

ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House, at its rising, adjourn until Thursday, 1st November.

Question put and passed.

The House adjourned at 10·8 o'clock p.m.

 Legislative Council,

Thursday, 1st November, 1894.

Loan Items: procedure as to—Leave of Absence to Hon. H. J. Saunders—Agricultural Bank Bill: third reading—Police Act Amendment Bill: third reading—Constitution Act Further Amendment Bill: second reading: committee; third reading—Loan Bill: Legislative Assembly's Message; committee: third reading—Droving Bill: committee—Railways Act Amendment Bill: first reading—Adjournment.

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

PRAYERS.

LOAN ITEMS—PROCEDURE AS TO.

THE HON. E. H. WITTENOOM, by leave, without notice, asked whether the Government would undertake to make each railway mentioned on the Schedule in the Loan Bill the subject of a separate Act or Bill.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes.

LEAVE OF ABSENCE TO THE HON.
H. J. SAUNDERS.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved by leave, without notice, that leave of absence for one week be granted to the Hon. H. J. Saunders on account of illness.

Question put and passed.

THE AGRICULTURAL BANK BILL.

THIRD READING.

This Bill was read a third time, and passed.

POLICE ACT AMENDMENT BILL.

THIRD READING.

This Bill was read a third time, and passed.

CONSTITUTION ACT FURTHER AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Hon. members are aware that under the Constitution Act of 1889 there are certain penalties relating to persons who enter into contracts with the Government. A contract under that Act is a very wide term, and it includes almost all engagements entered into by persons with the Government. It may be that some persons have unwittingly offended against the Act, and have rendered themselves liable to the penalties of the Statute. In view of this, the Government have passed through the Assembly this Bill, which reduces the penalty of £500 in the original Act to £200, as the sum payable every day a person shall sit or vote when disqualified. It is further provided by this Bill that all actions shall be brought within three months of the time the right to bring them arose. At present there is no limitation, and years after a person may have unfortunately been a contractor within the meaning of the Act, and voted, he may have a writ issued against him for the recovery of a penalty. The Government and the members of the Assembly think it fair and advisable to limit the time in which these actions can be brought to three months. There is a further provision that a person bringing an action of this kind must find security for costs. At present, a man who owes another a grudge may induce some person who has not a farthing in the world to bring an action against a member of either House—it may be a groundless action, and after the case is heard the unfortunate defendant, although he may have been perfectly in the right, has to pay his own costs. It seems to me only reasonable that if persons bring actions to recover penalties of this sort,

they should certainly be in a position to pay the costs if they lose. Then it is further provided that no action shall be brought for any offence which may have been committed up to the present time. Hon. members are aware that sometimes in the course of their duties the President and Speaker are obliged to put into force the Standing Orders. Under the Standing Orders members may be suspended or removed, and provision is made here to indemnify the President or Speaker for any action they may deem it advisable to take. It must be borne in mind that neither the Speaker nor the President can do anything which is opposed to the wishes of the House, and therefore, in protecting the Speaker and President, we are really protecting ourselves. I move the second reading of the Bill.

THE HON. F. T. CROWDER: It is not my intention to oppose the second reading, but at the same time I do not agree with Clause 5, which is retrospective legislation. In committee I shall endeavour to strike this clause out, because I consider it is not required, and we should not at any time encourage retrospective legislation.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 4 passed.

Clause 5.—No action shall lie against members under Sections 24, 25, and 32 of the principal Act for anything done prior to this Act:

THE HON. F. T. CROWDER: I move that Clause 5 be struck out, for the reasons I have already mentioned.

THE HON. H. MCKERNAN: I quite agree with this amendment. I think retrospective legislation is altogether undesirable.

THE HON. E. HENTY: I shall support the amendment, because the principle in this clause of the Bill is a bad one.

THE HON. E. H. WITTENOOM: As a rule I am entirely opposed to retrospective legislation, and more particularly so when I find that it will do damage to any part of the community. In this case, however, I do not see that the Bill will affect any portion of the community, and therefore, under the circumstances, as explained by the Colonial Secretary that it is possible hon. members may have unwittingly offended against the Act,

although they have really done no harm, I shall support the Bill as it stands.

THE HON. E. ROBINSON: I have much pleasure in supporting this Bill as it stands. Some members may have unwittingly offended against the law, and they should be to some extent protected.

THE HON. D. K. CONGDON: It seems to me that this clause is a very proper one. It is inserted for the purpose of protecting hon. members, who may have unwittingly done something which, without this clause, would render them liable to heavy fines and penalties. I cannot, therefore, support the amendment.

THE HON. F. M. STONE: I may point out to hon. members who propose to strike this clause out, that they will be preventing the benefits of this Act applying to members who may have committed some offence previous to the passing of the Bill. If the Government has purchased from some hon. member a paltry article months ago, that hon. member is liable to have an action brought against him, and a heavy penalty inflicted.

