

## Legislative Council.

Wednesday, 20 January, 1926.

Constitution (Amendment) Bill (No. 2)—Adjournment  
(Constitution (Amendment) Bill).

The PRESIDENT took the chair.

### CONSTITUTION (AMENDMENT) BILL (No. 2).

The Hon. A. C. WILLIS moved:

That leave be given to bring in a bill to abolish the Legislative Council; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith.

He said: This bill is intended to bring to a climax a question that has been agitating the minds of the people of New South Wales for many years. We find that in New South Wales there is an anomaly in the Legislature which does not obtain except in one or two instances anywhere else in the British Empire, and I think only in a few instances elsewhere in the world. We have a Chamber which is really a nominative Chamber that is not responsible to anyone except itself.

The Hon. J. ASHTON: I hope the new members will take note of that!

The Hon. A. C. WILLIS: Except in so far as its one duty to the people is to remove that anomaly at the earliest possible moment. There are second chambers in most of the States of the Commonwealth, and, I believe, in some form or other, in most countries throughout the world, but with one or two exceptions those chambers are responsible to some body of electors, though perhaps the suffrage qualification may in some instances limit the number of electors to some extent. We have at present reached a stage at which if this Chamber continues to exist on its present basis it will become, in effect, only a standing joke in the Legislature of New South Wales.

The Hon. R. G. D. FITZGERALD: It does not appear so to the Government!

The Hon. A. C. WILLIS: Whatever may be said of the past of this Chamber, it appears that in the future it must become the reflex of another place. We certainly contend that it has been such in

the past. The records show that different Governments, one after another, as they have come and gone, have endeavoured to nominate to this Chamber persons whose views coincided as far as possible with the views of the Government. Except on some more or less non-essential matters that have come before this Council—non-essential from a Labour point of view—this House has been regarded as a reflex of the other House and a second line of trenches of the Nationalist party. There have been notable exceptions where that contention did not hold entirely good, but, speaking generally and looking back over a number of years, it has, I think, been generally admitted, except by one or two interested parties, that this Chamber has really been a second edition of the Nationalist party in the other place.

The Hon. G. F. EARP: Exactly what it has not been!

The Hon. A. C. WILLIS: I think there have been a few important exceptions. I have no doubt they will be duly emphasised by hon. members during this debate.

The Hon. J. ASHTON: I do not think the hon. member has been long enough in this country to speak with authority on that subject, unless he was a close student of Australian history when elsewhere!

The Hon. A. C. WILLIS: I heard the Hon. Mr. Ashton speak a few nights ago, with very great authority, upon certain Acts and certain laws which exist in Great Britain. I do not know whether he would think it right for me to say that, as he did not know very much about Great Britain, from the practical point of view, he had no right to refer to those things.

The Hon. J. ASHTON: What I did was to quote from a British Act of Parliament!

The Hon. A. C. WILLIS: At least, during my fifteen years knowledge of this House, I have had a fairly good opportunity of judging, and if fifteen years is not long enough apprenticeship to serve, I would like the hon. member to state what would be the proper time.

The Hon. J. ASHTON: If the Minister had been here for fifteen years he would be well-qualified to speak!

The Hon. A. C. WILLIS: I have been here about fifteen years.

The Hon. J. ASHTON: I mean, in this House!

The Hon. A. C. WILLIS: I did not understand the hon. member to mean that. However, that is the general view of the Labour movement as to the functions and the utility of this House—that it is here, in the last analysis, for the purpose of preventing any legislation which may be of substantial advantage to the general working-class of this country.

The Hon. G. F. EARP: Yet this is the most progressive of all countries!

The Hon. A. C. WILLIS: In spite of all obstacles, which is a great tribute to pay to the people of New South Wales.

The Hon. T. WADDELL: If it is so, why was your party silent about it at the election? Why did you lead the people to believe that you were not going to interfere with the Constitution?

The Hon. A. C. WILLIS: We had to do so many things, and so much of our time was taken up in refuting the mis-statements that were put up by our opponents, that we had not very much time left to deal, on any elaborate scale, at any rate, with the position of this House.

The Hon. T. WADDELL: You never mentioned that at the elections, and it was a most important thing, too!

The Hon. A. C. WILLIS: At those elections, and at every other election, the Labour party went to the country with a printed platform and programme.

The Hon. T. WADDELL: Mr. Lang said the very opposite. He said that your party would only do what he mentioned in his statement!

The Hon. A. C. WILLIS: I believe that the Hon. Mr. Waddell is absolutely sincere in what he has said, but, unfortunately, he admitted here one night that he had only taken the statement which he read from the *Sydney Morning Herald*, and on that occasion, I think, the Hon. Mr. Cruickshank produced

another statement, covering the same question, and the two statements did not coincide.

The Hon. T. WADDELL: The *Labour Daily* bears out what I said!

The Hon. A. C. WILLIS: I do not wish to attempt to lead the House to believe that the abolition of this Chamber was made a burning question at the elections, because it was not. But it was always before the country, and it has been known to be part of the Labour party's policy for many years.

The Hon. T. WADDELL: It has really rusted out; it is so old!

The Hon. A. C. WILLIS: Well, if it is so old, it is time it should have some attention, at any rate. But since then other matters have arisen which make it incumbent upon the Government to attempt to carry out this part of its policy. The Government found that of a number of bills sent to this House, some embodying principles which were fully discussed during the recent elections, several received very short shrift. That, in turn, forced the Premier, on behalf of the Government, to adopt the same practice that was adopted by our predecessors, when they were in power—that is, to increase the number of members in this House, for the purpose of getting its legislation carried. In doing that he only followed what had been done before.

The Hon. J. ASHTON: According to you, no previous Government ever had the need to do that. The majority was always, there, solid!

The Hon. A. C. WILLIS: In 1917 or 1918 the Nationalist Government put somewhere about twenty or twenty-two members into this House.

The Hon. J. H. WISE: And four of them were Labour members!

The Hon. A. C. WILLIS: Not one, I believe.

The Hon. J. H. WISE: Is not the Hon. Mr. Connington a Labour man? He was one of them!

The Hon. A. C. WILLIS: He was not put in here as a Labour man. The Hon. Mr. Connington was put in this House

because he was Mr. Connington, and on account of his personal worth. He was not the nominee of the Labour party.

The Hon. A. K. TRETOWAN: They did not ask for nominees from the Labour party. What is the use of quibbling about that?

The Hon. A. C. WILLIS: They did not ask for nominees from the Labour party. Just at that time there was a difference in the Labour movement, and the Hon. Mr. Connington found himself on the same side as the Nationalists on a particular issue. Apparently, full advantage was taken of that by the Nationalists, with a view of trying to encourage, perhaps, further dissension in the Labour movement, but apart from that particular issue, upon which the Hon. Mr. Connington disagreed, we readily admit that he is one of the best Labour men we have. But it was not because the Nationalist Government thought he was a good Labour man that it put him in here; it was because it thought that he was likely to become anything but a good Labour man.

The Hon. J. ASHTON: I suppose it was because he had been loyal to the Empire—not a sufficient ground, I admit!

The Hon. A. C. WILLIS: "Loyalty to the Empire" covers a multitude of sins. I saw lots of people who were intensely loyal to the Empire at that time, but they confined their loyalty to staying at home, waving flags, and lending money at 5 per cent., and afterwards making the soldiers, when they came home, pay them interest on their money.

The Hon. J. ASHTON: But the Hon. Mr. Connington was not one of them!

The Hon. A. C. WILLIS: No, he was of quite a different type, and I want to say, as a compliment to the Hon. Mr. Connington, that he has been one of the most self-sacrificing men with whom I ever came in contact. However, the fact remains that that number were placed in this House. This gave the other side a substantial majority. Then we come to the return of the Labour Government. The Labour Government considered it

[The Hon. A. C. Willis.

was necessary, in order to get its legislation passed, that a further number of Labour nominees should be brought into this House. That was necessary under the circumstances, but the protest voiced by some hon. members opposite against the bringing in of the extra number provides the best possible reason why the House should not continue to exist.

The Hon. Sir ALFRED MEEKS: How many men did Mr. Storey put in?

The Hon. A. C. WILLIS: Sixteen.

The Hon. Sir ALFRED MEEKS: You left out that point!

The Hon. A. C. WILLIS: Yes, because I knew you would put it in. I only want to come to the same point to which hon. members opposite appeared to have come some few weeks ago, that a House which—if I may use the term—can be packed by any Government that is in power, has reached the stage when, if not a menace, it has become a nuisance in the way of legislation in New South Wales. I think I am correct in saying that the general sentiment expressed by members of the other side was, "Now this has happened, it means that, if the Government has a majority here pledged to support Government measures, it has converted this House into a machine for merely registering the decisions of another place." That was stated by the other side, and I agree with it. I agree that a House composed in that manner is unnecessary, because if the Government must have sufficient numbers here to pass the legislation sent from another place, we might as well put this House out of the way. That is the logic of the position which we have reached. If not, it would merely mean that all we would require would be to have some tube arrangement between this House and the other, by means of which messages could be shot up from the other place and shot back again, just like the attendant in a shop puts the cash into a tube and duly receives back the change. I am quite sure the majority of hon. members opposite agree with this view. It means that we could sit here and discuss matters for a week or a month, and, even although we

had the wisdom of the world concentrated in this Chamber, it would be of no avail.

The Hon. W. E. V. ROBSON: That presupposes that no one is amenable to any argument!

The Hon. A. C. WILLIS: I am stating the position as it stands.

The Hon. S. R. INNES-NOAD: It is a candid confession!

The Hon. A. C. WILLIS: It is because we need to be candid about this matter that I am putting it in as plain a manner as possible.

The Hon. S. R. INNES-NOAD: Former Labour Governments passed their legislation through this House!

The Hon. A. C. WILLIS: Former Labour Governments have had some legislation passed through this Chamber.

The Hon. G. F. EARP: You know that by abolishing conferences between the two Houses you have prevented any measures being passed!

The Hon. A. C. WILLIS: I wish the hon. member had told me that before.

The Hon. G. F. EARP: But you must have known it!

The Hon. A. C. WILLIS: I did not know it, and I am not convinced now. If the hon. member asks me to believe that hon. members came to a decision and rejected certain bills just for the purpose of having a talk over them with the other House, I will accept the hon. members' point of view, but I believe that the majority of the House came to decisions which they believed to be honest and just.

The Hon. G. F. EARP: And we are amenable to argument!

The Hon. A. C. WILLIS: Having come to those decisions in spite of the view of the Government, I believed they would stand to what they thought was true. Obviously that was the attitude of this House. Having reached the present stage, whatever may be considered necessary in the way of methods of safeguarding supposed hasty legislation, whether by instituting a system of giving the people the right of a referendum or anything of the kind, I submit the

House as at present constituted cannot perform any useful function to the people of New South Wales.

The Hon. G. F. EARP: It performed a very useful function yesterday when it sent back the Electoral Bill!

The Hon. A. C. WILLIS: I do not know whether it did or not. My friends in the other House appeared to be very pleased about it. We have at the present time ninety-nine members of this House. If we look forward to what we believe to be highly improbable, the advent of a Nationalist Government in the near future, or in the course of three, six or ten years, following the practice that has been adopted by this Government, the Nationalist Government would probably ask for the appointment of another twenty-five or thirty members. Then, if we reverse the position once more, the Labour party would have to ask for a further twenty-five appointments in order to get its legislation through.

