

Legislative Council.

Wednesday, 26th August, 1896.

Railway Construction to Marradong and Williams—Removal of Native Prisoners from Rottneest—Advertising Crown Lands—Dog Act: amendment of—Cold Storage Cars on Great Southern Railway—Council Chamber: increased accommodation in—Roebourne-Cossack Tramline: use of steam power on—Coolgardie Water Supply Scheme: particulars re—Agricultural Lands Purchase Bill: committee's report—Powers of Attorney Bill: third reading—Statutory Declarations Bill: first reading—Post Office Savings Bank Amendment Bill: first reading—Federal Council Reference Bill: second reading; in committee—Excess Bill, 1894-95: first reading—Constitution Act Amendment Bill: second reading—Adjournment.

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

RAILWAY CONSTRUCTION TO MARRADONG AND WILLIAMS.

THE HON. E. McLARTY asked the Minister of Mines whether it was the intention of the Government to bring in a Bill, during the present Session, to authorise the construction of a railway from the South-Western Railway to the Marradong and Williams District.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that a sum of money had been placed on the Estimates for the survey of a railway from Pinjarrah to Marradong.

REMOVAL OF NATIVE PRISONERS FROM ROTTNEEST.

THE HON. C. A. PIESSE (on behalf of the Hon. R. G. BURGESS), asked the Minister of Mines if the Government had taken into consideration the advisability of moving the native prisoners from Rottneest Island to the Abrolhos Islands, in connection with the purchase of guano deposits; the necessity of the purchase in connection with the said deposits having been so often brought to the notice of the Government.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that the Government had not yet had time to give this matter careful consideration.

ADVERTISING CROWN LANDS.

THE HON. C. A. PIESSE asked the Minister of Mines:—

1. Whether the Government recognised the necessity that existed for

advertising the Crown Lands of the colony more fully than at present.

2. And if so, what means they intended to adopt.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied as follows:—Owing to the large and rapid influx of people into the colony, and the yet greater encouragement offered by good prices for agricultural produce, the Lands Department is experiencing a very considerable and active inquiry after agricultural and pastoral lands from intending settlers; and to all inquiries received, either by letter or in person, every information is afforded, and copies of the Land Regulations and other publications dealing with the land are freely distributed.

DOG ACT—AMENDMENT OF.

THE HON. C. A. PIESSE asked the Minister of Mines whether the Government intended to amend the Dog Act upon the lines indicated at the recent Agricultural Conference.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that the matter was under the consideration of the Government, and would receive attention, if time admitted, this session.

COLD STORAGE CARS ON GREAT SOUTHERN RAILWAY.

THE HON. C. A. PIESSE, asked the Minister of Mines:—

1. Whether the Government, in accordance with promise, had suggested to the W.A. Land Company that they should put cold storage cars upon the Great Southern Railway.

2. If so, what reply was received.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that the Government were not aware of any promise having been made, and no action had been taken in the matter.

COUNCIL CHAMBER—INCREASED ACCOMMODATION IN.

THE HON. C. A. PIESSE, asked the Minister of Mines:—

1. Whether it was the intention of the Government to meet the wishes of this House (as expressed last session) re the need that exists for increased accommodation.

2. If so; in what way.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that the Government had the matter under consideration, and hoped shortly to be able to make a communication to Parliament on the question.

ROEBOURNE-COSSACK TRAMLINE—
USE OF STEAM POWER ON.

THE HON. J. E. RICHARDSON, asked the Minister of Mines if it was the intention of the Government to place an engine on the Roebourne-Cossack Tramline to work the traffic, in place of the horse-trams at present in use on that line, and if so, when? And if not, why not.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied as follows:—No; not at present. The line would have to be reconstructed, and the gauge altered.

COOLGARDIE WATER SUPPLY SCHEME
-PARTICULARS RE.

THE HON. F. M. STONE, asked the Minister of Mines,—

1. If any Report had been received from any engineer as to the proposed thickness of the pipes to be used in the Coolgardie Water Supply Scheme.

2. In what points had some engineers deprecated the scheme, as mentioned in paragraph 32 of the Engineer-in-Chief's Report.

3. If the Engineer-in-Chief could give any further assurance than that contained in paragraph 32 of his Report as to the cost of the scheme.

4. With regard to the towns to be supplied, if the Government intended to levy a water rate or to supply any inhabitant of such town at 3s. 6d. per 1,000 gallons.

5. Had the Government, in consequence of the pumping scheme of the Engineer-in-Chief having been adopted, arranged for a consultation of high-class specialists in England, as recommended by him in his Report (paragraph 56).

6. Had Mr. Hodgson reported on the respective merits of the streams referred to in his Report, dated 15th July, 1896; and if so, would the Government furnish such Report to the House.

7. Had the Government any objection to supply to the House the full contents

of Mr. Carruthers' letter to Mr. O'Connor, dated 24th April, 1896; and if so, why.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied, as follows:—

1. Yes, *vide* Mr. Hodgson's memorandum, paragraphs 14, 15, and 16, Appendix E, page 18, of Engineer-in-Chief's Report. Thickness from $\frac{3}{8}$ to $\frac{1}{2}$ of an inch.

2. On the score of the amount being so large, and the possibility of finding water on the goldfield itself—*vide*, for instance, a letter by Mr. W. G. Cox in *West Australian* newspaper of 5th May, 1896.

3. *Vide* papers read in Legislative Council by Minister of Mines on 13th instant, especially Report by Mr. Hodgson of 4th August, and a letter in *West Australian* newspaper of 12th August by Mr. Percival Fowler, M.Inst., C.E.

4. The matter has not been fully considered yet, but probably some arrangement would be made with Municipal Councils to pay for the water at a fixed price at the boundary of the town, and distribute it themselves, and recoup themselves by a rate.

5. The scheme has not yet been adopted, but preliminary steps have been taken towards such consultation. *Vide* Appendix H (Engineer-in-Chief's Report), Clauses 4, 5, 8, 11, and 12. Also Appendix I, Clause, 1. The details referred to have been sent to Mr. Carruthers.

