Legislative Council,

Tuesday, 25th November, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual Report of the Chief Harbour Master to the 30th June, 1913. 2, Annual Report of the Registrar of Friendly Societies. 3, Returns under Section 60 of the Life Assurance Companies Act, 1889. 4, By-laws of the following roads boards: (a) North-East Coolgardie; (b) Kalgoorlie; (c) Mount Margaret. 5, Amended regulations and schedules under the Workers' Homes Act 1911 and the Workers' Homes Amendment Act 1912.

QUESTION—DISINFECTION OF SCHOOLS.

Hon. J. W. KIRWAN asked the Colonial Secretary: 1, Whether the Public Health Department has cancelled the order for the periodical disinfection of the Boulder State schools, and, if so, why? 2, Whether the department is aware that the local medical officer and health inspector are strongly of opinion that the practice of disinfecting the school should be continued, as it tends to keep down infectious diseases to a minimum? 3, Whether in view of the knowledge of local conditions possessed by these officers, it is not felt that their opinions should receive some consideration, particularly as the health officers of the neighbouring local authorities are in agreement with them?

The COLONIAL SECRETARY replied: 1, On the question as to the necessity or otherwise for the disinfection of schools at regular periods being submitted by the Education Department, the Commissioner of Public Health advised that disinfection should invariably follow any occurrence of infectious disease, but that there was no need for such disinfection at fixed periods irrespective of the occurrence of any infection. 2, The department has since become aware of the opinions of the local officers. 3, The local conditions are equally known to the department and moreover this is a question which is not affected by local conditions.

QUESTION—RAILWAY TRUCKING FACILITIES, NORTH FREMANTLE.

Hon. T. H. WILDING asked the Colonial Secretary: 1, Has his attention been directed to the insufficiency of the facilities provided at North Fremantle sale yards for untrucking and trucking stock? 2, Is he aware that great economies might be effected by providing an additional race and pens. 3, Will he ascertain if permission can be obtained to continue the loading of stock after the sales until the yards are cleared as is done in the Eastern States?

The COLONIAL SECRETARY replied: 1, No. It has to be borne in mind that matters at North Fremantle are in a transition stage, as the approaching completion of the Government abattoirs will necessarily affect the sale yard. 2, No. 3, This matter is one for consideration by the Hon. Minister for Railways, and will be referred to him.

QUESTION—RAILWAYS AUTHORISED BUT NOT CONSTRUCTED.

Hon. H. P. COLEBATCH asked the Colonial Secretary: What is the mileage of railways sanctioned by Parliament and not yet constructed, with details showing—(a) Mileage of railways in course of construction and length of

line still to be constructed. (b) Total mileage of railways authorised but not yet commenced ?

The COLONIAL SECRETARY replied: (a) 436 miles. (b) 146 miles.

MOTION—PREROGATIVE OF MERCY.

Hon. D. G. GAWLER (Metropolitan-Suburban) moved—

That in the opinion of this House the advice tendered to His Excellency the Governor by the hon. the Attorney General in the cases mentioned in the returns laid upon the Table of the House, as moved for by me on the 17th September last, was not in the best interests of the administration of justice.

He said: In the first place I would like to say that this motion is not intended to reflect in any way on the Governor. He acted on the advice given to him by the Attorney General. His Excellency's position is laid down in *Todd's Parliamentary Government of the British Dominions*, and it makes it clear that the Governor acts on the advice of his responsible Minister. I may refer just briefly to one or two expressions of *Todd* on this point. Various despatches have passed between the Home authorities and Colonial Governors and in reply to one by Lord Carnarvon, Governor Robinson said—

> It appears to me too, that the plan determined on meets all the requirements specified in Lord Granville's and Lord Kimberley's despatches on this subject. The papers, in every case, will be laid before the Governor for his decision. He will thus have an opportunity of considering whether any Imperial interest or policy is involved, or whether his personal intervention is called for on any other grounds. If there should be no such necessity, he would of course give effect to the advice of his responsible Minister upon the case.

Later on instructions were sent to the Canadian Governor General on the expiration of Lord Dufferin's term of office, and *Todd* says in regard to this—

> The variations, however, in Lord Lorne's commission and instructions—coupled with the assent expressed by Her Majesty's Government to the proposition that in all cases of a merely local nature, the advice of the Canadian Ministers in respect to the exercise of the prerogative of pardon, should not only be taken, but should prevail—suffice to extend to the Canadian Government, upon such questions, the same freedom of action as in all other matters which concern solely the internal administration of the affairs of the Dominion.

Discussing the second instruction to the Governor General—and although the position is not quite on all-fours with ours I think these remarks are worth bringing under the notice of hon. members—*Todd* says—

> By this last section, the independent judgment and personal responsibility of the Governor General of Canada, as an Imperial officer, are relied upon to decide finally, after consultation with his ministers, in all cases of Imperial interest, or which might directly affect any country or place outside of Canada; while he is at liberty to defer to the judgment of his ministers in all cases of merely local concern.

I do not think it is necessary for me to go further to say that in this instance the Governor has undoubtedly acted on the advice of his responsible Minister, and the responsibility rests with the Minister who gave the decision. I will preface my further remarks on the subject by saying that I have had the advantage of an interview with the Attorney General, who was good enough to put before me the reasons which actuated him in connection with these matters. I wish to give the Attorney General every credit for being actuated by perfectly kindly motives. His every idea seems to be to assist the prisoner to lead a new life and to reform. I appreciate those motives, but I very much question the wisdom of their application. In a matter like this it is impossible to speak in detail without referring hon.

members to Shakespeare's well-known words—

> The quality of mercy is not strain'd,
> It droppeth as the gentle rain from heaven
> Upon the place beneath:

He goes on to say in dealing with the king's attribute of mercy—

> But mercy is above this sceptred sway:
> It is enthroned in the hearts of kings,
> It is an attribute to God himself;
> And earthly power doth then show likest God's
> When mercy seasons justice.

That, I think, gives hon. members a just idea of the attribute of mercy. But there is another quotation—

> Hard is the task of mercy when distress excites our mercy yet demands redress.

And still another one—

> But nothing emboldens sin so much as mercy, and there is a mercy which is weakness, and even treason, to the common good.

