

an award, to require security for the due performance of any subsequent award.

Mr. Munsie: Do you not think the penalties are stiff enough?

Hon. FRANK WILSON: The penalties did not prevent the flouting of an award. Security would not be required in the first instance, but if any union flouted an award of the court and the court were unable to punish them, security might be required on a future occasion.

The ATTORNEY GENERAL: The paragraph was entirely unnecessary. In order to carry out an award the court had not only the power to issue an injunction or mandamus but to heavily fine and inflict other punishments. Therefore, it was unnecessary to compel parties who were approaching the court to have disputes settled to give sureties before the court gave an award.

Hon. Frank Wilson: The object is to have the award enforced.

The ATTORNEY GENERAL: The police, bailiffs, sheriffs, and officers of the gaol were at the disposal of the court and nothing more was required.

Amendment put and negatived.

Clause put and passed.

Clauses 86 to 89—agreed to.

Clause 90—Court to fix what constitutes breach of award and penalty therefor:

Hon. FRANK WILSON: This clause conflicted with clause 105. In the first case the court had power to determine what constituted a breach, and to fix the penalty at £500, and in Clause 105 the penalty for wilfully committing a breach of an award was fixed at £50. One of the two should be deleted.

The ATTORNEY GENERAL: Both provisions were perfectly consistent, but there might be some debate on the question.

Progress reported.

House adjourned at 12.40 a.m.

(Wednesday.)

PATR.

Mr. Turvey — Mr. Allen

Legislative Council,

Wednesday, 28th August, 1912.

Papers presented	Page
Wongan Hills-Mullewa Railway Select Committee, Report presented	1835
Questions: Infectious Diseases Hospital, Kalgoorlie	1835
Bonds Act, Amendment	1836
Bills: Health Act Amendment, Report stage	1836
Methodist Church Property Trust, Report stage	1836
Game, 22., Com.	1836
Prevention of Cruelty to Animals, Com.	1839
Supply, £593,846, all stages	1838
Fremantle-Kalgoorlie (Merredin-Coolgardie section) Railway, 2a.	1832
Motion: Proportional Representation, Hare, Spence method	1846
Adjournment, Special	1863

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Return of exemptions granted under the Mining Act from 1st July, 1911, to 30th June, 1912. 2, Plan of lands resumed for pastoral leases in accordance with the requirements of Section 109 of the Land Act, 1898.

WONGAN HILLS-MULLEWA RAILWAY SELECT COMMITTEE.

Report presented.

Hon. R. J. LYNN brought up the report of the select committee appointed to inquire into the deviation of the Wongan Hills-Mullewa railway.

Ordered, that the report and accompanying documents be printed.

QUESTION — INFECTIOUS DISEASES HOSPITAL, KALGOORLIE.

Hon. J. CORNELL asked the Colonial Secretary: 1, Is it the intention of the Government to move the Infectious Diseases Hospital in the Kalgoorlie and Boulder district from its present position to the Kalgoorlie hospital grounds? 2, If so, on whose recommendation has the proposal for removal been adopted. 3, Have the residents of the district in question in any way indicated that the proposed removal is desirable, or have they

been consulted on the matter. 4, Has the proposed removal the concurrence of the Public Health Department from a health view alone. If not, would the Government allow Dr. McClintock to make an independent report as to whether or not the proposed removal is likely to be dangerous from a medical standpoint?

The COLONIAL SECRETARY replied: 1, Yes. 2, The Commissioner of Public Health. 3, No. 4, Yes.

QUESTION—ROADS ACT, AMENDMENT.

Hon. W. KINGSMILL (for Hon. C. Sommers) asked the Colonial Secretary: 1, Is it the intention of the Government to carry out the promise made by the late Colonial Secretary in the Session 1910-1911, to re-introduce the Roads Act the following session for the purpose of amending Subsection (3) of Clause 328? 2, If not, why not?

The COLONIAL SECRETARY replied: 1, It is the intention to introduce an amended Roads Bill this session. 2, Answered by No. 1.

BILL—HEALTH ACT AMENDMENT.

Report of Committee adopted.

BILL—METHODIST CHURCH PROPERTY TRUST.

Report, after re-committal, adopted.

BILL—GAME.

Second Reading.

Debate resumed from the 13th August.

Hon. Sir J. W. HACKETT (South-West): I am sure that everyone in the House feels that we are under an obligation to Mr. Kingsmill for the trouble he has taken in this matter and the care he has displayed in the drafting of this Bill. With regard to the preservation of the two classes of game dealt with in the measure, the imported game and the native or local game, I am glad that so much has been done to turn the attention of the

Government and the people generally to the great necessity of protecting the native game of the country. The Third Schedule contains a list of imported game, and I would draw the attention of members to the names, which I think comprehend almost as fully as possible all classes of game that have been imported into Western Australia. It is important to bear in mind, and I am sorry to see this great distinction between imported domestic animals and imported game, that the acclimatisation of game in Australia at large has proved an unpleasant and a disappointing failure. I speak as a member of the Acclimatisation Committee and as one who has given much attention to this matter, and I am sure that Mr. Kingsmill will agree with me. With the exception of the domestic animals, sheep, cattle, horses, and of course barnyard poultry, hardly any animal which has been introduced into the country has thriven. It is a remarkable point and one which I desire to impress strongly on the House, that the only imported animals which have acclimatised themselves successfully and beneficially are such as are known on the pastoralist's estate. Every other animal has in one degree or another proved mischievous or has failed to increase and multiply in the land. With regard to the domestic animals, however, we scarcely realise what a miracle has occurred. The country has been enriched by these domestic creatures to an extent that nobody could have dreamed a hundred years ago. Every kind of domestic animal has added its quota to the wealth of the country, and the success that has been attained in this respect is positively bordering on a miracle. We do not realise this miracle because it is taking place round us every day; the animal becomes adapted to the country and the country becomes adapted to the animal. But the case is entirely the reverse with imported game. There is not one species of game popularly so called, in animals, birds or fish, which has done much of real benefit to Australia as a whole. Let me deal first of all with the birds. Mr. Dodd, when speaking, put in a plea for more

bird life in King's Park. We have made some little advance towards increasing the number of wild birds in the park, and probably with great care and the provision of food and water, more can be done, but we can hope for very little. Beyond the doves, the wattle birds, the magpies, and a few others there has been hardly any increase in the native Australian birds in King's Park.

Hon. J. W. Kirwan: Why not make fresh water ponds?

Hon. Sir J. W. HACKETT: There are several places where water is provided, and in the early mornings the birds go there. I can assure the hon. member that the matter has been attended to by careful and loving hands, but with very slight results, results of a discouraging rather than of an encouraging character. The only imported bird that has settled down in Australia and made itself familiar in every neighbourhood is the ubiquitous sparrow, and that we would find some difficulty in inducing the House to adopt as a new species that would be beneficial under all conditions to the country.

Hon. J. W. Kirwan: There are a few birds in Queen's Gardens.

Hon. Sir J. W. HACKETT: There are a few, but they are not worth talking about. Now, with regard to the animals, the only ones that have thoroughly thriven and multiplied in country where they have been permitted to do so are such as the rabbit, the hare and the fox. Though we expected great things from the deer, it is a fact that as the deer increase so do the complaints against the deer increase. As a matter of fact the farmers who live where the deer are allowed to roam are almost ceaseless in their protests and demands for compensation for the mischief done to their growing crops and to their vegetables, which are more to the taste of the deer than the natural pastures.

Hon. W. Kingsmill: It is not so at Pinjarra.

Hon. Sir J. W. HACKETT: If the hon. member takes all our experiments in deer he will find there have been more complaints than notes of approval. It

is easily proved. The very first batch put out at Leeuwin was followed by a demand for compensation for the deer had destroyed the potatoes of a very old settler in the Margaret river district. The experiment can hardly be said to be successful. The deer are also very easily destroyed by poachers, as they must be described, so that they are a very doubtful asset to Western Australia. I remember making the same remark that Mr. Kingsmill has made to Mr. Le Soeuf, the founder of the Melbourne Zoological Gardens, and he stoutly maintained that there was no kind of imported game which had really conferred a benefit on the country, and—he went so far as to say—was worthy of being preserved. The same thing applies with regard to the birds. With the minahs and sparrows I think we have almost exhausted the list. There is, of course, the thrush, but the thrush has made wholesale enemies for itself by its depredations in the fruit orchards, though I would be willing to pay fairly heavy toll by the sacrifice of a little fruit if I could introduce some of these melodious songsters in one of the timbered places that I have endeavoured to improve and make an orchard of. Again with regard to the fish the same remarks apply. Some of the young salmon have been known to go to the sea, but they have never been known to return, and there is no authentic case of salmon that have thriven even in the cold waters of Victoria, Tasmania or New Zealand. The trout have become large and coarse, as will be borne out by members in this House who have fished in England, and are acquainted with the various species of salmon and salmon trout that flourish in the old country. The only fish that has been a success in this country, so far as we have tried it, is the perch, and it has not only increased in size—for all these fish have a tendency to grow larger and fatter—but it has also wonderfully increased in flavour. The majority of the people in Great Britain would not think of eating perch, but in this country, on the contrary, the perch is becoming more and more esteemed and is certainly well worthy of attention and

cultivation at the hands of the Acclimatisation Committee. The wise thing for us to do is to turn our efforts towards establishing native game in their fullness and in their greatest variety. Mr. Kingsmill has given in this Bill a schedule of the native game he desires to see protected, and I think every member in the House will agree with him, but I would point out that there are one or two little defects. They are not of much importance, and the hon. member no doubt will allow me to move amendments in Committee, and will approve of them in advance. For instance, in the second schedule we have "kangaroos (all species), wallabies, kangaroo rats, opossum." These contain a fair number of the marsupials, but by no means all, because there are not only the ordinary marsupials, the marsupial mouse and cwagga, which are neither wallabies nor kangaroo rats, but in addition there is another marsupial, one of the most interesting in the fauna of the world. I refer to the banded ant-eater, or *Myrmecobius fasciatus*, which is not included in the list, but which ought to be.

Hon. W. Kingsmill: It is generally called the numbat.