6. This report is in hand, but cannot be completed for some time to come.

7. As the letter is a private one, and as the portions of the letters which have been omitted are comments on individual persons and manufacturers, it is not considered that it would be fair to either Mr. Carruthers or the persons referred to, to publish these portions.

AGRICULTURAL LANDS PURCHASE
BILL.

COMMITTEE'S REPORT.

The Order of the Day for the consideration of the Committee's report on this Bill having been read,

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the consideration of the report be made an Order of the Day for to-morrow.

THE HON. F. M. STONE: I move, as an amendment, that all the words after "that" be struck out with a view to insert-

ing the following: "The consideration of the report be made an Order of the Day for this day week." I do so because three of the members who took an active part in the discussion on the second reading are away from illness, and I think it is only fair to give them an opportunity of being present during the remaining stages of the Bill.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not see any reason for postponing the matter for a week. My object in deferring the consideration of the report until to-morrow is that a question has been raised as to the power of the house to deal with the amendment I am about to propose, and I wish to have a little time to consider the matter.

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

POWERS OF ATTORNEY BILL.

THIRD READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that this Bill be now read a third time.

THE HON. C. A. PIESSE: There does not seem to be any provision, in the event of the death of a person who gives a power of attorney, by which a dishonest person can be prevented from playing ducks and drakes with the property. I think there should be some provision to prevent the wrongful use of the power.

THE HON. S. H. PARKER: This dishonest person, I might point out, would probably play no more ducks and drakes with the property after the death than before it. Men who appoint attorneys ought to be careful to see that they appoint honest men. I do not see how any provision can be made to revoke a power of attorney other than in the way provided by this Bill. If a man dies he usually appoints someone to act as his executor, and that executor, I take it, would immediately give notice to the Supreme Court of the death, and the power would be revoked. When this Bill came to us from the Legislative Assembly it provided that a declaration should be made that the principal was alive. This plan would cause considerable trouble, and the select committee thought it would be well to follow the

precedents of the Transfer of Land Act and the Companies Act and make a power of attorney which was duly registered good until revoked by notice to the registrar. I do not see any way of meeting the point which the hon. member has raised, but if he can suggest any means of accomplishing what he requires I am sure we shall all be only too willing to give effect to it.

Question put and passed.

Bill read a third time, and passed.

POST OFFICE SAVINGS BANK AMENDMENT BILL.

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

ADMINISTRATION OF JUSTICE BILL.

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

FEDERAL COUNCIL REFERENCE BILL.

SECOND READING—ADJOURNED DEBATE.

THE HON. A. B. KIDSON: At the last sitting of the House I moved the adjournment of the debate, because I thought it was only fair to give the Hon. the Minister for Mines an opportunity of seeing what he could do to meet the views of this House. I may say that, as far as I am concerned, I am in accord with those hon. members who last session objected to the passing of such a Bill until they had an assurance that the views of this House in regard to the appointment of representatives were given effect to. I cannot see how the Government, after the strong expression of opinion which was given last session, can now ask this House to pass the Bill when they are practically treating hon. members with contempt. I will not anticipate what the Hon. the Minister for Mines may say, but I may state that if it is not the intention of the Government to give the satisfaction which hon. members desire, I shall most decidedly vote in favour of the amendment.

THE HON. D. K. CONGDON: Before the Hon. the Minister replies, I should like to say a few words. At the last sitting I expressed myself entirely in favour of the amendment, because I

thought that the Government were treating the House not altogether fairly, but I have now come to a different conclusion, and I will state my reasons for such. When I have done so, I hope hon. members will not think me inconsistent in altering my views. From certain information I have received I find that in the other colonies the Legislative Councils have not the power of appointing their own representatives to the Federal Council. That being so, I cannot see why we should desire to have greater privileges than Upper Houses possess elsewhere. Further, we have never possessed the privilege, and therefore I do not think we are justified in declining to pass this Bill, because we cannot get greater powers than we now have. The Government have already signified their willingness to pledge themselves that two members of this House shall be appointed as representatives to the Federal Council, and accepting as I do this assurance I do not think I should be justified in supporting the amendment. There is another point which rather seems to show that it would be unwise to take the power of appointment out of the hands of the Government. It must be remembered that the Government are responsible for the legislation of the colony, and if we elected the members to the Federal Council, those who were entirely opposed to the Government might be chosen, and the result would be that we should have a number of gentlemen representing the colony at the Federal Council among whom there would be no cohesion or unity of purpose.

THE HON. H. BRIGGS: I can speak on this measure as one who is unbiassed by anything that has taken place on a former occasion, but at the same time I do think we should have something more definite than the pledge of the Government that this House shall be properly represented among the delegates to the Federal Council. I know that in past years this House was not represented in the proportion of two to three as is now proposed, and I think that we should have something which shall make it binding upon the Government to appoint two members from this House out of the five. I do not agree with the last speaker that if we elect our own representatives the Government might be hampered because,

assuming that we appointed gentlemen who were in direct opposition, such is not without precedent. On the last occasion when there was a vacancy the Government themselves took steps to have both sides of the House represented. Mr. Loton, who in the Assembly sits in the Opposition, was appointed, and when it was found that he could not accept the position another member of the Opposition, Mr. Lefroy, was appointed in his stead. Apart from this I do not think the Government only should be represented. The whole colony should be represented in its various interests. I know that in the other colonies the Governments make the appointments; but that seems to me no reason why we should not strike out a path of our own if it be a right one. I think two members of the Legislative Council, elected by ballot, should be appointed, together with three members of another place, elected in such manner as that House may deem proper.