Therefore, however justified mercy may be it may sink to weakness. *Chitty* in his remarks on the prerogatives of the Crown lays down the conditions under which the prerogative may be used. I may point out that this book was published in 1820. and his opinion on the subject must be taken with some little qualification. He says—

> The policy of pardoning public offenders in any case has been questioned by Boccaris who contended that clemency should shine forth in the laws, and not in the execution of them. It would certainly be impolitic to remit the punishment attached to an offence very frequently or indiscriminately. Few measures would tend more strongly to embolden offenders; and nothing could more effectually introduce a contemptuous disregard of those laws which were intended to protect society. It should, however, be remembered that human institutions are fallible, and must in many respects be imperfect. No human faculties can anticipate the various temptations which may urge a man to the commission of an offence; or foresee all the shades in the circumstances of a case which may extenuate the guilt of the accused. An offence may be within the letter, but foreign to the general scope and spirit of the law. If we consider accurately the nature of human punishment, we shall find it attended with unavoidable imperfections. How short is our discernment! The surface of things and actions is alone exposed to our view: the inward thoughts, the habitual temper, which form the greater part of moral conduct, are entirely concealed from us. It is for this reason that laws assign the same name, nature, and penalty to all offences which bear a conformity in outward resemblance, though intrinsically varying from one another, by a thousand circumstances, known only to the Searcher of hearts.

Hon. J. Cornell: What has Omar Khayam done to be left out?

Hon. D. G. GAWLER: The hon. member may be able to refer to him when he speaks on this motion. As I was remarking, this book was written in 1820 and we must remember that all those remarks must be read in the light of the fact that in those days it was the custom to hang a man for almost anything. They had no criminal court of appeal and a prisoner was not allowed to give evidence on his own behalf. Now all that is past, and if *Chitty* had written in these times he would not have laid so much stress on the imperfections of human nature, because greater opportunities are given for ascertaining and allowing for those imperfections.

Hon. W. Kingsmill: The way of the transgressor is no longer hard.

Hon. D. G. GAWLER: That is so. *Chitty* goes on to say—

> As, therefore, society cannot sufficiently provide for every possible transgressor of its ordinances, and measure by anticipation the degree of guilt which may attach to the offender, it has entrusted the King with the power of extending mercy to him. The coronation oath required the King to temper justice with mercy.

To temper justice with mercy! The word temper there has a significant meaning. Temper in its ordinary significance means to blend two metals of equal value in

order to produce a better combination, and to alloy means to blend two metals, one inferior and one superior, and the combination is a base result. It is very possible to temper justice with mercy, and it is also possible to alloy justice with mercy. Clemency may, of course, be all very well. It may be unrestrained, generally speaking, provided it does not usurp the functions of a court, that it respects institutions, that it is not prompted by vague ideas of reform, or does not develop into weakness. The King does not set himself up as a court of criminal appeal over the courts of justice, nor interfere with the administration of justice by the established institutions without reference to the presiding judge, and I would like to refer hon. members to another passage in *Todd*, which will make clearer what I mean, and also make clear the fact that in all cases the duty is to refer instances where clemency is intended to be exercised, and where it is possible that by doing so one would be overriding the decisions of the court, to the presiding judges for their recommendation. *Todd* says on page 347—

> In administering the prerogative of mercy, a governor in council does not act as a court of appeal in criminal cases. For though in exercising the royal prerogative the governor may remit a sentence, he does not technically reverse it, nor by his action in any way pronounce it wrong. This he could only do after hearing an appeal from the finding of the court, if there were provision for such an appeal. The act of pardoning a sentenced criminal is one of pure clemency; it is in no respect judicial. And not only in capital cases where the course of procedure to be taken by the governor is prescribed by the royal instructions, but in all cases where clemency is sought at his hands, a governor would do well to consult informally those who could best assist his judgment; more especially the Crown prosecutor, and the judge who has tried the case, whose advice would doubtless be readily accorded when thus solicited.

In the explanation given in answer to my motion on the 17th September it was stated that "where a case has been taken before a judge of the Supreme Court it is the practice to refer the question of remission of sentence to him where the merits of the case are involved, but where the matter involved does not affect the justice of the sentence this course is not followed." It is difficult to follow the meaning of that, but I presume it means that where only leniency is going to be exercised, or where it is a question altogether outside the justice of the case, or the merits, but a question of good conduct or a promise to reform, the judges are not consulted. If this is the case, if hon. members will peruse this return, they will find that in only two out of these 74 cases was the question of remission referred to the judge. In other words, it seems to me that in these 72 cases it was not considered that the merits or the justice of the case was involved. Before analysing the details I would like to comment on the notes prefacing the return. The return is headed with the following note:—

> This return is prepared in accordance with a motion carried by the Legislative Council on the 17th September, 1913. It must be borne in mind, in considering the return, that the difference between the sentence recorded and that actually served does not represent the remission granted under the Royal Prerogative of Mercy. Under the prison regulations, prisoners are entitled as a reward for good conduct, special work, etcetera, to remissions up to one quarter of the sentence. Except in special cases (such as where subsequent evidence shows the sentence was undeserved, serious illness, etc.) the prerogative of the Crown is only exercised where good conduct prisoners are concerned. To ascertain approximately, therefore, the actual term of remission granted under the prerogative, the following rule should be followed:—Deduct one quarter of the amount of sentence awarded,

when the difference between the balance of the sentence and the time served will approximate the term granted under the Royal Prerogative.

In the first place I would like to say that the judges, when they sentence prisoners, have before them the provisions in regard to the prison regulations giving remissions to prisoners and they take these into account when giving the sentence, so that when the sentence is pronounced this fact is already taken into consideration, but the Attorney General goes further.

Hon. M. L. Moss: If the judges do that the unfortunate prisoner would get no remission at all.

Hon. D. G. GAWLER: The Attorney General goes further than this and says a quarter must be taken off the sentence, but he forgets that the remission is by remission marks for good conduct, and, therefore, it is absolutely unreasonable for a man who has not finished his sentence to have a quarter taken off. A man may get good conduct marks for one month but may lose them the next, yet in the return we are told that in considering it we must t ake the full period off the sentence before actually deciding what remission has been granted. It will be noticed that in only two cases, so far as I can ascertain, has the question of the remission been referred to the presiding judge. Further, it will be seen that only one case of remission, No. 74, the case of a man who had murdered his wife, went before the Executive Council. They came before the Attorney General alone. That, of course, is perfectly constitutional. It is laid down in *Todd* that the advice of the responsible officer administering the particular department of justice can be taken and not necessarily the advice of the whole of the Executive Council, but not any of these 74 remissions, excepting the one I mentioned, has been before the Executive Council as a whole.

Hon. M. L. Moss : They come before the Executive Council to get the minute signed.

