

railway servant might destroy property to the extent of £100; it might be deliberately done, in which case the maximum penalty would not be too much. Before the fine was carried into effect there could be an appeal.

MR. CONNOR moved as an amendment,

That the word "five" be struck out and "one" (one pound) inserted in lieu.

MR. ATKINS: Were the by-laws subject to the appeal board?

THE MINISTER: Any fine inflicted would be subject to the appeal board. Supposing a man was fined £1, he would be able to appeal against that fine.

MR. ATKINS: Private companies did not deal with their men in this manner. If a contractor was not satisfied with a man he was discharged. If there was an appeal against a fine, then no sum would be too great.

MR. DAGLISH withdrew his amendment.

Amendment (Mr. Connor's) put, and a division taken with the following result:—

Ayes	...	...	...	9
Noes	...	...	...	19

Majority against ... 10

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Butcher
Mr. Diamond	Mr. Ewing
Mr. Hastie	Mr. Ferguson
Mr. Johnson	Mr. Gardiner
Mr. Moran	Mr. Gordon
Mr. Reid	Mr. Gregory
Mr. Taylor	Mr. Hayward
Mr. Connor (Teller).	Mr. Holmes
	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. Nanson
	Mr. Piesse
	Mr. Quinlan
	Mr. Reason
	Mr. Wallace
	Mr. Walter
	Mr. Higham (Teller).

Amendment thus negatived.

Bill reported without further amendment, and the report adopted.

ADJOURNMENT—REMARKS ON BUSINESS.

THE PREMIER moved that the House at its rising do adjourn till 11 a.m. to-morrow. He hoped the work on the Notice Paper would be disposed of by the afternoon, and that we should then receive from the Legislative Council the Redistribution of Seats Bill. Members would agree that we should deal with

the three Constitution Bills as forming part of one scheme; and he proposed to wait here till the matter was decided in another place. He hoped the energies of the Council would soon be directed to the subject, because the points of difference between the two Houses, on the Redistribution of Seats Bill at all events, were not so serious that they could not be disposed of in one sitting. He hoped to have the Bill returned to this House to-morrow afternoon.

The House adjourned at nine minutes past 11 o'clock, until the next forenoon.

Legislative Council,

Wednesday, 23rd December, 1903.

	PAGE
Bills: Redistribution of Seats, Amendments (farther postponement)	3103
Loan, all stages	3107
Appropriation, all stages	3108
Government Railways, first reading	3108
Business, complaint of delay	3108
Adjournment, a fortnight	3109

THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Return (asked for by Hon. C. A. Piesse), showing particulars of estates under Lands Purchase Act. Regulations under Goldfields Act.

Ordered, to lie on the table.

REDISTRIBUTION OF SEATS BILL.

AMENDMENTS, FARTHER POSTPONEMENT.

Order read for consideration of the Assembly's message relating to amendments.

HON. J. W. HACKETT said he would like to put a question to the Colonial Secretary, as to whether the hon. gentleman had any statement to make with

regard to the progress of the Constitutional questions in another place, or as to what had been done or would be done with the Bills sent down there.

THE COLONIAL SECRETARY, in answer to the hon. member, had no statement to make, nor did he consider it possible for him to make a statement, the Bills being in the hands of another place. It would be impossible for him to foretell what the fate of these Bills would be; therefore he was unable to inform the hon. member.

HON. J. W. HACKETT: The question by him, which was in the most general terms, included reference to the intentions of the Government regarding these Bills so far as the hon. gentleman was aware of them and was at liberty to divulge them.

THE COLONIAL SECRETARY had no information to give on that subject.

HON. J. W. HACKETT: Under these circumstances he regretted to say only one duty devolved upon him, a duty which he trusted would commend itself to the House, and that was to move--

That the order of the day be postponed until the next sitting of the House.

Perhaps it might not be out of place if he ventured to say a very few words on this matter. Yesterday he was reluctant to say much regarding it. He recognised that we had arrived at a stage when talk was likely to do more harm than silence; and that the occasion was one which would test the qualities not alone of this House but of another place, and the Government of this State. He regretted greatly that this careful reticence on his part had been misunderstood, and that he was charged with a desire to preserve silence because apparently he had no reasons to give. The expression of the hon. gentleman was that the reasons were unspeakable. He (Dr. Hackett) might in a very brief sentence indeed put before the House the position which he trusted the Council would take up in this matter. The hon. gentleman yesterday referred in strong terms to his conviction of his loyalty to this House and to the Government, and he undertook to ascribe degrees to that loyalty, and placed his loyalty to the Government first, and his loyalty to this House second. With that attitude which the hon. gentleman's con-