THE HON. J. W. HACKETT: I have listened to what has been said on this subject, and the speeches which have been read from the records of last session are also fresh in my memory; but I may say that I am altogether at a loss to understand the reasons why this Bill should be laid aside. It is a measure which proposes to enable the Federal Council to deal with matters of considerable importance which are set out, none of which can be dealt with satisfactorily, except by reference to the Federal Council. I hope, therefore, that because hon. members cannot get from the Government exactly what they require, they will not put the colony in some danger or in a false position by declining to pass this Bill. According to the speeches which were delivered the other evening, I gather that an attempt is to be made to obtain for this House the right of electing its own representatives, and that if the Government do not assent to this the House will decline to sanction any reference to the Federal Council. [THE HON. H. BRIGGS: No, no.] I take it that this is the effect of the speeches which have been delivered. I would like to point out that the demand for representation by this House, whether right or wrong, is entirely an innovation, and doubly so. Firstly, there is no such thing known as a House of Parliament electing from

among its members representatives to exercise legislative or executive functions. No doubt, for the purposes of conference or discussion, they may do so. They have done so in regard to the Federal Convention, and also in regard to joint committees, but in both cases the bodies appointed have been for deliberative and not for legislative purposes. No decision can be come to by such bodies; all they can do is to recommend and pass resolutions of a more or less abstract character. Therefore, whether the demand be right or wrong, this House is asked not only to assent to an innovation of a pronounced and far reaching character, but it is asked that a step should be taken in a direction which is not known elsewhere. Every colony which is connected with the Federal Council, has adopted one uniform form of election—election through the Government. My own hope is that this Federal Council, will take a broader and wider scope as years go on, but it can only reach that in one way, by remitting the election of members, not to one House or the other, but to the people at large. The broadening must be by the popular election, and not by any intermediate body with limited powers. This plan has not yet been adopted because it has been seen that there are difficulties in the way of carrying it out, and the result has been that the selection has been in the hands of the Governments, who have adopted the practice of appointing representatives of all shades of opinion. No doubt the majority have been on the Government side, but this has been because that side has been in the majority. Apart from this all sides have been represented. If this House elects two-fifths of the members, once the selection has been made this House will have no further control over them, and the members will be able to do pretty much as they please without anyone being in a position to call them to account. Under the present system the Government can call any member to account if they believe him to be unpatriotic or unwise, and can dispense with him under the power of removal which vests in the Governor in Council under the Imperial Act. This matter was before the House last year when a pledge was given to hon. members, which I think ought to have been accepted. The proposition was that a certain number of

members of the Legislative Council had been chosen to represent the colony at the Federal Council, and the Hon. the Minister for Mines in reading through a document which, no doubt, expressed the views of the Cabinet, said:—

“The Government has no objection to
“members of the Federal Council being
“appointed by the Houses of Parliament.

“The Government will enter into cor-
“respondence with the other Governments
“of Australia, on the subject of uniformity
“of appointment of members. At present
“the law in all the colonies provides that
“the appointments are made by the
“Governor in Executive Council.

“The present Government is quite
“willing, for the future, to arrange the
“appointments so that there shall be two
“from the Council and two from the
“Assembly, and to act in concert with
“the other Governments of Australia in
“providing for an uniform proceeding
“in making appointments.”

And they go further. Although they say the Government have no objection to the representatives being elected by hon. members, they are unwilling to break the Australian concert. Selection by the Governments is the system which is in force, and the Government say that they have no right to infringe that without reference to the other colonies. I think the Government have met this House well, and in view of the assurance which has been given, I do not think hon. members will be justified in doing a considerable amount of damage to the colony by throwing out this Bill. I ask hon. members are the grounds which have been stated so strong and the answers to them so weak, or is the matter so perfectly clear and free from danger and difficulty that they should take upon themselves the extreme course of declining to sanction any legislation being referred to the Federal Council unless this House is met in the direction which is sought for?

THE HON. R. S. HAYNES: I must say that I have not been moved by the remarks which have been made in favour of the amendment. I listened carefully to the Hon. Mr. Crowder, and the Hon. Mr. Haynes, and I do not think they made out a sufficient case to warrant me in voting to throw out this Bill. It seems to me that the hon. members themselves

admit that the matters this Bill deals with require to be looked into, and if there is any doubt upon the subject we have only to look at them ourselves. There are the subjects of the bankruptcy laws, the Quarantine, and then, coming down to one which strikes us nearer home, remedial measures in connection with tuberculosis, all of which seem to me to be of the utmost importance. The Federal Council Act provides for the appointment of certain members to represent the colony and if hon. members wish to restrict the right of the Governor in Council to make the appointments, the time for them to have done so was when the Federal Council Bill was before the House. The arguments they are using now are arguments which would have been very forcible if directed against the passing of that Bill. What are the reasons given by the Hon. Mr. Crowder for this amendment? As in a lady's letter, the best portion of them are in the tag end, he said the Federal Council will not meet for two years, and therefore the Government would have plenty of time before proceeding with the Bill to bring in another which will give to the House a full measure of representation at the Federal Council. Hon. members, he said, had no right to pass the Bill until they were assured, without doubt, that the representation would be given when the time arrived. This was a very proper thing to say, but I understand that we now have the assurance which the hon. member asked for. That being so, his objection tumbles over, and with it the objections of those who support the amendment. I approached this subject with my mind open, and it strikes me that if hon. members desire the mode of selection altered they should introduce a Bill to amend the Federal Council Act. The Government are evidently satisfied with the Act, and therefore they will not introduce an amendment, but it is open to any hon. member to do so. After the pledge which was given last year, if the Government did not now intend to appoint a second member from this House I should, of course, support the amendment, but seeing that we have the assurance of the Minister, I think we should be satisfied. It is said that something more than an assurance is wanted.

THE HON. A. B. KIDSON: Yes.

THE HON. R. S. HAYNES: That an Act of Parliament is wanted.

THE HON. A. B. KIDSON: Yes.

THE HON. R. S. HAYNES: Then bring it in yourself, and probably when it is brought in, the preamble will read that whereas hon. members do not believe the Government, and cannot accept their assurance, this Bill is necessary, &c.

THE HON. F. H. STONE: We have had an assurance before.