THE HON. S. J. HAYNES: Although I am very strongly opposed to anything like retrospective legislation, I shall support the clause on the ground that some members may have unwittingly offended, and that an injustice will be done in the present case.

THE HON. H. MCKERNAN: From what has fallen from hon. members, they are evidently in a bad state, and require this Bill to relieve them of responsibilities which they have incurred. Under this Bill no person may bring an action to recover penalties unless he lodges £100, but I was always under the impression that professional etiquette prevented any legal gentleman from bringing an action unless his client was in a position to pay the legal expenses. Of course if the hon. gentleman is in the habit of accepting speculative cases it is a different thing. I think we must look at the Bill outside the action which we know is pending, and consider whether this is a proper clause to pass.

THE HON. J. C. G. FOULKES: After some consideration I have decided to support this clause. Members will bear in mind the principal Act was passed in 1889, and I think it speaks well for the

members of the Assembly and Council that since that time there have been no serious breaches, and no necessity for any legal proceedings. I think hon. members in the future will conduct themselves as they have in the past, and although there may have been some technical breaches I am sure there has been no intention to offend against the law.

THE HON. F. T. CROWDER: I can assure hon. members there is no feeling on my part in making this amendment, and I regret that a pending case has been quoted, because it had no weight with me when I proposed this amendment. My sole reason for bringing forward this amendment is that I do not believe in retrospective legislation in any Act.

Amendment negated.

Clause agreed to.

Remaining clauses agreed to, and Bill reported.

The Standing Orders were suspended.

THIRD READING.

The Bill was read a third time, and passed.

LOAN BILL.

LEGISLATIVE ASSEMBLY'S MESSAGE.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It will be remembered that the Council sent a message to the Assembly, asking for their reasons for not agreeing to our suggestions in this Bill. It will be observed that in their message No. 30 the Assembly has courteously given this House certain reasons. With regard to the reasons themselves I do not propose to say anything. It seems to me we have discussed the matter at considerable length, and I have no doubt there is now a desire on the part of the House to arrive at some amicable settlement. It has been pointed out that if either House were to use its powers to the utmost, then we must stop all business. The only way we can proceed is by mutual concession. It seems to me that the Assembly has conceded a considerable amount in sending to us any reasons. Hon. members have the assurances of myself on behalf of the Government that the Bills dealing with these railways will be brought in separately, and when they do come before us, if hon. members deem it undesirable that the railways should be constructed, it will be quite competent for

them to lay the Bills aside. Under these circumstances, without in any way attempting to dictate to hon. members, I think the best course for us to adopt now is to pass the Loan Bill. By doing so I repeat we shall not pledge ourselves to these railways. All we do is to enable the Government to raise one and a-half million pounds, which money includes sums which may be expended on these railways if Parliament passes the necessary authority. I have already told hon. members that in regard to the Bridgetown line the surveys would not be undertaken until the Government had done all the necessary surveys on the goldfields lines, and that this line will not be allowed to go into competition with those other lines, or in competition with the construction of them. It is hoped, however, that the surveys may be made within a reasonable time, as also the surveys of the Collic line. In regard to the Collic Railway, the Government is pledged not to expend more than £600 on the survey, and the Government further pledges itself that not one penny more will be expended until it is shown good coal exists there. No action will be taken for twelve months, and only then if the coal proves to be a good merchantable coal. In this event the Government will bring in a Bill to authorise the construction of the railway, and then this House will have a full opportunity of discussing the matter, and it will be competent for hon. members, especially after the notice which has been given by this House to the other House as to their opinion on this Bill, to lay it aside. I trust, however, that when these Bills do come before the House the necessity for them will be so apparent that no opposition will exist. At the present time, without discussing the matter further, I propose "That the Legislative Council, having considered the Legislative Assembly's Message No. 30, and in view of the promise by the Government to bring in separate Bills dealing with the Blackwood and Collic railways, deems it inadvisable further to delay the passing of the Loan Bill."

THE HON. E. McLARTY seconded the motion.

THE HON. E. H. WITTENOOM: I move that all the words in the Colonial Secretary's motion after "That" be struck

