

two important departments; but now Mr. George had retired, a lot of the friction would probably cease. Notwithstanding the possession of many good qualities, Mr. George was somewhat short-tempered, and did not like to give way on any point. If one could explain the treatment the Auditor General said had been meted out to him, members might understand the position better. However, all the Auditor General wished was to carry out the duties of his responsible office, and he would probably get that opportunity now. The report of the Auditor General would be ready before the end of next month; but in no year had the report been made available for members while the Estimates were being considered, unless it happened that the Estimates were being discussed at the end of the year. It was only last year for the first time that the report for the immediately preceding year had been laid on the table during the course of the session. There was a lot of work to do after the accounts were closed. Even yet all the audits were not complete.

Mr. BOLTON: There was an increase of £20 for the Chief Inspector. Was this an increase brought about by the public service classification?

The Treasurer: Yes.

Mr. BOLTON: Why was it necessary to increase the staff of inspectors from six to ten.

The TREASURER: The number had not been increased, but owing to the re-organisation brought about by the Public Service Commissioner's classification, two inspectors previously under the temporary, clerical and other assistance item, had been transferred to the permanent staff; and two clerks had been successful in their appeals, and were appointed junior inspectors.

Vote put and passed.

Progress reported at this stage of the Treasury Estimates, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9.30 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 29th October, 1907.

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The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

PAPER PRESENTED.

By the Colonial Secretary: Filter beds on Burswood Island—Correspondence between the Government and Mr. J. Davis re the installation.

QUESTION—LAND PURCHASE AT SPENCER'S BROOK.

Hon. J. W. LANGSFORD (for Mr. Throssell) asked the Colonial Secretary: 1, Have the Government purchased, or are they about to purchase, land at Spencer's Brook? 2, If so, what is the area and the price of such land, from whom purchased, and for what purpose required?

The COLONIAL SECRETARY replied: 1, Yes. 2, Area: 12 acres 2 roods 1 perch. Price £125. Purchased from Herbert William Hancock. Purpose: Enlargement of station yard.

BILL—NAVIGATION ACT AMENDMENT.

Introduced by the Colonial Secretary, and read a first time.

MOTION—STANDING ORDERS AMENDMENT, LAPSED BILLS.

Hon. W. KINGSMILL (Metropolitan-Suburban): In moving this motion, I should like to explain that I am actuated by only one desire, which I think should actuate all hon. members, that of rendering as perfect and as efficient as possible the machinery by which Parliament has to produce its legislation. For many years past, when at the end of a session those Bills which are known as the

slaughtered innocents—slaughtered sometimes through effluxion of time, slaughtered on other occasions designedly, and with malice aforethought by their authors—have been thrown into the waste paper basket, I have often been struck by the thought of the tremendous waste of time involved in the very long discussions of which many of those measures have been the subject. Casting about for a way to remedy such a state of affairs, it has occurred to me that the provision which has existed in the Commonwealth Legislature since their Standing Orders were adopted would fit our case very well indeed. I purpose as shortly as possible to make members acquainted with the position of affairs in the Commonwealth Parliament. First, in the Commonwealth Standing Orders which were adopted by the Senate on the 19th August, 1903, and which have thus stood some little test by time, a Standing Order No. 234 appeared, under the heading “Resumption of Proceedings on Lapsed Bills,” and read as follows :—

“If in any session the proceedings on any Bill shall have been interrupted by the prorogation of Parliament, the Senate may in the next succeeding session, by resolution, order such proceedings to be resumed ; providing a periodical or general election for the Senate has not taken place between such two sessions.”

That Standing Order was in force in the Senate until the 30th August, 1905. It was found that the Standing Order as it first appeared was not sufficiently comprehensive, did not provide quite enough machinery for all the circumstances which were likely to arise ; and therefore on the matter being thought out by the Standing Orders Committee of the Senate, they brought in to take its place Standing Orders 234 (A), (B), and (C), which are headed as before, “Resumption of Proceedings on Lapsed Bills,” and are as follows :—

“234A. Any public Bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next ensuing session, at the stage it had reached in the preceding session, if a periodical

election for the Senate or general election for either House has not taken place between such two sessions, under the following conditions :—

(a.) If the Bill be in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper.

(b.) If the Bill be in the possession of the House in which it did not originate, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution shall not be passed unless a message has been received from the House in which it originated, requesting that its consideration may be resumed.

234B. Any Bill so restored to the Notice Paper shall thenceforth be proceeded with in both Houses as if its passage had not been interrupted by a prorogation ; and, if finally passed, be presented to the Governor General for His Majesty's assent.

234C. Should the motion for restoration to the Notice Paper be not agreed to by the House in which the Bill originated, the Bill may be introduced and proceeded with in the ordinary manner.”