Hon. D. G. GAWLER : I am correct in saying that the facts have not been before the Executive Council as a whole. The point I wish to make is that these remissions are made on the advice of one man. It would be impossible to take hon. members through this return in detail and, therefore, I have picked out some of the most characteristic reasons in relation to the remissions, and will place them before hon. members with a view to make my comment more clear, and possibly assist them in understanding them better than if I went through every single remission in detail. The reason given for remitting the sentence in six cases was that it was a first offence. In 18 cases the reasons given are reasons which would have been present to the judge or presiding magistrate at the trial. In six cases the reason given was the delicate health of the prisoner. In six cases it was good conduct. I would point out that making a remission for good conduct really has the effect of double banking the prison regulations, because if a man is to be let out for good conduct he has already got his remissions for good conduct under the prison regulations and it is also anticipating good conduct for the rest of his sentence. In four more cases good conduct was also one of the main factors in the remission. In 20 cases the sentence was said to be excessive or undeserved. I would like to refer individually to 10 cases in which I say the reasons given are extraordinary. In No. 1, the offender was sentenced to seven months' imprisonment for being disorderly. The time actually served was 1 month 19 days. The reason given for his remission was that the sentence was excessive compared with others for a like offence: the remission had been recommended by the late Attorney General, Mr Nanson, but was held over as a change of Government was then pending. No. 5: a man was sentenced to 18 months for receiving. He was let out in 7 months 29 days. The reasons given were "18 months for stealing some solder. First offence. Exaggerated statement by police no doubt rendering the judge more severe than he would otherwise have been."

Hon. J. Cornell : Quite true. I know the whole of the incident and I know the man.

Hon. D. G. GAWLER . I do not think my hon. friend would take it upon himself to let the prisoner out.

Hon. J. Cornell : Is not the man's name Walton ?

Hon. D. G. GAWLER : I am not giving names for obvious reasons. No. 8, sheep stealing. Sentenced to 18 months; time actually served one month. Reason—

> Circumstances which occurred after sentence, whereby in addition to the sentence great loss fell on the prisoner, were taken into consideration. During incarceration the Midland Railway Company exercised a right they possessed and cancelled accused's leases, without compensation, the leases in question being subsequently applied for and enjoyed by the prisoner's prosecutors.

However unjust all that may have been is that a reason for interfering with the sentence? It must strike hon. members that this is taking into consideration circumstances which, no matter how sympathetic one may be, have nothing whatever to do with the case. No. 18. In this case of stealing as a servant the sentence to be served was 18 months imprisonment. The time acually served was 5 months 28 days. Reason—

> This lad's guilt was largely due to the lack of any proper system being carried out by his employer. He had given up all acts of stealing some six months before he was charged. He did his best in assisting to discover the shortage, and, but for such assistance, much would not have been discovered. He was left in a position to deal with considerable sums of money for some time at a miserable pittance of £1 per week. Had his employer managed to obtain a bond from the lad's parents for the amount, nothing would probably have been heard of the case. When the lad discovered this he refused to allow his parents to enter into such an obligation and decided to face his punishment.

No. 24. Forgery and uttering. The sentence was 18 months, time actually served 1 month 18 days. Reason :—"First offender. Restitution made and doubt expressed by law officers as to validity of portion of sentence." Surely if every time the law officers expressed a doubt as to the sentence imposed by the judge, a prisoner was let out, we might as well sack all the judges of the Supreme Court at once. No. 35. Manslaughter. Sentence awarded 10 years; time actually served 3 years 19 days. Reason—

> This was a first offence. Prisoner bore an excellent reputation for 13 years in this State. The offence was the result of a dispute with a notoriously bad character in a drunken quarrel.

All that is taken into consideration by the judge. No. 51. This was a case of attempted rape. The sentence awarded was 7 years and the term actually served 2 years 7 months. The reason for the remission of the sentence was, "Superintendent of prison and gaol chaplain confident prisoner was reformed and trustworthy." No. 53. Disorderly. Sentence awarded 2 months; term actu—"Case due to alcoholism. Prisoner was released on a position being found for him in the country out of the reach of temptation." This, of course, was a small remission. I have not very much fault to find with it. No. 59. Stealing as a public servant. Sentence awarded 3 years, time actually served 1 year 5 months. Reason : — "Arrangements made for employment in one of the other States. Wife's health very precarious, she having to undergo an immediate operation to save her life." There, possibly, humanity might be allowed to override discretion in the mind of a humane man but it is questionable whether justice should be interfered with to that extent. Case 64. Here is an unnameable offence, the sentence being 7 years and the time served 3 years 2 months and 24 days. This offence was committed while the prisoner was under the influence of alcohol. He was reported thoroughly reformed and to be trusted, and the Sal-

vation Army took him in charge. Case 66. Vagrancy, 6 months, time actually served 3 months 11 days. Possibly hon. members will not see much cause for complaint of that. Case 68. Discharging a loaded firearm, with intent to kill. Here a sentence of 10 years was imposed and of this 6 years 3 months and 8 days was served. The prisoner was discharged on reports of medical officers and prison officials. It does not say what the reports were at all. I hope I have read enough to show that the reasons in these 10 cases were, I think to say the least of it, extraordinary reasons to lodge, and that in nearly all cases they usurped the functions of the court. There is one more I wish to refer to, and I think it requires serious explanation. That is the case of a man, the very last on the list, case 74. It is the case of a man convicted of wilful murder and sentenced to death, but the sentence was commuted to imprisonment for life. No reasons are given for the remission. This is the case, which as I said, came before the Executive Council as a whole, but in the column for reasons for exercising the prerogative there is merely this—

> This is not a case in which the Attorney General advised His Excellency. By paragraph 8 of the Royal instructions to His Excellency the Governor no pardon or reprieve shall be granted in capital cases except on the advice of Executive Council. The provision of Section 664 of the Criminal Code were also complied with. Note—By Section 21 nothing in the Criminal Code can affect His Majesty's prerogative of mercy, although, as stated, it was complied with.

No reasons are given for the remission of the sentence. That case was not referred to the judge. Hon. members may recollect that it was a case in which a man went into the gardens at Claremont with a razor in his pocket and cut his wife's throat. There was not the slightest doubt of his having gone to those gardens with the deliberate intention of killing his wife. If that was not so, if there was a doubt on the point, surely that fact should have been referred to the judge.

The Colonial Secretary: There was a report by the judge.

Hon. D. G. GAWLER: In this case?

The Colonial Secretary: Yes.

Hon. D. G. GAWLER: Then there is no mention of it here.

Hon. J. E. Dodd (Honorary Minister): Which case does the hon. member refer to?

Hon. D. G. GAWLER: The case in which a man murdered his wife in the gardens at Claremont.

Hon. M. L. Moss: Is he still in prison?

Hon. D. G. GAWLER: Presumably he is.

Hon. M. L. Moss: Then there is no reason why you should not mention his name if he is in prison.

Hon. D. G. GAWLER: I have purposely refrained from mentioning names. However, in this case it was the man Surridge. If the case was referred to the judge it is not stated here, and therefore I am justified in saying that it was not referred to the judge.

Hon. W. Kingsmill: The Colonial Secretary did not say that it was referred to the judge.