out, and the following inserted in lieu thereof:—"The Legislative Council in forms the Legislative Assembly, in reply to its Message No. 30, that it has passed the following resolutions:—(1.) That the Legislative Council cannot admit that there is no obligation on the part of the Legislative Assembly to give reasons for being unable to agree to the suggestions of the Legislative Council under section 23 of the Constitution Act Amendment Act, 1893. (2.) That the reasons given by the Legislative Assembly cannot be entertained by the Legislative Council as valid. The Legislative Council claims the fullest power, even if the works are important features in the policy of the Government, and such a policy, as a whole, has been approved by a majority of the Legislative Assembly, to make suggestions to the Legislative Assembly to strike out of the Loan Bill the items for such works. (3.) The Government, however, through the Colonial Secretary having given an assurance to the Legislative Council that each proposed railway in the schedule to the Loan Bill shall be the subject of a separate Bill for consideration of Parliament, the Legislative Council agrees to the Loan Bill being passed. (b.) The Legislative Council respectfully points out that in the exercise of its powers under clause 23 of 'The Constitution Act, 1889, Amendment Act, 1893,' whereby it may return any Bill at any stage with suggestions, the Legislative Council has taken the earliest opportunity of intimating to the Legislative Assembly the Legislative Council's views on the Blackwood and Collie Railways, so that if the Bills for the construction of these works are introduced for the consideration of the Legislative Council, the Legislative Assembly will be acting with a full knowledge of the feeling of the Legislative Council in regard to them." I think hon. members will admit that up to the present we have acted within our rights under section 23 of "The Constitution Act of 1889." I think it is perfectly plain that we have most distinct powers given us to offer suggestions on any Bill which may come before us emanating from the Lower House at any stage. It is not for any one to dictate to us when we shall act within our powers.

It has been said that we have acted unconstitutionally, and that we have no power to make the amendments we have; but by clause 23 we are empowered at any time to make suggestions, and so far, therefore, we have acted within our rights. As regards the debate which took place in another place, I think the most superlative nonsense was talked. We have our duties to perform, and I hope we shall carry them out without fear or reference to anyone. If we refer to the Press we will see that it is generally admitted that we have acted within our rights, and even the paper with which the Hon. Mr. Hackett is connected agrees with us. The first article was a terrible one, but the second article was more temperate, and goes so far as to say that we have acted within our rights.

THE HON. J. W. HACKETT: I think you will find they both agree.

THE HON. E. H. WITTENOOM: The second one very much modifies the first. Apart from that, I am pleased to see that the hon. member has seen the error of his ways. The public, I am sure, is with us on the stand we have made for our rights and privileges, and I am sure they will give us credit for the action we have taken. Coming to the reasons given by the Legislative Assembly as to why they have not agreed to our suggestions, they appear to me to be such as we cannot entertain. As regards the Blackwood Railway, the information which was given to this House upon which we were asked to agree to it was so meagre that the item was thrown out by 12 to 6. I am aware that some portion of the public feel sore with us for having thrown out the line, but they are not fully aware of the reasons which led us to do so, because only one side of the case has been put to them owing to the manner in which the debates have been reported. How can the public tell why we have acted as we have done, when only the speeches on one side have been reported? If our side had been reported, everyone would have known what were the grounds we were acting upon, but, for some reason or other, only the speeches of those who were in favour of the railway have been given any prominence to. The majority of members in this House consider that a large portion of the expenditure proposed by

this Bill is unnecessary and unwarranted, and they have taken the course which is within their rights, and have said so. It is stated that we have taken a most arrogant course because the constituencies as a whole have approved of the policy of the Government. I unhesitatingly state that this is not true, and I think that if the members of the Assembly were to go back to their constituents on the question of these railways, they would not obtain their seats again. If the constituencies are so warmly in favour of these railways, why have we not heard of some manifestation of feeling throughout the country? At present we have heard no objections raised to the course we have pursued, except in the Blackwood and Bunbury districts, which are the only two places interested. I think, if the course we have taken was not approved by the country, we should have heard much more on the subject than we have. The position we took up was to send the Bill back to the Assembly with our suggestions; they have sent it back saying that they cannot accept them, and we have now two courses only open to us, either to withdraw the suggestions or throw out the Bill. If we were to adopt the latter course, we should certainly be saving about £140,000, but it would be at the expense of other works which the colony is in need of; and therefore I do not think it a wise policy, for the sake of the sum I have mentioned, to jeopardise the welfare of the colony by throwing out the Bill, nor do I think we can in the circumstances withdraw from our suggestions. Fortunately we can secure the end we desire in another way. We have received an assurance from the Colonial Secretary that these Bills shall be brought down separately, and if we intimate now, as we shall do by the resolution I propose, what are our views with regard to these two railways, the Assembly will know full well that when the Bills come before us we shall throw them out, unless a better case can be made out for them than has been up to the present time. We do not bind ourselves to throw them out, for every hon. member will be perfectly free to act as he thinks fit when each Bill comes before him; but, at the same time, the Assembly will have notice that, on the present information before us, there is every probability of our

rejecting these Bills. For my part I hope the information which will be forthcoming will be sufficient to enable us to support them, and if it is, I shall be one who will give them my warmest support. I will not, however, take up the time of the House further now, but will move the amendment I have already read.