THE HON. R. S. HAYNES: I do not know what has gone before. We have a pledge now, and if we do not accept it, we are distrusting the Ministry. I, for my part, should be sorry to find that the Government has descended so low that its assurance cannot be taken. It seems to me that it is clearly my duty in the interests of the country to vote for this Bill.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): Perhaps it would have been better if I had had an opportunity of speaking before, and of stating what the views of the Government are. I must refer firstly to the words which have been made use of by the Hon. Mr. Kidson. He said that this House had been treated by the Government in a contemptuous manner. I cannot see how the Government can treat an elective House with contempt. This House has its own powers, and can deal with any matter in any way it thinks fit. I cannot see, therefore, why the hon. member should refer to the Government as having treated the House with contempt. I dislike expressions of that kind.

THE HON. A. B. KIDSON: The Hon. Mr. Parker also used the word, and you might refer to him as well.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I know he did. I may say, however, that the Government have always endeavoured to treat this House as courteously as possible. Hon. members are aware that a similar Bill to this was submitted last year, when it met with direct and distinct opposition, and the Government went as far as they could to meet that opposition. I came down to the House, and read a paper stating what the Government were prepared to do, and I gave an undertaking that if the Bill were passed the Government would do a certain thing. I might claim that, as the Bill was not passed, the undertaking was cancelled.

THE HON. A. B. KIDSON: Why was it not passed?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members wanted another Bill. At any rate the assurance was given, and hon. members might take it that it would be carried out. In the meantime, inquiries have been made, and it has been found that the method of appointing representatives here is the same as in the other colonies, and the Government have hesitated—

THE HON. S. H. PARKER: What other colonies?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): All that belong to the Federal Council. I say the Government, after making the inquiries, rather hesitated to be the first to introduce legislation of such a novel kind, and therefore they are not prepared to bring down a Bill which shall give to this House the right of selecting its own members, and the reasons for this are obvious. They have been touched upon by the Hon. Mr. Congdon, and also by the Hon. Mr. Hackett. As the Government are responsible for the legislation they are naturally responsible also for the actions of those who are chosen to carry it out. In the past they have made the appointments as general as possible, so as to cover all views on the different questions; but it seems to me it would be embarrassing the Government if the House were to select members whose views were in direct opposition to those of the Government, and in, perhaps, hostility to them. These members might go to the Federal Council, and adopt a hostile attitude to the views of the Government, and consequently they would not really represent the colony. In these circumstances, the Government are not prepared to bring down a Bill placing the selection of members in the hands of the House. They still adhere to their assurance, however, that out of the five members appointed to represent the colony at the Federal Council two of them shall be selected from this House. There is now a vacancy, and that vacancy will be filled by a member of the Legislative Council; but the Government go further than this and say that they will, at the next meeting of the Federal Council, submit this question of the selection of members for the purpose of having it

determined what system shall prevail in the future. I do not think anyone can ask for anything more reasonable than that. In Queensland I believe the whole of the five members have been nominated from the Lower House. Then it is distinctly understood that if the Government go out of office they would resign their positions as members of the Federal Council, for it is obvious that it would never do to have the members of the Opposition, who are in a minority, representing the colony at the Federal Council. Of course if they do not resign, under the present system, the Governor would have power to call upon them to do so. I can only say that the present Government will be careful to select the best men, and, if practicable, will get them from both sides of the House. *Primá facie* it seems right that the selection should rest with the House, but if looked at from a practicable point of view hon. members will see that it would hardly work. I hope, in the circumstances, hon. members will not support the amendment, but will enable the Government to have this matter put before the Federal Council, and a decision come to upon it.

THE HON. S. H. PARKER: If the hon. gentleman in introducing this Bill had made the statement he now has I should have refrained from using the words I did that the Government had treated this House with contempt. Bearing in mind the resolution that was passed last year when a similar Bill to this was rejected there was reason for the expression I used, but after the explanation of the hon. member I am quite willing to withdraw the words. As to the question of representation, my hon. friend the Minister and the Hon. Mr. Congdon both admit that all shades of opinion should be represented, and, therefore, no harm could be done by the House making the selection.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I said that we should endeavour to embrace both sides of a question so long as the members selected were not altogether hostile to the Government.

THE HON. D. K. CONGDON: What I said was that I thought it improbable that the Government would desire the colony to be represented by members who were not in accord with them and amongst whom there was no cohesion.

THE HON. S. H. PARKER: It has probably escaped these hon. gentlemen that the powers which are conferred upon members of the Federal Council are those of legislation. The Government are no more responsible for the legislation by the Federal Council than they are for the legislation by the Parliament of this colony. If they were to be held responsible we ought to eliminate from the House all those who are opposed to their views. I take it that in the Federal Council, as in the Parliament of this colony, there should be some opposition, so that matters may be properly discussed and debated from all points of view, and so that all sides of a question should be presented before any legislation is arrived at. In these circumstances, I can see no reason why a direct opponent of the policy of the Government should not be selected. Why should not the majority be represented? Why should the majority have right to represent the whole of the people including the minority? I am sure if the hon. gentlemen will consider the matter for a moment they will see that the minority have equal rights with the majority. Then the question of selecting members of the Opposition does not affect this House. There is no Opposition here. I do not think the hon. the Minister for Mines can point to one member of this House who is in direct opposition to the Government. Although I occupy this seat, which is supposed to be the seat of the gentleman representing the most direct Opposition, I may say that I only took it because it was almost forced upon me, but I am in no way opposed to the general policy of the Government. Hon. members of this House, I feel sure, recognise their duties to the country and they try to do their best for the community at large, and I trust they will always endeavour to do so. Therefore I take it that the question of whether a gentleman is appointed from the Opposition or not cannot affect us here, because there is, in fact, no Opposition. We have, however, to consider another question before we pass this Bill. Is it advisable to delegate to the Federal Council and give to that body powers of legislation which may very materially affect the public of this colony. It is proposed that the Federal Council shall