The Hon. T. WADDELL: The proper course to take is to reform the House, not to abolish it!

The Hon. A. C. WILLIS: Quite a number of people hold that view, but quite a number of people also hold the view that if you want to make a good structure you must first clear the ground. That is the view of the Government. Whatever it may determine on doing later, the view of the Government is that this House stands at present in the way of what is in the best interests of the people of New South Wales. It is contended that in another place measures are not considered as they should be, and that if there is no check on legislation in the Legislative Council with the object of revising those measures New South Wales is likely to be seriously hurt by legislation of an injurious character which may be passed.

The Hon. MARTIN DOYLE: With one House it will be a happy hunting-ground for the lawyer!

The Hon. A. C. WILLIS: That may be. But the Government is elected by the people. The people have had a chance to express their views. They have shown their confidence in the Government by electing them. Some may

think the Government makes mistakes. If the Government is responsible for hasty or ill considered legislation which may be of a harmful character, then the people who put it in office are the people who will have a say later on, and it is pretty certain they will say it definitely if they find their views are not being properly carried out. In any case, under the old democratic principle, the elected representatives of the people are the people who should be held responsible for the legislation passed. It may be that this House, with the best of intentions, and as the result of its own judgment, considered it had done the best thing for the people of New South Wales, but the people may not think so.

The Hon. W. E. V. ROBSON: Why not give them the chance to say so?

The Hon. A. C. WILLIS: They will get a chance.

The Hon. W. E. V. ROBSON: In the meantime the mischief is done!

The Hon. A. C. WILLIS: In the last analysis it means that we have a dictatorship established in this Chamber that is not responsible to anyone but itself. Those are the cold facts.

The Hon. W. E. V. ROBSON: There is a worse dictator elsewhere!

The Hon. A. C. WILLIS: There may be. Two wrongs do not make a right. I am trying to put the position as it is. Hon. members may disagree with my conclusions, but I ask them to accept the facts. That is the position. It has been realised in other States of the Commonwealth and throughout the Empire that it is not good to allow a nominee Chamber the right to veto legislation passed by the duly elected representatives of the people. Even in Great Britain that old institution, the House of Lords, has not the power, that this House has. Hon. members know that under a measure that was passed there is at least a safeguard there. The House of Lords may reject a bill once. It may reject it twice, but having done that, the Commons have power to ask for the royal assent without further consulting the House of Lords.

The Hon. MARTIN DOYLE: That is only a temporary measure!

[The Hon. A. C. Willis.

The Hon. A. C. WILLIS: If it is temporary it dates back to 1910.

The Hon. MARTIN DOYLE: To 1911. It was a temporary measure in the expectation that the House of Lords would be reformed and made an elective body!

The Hon. A. C. WILLIS: Whatever was the object of the measure I am merely stating the facts. It was found necessary to introduce that bill. The House of Lords had repeatedly rejected certain measures sent up to it, and that was the form of compromise arrived at at that time.

The Hon. Sir ALFRED MEEKS: Has this House ever rejected a bill which has had the approval of the people of the country?

The Hon. A. C. WILLIS: I do not want to go into details at the moment; but before I finish I may supply the hon. member with a list. The House seems to assume the right to interpret what was in Mr. Lang's mind when he went to the country. Mr. Lang says, "I meant so and so." The Hon. Mr. Waddell says he did not mean that.

The Hon. W. E. V. ROBSON: The Hon. Mr. Waddell says what Mr. Lang said he meant!

The Hon. A. C. WILLIS: No. The Hon. Mr. Waddell gave a distinct interpretation of one statement of Mr. Lang which is at variance with the interpretation by Mr. Lang himself. But the point is whether this House, as a nominee Chamber, should have the right to interpret the policy of the Government. The Government says, "No, this House should not have that right." That is one of the points which the Government is challenging.

The Hon. A. E. HUNT: I thought you were here to interpret the policy of the Government?

The Hon. A. C. WILLIS: Yes, and there would have been no difficulty if hon. members had accepted my interpretation.

The Hon. A. E. HUNT: You said it was not right that the House should interpret the policy of the Government!

The Hon. A. C. WILLIS: If this House were prepared to accept my interpretation of the Government's policy, there would be very little difficulty. But

up to the present this House has not been prepared to accept that. The position is that in New South Wales members of the Legislative Council are elected for life. There are ninety-nine members in the House at the present time. The Lower House has ninety members. There is a second Chamber in Victoria, but it is an elective House with certain property qualifications. In that Chamber there are thirty-four members, who are paid. They are elected for six years, but portion retire every three years. In South Australia there are twenty members in the Legislative Council, who are each paid £400 a year. They are elected for six years, and half of their number retire every three years. In Western Australia there are thirty members in the Legislative Council. They are elected for six years, and members are paid £400 per annum. In New Zealand up to 1922, members of the Legislative Council were elected for seven years. Legislation was passed to make it a nominee House; but that is now altered, and it is partially nominee, partially elective. The members are paid a salary of £350 per annum. In Tasmania the members of the second Chamber are elected for six years and retire in rotation. They are paid a salary of £300 per annum. The Dominion of Canada is, I think, the only place comparable with New South Wales. There they have ninety-six members, and there is a limitation of numbers. They cannot exceed 104. Appointment is for life, and members are paid 4,000 dollars per session. A very good provision appears to obtain there, namely, that 25 dollars per sitting is deducted for non-attendance. In the province of Nova Scotia twenty-one members are appointed by the Crown for life. In Quebec twenty-four are appointed for life. In South Africa eight members are nominated and thirty-two are elected for ten years. In Northern Ireland there are two *ex officio* members and twenty-four nominated members with a tenure of eight years. Half the number retire every fourth year.

The Hon. G. F. EARP: They are all bicameral systems you have quoted!

The Hon. A. C. WILLIS: Yes; I am referring to bicameral systems. Hon. members will see that with two or three exceptions all those Houses are on an elective basis. They are elected on one kind of franchise or another, and the period of service is limited. Apparently New South Wales is one of the last strongholds of nominee Chambers. How long that stronghold is likely to last we may be better able to tell in the course of a few days.

The bill has very few provisions. The reason for bringing it in is to remove the anomalous position to which I have referred. I do not propose at this stage dealing with the bill in detail.

The Hon. Sir ALLEN TAYLOR: You have not left much of it!

The Hon. A. C. WILLIS: I have not referred to it yet in detail. The bill really provides for the immediate abolition of this Chamber, but in this case "immediate" means as soon as the necessary machinery can be provided to make the bill become law. Under the Constitution Act it will be necessary for such a bill to be sent to Great Britain for the royal assent. I understand it must lie on the table of the British House for thirty days before it can receive the royal assent. Therefore when we say "immediate," abolition would date from the time the Act actually comes into operation. I mention this because there appears to be some misunderstanding, and that if this bill is passed the House will cease to exist at once. A question has been asked in respect of that in another place. Necessary time will have to be allowed for going through the formalities referred to. During the interval, I take it, it will be competent for this House to deal with any legislation which comes before it and to exercise all its powers.

The Hon. J. ASHTON: Would it be allowed to make any amendments during that period?

The Hon. A. C. WILLIS: I do not know. We might give the House the

opportunity and see if it is in a repentant mood or whether it recognises what we claim to be the opinion of the people.

The Hon. G. BLACK: That would be a death-bed repentance!

The Hon. A. C. WILLIS: I am afraid that is the only chance for repentance a lot of us will ever get. I have dealt with the main principle in the bill. The other matters are really machinery clauses. A number of them are consequential on the abolition of the House. Where in the Constitution Act the term Legislative Council appears it will be necessary to remove it. There is a provision in regard to appointments which are subject to a vote of both Houses before any removal can take place. The necessary correction will be made there. There are other things in the bill, but they are details. It is upon the principle of the bill the fight will, I understand, take place.

I hope now that we have reached this stage hon. members on the other side who have repeatedly taunted me to bring in a bill to abolish the House will live up to their promises. The Hon. Sir Joseph Carruthers on several occasions taunted me to "bring in a bill and see what we'll do."

An Hon. Member: You will see what we will do!

The Hon. A. C. WILLIS: I do not think I misunderstood him at the time, but I am quite satisfied he will have an adequate explanation. While that may apply to the Hon. Sir Joseph Carruthers, I cannot see how the Hon. Mr. Ashton can invent an excuse.

The Hon. J. ASHTON: Who said he was going to?

The Hon. A. C. WILLIS: I said I do not think you can. Some of the remarks I have used have been repeated from the hon. member's own speech, particularly when he said he could not see what use the House is. I cannot see that a House can be of any service if it is merely to register or record the decisions of another place. The Hon. Mr. McDonald has been very anxious for us to bring in this measure, and I hope he will be here to vote for it. It is consistent with the Government's policy,

[The Hon. A. C. Willis.]

it is consistent with the platform and policy of the Labour party, and the bill is a response to the request made by hon. members opposite, that we should bring in a bill for the abolition of this House.

The Hon. J. RYAN: Would the Minister accept an amendment with the object of remitting the whole matter to the electors for their decision by means of a referendum?

The Hon. A. C. WILLIS: We are prepared to give a guarantee to bring in a measure, in accordance with the platform of the Labour party, for the establishment of the initiative, the referendum, and the recall.

The Hon. J. RYAN: That is not an answer to my question. I asked if the Minister would agree to an amendment, with the object of remitting the whole issue to the electors, now, by means of a referendum?

The Hon. A. C. WILLIS: No.

The Hon. J. M. CREED: Would not a referendum cost the country as much as a general election? Is the Minister aware that if everything is referred to a referendum it will cost between £30,000 and £40,000 each time? I think it would be more than £40,000!

The Hon. A. C. WILLIS: I am sure the hon. member does not think that every question would be referred to the people.

The Hon. J. M. CREED: Of course, there would be some process by which a choice would be made as to which matters would go to the people. But why put the country to the expense of £40,000 for taking a referendum, which costs as much as a general election?

The Hon. A. C. WILLIS: I was going to deal with the point raised by the Hon. Dr. Creed when he interjected. Certain matters will be reserved for decision by the people, and those matters will be submitted to a referendum. That has been correctly stated. I think the Hon. Mr. Ashton, in an article which I read in a newspaper, calls attention to it.

The Hon. J. ASHTON: Curious that it was overlooked up till then, is it not?

The Hon. A. C. WILLIS: Not at all. It was not overlooked, but the view of the Government and of the movement is that the provision of the referendum should take the place of the Legislative Council. How can it take the place of the Council before the Council is out of the way?

The Hon. J. ASHTON: You can provide for it taking its place!

The Hon. MARTIN DOYLE: The Minister wants a blank cheque!

The Hon. A. C. WILLIS: No.

The Hon. G. F. EARP: You want to do the thing before you have the referendum?

The Hon. A. C. WILLIS: The proposal is to substitute the referendum for this House.

The Hon. G. F. EARP: You want the authority of the people to make that substitution!

The Hon. A. C. WILLIS: We consider that we have the authority of the people.

The Hon. J. ASHTON: You do not propose to make the referendum retrospective, do you?

The Hon. A. C. WILLIS: No.

The Hon. MARTIN DOYLE: Could you not introduce the proposal for the initiative, the referendum, and the recall *pari passu* with this bill?