THE HON. F. M. STONE: I beg to second the resolution of the Hon. Mr. Wittenoom, and in doing so I would point out that the Assembly has not conceded anything to this House in sending down reasons for returning the suggestions. The matter has been fully argued out, and hon. members are convinced that this House was right in demanding the reasons which induced the Legislative Assembly to return our suggestions. The Message from the Assembly says that they cannot acknowledge any obligation on their part to give reasons. We cannot admit that, and by this amendment we place it on record that we cannot agree with this part of the Message. Let us come to the reasons for returning the suggestions. There are really two: one is that the works are important features of the Government policy, which has been approved by the majority of the Legislative Assembly. I cannot see any reason that, because the majority of the Assembly has passed these items, we should be bound to assent to them also. I contend that this House has a perfect right to send these suggestions down at any time. We have the same powers in regard to these Bills as the other House has, except that we cannot introduce them, but when once introduced I claim we have the same powers of amending and dealing with them, although it may not be in the same manner as we may amend other Bills. And I feel sure that, whilst the 23rd section of the Constitution Amendment Act remains in force, we shall exercise these powers whenever we deem it desirable. With regard to the latter part of the resolution, the Hon. Mr. Wittenoom has dealt with it in a way which commends itself, I am sure, to hon. members of this House. In effect we say that we have given notice to the Assembly of our views on these items. We now propose to pass the Bill, leaving ourselves free to vote either for or against the items when they are again brought before us in separate Bills. I cannot,

under these circumstances, think that we shall do wrong in passing the Loan Bill, although, as I have already stated, the Assembly must take notice from the resolution of my hon. friend, and be prepared to have these Bills thrown out if better reasons are not given why they should be assented to than we have heard up to the present.

THE HON. F. T. CROWDER: I beg to support the amendment. I do not intend to take up the time of the House, as I consider the matter has already been thoroughly threshed out and debated. It seems to me that the Assembly has tried to assail the rights of this Council, and have tried to put upon us the onus of throwing out the Loan Bill. To do so would, of course, be a most serious matter, and I do not think we should gain public support if we did so. At the same time, by this resolution, we are not departing from the original stand we took, which was to get rid of these two items, because, although we cannot erase them from this Bill, we can let the Assembly know our intention, and throw them out when the separate Bills, which the Colonial Secretary has promised shall be introduced, come before us. It will now be for the Government to say, after the strong opinion expressed by hon. members, whether they will proceed with these works. It may be, of course, that in twelve months time the Government may be in possession of the fullest proof that good merchantable coal exists at the Collie; and if that be so, I am sure all hon. members will be willing to vote even double the amount now asked for to build the railway. With regard to the Blackwood Railway, I do not see how the opinions already expressed by hon. members can be altered. I regret to say that a great amount of pressure has been brought to bear outside this Chamber to bring the two Houses into collision, but I am very glad to find that the common sense of hon. members has risen superior to anything of the kind.

THE HON. E. HENTY: I do not wish to prolong this debate, except to say that a good deal of the present trouble has been brought about by misrepresentations and coercion outside. I take it that clause 23 of the Amended Constitution Act was given to us—not to hamper any Govern-

ment or to act as a means of obstructing legislation—but to give this House an opportunity of preventing any undue haste in pushing a Bill of this kind through a thin House. We have sent down a suggestion to the Assembly that we do not altogether agree with what they have done, and I regret very much that the matter was taken up as it has been. Still, I hope wise counsels will prevail, and that any collision or bad feeling between the Houses will be averted.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I ask my hon. friend, Mr. Wittenoom, and his supporters, whether he will not amend a portion of this amendment, and thereby make it meet the views of all hon. members? It has been pointed out that an assurance has been given that each proposal shall be the subject of a separate Bill. Having specially mentioned this, it obviously informs the Assembly that the Council reserves to itself the right to deal with these Bills in any way it thinks proper, and does not consider itself bound by the fact that it passed the Loan Bill. This being so, why go on and say that the Council points out that it may return any Bill at any stage with suggestions, and that the Legislative Council has taken the earliest opportunity of intimating to the Assembly the Council's views on the Blackwood and Collie Railways? It seems to me this is somewhat undignified. It is using language that may be construed into a threat. We have the power, and the Government will have full notice, after what has taken place, that we do not consider ourselves bound to the items by passing the Loan Bill, and therefore there is no necessity to use any language which may be construed into a threat. I suggest to the hon. member to leave out the whole of the last paragraph. It is admitted on all sides we have taken the earliest opportunity of letting the Assembly know what our views are, and why should we repeat it, especially when the repetition looks somewhat undignified, and may be construed into a threat?