Hon. Sir J. W. HACKETT: It is best, however, to call it by its zoological name, and then we know where to look for it. It is a little animal, but is one of the most interesting of creatures. It belongs to the oldest type of animal in Western Australia, and I believe in the world. It contains a link that is not supplied in any other direction. The same thing may be said of what is called the mountain devil or York devil, its zoological name being *Moloch horridus*. It is not a marsupial, but it is supposed to be, though disputed, a degenerated descendant of those great dragons that existed hundreds of thousands, and perhaps millions of years ago. Lastly there is the *echidna* which, with the duck-billed platypus, stands in a class by itself. I suggest that the words "kangaroos (all species), wallabies, kangaroo rats, opossum" be struck out, and "all marsupials" inserted in lieu, and then that *Moloch horridus* and *echidna* be added. There is one other reptile to which I would like to call

attention. I allude to the turtle of the North. The hon. member made a joke about it. He said the turtle was an insect, but it was not fair to the Council for him to turn my interjection off with a joke. It is a very old Joe Miller. The story goes that Frank Buckland, one of our greatest English naturalists, used to go about the country attended by some of his pets, and on one occasion when he was crossing from France to England he had a monkey in one pocket and a tortoise in the other; but a porter on the platform, keeping his eyes open, as a good servant, in his master's interests, observed the head of the monkey peeping out of Buckland's pocket and at once claimed 3s. 6d. carriage for this dog, as he called it. He said, "You have a dog in your pocket, and the charge is 3s. 6d." They had a controversy as to whether it was a dog or a monkey. However, Buckland had to pay; and then he put his hand in his other pocket and asked, "What have I to pay for this," and the porter replied, "Oh, we do not charge for that, that's a insect." My friend took shelter behind this when I asked him about the turtle, but undoubtedly the turtle is a reptile, and the reason I refer to it is that if it is not clearly protected by the existing laws—and I doubt very much whether it is by the fishery laws—it should certainly be put into this Bill; because not only is it valuable to the country, but it is a most interesting creature, and the greatest cruelty conceivable is practised upon it in Shark Bay and on the northern portion of our coast. In the matter of humanity sufficient protection should be afforded for the turtle. I have nothing more to say except to point out that there are several slips in the drafting of the Bill. The word, "Governor-in-Council" is used three times, and the word "Governor" is also used three times. I know the Interpretation Act makes them one, but we should make it one or the other. I will move in Committee in that direction. Another correction I suggest is with regard to the name of the Acclimatisation Committee. The phrase used in the Bill is "Zoological and Acclimatisation Committee of Western

Australia," but the name of the committee is, as my friend knows very well, "The Acclimatisation Committee of Western Australia." The Bill is giving a legal position to this committee, and it is essential that its true name should be mentioned, and that we should be clear as to whom we mean when we designate this committee. With a few alterations I think the Bill admirable. My friend's object is to assist in maintaining the game of the country, not for the purpose of sport or for the purpose of slaughter, but to retain them among us as long as possible. We have in this country the oldest plants, and we have the oldest type of animals. I have the very greatest pleasure in supporting the second reading of the Bill.

Hon. P. CONNOR (North): I have also to add my praise to the hon. member who has been good enough to bring this Bill before the House. I think he has done a great deal of good, and I hope that in criticising the clauses I shall not be looked upon as opposing the Bill. I merely wish to put a few practical ideas before the House with regard to certain clauses. By Clause 5 the Governor may by proclamation add the name of any bird or other animal to the schedules, and from time to time may remove the name of any bird or other animal therefrom. That is rather far-reaching, because it gives the Governor-in-Council the power to do things which Parliament has not passed. I do not mention this in any spirit of opposition, but only to draw the attention of hon. members to the fact that there may be some cases in which it would not be a good power to let pass out of the hands of the House. However, I am not opposing the measure. In the far North-West of the State we have certain native game which is a great nuisance. There is, for instance, the wallaby, which has become a very serious pest in the northern part of the State. Instead of preserving that animal, the people up there should be allowed to destroy it. There is also the native companion. Beautiful as these birds are, they have increased to such an extent that in a bad season all the water holes are spoiled by them. It is time they, too, should be destroyed; I do not mean

exterminated, of course, but the people up there should be allowed to destroy them when they are a nuisance. Under the Bill I am afraid power would not be given to the owner of the land to do this, although, as I say, he should have that right. The man who has to water his stock at these water holes in a dry season should be allowed to protect himself by the destruction of these birds. I am thoroughly in accord with the spirit of the Bill, so I do not propose to discuss any but a few clauses. Clause 11 debars anyone from killing game at certain times in the season in the Kimberleys. I have spent many years up there, and have known times, many and often, when a man has only been able to get something to eat by killing game. That power should not be taken out of his hands; any man should be permitted to kill game for food at any time of the year. There is in existence in the North the industry, if so it may be termed, of bird catching; I cannot describe it any more accurately than to say it is purely and simply vandalism. We have beautiful birds up there, but we have also men, expert in their operations, who are trapping and taking these birds away wholesale. When I was in another branch of the Legislature, some years ago, I proposed that this practice should be stopped, but it still goes on to-day. Most certainly it should be stopped. One of these men came to me a day or two ago and said, "We bring tons of bird seed up North annually; these birds eat it all and thus it saves your grass, so you ought not to complain." That is very clever, but I think we cannot take too much trouble to preserve our native birds, more particularly those which do no harm, and are most beautiful to look upon. No matter how far a Bill went with the object of excluding these bird-trappers I would support it. They send our lovely birds to Germany, or at least I understand that most of them go to that country. Of course, one can go too far in any scheme, and I hold that in the preservation of so-called game of the country this State has gone too far. I am referring now to opossums. Many hon. members here would not understand as well as I do

how much the development of the Great Southern and South-Western portions of the State has been due to the trapping of opossums, and the selling of their skins. Many families could not possibly have developed their holdings without the assistance they received by the trapping of these animals, and the disposal of their skins. Certainly I do not think we should allow the opossum to be exterminated; but we have had two years of a close season, during which no opossums have been trapped, and I am told it is now the intention of the Government to add still another year of close season. If that were necessary to save the opossums from extermination I would readily subscribe to it, but the position is that the new country in process of opening up and development is being denuded of all the timber, and hon. members know that with the timber killed the opossums disappear. Therefore I ask why should these people who are settling our lands be debarred from killing the opossums for their skins, seeing that they are killing the timber in which the opossums live? I say it is a great shame that these people should be debarred from availing themselves of this assistance, sent them by Nature. In any case, I know myself that these opossums are being trapped surreptitiously.

Hon. W. Kingsmill: Are the skins being sold?

Hon. F. CONNOR: Yes, they are offered for sale, and are being sold. Why on earth should a settler who is clearing a certain area be debarred from availing himself of the opossums he finds on that area? Such a man would derive considerable monetary assistance from the sale of the opossum skins, which are very valuable just now. I have no personal interest in this matter; I am speaking merely on behalf of the people on the land, people who would be materially assisted in their work of settling the land if they were permitted to avail themselves of these opossums. A point which might have been included in the Bill is the necessary destruction of iguanas and dingoes, which, after man, constitute the greatest enemies to the native game. Sufficient inducement is not offered to people

to destroy dingoes. I think myself we should insert a clause in the Bill providing a subsidy for people destroying dingoes and, of course, iguanas, which, as we know, eat the eggs of all our game. I again thank the hon. member for having brought the Bill forward, and I hope that any criticism I have proffered will be accepted by him in the spirit in which it was meant.

Hon. C. A. PLESSE (South-East): I am glad to have an opportunity of supporting the Bill. There is very little left to be said regarding it, most of the speakers having already touched on the essential matters. However, I would like to say a word in regard to the emu. Under Clause 7 the Governor can limit the operations of the Bill to certain divisions of the State. I trust the emu will be added to the second schedule, in which case the power the Governor possesses may be exercised in excluding the bird from protection in the North-West, where, it seems, it is a pest. But in the South-West only a very few years ago we were endeavouring to protect this bird, which is used on our coat of arms. I trust Mr. Kingsmill will take steps to have the emu included in the second schedule. As the hon. gentleman knows, the Governor has power to exempt it from protection in other parts of the State, where it may be a nuisance. Sir Winthrop Hackett has drawn attention to the turtle. We should be careful in this matter, because there are turtles and turtles. The fresh-water turtles are the greatest curses we have in this State. Beautiful fresh-water pools along the Blackwood and Upper Blackwood are infested with these creatures, and the local residents are quite unable to keep ducks or geese because these fresh-water turtles pull all the young birds under, and destroy them. They are most destructive creatures, and most difficult to trap. I hope when protecting turtle we will exempt the fresh-water turtle. As to the opossum, my 32 years' experience has taught me that the opossum catchers are not the class of men we desire to encourage. The settler who takes to it is no longer a settler. He becomes a useless tramp. In every instance that I can call

to memory where a settler turned to opossum catching, he neglected his farm, and I think he left his farm or his farm left him in the end. I would never encourage them. I do not know where the hon. member got his information, but I do not know of an instance where a man has been able to supplement his income to any extent by opossum catching.

Hon. B. C. O'Brien: It would be a precarious living if they relied upon it.

Hon. C. A. PIESSE: They might catch a few and make a few shillings for the children, but the men who have taken it up for a living have not proved to be of any good to the State. I would like to see the numbat, which was mentioned by Sir J. W. Hackett, added to the second schedule. Regarding the dalgite, we have plenty in our district, but they will not live in captivity. We have not been able to keep them in the Zoological Garden. It is a squirrel-like animal with beautiful stripes across the back. It is not very friendly, but generally seeks refuge in the first log. I never drive west from Wagin without seeing some of them. In my boyhood days they used to be plentiful; later on, they became fewer, but we have them in fair numbers now in the South-West, and I trust they will be protected. With regard to the acclimatisation of fish; that is a great step. Perch have done well. A man told me that on the upper branch of the Avon, within four miles of the Great Southern, he can get perch whenever he likes. I am sorry if people are allowed to catch them. I know of an instance where fish were put into the river. I think they were golden carp, and a settler noticed them in a pool. The man told me he caught three dozen of them, and that they were not in any other pools, and had evidently happened to stray there. It is wrong for a man to denude a pool in that way, and I think that such cases deserve punishment. The object was to stock the river with fish, and I trust that extreme steps will be taken to prevent such idiotic destruction. When the river is well stocked, I would not mind men catching as many as they can eat, but it seems that directly there are signs of them increasing people go and catch them be-

fore there is an opportunity for them to get into other pools. There is a point I would like to be informed upon, and that is whether fish travel down stream or up stream.

Hon. W. Kingsmill: Both.

Hon. C. A. PIESSE: The impression is that they only travel up stream, and if that is so, they do not have a chance to reach the pools down stream. I have pleasure in supporting the Bill.

Hon. W. KINGSMILL (in reply): If no other member wishes to address himself to the Bill, I shall take the last opportunity which I will have of saying anything on it. In the first place, I heartily and sincerely thank members for the interest they have taken in the Bill, and for the kindly remarks they have made regarding my connection with it. When speaking on the second reading I thought I had touched upon pretty nearly everything of importance, but I find on reflection that there were one or two points which I had left untouched. One point especially is this: reference has been made during the debate to the various enemies of native and imported game which exist in this State. In my opinion two of the greatest enemies have been practically unmentioned. I refer firstly to the domestic cat which has gone wild, and secondly to the crow. I hope the Government might be induced to offer small rewards in various parts of the State for the destruction of these two enemies of imported and native game, in order to enable that game to get a fair chance of living in Western Australia. It is almost unbelievable the extent to which the domestic cat in its wild state has spread over this and other States. Years ago, I was out prospecting in the North-West, where white people had never been before, and I saw cats and the tracks of cats many times. That is over twenty years ago.

