**ADVANCES TO SETTLERS BILL- CONSOLIDATING MEASURES— NEW PRACTICE 1914**

**House of Assembly, 7 October 1914, pages 850-4**

Second reading

**The TREASURER (Hon. A. H. Peake)** — I understand this is the first of a number of measures for the purpose of consolidation. The object of consolidation is one that has been before the minds of members for many years in connection with a good many of our Acts of Parliament which tend to become too voluminous when there is a principal Act, an amending Act, and many other amending Acts, and the people do not know how, nor are they able to find out without trouble, the nature of the law on any particular subject. The object of consolidation is to bring this measure within the four corners of the one Act. It is a procedure which has been looked for for many years, and which the people have desired for a long time and on which the Government are making a pretty strong effort to deal with. The Standing Orders provide a method of procedure—that is, that these Bills be referred to the Joint Committee of both Houses, whose duty it will be not to discover points on which the Act could or should be amended, but to ascertain whether the consolidating measure gives effect to what is the existing law in clumping together these different Acts which are in a principal Act and amending Acts and putting them together in one existing law.

The SPEAKER — Is the honorable Minister moving the second reading of the Bill *Y*

The TREASURER—Yes. This is a Bill which is to consolidate the different measures in regard to the Advances to Settlers on Crown lands and not a general Bill for consolidating measures. I was explaining what the course is that will have to be followed in connection with these matters, and so far as I can understand, it will not be to open up the whole question but to deal with the merits of the subject itself. I move the second reading.

The SPEAKER—As we are about to follow a new practice in connection with Consolidation Bills, I wish to make a short statement with respect thereto. I do not think I would be justified in ruling that there can be no debate on the second reading of such a Bill because a member might desire to draw attention to some flaw in the measure or to make some recommendation to the Joint Committee. But I would point out that discussion should be confined to the policy of consolidation only, and should not be extended to the merits of the provisions as they are not introduced to the House by such measures and any such discussion would be futile since no amendments to the present law can be made under such a Bill.

Mr. VAUGHAN—This is quite a new departure, and it seems to me a course to limit the debate on a Bill of this kind. The work appears to be done by the Standing Orders. Committee.

The Treasurer—They have to do the principal work.

Mr. VAUGHAN—So far as the debate of the subject matter is concerned.

Mr. Denny—This has not gone to the Joint Committee as yet.

The Commissioner of Crown Lands— No, after the second reading.

Mr. VAUGHAN—A ruling has been given which involves a new departure in our procedure, Apart altogether from the fact that it is a new departure in itself. I hope the question will be con­sidered by the Standing Orders Committee to see whether it will not be wise for the House to determine as to how far the debate should go. As to the merits of consolidation, I am sure we are all agreed upon that. I support the second reading. I do not desire to debate the question itself, but I hope the debate will not be prevented on the question as to whether consolidation will take place or not.

Mr. DENNY—I think the practice adopted by the Premier in giving merely an explanation of the measure in respect of the practice of consolidation without touching on the merits of the Bill is not good for the community.

The Treasurer—Do you want me to debate the whole subject ?

Mr. DENNY—Certainly not.

The Commissioner of Crown Lands— What did he leave out ?

Mr. DENNY—He did not touch the matter at all. What he did was to explain the practice of consolidation.

The Commissioner of Crown Lands— But that will cover the whole proposition.

Mr.DENNY—Yes That is what I am finding fault with. It would be very wise for the House to adopt some recognised principle or have it incorporated in the Standing Orders to enable a Bill of this kind to be discussed. Often an extremely contentious measure has been passed into law by one vote, and when the time comes for consolidation members may not agree with the existing law, and they would have no power to bring in an amending Bill, but would have to consolidate the law as it stood.

The Treasurer—Then the question would be not one of having consolidation but of allowing the law to be amended.

Mr. DENNY—Then you come to the time when the Speaker would not allow you to discuss the matter.

The Treasurer—That can be done on a simple motion that it is desirable to bring in a Bill to amend the law.

Mr. DENNY—The Speaker would not allow the motion to be discussed if there were a Bill on the paper dealing with the same subject, and he would not allow a second Bill to be discussed on the same subject, so that you are limited to the question of consolidation. In other words you are not entitled to discuss an amendment.

Mr. Rudall—That is the object of the Standing Orders, because this Bill has to be referred to a Committee to decide whether it is a measure for consolidation.

Mr. DENNY—At the present juncture we have had no intimation that this is purely a consolidating measure, which makes no alteration in the law. We should have something on the Bill to indicate what it is.

Mr. Rudall—The title says that it is consolidation.