science had assumed, he had no quarrel; but it was well that the House should realise the position. The hon. member's contention that his loyalty was due firstly to the Government, and only in a secondary degree to this House, imposed on the House the necessary duty of remembering that the hon. gentleman, who might be accepted as the leader of the House as well as the representative of the Government, had abandoned the House to its own sense of its primary rights—in other words that the House was to take due steps to protect itself and its rights, its privileges and its duties, such as members undertook to affirm when they presented themselves for election before their various constituents, and made various engagements which he earnestly trusted they would see their way to fulfil before the session closed. The hon. member farther referred to the Electoral Bill, and made some remarks not absolutely accurate in connection with himself (Dr. Hackett); but those could be passed over. He (Dr. Hackett) desired to urge that the House acted in a way which was absolutely generous towards the Electoral Bill in having accepted this Bill and released it from its hold at the instance of the Government, who declared it was inconvenient that it should be in the hands of the House a longer time than necessary, and assured the House that it was a machinery measure, and that it was necessary to make arrangements for the electoral machinery of the State. We let the Electoral Bill go; but the other two measures stood on a totally different footing, and it was these measures to which one desired to draw earnest attention. The Colonial Secretary asserted—he made a point of it, and everyone conceded his claim—that the Government, meaning the Colonial Secretary, had acted fairly in this House with regard to taking these measures step by step together. So the hon. member did; but for what reason? The hon. member used the word "granted." He (Dr. Hackett) declined to accept the word, for it was not contained in the phraseology of the House in such a question and in such a way of dealing with it. The House was master of its own proceedings in regard to constitutional matters. It neither asked for a grant nor accepted a grant, but did its duty in

the eyes of the country. [SEVERAL MEMBERS: Hear, hear.] The Bills, as the Colonial Secretary said, proceeded with equal steps; and why was that procedure accepted by the House? Because we were aware that an absolutely unique position had occurred in the State, that a new state of affairs was being created, and that it was necessary for members, in view of their engagements before their electors, to adapt and conform themselves to this new state of affairs. That which had formerly been contained in a single Act, the Constitution Act—because all these provisions with regard to the Constitution itself and with regard to redistribution of seats had previously been held within the four corners of a single measure—the Government now asked us to depart from; and that was the 13-years-old constitutional history of the House. The Government asked us to consent to divide the subject into two, by introducing a second measure and distributing over two Bills the provisions formerly contained in the single Constitution Act. That was the whole position, and it really contained the kernel of the determined defence which he believed the House was prepared to make, not only in defence of its ordinary privileges and rights, but in defence of that part of the form and essence of the Constitution which had been left in its hands for safe keeping. It was really a question to his mind at this moment as to whether the House was justified in consenting to that dividing of the provisions. We certainly would not have had the unpleasant position in which we now stood, had we said that we saw no reason why the solemn agreement of the State, endorsed by several Parliaments in Western Australia and farther authorised and sanctioned by the Imperial Parliament, should not be allowed to prevail a while longer. However, we had consented to the proposal rather than argue the matter, and we had consented to take the Constitution Bill and split it into two. That being so, we must look at the future Constitution not as a whole and single measure but in two Bills; and the Colonial Secretary would bear him out when he said that, during the discussion on these Bills, there was present to the minds of everyone a feeling that the two, though

divided, were yet united, and that one could not be carried without the other, if serious injury was not to be done to this House and a wound done to the Constitution itself. The two measures were so dovetailed and entwined and jointed together that, as a measure of reform, they were to be accepted together or not at all. As an ordinary man of the world, observing the ordinary dictates of prudence and discretion, it occurred to him, and he asked for no condescending assent on the part of other members, that if the two Bills were placed in the absolute possession of another place we could have no guarantee and no assurance as to what might happen to one-half of the Bills. If, for example, it should happen that one part was accepted and the other part rejected, the desire and intention of this House would be set absolutely at naught. We intended that the two should run together. On that stipulation, conceded by the Colonial Secretary solely on the ground that the two formed a cumulative but single measure of reform, did we desire to see them introduced. Under these circumstances, whether we looked upon these Bills as really being two volumes (for originally there was a single volume now divided into two) or one volume, we had surely a right to see, according to the best of our judgment, that our intentions should be carried out, and that one volume should not be destroyed and the other offered to the country as an instalment of reform that the Legislative Council was prepared to agree to; and so the Council had kept back the Redistribution of Seats Bill, and he trusted that, until we received some definite assurance of a different character from any stated up to the present moment, and until we, as reasonable men of the world and sworn members of the Legislative Council, the solemnly elected of the constituents of the Council, were satisfied the full purpose and intentions of the House were to be carried with regard to our views of reform, so far as we could of course arrange it by conciliatory agreement with another place, the House should not part with the one power that now rested in our hands, the Bill for the Redistribution of Seats. On these grounds (and many more arguments could be advanced, but the case seemed self-apparent) he moved that the order

of the day be postponed till the next sitting of the House.