The Hon. A. C. WILLIS: That could be done.

The Hon. MARTIN DOYLE: Why do you not do it?

The Hon. A. C. WILLIS: I do not see any objection to that. I will be prepared to consider that question when we get into Committee, if that is the only difficulty of hon. members.

The Hon. G. F. EARP: Let the first question for the referendum be the abolition of this Chamber!

The Hon. A. C. WILLIS: When you are going to build a structure the first work is to clear the ground.

The Hon. G. F. EARP: But you want authority to clear the ground!

The Hon. A. C. WILLIS: If hon. members are asking whether we will give effect to the Labour party's platform they are quite entitled to do so, and we are bound to answer. I can assure hon.

members that, so far as this is concerned, there will be no shirking. When the initiative and referendum is established as a substitute for this House, then it will be in the hands of the people. If the people want this House restored they can then use the machinery at their disposal to get it restored. That is the position with regard to the referendum, and we have no objection to it being carried out in accordance with our platform, but we do object to substituting something before we have got out of the way the object for which it is to be substituted. It would be illogical to attempt such a thing.

The Hon. G. F. EARP: You object to letting the electors decide the question!

The Hon. A. C. WILLIS: No; so far from objecting to the electors deciding anything, the Labour party's policy places everything right in the hands of the electors.

The Hon. G. F. EARP: Except this question now before us!

The Hon. A. C. WILLIS: It will give the electors the right to say if they want two, three, four, or five houses. They will have the right to initiate the matter, and they will have the final say. It will go further than that. If the people determine that that is their wish and will, it will give them the right to recall anyone who opposes their will. That is the Labour party's policy, and to say that we are not prepared to trust the people is to misrepresent the thing entirely. So far from that, we are placing the matter entirely in the hands of the people. You cannot decide one particular issue at election time, because it is then impossible to place any particular issue fairly before the people. As a matter of fact, at an election there is much clamour and many catch cries, and an election is seldom based upon any particular principles. Those who succeed are those who can put up the best argument as to why they should be returned. But by the referendum we can decide a distinct and vital principle, and I say that the people, if they feel that this House should be restored, will have the right to call for a referendum, and can restore the House, if they so desire.

The Hon. Dr. WALL: If the Legislative Council is abolished, will it be concurrent with the establishment of the initiative, the referendum, and the recall?

The Hon. A. C. WILLIS: If this measure is carried in this House, the Government will immediately proceed to prepare its measures to carry out the rest.

The Hon. J. ASHTON: Would it not be a good thing to pass them concurrently?

The Hon. A. C. WILLIS: It might be a good thing, but that is a matter for the Government to determine. It is for the Government to decide its policy, and as to how that policy shall be carried out. The very suggestions that are being made at the present time really show the attitude of mind which has developed in this House—that hon. members should have the right to tell the Government exactly how it is to do its own business. It is quite right for hon. members to ask whether the Government is prepared to do it. I have answered, very definitely, that the Government is prepared to proceed with the other matter immediately this bill is carried. The country has decided to trust the Government, and I think this House, also, should decide to trust the Government.

The Hon. J. A. BROWNE: Perhaps hon. members are afraid you may not be one of the Government when the House is abolished!

The Hon. A. C. WILLIS: That is quite likely, but I am not giving the promise personally, I am giving the promise on behalf of the Premier, if you want to record it.

The Hon. J. ASHTON: No pledge is binding if it is not convenient for the Labour movement!

The Hon. A. C. WILLIS: I do not quite follow what the hon. member means. We do not want to camouflage our position in the matter. We have nothing to apologise for. We regard a promise made to the Labour movement as a sacred promise, and no one has any right to make any promise over and above it which will have the effect of cancelling it. That is the view we take. Others may differ from us on that point, but

[The Hon. A. C. Willis.

there it is. As I said a few nights ago, that is a part of our machinery and organisation, and whilst we publish all these things to the world and invite the world to look at them and see what they are, the practice is carried out in a far more ferocious way by our opponents, because no man could live in business to-day if he stood up against them. However, I hope the House will agree to the first reading and also to the remaining stages of this bill.

The Hon. Sir JOSEPH CARRUTHERS: Perhaps I would consult the interests of many of my hon. friends if I allowed the question to be put at once and the House divided upon it, but I think it would be unbecoming to allow to remain on the records of this Chamber, on the introduction of this bill, nothing more than the speech which we have just heard delivered. If the Council proceeded to vote with no further statement on it, if the resolution were carried and the bill passed, or if the resolution were rejected and the bill never introduced, our records would seem to imply that there was no answer to be given to the introductory speech which we have just heard. But there is a full answer to be given. The hon. member may be pardoned for many things which he has said because he has not been in this country so long as many of us, and he is not so well acquainted with its history as those of us who have been much longer in this State. I look at my hon. friend opposite, the Hon. Mr. Kavanagh, and I look at you, Mr. President, two gentlemen who have occupied in this Chamber the position of the representative of Labour Governments; and I quote from memory the statements of the Hon. Mr. Kavanagh and of our respected President, at the termination of their periods of office, publicly thanking this Chamber for the assistance rendered to them by the members of this House in the conduct of the business in their charge. The Hon. Mr. Kavanagh frequently acknowledged the great assistance which he derived from members of this Chamber in improving bills of which he had the custody in this House, and you, too, Mr. President, made the same acknowledgment. It was always done in that spirit of fair

play which actuated both of those hon. members to whom I am referring, and in the spirit of truth they told a very different story from that which the Vice-President has told us this afternoon. I put on record my statement, and it cannot be contradicted, that representatives of previous Labour Governments, including one who has unfortunately passed away, the Hon. Mr. J. D. FitzGerald, have all expressed their highest appreciation of the spirit of fair play and the assistance which hon. members of this Chamber have at all times given to the representatives of Labour Governments. I think we have always had a feeling of chivalry, so that even if we had a majority we felt it was our duty to assist to improve legislation, to correct errors if there were any, and generally to behave according to the testimony accorded to us by the gentlemen I have mentioned, in a fair, honorable, and chivalrous way. It is stated that we have always been ready to carry out the legislative proposals of Nationalist Governments, but I want to say that some of the most bitter fights I have ever fought in my public life have been fought in this Chamber against legislation introduced by Nationalist Governments, when we succeeded in having that legislation rejected. I refer to one important bill—the introduction of and attempt to carry through the Sedition Bill. I need not go into past history, but that was a bill which, in my opinion, cut across the grain of Liberal principles. It was introduced by a Nationalist Government, at the head of which was one who for many years was a bright and shining light of the Labour movement. We defeated that bill. Then we had another bill called the Family Maintenance Bill. The intention of the bill was probably a very humane one, but it would have had the result of causing very grave dissatisfaction amongst working people, and to some extent of reducing their wages. I headed the fight on that occasion, and the Hon. Mr. Connington and others in this Chamber sat alongside me. After a very bitter and prolonged fight we defeated the Government. On many other occasions the Nationalist Government

has had to realise that it has never had a party House to deal with. It never had in this Chamber a majority of men to whom it could hold up its finger and they would have to respond. We always exercised our independence. The one master we have served has been the people of this country, and the public interest, which has been our aim. I have only recently vacated the seat which my hon. friend Mr. Willis now occupies, and many a time I had to face the opposition of friends. The spirit in which I accepted their opposition was that they were actuated by the same principle which has run right down the thread of time throughout the history of this Chamber—to serve the public interest and to improve legislation which was introduced. We were defeated in this Chamber on the Land and Valuation Bill, and we eventually had to accept the suggestions of wise members of this House. Again with the Ne Temere Bill, it would probably have been better for the Government if it had been defeated for all time on that bill, but there once more we had the opposition of a majority of members of this House. On the very important question of the Sydney Harbour Bridge Bill we had to face bitter opposition, and we had to take notice of that opposition. Whilst we had not to steer our course according to the breeze of the moment, we had to take notice of the logic, sense, and wisdom behind the criticism which was directed against us. I repudiate entirely the view which the Hon. Mr. Willis has expressed. Probably he holds it because of a want of acquaintanceship with this Chamber as it is really constituted. Let us look at its record right down the present time. Last year we celebrated the centenary of the existence of this Legislative Council. The bulk of the reforms, the liberties and the privileges which the people enjoy owe their birth to the Legislative Council. This country is a land of free people. It was the Legislative Council which stopped it from continuing to be peopled by criminals and from continuing to be a convict settlement. The Constitution which is attempted to be amended here to-day we owe to that man whose statue

I face—Wentworth. He was the founder of our constitutional liberties and the privileges we enjoy. He won them for us by his wisdom, his eloquence, and his leadership. He built wisely on foundations which have withstood the stress of political storm and peril right up to the present time. Another statue confronts me—that of Sir Charles Nicholson, one of our Presidents. He was the man who founded our splendid system of education and from his mind have sprung our system of public instruction and higher education. To him and to Wentworth we owe the foundation of our University, which has rendered such distinguished service in moulding the character of men who have been the leaders of this country. Those are not small things. It was a Select Committee of this House which sat and took evidence for several months on the question of land settlement. The squatocracy held possession of nine-tenths of the land under lease, but as a result of the report of that committee we ultimately had the system introduced by Sir John Robertson of free selection by survey. As the further result of the work of this Chamber a system of yeoman settlement sprang up, which has done so much to contribute to the progress of the country. Those are not things to be lightly regarded. Take the matter of law reform. The other Chamber has always been too busy to deal with matters of law reform. We owe it largely to the wisdom of members of this House, and individual members of it who have been on the Law Reform Commission, especially the Hon. Professor Peden, an honored and distinguished member of this Chamber, that these matters of law reform, which affect the people in their everyday life and make law cheaper, safer, and surer to the bulk of the people have been attended to. Unless you have law which is cheaper, safer, and surer for the people you will have no stability in the community.

The Minister has done an injustice to this Chamber in the way that he has spoken of it. The record which I have put to you, and which I put to the people of this country, is a record of what

[*The Hon. Sir Joseph Carruthers.*]

really belongs to us. I have heard what one of the new members said. He told us that as he sat behind the Chair he thought it would be the pride of his life to belong to a Chamber of this character. Hundreds of thousands of people in this country think the same way. They have taken a pride in this Chamber because of what it stood for, notwithstanding all the vilification and abuse of men who are careless of whether they speak the truth or falsehood. This House has been spoken of as a House of capitalists, as a House of the rich, as a House of landlords.

AN HON. MEMBER: Not now!

The Hon. Sir JOSEPH CARRUTHERS: I have been a member of the Legislative Council for nearly twenty years, and I say it is not a House of landlords, it is not a House of the rich, it is not a House of capitalists. I have seen men here, many of them, too poor to buy their meals. I have seen men here suffering poverty the like of which I never saw amongst members of the other Chamber. I have seen them doing their duty here always in an honorable way without pay—always doing that which is right and facing hardship and the abuse which comes from foolish men to those doing their duty. This House has never been a House of capitalists. It has always stood for the humble, the weak and the suffering; it has always lent a ready ear to the many appeals for remedy. Many times it has attempted to revise legislation which has come here in crude shape which would never have accomplished what the Government desired, but would have led the citizens into a *cul de sac* of litigation in the courts, where their means would have been frittered away. They never would have got the legal remedies which Parliament ought to have provided for them, unless this House had amended the legislation and provided in unmistakable language the proper remedy. Over and over again Ministers have thanked this Chamber for the splendid work it has done in revising legislation and in turning unwise and crude legislation from an instrument of destruction into an instrument of benefit to the people.