The Commissioner of Crown Lands-— The word *“* consolidation ” explains the whole thing.

Mr. DENNY—There is no doubt that certain words convey certain things to the Minister, but convey nothing at all to hon. members. The practice under Rule 18 of the Standing Orders is first of all that every Bill for the consolidation of law shall after its second reading be referred to the Select Committee. That Committee enquires whether it makes any alteration in the law and it is an instruction to that Committee that wherever it shall appear to them that any alteration is made to the law they shall amend the Bill in conformity with the law. There is nothing in that to restrict the debate to consolidation and if the House desires it no objection can be made. Honorable members should be allowed to look into the Bill for themselves, make enquiries and see whether the Bill does confine itself to consolidation.

The Treasurer — That would be on the report.

Mr. DENNY—Very well. Why not say on the existing Bill that there shall be no discussion except on the point whether the Bill is a consolidating one, or makes some omission in itself.

The Commissioner of Crown Lands—I think the Speaker’s ruling puts that very point.

Mr. DENNY—We want some direction in the Standing Orders. The only thing we have had so far is the intimation that there must be no discussion except on the question of consolidation. The Standing Orders state—

If the Bill be reported without amendment it may be read a third time without delay, but if with amendment a time shall be fixed for the consideration of the report. The consideration of the Bill in Committee of the whole shall be limited to amendments made by the Select Committee and to any amendment necessary to determine the true interpretation of the law.

Honorable members will see that there is no limitation of the debate, and there is no limitation on the second reading stage.

The Commissioner of Crown Lands— That matter is left to the good sense of the House.

Mr. DENNY—Why have these elaborate Standing Orders if everything be left to the good sense of the House.

The Commissioner of Crown Lands— Everything omitted is of course left to the good sense of the House.

Mr. DENNY—Why not leave it to the good sense of honorable members to say that they do not want to discuss matters which they think should not be reopened ? Honorable members will see particularly upon a matter of this sort that there may be clauses which have been fought very critically.

The Commissioner of Crown Lands— If the questions are re-opened there can be no consolidation.

Mr. DENNY—You could effect consolidation except to a very debated clause which might be taken out.

The Commissioner of Crown Lands— You cannot consolidate a Bill and leave out a clause. That would not be consolidation.

Mr. DENNY—Why should not the House have authority to alter certain clauses ?

Mr. Rudall—The essence of consolidation is that it must be consolidation of the present law.

The Commissioner of Crown Lands— You do not appreciate the spirit of the Standing Order, which is that consolidation must be consolidation of the law as it exists without amendment.

Mr. DENNY—I understand that.

The Commissioner of Crown Lands— And you are arguing for leaving out a clause.

Mr. DENNY—I am not objecting to consolidating the law, but I am objecting to the restriction of discussion. We should not hamper ourselves in this House. There may have been a contentious clause passed by a narrow majority and an election intervenes, and when the consolidation Bill is brought forward the House does not want that clause consolidated. Members want that clause amended.

The Commissioner of Crown Lands— They can do that as we are doing, by bringing in a special Bill and consolidating the law afterwards.

Mr. DENNY —Why should honorable members be hampered in debate when the Standing Orders do not say that they are to be. I am only arguing against limitation of

debate, particularly in relation to an important measure like this, and I am equally desirous of having consolidation. I cannot see why we should not. have Standing Orders which would enable us to discuss clauses in the consolidation Bill.

The Commissioner of Crown Lands— That was a good argument to use when you were adopting the Standing Orders to which you are referring.

Mr. DENNY—This is the first time we have had an intimation of the practice which is to be adopted. I do not think we should have a Bill of considerable importance just put on the file and which we can examine as much as we like, but we cannot even tell the Minister that a particular clause should not be in, or that the clause has been found unworkable, or it has been altered in some way. Honorable members have been in the habit of having the opportunity for full discussion and the right to make alterations, and I hope those privileges will not be taken away.

Mr. GOODE—I have no objection to the course followed, because it is simply conforming to the Standing Orders which the House has endorsed. But it seems to me that some special cases might arise in a time of stress like this after the consolidating

Bill has been drafted in which it might be found necessary to make an amendment.

The Treasurer—That would be a sufficient reason for the House disagreeing with the second reading of the Bill.

Mr. GOODE —What I want to ascertain is, what the procedure would be to get the consolidation and also to have the amendment. Would it not be possible to suspend the Standing Orders to enable the Bill to be amended and at the same time to be consolidated.

Mr. Rudall—These are joint Standing Orders and cannot be suspended.