**THE COLONIAL SECRETARY:** The hon. member who had just sat down did not expect that he (the Colonial Secretary) was going to consent without a protest to this adjournment. He was extremely sorry to disappoint the hon. member, as he was always sorry to disappoint him, but in this particular he could not see that the hon. member had in any way improved his position by the somewhat imposing speech he had just delivered. There was one point with which he (the Colonial Secretary) intended to deal at once. The hon. gentleman spoke at some length with regard to these Bills being as it were inseparable, that was to say to a certain extent but only to a very limited extent. Hon. members, if they cast their memories back some little time, would remember that they assented to certain amendments which were distinctly explained by him (the Colonial Secretary) as placing each Bill upon its own basis—he was sure that fact could not escape the memory of hon. members; and that being so, that part of the hon. gentleman's argument which he used with regard to the inseparability of the Bills must fall to the ground. With regard to his own position in the House, he did not intend to take any notice of so much of what the hon. gentleman had said, or of what he had left unsaid. With regard to the protest which he desired to enter as to the course the House was following, the course which he still said was in his opinion, and in the opinion of the Cabinet of which he was a member, absolutely unjustifiable, his opinion had not been altered one jot or tittle by the words of Dr. Hackett, or by the consideration which he had been able to give the subject since the Chamber rose last evening. It appeared that after all the reasons which he gave, or partly gave, last night as actuating the Chamber, were those which could not be spoken of by him without infringing the rules of the House. Those reasons were just as cogent now as they were when he spoke last night. It appeared that the Chamber desired to hold a Bill to which it had consented, which had passed the second reading, and which had been amended according to members' hearts' desire, and which had practically passed

another place without these amendments being altered, for the purpose of destruction in case another Bill, which he understood to be the Constitution Bill now before another place, should be lost in another place. Whether the Constitution Bill might be lost or not he was certainly not able to tell, because in a House of 50 members it was not possible to tell what might eventuate to the amendments this House had put into the Bill. He would draw some slight attention to the nature of these amendments. If members would compare in their minds (and they could do it easily) our present Constitution Act with the Constitution Bill which was now before members of another place, they would see that absolutely the only particular in which the Bill differed from the present Act was in the addition of a little amendment—what he thought was rather a foolish and unnecessary amendment, moved by Dr. Hackett, dealing with the question of "referendum."

**HON. J. W. HACKETT:** Adopted by the House almost unanimously, the hon. gentleman and another being against it.

**THE COLONIAL SECRETARY:** Quite so. It was adopted almost unanimously; but it was an amendment which was unnecessary, because it was undoubtedly the fact that for any effective referendum to be taken an Enabling Bill must be introduced and must come before both Houses of Parliament. To gratify the—well, he did not know how to describe it—the wishes, he would almost say the caprice of Dr. Hackett, the business of this country was to be hung up until farther orders.

**MEMBER:** Why blame Dr. Hackett?

**THE COLONIAL SECRETARY:** That was the hon. member's amendment in the first place.

**HON. J. W. HACKETT:** Was that an assurance by the hon. gentleman that this was hanging up the Bill?

**THE COLONIAL SECRETARY:** The Bill had not yet been considered, so it could not be hung up.

**SIR E. H. WITTENOOM:** It was not, he understood, going to be considered.

**THE COLONIAL SECRETARY:** Absolutely the only difference between the Constitution as proposed under the Bill and the Constitution under which we existed was that one clause.

HON. J. D. CONNOLLY: Why not pass it?

THE COLONIAL SECRETARY: The Assembly would not pass it because an attitude had been taken up by this Chamber, which he still maintained was absolutely unjustifiable, in keeping the Bill for destruction. There was no doubt that was what was in the minds of hon. members—to keep the Bill for destruction—a Bill which this House agreed to, and which affected not the constitution of this House but of another place. That was the only departure, that was the only way, in which amendments were made in that respect.

HON. J. W. HACKETT: *Hansard* would, he hoped, take that down.

HON. J. T. GLOWREY: Was the hon. member in order in imputing motives, saying the Bill was kept for the purpose of destruction?