The Minister has said to-night that this bill has been introduced without any reference to the other parts of the platform of the Labour party. No attempt is made by this measure to provide simultaneously for the substitution of something to take the place of this House, but we are told that ultimately some other measures will be introduced. It is a case of "open your mouth and shut your eyes, and take what Lang and Willis will give you." No man knows what will be in the measures which the Government says it will guarantee to introduce later on. But this we do know, that at the back is the vital question of destroying the Constitution under which this country has been governed for over fifty years—of destroying this Council which has been the bulwark and the shield of the liberties of the people for a hundred years past and there is no referendum to the people on that question. The Government is prepared to do this work of destruction behind the backs of the people, with no mandate from a majority of the people. The Government sits in the saddle with a minority of 27,000 electors who recorded their votes with the majority against them. The Government holds office to-day notwithstanding the more recent verdict when the polls were swept by the Nationalist party under Mr. Bruce. Yet with that staring it in the face, and knowing that it is against the popular view and the popular wish, it proposes to abolish this Chamber. It may refer every question respecting small and minor matters to a referendum of the people, but on this one big question which touches the fundamentals—the very basis of the Constitution of the Legislature of this country—there is no reference whatever. The Government dares not make that reference because it knows what the result will be. It sets its course to what suits it, not the public interest. That is why the Government is taking this step. That is why it took the step recently, according to the records laid on the table of the House, of deceiving the Governor of this State. The Minister may be forgiven perhaps

for his want of acquaintance with the procedure that should have been adopted here.

We have, as the result of the Constitution Act passed seventy years ago, and the standing orders, procedure devised to reconcile differences of opinion between the two Houses of Parliament. This Government has never attempted to use that procedure. When a difference of opinion arose between this Chamber and the other Chamber on the electoral bill, and we sent messages down and gave our reasons and received in return their messages and their reasons, any other Government that has ever existed since we have had a Constitution would have adopted the course of having a conference on the question. From such conferences in ninety-nine cases out of a hundred there have resulted compromises honorable to both parties. In this case the Government set the bill aside. Instead of adopting the procedure provided by the Constitution Act, the Government proceeds, according to its whim. Acts of tyranny are not the way in which this country should be governed.

I was a member of the Parkes Government and of the Reid Government. We brought in legislation of a very important and radical character, designed to alter the basis of taxation in this country so as to provide that wealth should be taxed according to its ability to pay. We put a tax on land and imposed an income-tax to be paid by people who had incomes above a certain value. This Chamber, the Legislative Council, said that was a novel procedure. It said, "You have just come back from the country, having defeated another Government. We refuse to pass your legislation without certain radical amendments dealing with the question of income-tax and land-tax." We did not adopt the course that Mr. Lang and his followers have adopted of saying, "No; we will throw your amendment under the table." We took the course of receiving with due respect the messages from this Chamber and inviting the managers for a conference on behalf of this Chamber to meet the managers for a conference on behalf of the Legislative

Assembly. I was a member of that committee of management, acting on behalf of the Legislative Assembly. We failed at the conference either to get the Council to agree to our view or to agree to their view. We took the only manly course then open to a Government. It is the only manly course open to-day to a Government. Instead of going round and attempting to abolish the Council, we arrived at the conclusion that the Council did not realise public opinion. We immediately had the Legislative Assembly dissolved and appealed to the electors. We came back with a good majority. We then sent those bills again to the Legislative Council. There had been no alteration in the composition of the Council beyond the appointment of one or two new men. The Legislative Council immediately gave way, and the Income Tax Bill and the Land Tax Bill were passed. That was without any violent overthrow of our Constitution. We used the machine that was here. We put a little more oil into the machine. By going to the people we got a little more power to use the machine. We got the machine into smooth working, and the result was we got what the people wanted. That would happen to-day if the people wanted this legislation which has been amended and which in a few cases has been rejected by this Chamber. All that the Government has to do to-day is to show that it has the people behind it. It has not shown that up to the present time, and it cannot show it. If the manly course of going to the country had been followed, and if the verdict of the people had been to endorse the Government's proposal, there would have been no further opposition from this Chamber. What we would have then done would have been to assist the Government to frame its legislation in such a way as to give full effect to what it proposed.

I want to refer to only one more matter. A lot of things with regard to our Constitution seem to be taken for granted or to be assumed. Section 3 of the Constitution Act is as follows:—

In this Act, unless the context or subject-matter otherwise indicates or requires, "The

[*The Hon. Sir Joseph Carruthers.*

Legislature" means His Majesty the King, with the advice and consent of the Legislative Council and Legislative Assembly.

The main point is that the Constitution Act provides for a Legislature under the bicameral system. There is not one word in that Act which gives the power to this Parliament to abolish the Legislative Council. Section 7 says:

The Legislature may by any Act alter the laws in force for the time being under this Act or otherwise concerning the Legislative Council.

Altering the laws is one thing and abolishing the laws is another. Here in the Constitution Act, it says how the alteration may be made:

And may provide for the nomination or election of another Legislative Council to consist of such members to be appointed or elected by such persons and in such manner as by any such Act is determined.

If a bill is passed to carry out that one power given in section 7 of the Act it is to be reserved for the royal assent and laid on the table of the Imperial Houses of Parliament for a period of thirty days at least. I contend it is a distinct violation of the Constitution itself to attempt to use it for the purpose of abolishing this House. Even the speech of the Vice-President of the Executive Council, founded as it is on misstatement and fallacy, or even if it were founded on solid fact, could offer no justification for the course proposed to be adopted to abolish this Chamber.

The Hon. A. A. ALAM: As the Usher came in to-day and introduced you, Mr. President, I was wondering if it would be the last time I would hear that introduction. If the time is coming when we are to become extinct then surely the few minutes I shall now occupy will not make much difference. What I intend to say may not meet with the approval of some of my friends. I would feel sorry to think that I should be one of the means used for executing the mother Parliament of Australia, but it seems a necessity. There seems to be some difference of opinion with respect to the Railway

Passes Bill which is going through another place. I would be one of the first to put out my hand for it.

The PRESIDENT: The hon. member is not entitled to discuss a bill which is not before this Chamber.

The Hon. A. A. ALAM: Very well, I shall not do so. I stand before this House honorably elected. We have heard all sorts of disparaging remarks regarding the twenty-five men recently appointed to this House. We have been criticised as nondescripts. I really forget what one hon. member in the other House said of us. But we stand out before you all as the elect of the elect. Ours is not different from the system that exists in the United States of America to-day. We are proud that we are the elect of the elect. Since the representatives in the Lower House are elected by the people and they select the Ministers and elect us for appointment to this House we are the elect of the elect—the elect of the people. If there is any remuneration attached to our position whether we are here for one week or one month, we are entitled to it, the same as any hon. member who may have been here for fifty years. I feel very strongly on that point. I will go further, and say that if £300 were offered I would be the first to put my hand out for it. There is a kind of staidness about this House, and I think a little breeziness does good now and again.

There has been a lot of commotion as regards our "pairs." Speaking as a Labour man, if I pledged my solemn word of honour not to break my pair, I would not care what I did—if it was a matter of honour I would stick to it. That is my view, as a Labour man. Since the abolition of this House is to take place, as many members as possible ought to rise up and express their opinions. We will be old a long time, and we will be dead for ever, and, in our dying days, this is the opportunity to express our opinions. If you want my opinion, although I feel sure that some of my Labour colleagues will not agree with me, I will say that if I had the power

I would not abolish this House, speaking from the party point of view.

The Hon. A. E. HUNT: Then be true to your conscience!

The Hon. A. A. ALAM: It is not a matter of conscience. If I had not signed the pledge to the Labour party for the socialisation of industry, distribution, and exchange, and the nationalisation of schools, and if the Labour party had asked me to be a party to it, I would not be here two seconds, but on this question of the abolition of the Upper House my word was pledged to the Labour party by one of the greatest men in the Lower House. I have said that if I had given my word in regard to a pair I would stick to it, whatever happened. So I must stand to the pledge I have given in this case, though from the party point of view I think this bill is the greatest blunder ever committed.

I know that whatever I say is not going to make any difference to the vote, but I want it to go down in *Hansard*, and I want it to go to the next Labour conference. I want to show Labour in New South Wales that the staunch Labour vote will not return it to the Treasury benches. Labour must rely on the unattached, or unaffiliated vote in this country to place it on the Treasury benches, and this act of abolishing the Legislative Council is a blunder on the part of Labour. When I took up the cudgels against the "reds" at the Labour conference they told me I was taking an exaggerated view of their importance. I told them that the day would come when they would find what a menace the "reds" were to Labour. They are a greater menace than all the machinations of the Nationalists and the Progressives put together. When Labour abolishes this House it will commit the greatest blunder ever committed, because this House is the only safeguard for sectional interests. I know that Labour members will disagree with me. I told them the lines on which I intended to speak, and they said I was mad, but the day will never come when a Labour member can point the finger at me and say I have ever done anything against the party. Every man, however, should have an

opinion, and this is the place for me to express my opinion. I am as good a Labour man as any of the militants who criticise me. Most of those militants, who claim that they are the whole Labour movement, do their little work amongst a small section, and the good they do is not very great, though, of course, they always vote Labour. I have helped the Labour party from principle, and because of its ideals, and not of necessity. My activities have not been confined to a small section of the militants, because there is not an electorate in the whole of New South Wales, except perhaps Byron, in which I have not spoken on behalf of Labour. This country is resolving itself into two great machines. The "first-past-the-post" principle will come in, and then, when those two machines are fighting, sectional interests, without this House, will not be safeguarded.

The Hon. MARTIN DOYLE: What do you call sectional interests?

The Hon. A. A. ALAM: Never mind; you ought to know.

The Hon. MARTIN DOYLE: It is not customary in this House to be rude!

The Hon. A. A. ALAM: I understand it is not customary in this House to interject, as a gentleman to a gentleman, but if the hon. member wants me to answer his question I will. When the "first-past-the-post" principle becomes law, and two huge machines are operating, that is, the Labour party and the Nationalists, where will the farmers be?

The Hon. A. E. HUNT: They will be there, all right!

The Hon. A. A. ALAM: Of the two machines, Labour will be better for the farmers than the Nationalists. Numerically, under the splendid system of one-man-one-vote, the farmers will never be strong enough to gain control of the Treasury benches in this country, and since they are the arteries of the country, and the men to whom we owe our prosperity, how are they going to get recognition for their interests when the "first-past-the-post" principle comes in, and this House has been abolished? France tried it, long

[The Hon. A. A. Alam.

before we did. Speaking of France, and the taking of the Bastille, which advanced democracy by 500 years, I say the greatest thing that has happened is that England and France have shaken hands. I hope they always will be friends, because they are two wonderfully advanced and democratic nations, and can work together to safeguard the peace of the world. But France tried the system of having only one House of Parliament, and what happened? Sectional interests had to be protected, and, to do it, the second House was reappointed. I say that the proposal for the initiative, the referendum, and the recall is an absurd thing, and that it is not workable. My militant friend from Lithgow, who claims to be a great Labour man, says I am wrong, but I told him that I represented Labour from ideals. He is Labour from necessity. He said to me, "But you're a storekeeper. What have you got in common with the worker?" This may be my last opportunity of speaking on the floor of this House and I take the opportunity to say that the country general storekeepers are amongst the greatest assets of New South Wales, because they finance the farmer and enable him to put in his crop and take off his wool. Going back further, we hear from our militant friends, who do not understand the position, all sorts of charges against York-street and the banks. They say they are the greatest enemies of Labour.