Hon. D. G. GAWLER: The Minister said a report was made by the judge. Hon. members are entitled to know what the report was if justification is to be given for the remission. There is one more point I would like to make. I would like to give hon. members a short list of the sentences remitted, the class of sentences dealt with. We have murders, and wilful murders, 4 remissions of sentences; manslaughter, 5; arson and attempted arson, 2: rape and assaults on females and girls, 5; unnameable offences, 2: persons who were disorderly, rogues and vagabonds or guilty of violence, 16; stealing and forgery, 26. That is the list of remissions under the headings mentioned. Of course I wish hon. members to understand that these are remissions as they appear in the return, remissions of the character appearing in the return, the number of cases under the different headings I have given.

There is one more fact I wish to refer to, namely, that in two or three cases hon. members will see that the prisoner was let out on condition that he left the State. I would like to point out, and it is an important point to bear in mind, that the proviso to No. 10 of the instructions to His Excellency the Governor reads as follows—

> Provided always that the Governor shall in no case, except where the offence has been of a political nature accompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the State.

In two of these cases, if not more, that condition or understanding was arrived at. Is that not a point to bear in mind, that it is obviously against the instructions to the Governor, and that if advice is given in these circumstances it is constitutionally wrong? In the first place in considering these returns which I have put before hon. members several facts have to be borne in mind. In those cases in which remissions have been made on the grounds of the sentences being excessive or undeserved, or of some fact or extenuating circumstance which must or could have been brought out at the trial, the Attorney General has clearly set himself up as a court of criminal appeal, and has heard only one person, namely, the appellant, and has neglected the essential precautions of referring a case where the facts or sentence is under consideration, to the presiding judge as laid down by *Todd*. He himself has admitted in the reply to the motion that the case should be referred where its merits or the justice of the sentence are involved but, as has already been pointed out, in only two cases has the judge been referred to, while in the large majority of cases in the return the reasons given for the remissions clearly affect the merits of the case or the justice of the sentence. The courts of justice are presided over by men of unblemished character, trained to weigh both sides, and unaffected either by sentiment or political considerations. A court of criminal appeal has been established enabling a prisoner to submit any law or any facts, new or old, to a higher court: and not only that, but provision is also made for empowering the Attorney General to refer any petition in a case of an indictable offence to the court for its determination, and there is, therefore, ample protection for a prisoner unjustly sentenced. These courts hear both sides, but the Attorney General necessarily hears only one side. These courts, I may say, are absolutely unmoved by any question of sentiment or political consideration, whereas in the case of an attorney general—I do not say in the case of the present occupant of the office—it is always possible that influences of a political character may be brought to bear on the occupant of the office, and I think under the circumstances for the occupant of that office to set himself up as a court of criminal appeal is by no means desirable. As regards the other grounds on which the remission has been advised, where good conduct so largely figures in the reasons given, so long as our laws remain as they are they should be administered, and our prison regulations should be allowed to serve their proper purpose. If they do not make for the proper reformation of prisoners, let them be altered and a new system introduced by the proper source, the Legislature. But the Attorney General has introduced his own system of remissions for good conduct and has given a prisoner the benefit of both his own and the prison regulations as well. A further fact which strikes one in considering the return is that apparently in only one out of the 74 cases was a bond taken for the subsequent good behaviour of the prisoner; so that in all these cases the prisoners could embark the next day on a fresh career of crime, having escaped the sentence they should undoubtedly have served.

Hon. J. Cornell: How many have done so?

Hon. D. G. GAWLER: The hon. member may have more information in that respect than I. But I say that where a man has been sentenced by the court of the land as guilty of an offence

he should be deemed to be deserving of the sentence inflicted upon him and not be let out until every precaution has been taken that he does not abuse the leniency extended to him.

Hon. J. Cornell: The hon. member is inferring that some of these have done so.

Hon. D. G. GAWLER: It is deliberately admitted in the return that in one case a man has returned to his evil course and abused the clemency shown him. I have only a few more words to add. The whole system is calculated to reflect discredit on the judge, debase the purity of the Royal prerogative by overriding justice instead of tempering it, and by a blind belief in human repentance instead of blessing him that takes is more calculated to embolden to sin, while instead of blessing him that gives, the clemency extended can only be looked upon as a sign of weakness in the man who exercises that clemency. I lay this motion before hon. members with every confidence that they will peruse the return I have drawn attention to and see for themselves whether the reasons given for remission are in the interests of the proper administration of justice. I have no wish to take any possible advantage by giving my own reasons, and, therefore, I have taken the precaution to place the numbers on the cases so that the leader of the House can refer to those cases and place his own construction on them. As long as we have our courts here composed as they are, I think we should see that justice is not discredited. It is for that reason chiefly that I think a man who holds such ideas of penology and criminology as does the Attorney General—and I appreciate to the full his sympathy—holding as we know he does, that the criminal is the victim of society, that society is to be blamed and not the criminal, then I maintain that the exercise of justice by the Attorney General will not be as it should be, in the interests of the State.

Hon. J. Cornell: The Attorney General may be right.

Hon. D. G. GAWLER: He may be.

Hon. H. P. COLEBATCH (East): I second the motion.

On motion by Hon. J. E. Dodd (Honorary Minister) debate adjourned.

BILL—RIGHTS IN WATER AND IRIGATION.

Assembly's Message.

Message from the Legislative Assembly received, notifying that amendments Nos. 2, 6, 7, 8, 9, and 12 to 23, both inclusive, requested by the Council, had been made, but that the Assembly declined to make amendments Nos. 1, 3, 4, 5, 10, 11, and 24 to 26, both inclusive.

BILL—FREMANTLE IMPROVEMENT.

Assembly's Message.

Mesage from the Legislative Assembly received, notifying that it had declined to make the amendments requested by the Council.

PAPERS—ELECTORAL ROLL, GERALDTON DISTRICT.

Debate resumed from the 18th November, upon the following motion of the Hon. H. P. Colebatch:—"That there be laid upon the Table of the House—1, All papers and departmental correspondence relating to the compilation of supplementary rolls No. 5 and No. 6 for the Geraldton electoral district, and to the compilation of the amalgamated roll for the Geraldton electoral district dated 24th October, 1913. 2, A return relating to claim cards received before the issue of the writ but too late for enrolment, showing—(a) the dates on which such claim cards were filled in by the claimant; (b) the dates on which such claim cards were received by the electoral registrar at Geraldton."