I think that those Standing Orders, adopted on the 30th August, 1905, fairly well meet every case. Indeed, they are so full that the latter one, giving leave to introduce a Bill and proceed with it in the ordinary manner, appears to me to be somewhat gratuitous. I have endeavoured to the best of my ability—of course I speak only as a layman—to ascertain whether, if at all, these Standing Orders if adopted by this House would clash in any way with our Constitution. On looking up that point I find it has been fully considered in the Commonwealth Senate, and practically also in the House of Representatives, who have adopted the same Standing Orders ; and that so far as the

only Bills which can be affected in this way are concerned—namely Bills appropriating revenue—it has been held by the Commonwealth authorities that the Standing Orders do not in that respect present any difficulty ; and on this point the Commonwealth Constitution is practically on all fours with our own. When I say this, I am referring to the fact that in our own Constitution—members will find it in the original Act, Section 67—the following provision appears :—

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

In view of that section, if a Bill appropriating revenue were introduced during one session, and next session it were attempted to restore it to the Notice Paper at the same stage as that which it occupied when the former session terminated, then at the first blush it does appear as if another Message from the Governor would be necessary. Still, we find in the Federal Constitution, Section 56, the following words, which I think members will agree with me have precisely the same meaning, though expressed briefly, as the section which I have just read from our own Constitution Act :—

“ A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by Message of the Governor General to the House in which the proposal originated.”

Of course this is a constitutional point, on which, as a layman, I am loth to pass an opinion ; but when we find that this Standing Order, which relates, so far as we can see, to any public Bill, has been among the Standing Orders of the Commonwealth for some four years, that no difficulty has arisen, and that they have in their Constitution practically the same

clause, members will admit, as we have, there cannot be difficulty in that respect. That is a point, however, which can easily be settled by a reference of this motion, if the House thinks fit to adopt it—and I hope in the interests of common sense and the saving of public time they will do so—to the Standing Orders Committee of one or both Houses. I do not know that I have much more to say, except perhaps to ask that I may be permitted to give some few instances of difficulties that exist in the way of getting Bills with a great number of clauses, and therefore with a great number of vulnerable points, through both branches of the Legislature in one session. We are now considering—and I presume the report of the Select Committee will be presented to-day—matters relating to public health. Members will know that this question has been on the stocks, and that Bills have been introduced on several occasions, for some years past, but it has been found impossible to get them through in one session. The reason is not hard to see ; firstly, on account of the voluminous nature of the Bill, and then on account of the tendency of all Governments, including those of which I was a member, to bring down a great deal more legislation than they can ever hope to see through. It is the nature of Governments, and while they continue the present tendency will, I presume, exist. That being so, we have to provide for it in the regulations governing the conduct of public business. Experience with regard to other Bills of a voluminous nature points to the fact that it is almost impossible to get such measures through both branches of the Legislature in an ordinary session of Parliament, unless by one or other branches of the Legislature failing to give them that full and thorough consideration which they demand. The delay as a rule, has taken place in another place, but nevertheless, though that place does not seem inclined to help itself in the way I have indicated, it is competent for a member of this House to take the necessary steps, and having done so, to recommend it for the approval of the other House, in order that they may, if they think fit, adopt a similar standing order

to the one I have proposed. In this branch of the Legislature it would be of great convenience, to say the least of it, if we were enabled to pick up Bills in a succeeding session at the point they were dropped in the previous one, and then we would be able to feel that whatever work we had been doing would not be wasted, even although the measure did not go through Parliament in one session. The proceeding to be taken is not to be automatic, for the Bill does not restore itself to a place on the Notice Paper, but only by resolution of the House. That means if circumstances have arisen in one session which render it advisable that a Bill should not be proceeded with, it is competent for this House to put its foot down firmly on a proposition that the Bill shall be proceeded with in the next session. The standing orders I have read as amended on the 30th August, 1905, meet the case thoroughly. I commend my motion to the House; and with regard to subsequent proceedings, I have been thinking over the procedure I should adopt, and I think perhaps the course recommended by the Colonial Secretary, and by the officials of the House, might be best, that is if the House agrees to the motion, that a message be sent to the Legislative Assembly, acquainting them of the fact that we have adopted the resolution, and asking them if they would be willing to refer that resolution to the Joint Standing Orders Committee of both Houses, for consideration and report.

On motion by the *Hon. J. W. Hackett*, debate adjourned.

BILL—PUBLIC HEALTH.

Select Committee Report.

Report received, read, and ordered to be considered when the Health Bill is in Committee.

BILL—REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES AMENDMENT.

In Committee.

Clauses 1 to 13—agreed to.

New Clause—Amendment of Section 36 :

The COLONIAL SECRETARY moved that a new clause be inserted as Clause 12, providing for the registration of death after twelve months, for registration of death after seven years, and a penalty for improper registration. He explained that the object of the amendment was to replace Section 36 in the original Act, which related to the registration of deaths. That section provided that registration must take place within 12 months after a death had occurred. The *Hon. C. A. Piesse* had drawn attention to the kind of hardship which might result under the present law, in that no provision whatever was made for the registration of a death if by any omission it were not registered within 12 months. This new clause provided that a death might be registered, with the approval of the Registrar General, within seven years; or after that period a death might be registered, with the approval of a Judge of the Supreme Court. Similar machinery was provided for the registration of a birth that might have been overlooked.

Question passed; the clause inserted.

Title—agreed to.

BILL—SALE OF GOVERNMENT PROPERTY.

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

ADJOURNMENT.

The House adjourned at four minutes past 5 o'clock, until the next Thursday.