Hon. B. C. O'Brien: They have been encouraged for the destruction of rabbits.

Hon. W. KINGSMILL: Those to which I refer had not been. This was before there was a rabbit in any part of Western Australia, and where these cats come from is a mystery. Mr. Connor will

bear me out that they are all over the bush where white people have never been.

Hon. F. Connor: That is quite right.

Hon. W. KINGSMILL: As they increase the native game decrease. The same applies to the crow. In addition, I would mention that the cat grows to such a size that I daresay it will become of sufficient proportions to make itself felt among lambing ewes.

Hon. B. C. O'Brien: They will be tigers.

Hon. W. KINGSMILL: Yes, almost tigers. Wherever they came from is a matter of comparative unimportance. They are here, and no steps are being taken to combat what is, from the point of view of this Bill, an alarming evil. Mr. Clarke said it was proposed to appoint guardians as a species of police. As I endeavoured to make clear on the second reading, that is not the intention of the Bill. The intention of the Bill is to make the guardians persons as it were who are justices of the peace for the preservation of the game, gentlemen who will not act as policemen, but who on the other hand will see that the police do their duty, and when they notice any breach of the Act occurring, will put the Police Department in motion in order that these duties may not be neglected. With regard to sanctuaries and the necessity for reserves for the preservation of game, the same gentleman made a few remarks, and was followed in the same strain by Mr. Dodd. I quite agree with these gentlemen that it behoves the Government or any Government to set aside as much spare land as they can, and to make that land a close sanctuary for the preservation of native and imported game.

Hon. F. Connor: Would it be public land?

Hon. W. KINGSMILL: Certainly. It has always been a matter of regret to me that the only area of any large extent which exists in this State for that particular purpose has been so largely encroached upon that its utility in this direction is practically destroyed. I allude to the 70,000-acre reserve which was to be known as a flora and fauna reserve,

whereon flora is being destroyed by persons who cut timber for commercial purposes, and the fauna are being chased off by the people who are cutting off the timber for commercial purposes. Sir J. W. Hackett struck, I think, a somewhat doleful note with regard to the success to-day and the possible success in future of our acclimatization experiments, firstly in Western Australia, and secondly in the whole of Australia. While listening to him, and he is the President of our Acclimatization Committee, I thought what a hard task we will have when next we wait on the Government to ask that our little tiny grant should be increased for the purpose of acclimatization. So far as I am concerned, I do not take the same view as Sir J. W. Hackett. I think with the money at our command, amounting to the insignificant sum of £150 to £200 a year we have done admirably. Of course we cannot carry out the experiments that at all events I should like to see carried out, to ascertain what animals are suited to this State and the various parts of the State in which they should be released, but I feel sure that had we the money at our disposal we could get some good results. Kind reference has been made to the success the acclimatization committee have had in one direction, namely, with regard to the acclimatization of perch. These fish have increased in size and improved in quality, and that is a good indication. I say that we have increased the available national food supplies in this State, so that settlers who formerly scarcely knew what fish looked like can practically on their own holdings obtain fish when they require it. That is possible in some parts of the State to-day. The acclimatization committee have spent the money wisely and well and the result is well worth the money.

Hon. F. Connor: You are on a good Government perch.

Hon. W. KINGSMILL: At any rate, I am not coming off the perch yet. With regard to one locality—what is known as Stirling Estate—some years ago the Government sold a fair portion of the land at what I think was a very high value.

The settlers went down and they have been very hard put to make both ends meet. Mr. Connor might say they had to make one end fish. To these men and women the presence of acclimatized perch in the Capel river was an absolute god-send. It made life possible. It gave them animal food when, without the perch, such food would have been absolutely denied to them. That has been the case in this and other instances, and if the acclimatization committee have done no more I venture to say they have justified their existence. With regard to the acclimatization of animals in other parts of Australia, I must again join issue with Sir J. W. Hackett. The deer have done well in Victoria and in South Australia, and they will do well here.

Hon. E. M. Clarke: You will be poisoning them all now.

Hon. W. KINGSMILL: I do not think it will make any difference because we have a herd which has been bred from three or five deer turned out at Pinjarra some years ago, which now numbers about forty, and which is running right through the poison country.

Hon. J. Cornell: They are becoming a nuisance in Victoria.

Hon. W. KINGSMILL: When they become a nuisance it will be time for the people to shoot them. With regard to the herd and many more which I hope will be established, it will be quite possible for them to run over unoccupied country for some years to come. In my opinion, one of the most promising fields of acclimatization will undoubtedly be the goldfields, only, unfortunately, it is somewhat hard to get the people on the goldfields to think the same thing. Some years ago we sent to Mount Margaret a number of Indian black-buck, which are well adapted for that class of country, and animals which do not mind travelling a long distance to water, and are not very particular whether they get water then, but, unfortunately, the mining community there, instead of encouraging the experiment, set to work and shot the lot. It is hard indeed that the experiments of the Acclimatisation Committee, with the limited funds it has at

its command, should be met with a response like this. I look forward with a good deal of confidence in the future, that is if we can get the money, to the introduction of some of the better class of African antelopes in and about the goldfields, if only the residents can be induced to let them alone.

Hon. J. E. Dodd: They will when they get cheap meat.

Hon. W. KINGSMILL: Sir Winthrop Hackett has made, and I am pleased and thankful to him for it, a reference to certain omissions in the second schedule. I would like to remark again that one of the principal features of this Bill, and which is a very necessary feature, is its elasticity. We are dealing, in the first place, with a variety of circumstances due to the immense area of the State. We are dealing also with a State which comprises practically all sorts of climates, and, furthermore, we are dealing with circumstances which are varied now, and which are changing from day to day. That being so, it must be realised that it is very necessary that power should be given to vary the circumstances of the application of this Bill at the instance of some central authority, without unnecessarily calling upon Parliament to do so. For that purpose the Bill contains machinery of two classes; in the first part, the permanent machinery and, secondly, the schedules which may be altered, added to or decreased, as those in authority wish. That is absolutely necessary. I know, of course, what Mr. Connor suggests, but I do not see how we can do without it. Circumstances may arise wherein proclamations may have to be made by the Governor and it is necessary he should have that power, a power which must always be used with that discretion with which every Governor is credited. With regard to the instances which Sir Winthrop Hackett has mentioned, instances of the *Moloch horridus*, *Echidna* and the Bandit ant-eater, I am quite with him. I would not have the least objection to having those animals included in the second schedule of the Bill. With regard to the lumping together of all marsupials, I think he is on different ground, because

not all are harmless. The native cat, the *Dasyurus*, is one of the most destructive little animals known, where fowls and small animals are concerned, and that little beast can be excluded from the purview of the Bill.

Hon. Sir J. W. Hackett: I think I discussed that.

Hon. W. KINGSMILL: I remember the hon. member objecting to the cat. Mr. Connor objected to Clause 6 because it might be possible under that clause for an inspector to make himself oppressive to the people in his locality through a too rigid enforcement of the Bill. I would point out, however, that the hon. member was really arguing in favour of the clause, because that clause is one of the examples of that elasticity to which I have already alluded; that is, a district may be of a square mile, or a hundred or thousand square miles—and in any district where representations show that protection is needed, that protection may be given. On the other hand, the Bill acts the other way; if it is shown that protection should not be given, that protection can be withheld. It is purely and entirely in the discretion of the Government, relying on the advice of whoever may be appointed to advise them, to put into operation the provisions of Clause 6. With regard to Clause 11, dealing with the killing of game for hunger in a close season, I would mention the oft-quoted maxim, "Hard cases make bad law."

Hon. F. Connor: You would not shoot one yourself if you were hungry.

Hon. W. KINGSMILL: The clause may be read in two ways. If anyone were proceeded against under a measure of this sort for having killed game to satisfy his hunger, that hunger would prove a most excellent defence, and any reasonable magistrate would not convict a man for having committed a misdemeanour. I might quote the words of the man who was caught cutting the throat of a sheep on a station, and who said that he would not like any sheep to bite him.

Hon. F. Connor: A man might kill in self-defence.

Hon. W. KINGSMILL: Undoubtedly if a man were attacked he would kill in self-defence. Another point to which Mr. Connor referred was with regard to the treatment of Kimberley finches. I am with him in what he says concerning those birds. I mentioned them when I was introducing the Bill on the second reading. I was waited on also by the same man who waited on the hon. member, and this man was extremely anxious that nothing should be done precipitately by the Government to vitiate outstanding contracts which he had for obtaining these birds. He apparently thought that the mere mention of a Bill of this sort was sufficient to secure its passage. I reassured him on that point and told him, as the finch season began about September and ended about Christmas, it was not likely that his operations would be interfered with this year, but next year he would have to depend on the attitude of the Government in this connection. Personally I should like to see the exportation of these birds for other than scientific purposes absolutely stopped. I cannot agree with my friend with regard to the stoppage of the killing of opossums in this State. I noted his remarks that the sale of skins formed a large portion of the revenue of certain families in this State, but I agree with Mr. Piesse that it is not the settlers who kill opossums, and, furthermore, the people who kill them do not kill them on their own land, but more on the unoccupied parts of the State, those parts that have not yet been taken up for purposes of cultivation. I know that the hon. member has no personal interest to serve, because the representatives of a large firm of skin dealers came to me about this question some months ago, and the Colonial Secretary will remember that I waited on him and asked that, in order to protect what might become in the future a possible industry, the opossum close season should be further extended for another year. I would be very glad if cases could be quoted where these opossums are killed and the skins sold, so that the necessary proceedings might be taken against the offenders.

Hon. R. D. McKenzie: Are the skins carried on the railways?

Hon. W. KINGSMILL: They must be and that is contrary to the present Act. If it is so, undoubtedly steps should be taken to stop such a state of affairs. Some two or three months ago I heard of similar things having occurred in a district in the South-West, and I again saw the Colonial Secretary and interviewed also the Chief Inspector of Fisheries, who has charge of the administration of the game laws, and that gentleman had the strictest inquiries made, not obtrusively but quietly, and he found that there was very little truth in the statement made to him on that occasion. Mr. Connor has spoken about the necessity for destroying dingoes and iguanas. I am with him so far as the dingoes and iguanas are concerned. The latter we know destroy a number of our birds through eating their eggs. It has become a matter of custom for the Government to offer a reward for the destruction of dingoes and I apprehend that they do not intend to diminish the reward, in fact the Government would do well to increase it, because in certain parts of the State the dingoes are an intolerable nuisance. There are one or two points in which I acknowledge myself it might be necessary to amend this Bill, and as I shall be in the Chair when the Bill is in Committee I have asked Mr. Connolly to move an amendment for me when we get to Clause 6. It would appear on reflection that the clause is almost too drastic. It deals with the close season for any particular native game, either generally throughout the State or in any one or more districts thereof, to be defined in any such proclamation by the Governor. It is quite possible that a close season, say for opossums—I understand that a close season has been fixed for a further year from the end of next month—and in the meantime it is quite possible, indeed I have heard it mentioned as extremely likely that persons may take steps to, shall I say, cultivate the opossum, in view of the rise in the price of all skins, and with the object of farming the opossum as a source of profit. If that

is so, Clause 6 does not allow these people to kill opossums on their lands, and in order that that may be done, and that some action might be possible in the case of other native animals, I wish to add at the end of the clause "Provided that the Governor may in like manner exempt from the operation of any declaration under paragraph (a) of this section any definite locality." This will meet the case admirably and with regard to the application of imported game, it will admit of the introduction of ostrich farms, and in this connection I think the people in some parts of this State have been neglecting their own interests in that they have not started ostrich farming before. I again have to thank hon. members for the extremely kind reception which they have given to this Bill. The fact alone that so many members have spoken on it and have displayed so much interest in it is extremely gratifying to me in appreciation of what little efforts I may have put forward in the introduction of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair.