THE PRESIDENT: It was an indirect imputation.

THE COLONIAL SECRETARY thought he was justified, he would not say in imputing motives, but in making the remarks he had, in consequence of the remarks which had fallen from Dr. Hackett. He (the Minister) had very little more to say except that he considered the attitude of the Chamber absolutely unjustifiable; and he very much regretted the Chamber should have placed itself in such a position. He had to oppose the adjournment.

Question (adjournment) put, and a division taken with the following result:—

Ayes	...	...	17
Noes	...	...	4
Majority for	...	...	13

**AYES.**  
 Hon. G. Bellingham  
 Hon. H. Briggs  
 Hon. T. F. O. Brimage  
 Hon. E. Clarke  
 Hon. J. D. Connolly  
 Hon. A. Dempster  
 Hon. J. T. Glowrey  
 Hon. J. W. Hackett  
 Hon. Z. Lane  
 Hon. B. Laurie  
 Hon. W. T. Loton  
 Hon. W. Maley  
 Hon. G. Randell  
 Hon. J. E. Richardson  
 Hon. C. Sommers  
 Hon. Sir E. H. Wittenoom  
 Hon. C. E. Dempster  
 (Teller).

**NOES.**  
 Hon. A. G. Jenkins  
 Hon. W. Kingsmill  
 Hon. M. L. Moss  
 Hon. B. C. O'Brien  
 (Teller).

LOAN BILL, £1,582,000.  
 Received from the Legislative Assembly, and read a first time.  
 Standing Orders suspended in part.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: Members will realise that the greater part of my task is already carried out for me by the schedule to the Bill, and by the summary of loan authorisations and unexpended balances, and the Loan Estimates which have now been laid before us. The Bill provides for the raising of a sum of £1,582,000 by loan for the construction of certain public works and for other purposes. It is estimated that this sum will carry the loan expenditure of the country on to the end of the next calendar year, that is to the 31st December, 1904. The works on which this money is to be spent are most of them—very many of them, at all events—works which are now in hand, and those which are not now in hand may be classed as, if I may use the term, variations of works which are in hand, such for instance as the provision of Fremantle harbour facilities, harbour facilities at Bunbury, and other works of that class. I am informed by the Treasurer he has very good reason to believe there will be no difficulty in raising this money; that he has a good market for the money, a market which he has tested already, and he anticipates no difficulty in raising the amount upon good terms. I do not know what members will expect me to say more on the subject, because, as I have already said, the unexpended balances and the Loan Estimates really show them exactly how the money is to be spent, and I have explained to them how it is to be raised, and for what length of time it will suffice. I beg to move the second reading of the Bill.

SIR E. H. WITTENOOM (North): I only propose to say one word, which is practically a reiteration of what has been said before, namely that I think items are included in this Bill which should not have been. We have, I believe, been building railways out of revenue, and now we are asked to do a lot of sundry small works out of loan. Loan money is supposed to be raised particularly on

Question thus passed, the order postponed.

reproductive public works, and it seems to me there are two amounts here—£69,020 and £50,260—for works which I hardly see are going to be reproductive. These are works which might well have been provided for out of revenue. The expenditure for railways, which it is always fair to take out of loan moneys, might have been provided for out of loan. With these few remarks I have pleasure in supporting the second reading of the Bill. I do not suppose there is any way by which we can alter it now.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and *passed*.

#### BUSINESS—COMPLAINT OF DELAY.

**THE COLONIAL SECRETARY:** There was still an important measure to put through, the Appropriation Bill, dealing with the Revenue and Loan Estimates for the year. Apparently through the fault of the Government Printer, sufficient copies of the Bill were not to hand; and as he intended to ask members to be good enough to allow him to suspend the Standing Orders to let the Bill be passed through at one sitting, he would ask them not to leave the precincts of the House for half an hour in order that we might have an absolute majority present for the suspension of Standing Orders. He now asked the President to leave the Chair until 5.45 o'clock, in order that the Bill, which was on the way down, might arrive.

**THE PRESIDENT:** It was the only course to take, but it was certainly a great neglect on the part of the Government Printer. These Bills were at the Government Printing Office early in the day, and it was simply neglect on the Government Printer's part in not striking off enough copies for this House. It was only fair that the Minister in charge should take notice of this, because the work of the House was being delayed owing to the Government Printer's neglect. He would leave the Chair for a short time.

[Sitting suspended for 25 minutes.]

#### APPROPRIATION BILL.

Received from the Legislative Assembly, and read a first time.

Standing Orders suspended in part.

