever been. It is not a question of Constitutional usage or parliamentary law, but the interpretation of a clause in the statute book. I am, however, in a state of bewilderment why the Assembly has sent back the Bill, and I desire to ask for their reasons. I would ask that the

amendment of the Hon. Mr. Stone be altered as follows:—"That the Legislative Council, having received a Message from the Legislative Assembly returning the Loan Bill with the suggestions of the Legislative Council, requests to be informed of the reasons which led the Legislative Assembly to decline to accede to the suggestions of the Legislative Council."

THE HON. F. M. STONE: I will accept the amendment.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I regret that I cannot accept the amendment. I understand that the hon. member who has just sat down is prepared to sacrifice, not only the Bridgetown Railway and the Collie Railway, but every other railway, because the Assembly has not given valid reasons.

THE HON. J. W. HACKETT: Legal and constitutional reasons.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have to consider the question on its merits, and I am not prepared to sacrifice the whole country simply because the Assembly did not give valid and constitutional reasons for sending the Bill back. As for the question before the House, it is whether we shall insist upon our amendments. I argued the matter out, but I am surprised to find that a member who objected to the items being struck out because they were part of the policy of the Government, should now take the stand that he has. I can find nothing in the Act about the policy of the Government. It is the right of the House to suggest amendments in any Bill, whatever may be the policy of the Government. There is no Standing Order on suggestions to the Assembly, and the Standing Orders applying to amendments evidently do not apply to suggestions. The Hon. Mr. Stone has gone back to 1857 for a case in point; but one case does not establish Parliamentary practice.

THE HON. J. W. HACKETT: One Parliamentary precedent is sufficient.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not pretend to be a constitutional authority, but I argue from analogy, and I look upon it that any Court of law would consider it ridiculous that one case should be taken to make a practice. There may have been special circumstances in this particular case to

which we are referred. The Assembly of South Australia may have thought it expedient to give way.

THE HON. F. M. STONE: If you read the case you will find that it was thrashed out and has been followed since.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not think that it had been followed since. If the Assembly sends back to say that they will not give reasons, then the House will be in a most ignominious position, which we shall extremely regret. We have to bear in mind that the Assembly is the popular House, peculiarly responsible for the finances of the colony, and supported by a majority in the country. I implore hon. members not to place themselves in a position which, I feel sure, will bring them not only into contempt in the Assembly, but into the greatest unpopularity in the country, and bring them into such an ignominious position that I am sure every hon. member will regret.

THE HON. C. A. PLESSE: I cannot support the Hon. Mr. Stone's amendment, because it seems to me that by so doing we are asking the Assembly to do that which we would not care to do ourselves. I do not wish to detract from the dignity of this House, but I do think, from the arguments I have heard, that the most manly and straightforward course is to adopt the schedule. The Assembly have served us as we deserved to have been served, and I shall not vote for the amendment.

THE HON. D. K. CONGDON: I am in favour of the proposition of the Hon. Mr. Hackett, because it seems to me to be the only course open to us.

Amendment put and passed.
Resolution reported.

FRIENDLY SOCIETIES BILL.

IN COMMITTEE.

Clauses 1 to 8 agreed to.

Clause 9.—Registry of Societies:

THE HON. D. K. CONGDON: I move that we strike out, in line 3 of sub-section (6), the words "£2 2s.," and insert £1 1s. in lieu thereof.

THE COLONIAL SECRETARY (Hon. S. H. Parker): We cannot do it.

THE HON. R. G. BURGESS: Then is it worth while bringing these Bills before us if we cannot amend them? Members are quite as independent as the Govern-

ment, and we shall have to block the Bills.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not care whether you block them.

THE CHAIRMAN (Hon. Sir G. Shenton): When a Bill provides that money has to be paid into the Treasury it is a money Bill, and can only be amended by suggestion to the Lower House. This House has no power to make the amendment itself.

THE HON. D. K. CONGDON: Then I move that it be a suggestion to the Legislative Assembly to strike out "£2 2s.," and insert "£1 1s."

THE COLONIAL SECRETARY (Hon. S. H. Parker): These fees are payable in support of the registry. The Registrar will have to be paid a considerable salary, and the funds must be obtained from some source. Even as it is the fees will nothing like cover the cost of administering this department, and it is only right that the societies should bear some proportion of the outlay which the Government will be put to. In Victoria the sum is £2 17s. 6d. The Government are not prepared to accept the reduction to £1 1s. If the societies are not prepared to pay an almost nominal sum like this, it is hardly worth while going on with the Bill. Bearing in mind that the Government is not prepared to accept this reduction, I ask whether it is worth while sending the Bill back?

THE HON. D. K. CONGDON: After what has been said, I shall not press the amendment. It is at the instigation of the friendly societies of Fremantle that I brought this matter forward.

Amendment, by leave, withdrawn.

Clause agreed to.

Clauses 10 to 32 agreed to.

Clause 33.—Limitation of benefits:

THE HON. E. W. DAVIES: I move that the words "or more," in the 4th line, be struck out, and "of" be inserted. I know a number of men who pay a weekly amount into more than one society, and if this clause is allowed to stand as it is the greatest amount a man can get, no matter how many societies he pays into, will be 40s. a week, which would be a great hardship to a man who has provided for himself by these weekly contributions. My amendment will make it that he shall not get more than 40s. from any one society.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is a Bill for the benefit of the working men. The capitalist who wants to draw more than 40s. a week should not go to these societies. I trust the hon. member will not press his amendment, especially as I have had no notice of it. I do not think the Attorney General would be prepared to accept such an alteration as this.

THE HON. S. J. HAYNES: I quite agree with what the Colonial Secretary says. I carefully perused the proof of this Bill, and after having had several interviews with the Attorney General on behalf of the Friendly Societies, I at last received an intimation that they were thoroughly satisfied with the measure, and considered it would be productive of great good. If the amount is increased it may induce dishonest men to go into a number of societies, and then live on them.

Amendment put and negatived.

Clause agreed to.

The remaining clauses were passed, and the Bill reported.

The Standing Orders were suspended.

THIRD READING.

The Bill was read a third time, and *passed*.

MUNICIPAL INSTITUTIONS BILL.

The committee's report on this Bill was adopted.

The Standing Orders were suspended.

THIRD READING.

The Bill was read a third time, and *passed*.

LEAVE OF ABSENCE TO THE HON.

T. HARRY MARSHALL.

THE HON. D. K. CONGDON, by leave, without notice, moved that leave of absence for three weeks be granted to the Hon. T. Harry Marshall, on account of urgent private business.

Question put and passed.

ADJOURNMENT.

The House, at 9.45 o'clock p.m., adjourned until Tuesday, 30th October, at 4.30 o'clock p.m.