THE HON. J. W. HACKETT: I think we have reached a stage at which it would be a credit for all parties to arrive at an amicable understanding. I am convinced, from the spirit in which the matter has been debated, that there is no insuperable ground against

arriving at a common agreement with regard to this message. I agree with the Hon. Colonial Secretary that if the length of the hon. gentleman's amendment were reduced, it would greatly conduce to a favourable settlement. If the first and fourth reasons were dropped out, we might give our unanimous vote on the second and third reasons. I am entirely in accord with paragraph 2; the Council is not bound by the fact that any one of the works is an important feature of the policy of the Government, and that the policy has been endorsed by a majority of the Legislative Assembly. Our allegiance is due, not to the Government or the Legislative Assembly, but to the country. Therefore, whatever legislation the Government may see fit to introduce, and the Legislative Assembly may see fit to endorse, they only come to the Council entitled to the greatest respect and consideration. There is no obligation on the part of the Legislative Council to look at it in the same light as the Legislative Assembly, but we must see that it is not only the policy of the Government, but also the wish of the country. I think our business is to look beyond the Government and the Assembly, and see what is the opinion of the country.

THE HON. R. G. BURGESS: It is against these railways.

THE HON. J. W. HACKETT: I do not think so, but I do not wish to go into that. It is not a question now of whether the policy is approved by the country or not, but whether this Council has acted within its rights in making the suggestions it has. It will never do for the House to tacitly acquiesce in the reasons which have been put forward by the Assembly, and we owe a debt of gratitude to the hon. member who has, by his resolution, put forward the true Constitutional view. This Council claims the fullest powers, even over works which form part of the policy of the Government. Therefore, I am entirely in accord with the second paragraph. In regard to the third clause, the Lower Houses in Australia claim the sole right of raising and controlling expenditure, but the Legislative councils have not concurred in that view to so full an extent, and I think we take constitutional grounds when we object as a matter of principle. As to the latter portion of the

third paragraph, there is no direct law or direct precedent that the Council shall receive reasons in reply to their suggestions. The Standing Orders provide that reasons shall be sent by the Assembly on a disagreement with amendments by the Council. Therefore it is only on the analogy between suggestions and amendments that we can argue the matter. It is, therefore, on analogy, and if no analogy exists, on grounds both of courtesy and expediency that the Assembly has given reasons. I think, therefore, that the latter portion of the clause is an expansion, and an unnecessary expansion to the first part of the paragraph. There is a suspicion of menace in the words. The part of the clause is injudicious and undignified, and we shall stand on stronger constitutional grounds if we strike it out and carry the remainder of the amendment unanimsously. I would ask you, sir, whether it would not be as well to put each portion of the amendment separately?

THE PRESIDENT (Hon. Sir G. Shenton): Standing Order 106 gives the Council power to order it.

THE HON. E. H. WITTENOOM: I cannot see any necessity for altering this amendment. It has been very carefully considered. The Colonial Secretary says it is undignified, but I cannot see anything undignified in it. We have made certain statements, which are perfectly true. With regard to the threat, which is said to be embodied in the resolution, I cannot see any threat or menace. The amendment is simply an intimation of the feelings of this House in regard to these two items. We are already giving way a great deal in passing this Bill at all, and we do so because we see that we shall have another opportunity of getting rid of the items we object to. Perhaps the Hon. Mr. Hackett has some little interest in getting rid of this paragraph, because he probably hopes to ultimately get these items through. In my opinion, if we eliminate this paragraph, it will not convey to the other House what we want. I think we should inform the Assembly in plain and unmistakable terms the position we take up, and I am therefore not prepared to make any amendment.

THE HON. S. J. HAYNES: I am prepared to support the present amendment

as it stands, as I think this House has acted entirely within its rights and privileges in making the suggestions, and I can see no reason why we should retrace the steps we have taken. Although it may be said that these two items only involve the country in an outlay of £140,000, we should, by passing them, really be committing the country to at least £340,000; and, at the present time. I am sure such an expenditure is not justified. We have intimated to the Assembly at the earliest possible opportunity what is our view, and we now propose to inform the Assembly that the reasons they have given for not accepting our suggestions are not satisfactory, and that we reserve to ourselves the right to throw out the Bills when they come before us. It is said that these items have been endorsed by the country at large, but I unhesitatingly say that this is not so. I fail to see anything in the amendment which can be called undignified; and I think our reasons and views should be put before the Assembly in unmistakable language, so that it cannot be said that no notice has been given as to what our intentions are on these items. Of course, when the Bills do come before us, there may be information with regard to them which we are not possessed of now, and I am sure that hon. members will then deal with them in a calm manner, and on their merits. We have no feeling in the matter except for the good of the colony.

Question—That the words proposed to be struck out stand part of the question—put and negatived.

Question—That the words proposed to be struck out be struck out—put and passed.

Question—That the words proposed by the Hon. E. H. WITTENOOM be inserted in lieu thereof—put.

THE HON. J. W. HACKETT moved that each paragraph of the proposed resolutions be put by separate motion.

Question put and negatived.