The COLONIAL SECRETARY (Hon. J. M. Drew): I can scarcely admire the action of the hon. Mr. Colebatch in submitting his motion in the terms in which he did, and under the

circumstances in which it was framed. The Geraldton election was about to be held; he got his notice of motion into print, and anyone reading it would unhesitatingly come to the conclusion that there was shady work and trickery going on. There is no doubt about that at all. The impression among the readers of that notice would be that the hon. gentleman had a lot of information up his sleeve, indicating that electoral thimble-rigging and jugglery were proceeding, and further, that the Government were implicated. We can very easily understand the effect of such an impression on the public mind, but the speech of the hon. gentleman has very clearly shown that he has been making a very big noise about nothing. The hon. Mr. Colebatch stated that the answer given to his question in reference to certain persons enrolled on the Geraldton roll was in part inaccurate and in part stupid. The answer to the question was as follows:—

> Attention has been drawn to the fact that in many instances the address of electors is stated as "Geraldton," without a street being named. The name of the street is not an essential part of a claim unless the claimant resides within the municipal boundaries——

That answer was not inaccurate; it contains none of the germs of stupidity, and furthermore, it is quite correct.

Hon. J. F. Cullen: It was not an answer.

The COLONIAL SECRETARY: It goes as far as necessary to supply an answer to the question.

Hon. W. Kingsmill: As far as necessary?

The COLONIAL SECRETARY: In regard to certain claims enrolled with the address "Geraldton" only, if these electors do not live within the boundaries of the municipality, but outside the boundaries of the municipality, and we have no evidence whatever to show that they do live within the townsite, there is no obligation whatever on the party to insert it.

Hon. J. F. Cullen: You have no evidence of that.

The PRESIDENT: The hon. member will have an opportunity afterwards.

Hon. J. F. Cullen: Perhaps.

The COLONIAL SECRETARY: Admittedly information should be given on the claim cards to enable the exact locality of the claimants' residence to be ascertained. Some persons undoubtedly were enrolled on the Geraldton roll who did not comply with this condition, but I would point out to hon. members that this irregularity is not confined to the Geraldton roll. It exists in connection with a large number of rolls outside the metropolitan area.

Hon. H. P. Colebatch: Does not that make the case all the worse?

The COLONIAL SECRETARY: The registrars have not in some or many instances complied with the law.

Hon. H. P. Colebatch: Surely it is high time they did.

The COLONIAL SECRETARY: It must be remembered that, especially in country districts, registrars have multifarious duties to perform, and the frequency of the changes which take place militates against their efficiency. In Geraldton, since the last general election, no fewer than five different officers have carried out the duties of electoral registrar, and some of these had no previous experience whatever in connection with the work. We have it in evidence that electoral registrars themselves, in filling in their claim cards, omitted to state the name of the street. It is worth considering whether the provisions of the Act can be carried out completely to the letter in practice. A lot depends upon the interpretation of the words "exact locality." If that term means to insert the number of the block in every instance, we will be putting the clock back at least 20 years. At one time it was necessary to insert the number of the block, and if it is necessary now, and if this is a correct interpretation of the law, we will be going backward, instead of forward.

Hon. W. Kingsmill: The law is very explicit.

The COLONIAL SECRETARY: What would it mean if the interpretation

of the hon. Mr. Colebatch was correct? It would mean that in a great many instances before a man living in the country would be in a position to fill in his claim card, he would have to call at the Lands office to secure a map, and ascertain the number of his block.

Hon. H. P. Colebatch: I have never suggested anything of the kind.

The COLONIAL SECRETARY: I am just showing the logical effect of the hon. member's contention. That would apply to all localities outside of a municipality.

Hon. H. P. Colebatch: I was speaking of inside a municipality.

The COLONIAL SECRETARY: I am speaking of outside a municipality, and I hope the hon. member will allow me to proceed. If this is the interpretation of the term, hundreds of claims will be rejected, and hundreds, if not thousands, of objections will be made by the Chief Electoral Officer, and fresh claims will have to be put in and new enrolments made. I am not sure that the Chief Electoral Officer may carry out the suggestion of the hon. Mr. Colebatch. He is taking the advice of the Crown Law Department on the matter, and if the interpretation is correct, the law will be rigidly enforced. If it is correct it means that a considerable number of names, not only on the Assembly rolls, but on the Council rolls, that is, of people outside of municipalities, will be objected to. Within the municipality—I am coming to that now——

Hon. J. F. Cullen: About time, too.

The COLONIAL SECRETARY: The name of the street and number of the house must be given, and the exact locality must be defined. If this is carried out to the letter thousands will be knocked off the roll in one act. There is no doubt whatever about that. This will be a nice state of affairs with the province elections within sight. The hon. Mr. Colebatch, according to his speech, wishes to see the law carried out to the letter. I think it is very unfortunate that he should have raised this question: There have been no abuses so far as we have been able to discover, and I do not think that during the course of his tour when the election was on the hon. member discovered any abuse. There was no occasion whatever to raise the point. It is a matter which not only affects the Geraldton roll, where I think there are 185 names with only the address "Geraldton," but the whole of the rolls throughout the State, and not only for the Legislative Assembly, but also for the Legislative Council. But Mr. Stenberg does not think that the hon. Mr. Colebatch's interpretation was the intention of the Legislature. It all depends on the interpretation of "exact locality." This particular clause was drafted by Mr. Stenberg himself, and his intention was to get such particulars as would enable the registrar to decide whether an elector had applied for enrolment in the correct district or not. That was the object of inserting the clause as it appeared. Very often it was extremely difficult for the Chief Electoral Officer to decide in which particular district a claimant resided. If an elector inserted "Hay-street" as his address, that street extends through three electoral districts; hence it was necessary to have a clause in the measure making it necessary that the locality should be defined. I do not think it was ever intended that a man should put it in in every instance, or that it would be a cause of disqualification for the Council or Assembly roll if he failed to put in the number of the house.

Hon. W. Kingsmill: Are the houses in Geraldton numbered?

Hon. H. P. Colebatch: Was not it intended that claimants should put in the name of the street?

The COLONIAL SECRETARY: In many cases it does not appear, especially on the Council rolls. A property holder in the East province claiming a vote inserted as his address "Hay-street," and in another case a man put the name of the street but not the number of the house.

Hon. J. D. Connolly: That is a property qualification, not a residential vote.

The COLONIAL SECRETARY: It all applied. Section 44 of the Act applied equally to claims for the Legislative Council and for the Legislative Assembly.

Hon. J. D. Connolly: But the qualification for the Legislative Council is property, and not residential.

The COLONIAL SECRETARY: Section 44 of the Act sets out the features of the claim which are essential, and it goes on—

> If the residence of the claimant is within a municipal district or townsite, the name of the street and the number of the house, if numbered, shall be stated, and if not numbered, such particulars shall be given as, in the opinion of the registrar, are sufficient to enable the exact locality of the claimant's residence to be ascertained.

If a person living in Perth claims to vote, say for the East province, by reason of property owned in that province, he is required to state the exact locality. If he resides in Perth or Fremantle, he must state the name of the street and the number of the house.