consider the question of quarantine. Before proceeding further I may remind hon. members that only three of the Australian colonies are represented at the Federal Council. Our nearest neighbour, South Australia, is not represented, the mother colony of New South Wales is not represented, and consequently no legislation can affect them. When, therefore, the question of Federal quarantine is discussed, we can see how very difficult it will be for the Federal Council to deal with the matter when two of the principal colonies are not represented. At Albany and at Thursday Island there are what are called Federal forts, which have been constructed and are being maintained by the colonies in proportion to the population, but this is by arrangement, not through the Federal Council, and it is obvious that the Federal Council could not carry out anything of the kind, because, as I say, two of the colonies are not represented. I ask, therefore, how can the question of federal quarantine be dealt with any more than the question of federal fortifications. Of course this is a matter which must be settled outside the Federal Council. Then it is proposed to refer the question of the status of joint-stock companies. I think we shall all agree that this will mostly affect mining companies. The mining companies which have offices in this colony are not companies founded in Australia, but companies founded and registered in England, and, therefore, they cannot be affected by any such legislation. Again, many of the companies in Australia have been registered in South Australia and New South Wales, and none of these can be affected by legislation passed by the Federal Council, because these colonies are not represented. Therefore, I think it would be better for each colony to adopt its own legislation. The next matter to be referred is the question of making uniformity in the laws of banking in Australasia. It is obvious that this cannot be done, because South Australia and New South Wales are not represented. This subject must, therefore, be dropped at once. The Federal Council may legislate with regard to the laws of banking in Victoria, Queensland, Tasmania, and Western Australia, but it cannot legislate as regards the laws so

far as they affect New South Wales and South Australia. In these circumstances, is it desirable to delegate these powers to the Federal Council? I doubt it very much. The next matter to be referred relates to infectious diseases. Again it is obvious that the Federal Council cannot legislate for the whole of Australia; it can only legislate for parts of it. It is proposed to consider the question of remedial measures for stamping out tuberculosis. I imagine that as we have tuberculosis here, and if we desire to eradicate the disease we can do it more effectually ourselves than by referring the question to the Federal Council, which has no power to take any steps in a colony which is adjacent to us, and from which we probably import most of our stock. I admit that in the past the Federal Council has enacted some good measures. One of them, which gave power of control over the ex-territorial waters in connection with the pearl shell fisheries, was especially passed in favour of this colony, and it was an Act which the local legislature had no power to pass. It was of course a great advantage to us; but as regards other matters I think we should legislate for ourselves whenever possible. In these circumstances I am not prepared to support the Bill.

THE HON. A. B. KIDSON: I should like to explain how I came to use the word *contempt*. I used it because I was not altogether *au fait* with the reasons of the Government for not giving effect to the resolution which was passed last session. If the Hon. the Minister for Mines, when introducing the Bill, had given the explanation which we have just heard, I should not have used the word. I beg now to withdraw it.

THE HON. C. E. DEMPSTER: I cannot see what this colony wants to have anything to do with federation for. We have a great deal to lose by it and nothing to gain. I do not see that we are in a position to benefit by federation, and from what the Hon. Mr. Parker has pointed out it seems to me that we shall be bringing upon ourselves troubles of a serious nature, which it would be wise on our part to avoid. I do not raise any objection to the way the Government wish to appoint the delegates, and I should be willing to fall in with their views except

for the fact that I object to the principle of federation. The Hon. Mr. Lowlet when here seemed to have the subject as heart, but notwithstanding all he could say he did not convince me.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): This is a different matter altogether.

THE HON. C. E. DEMPSTER: This is federation on certain matters. Surely we can legislate for ourselves, and if it is desirable to pass measures dealing with certain subjects we can do so without going to the other colonies. Their circumstances are different to ours, and I am sure we can pass laws that will meet our requirements much better than those who know nothing of our circumstances will be able to. Upon these grounds I shall oppose the Bill, but so far as the question before the House, as to our right of selecting the delegates is concerned, I am with the Government, because I think we should trust them in such a matter. My opposition is to the principle of federation.

THE HON. E. McLARTY: As one of those who voted last year to throw this Bill out, perhaps I may say a word or two now to put myself right. I did so because I thought this House had not been treated with the respect it was entitled to, for I consider it my duty to uphold the dignity of the Council in every possible way. I take it that the question we are debating is whether the House shall have the power to appoint its own delegates or whether the Government shall have the right of selection. Having now heard the explanation of the Hon. the Minister for Mines I am satisfied to take the pledge of the Government that two members shall be appointed from this House. At the same time I think there is a great deal in what the Hon. Mr. Parker has said that many of the questions which are being referred had better be dealt with by ourselves because, as he has shown, they cannot be properly dealt with by the Federal Council.

Amendment put and negatived.

THE HON. S. H. PARKER: I may point out now that those hon. members who object to the amendment proposed by the Hon. Mr. Crowder can now vote against the second reading of the Bill on the ground that it is inadvisable to refer

the matters mentioned in the Bill to the Federal Council.

THE HON. S. J. HAYNES: Is the hon. member in order?

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member can only speak by way of explanation.

THE HON. S. H. PARKER: I take it that a member can speak to every question that is proposed. The amendment has been disposed of and there is now a new question before the House that the Bill be read a second time.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member can only speak in explanation.

Question—That the Bill be now read a second time—put.

The House divided with the following result:—

Ayes	9
Noes	6
Majority for ...	3

AYES.	NOES.
The Hon. H. Briggs	The Hon. C. E. Dempster
The Hon. D. K. Congdon	The Hon. S. J. Haynes
The Hon. R. S. Haynes	The Hon. A. B. Kidson
The Hon. E. McLarty	The Hon. S. H. Parker
The Hon. C. A. Piesse	The Hon. J. E. Richardson
The Hon. W. Spencer	The Hon. F. M. Stone
The Hon. J. H. Taylor	(Teller).
The Hon. E. H. Wittenoom	
The Hon. J. W. Hackett	
(Teller).	