An Hon. Member: So they are!

The Hon. A. A. ALAM: Let me tell my hon. friend that if it were not for York-street and the banks he would not now be wearing his tailor-made suit. I will tell you why. If it were not for York-street, 70 per cent. of the farmers of New South Wales would be bankrupt and out on the labour market. If it were not for the conservative banks—for the stability of our country lies in the conservatism of our banks—the York-street houses would not be financed. The York-street houses in turn finance the storekeepers, who finance the farmers. So if it were not for the banks, where would the country be? My Labour friends may not like what I say, but I am telling

the truth, and I am pleased to have the opportunity of telling them the truth in this House. I say again, the abolition of the Upper House in Queensland cannot be taken as a criterion, because the psychology of Queenslanders in regard to elections is totally different from that of the electors in New South Wales. Personally, I think the Government is making a grave blunder in attempting to abolish this House. The House is an anomaly, we know, and being an anomaly it should go. Hon. members may think I am contradicting myself, but let me explain. If it were possible to reform this House and limit its number of members, even if it passed practically every measure that came before it from the other House, and was only called upon once in every five or ten years to protect sectional interests, it would have done its duty. This Government takes Queensland as a criterion. I have travelled Queensland and know that the abolition of the Upper House in Queensland was a grave blunder. Mr. Theodore would have still been Premier if the Upper House had not been abolished. The militants and the industrialists made it so hot for him that he had to get out. The time will come in New South Wales when the same thing will happen here, and there will be a distinct cleavage between the militant industrialists on the one side, who are trying to kill the goose which lays the golden eggs, and the moderates on the other side. I would like that statement to appear in *Hansard* and we will see what happens in the next five or ten years. What happened in Queensland when Mr. Theodore got out? They put in a Premier, Mr. Gillies, and when the railway strike took place they cracked the whip on him and he bent at the knees. To-day they have a strong man in Mr. McCormack. The militants tried to do the same with him, but he said, "If you don't get back to work you will know something about it." He cracked the whip on them. The politics of a State is a serious business. Does anyone tell me I have not considered before coming into this Chamber every word I have uttered. I say I have con-

sidered every word. If I stand out as one Labour man amongst the whole of my comrades—

The Hon. J. KEEGAN: Don't call us comrades, for heaven's sake!

The Hon. A. A. ALAM: What are you?

The Hon. J. KEEGAN: Honorable men!

The Hon. A. A. ALAM: If I try to appeal to the unattached vote which decides elections, I am doing something for Labour. I will always subscribe to Labour's platform, and on all occasions will do all I can for Labour. Although the forty-four hours week was a plank in the Labour platform, what did I say at the conference? I said that the £4 6s. basic wage would only purchase £4 worth of goods to-day. I said, "Raise the workers' wages. Give them more money. Raise the standard of living. Give them better education. Help them in a practical manner. Give them three meals a day, a clean home, and clean children, and they will be better off than Rockefeller with all his millions." That is what the Labour party is doing, and that is why I support the Labour party so strongly. It is the only party that attempts to do anything. The other side is negative. That is why I support Labour, although I need not do so from necessity, but I have ideals and I have the interests of the worker at heart. If I think the interests of the worker will be jeopardised by going a little too far and killing the goose that lays the golden egg, I will say so. There are thousands of Labour men who will do what they are told, but we want a few thinkers to pull the reins now and again. The Labour party has done well, and has placed on the statute-book some of the greatest pieces of legislation the world has ever seen. It has been a beacon light for all the world to follow. I am proud of belonging to the party which has placed such legislation on the statute-book, but there is such a thing as the limit, and if the Government is going to take Queensland as a criterion, it will be sadly mistaken, because there are no small wheat-farmers and no North Coast farmers in Queensland. There is not that big unattached vote in Queensland

which there is in New South Wales. I say to the Government, "If I were in your place I would gerrymander the electorates throughout the State, and if there were any doubtful seats, then, like the Nationalist Government in Victoria, I would put 500 or 600 men into these electorates to build new lines." That is the stage which State politics has reached. I do not condemn Queensland any more than I do Victoria. They are both anomalies and one is as bad as the other. I say that the unattached section of the public will give its vote for Labour at the next elections because it knows that Labour is its only protection. Labour contends that it is two years until the next election, but the people have very long memories.

The Hon. F. W. SPICER: As a supporter of the Labour movement, practically from my birth, I feel I cannot let this occasion pass without saying a few words. I think I am one of those who can practically claim birth in the Labour movement. We frequently hear statements made about what people have done for the Labour movement and the sacrifices they have made. Although many people in this country have done much for the Labour movement, they must not lose sight of the fact that the movement has achieved much for the people. I support the bill because I consider that a nominee House, of which I happen to be a member, is something which a democratic country like Australia and New South Wales in particular should not and cannot tolerate. I shall vote for the abolition of this House because it is a plank in the platform of the Labour party. I congratulate the Government and the Premier on bringing forward this proposed legislation, which I believe will be placed on the statute-book in a short space of time. I could not vote against a bill of this nature because it would be against every principle dear to the heart of Australians and Britishers. Go to any cricket, football or jockey club, or to any similar association, and you will find that the committee or controlling body is elected by a vote of members. If this bill should be defeated and it is necessary to have a House of

[The Hon. A. A. Alam.

revision, that House should be elected by a vote of the people on the fullest and freest possible franchise and not on a property qualification as is the case in some other States. We see evidence around us that this House is in a decaying and dying condition. We only have to go out into the street to see that the walls of the building are supported by an adjoining building. Even those walls suggest that the Chamber in its present form should be abolished. The abolition of the Legislative Council is a principle of the Labour party on which I intend to stand or fall. It has been said in another place that the Government has offered a bribe to members on this side of the House to support the bill for its abolition. Some members have gone so far as to almost attack the personal character of the new members of the Council. As far as I am concerned, and I think I can speak for the other twenty-four members, I can say that my life is an open book, and I am prepared to place my character on the scale of public opinion with the character of any member who has attacked us. I support the bill because it is a plank in the Labour party's platform which I have stood by from boyhood, and I do not intend to go back on it.

[The President left the chair at 5.55 p.m.  
The House resumed at 7.20 p.m.]

The Hon. S. HICKEY: I suppose, in certain respects, compared with the other twenty-seven or twenty-eight men nominated by the Lang Government to this Chamber I can rightly be classified as an habitue, but none the less I do not mind confessing a feeling of diffidence at the prospect of a preliminary gallop on this track grown strange in the course of two or three years. Our attention has been directed to the more recent influx of members of the Legislative Council, When I found myself on that list for preference I had no idea whether I was to be one of six, twelve, or a slightly higher number. The fact that the ratio is one in twenty-five is a reason for many things. In the Council there is a good deal of the spirit of Henry V before Harfleur when he said the fewer the number the greater the share of honor. This plank

of the Labour platform about to be tested in the Legislative Council is an exceedingly venerable one. If I might, without any reflection on the distinguished members of this Chamber, I would say that the plank is almost as venerable as they are. Fifty Labour members have come and gone in the Legislative Council without ever having been asked to cast a vote on this famous plank. I do not know that I would have complained much if that plank was still doomed to rest awhile as the fascia board in the Labour edifice. But a different type of man is apparently ruling in Judea to-day who has trotted out this first plank as a real test, and I who have had some advantage, as far as gratification of pride or prejudice is concerned, am honorably committed to the plank. My conduct is clear, and to vote in the way the Government desires is the only way honor lies, although that, according to the newspapers, is a very doubtful quality in present-day politics. I suppose the other members of the Legislative Council who have accepted nomination at the hands of the present Government are somewhat surprised at the turn of events. In a way we came here expecting to do qualifying certificate work, but no sooner do we enter the place than we find ourselves hard at work for the leaving certificate.

The Hon. Mr. Ashton, making a speech prior to the new influx just before Christmas, really struck a sympathetic chord in my nature. He said that but for one or two domestic considerations he would pack up his traps and get out of this country. If the new members are of that significance to New South Wales, I rejoice to hear it, because that which is potent for harm must, properly directed, be potent for good. I hope the hon. member will not do that, as for a gentleman who grew to such portly and rotund proportions in Australia to wrench himself clear out of his country is too tragic a proceeding for me to wish to have any part in. I listened to the speech of the distinguished and learned member the Hon. Sir Joseph Carruthers, just as in other days, I have read most of his utterances. It is like the balm of Gilead laid to a man's heart to remember that the Hon. Sir Joseph Carruthers sees at least some shortcomings with regard to the institu-

tion against which some of us presently are going to exercise a hostile vote. I did not know I was going to speak this evening, or I would have read some of the hon. member's speeches at the time the Reid Government went to the country on the cry of "Upper House reform." One can feel that, even in those bygone days, there was some necessity for Upper House reform in the minds of the very distinguished gentlemen in whose hands the fate of New South Wales rested at that time. The Hon. Sir Joseph Carruthers mentioned the issues there, and mentioned the result of them, but there was no Upper House reform then—none whatever. At a much later time, in 1923, the Hon. Sir Joseph Carruthers commented again about this House in a way which would be unbecoming to a new member. He said:

Some men had been appointed and then ceased to regard the honor of giving public service.

That was at least one "police court offence" that could be alleged against the Legislative Council. The distinguished gentleman also said:

He could not justify a life tenure of office.

That seems to be another shortcoming.

Membership should carry the obligation of attendance.

That looks a likely proposition, too, when you think of it.

They were often anxious about a quorum, and he had had to write letters calling on members.

When he did not write a letter, I suppose, they were to take it as an indication that they were not required. So much for the weak features of the Legislative Council. It would appear, then, that we are not asked to vote against the existence of a perfect institution, or a perfect Legislature, and because of that, I say it gives us some hope that our attitude will not be altogether unforgivable, even from the standpoint of those who are in favour of the continuity of an Upper House. I find that the Hon. Sir Joseph Carruthers made a similar condemnation against the House as it stood in 1921, when the Storey Government wished to put its imprimatur, in a way, upon the personnel of this House, and was responsible for the appointment of

sixteen new members. The Hon. Sir Joseph Carruthers, and, I think, other hon. gentlemen at that time, said that the period of usefulness, so far as this being a Chamber of review was concerned, had passed, and they said many things on those lines. But for all that, from their standpoint again, it is to be presumed that this Council has since had five or six more years of usefulness.

The Hon. Dr. Creed had a drastic notion of reform of this Council twenty-five years ago, which seems to have cut some ice here then. He wanted to reform the Council in a most drastic way and the drawing of lots was to enter into the matter, to decide the personnel of the House. The drawing of lots suggestion reminds me somewhat of "The Three Musketeers," of Dumas' novel, who were to settle by the drawing of lots the difficult problem as to who was to leave the castle. I do not know whether the problem to decide who should leave this castle would be as difficult to overcome as was their problem, but the Hon. Dr. Creed's suggestion was to decide it by drawing lots in the matter. These things serve to indicate that there is room for improvement in regard to this Chamber. I will put it no higher than that.