Clauses 1, 2, 3—agreed to.

Clause 4—Interpretation:

Hon. Sir J. W. HACKETT moved an amendment—

That in line 2 of the definition of "District" the words "in Council" be struck out.

Amendment passed.

On motions by Hon. Sir J. W. HACKETT the definitions of "guardian" and "reserve" consequentially amended.

Clause as amended put and passed.

Clause 5—agreed to.

Clause 6—Power to Governor to proclaim (a) Close season for native game; (b) Reserves; (c) What game to be strictly preserved:

Hon. J. D. CONNOLLY moved an amendment—

That the following be added:—"Provided the Governor may in like manner exempt from the operation of any declaration under paragraph (a) of this section any defined locality."

That would give the Governor-in-Council power to exempt certain districts in case people went in for opossum farming and ostrich farming.

Amendment passed; the clause as amended agreed to.

Clause 7—agreed to.

Clause 8—Acclimatisation areas:

Hon. Sir J. W. HACKETT moved an amendment—

That in line 3 the words "Zoological and" be struck out.

Amendment passed; the clause as amended agreed to.

Clauses 9 to 23—agreed to.

[Clause 24—Financial—to be dealt with by the Assembly.]

Clause 25—agreed to.

First Schedule—agreed to.

Second Schedule:

Hon. Sir J. W. HACKETT moved an amendment—

That the words "kangaroos (all species), wallabies and kangaroo rats, opossum" be struck out and the following inserted in lieu:—"All marsupials except native cats."

Amendment passed.

Hon. Sir J. W. HACKETT moved a further amendment—

That the words "Moloch horridus, Echidna" be added at the end of the schedule.

Amendment passed; the schedule as amended agreed to.

Third Schedule, Title—agreed to.

Bill reported with amendments.

MOTION—PROPORTIONAL REPRESENTATION.

Hare-Spence Method.

Debate resumed from the 13th August, on the following motion of Hon. D. G. Gawler:—"That in the opinion of this House the proportional representation system on the Hare-Spence method should be adopted in the Parliamentary electoral system of this State."

Hon. H. P. COLEBATCH (East): It is not my intention to deal exhaustively with the motion submitted by Mr. Gawler,

and I purpose as far as possible to avoid repeating the arguments which have been advanced by the mover and other members who have contributed to the debate. I may say at the outset that I intend to support the motion and I agree with Mr. Cornell that those who support it should not only do so in words but should do what they can to carry into effect the system of proportional representation involved. I do not think we are entitled to regard it as merely an abstract principle to be approved of. We do not need to look on it as merely something that is within the range of present day practical politics, but we should go further and say that it is something which has been tried, something which has been proved and something which we are justified in endeavouring to graft on our Constitution as soon as we can possibly do so. I do not think anyone can be satisfied with things as they are. If we take the probable effect of the introduction of proportional representation in the Parliament of Western Australia, what would be the first results we should expect to find? If we look at the constitution of another section of this Parliament—and I suppose there is nothing disorderly in my referring to that section in this manner—we find the great industry, the mining industry—still, I suppose, the greatest industry that Western Australia has—is represented by only one of the two sections of the people chiefly interested in that industry. It is represented entirely by the workers, and, if we turn to the agricultural industry, we shall find that up to the present Parliament that important industry has been represented by only one section of those concerned in it, that is, by the employing section. I do not suggest that the interests of the employers and employees are entirely antagonistic, but if these interests are to be adequately represented both employers and employees should have their say under the system. But it is unsatisfactory to find that the gold mining industry is only represented by the employees and not by the employers at all, as far as another place is concerned, and that the agricultural industry up to the

present Parliament—and may I say that there is a very distinct possibility after another general election of reverting to the old order of things—the agricultural industry has been represented by the employing portion only. The introduction of proportional representation would destroy this condition of things and give the employers and the employees in each industry that proper proportion of representation to which they are entitled. It will have also the good effect of keeping alive political interest in places where there is every reason to fear it is likely to die out under present conditions. On the goldfields where one party wins every election, and by such a large majority that the other party is almost too discouraged to fight, and in some of our agricultural constituencies where in an opposite way almost the same result is arrived at, we cannot fail to have a decay of the spirit of healthy political rivalry. I believe that the introduction of proportional representation will destroy the bitterness of party spirit, but it will stimulate the dissemination of healthy political principles in all our constituencies. Another good effect it is likely to have is that it will give sections of the community that representation to which they are entitled without offering to them the inducement to try to dominate a number of constituencies. The civil service vote, for instance, might secure, under this system, adequate representation, without seeking to dominate a number of constituencies. The temperance vote also, a rather vexatious one at times, might also secure a fair share of representation without going to the extreme lengths that the official party does at the present time. I speak feelingly on this question, because every time I have stood for election, I have been literally bombarded by the temperance alliance, and because I have not seen my way clear to do exactly as they wanted, I have been, so to say, blackballed. Even on the last occasion when I sought the suffrages of the people, I had the distinction of being opposed by a candidate endorsed by the temperance alliance, who, within a month after the election, went

into the hotel-keeping business. I fully realise the difficulties in the way of the local application of this principle of proportional representation, because of the enormous area of the State. Particularly in the northern portion of the State this difficulty might be acute, but I do not see any difficulty that would be deserving of consideration by comparison with the enormous benefit that would accrue. I cannot agree with the suggestion of Mr. Cornell that the whole State should vote as one electorate. It would be just as reasonable to urge in connection with the Federal elections that the whole of the Commonwealth should vote as one electorate. The absurdity of such a proposal would strike anyone. I see no reason why we should not make our constituencies five or six member constituencies in the same way as has been done in other places where the system is applied. For the State to vote as one electorate would be to make the party machine all powerful, and destroy the possibilities of any one candidate securing a seat entirely on his own merits. One reason why I support this principle is because I believe that it will, to a large extent, destroy the power of the party machine and restore that power to the people themselves. In six member constituencies it would be incumbent upon each party to put up more members than could secure election, and this would stimulate rivalry between the members contesting the seat in behalf of one particular party. I notice that a paper published in Melbourne and called *The Liberal*, denounces the system of proportional representation for no better reason than that the recent elections in Tasmania did not give the Liberal party a satisfactory majority. Of course, that is no reason at all, because if in the constituency there were almost as many Labour voters as Liberal voters, then obviously the Labour party were entitled to a proportionate share of the seats. The writer of this article does not attempt to show that proportional representation gave the Labour party more power than they were entitled to; all he does show is, that it did not give the Liberal party the power they would have liked. Of course

an argument of that nature does not bear scrutiny for a moment. I can understand that there would be a difficulty in getting this system into practice, because every politician is loth to destroy the system which gave him political birth. He cannot help believing that in any system which gave him a seat in the Legislature there must be some element of good, but personally I am delighted to find that so many Labour members, in this House at all events, seem prepared to throw over the fetish of majority rule and to admit the right of the minority. That I regard as a great step in the right direction. I am quite prepared to believe that some members will tell the House that although proportional representation is right in theory, it will not work in practice. To my mind, anything that is right in theory must be right in practice, and if on being put into practice it will not work, depend upon it, the theorising was wrong in the first place. Therefore, I believe that proportional representation will prove right in practice as well as in theory. At the same time I do not for a moment contend that the system is perfect. Perfection can be reached only by slow degrees—if at all. It has been said that in the event of a by-election it would be impossible for the minority to obtain representation. That may be so, but if we allow the right of the minority to representation, surely it is better that they should be without it for a few months, than that they should be without it for all time, as is the case under our present system. One member referred to the compulsory preferential voting, and said that he did not believe that a voter should be compelled to vote for more than the candidates he favoured. Now, whatever may be said against that principle, it is not anything like so bad as the condition of affairs which prevails in regard to the election of the Federal Senate at the present time, when a vote is rendered informal unless the elector votes for three candidates. That provision practically means that three candidates for each party, and no more, must submit themselves to the electors, and that three candidates, all re-

presenting one party, must be returned. A condition of that kind cannot appeal to anybody who believes in the people having a fair share of representation in accordance with their numbers.

Hon. D. G. Gawler: And freedom of choice.

Hon. H. P. COLEBATCH: And freedom of choice. The question has been asked whether the introduction of this principle will make the people vote. I believe it will, because they will know that they have a chance. At the present time many people do not vote because they know they have no chance against a certain candidate, but under this principle they will know that they will have a chance of obtaining that representation to which they are entitled, and therefore they will vote. In conclusion I wish to say that I cannot follow the mover of the resolution in his suggestion that the adoption of proportional representation will not destroy the party system. I believe it will destroy the party system. I would ask what does the hon. member wish to give to the people? Is it their proportionate share of the shadow of Parliamentary representation, or their proportionate share of the substance of political power? I do not support proportional representation for itself alone; we must carry it further, and have elective ministries, elected also on a proportional basis. The present party system has not much to recommend it; it is not even very old. In England it dates back only about a couple of hundred years, and was the outcome of kingly treachery and political corruption. It arose, I believe, out of the action of Charles II. over the secret treaty of Dover when he placed himself in the hands of the King of France, and his confidential Minister, on discovering this, played on what the King had done in order to give himself greater power. Therefore, there is nothing venerable about party Government that we should be afraid to destroy it. The great advantage of proportional representation, in conjunction with elective ministries, is that it would give us what the country has been clamouring for—continuity of policy, and the services of the best men of each party; it would destroy party ran-