IN COMMITTEE.

Clause 1—"Matters to be referred:"

THE HON. S. H. PARKER: Before this clause is passed I desire to draw attention to what it is proposed to do. It is proposed to legislate in respect to the status of joint stock companies, quarantine, banking laws, remedial measures for the eradication of tuberculosis. Take the question of tuberculosis, it will be quite competent for the Federal Council to pass a measure affecting us, and it may be most damaging to the cattle owners of the colony. The Act may provide that cattle must be inspected at certain periods, or that they must be mustered when required, or that they must be kept in paddocks of certain sizes, all of which things may entail hardships upon our pastoralists they little dream of; and when once the Act is passed it cannot be revoked except by the Federal Council. Again, why should we allow the Federal Council to legislate in respect to the banking laws of this

colony? We are thereby virtually saying that this Parliament is incompetent to deal with the matter. Fortunately most of the banks here are in a sound position, and it is possible that we may not require the laws to be so stringent as may be necessary in the other colonies. Again, with reference to joint stock companies; we already have passed a law upon this subject. We say that foreign corporations must be registered here, that they must have offices where process can be served and that they must have agents here. There is no reason, therefore, to delegate this matter to the Federal Council. It is proposed to give the Federal Council a power to do away with our own Companies Act? As regards federal quarantine, it is obvious that nothing can be done unless other colonies join the Federal Council. In these circumstances I move that the clause be struck out.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): When this Bill was brought forward last year no exception was taken to the merits of it. It was agreed that it should be passed if the Government consented to the House selecting its own members. That question having now been disposed of it is said that there are demerits about the Bill which have not been seen before. The Hon. Mr. Parker said that the Federal Council might impose laws which would be damaging to this colony, and which could not be revoked. Is not that a strong reason why we should be represented, and why the Government should be in a position to appoint gentlemen whom they can rely upon to carry out their views. Although all the colonies are not represented, three or four of them will be, and we shall have the benefit of the experience of their most prominent men in dealing with questions which are not as new to them as they are to us. For instance, they have had tuberculosis among them for some time. We know very little about it; they know a great deal, and is it not wise that we should take advantage of their experience? I may point out to the Hon. Mr. Dempster that this Bill has nothing to do with the question of federation; it is only for the purpose of enabling certain specific matters to be dealt with. This is practically the only clause in the Bill, and if it

be thrown out the Bill will go with it, but I hope hon. members will not, at this stage, adopt this course.

THE HON. S. H. PARKER : I should have said nothing more had not my hon. friend the Minister stated that during last session no one pointed out, as I had done, the inadvisability of referring such matters as these to the Federal Council. The Hon. Mr. Hackett himself said :—"I merely rose to point out that this amendment, which really amounts to a discharge of the Order of the Day—for it is an intimation that the House will only consent to the restoration of that order on a pledge being given—drives another nail into the coffin of the Federal Council, and I must say, I believe no great harm will be done by it. The Federal Council has done good work, but it is, as it always has been, in a helpless condition. It has no machinery at all. It may pass resolutions, but it has no power to carry them out." I agree with that hon. member who has had experience of the Federal Council, and I believe that it will be better for us if we have nothing to do with the Federal Council. The idea was that the Federal Council would lead to federation, but it will never do so. Federation will be brought about by quite a different method.

Question—That the clause be struck out—put and negatived.

Clause agreed to.

Bill reported, and report adopted.

EXCESS BILL 1894-5.

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

The **PRESIDENT** left the chair for an hour.

On resuming,

CONSTITUTION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM) : I ask the cordial support of hon. members in favour of this Bill. It is the intention of the Government to endeavour to give increased representation to the colony of Western Australia, and particularly to

those parts which claim that they are not properly represented, namely, the goldfields. I think all hon. members must agree that we should congratulate ourselves that causes have arisen which call for this Bill to be placed before us. Its necessity proves that the colony is progressing, and that the number of inhabitants is getting larger. In these circumstances, therefore, it is only fair that those who have thrown in their lot with us should have a larger measure of representation than they possess at present. In accordance with the policy of the Government—a Government which extended the franchise to an extent that we almost have manhood suffrage—it is now desired that this Bill should be passed to give to those who are now enjoying the franchise the benefits of it. There has been considerable dissatisfaction expressed publicly and in the press that the people who can claim votes have no representation, and to do away with this the Government have brought forward the Bill which is now before the House. By it the number of members in the Legislative Assembly is increased by eleven, and the number of members in the Legislative Council is increased by three. Hon. members are aware that at the present moment Western Australia is divided, so far as the Legislative Council is concerned, into seven provinces, each having the right to return three members. It is now proposed that there shall be eight provinces and twenty-four members. The new province is made up of the three goldfields electorates. In the Legislative Assembly the goldfields districts get eight more members, and there are three additional members for Perth and Fremantle. This will bring up the number of members in the Assembly to forty-four, and I think this will give a fair measure of representation for the present. If hon. members will look at Clause 8 of the Bill they will see that eleven, if not fourteen, members of the Lower House are representatives of the goldfields. Taking the number at eleven it shows that the goldfields are directly represented by twenty-five per cent. of the Lower House. The Government have tried to increase the representation in such a manner that all classes of the community and all industries shall be fairly considered. There has been no

desire to give a preponderance to any particular industry, and this has been done with some difficulty. I think, however, that everyone will agree that the result has been fair and just. I do not think anyone will contend that population alone is the proper basis for representation. It is generally considered that all the industries and interests in a country should be represented so that fair and just legislation may be arrived at, and although, of course, it is impossible to overlook the fact that population must to some extent influence the result, no one industry should be allowed to possess a preponderance of power over another. I need not, I think, go into the details of the constituencies because they are shown on the map which is now in the hands of hon. members. It was originally the intention of the Government to add 10 new members to the Legislative Assembly, but when the Bill was before the Lower House another member was added to represent Fremantle. Considering the district which the new electorate takes in, I think it will be found that the additional member will represent Perth quite as much as Fremantle. Referring again to this House, hon. members will find that the new province is to comprise Coolgardie, East Coolgardie, North Coolgardie, North-East Coolgardie, Dundas, and the Yilgarn electoral districts, and it will, therefore, be seen that these members must be direct representatives of the mining industry. It will thus be seen that this particular industry has received marked attention at the hands of the Government. The developments about Coolgardie has been so extensive that it has been thought right that more representation should be given. Moreover, this arrangement of the provinces separates the mining population from the agricultural population. I hardly know which of these two great industries is the more important, but I think everyone will agree that it is desirable that each of them should be directly represented in the legislation of the colony. When this Bill passes, we shall have an excellent Legislative Council elected by the people, and possessing quite as much power as any other body of a similar character in any part of the world. In addition to providing for additional members this