I have not the agility of my young and vigorous friend, the Hon. Mr. Alam, who is able to size up two situations simultaneously, and I will say nothing about the Nationalist point of view; but I will speak briefly from the standpoint of that very considerable section that, I am forced to admit exists, which believes in the continuance of this Chamber, at least as a House of review. On behalf of those who believe in an Upper House, and who probably do not support the Labour Government in the main, I will say that even they must admit the shortcomings of this Chamber, just as some outstanding persons have had to admit it. On their behalf, I will say that if the Legislative Council goes by the board, something can be built up from its ruins, or its ashes, at the behest of that particular section of the people, if their ideas are sufficiently strong to make themselves manifest at the next general election. I am not so foolish as to think that one party can govern this country for very long. We

[The Hon. S. Hickey.

are living in an era of change, and the public dearly loves a change. The sporting instincts of the people will give the man who is "on the outer" a chance to govern from time to time, and I presume that some day a Government will come into power, largely by the support of the section to which I have referred, which believes in our present legislative balance. When they do, they can be guided by the criticisms of distinguished gentlemen, some of whom I have quoted, and can build the better for knowing the defects of the previous structure. For that reason, this plank of the Labour platform, which is much older than I am politically, binds me morally and politically. I have never dissociated myself from it; on the contrary, I see 90 per cent. of reasons for supporting it. Because of that, I say my way—I think I can say my way—is clear. If we are defeated, I hope it will be said that never a set of men took a defeat in a better manner.

The Hon. R. PILLANS: As one of the new members and probably one of the oldest members of the Labour movement in this State, I will ask the consideration of this House for a short time whilst I try to explain the reasons why I am supporting the abolition of this august Chamber. We have been told by the members of the Opposition that this House is the bulwark of the people's liberty. We have been told that over and over again during the last thirty years, and during those thirty years I have listened to speeches of many of the hon. members opposite. I have listened with pleasure to the manner in which they can manipulate the language and bring an argument to bear on something that would not stand the acid test of logical reasoning. We have been told in burning language by the Hon. Sir Joseph Carruthers that he is here to support the retention of this House as something which will save the people from ruin in the future. He has also told us very much of what has been done by some of the leading lights in the old Free-trade and Protectionist parties, but he has not mentioned the fact that the Labour party came into existence through the advice of the daily papers of Sydney. The *Daily Telegraph* and the *Sydney Morning Herald* repeatedly advised the

working people of this country to get away from the idea of strikes and industrial disputes and put their own men into the Legislative Assembly so that they could get their difficulties settled by legitimate and legal means. The peculiar part about it is that no sooner did we set about doing that than the very papers which had advised us to do it came out strongly in opposition to anything of the sort. The time has never been opportune for any change in constitutional methods. The time will never be opportune to do anything which will interfere with those vested rights that are so well represented on the opposite side of the House. We as workers have for years and years had to be content to accept what those people would give us, and immediately we asked for anything on our own initiative, with the idea of bettering our condition, we were told that we were ruining and wrecking the Constitution of this great country. Our friends on the opposite side will tell us that in spite of all that has been done by the pioneers of the old Protectionist and Free-trade parties the country is not to-day in the prosperous condition which it ought to be in, and they turn round and blame the workers. They will also tell us that if we will just leave everything to them they will look after our interests. We must take their word that they will do their best, but after they have done their best we find that the people who rule the country under a Nationalist Government, or a Liberal Government, or a protectionist Government, such as we have had in the past, are the same old crowd. No matter what hon. members called themselves, they were under the monetary institutions of this country, and they are still there.

The Hon. G. F. EARP: There is not a word of truth in it!

The Hon. R. PILLANS: I have taken a very active interest in the politics of this country. Ever since the Labour party came into being, and for years before, I was advocating representation from the ranks of the workers themselves. I see no reason to alter my attitude to-day, and I say here and now that if this Chamber in the past had been a Chamber of revision only, I question very much if there would have been any

attempt on the part of the Labour party to abolish it to-day. But what do we find? We have only to look back a few weeks to find that before the advent of these twenty-five gentlemen of some doubtful character, according to the Opposition, the people who are supposed to be the bulwark of the people's liberty turned down flat any measure sent here by the Legislative Assembly which did not meet with their wishes. There was no talk then of standing up for the liberties of the people. There was no talk then of supporting the members of the representative Chamber which had gone back there. It may be they had not a majority of all the votes polled, but having polled more votes than any other party, if we are not to rule, we must be ruled by the combined votes of two parties. We know that has been done in the past. We know that the Labour party has held the balance of power on more than one occasion. We know also that both the old parties on the other side of the House were always willing to sacrifice the principles which they held so dear, in order to get on to the Treasury benches. I do not know whether they have improved so much lately. I hope they have, and I hope the vote given to-night will show it, and that hon. members will stand true to those principles about which they have been talking so much, and will stand up for the liberties of the people whom they love so well, and will forget for the time being that it might have a slight influence on the dividend-earning powers of the capital which some of them so worthily represent. I am coming now to say that the criticism which is being hurled at us at the present time is not criticism of a constructive nature. In every newspaper we pick up we read that some distinguished member of the Opposition has voiced his opinion, and has even insinuated that the last twenty-five nominees to this House are not quite as good as the old brigade that was previously sent here. Fifteen years ago I was on the list of Labour nominees for appointment to this House, but the gentleman who had control of the nominations at that time said something that has not been said in the same spirit since. He said that in

connection with nominations to the Upper House all parties should be represented and I was wiped out to make room for a gentleman who is now sitting on the Opposition side of this House. He has been here for fifteen years, and is to-day recognised as being one member of that great community which has been described as the bulwark of the people's liberties, while the man who was wiped out by his own leader to make room for him and was considered sufficiently good at that time to be No. 5 on the list of nominees from the Australian Labour party has had to wait till the present time to get here. The man who asked me to go on that list and assisted me in every way is also on the Opposition benches, and will be voting against me, after having said that I was a fit and proper person to come here. It is these things that make one wonder whether there is anything behind the plausible statements which come from the other side, and which are published in the morning newspapers with the idea of telling us of the sacrifices that have been made and of how the country has been built up. I hope hon. members opposite will stand true to their principles and that when this vote is being taken it will be recognised that we are not doing anything of a destructive nature, but are trying to make room and clear away the old obstructions and assist in building up a system of administering the laws of the country that will tend to give everyone a fair deal, and, as one hon. member has said, will make justice cheaper than it is at the present time. We have been told that it is foolish to think that a nominee Chamber should be a life membership Chamber. We are also told that if the Labour party has control of the destinies of this Chamber the Constitution will be wrecked and ruined. I would ask what happened to the Constitution when the Nationalist Government sent up a sufficient number of members to not only swamp the Chamber, but to control the legislation that was sent up from the other House. Did the Constitution get broken when the Nationalists were in control? Is there any more reason to suppose that the Con-

[The Hon. R. Pillans.

stitution will be broken in this particular case or that the last batch of twenty-five members will be able to control this House of ninety-nine members? Twenty-five into ninety-nine does not represent a controlling influence, and if we do obtain a controlling influence and succeed in carrying a vote in favour of abolishing this House, we shall do it in face of the fact that hon. members opposite are still greater in numbers than the Labour representatives, and that there would be a majority against us if all members were in attendance here. Where does the swamping come in? If we are swamping the Council, what did the Nationalists do when they sent up twenty-three members in one batch?

The Hon. Sir ALFRED MEEKS: They never did so. They sent only twenty-one here!

The Hon. R. PILLANS: They sent these members here simply to carry out legislation they wished to impose on the people of this country in the interests of those whom they represented. We are here to do the same thing.

I listened to the speech of the Hon. Sir Joseph Carruthers this evening with much pleasure. I was pleased to learn that we are still a free people, and that the privileges we now enjoy have very largely come from the Nationalist party when it has been in power. This last information was news to me. One thing I did know, and that was that many of the privileges for which we have asked in the past have been blocked by the Nationalist party. We were forced to take the advice of the *Sydney Morning Herald* and the *Daily Telegraph* and form a party of our own to carry out the will of the workers. We have done this, and I ask for the consideration of hon. members to this matter to-night. I wish hon. members to understand that the Labour party has no idea of destroying anything that is likely to be beneficial to the people as a whole. We want to clear away the old buildings that are not up to date and put something in their place, if that be necessary, that will represent the aspirations and the ideals of the younger generations that are coming along. It is all right for old people like myself and

for others who are considerably older to say that we know all about what should be done and to set out what we will do. But I recognise, and I want other hon. members to recognise, that the old men have to pass away and that younger men with different ideas will come along. If hon. members opposite are so much interested in building up a free people and a free Constitution—and I admit that we have one of the freest Constitutions in the world—they must recognise that many of the laws that make for freedom have to be fought for. Many of the older hands among the workers who have made sacrifices can well remember the time when they had to turn out in all weathers and at all hours in order to earn a crust. Every time a move has been made to reduce hours or increase wages we have been told that the Constitution has gone by the board and has been broken up. On the other hand, when we have gained a little victory we have thought that the millennium had arrived. It does not take very much to keep the working people contented and happy. What would keep a working-man with a wife and four children some hon. members opposite would spend upon drinks and cigars. It is of no use to laugh or to sneer. One cannot take up a daily newspaper and look at the reports in the society columns without finding that some members of the Opposition or their friends are about to make a trip round the world. They are able to do this once every twelve months. But if a worker were to take a trip of this kind once in twenty years hon. members would say, "Look at him. He is only a working-man and yet he can go for a trip round the world once in twenty years." These are the things that rub it into us. We recognise that the good things of this world are not fairly distributed, and we know that this House is one of the things that makes it possible for hon. members opposite to rule the destinies of the workers. We have had to suffer, but now that we have our eyes open and our education has been advanced to some extent through the efforts of the old pioneers we say that no Constitution is perfect. Noth-

ing made by the hands of man is perfect, and yet we are expected to worship the sacred Constitution and the representatives of that Constitution in the persons of our friends opposite. Twenty-five hon. members have recently been sent here according to the Constitution which we are supposed to worship. Therefore we have to take them as representing the stage of freedom which has been arrived at by the Opposition. We ask you to go a further stage in the march of freedom. We ask you to recognise that the people's representatives in another Chamber are the people who should make the laws of the country. This is only a revising Chamber, yet you insinuate we are here for party purposes. We are no more here for party purposes than you have been during all the years you have been in this Chamber. You were useless if you endorsed what came to you from your own crowd down below, because they did not require your endorsement, but if you fought against them and turned down what they sent up to you you were obstructionists and were opposed to the people's rights. I hope and trust that this motion will be carried, not only by the votes of those on my side of the House, but by the votes of those who have signed the pledge of the Labour party. I hope hon. members will realise their duty when the call is made, and that they will for once free themselves from the influences which dragged them away from the constructive party, the only party that represents the majority of the people of this State.