Hon. H. P. Colebatch: He will not mind doing that.

The COLONIAL SECRETARY: That is, if the law is interpreted as the hon. Mr. Colebatch suggests. I hope this matter will be fully debated so that we may ascertain the opinions of members as to what the intention of the legislature was.

Hon. H. P. Colebatch: I have only assumed that the legislature meant what it said.

The COLONIAL SECRETARY: Under the laws of the Commonwealth and the other States detailed information such as Mr. Colebatch insisted upon is not required. An extreme interpretation of the exact locality would place our electoral matters on an entirely different footing from all the others in existence in Australia. Mr. Colebatch stated that on the 30th June of this year, Geraldton supplementary roll No. 5 was issued and the first name was that of Ashton, Edward, Geraldton, and that the address was care of secretary, V.D.G.W.U., Geraldton, labourer, and that a little lower down there appeared the name, Cronin, John, care of secretary, Victoria District G.W. Union, Geraldton. Mr. Colebatch added that the attention of the Chief Electoral Officer had been drawn to these names and that that officer admitted that a mistake had been made and promised that it would be rectified. On the 30th October, the Chief Electoral Officer was informed that names appeared on the Geraldton roll care of V.D.G.W.U., Geraldton, and he promised to investigate the matter, but it was then too late to correct the errors in time for the election. The matter has now received attention and this has been the case not only as regards Geraldton, but as regards the whole of the Legislative Assembly districts. Mr. Colebatch remarked that a large number who had been irregularly enrolled were by repute supporters of the Liberal party, but the newspaper of which he is the proprietor declared that those who were so enrolled were supporters of the Government. Who are we to believe, Mr. Colebatch the politician or Mr. Colebatch the journalist? It comes with very bad grace from one who has just recently advocated enrolment by the transfer of the names on roads boards lists and municipal lists to the Legislative Council rolls.

Hon. J. F. Cullen: He did not. He said those who were shown by the lists to be qualified.

The COLONIAL SECRETARY: How would it be possible to ascertain whether they were qualified or not?

Hon. H. P. Colebatch: I never advocated anything of the kind. It was the amendment moved by Mr. Cullen.

The COLONIAL SECRETARY: I scarcely understand the meaning of the hon. member's motion. He admitted the Chief Electoral Officer was right, and that there was a good deal of sound sense in what he said, and he admitted that the Chief Electoral Officer had taken a reasonable view of the matter and had given a satisfactory explanation. If the suggestion which had been made was carried out, it would mean that not only any old John Brown, as the hon. member stated, but any old John Chinaman could also come along and be enrolled. With regard to the question of unauthorised persons collecting claim cards and not handing them in, there had been nothing

suggested as to what might be done without at the same time imposing a hardship. There is little to complain of, however, in this respect with reference to the Geraldton roll except that in a few isolated cases claim cards were not sent in within a few days of the date on which they were signed. I have a return showing the intervals which elapsed between the date of the signature on the claim and the date of the receipt by the Electoral Department. The number of claims lodged on the same date was 79, after a lapse of one day 205, after two days 69, after three days 33, after four days 27, after five days 13, after six days 11, after seven days 1, after eight days 8, after nine days 2, after ten days 4, after eleven days 3, and then one each after intervals of twelve days, 25 days, one month and two days, one month and four days, five months and 27 days, six months and 19 days, and seven months and 13 days.

Hon. W. Kingsmill: How many were never sent in at all?

The COLONIAL SECRETARY: They were put aside apparently until there was a prospect of an election, but from the return I have it will be seen that nearly all the claim cards were sent in within a few days of the signatures being attached to them. One would come to the conclusion from the hon. member's motion that some gross abuses had been perpetrated.

Hon. H. P. Colebatch: Do you not think it is a gross abuse to keep a man's claim card six months?

The COLONIAL SECRETARY: We have no proof that anyone kept a claim card six months. The individual may, however, have kept it himself for six months. There is no suggestion that anyone detained these cards; there is, however, the suggestion that something shady occurred because some individual made out a claim card and kept it in his office for six or seven months before handing it in.

Hon. J. F. Cullen: Is the Minister objecting to this return?

The COLONIAL SECRETARY: No. It is my intention to lay it on the Table of the House later on, but I might inform hon. members that there is scarcely any correspondence in connection with this matter. One would think from the terms of the motion that Ministers were interfering with the course of justice.

Hon. J. F. Cullen: Is there no correspondence at all?

The COLONIAL SECRETARY: Not that I am aware of. The return which I have was sent to me yesterday, I presume to be laid upon the Table of the House. I have no objection to following that course, but I think hon. members should express their opinions on the points raised by Mr. Colebatch. We want to know the views of members and whether the Electoral Act is to be carried out to the letter in regard to the meaning of the locality, or whether the elector should be compelled in every instance to put in his claim the number of his house and the name of the street, and if he is in the country, the number of his block.

Hon. J. D. Connolly: What hardship is there in that?

The COLONIAL SECRETARY: All that is necessary is to provide such information as will enable the Electoral Registrar to come to the conclusion as to whether the claimant is qualified or not.

Hon. W. Kingsmill: And also to identify the elector.

The COLONIAL SECRETARY: Yes. I shall be glad if hon. members will discuss this question, because I can assure them if it is insisted that the law must be carried out to the letter, we will do that.

Hon. W. Kingsmill: If who insists?

The COLONIAL SECRETARY: If Parliament insists.

Hon. J. D. Connolly: There is no such thing as insisting. If Parliament makes a law it should be carried out.

The COLONIAL SECRETARY: The opinion, however, seems to be that it has not been carried out perfectly in the past.

Hon. J. F. CULLEN (South-East): The Colonial Secretary is anxious that there should be a discussion on this question, but he knows that there is not time

for it and that the discussion will have to proceed on very different lines from his speech if it is to be of any value. If the hon. member would answer in his fair way the contentions raised in this House, I for one would not complain, but he gives replies which are intended to parry the arguments instead of answering them. With regard to the question asked by Mr. Colebatch to which the Colonial Secretary gave such a remarkable answer, the question with regard to the voters and their residential qualifications, in regard to which the Minister stated that the name of the street was not an essential part of the claim, unless the claimant resided within a municipality——

The Colonial Secretary : That is quite correct.

Hon. J. F. CULLEN : The hon. member parried the question instead of answering it and now he went back to a previous discussion and referred to the answer he gave from the Chief Electoral Officer. That is not sufficient. I said at the time that I expected the Attorney General to reply to the subterfuge which had emanated from the Chief Electoral Officer. The demand was that those who were shown to be qualified by municipal lists should be transferred, and the answer was "But the municipal lists may not be complete in every particular." That, however, does not reflect the position taken up in this House. If they are not complete the names must be verified elsewhere. But the names shown by the municipal lists to be qualified, should be transferred.