THE HON. J. C. G. FOULKES: I move, as an amendment, that the following words, in the last paragraph of the Hon. Mr. Wittenoom's proposal, be struck out: "The Legislative Council respectfully points out that in the exercise of its powers under Clause 23 of the Constitution Act, 1889, Amendment Act, 1893, whereby it may return any Bill at any

"stage with suggestions, the Legislative Council has taken the earliest opportunity of intimating to the Legislative Assembly the Legislative Council's views on the Blackwood and Collie railways, so that if the Bills for the construction of these works are introduced for the consideration of the Legislative Council, the Legislative Assembly will be acting with a full knowledge of the feelings of the Legislative Council in regard to them." The reason I ask hon. members to strike these words out is that they contain a threat to another body. Without these words the Assembly must have full knowledge of our views, because we have already had two divisions on the items; the Blackwood line was struck out by 12 to 8, and the Collie line by 10 to 8, and these divisions clearly show the feelings of this House.

THE HON. F. T. CROWDER: They are not on record.

THE HON. J. C. G. FOULKES: All the divisions are on record, and I think it quite unnecessary for us to tell the Assembly what our views are in a threatening manner, when it is obvious they can see for themselves. A division is quite sufficient a declaration of our views. If we had no division, perhaps it might have been necessary to have inserted the paragraph. We have already said we cannot entertain the reasons given by the Assembly, and that fact shows what the views of this House are. Therefore it is unnecessary for us to go on and say that if you, the Assembly, go on with the Bill, look out. We wish to treat the Assembly in the way we want them to treat us. How should we like such a message sent us? I take it that the Assembly has equal powers to ours, and that they will consider our views, although they may act in the same way that we will, independently. I ask hon. members to support me in having this paragraph struck out, because I think we should try, on a question of this kind, to be as unanimous as possible.

THE HON. J. W. HACKETT seconded the motion.

THE HON. E. H. WITTENOOM: I hope hon. members will not allow themselves to be influenced by what the Hon. Mr. Foulkes has said. We should, in clear and unmistakable language, let the Assembly know what our views are, and

if we strike out this paragraph we shall practically give no intimation at all to the Assembly. We can well understand why the Hon. Mr. Foulkes and Mr. Hackett wish to have these words eliminated. No doubt they think if these words remain members will be unable in the future to vote for these items, whereas if the paragraph is struck out it will be open to them to vote for both railways.

The Council divided.

Ayes	12
Noes	5
Majority	7

Ayes.
 The Hon. R. G. Burges
 The Hon. F. T. Crowder
 The Hon. E. W. Davies
 The Hon. C. E. Dempster
 The Hon. R. W. Hardey
 The Hon. S. J. Haynes
 The Hon. Ernest Henty
 The Hon. H. McKernan
 The Hon. J. E. Richardson
 The Hon. E. Robinson
 The Hon. F. M. Stone
 The Hon. E. H. Wittenoom
 (Teller.)

Noes.
 The Hon. D. K. Congdon
 The Hon. J. W. Hackett
 The Hon. E. McLarty
 The Hon. S. H. Parker
 The Hon. J. C. G. Foulkes
 (Teller.)

Amendment negatived.

Question—that the resolution be agreed to—put and passed.

Ordered—That the Resolution be transmitted by message to the Legislative Assembly.

At 6:30 o'clock p.m. the PRESIDENT left the chair until 7:30 o'clock p.m.

On resuming :

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the President do now leave the chair for the purpose of further considering the Bill in committee.

Question put and passed.

IN COMMITTEE.

Schedule agreed to. Bill reported.
 The Standing Orders were suspended.

THIRD READING.

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

DROVING BILL.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2.—Interpretation :

THE HON. R. G. BURGESS: I move to add, at the end of the clause, the words "unless such stock be carried by railway." Unless this is added there will be great

difficulty in sending small lots of sheep to market.

Amendment passed.

Clause, as amended, agreed to.

Clause 3.—Proprietor of travelling stock to provide himself with a way-bill.

THE HON. F. M. STONE: I move that the words "Justice of the Peace or" be inserted between "nearest" and "Inspector" in the third sub-clause. If the way-bill is unfortunately lost or destroyed, the drover, under the Bill, has to apply to the nearest inspector or officer in charge of the nearest police station. If "justice of the peace" is added it will facilitate matters.

Amendment put and passed.

THE HON. F. M. STONE: I move, as a further amendment, that "justice of the peace or" be similarly inserted in the fifth line of sub-section (4).

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 and 5 agreed to.

Clause 6.—Drovers to give notice before entering a run :

THE HON. F. M. STONE: I move that the words "approach within ten miles of the head station or homestead on any run, or the head quarters of any person in charge of stock on any part of a run," in lines 2, 3, and 4, be struck out, and that the words "and enter upon any run or before entering upon any run that shall be fenced" be inserted in lieu thereof. My object in making this amendment is that a station may consist of a large quantity of land, the home paddock of which may be more than ten miles from where the fence is. A person might thus be able to get into a run until he was within ten miles of the head station but would not have to give notice. My idea is that a person should give notice as soon as he is about to enter upon a fenced run.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This clause involved a considerable amount of discussion in another place, and was ultimately agreed to in the terms of the Bill now before the House. In the Assembly there are a number of squatters who are fully acquainted with the circumstances of the colony, and it has been pointed out to me that in some places the boundaries of the runs are 40 or 50 miles from the head station or place where a notice could

be given, so that if it is compulsory upon the drover to give notice it will necessitate his taking a messenger about with him. To prevent this great tax on drovers it has been thought quite sufficient if the notice is given when the drover approaches within ten miles of a head station. I think hon. members will consider this ample, especially as it was a compromise agreed to by the members of another place who are interested in the subject.