The Hon. E. C. MAGRATH: It has been said that the proposal now before the House is a new one, that it has not received the consideration of the people of this State, and also that it is a proposal for which the Government has no mandate. We can all carry our minds back to the days when the McGowen Government secured a majority in this State. The McGowen Government was the first Labour Government. In those days the abolition of the Legislative Council was a plank of the Labour party's platform, and that Government, which came into power

fifteen years ago, was intent upon realising it if it had a sufficient majority. Unhappily, it has remained for us in our time to realise what the McGowen Government did not have the opportunity of realising, and we are now in a position to proceed with the abolition of this Chamber. The Holman Government time and again expressed its desire in Parliament and through the public press to abolish the Legislative Council, because nobody could give other than the flimsiest reasons why it should continue to exist, but because of circumstances known to every member of this House the Holman Government, the Storey Government, and the Dooley Government found themselves unable to reach the stage we have reached to-night. As I said, this is not a new proposal, because it has been on the Labour party's platform during all the years the Hon. Mr. Pillans said it has been there. It has been on the Labour party's platform during the fifteen years which have elapsed since the advent of the McGowen Government to office in this State. During every election campaign the people of this community were informed that when the Labour party achieved power with a good and sufficient majority it would put into operation this plank of its platform. As a consequence we have had during every election campaign members of the Labour party telling the community that this measure would be introduced when the opportunity offered, and at the same time we have had members of the Nationalist party trying to create a fear as to the consequences which would follow the abolition of this Chamber. As both parties brought this matter before the public from time to time nobody can truthfully say that the people did not realise when they returned the Lang Ministry to power that this would be one of the measures it would proceed with. The last elections were fought under singular circumstances. At no period was a longer time devoted to an election campaign, and both parties had the fullest and amplest opportunity of properly discussing this matter. Having been elected under these circumstances, and the people having had a

[The Hon. E. C. Magrath.

full knowledge of the Labour party's platform, it cannot be contended that this matter was not properly submitted to the people for their consideration. The Hon. Sir Joseph Carruthers told us that the Labour Government is in power on a minority vote. In Parliament the Labour party has a majority of seats over the combined strength of the two parties which are opposed to it. If the Nationalist party were in power under the same circumstances it could present no greater justification for legislating in accordance with its programme. If all things are fair and square, it must be conceded that the Labour party has every justification for proceeding with its legislative programme. If the Hon. Sir Joseph Carruthers challenges the right of the Labour party, which has a majority of seats in Parliament, to legislate in accordance with its programme, let me ask hon. members on the other side of this House where they got their mandate from to interfere with the Labour Government's legislation? When did they get a mandate from the people? When were their views ever placed before the people? When were they ever responsible to the people for their actions?

The Hon. G. F. EARP: We are willing to let the people decide by referendum!

The Hon. E. C. MAGRATH: If those are my hon. friend's views, they are not the views of his party. When the Nationalist Government was in power it did nothing to amend the Constitution as regards the tenure of members of this Chamber.

The Hon. G. F. EARP: That is not the question to-day; the question to-day is abolition!

The Hon. E. C. MAGRATH: It is useless for the hon. member to state his views in answer to me. They are his own individual views, and not the views of his party. The Labour Government has been elected by the people, and is responsible to the people, but you have no such authority to justify you in interfering with any of its legislative proposals.

I listened to the Hon. Sir Joseph Carruthers attempting to justify the continuance of this Chamber. He led off

with the statement that to the case presented by the Vice-President of the Executive Council he had a very full answer. To show just how this Chamber was controllable, one part of his answer was that some time back, when we had a Nationalist Government in office, the Legislative Council disagreed with the Government's legislation covering the land and income-tax. The Legislative Council at that time felt that it was within its power to interfere with that legislation, but its amendments were such as to be rejected by the Legislative Assembly. When the test came the Assembly decided to go to the people for an endorsement of its legislation. The Hon. Sir Joseph Carruthers told us what an admirable system that was. Let me say that when, as he has informed us, the Government of the day went to the people, the people said that the Government was right, and that the Legislative Council was wrong. That is not an instance which showed the strength of the case advanced by the Hon. Sir Joseph Carruthers, but it showed just how convincingly the people spoke when they had an opportunity to express themselves as to the inability of this Chamber to express their views.

I submit that on this occasion, with all the facts which present themselves, the self-same verdict has been returned against this Chamber, by the advent of the Lang Government to power. Further than that, the Hon. Sir Joseph Carruthers suggests that this Council is entitled to its existence because at some time or other it has revised a Government measure. I venture to suggest that that is not sufficient justification for the continued life of this Chamber. What one has to show is that it can do useful and necessary work in the interests of the community. This Chamber is so constituted that when it expresses the views of the Government in power it becomes a useless body, and when it fails to express the views of the Government in power it becomes an obstructive and a mutilating body. In any circumstances it is a Chamber which stands condemned, because a mere endorsing body is a superfluous thing in our legislation, and a

Chamber which interferes is a common nuisance. I submit that if the Hon. Sir Joseph Carruthers wants to make a case for the continued existence of this House he must do so upon other grounds than those he has advanced to-night.

The hon. member had the opportunity to tell us in what useful way this Chamber has functioned in connection with the legislation sent up to it by the Lang Government, but he mentioned not one thing in justification of it. I put it to hon. members then, that that was his strong point, and when he fails to make a case upon it the Hon. Sir Joseph Carruthers recognises the strength of the case against him. Further than that, let me point out that it is not only the Labour party's view that this Council is an unnecessary Chamber, but it is also the view of a fairly substantial number of members of the Nationalist party. I recollect that before the Fuller Government went out of office there were from time to time intimations in the public press that this Chamber was to be reconstructed at the hands of the Nationalist party. If the Fuller Government fairly expressed the views of the Nationalist party in this State, the only point that is between them and the Labour party is as to whether this House should be abolished, or whether it should be reconstructed. The Labour party supports its abolition, for the reason that we cannot see what justification there is for a Chamber existing merely to ratify the work of some other body. Hon. members at once suggest that they have a usefulness in revision. I venture to put it to them that to-day they probably have some limited usefulness in revising measures only because the Legislative Assembly recognises that this House may have an opportunity to revise, because its pace is not so great as that of the Assembly. If there were no Council the Assembly would have to seriously do its own business, and do it in a thorough and workmanlike way.

For these reasons I believe that it would be of advantage to abolish the Legislative Council. I think that the Legislative Assembly, from the moment

of abolition, would more seriously apply itself to problems of State than it has done up to the present in some matters. There is the position in a nutshell. On the one side hon. members say there ought to be to some extent a reconstruction of the Legislative Council. We on the other side say there ought to be abolition. When I look at the workings of second chambers throughout the Commonwealth I cannot see anything but that in several of the States they are obstructing the realisation of the Labour party's aims and ideals—and when I say the aims and ideals of the Labour party, I refer to those of the working sections of the community. If we look at the Legislative Councils in West Australia, South Australia, and Tasmania, we see nothing else than parties sitting there on a property franchise, obstructing the consummation of the Government platform. I have recently been in the States of Tasmania and South Australia, where the Lyons Government and the Gunn Government are quite unable to do anything because they know that the experiences which Labour Governments have had in New South Wales from time to time are going to be repeated in their own States. In respect to some measures they have actually had the experience we ourselves have had. In West Australia the proposal to extend the forty-four hours week throughout the length and breadth of the State has been rejected by the Legislative Council, and every piece of useful legislation, from the Labour point of view, has also been rejected in the other States of the Commonwealth. In the light of experience and the fact that the parties which are opposing this measure represent interests, one cannot conclude otherwise than that you gentlemen have been the protection and safeguard of the vested interests of this State. If you propose to change, and help the Labour nominees in this Chamber to realise the Labour party's platform, the moment you so declare yourself this Chamber becomes a useless institution.

I shall conclude by intimating that so far as the ventilation of this matter, not only in years gone by, but also at the last

[*The Hon. E. C. Magrath.*

election is concerned, it was thoroughly and properly ventilated before the people. The people knew the Labour party's platform, knew what Mr. Lang would attempt to realise, and knew that this bill would be presented to Parliament. Under those circumstances, I submit it is the duty of hon. members, if they claim to be representative of the people, to vote for the abolition of the Legislative Council.

The Hon. M. J. CONNINGTON: Having listened to the discussion for some time, it has struck me that after all, it might be as well to inform this House, before it is dissolved altogether, as to the views which I hold in respect of the treatment of Labour measures brought before it for consideration from time to time. Before doing that I want to clear the air in regard to a matter that was being ventilated on my entrance to the Chamber this afternoon regarding my appointment to this House. The suggestion was made by the Vice-President of the Executive Council that when I was appointed there was a presumption on the part of some that I would turn my views towards Nationalism. In my opinion I was appointed because I was a Labour man, and before I accepted appointment I made that clear. The Nationalist party knew my views, and that there was not much likelihood of my changing them. Whether I have departed from the views I originally formed I leave to those who know me to decide. I have accepted nothing excepting on the condition that I was free to do what I thought was right. I said that when the time arrived that it was thought I was not doing what was right they had only to let me know and I would go. My history is known to hundreds of persons, and to them I leave it.

With regard to the question before the House, I find the very greatest difficulty in satisfying myself that the policy and the work of the Council for the years I have been connected with it, excluding the last six months, would justify its abolition. It is no use condemning the Council in general terms. If it has done something to Labour's detriment, why not specify its act. Can we as Labour

men honestly say that the Council has not assisted Labour? The Council has helped to place on the statute-book measures providing for early closing, widows' endowment, child welfare and forty-four hours week. It has applied State and Federal awards to industries; it has passed factory legislation and workmen's compensation legislation. All that went through this Council. What has been left out about which Labour folks should complain? Prior to 1916 I believe I knew as much about Labour politics, particularly its inner workings, as most men, apart from politicians themselves. It may be news to the House but I believe, as regards the history of the House up to six months ago, that if Labour men will frankly admit the truth and measure its work, taking the good things done for Labour and recently the injury done to Labour, their impression would be that this House has gone as far as any previous Labour Government wished it to go. In some instances it has gone further. I would not suggest that if the Labour Government had had a free hand the Labour workers would have one iota more done. I do not think they would. That is a frank and honest admission. I believe what a number of Labour men believe. I do not suggest that all the virtues are on this side of the House. We find on this side good employers who have been and are Labour men, but we also find some rotters. All the good employers are not on the Labour side holding Labour views. There are just as decent employers of labour holding contrary views. All working-men know that.

Now we come to the House as it exists to-day. During the past six months we could come only to one conclusion, namely, that the House has resolved itself into a party House. It is no longer a House where measures receive full and fair consideration. On the one hand we have the leader of the Government telling this House what he would do to it. On the other hand we have hon. members endeavouring to show that our leader was powerless to do anything. Measures which came here were not debated on general principles, but

miserable details were discussed as if they were of momentous importance. Certain untrue things were suggested respecting members and supporters of the Labour party. We became nothing more nor less than a party House. We reached a stage when "slang-wanging" was indulged in in a dignified way. Six months ago I had definitely made up my mind that the House could no longer serve any useful purpose and that decision has been more than justified by the occurrences of the last six weeks. It is now clear that when any Government gets into power and this House refuses to give effect to its policy, it can get sufficient men put into the House to give effect to that policy no matter whether it be Nationalist or Labour. Once that position becomes clear and it is seen that hon. members will not decide on the basis of argument, sound judgment and sound principles of fairness, this House has no excuse for further existence. It merely occupies time unnecessarily. It leads the community into the belief that it has a safeguard in this House, where, as a matter of fact, it has none. The Chamber simply becomes what it is now—a Chamber which records the decisions of the other House.