The Colonial Secretary : By reason of property?

Hon. J. F. CULLEN : Not necessarily.

The Colonial Secretary: In what other way can they show their qualifications?

Hon. J. F. CULLEN : In a number of other ways, for instance, as a Crown lessee. However, that is beside the question. The position taken was that no answer was given to the question that the names of those who were shown to be qualified should be transferred. It was no answer to say that there might be other names not shown who yet might be qualified. There are other data to ascertain the qualifications. The municipal lists are only one of the collateral evidences in determining who is qualified for a vote for the Legislative Council. What is this costly electoral office maintained for but to try and get as near as possible to accuracy in the electoral lists, and when the member points out there has been this looseness and carelessness, is it an answer to hon. members to say that if the electoral officers are to carry out the letter of the law in every particular, there may be greater difficulties than have been pointed out. That is no answer. We want to get as near perfection as possible; there is no absolute perfection. But Mr. Colebatch has plainly proved there has been laxity and carelessness in accepting claims with the address, care of the union secretary. How preposterous it is that such an address should be printed on the electoral rolls, and to answer that carelessness and try to condone it by saying that if Parliament likes to tell the electoral officers that the strict letter of the law must be carried out, then they can do it. Parliament has said by Act of Parliament, and there is no getting behind it, do this to the utmost of your ability and get as near perfection as possible, and this costly Electoral Department ought to do it without further instructions, and not try with the help of the Attorney General or the Colonial Secretary to bluff the fair arguments used in the House in favour of greater care and fairer administration of the office. The Minister finished by saying that he is prepared to lay the return on the Table of the House. Why did he not say so at the start? That is all we wanted. But there is this ominous qualification that he is not aware whether the return is complete. It is the duty of the Colonial Secretary to see that the return is complete.

The Colonial Secretary: The motion is not carried yet.

Hon. J. F. CULLEN: The Minister says, "here are the papers, I am going to lay them on the Table."

The Colonial Secretary: I did not say anything of the kind. I said the return had been sent to me.

Hon. J. F. CULLEN: Are those the papers asked for in Mr. Colebatch's motion; do they purport to be the papers asked for?

The Colonial Secretary: I did not say so.

Hon. J. F. CULLEN: What are they? What object has the Minister in bringing them up?

The Colonial Secretary: A return has been sent to me in connection with this matter.

Hon. J. F. CULLEN: One can easily understand the looseness of an electoral official if the Colonial Secretary expects this House to be satisfied with his remark. He stated definitely, "I am prepared to lay the return on the Table."

The Colonial Secretary: So I am.

Hon. J. F. CULLEN: What return? Naturally hon. members will suppose it is the return moved for.

The Colonial Secretary: Yes.

Hon. J. F. CULLEN: The Colonial Secretary went on to say, "I am not sure if this return is complete."

The Colonial Secretary: I said I was not sure that the return was complete. It is sent here for my information.

Hon. J. F. CULLEN: I think it is the duty of the Colonial Secretary to see that it is complete.

The Colonial Secretary: I will see that it is complete.

Hon. J. F. CULLEN: Then all we have to do is to vote "aye" unanimously and save our time for more urgent business. The Minister is satisfied. He will see the return is complete, and whatever correspondence there was, he will see it is placed on the Table. That is all the House wants.

Hon. J. D. CONNOLLY (North-East): I did not intend to speak on the motion only for the very extraordinary attitude taken up and the argument used by the leader of the House. I have had some experience as a member of the House, and I have yet to learn that when Parliament passes a Bill and it becomes an Act the Minister has the right to come to Parliament and ask the House whether they wish the law to be evaded. That is the extraordinary attitude taken up by the Colonial Secretary to-day. Here we have an Electoral Act that clearly lays down in Section 44 in regard to claims for enrolment for the Legislative Assembly as follows:—

> (1) The essential parts of a claim shall be—(a) the surname and christian names in full of the claimant: (b) the residence of the claimant: (c) the usual signature of the claimant in his own handwriting, and (d) if the claim is for enrolment for a Province, the qualification of the claimant. (2) If the residence of the claimant is within a municipal district or townsite, the name of the street and the number of the house, if numbered, shall be stated, and if not numbered, such particulars shall be given as, in the opinion of the registrar, are sufficient to enable the exact locality of the claimant's residence to be ascertained.

Hon. J. Cornell: At the discretion of the registrar.

Hon. J. D. CONNOLLY: That I think is plain. It is an essential part of the claim that not only the name of the street but the number of the house shall be given, and if the houses are not numbered some description must be given to enable the registrar to identify the person.

Hon. W. Kingsmill: Are the houses in Geraldton numbered?

Hon. J. D. CONNOLLY: It does not matter whether they are numbered or not, I do not know whether they are: I do not think so.

The Colonial Secretary: No.

Hon. J. D. CONNOLLY: That was thought of at the time the Act was passed, and if the houses are not numbered such particulars shall be given as will enable the registrar to identify the claimant. In the claims referred to, the claimants simply give the address as the office of some union. That surely is not the place of residence. As Mr. Kingsmill has pertinently interjected, that it is for the purposes of identification. How are you to prevent impersonation if you do not fol-

low the Act out strictly. In regard to the claims outside the municipality or townsite, the Act says—

> If the residence of a claimant is not within a municipality, district, or townsite, his residence shall be stated with such particulars as are, in the opinion of the registrar, sufficient to enable the exact locality of the claimant's residence to be ascertained.

"The exact locality of the claimant's residence," and yet the Minister comes here and says it is all because the people are outside the municipality. It is right and proper that they shall give their place of residence, but the only address given is the office of the union in Geraldton. The Minister wants to draw a red herring across the trail.

The Colonial Secretary: I did not say that they were living outside the municipality.

Hon. J. D. CONNOLLY: But the Minister inferred that they were living outside the municipality, yet we all know that not ten per cent. are outside the municipality. In regard to the Legislative Council, the Minister knows there is a distinct difference between the qualification for an elector for the Legislative Assembly and that for an elector of the Legislative Council.

The Colonial Secretary: But the essential features of the claim are the same.

Hon. J. D. CONNOLLY: While I agree that is so, why mix the two matters. One is a property qualification and it does not matter so much where the residence is. The other is a residence qualification, and the residence certainly should be given before enrolment. Mr. Colebatch is to be commended for bringing this matter forward, so that it will give the Minister the instructions he desires. The most extraordinary request I ever heard a Minister make in Parliament is that he should be instructed by Parliament that the law is to be carried out. What is Parliament sitting here for? Was it an insane Parliament that passed this law that the Minister must come for instructions to carry it out? If in the opinion of the Government the law is bad, then why not come down and ask for the repeal of that law; but so long as it is on the statute-book it must be carried out.