cour without interfering with healthy discussion and friendly rivalry between the advocates of different political principles. Whilst I support this motion, I do not know that I would be in favour of it if it were going to give us only the shadow of Parliamentary representation. I wish the people to have also the substance of political power in the administrative as well as the legislative affairs of the State.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. KINGSMILL (Metropolitan-Suburban): Whatever may be the material and ultimate outcome of this debate, nobody will be disposed to argue but that it has been educative and informative in the highest degree; more so, and this is surprising perhaps, because we have, so far as I can learn, but little actual experience and information to go upon. We are dealing with this matter in a more or less abstract manner, and when we are dealing with these abstract questions as a rule, the information supplied is either in the nature of conjecture or in the nature of knowledge gleaned from literary sources. So far as I am concerned, in the few remarks I have to make upon the subject, I intend to avail myself only of the latter source of information, namely that information which may be culled from literary sources. Neither do I intend to wander far afield. I do not propose to roam, a veritable Ulysses of debate, like my friend Mr. Cornell, into foreign countries, to cull from those foreign fields flowers, and perhaps weeds amongst them, of electoral reform. I intend to confine myself to the one Australian experience, the only experience I understand in the British Empire, of the system which is now being advocated by Mr. Gawler. In this connection I deem myself especially lucky that I have had the privilege, through the kindness of the President, to have access to a work which, in my opinion, is of singular value in this connection. I have before quoted from the works of Mr. W. Jethro Brown. This gentleman has contributed in a little book called *The New Democracy*, an extremely valuable

article on the working of the proportional system in the State of Tasmania. His contribution is the more valuable because, in the capacity of Professor of Law in the University of Tasmania, he was actually on the spot when the Bill was introduced, and, more to the point, during the first election that was held under the Bill, which was introduced in 1896. To anyone considering the system of proportional voting it must come as a matter of considerable surprise that, after its invention, or shall I say its recognition in 1859, I think it was, after the publication of Mr. Hare's first work, that the British-speaking race should have waited no less than 35 years before embodying this system in legislative form. It is still more surprising that, after having waited these 35 years, after having in 1896 embodied it in legislative form in Tasmania, and after finding what I think no one can deny, that the system worked admirably there, it is a peculiar thing to find the sister States so slow to adopt it. May I be pardoned for remarking on the circumstance which occurred the other day in the South Australian Parliament, when, practically without debate, the motion that proportional voting should be introduced into South Australia was rejected. I have not had an opportunity of learning the history of that, but I propose to make a few quotations from the work of Mr. Brown. Mr. Brown in his essay—and because it occupies as few pages as it does it can scarcely be called anything but an essay—I do not know whether it is owing to the reason he advanced, namely that it was feared by both parties; but if that is so, it is no small recommendation in its favour, because better than that which is approved by both parties is the legislation which is feared by both parties. Mr. Brown says—

It is one of those innovations which invite the fate of the inconstant lover; by affecting to be kind to all parties, it secures the allegiance of none.

I think possibly that is the reason which actuated South Australia, if I may use a colloquialism, in "turning down" the proposition to introduce proportional

voting without giving it a chance to be heard. Again that may have been the reason, and perhaps there are members in this Chamber who can answer it, why in our own Legislative Assembly some little time ago, the system of proportional voting, which formed part of an electoral Bill which was introduced, was, on the practically unanimous resolve of both parties, not adopted.

Hon. D. G. Gawler: It was withdrawn.

Hon. W. KINGSMILL: Certainly, and that gave rise to the supposition that the theory I have put forward is substantially correct. I do not suppose that anyone could argue against the merits of the system. There are certain propositions which are logical, and for the purposes of debate incontrovertible, but which sometimes are not always applicable. For instance may I be pardoned for saying—I do not want to hurt anyone's feelings—that so far as I can see the theory which lies at the base of free-trade, the high principles which free trade calls upon its adherents to express, must have the support of anyone who argues the question from an academic point of view. On the other hand, rabid free-traders, if they are ever rabid, must admit that sometimes, as a matter of expediency, free trade is entirely impossible. So it might be with this system of proportional voting. I propose with the courtesy of the House, to examine freely its applicability to the sister State of Tasmania, and then devote a few words to what I consider is its applicability to this State of ours. Among the principal reasons urged in its favour in Australia, as well as in other lands, are firstly, that it gives fair representation to an electorate, the whole body of an electorate, secondly that it gives fair and just and adequate representation to the majority of the electors in that electorate, and thirdly, and this is of course the strongest point in its favour, it gives adequate and just representation to the minority in that electorate. With regard to the effect it may be held to have upon the enthusiasm of the average voter, I think the remarks of Mr. Colebatch are true in every particular, but I do not think he went far enough. The average

elector who knows that his side is going to be beaten, under the present system very often stays away from the poll. But there is another aspect; the elector who is sure of victory stays away also. I think if it were possible to adopt this system, at all events in one of the branches of our legislature, it would undoubtedly have a marked effect upon the increased percentage in the number of voters going to the poll in Western Australia.

Hon. F. Davis: Why not in both branches?

Hon. W. KINGSMILL: I will deal with that point later on. I should be glad if it were possible, but I doubt whether it would be possible. It has been urged by the opponents of this system that it would be a danger to party Government. So far as I can see party Government is a state of affairs from which it is extremely hard to escape, that is, it is extremely hard to escape from it for long. We may devise expedients which may act for a little time, but after all, it always comes back to two of the evils of party government, the battle between the "ins" and the "outs," and that is the greatest evil perhaps, and perhaps also, all the evils of party government are contained within these few words. But while I do not think it would act as a danger to party government, I do think it would undoubtedly have a tendency to make Governments more reasonable and less autocratic, less inclined, as many Governments are on each side of politics, to strain the loyalty of their followers, sometimes almost to breaking point. Any system which would have the effect of reducing the autocracy of Governments would be a good element in political life. Now I will touch just for a moment on the advisability of the representation of minorities, and with this is bound up the question of how to a great extent it is advisable that a Government should have a good strong and capable opposition. We have seen sometimes in this State—I think I may say with confidence that the position will not be repeated—the danger of Governments having too small an opposition and running away with themselves, so to speak. This point is dealt

with by Mr. Jethro Brown, who says on page 39 of his book—

The national welfare is best secured under conditions which favour sustained conflict. The wise rule of the strong demands the sustained opposition of the weak. When victory puts an end to strife the days of good government are numbered. In an age of democracy nothing can be more fatal than the tendency towards the political extinction of minorities; yet the reality of this tendency must appear indisputable.

Then he goes on to make remarks which in 1899, when his book was published, had a strangely true prophetic aspect—

When the organisation of labour is less incomplete than at present the labour vote will be able, and may be disposed, to carry the election in every constituency.

From that he proceeds to make a remark with which I assure my hon. friends opposite I am not altogether in sympathy—

Yet it would be an unhappy day for the people if education and intelligence were virtually excluded from representation or the infinitely varied character of the national life found no correspondence in the national Parliament.

I wish to impress on hon. members that these words are a quotation.

Hon. Sir E. H. Wittenoom: I thought they were your own.

Hon. W. KINGSMILL: I wish I could express myself in the beautiful and eloquent terms of the writer I have quoted. In regard to the practical side of the system, it has been urged by those who oppose it that the simplicity of the voting is not sufficient for the average elector, but anybody who gives the subject a moment's thought will realise that that is not so; that in a community that has been educated to a certain point by the system of voting in force at the present time, which we may congratulate ourselves upon as being the next best thing to proportional representation—in a community educated to express their preference as to the various candidates, the

further effort required by a system of proportional representation as practised in Tasmania would be small indeed. Mr. Jethro Brown on pages 46 and 47 of this work again expresses an opinion upon this point. I simply quote these remarks because these are really the voting instructions for the State of Tasmania as prepared for the first election for Hobart after the passing of the Proportional Representation Bill in that State in 1896, and they were suggested by a lady whom Mr. Jethro Brown rightly calls "that distinguished advocate of proportional representation, Miss Spence, of Adelaide." These instructions to voters were as follows:—

1. There are here twelve candidates, six to be elected.
2. Vote by numbering candidates in the order of your choice, that is to say: Place 1 to the left of the candidate you like best. Place 2 to the left of the name of the candidate you like second best. Place 3 to the left of the name of the candidate you like next best, and so on.
3. Vote for not less than three names.
4. The same number must not be placed against more than one name.
5. The numbers must be placed opposite the names. Note.—Your vote will be used for one candidate according to your preference. If the candidate you like most, either (a) does not need your vote (has enough votes to elect him without your vote), or (b) cannot use your vote (has so few votes that he cannot possibly be elected), your vote will be transferred to the candidate you like best (as shown by your numbers) and used—not wasted.

Therein lies again one of the strongest recommendations to public favour that this system of proportional representation can claim to have, and that is that every vote that is cast has a value. Now, that is the position as regards the elector. So far as we are concerned the elector is in no worse a position and has no greater demand made upon his intellect under the system of proportional representation than under our system of compulsory preferential voting. Mr. Jethro Brown's next remark with regard to the duties of

the returning officer is, I must say, somewhat harder to believe—

The work of the returning officer, while less simple than that of the elector, demands no exceptional qualifications. He need display the industry of an average clerk—scarcely more.

I do not know that the writer is quite right in saying that, but, at all events, the demands which are made upon the returning officer and his subordinates are demands which we may expect to find complied with by those persons from whom returning officers and their subordinates are ordinarily chosen. With regard to the question of informal voting, the remarks I have already made as to the difficulties that might be experienced by the elector in Australia in recording his vote, apply to this also. I do not see why any less gratifying result than has been achieved in the elections under our present system—and it came as a surprise to us to see so few informal votes recorded—should be obtained under a system of proportional representation. However, Mr. Brown, speaking as a matter of actual experience, gives expression to the following opinion:—

The list of the informal votes was large. Even the prophets fell. A candidate for Parliamentary honours, deeply versed in the lore of proportional distribution, rendered his vote informal by scoring out the names of opposing candidates.

And then the writer goes on to say, with one of those happy little turns which make this work so delightful to read, "His success at the election may be taken to prove the indulgence of fate." I have said that were a system of proportional voting to be adopted it would lead not so much to party lines being obliterated, but rather to the Government making less strenuous demands upon the loyalty of their supporters, driving their teams with a lighter touch of the rein than at the present time, and ceasing to strain that loyalty to the breaking point as is often the case. And, as a natural corollary, I believe it would be found that it would immeasurably add to the independence of the attitude of candidates; it would lead

to candidates expressing more their own opinions than uttering those opinions which they thought might find favour in the sight of the electors. This, too, is touched upon by Mr. Jethro Brown, who is speaking of a matter of actual experience and not of theory; and, after all, the most satisfactory part of the quotations I am giving to members is the fact that they are matters of fact and not of opinion. Mr. Brown says on page 61—

Perhaps the most striking feature of the whole election was the display of independence on the part of the candidates. Views were expressed with a confidence which must have imperilled all chance of return under the older system. The Honourable the Treasurer's bold advocacy of the income tax, and the success which rewarded his efforts, were a most striking object lesson, which is not likely to be forgotten.