Mr. GOODE—That is the point I want to make clear, because if we have to slavishly follow our Standing Orders an alteration should be made. Mr. Rudall has raised a very intricate point, and it seems to me that a suspension of the Standing Orders would enable the Bill to be discussed and amended. We should endeavor to frame a Standing Order that will meet the case. We want in consolidating the measure to bring it up to date as far as the opinion of the country desires it.

The Treasurer—Whatever date you fix you cannot go beyond that for consolidation.

Mr. GOODE—Honorable members may think there is something which should be amended.

The Treasurer—Then they will do away with consolidation during this session.

Mr. GOODE—I only desire to bring the Bill up to the stage when it is in conformity with public opinion, because it would only complicate matters if we had a consolidating Bill and also an amending Bill.

The Treasurer—When leave is sought to introduce a consolidating Act the ordinary procedure would be followed.

Mr. GOODE—Could you arrange to consolidate and amend at the same time?

Mr. Rudall—Yes. That was done in the District Councils Bill.

Mr. GOODE—I want to be quite clear, because it seems to me that we are limiting ourselves in the action we have taken, and I would like to have the position elucidated.

The TREASURER—The thanks of the House are due to you, Mr. Speaker, for the statement you have made in connection with what you consider the proper course of procedure, and pointing out what you conceive to be the most convenient method to follow. I am not surprised that in a Bill of this nature members are not familiar with the new practice upon which we are just embarking, and require information further than could be given in the few remarks I made at the moment of introducing the Bill. I was taken by surprise myself in introducing this measure, because it was not intended that I should have done so. I will endeavor, however, to reply to the points raised. With regard to the first point raised by Mr. Denny, I would point out that the object of consolidation must necessarily be to legislate by the quickest and shortest route to

achieve the object desired, by adopting a certain set of Joint Standing Orders for

this purpose. The object of Parliament is to arrive at consolidation by the quickest and most effective route, otherwise there is nothing in any special Standing Order to deal with consolidating measures, because if the old procedure is to be followed, then there should be power to amend as well as to consolidate. Then it follows that you would have to refer to the ordinary practice of dealing with consolidating and amending measures. If the House determines on that course there is nothing to prevent it. If it is the desire of the House to amend as well as to consolidate the words, “and amend” could be added when leave is sought to introduce the consolidating Bill. Then the intention of the House could be expressed. This is precisely the course adopted with regard to the District Councils Bill, which was recently before this House. That was a consolidating and also an amending measure, but if honorable members had not de­sired to make amendments in it it would be a consolidating measure, and subject to the procedure which is laid down in the Joint Standing Orders. That the House desires a quick method in connection with laws relating to consolidation is shown clearly by the fact that the House has agreed to a set of Joint Standing Orders for the purpose of consolidation. As to the further point raised by Mr. Goode, that when an honorable member, expressing the mind of the House, finds that in a measure which is at its second reading, such as this is, it is not desirable to consolidate without amendment, then he has only to ascertain what the will of the House is. If he finds that the will of the House is to amend as well as consolidate, it is in the province of the House to reject the second reading in the particular form in which it was moved, and to insist upon power being given to amend as well as to consolidate.

Mr. Denny—But nobody Sees the Bill at the stage when leave is sought to introduce.

The TREASURER—But everybody knows that the Bill can contain nothing more than consolidation, and therefore every member knows that it is not an amending Bill. He does not need to see it. The chief work in introducing this measure is with the Committee, which will examine into the point whether the Bill does give full effect, neither more nor less, to existing legislation. If it does, their report will say so; and if it does not, their report will also say so.

Mr. Denny—The report of the Committee will be an assurance that the Parliamentary Draftsman says that it is the consolidating measure.

The TREASURER—I would not assume that. I am going to assume that members who sit on the Committee will be aware what their duties are, and will discharge those duties to the satisfaction of this House. The point further raised referred to a case in which it might be discovered that it was necessary to amend a certain .class of legislation which had been passed to give effect to emergency conditions. In that case I should say we could deal with it as we are dealing with the Crown Lands Bill, which we are also proposing to consolidate. The Crown Lands Acts are numerous and rather incomprehensible, and before they are consolidated it is deemed advisable to introduce an amending Bill, and for that reason the Bill to consolidate the different Acts is being held over until we have dealt with the ordinary amending Bill. The thing works automatically, and I think it will work sensibly. If the House does not desire consolidation in a quick way it will go through the ordinary course of procedure before consolidation is entered upon. The points raised by honorable members are interesting at this stage, and are important, because we are entering upon a new line of procedure, but the Leader of the Opposition, I think, agrees with me that this is the quickest and most satisfactory way.

Bill read a second time, and referred to the Joint Standing Committee.