THE HON. C. E. DEMPSTER: It does not say whether the notice is to be a verbal one or in writing.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Either.

THE HON. E. HENTY: I take it that stations here are not larger than in the other Australian colonies, and there it is necessary that notice shall be given. I quite agree that it will be too much to ask a drover to go 40 or 50 miles to give notice, but if you come within 10 miles you may get the flocks boxed up before the owner knows that travelling sheep are on his run.

THE HON. J. E. RICHARDSON: I think 10 miles too far, although the distance would certainly have a tendency to prevent travelling sheep becoming boxed up with the sheep on the station.

THE HON. R. G. BURGESS: Notwithstanding what the Hon. Colonial Secretary has said about the compromise agreed to by members of another place, I think the opinion of members of this House should have a little weight attached to it. I would point out that the Bill says that the notice given should specify the route which the stock are about to be driven across, and how can that be done if the stock have already entered the run?

THE HON. E. H. WITTENOOM: In the North stations are fenced 30 or 40 miles from the homestead, and in some of the paddocks there are from 4,000 to 6,000 sheep. Under this Bill a drover may come along and travel right through the station-owners' paddocks until he is within 10 miles of the homestead, and then give notice. By that time all the mischief will have been done. I think, when the paddocks are large and are a great distance from the homestead, it may be sufficient for notice to be given to the boundary riders. I also agree with the

Hon. Mr. Burges that it is absurd that the notice should have to state the route after half the distance has been travelled. I hope the amendment will be agreed to.

THE HON. E. McLARTY: I quite agree with what the Hon. Mr. Wittenoom has said. In the case of a fenced run, it is not sufficient to give notice when within 10 miles of the homestead, although, at the same time, there should be some limit, because squatters might fence their runs for 100 miles, and it would be unreasonable to ask drovers to go that distance. I would suggest the distance be made 20 miles.

THE HON. F. M. STONE: If a drover has to give notice before he enters the run, the latter part of the clause which says that the route must be specified is correct, but if the drover is to be allowed to get within 10 miles, of course it is absurd to specify the route. I am told that where sheep are as far off as 40 miles from the homestead it is usual to have some person in charge of them, to whom the notice might be given. If a drover is to enter the run, all the harm may be done before the notice can be given.

THE HON. E. H. WITTENOOM: In these days of scab and stray sheep I think every precaution should be taken to give the owners notice of travelling sheep.

THE COLONIAL SECRETARY (Hon. S. H. Parker): After the discussion that has taken place I am more than ever convinced of the superiority of our members. I quoted the opinions of members of the Lower House, because I was informed that the united wisdom of the members there interested in sheep had come to this conclusion, but after listening to the arguments of hon. members I have come to the conclusion that the amendment is a reasonable one, and I shall make no further opposition to it.

Amendment put and passed.

THE HON. F. M. STONE moved, as a further amendment, that the words "as aforesaid," in the 5th line, be struck out, and the words "all stock on any part of a run" be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 7.—Travelling stock to be branded T:

THE HON. E. H. WITTENOOM: I move that the letter "T," in the second

line, be struck out, and the words "his registered horse or cattle brand" be inserted in lieu thereof. My reason for moving this is that if all travelling stock are branded T there will be no chance of obtaining information as to who the owners are, but if the horse or cattle brand is put on, the marks will be easily distinguishable. Nearly every owner of sheep has a horse or cattle brand, although not necessarily a sheep brand; and it would not be any greater trouble to put on the one than the other.

THE HON. R. G. BURGESS: I support the amendment. With all the wisdom of hon. members of another place, I do not think they could have done anything more than they have to spread scab. A man may box up his sheep with those on a run, and if they are all branded with the letter T, no one will know who did the mischief.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The object of branding with T is to give stock owners notice that the sheep are travelling. If they are branded with the ordinary brand it will convey no intimation whatever that they are travelling. It is quite true that the letter T would not convey any information as to the ownership of the sheep, but it would show they were travelling sheep. Perhaps I might suggest that instead of striking out the letter T we might have the registered horse or cattle brand put on as well.

THE HON. E. HENTY: I quite agree with what the Hon. Colonial Secretary has said. On more than one occasion I have seen 15,000 or 18,000 sheep with a double brand put on with equal speed as the ordinary brand is put on.