Bill is made to serve other purposes as well. Difficulties have arisen with regard to members of this House, when their membership expires by effluxion of time. By Clause 5 this is entirely done away with because it is stated, that, for the purpose of computing the two years, every member shall be deemed to have vacated his seat on the 21st May, and on the next day the new member will take his place. The writ will be issued on the 10th April, and the return to it is not to be made later than the 21st May. Even although the return may be made before the 21st May, the sitting member will still retain his seat until the 21st May. It will be remembered that recently, owing to the uncertainty as to when the time expired, we were deprived of the services of some of our soundest deliberators during the most important debates. Then in the event of a member vacating his seat after the 21st January in any year in which he should vacate his seat, the member who is elected to take his place will hold the seat for six years, notwithstanding that the previous member should have vacated on the 21st May. This is provided because it would be obviously unfair for a member to be elected, say after the 21st January, and not have a chance of sitting in Parliament and then have to stand for re-election again in April. Then there is a provision by which a writ can be issued in the absence of the President or the Speaker. By Clause 10, provision is made to allow people in the new electorates to be placed on the rolls immediately. In the East Province, as soon as this Bill is passed, all the people in the North-East Province who are entitled to have their names enrolled for the East Province will have their names taken off, and steps will be taken to compile a fresh roll for the new Province. It will thus be seen that the Government are using every possible precaution to prevent any possibility of disfranchising voters owing to the alteration of the boundaries of the electorates. Then Clause 11 deals with the difficulty which has arisen owing to any person being appointed to an office of profit under the Crown. It will be remembered that when the Commissioner of Crown Lands was appointed to his position, he could not go up for re-election. As the law

stood, either he must resign and stand for re-election, or a resolution of the House would be required before he could vacate his seat. He did not resign, and consequently four or five months elapsed before he could vacate his seat. There might be some disadvantage in a member being placed in such a position. On accepting office, he might be popular enough, but after four or five months of administration he might become altogether unpopular, and he might have some difficulty in getting re-elected. To cover the difficulty, power is given by Clause 11 to enable the President and Speaker to issue writs, if necessary, when members accept offices of profit under the Crown. Clause 12 has been brought in to increase the number of Ministers from 5 to 6, and I hardly think any hon. member will object to it. It must be well known that at present Ministers have too much to do, and by this clause they will be able to obtain a little assistance. Clause 13 increases the salaries of certain officials, which are set out in the 4th Schedule. I do not think I need say any more. The Bill is simple, but it is important. We have recently had such a large influx of population that it is absolutely necessary to provide for further representation, and I feel sure that from those who have recently come among us we shall obtain fresh ideas, and get the benefit of their experience. With these remarks I commend the Bill to the favourable consideration of hon. members, and move that it be now read a second time.

THE HON. C. A. PIESSE: In passing a few remarks on this most important Bill, I should like to congratulate the Government upon their efforts to meet the need for increased representation. I am in no way opposed to the principle of the Bill, but I do not think that Clause 3 is as satisfactory as it might be. The divisions are not made out so as to cover the distinct interests they should do. Take for instance, the Central Province, which comprises the Geraldton, Greenough, Irwin, Murchison, Central Murchison, North Murchison, South Murchison, and Yalgoo electoral districts. Here we have the agricultural, mercantile, and mining interest combined. At Geraldton we have the mercantile interest, at Greenough and the Irwin we have the agri-

cultural interest, and in the other districts the mining interest. It is obvious that, if a large population is centred at the Murchison, Greenough and the Irwin will be outvoted, and agriculture will not be represented at all. Then I think the East Province is much too large to return only three members, especially seeing that it is the only agricultural electorate. The Northern Province is also a mining and pastoral one. In the South-East Province different interests are again put together. At the Williams and Plantagenet we have the agricultural interest, and at Albany a consuming population with altogether different interests. The same remarks apply to the South-Western Province, and all through it will be seen that the agriculturists have not received a fair share of representation. Another thing that seems to me to be wrong is to give to every district three members. I think the members ought to be split up more. For instance, in the Central Province Geraldton might return one member, Greenough and the Irwin another, and the mining districts perhaps two others. If we do not do something of this kind we shall have one part of a district outvoting the other, and the distinct interests not properly represented. I notice that Fremantle has been given an additional member, and no doubt a good claim was made out for it; but I am sorry to see that Esperance has been shut out altogether. The population there is something like 1,000; and although the people of Fremantle may look upon Esperance rather in the light of a rival, I think it ought not to go unrepresented. Albany also was entitled to a certain amount of consideration, although, unfortunately, circumstances have arisen which have prevented the population being larger than it is. Although provision is made for another Minister, it seems to me that even now we are going to have the same trouble that we have had in the past. The Public Works and Railway Departments ought to be divided; and if the 6th Minister is to take one of them, what is to be done with the Posts and Telegraphs and Mining Departments, which should also be separated. The question of expenditure ought not to be considered in a matter of this kind; and it would have been well, I think, if provision had been

made for one more Minister. I congratulate the colony on the need that exists for this Bill, and I hope that, in the near future, it will be necessary for the Government to bring in another of a similar character.