We know how carefully Treasurers, when they propose to introduce taxation which is likely to be distasteful to the class whom they seek to represent, utilise every little political bush which will throw enough shade to hide them in order to get themselves into the position where they may put the taxation they propose into practice; and if a system of proportional representation were to do no more than destroy these political bushes, these hedges behind which treasurers sneak by devious means, then because of that alone I think Mr. Gawler ought to be thanked for bringing this measure before the House. So far as Mr. Brown's observation goes, I think that an absolutely conclusive case is made out on that gentleman's actual experience in favour of the system of proportional voting. That is in the State of Tasmania, and, I think I am right in saying it applies only in certain more densely populated electorates which lend themselves to multiplicity of members, and not to those sparsely populated parts of what is, after all, a very small State when compared with our own, where the population is still more sparse. I said I did not intend to use the conjectural system of argument to any great extent, but when we seek to apply this system to our own conditions, then we must,

for a moment, at all events, dwell upon arguments for which we have nothing but the conclusions we draw from our view of the circumstances surrounding us to back us up. We, of course, have no experience of what the system is likely to affect in this State, and the opinions which I now wish to utter are simply matters of opinion and not matters of fact. I remember Mr. Kirwan some time back took me rather to task for calling this a House of individual opinion. I still adhere to that description of the Chamber, and I consider it is one of the highest compliments that can be paid to a Chamber. I still say this is a House of individual opinion, a House wherein, without those party trammels which exist in other places, hon. members can express their real views without violating their sense of duty to a party or hurting the feelings of anybody who may be leading that party.

Hon. J. W. Kirwan: The fact remains it is an extremely party House.

Hon. W. KINGSMILL: The hon. member is taking up exactly the attitude I am advocating. He is expressing his opinion and I am expressing mine; and speaking with all due humility, I maintain that I have the right to express and even hold my opinions, in spite of any remark of the hon. member's to the contrary. It may be pig-headedness and obstinacy on my part, but still I think it is right for me to oppose adequate resistance to the blandishments of the hon. member's arguments. Now, with regard to its local application, so far as I can see, with regard to one branch of the Legislative—that is the Assembly—the application of proportional voting to a great part of the State of Western Australia would be simplicity itself. When I say to a great part of Western Australia, I mean that in the more thickly populated districts, among which we may reckon the greater part of the goldfields, the metropolitan area and the greater part of the eastern districts, it will be easy to map out multiple electorates and hold elections under a system of proportional voting. With regard to the sparsely populated districts of the State, those far-reaching wastes, one may say, which lie in the remote parts of West-

ern Australia, I must confess the system is not so applicable.

Hon. J. Cornell: It works very well in this House.

Hon. W. KINGSMILL: Possibly, though but about a year ago the hon. member did not think it worked well in this House. But that is the difference between an inside view and an outside view. I know that a great many of the hon. member's friends think it works out very badly in this House. For some provinces, of course, it works very well, but in other parts of the State it seems to work quite disastrously for them.

Hon. J. Cornell: You are applying the principle to a locality.

Hon. W. KINGSMILL: Precisely, and the hon. member said it worked well in this House, but I wanted to show his opinion is not universal. In the case of applying this system to Western Australia, the first thing would be to consider the number of members each division should return, and in the wise fixing up of this lies a great deal of the proper applicability of a wise measure of reform such as this. If we have the number too few we do not offer to the various shades of opinion in the electorates the amount of representation those various shades should have. On the other hand, it may be possible, if we widen the scope too much, to render the system somewhat difficult from an administrative point of view. I suppose what would be done in the instance of Western Australia would be, in the thickly populated districts of the State, to take the area of the electoral provinces which now return the members to the Legislative Council as the area of electoral districts returning members to the Legislative Assembly. It would be a reasonable application of the system.

Hon. J. Cornell: It would be somewhat stultifying the principle by varying the value of the vote.

Hon. W. KINGSMILL: I am not referring to the franchise. I say, as a matter of geographical division, it may be possible, and even advisable, to take the area comprised in the provinces of Western Australia, still keeping for the Legis-

lative Assembly, of course, that franchise which is not likely to be altered, adult suffrage, and enabling these provinces to return to the Legislative Assembly as many members—I think the average is 5, though in the thickly populated districts it may possibly be more—as there are districts in each province. I do not think any attempt to apply this principle where the number of members returned by any constituency is less than five, would be fair either to the system or to the constituency, because it would not offer a sufficient chance of representation to the varied shades of opinion within the electorate.

Hon. F. Davis: Would that refer to country parts?

Hon. W. KINGSMILL: No; I do not think it would be applicable to the North-West.

Hon. F. Davis: I mean as to the number of candidates.

Hon. W. KINGSMILL: I think so. If the hon. member will turn up the little list at the end of our Standing Orders, wherein the provinces are defined, he will find the number of Assembly electorates comprising each province, and I think he will find that they will pan out in the aggregate about five Assembly members to each Council province. I think any attempt to make the number less would result in disaster, because different shades of opinion in the electorate would not get a fair share of representation.

Hon. F. Davis: That would apply in the metropolis and not in the country, where there are not many differences of opinion among the parties.

Hon. W. KINGSMILL: I was always led to believe there are only two parties. I understand there are gradations, that there are various shades of infamy in both parties that require representation.

Hon. J. Cornell: There are subsidiary parties.

Hon. W. KINGSMILL: Yes, and are they not very awkward things to deal with? I am arguing only as a matter of opinion, and that is my argument in regard to the applicability of this system to the Assembly. But when we wish to apply it to the Council I think we are met

with a further difficulty. Hon. members know that the Council provinces include so many electorates. Of course I understand that some of my friends wish to materially alter the franchise of the Upper House; but, again only voicing my own opinion, and keeping in thought that franchise unaltered, I am met with the difficulty, that as we increase the area of the electorates for the Assembly, so we will have to increase the area of the electorates for the Council; and furthermore again we are met with this difficulty—in my opinion one of the essentials to the existence of the Legislative Council is the fact that it is a continuous body. At no time does the whole Council seek the suffrages of the electors.

Hon. J. Cornell: It is hard to get at.

Hon. W. KINGSMILL: In my opinion rightly so; in the opinion of the hon. member perhaps not rightly so. But the fact remains I look on this as one of the essential qualifications of this Upper House, that it should be a continuous body; and how we are to keep this continuity, only electing half the Council at one time, and still have electorates of such size that the number of electors returned to the Council shall be sufficient to represent varying shades of political opinion throughout these electorates is a problem which, in my opinion, is very hard to solve.

Hon. J. Cornell: It cannot be done without a constitutional amendment.

Hon. W. KINGSMILL: And that constitutional amendment will take the form of—

Hon. F. Davis: Adult suffrage.

Hon. W. KINGSMILL: That is the first stumbling block; as a matter of fact it is not a stumbling block so far as I am concerned, it is a great cliff opposed towards proportional representation so far as this House is concerned. The whole system is based on the supposition that it is going to be applied to a popular House and not to an Upper Chamber. There lies the great difficulty in its applicability to both Houses of the Legislature in this State. I presume that Mr. Gawler has considered this aspect. He

did not mention it in his speech if I remember rightly.

Hon. D. G. Gawler: I think it is a difficulty that can be got over.

Hon. W. KINGSMILL: Yes, in ways that may perhaps be extremely distasteful to members of the House, and in ways which must impose on the House a task that I am unwilling to undertake, the task of absolutely altering the constitution of the House by destroying the continuity of its existence.

Hon. D. G. Gawler: We can have six members to a province with three retiring every three years.

Hon. W. KINGSMILL: Quite so. But let me point out that this axiom that I have laid down for my guidance, that the least number of members to be returned should be five—and five is little enough—destroys from an effective point of view the application of that principle.

Hon. J. D. Connolly: It may be worked with three retiring.

Hon. W. KINGSMILL: But if we work it on three we destroy the very essential principle of proportional voting, that is, representation of all parties of the community.

Hon. J. D. Connolly: Only to a partial extent.

Hon. W. KINGSMILL: To an extent which absolutely prohibits the proper application of the system to the Legislative Council.

Hon. J. Cornell: No one has ever tried to make it applicable to a house of continuity.

Hon. W. KINGSMILL: That does not offer any reason why an attempt should not be made. They have only made one attempt in the British Empire to apply it to any sort of House. I am simply voicing my own opinion, showing such difficulties in the way as seem insuperable.

Hon. J. W. Kirwan: Suppose the State were divided into three provinces, each returning ten members, three returning every three years. That would meet your point?

Hon. W. KINGSMILL: It would undoubtedly be better.

Hon. J. W. Kirwan: It would make the Bill very unwieldy.

Hon. W. KINGSMILL: Quite so, and it would make the electorates horribly unwieldy. It would be a difficulty surrounding candidates to have to canvass one-third of the State. Some of the provinces are already bad enough.

Hon. D. G. Gawler: It is the same in the Senate.

Hon. W. KINGSMILL: Has the hon. member ever tried the Senate? It is no good preaching Senate elections to me. I have had one Senate election. Certainly I have made a good recovery, but the physical strain, let alone the mental strain, is far too much for anybody to undertake lightly. Now, with regard to the whole system, and with regard to this particular motion, I feel that I cannot do otherwise than support it; and, when I say that, I cannot say I do not support it gladly, because I do support it gladly. I think it is undoubtedly a move in the right direction. I thank the hon. member who has introduced the motion for doing so in this form, because we can discuss it in what is, after all, a more or less abstract way, because it is not embodied in a Bill but in a motion which may or may not have effect. We can discuss it more dispassionately and with more candid freedom and with—I hate the phrase but I am bound to use it—a more open mind than we could if it were embodied in a Bill about to become part of our legislation at no distant date. For that reason I think the hon. member should be thanked for having moved the resolution and given members an opportunity of expressing their opinions on it, and of intimating whether those opinions have been formed from reading of the experiences of one country or more. It is especially applicable to this State, so far as one branch of the Legislature is concerned, because we have gone no inconsiderable distance in the way of teaching our voters the first principle which will be demanded of them should this proportional voting system ever become part of our electoral laws. There is one thing, however, which I could wish to see, and that is the adoption by the Federal Parliament of this system of voting. It would be only fair, as that Parliament is supposed to be the most advanced in Australia, if they were

to take up this experiment in regard to proportional voting.

Hon. J. Cornell: They would experience the same difficulty as applies to this House.

Hon. W. KINGSMILL: Not to the same extent. I think we can still hope to find gentlemen who are willing to contest the Senate elections, gentlemen who have not previously tried them, and in that case there would be no lack of candidates. Furthermore I think the circumstances of the Commonwealth lend themselves more happily to a system of proportional voting than do, perhaps, the circumstances of this State. At all events with the pious hope that the hearts of Federal legislators may be turned towards the adoption of proportional representation I have very much pleasure indeed in supporting the motion moved by the Hon. D. G. Gawler.