#### SECOND READING.

**THE COLONIAL SECRETARY** (Hon. W. Kingsmill), in moving the second reading, said: I understand it is not the custom of this House to dilate at any great length upon the provisions of the Bill, which are simple. I would like to inform members that this Bill, which includes as schedules the Revenue Estimates and the Loan Estimates, has passed through another place absolutely without amendment. The Revenue Estimates have been before members now for some couple of months. I think they were laid on the table of this House at the same time as on the table of another place, and the Loan Estimates have been public property for a fortnight or 10 days. I do not propose, therefore, to detain members longer, and I beg to move the second reading of the Bill.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

**THE COLONIAL SECRETARY** moved that the Bill be read a third time.

**SIR E. H. WITTENOOM:** This Bill had been passed after having had mature consideration from another place. He only wished to place on record his absolute desire to meet the wishes of another place. We had heard a good deal about opposition to the other place, but the way in which we passed this Bill showed how ready this House was to meet the other Chamber on any fair and proper question which the other Chamber put before us. The other Chamber asked us to vote an immense amount of supplies like those before us, and without a single question we had accepted its dictum and taken its word.

Question passed.

Bill read a third time, and *passed*.

#### GOVERNMENT RAILWAYS BILL.

Received from the Legislative Assembly, and read a first time.

## ADJOURNMENT, A FORTNIGHT.

THE COLONIAL SECRETARY thought he might take members into his confidence sufficiently to say that an adjournment would be made to-morrow.

HON. J. W. HACKETT: What time would the adjournment be to?

MR. CONNOLLY: Why say to-morrow?

THE COLONIAL SECRETARY: Another chance ought to be given to consider the Redistribution of Seats Bill. We had, moreover, to consider this Railways Bill. He would be entirely guided by the wishes of members with regard to the time of meeting.

THE PRESIDENT: Although our Standing Orders said half-past four o'clock, members could, if they chose, decide to meet earlier.

THE COLONIAL SECRETARY did not expect members to continue at any great length the debate on the Railways Bill to-morrow. He did not intend to be much longer than half an hour in introducing it.

SIR E. H. WITTENOOM: When the hon. gentleman said "adjournment," presumably he meant "prorogation"?

THE COLONIAL SECRETARY: No. He used the word "adjournment" advisedly. He proposed to ask the House to-morrow to adjourn until Thursday, 7th January, because he would like to explain the Railways Bill to-morrow in order that members might have an opportunity during the Christmas holidays of familiarising themselves with its provisions, and be in a position when we met on the 7th January to discuss the measure to the fullest possible extent.

HON. W. T. LOTON: If it was the intention to adjourn and meet again after the holidays, there was no reason for meeting to-morrow. We had this Bill and could digest it without any speech of the hon. gentleman. When the word "adjournment" was used, he was doubtful as to whether "prorogation" was not meant.

MEMBER: Was there any chance of proroguing?

THE COLONIAL SECRETARY was afraid not.

HON. J. W. WRIGHT: We could not get through the Railways Bill in five minutes.

THE COLONIAL SECRETARY moved that the House at its rising do

adjourn till 4-30 o'clock on Thursday, 7th January.

Question passed.

The House adjourned accordingly at 5-54 o'clock, until the 7th January, 1904.

## Legislative Assembly,

Wednesday, 23rd December, 1903.

	PAGE
Petition: Mr. F. L. Weiss	3109
Questions: Mundaring Reservoir Catchment	3109
Forfeited Timber Lease	3110
Bills: Government Railways, third reading	3110
Loan, in Committee, third reading	3110
Roads Act Amendment, Council's Amendments	3131
Appropriation, all stages	3131
Factories, Council's Amendments	3132
Roads and Streets Closure, Council's Amendment	3134
Loan Estimates	3131
Condition of Public Business, Constitution and allied Bills (three), Orders and Notices (remarks)	3136
Adjournment of House till 12th January	3138

THE SPEAKER took the Chair at 11 o'clock, forenoon.

## PRAYERS.

## PETITION—MR. F. L. WEISS.

MR. THOMAS presented a petition from F. Lyon Weiss, praying that provision be made to ensure justice being done to suitors.

Petition received.

## PAPER PRESENTED.

By THE MINISTER FOR LANDS: Amended Regulations under the Gold-fields Act.

Ordered, to lie on the table.

## QUESTION—MUNDARING RESERVOIR CATCHMENT

MR. JACOBY asked the Minister for Works (without notice): 1, What area of land outside of that in the actual catchment is reserved in connection with the Mundaring reservoir? 2, Whether there now exists any reason for reserving this land; if so, what is the reason? 3,