THE HON. C. A. DEMPSTER: I am fully alive to the necessity of this Bill in order to give representation to the large population which has now come among us, and especially as I think that up to the present time they have been neglected. A full measure of representation is now given to the goldfields, and there ought to be no further grumbling on this account. Some time ago there were various rumours for separation, and I must say that this claptrap was not calculated to inspire a feeling of confidence among those who are pursuing other callings in the colony. I consider the pastoral and agricultural interests the two principal ones in the colony; and I trust that in the future the goldfields representatives will be men who will not lose sight of that fact, but will bear in mind that every interest is identical with their own. I hope it will be found that the representatives of all interests will work together for the general interests of the colony. I am not prepared to offer any objections to the Bill because I know it has received very careful attention, but I do think that the agricultural interest has not been fairly looked after.

THE HON. D. K. CONGDON: I also regret that more prominence has not been given to the pastoral and agricultural interests. I thought that increased representation of agriculture would go hand in hand with increased representation to the mining industry. I acknowledge the importance of the goldfields, but, at the same time, no Government has ever done so much for one particular industry as this Government has. Although there may be opposition on the fields to the Government, I feel convinced that the other portion of the community is with them. I congratulate the members of the Assembly on having an increase to their numbers, and I feel sure that the gentlemen who will be returned will do their utmost to benefit the colony as a whole.

THE HON. R. S. HAYNES: I shall vote, sir, for the Bill as it stands, and I think the Government are to be congratulated for bringing it in. Under the

provisions of it the goldfields population is being treated freely and liberally, although I do not consider too much representation has been given. Hon. gentlemen seem to imply that the members returned for the goldfields will vote against the agricultural interests, but it strikes me that the agricultural interests suffer more at the hands of the agricultural members than they do at the hands of any others. Take, for instance, the Agricultural Land Purchase Bill. The only members who opposed it were those representing agricultural districts. It is said that there was some cry for separation. I was at Coolgardie at the time, and the cry was nothing but a huge joke to draw attention to Coolgardie. The people themselves had no intention of separating. They raised the cry, and effected their object by frightening the people here. I notice that there is an increase to the salaries of the Judges. I can only say that if either of the gentlemen who now sit on the bench were at the bar, they would get double their present salaries in fees for half the work. Even with the increases I do not think the salaries are at all commensurate with the positions. I do not look upon these as increases at all, for at the time the Judges were paid their former salaries the cost of living was considerably less than it is now.

THE HON. S. J. HAYNES: I have much pleasure in supporting this Bill, and I think that the Government have dealt with the matter in as satisfactory a manner as possible. There are objections, of course, to the Bill, but it would be impossible to get any measure which is without a fault. The Government, I think, have treated the goldfields in a liberal spirit for a long time past and have pursued it in this Bill. I doubt whether any other colony would have dealt with them as liberally as we have, considering the smallness of our population and the limited character of our resources. It is unnecessary for me to go into details of the Bill, and I can only hope that as time goes on the necessity will arise for more Bills of this character. When this one is passed it will mark another era in the prosperity of Western Australia.

THE HON. H. BRIGGS: I shall support this Bill. I think the Government

have behaved liberally to the mining population. Taken altogether it is a very wise Bill, and it is well balanced in respect to all the interests of the colony.

THE HON. F. M. STONE: I move that the debate be adjourned until the next sitting of the House.

Motion put and passed.

Debate adjourned accordingly.

ADJOURNMENT.

The House, at 8:50 o'clock, adjourned until Thursday, August 27th, at 4:30 o'clock, p.m.

Legislative Assembly,

Wednesday, 26th August, 1896.

Question: Bad Alcoholic Liquor on Goldfields—Question: Release of Mr. Davies from Transvaal Prison—Legitimation Bill: first reading—Roads and Streets Closure Bill: second reading—Criminal Evidence Bill: in committee—Judges' Pensions Bill: second reading; debate resumed—Public Works Bill: second reading; debate concluded—Adjournment.

THE SPEAKER took the chair at 4:30 o'clock, p.m.

PRAYERS.

QUESTION—BAD ALCOHOLIC LIQUOR ON GOLDFIELDS.

MR. TRAYLEN, in accordance with notice, asked the Colonial Secretary:—(1.) Whether his attention had been drawn to a statement in the "West Australian" to the effect that on August 23rd, the police had three men in charge, remanded from Kalgoorlie to Coolgardie, on suspicion of being of unsound mind, and that it was thought that their condition was due to excessive consumption of bad alcoholic liquor. (2.) If the statement were found to be correct, what action the Government proposed to take in the matter.

THE PREMIER (Hon. Sir J. Forrest) replied:—(1.) The Government have not had their attention drawn to the statement. (2.) Inquiries will be made.

QUESTION—RELEASE OF MR. DAVIES FROM TRANSVAAL PRISON.

MR. TRAYLEN, in accordance with notice, asked the Premier whether the Government proposed to take any steps with the object of securing the release of Mr. Davies from prison in the Transvaal.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government had already asked the Colonial Office to intercede for Mr. Davies.

LEGITIMATION BILL.

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

ROADS AND STREETS CLOSURE BILL.

SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piessé): In moving the second reading of this Bill, I may say it is for the purpose of closing certain roads and streets in the townsite of Mullewa and the townsite of Busselton. In reference to the townsite of Mullewa, the purpose of the Bill is to close a portion of the road abutting on the Mullewa-Murchison railway. This closure, I understand, will not in any way interfere with the convenience of the public in the town of Mullewa, as from the plan of the locality which is here, hon. members will see that the land shown from Davis Road westward is a Government reserve, having been reserved from sale for railway purposes. There is a street leading from Davis Road called Marmion Street, and it will serve the convenience of the public. This closure is required for railway purposes, as the road abuts on the railway line. In reference to the townsite of Busselton, I have a plan here showing the portion of Stanley Street which is proposed to be closed for railway purposes. The municipality of Busselton have not raised any objection to the closure, for the reason that a piece of land, equal in proportion to the land we propose to take, is taken off some