Now coming to the question of taking a referendum on the abolition of the House. What chance has the public to understand the issue placed before it? The one side would go out and put up a strong case for the House; on this side we would go out and decry it. Only those who attend the House and witness the proceedings, particularly those of the last few months, are in a position to judge whether this House should remain longer in existence. I am firmly of opinion that the matter is not one to be decided by referendum. A referendum could not intelligently be taken.

I feel in duty bound before the House goes out of existence to say that there are men in this House—the Hon. Sir Joseph Carruthers, the Hon. Mr. Ashton, the Hon. Mr. Waddell, the Hon. Mr. J. Ryan, and many others who have gone a long way further to meet my point of view than I would have gone to meet theirs. Everyone on this side knows that, and I could

not pay them or the House a better tribute. I would not like to say I am prejudiced, although no doubt in regard to some things I am. No doubt my views are largely influenced by a consideration for the "under-dog." The views of hon. gentlemen opposite are no doubt as strongly influenced by consideration for the men on the top. But I say hon. members opposite have gone much further than I thought men holding their beliefs could go to meet us and certainly very much further than I would have gone in the opposite direction.

The Hon. A. C. WILLIS, in reply: I do not propose to take up much time in replying. Nothing new has been said even in the remarks of the Hon. Sir Joseph Carruthers, who pleaded that because of the good things the House has done in the past it is entitled to exist. I do not dispute it has done good; it may be all perfectly true. But so far there has not been a single argument to show that the House as at present constituted or as it may be constituted if it continues can perform any further useful service. The remarks made by the Hon. Mr. Connington I agree with entirely. I say, frankly, that I have felt here, as representative of the Government in this House during the last month or so, that I am merely in the position of a figurehead, for the purpose of asking this House to register decisions. It is an undignified and an unsatisfactory position to occupy. It is an insult to a man's personal intelligence, and for the House to continue to exist when it only occupies that standing, is an insult also to the people of New South Wales. For that reason, even if it is a question of committing *hari kari*, I think that, in the interests of New South Wales, hon. members on the other side of the House, as well as on this side of the House, should see that this step is necessary in order to clear the ground for doing something which may be in the real interests of the people of this State.

[The Hon. M. J. Connington.

Question—That leave be given to bring in the bill—put. The House divided:

Ayes, 45; noes, 43; majority, 2.

AYES.

Ainsworth, W.	Lyons, J. D.
Akhurst, C. A.	Mahony, R.
Alam, A. A.	Malone, D.
Areher, G. S.	McGirr, P. M.
Brennan, W.	McIntosh, H. D.
Bridges, C. B.	Minahan, J. M.
Carey, W.	O'Regan, J. F.
Coates, J. F.	Pereival, J. W.
Cotter, L.	Pillars, R.
Concannon, J. M.	Ryan, L. W.
Cruikshank, R. W.	Smith, D. M.
Culbert, J.	Smith, T. J.
Dickson, W. E.	Sproule, R.
Doyle, T. P.	Spicer, F. W.
Estell, J.	Storey, T.
Grayndler, E.	Tyrrell, T. J.
Hepher, J.	Wall, Dr. F. E.
Hickey, S.	Willis, A. C.
Higgins, J. F.	Wrench, G.
Hoad, J. E.	Yager, A. W.
Kavanagh, E. J.	<i>Tellers,</i>
Keegan, J.	Connington, M. J.
Kelly, W. P.	Magrath, E. C.

NOES.

Ashton, J.	McDonald, G. R. W.
Black, G.	Meeks, Sir Alfred
Black, R. J.	Murdoch, J. A.
Braddon, Sir Henry	Oakes, C. W.
Brooks, W.	O'Connor, B. B.
Browne, J. A.	Onslow, Colonel
Buzacott, N. J.	Peden, J. B.
Carruthers, Sir Joseph	Robson, W. E. V.
Creed, J. M.	Ryan, J.
Dick, W. T.	Shakespeare, T. M.
Doyle, H. Martin	Sattor, J. Bligh
Earp, G. F.	Travers, J.
Farrar, E. H.	Trethowan, A. K.
FitzGerald, R. G. D.	Varley, G. H. G.
Holden, T. D. P.	Waddell, T.
Horne, H. E.	Warden, W. D.
Hughes, Sir Thomas	Wetherspoon, J.
Hunt, A. E.	White, J. C.
Innes-Noad, S. R.	Wise, J. H.
Latimer, W. F.	<i>Tellers,</i>
Lane-Mullins, J.	Farleigh, J. G.
Mackay, Major-Gen.	Taylor, Sir Allen

Question so resolved in the affirmative.

*Applause in the gallery.*

The PRESIDENT: We are not accustomed to disorder in this House, and if strangers cannot do better than that I must ask them to leave. If there is any further disorder I will have the whole of the galleries cleared. There is no need for a display of exuberance of spirits on an important matter of this kind.

Bill presented and read a first time.

Motion (by the Hon. A. C. WILLIS) proposed:

That the bill be printed and the second reading stand an order of the day for next sitting day.

The Hon. Sir JOSEPH CARRUTHERS: I would point out to the Vice-President, with regard to the second-reading stage, in case the debate goes over to-morrow, that the next sitting day will be Anniversary Day, which is a public holiday, and I think it will be inconvenient for hon. members to be called here on a public holiday. I would therefore like the hon. member to give us an assurance that if the debate goes over to-morrow, any adjournment will go beyond the public holiday.

The Hon. A. C. WILLIS: The Government is prepared to sit as long as hon. members like to-morrow in order to finish the matter. If we cannot finalise it to-morrow the Government is prepared, with the concurrence of the House, to sit on Friday in order to finalise the second reading. It is not the intention of the Government to allow the matter to go over this week, if it can possibly be avoided.

Question resolved in the affirmative.

#### ADJOURNMENT.

##### CONSTITUTION (AMENDMENT) BILL.

Motion (by the Hon. A. C. WILLIS) proposed:

That this House do now adjourn.

The PRESIDENT: Before putting the motion, I wish to say that there is still some confusion about the hour of meeting. The sessional order is that we should meet at half-past 3, but hon. members are not called together until 4 o'clock. I am just announcing this again as there is still a little confusion about the hour of meeting.

The Hon. Sir JOSEPH CARRUTHERS: I asked the Vice-President of the Executive Council a question, and I did so with no other object than to preserve as far as possible the dignity of this Chamber. The Minister at an earlier period of the session stated that when the bill for the abolition of this Chamber was before the House ample time would be

afforded for discussion and that hon. members would know exactly when the division on the second reading would take place. I can say on behalf of myself and my friends that we do not want any more than a fair opportunity for debate and do not want to obstruct, but if, in the natural course of events two days are taken up in the debate, that will be none too long when we consider that the existence of this House is at stake. This is the oldest parliamentary institution in the Commonwealth. It has been in existence for over 100 years, and it is not too much to ask for a few decent hours for the discussion of the bill, rather than have it rushed through in one prolonged sitting to-morrow. I only ask that in the event of an adjournment taking place we should not resume on a public holiday. It is very unfair to hold sittings here on public holidays—unfair not merely to members but to the staff of officials, the press, and everyone concerned. I am sure my request was a very reasonable one, and I do not know what possessed the Minister to refuse to accede to it. It would meet the convenience of hon. members on both sides if we knew that we were not going to be called here for an extraordinary sitting on a public holiday. I again ask the Minister to adopt the only decent course. I would like to see the whole question settled to-morrow, but if hon. members claim their right to speak on this important question and the debate goes on to a reasonable hour to-morrow and we have to adjourn, I would plead with the Minister to arrange that we shall not adjourn to the next sitting day, but to a day after Anniversary Day.

The Hon. R. W. CRUICKSHANK: There is no necessity for this bill to be debated at any great length on the second reading. There has already been considerable debate during the present sitting, and every hon. member knows exactly how he is going to vote. We are all well acquainted with the pros and cons of the question, and I do not see why the debate should not be completed to-morrow. The discussion might very well be confined to one representative on this side of the House and one representative

of hon. members opposite. Our leader on this side has already made an elaborate speech, and the Hon. Sir Joseph Carruthers has addressed himself to the bill at some length, and I do not know that anything more can be said. There should be no necessity for us to adjourn the debate over to-morrow. It is purely a question of numbers and the party which has the greatest voting power will carry the day. There is no point in wasting time in a long debate, because I do not suppose that any speeches on this side will influence a vote on the opposite side or *vice versa*. Hon. members who challenged the Government and invited the Government to bring in this bill immediately have voted against it; so what is the use of their talking? They not only made a promise but they broke it. As I said, the Hon. Sir Joseph Carruthers has made a speech covering all the ground, and our leader has also made an elaborate speech, so I do not think there is any necessity for prolonging the debate.

The Hon. J. ASHTON: I have no desire to see the debate unduly prolonged, but I do desire to make a few remarks. Notwithstanding the characteristic contribution of advice from the hon. gentleman who has just spoken, it is for hon. members themselves to determine whether they desire to say anything or not. Notwithstanding the intimate relationship between the hon. member and his leader, the Premier, I hope that during the time that remains to this House we will not have Legislative Assembly "gag" principles introduced here.

The Hon. J. RYAN: I feel sure that the Hon. Mr. Cruickshank, when he reads in the papers to-morrow morning what he has just said, will regret that he spoke in the fashion he did. He practically told the House that there was no need for a lengthy discussion and that the vote would decide. It is true that the vote will finally decide, but on a historic occasion like this it is a new doctrine for members of the Legislative Council to be told in effect that the more quickly they get rid of this important bill the better. Eighty-eight members of this House participated in

[*The Hon. R. W. Cruickshank.*

the division just held, and if the humblest of these members desires to speak on an occasion like this no pressure from any quarter and no interference from any person should be exercised. If we are to meet for the last time we should have the right which we have always enjoyed—the right to the fullest freedom of speech. I feel sure that my hon. friend will regret that he spoke in the way he did.

The Hon. A. C. WILLIS, in reply: Perhaps I did not fully answer the question asked by the Hon. Sir Joseph Carruthers. I tried to convey that if we had all day to-morrow and Friday we should be able to dispose of this matter. If it is merely a question of adjourning until Wednesday, I would readily agree to Wednesday, but I could not help remembering that the hon. member's action yesterday deprived the House of a day's discussion on this measure. I endeavoured to give the hon. member an extra day, but he prevented me from doing so by taking a technical point.

The Hon. Sir JOSEPH CARRUTHERS: You wanted to steal one, not give us one!

The Hon. A. C. WILLIS: If you wanted time for discussion on the second reading, you could have let a formal stage go yesterday. You must accept responsibility for that.

The Hon. J. ASHTON: The proper time for the discussion of the principles of a measure is not on the introduction, but on the second reading, and the time which has been spent to-night in discussing the measure on its introduction has been altogether unusual!

The Hon. A. C. WILLIS: Yes, but you would not have the temerity to say that we have not been wise. I know that what the hon. member says is correct. When anybody takes a point on me I watch out as far as I can. I consider that yesterday a mean advantage was taken, and if I can avoid it I am not going to give the Hon. Sir Joseph Carruthers an opportunity of repeating it.

House adjourned at 8.45 p.m.