Hon. J. E. DODD (Honorary Minister): I think the hon. member who moved the motion, and also the seconder, are to be congratulated for the thoroughly impartial manner in which they have placed their case before the House. I also think, generally speaking, the House is to be congratulated on the way hon. members have discussed the motion. This House is certainly coming on, as it were, in regard to reform. I drew attention during the course of the debate on the Address-in-reply to the extremely socialistic views held by many members of the Chamber. I may now draw attention to the fact that previously we have discussed the principle of recall, and now we are to the fore in discussing one of the most up-to-date electoral systems. No doubt before the session is over we shall have some hon. member rising with a proposal for the abolition of the Legislative Assembly, and I shall not be at all surprised if that becomes a plank in a party platform of the future. I may say the Government have decided to introduce a Bill to provide the machinery for proportional representation. Therefore, it is not necessary, to-night, to go into the whole matter again, because shortly we shall have an oppor-

tunity of discussing the question in all its bearings with a view to providing machinery for proportional representation. I want to say a word or two in regard to objections against proportional representation. First of all I am entirely in favour of it. It is a principle that has come to stay. To my mind it is a fair principle, and is likely to do away with what at the present time is an injustice to either one or the other of the two great political parties. It is nothing short of a scandal that one party who happens to get 2,000 or 3,000 votes more than the other should secure the whole of the representation, as in the case of the Senate. It is unfair; it is, indeed, a scandal, and anything that will do away with that system should receive our hearty support. But my objection to proportional representation is rather an objection to the claims made by its advocates. To my thinking they claim altogether too much. Time and again it has been said that every section of the community can be represented under it. That is a mistake. It is only those sections of the community which are able to secure a quota who will get representation in Parliament under the system. I think if the advocates of proportional representation refrained from claiming so much as they do, and avoided placing it before the community in the usual conflicting and complex manner, it would be far better for the principle, and perhaps easier to secure for it a practical trial. There is another objection, already pointed to by several hon. members, namely, the immense area of Western Australia and its small population. No doubt if proportional representation is adopted it will increase the expense of elections, not only while an election is in progress, but after the election is over; that is to say, members could not possibly keep in touch with their constituents spread over an enormous area without incurring considerably more expense than they have to put up with to-day.

Hon. D. G. Gawler: It will make members less parochial.

Hon. J. E. DODD (Honorary Minister): I do not know what it may do in

that direction, but it will certainly increase expenses, both during an election and after the election is over. I think that with proportional representation we would soon get the principles of the referendum initiative and, possibly, that of recall. When we get that we may be almost within reach of that non-party Government of which we hear so much in this Chamber. I think if there is any question which more than another should be discussed from a non-party attitude it is this question of proportional representation. I want to refer to a few remarks made by Hon. Mr. Cullen in connection with this matter. The hon. member is not here just now, and for this I am sorry, but as we desire to close this debate to-night I am forced to speak in his absence. I remember when first I came into this Chamber, during the first session in which I sat here, I hardly knew to which party Mr. Cullen belonged. He made a speech, probably the most remarkable speech ever made in this Chamber. It was in connection with a Supply Bill. I heard the hon. member state from his place in the House that, instead of beseeching His Majesty for supply we should stand up like men and take it. I hardly knew what to make of Mr. Cullen at that time. I thought he belonged to the anarchist party, and would really not have been surprised to see him leading a revolution after the speech he made that evening.

Hon. F. Connor: Good old Cullen.

Hon. J. E. DODD (Honorary Minister): The hon. member, in speaking on this question, and advocating that this should be a non-party Chamber, made use of the following words—

I strongly hold, and have declared on proper occasions that the Upper House of the Legislature will badly serve the country if they for one moment forget that they are able to maintain a non-party attitude on all questions and to all Administrations.

A few minutes afterwards when Mr. Sanderson, who was speaking, stated that he sincerely trusted that if the motion were passed the Government would consider the question in connection

with the Convention Bill which had been promised, Mr. Cullen interjected, "That would kill this question." In a subsequent interjection the hon. member said the convention was not going to be brought about. Here we have the hon. member, speaking on a non-party question in this non-party House stating that the very fact that the Government were about to introduce a Bill—of which he knew nothing; it might possibly coincide with all the opinions he holds—was going to kill the question, and also that this non-party House would not allow it to be brought about. The hon. gentleman speaks upon almost every question that comes before the House. That is not so bad; we do not object to the universality of anyone's views, or to the fatherly advice which may be given to us from time to time, but I think that when in this non-party Chamber we get the party element brought into every question, from a Methodist Trust Bill to a Supply Bill and right through the Address-in-Reply, I think even Mr. Connor will support this motion in order to try and get away from this party element which has been introduced in connection with it.

Hon. F. Connor: I will.

Hon. J. E. DODD (Honorary Minister): I am not angry at all with Mr. Cullen. I am rather sorrowful for him; because I realise that there are times in a man's life when he possibly gets delusions into his head, and if he cannot get away from them he gradually begins to believe he is right. When a man does that, I am inclined to think he is somewhat beyond redemption. I remember a lecture which I once read, a theological lecture. I may say I took a little interest in that subject at one time. This was a lecture entitled, "The laughter of the Soul at itself." In that lecture it was stated that if a man is so deluded that he knows he is wrong when he is speaking and yet he believes he is right, very often the soul will laugh at itself for the delusion he is suffering from. Victor Hugo says that delusion only comes to a man three times. I do not think that is so; I think a man has more chances than that. There are certain stages when a man gets that way.

One of these is when he reaches perfection or gets beyond redemption. I do not think anyone will accuse Mr. Cullen of having reached perfection, and I sincerely hope he will not get beyond redemption and worry this House on every possible occasion on every measure which comes before us by dealing with every subject from a party aspect. The hon. member also said if it was a question of labour against anti-labour he would be on the side of labour, and if it was a question of labour against capital he would also be on the side of labour. As far as we are concerned, we are not opposed to capital; it is not a question of labour against capital at all. I want to mention this while Sir E. H. Wittenoom is here, because in the discussion on the Arbitration Bill I hope to get his support. I can say that labour is not against capital as capital, but we are simply opposed to privilege. As long as a man gets his capital in an honest way, none of us has any objection to him getting it. When the Bill comes before us, as it shortly will, the whole matter can be discussed in all its bearings, and provided it is passed that the Constitution be altered to allow of proportional representation, the machinery will be there, ready provided to put into operation. I intend to support the motion.

Question put and passed.

On motion by Hon. D. G. GAWLER, ordered: "That the resolution be transmitted by Message to the Legislative Assembly, and their concurrence desired therein."

BILL—SUPPLY, £593,846.

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

Standing Orders Suspension.

The COLONIAL SECRETARY (Hon. J. M. Drew): I move—

That so much of the Standing Orders be suspended as to allow the Bill to pass through all its stages at one sitting.

In doing so I desire to state that I had no idea, until six o'clock this evening, that this Bill would come forward. The

reason I had no notification was that the Colonial Treasurer was under the impression that this House would sit to-morrow. I do not propose to ask the House to sit to-morrow, unless it is absolutely necessary; therefore I am forced to ask members to agree to suspend the Standing Orders to enable the Bill to pass through its various stages.

The PRESIDENT: As this is a motion which has to be passed by an absolute majority of the whole House, I declare that the motion has thus been passed.

Question thus passed; the Standing Orders suspended accordingly.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: I wish to point out that this is a Bill to apply out of Consolidated Revenue £493,846, and from the Loan Suspense Account £100,000 for the service of the year ending the 30th June, 1913. It is two months' supply. When the session opened on the 27th June, I got a Bill through this Chamber and said I anticipated, before the expiration of the two months that the Estimates would come down, but we found it impossible to bring them down within the time. The Colonial Treasurer anticipates that they will reach another place next Thursday, or early in the following week, but if the Estimates had been brought down a Bill of this nature would have been necessary. No supply is asked for except what will provide for a continuance of expenditure in connection with votes authorised by Parliament last year. There is no provision at all for any new form of expenditure. The item, "Loan Suspense Account, £100,000," may require explanation. A sum of £100,000 extra is asked for because the demands made by the department administering the development of agriculture vote showed that the expenditure this year will be £100,000, and there may be further expenditure in connection with other items which may absorb the previous authorisation before the Loan Estimates are passed; therefore the Colonial Treasurer has placed this additional amount in the Supply Bill. None of this money will be

used except in votes specifically authorised by Parliament.

Hon. F. Connor: Not for the purchase of steamers.

The COLONIAL SECRETARY: Not at all. The steamers have already been paid for out of the Treasurer's Advance; no Treasurer's Advance is asked for in connection with this Bill. It is necessary that the Bill should go through this week, because Tuesday next will be the 3rd September, and we shall be carrying on for three days without Parliamentary authority. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time, and passed.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Postponed Clause 3—agreed to.

Postponed Clause 12—Special constable may be appointed:

The COLONIAL SECRETARY: The Parliamentary Draftsman had been consulted in connection with this matter, and had stated that the clause as it stood not only enabled the magistrate, when appointing a special constable, to limit his jurisdiction as regarded the area of his duties, but also to limit his powers under the Bill. It gave the magistrate the greatest possible powers to restrict the operations of the constable. The magistrate could place such restrictions on him as he considered necessary. The clause was not very clear to the lay mind, and it was probable that some of the resident magistrates who were not lawyers might not place upon it the same interpretation that a lawyer would. He had therefore asked the Draftsman to make an amendment to

put the meaning beyond all doubt, and the Draftsman had accordingly suggested to insert that after "enjoy," in line six, the words "for the purpose of this Act only," and to add an additional proviso "Provided also that a special constable so appointed shall not be a member of the police force." He moved—

That after "enjoy," in line 6, the words "for the purpose of this Act only" be inserted.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That the following be added to the clause:—"Provided also that a special constable so appointed shall not be a member of the police force."

Amendment passed; the clause as amended agreed to.

Postponed Clause 18—Master to be liable when offence committed by his servant after notice to master:

Hon. H. P. COLEBATCH moved an amendment—

That in line 20 of paragraph (a) between the words "and" and "discharge" the word "may" be inserted.

The COLONIAL SECRETARY: There would be no objection to the amendment.

Amendment passed; the clause as amended agreed to.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. J. D. CONNOLLY Bill recommitted for the further consideration of Clauses 9 and 13.

Clause 9—Apprehension:

Hon. J. D. CONNOLLY moved an amendment—

That in line 1 of Subclause 2 the word "justice" be struck out and "magistrate" inserted in lieu.

The point he wished to make was that an information might be laid by a special constable before a justice of the peace who might be a man without judicial experience, while the special constable might be a well-meaning person whose enthusiasm for the work he was engaged in might lead him to cause the arrest of

a person needlessly. If it were confined to the ordinary police constable there would not be so much objection. An ordinary police constable was an officer of some years standing and understood his duties, and was always careful before he acted. A special constable might not have any idea of responsibility and his enthusiasm might lead him to do an unjust act.

The COLONIAL SECRETARY: The clause, if it were amended in the way suggested, might only be enforced in towns where resident magistrates were located, and those, it was well-known were not numerous.

Hon. V. Hamersley: Is it very important to arrest a man?

The COLONIAL SECRETARY: It may be necessary.

Hon. J. D. Connolly: Why not proceed by summons?

The COLONIAL SECRETARY: It might be a case of urgency. It did not follow though that a justice of the peace would issue a warrant.