THE HON. E. McLARTY: I was about myself to make the suggestion which has just been put forward by the Hon. Colonial Secretary. I think all travelling sheep should have some brand to show who the owners are.

THE HON. C. E. DEMPSTER: I am in accord with what has fallen from the Hon. Mr. Wittenoom, but I also see that it is necessary to brand with the letter T. Perhaps the Colonial Secretary's suggestion will meet the case.

THE HON. E. H. WITTENOOM: The suggestion of the Colonial Secretary seems most reasonable, but I do not think there is the least necessity to have the letter T

at all. If there is, what is the object of having to give notice? Then there will be the expense of putting on the double brand. If we can manage with one brand, it must surely be better than two. Thousands of sheep have left the station I have an interest in, and they never go without a brand, and when travelling anyone knows them.

THE HON. F. M. STONE: It would meet the difficulty, I think, if we re-committed clause 6, and added after "Notice to be given" "and specify brand."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 8.—Sheep or cattle returning to the same district to pay a travelling charge:

THE HON. F. M. STONE: I move that the words "and travelling under a permit" in the form of the 4th Schedule of this "Act, from the Resident Magistrate of "the District," in lines 11, 12, and 13, be struck out. I think the members of another place have not considered what the effect of these words will be. In the Northern districts there are no Resident Magistrates, perhaps, within hundreds of miles. In the Murchison district, if this part of the clause is left in, station owners would never be able to travel their sheep at all, and so in the De Grey district sheep owners would not be able to remove their sheep from one station to another for change of pasture.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I quite recognise that there may be considerable difficulty in obtaining the permit of a Resident Magistrate in some districts, but I would point out that there is a danger of allowing persons to travel their sheep from one run to another, ostensibly for the purpose of change of pasture. It may be that an unfortunate owner may have very valuable pieces of land capable of supporting a large number of stock, and his neighbours may keep travelling their sheep to and fro for the purpose of obtaining the food.

THE HON. E. H. WITTENOOM: I shall support this amendment, because no person who travelled his sheep in the way the Hon. Colonial Secretary would suggest could be said to be doing so *bona fide*. The great safeguard against what the Colonial Secretary suggests is obtained

in clause 5, by which sheep must be travelled a certain distance every day.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 9 agreed to.

Schedules 1, 2, and 3 agreed to.

Schedule 4 :

THE HON. F. M. STONE: I move that this schedule be struck out, it being now unnecessary.

Question put and passed.

Bill reported.

ROADS ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

The Council, at 8:55 o'clock p.m., adjourned until Monday, 5th November, at 7:30 o'clock p.m.

Legislative Assembly,

Thursday, 1st November, 1894.

Chinese Immigration Restriction Act Amendment Bill: first reading—Lands Resumption Bill: first reading—Cost of Civil Service Commission—Railways Act Further Amendment Bill: third reading—Dentists Bill: Legislative Council's amendments—Municipal Institutions Bill: reasons for disagreeing with Legislative Council's amendments—Message from the Governor's Deputy: assent to Bills—Estimates, 1894-5: further considered in committee—Police Act Amendment Bill: Legislative Council's amendments—Loan Bill (£1,500,000): Messages from the Legislative Council—Fencing Bill: Order of the Day for the further consideration of the Bill in committee discharged—Adjournment.

THE SPEAKER took the chair at 4:30 p.m.

PRAYERS.

CHINESE IMMIGRATION RESTRICTION ACT AMENDMENT BILL.

Introduced by MR. JAMES, and read a first time.

LANDS RESUMPTION BILL.

Introduced by Sir JOHN FORREST, and read a first time.

COST OF CIVIL SERVICE COMMISSION

MR. HARPER, in accordance with notice, moved for a return of the expenses incurred up to date by the Civil Service Commission, including the cost of printing the first progress report. He thought, looking at the voluminousness of this report, it became a question of cost against value. If they were going to have many more of these reports he was certain no one was ever likely to read them, and if they did read them, the value of them would not be much. Therefore, before they went any further, he thought it was desirable they should have some idea what this Commission was likely to cost.

THE PREMIER (Hon. Sir J. Forrest) said he had been supplied with a return by the secretary of the Civil Service Commission, from which it appeared that the cost of the Commission for the six months ending the 31st October ultimo, including a sum of £175, the cost of printing the first progress report, was £439 0s. 3d. He begged to lay the return on the table for the information of the members.

Motion put and passed.

RAILWAYS ACT FURTHER AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

DENTIST'S BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The amendments made by the Legislative Council in this Bill were agreed to without comment.

MUNICIPAL INSTITUTIONS BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

POINT OF PROCEDURE.

On the Order of the Day for the consideration of the reasons why the Assembly disagreed with certain amendments made by the Legislative Council in this Bill,

THE PREMIER (Hon. Sir J. Forrest) said: Before these reasons are considered, I would like to say that the importance