Hon. J. W. KIRWAN: The amendment presupposed that two people must be either fools or would commit a deliberate injustice. There was the constable who would lay the information, or the individual who might complain in the first instance, and then, in addition, there was the justice of the peace and so far as the latter was concerned it was optional whether he issued the warrant or not. Every individual recognised the seriousness of issuing a warrant and if the amendment was carried it would mean that the subclause would be inoperative so far as a large portion of the State was concerned. It was only in large centres that magistrates were always available and sometimes even there they were not available, because they had occasion to go away, and their duties were carried on by justices. The clause might very well be permitted to stand as it was.

Hon. T. H. WILDING: The amendment would receive his support because the clause as it stood might be likely to affect people in outlying centres. In small townships a special constable

might be the witness of what he considered an act of cruelty on the part of a teamster towards a horse, and if he had the power to arrest that man, the result would be that the team might have to remain there with no one to look after it, and the owner might not know anything about it. The proceeding should be by way of summons.

Hon. A. SANDERSON: The clause should be allowed to stand as it was. Members must consider that both the magistrate, or the justice, and the constable would be specially careful not to do anything reckless, and so far as the society were concerned, they realised fully the danger of alienating public sympathy and support from their work. The supposititious case mentioned by Mr. Wilding was not likely to occur. The society would not appoint as inspectors other than level-headed and responsible men, who, at the same time, possessed the necessary enthusiasm. Besides, there were so many checks, and the evil sought to be combated was so difficult to fight, that he trusted the Committee would not agree to the amendment.

Hon. H. P. COLEBATCH: Most of the checks mentioned by Mr. Sanderson were purely imaginary, because the information on oath on which the justice might act might be laid by an irresponsible person not connected with the society in any way. The substitution of the word "magistrate" for "justice" would have much the same effect as the striking out of the subclause, and for that reason he would support the amendment. The Police Act gave ample scope for arrest when arrest was necessary and this Bill was giving into the hands of one justice a power that was not given in any other Statute.

Hon. R. G. ARDAGH: This was a matter in which common sense would prevail, and there was not the danger in the clause which some members seemed to apprehend. Those who laid the information would have to do so on oath and, seeing that the power to arrest for cruelty to animals was embodied in the Police Act, there could be no harm in repeating it in the Bill.

Hon. J. CORNELL: There were not likely to be many cases under the measure which would call for arrest before a summons had been issued. For that reason he was anxious to make it harder for a warrant to be taken out. Members would find that in many of the existing Statutes the same power to arrest was not given for much greater offences. A man having the very best intentions might come along and make oath to a justice that an offence had been committed, and have a person arrested. The justice might also be a crank on the subject of cruelty to animals, and after the person had been arrested it would be found that the case was one that could have been proceeded with by way of summons.

Hon. Sir E. H. WITTENOOM: In many cases nowadays constables were selected not so much for their intelligence as for their physique, whilst the appointments of justices were often questionable so far as the intellectual fitness of the appointees were concerned, and in these circumstances arrest by warrant was a dangerous power to give. He supported the amendment.

Hon. J. D. CONNOLLY: The Colonial Secretary had referred to the Police Act, but offences under that Statute were entirely different from offences under this measure. It was necessary to give under the Police Act power to arrest on warrant, because that Act covered so many serious offences, but it was never intended that the power should apply to offences such as those under this Bill. It was certainly a safeguard to shift the power from the justices to the magistrates. The Colonial Secretary had mentioned the hypothetical case of a man shipping Stock away from the State and intending to travel with them, and of the difficulty of apprehending him if he were guilty of cruelty, but wherever the shipment of stock was taking place a magistrate would be available, and it was only in sparsely settled districts that there would be any necessity to apply to a justice. The very enthusiasm of the officers of the society might lead them to do great injustice. A well-intentioned

enthusiast, seeing two men inciting dogs to fight might make oath before a justice that an offence had been committed, and many justices thought it their duty to sign anything put before them.

Hon. C. SOMMERS: It was too much power to give to any justice or to any person who cared to go before a justice asking for a warrant. There were many instances where persons formed wrong impressions as to what was cruelty to animals, and it would be a wise precaution to insert "magistrate" instead of "justice."

Hon. J. E. DODD (Honorary Minister): The difficulty would be that there would not be magistrates in a larger number of cases.

Hon. J. D. Connolly: Then they can proceed by summons.

Hon. J. E. DODD (Honorary Minister): Some acts of cruelty were diabolical, and might continue for two or three days if proceedings had to be taken by summons. There were remarkable changes of opinion. A few years back a measure was passed whereby a policeman could arrest a person seen in company with one suspected of having gold-bearing ore, or persons seen walking outside a place suspected of being a gold-buying establishment. The power given in the clause would hardly be abused.

Hon. F. CONNOR: The Government ought to be prosecuted for the way they were handling cattle at North Fremantle, feeding them on oaten straw. It was a fierce thing they were doing, and he was ashamed of it.

Hon. R. G. Ardagh: Why did you not put the inspector on?

Hon. F. CONNOR: Why did you not?

The CHAIRMAN: Order. The hon member must address the Chair.

Hon. F. CONNOR: We heard all this barrack about cruelty to animals, but there was more cruelty to animals at North Fremantle where the stock were herded under cruel conditions and fed on oaten straw. Yet he as a member of Parliament had to listen to all this gas.

Progress reported.

**BILL—FREMANTLE · KALGOORLIE
(MERREDIN · COOLGARDIE
SECTION) RAILWAY.**

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is to authorise the construction of a section of the Trans-Australian railway. Members will naturally ask why we do not build the whole of the Western Australian portion of the line, by which I mean the portion between Fremantle and Kalgoorlie, which it will be the duty of the Government of Western Australia to construct; but the question can be very easily answered. The Government are not yet in a position to decide the whole route of the proposed line. There has been a survey of what is known as the Armadale route, and we have been able to form an estimate as to the cost of that route, but it is thought necessary in connection with a measure of so much importance as this to investigate other routes, for instance the Swan Valley route, information in regard to which is being collected at the present time. Until all possible information has been obtained, it would be unwise to introduce a Bill for the construction of the whole of the line from Fremantle to Kalgoorlie. Members know that portion has to be built by the State. There is a clear and definite understanding to that effect. Indeed, in 1903, the James Government secured the passage through both houses of Parliament of a Bill guaranteeing to construct the line from Fremantle to Kalgoorlie. It was specified in that measure that, in the event of the Federal Government not passing the Bill for the construction of the Transcontinental railway within five years the measure would lapse, and it has lapsed because the Federal Government did not carry out their promise in that respect and pass a Bill within the five years. However, succeeding Governments have given assurance to the Federal authorities that the promise contained in our measure would be adhered to.

Hon. J. D. Connolly: What assurance did they give, and when?

The COLONIAL SECRETARY: From time to time assurance was given. Now the point is raised I shall be in a position to supply members with more information. At any rate the Government of which Mr. Connolly was a member, if my memory serves me rightly, about two years ago not only proposed to construct a line from Fremantle to Kalgoorlie but actually proposed to construct one to the South Australian border.

Hon. J. D. Connolly: Where is that promise?

The COLONIAL SECRETARY: It was in the Governor's Speech two years ago.

Hon. C. Sommers: It was promised all right.

The COLONIAL SECRETARY: Hon. members may raise the question as to why we should introduce a Bill at this stage and not wait until the entire route is decided on, but the desire is to conserve the financial interests of the State, and to discharge our obligations to the Federal Government in connection with the carrying of the material to their portion of the Transcontinental line. It will be necessary to carry over the State railway about 250,000 tons of material, and to carry that quantity over the lines that exist to-day would interfere very seriously with ordinary traffic. It would be necessary to put in a considerable number of sidings which would be purely temporary, and whose removal would be necessary after we had carried the material. The Government requested the Engineer-in-Chief and the Engineer for Existing Lines to go into the question and submit a report, and give expert advice as to the best means that could be adopted for handling the traffic. These gentlemen have advised the construction of a line running alongside the existing railway from Merredin to Coolgardie.

Hon. J. W. Kirwan: Why not to Kalgoorlie?

The COLONIAL SECRETARY: Because the line is already duplicated between Coolgardie and Kalgoorlie.

Hon. J. D. Connolly: It is only a 3ft. 6in. line you are building.

The COLONIAL SECRETARY: The sleepers will be laid so that they will suit the 4ft. 8½in. gauge. The proposition is that we should set to work with that portion of the line we know will be a permanent part of the Transcontinental railway, the object being to get a one in 80 grade and carry out the earth-works on that grade. The evidence the gentlemen have given is that we should lay sleepers to carry the 4ft. 8½in. gauge and put down 80lb. rails which will be required in connection with the permanent line, so that later on the rails can be moved from 3ft. 6in. to 4ft. 8½in. This will obviate a good deal of expenditure on the construction of temporary sidings. If we do not construct this section we shall need ten or twelve temporary sidings for which the same number of attendants will be required, and trains will be hung up and traffic will be very seriously disorganised. By doubling the line as the Bill suggests, the return of rolling stock used in the carriage of material will be expedited, whereas if the section is not built a larger quantity of rolling stock will be required by the Railway Department. The later cost of removing the one rail to make the 4ft. 8½in. gauge will be very small in comparison with the large saving that will be effected in other directions. These dozen sidings will not be necessary with their dozen attendants. The Bill only provides for the construction of a line from Merredin to Coolgardie and Mr. Kirwan asks why not to Kalgoorlie. The explanation is that we have a double line between Kalgoorlie and Coolgardie which will carry the traffic. The estimated cost of this section is £434,941 for construction, and £241,140 for rails and fastenings, a total of £676,081. It is intended that the construction of the line shall be placed in the hands of the working Railways Department, not the Works Department, unless a deviation is proposed. If a deviation is found to be necessary, and it will only be necessary with a view to discovering a grade which will not be in excess of one in 80, it must pass into the hands of the Works Department, otherwise the construction will be carried out by the Working Rail-

ways. It should be obvious that it would be very difficult for the Works Department to construct a line close to and parallel with the existing line, which is worked by the Railway Department. It is expected that the greater portion of the line will be completed in time to carry the material for the Transcontinental railway. If the line is not actually completed, we will be able to carry the material over the first section. We are in hopes, however, to have the line ready for the carriage of the material throughout. I beg to move—

That the Bill be now read a second time.

On motion by Hon. H. P. Colebatch, debate adjourned.

ADJOURNMENT—SPECIAL.

The COLONIAL SECRETARY (Hon. J. M. Drew) moved—

That the House at its rising adjourn until Tuesday, 3rd September.

Question passed.

House adjourned at 9.33 p.m.

Legislative Assembly,

Wednesday, 28th August, 1912.

	PAGE
Paper Presented	1363
Question: Railway Rolling Stock, Harvest requirements	1364
Bills: Supply £253,846, all stages	1364
Shearers and Agricultural Labourers' Accommodation, &c., Com.	1368
Papers: Public Servants Retirement, Pilot Gilmour	1368

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPER PRESENTED.

By the Premier: Plans describing land resumed from Pastoral Leases Nos. 531/97 and 536/97.