The Colonial Secretary: I asked the House to express their views on the question.

Hon. J. D. CONNOLLY: It is a distinction without a difference.

The Colonial Secretary: So that I could take the opinion of the Crown Law Department.

Hon. J. D. CONNOLLY: The Minister said, "I wish members to thoroughly realise the position."

Hon. H. P. Colebatch: He threw out a threat.

Hon. J. D. CONNOLLY: Yes, he made a threat, "I wish members to realise the position." The Government have a duty to perform, and they are bound by their oaths to carry out that duty. The Government have a duty to perform; the Colonial Secretary has a duty to perform; he is bound by his oath and his conscience to administer the law as enacted by Parliament, and not as any particular Minister or certain members of Parliament desire.

Hon. M. L. MOSS (West): I think it is highly desirable that the Government should at all times endeavour as far as possible to see that the most complete compliance takes place in the administration of every Act of Parliament. But if there is one statute which stands out beyond another in which it is highly desirable that that rule should be applied with the utmost force, it is the Electoral Act, and it is that part of the Act which deals with the important provision for the proper identity of the voter. In the case of a residential qualification, I think that the proposition only requires to be stated to be thoroughly understood, that unless you have complete compliance in accordance with the requirements of Section 44 of the Act, it is quite obvious, as Mr. Connolly has pointed out, that impersonation can go on with the greatest amount of ease, and you will never discover it. The reason why that provision was placed in Section 44 of the Act was that there should be an opportunity given to the electoral officer to keep thoroughly in touch with

everyone on the roll in every particular district. It is quite true, as Mr. Connolly has said, these are essential particulars to be on every claim, and that applies with the same force to the rolls for the Legislative Council as for the Legislative Assembly, and the importance from the public standpoint is that the address shall be given in the case of a residential qualification, therefore I say that you have only to state the proposition for everyone to support it. But I go further and say that with regard to the property qualification, it is of the utmost importance that we should have the address of every person, so that he can be easily identified. And it is very discomforting that this Electoral Department should have again been found wanting in an important public matter. This House appointed a select committee quite recently to inquire into the grave irregularities in connection with the West Province election, when the Chief Electoral Officer in the most unblushing manner possible told the committee that voting papers were examined before they had been sealed up. That statement must have been disquieting to everyone who read the evidence or who listened to the reading of the report. Not only did we have that bold effrontery, that admission made as to the irregularities there, but we are advised that greater irregularities have taken place which should receive all-round condemnation. Almost before the words had evaporated in connection with the West Province election select committee, we find greater irregularities have taken place in connection with the election at Geraldton, and I do not know why any demand should be made by the Colonial Secretary as to whether members desire this Act to be carried out in its entirety. It is a very weak demand to make to the House that members are requested to join in a debate and give expression of opinon whether the provisions of the Act shall be carried out. The Colonial Secretary should know, and if he does not know, the Chief Electoral Officer should well know that there is a very serious offence created by the Electoral Act for breaches of official duty. And if the Chief Electoral Officer and his subordinates make deliberate and intentional breaches of the electoral law, they are liable to a heavy fine, and in many instances to imprisonment. Where so much is dependent upon getting clean rolls and a clean election, there should be no necessity for a demand by either House of Parliament that the law should be enforced rigidly and in its entirety. It was never intended that the union secretary's office should be given as the address of any elector.

Hon. J. D. Connolly: As the place of residence.

Hon. M. L. MOSS: It says the place of living. I agree with the Colonial Secretary that in many country electorates the registrars perform a multitude of duties, and we should not expect the same standard of excellence from them as from the Chief Electoral Officer, but when we find the Chief Electoral Officer seriously breaking the law, what can we expect? Anyone with the slightest amount of intelligence would have known that he had no right to receive a claim which gave the office of the union secretary as the claimant's address or place of residence. The electoral officer must have known perfectly well that that was not the address, and it is a hopeless task indeed, with such an address, for a person contesting an election to do what is reasonably necessary in order to identify the elector. I would not have risen except to affirm what I thought the Colonial Secretary would not have required affirmed by this House or any other body of men, namely, the undoubted assurance that these Acts are not playthings, and that the provisions in the Electoral Act are there to be carried out; and in order to enable candidates to identify persons who claim the right to vote, these portions of the Act ought to be carried out to their utmost.

Hon. E. M. CLARKE (South-West): I did not intend to speak on this matter, but a question arose some time ago about the various claim cards sent to well known residents in different towns and districts,

and it was claimed that there was no means of ascertaining whether those people were entitled to have their names placed on the roll. I maintain that the Chief Electoral Officer is trying to ascertain the qualifications of people who, he could satisfy himself at a glance, are entitled to vote. His attention should be devoted to the moving population, rather than to the residents. I believe the Act says that he shall take the municipal and roads boards rolls, but these do not disclose what he wants to know with regard to the qualifications for the Legislative Council. I would point out that if the Chief Electoral Officer has no power to get a copy of the rate list, he should have that power, because it must be obvious that every municipality and roads board has a list of every ratepayer, and by that list the Chief Electoral Officer could tell at a glance whether people are entitled to be placed on any rolls. The roads boards for their own convenience, and for the sake of their revenue, depend on keeping these lists up to date, and there is no better method of finding out whether people are entitled to be on the roll for the Legislative Council than the roads board rate lists. Anyone can go to Bunbury at the present time and obtain a list of every ratepayer on the roll, but there is this difficulty about it: The Chief Electoral Officer tells me he has no power to demand a copy of the rate list. The roll of voters is one thing, and the copy of the rate list entirely a different thing. One shows simply that a person is a ratepayer, but does not give his qualification or residence, but the rate book will disclose the street in which the person lives, the number of his block, the amount of rates he pays, and everything else. The point I want to make is that the Chief Electoral Officer is placing himself in an impossible position, when he could get hold of this list, which any boy could copy out. I have had these claim cards sent to me over and over again. I have been qualified to vote for a roads board since 1870, and for the municipality of Bunbury since 1874, and it is idle to say that it is necessary to send me a claim card in order to ascertain whether I am qualified to vote. The rate list would disclose my qualification to the Chief Electoral Officer without any trouble at all, and if that official has not power to get a copy of the rate lists of roads boards and municipalities, he should have the power. There is no denying that there is a great deal of work involved in getting out these claim cards, and it does not seem to me that the department is going about the matter in a business-like manner. The Chief Electoral Officer should have power to demand the rate lists, so as not to be obliged to send out thousands of claim cards to people who have been ratepayers for years.

Hon. H. P. COLEBATCH (in reply): I must certainly confess to a good deal of surprise at the spirit in which the Colonial Secretary has accepted this motion. He started it with an admission that there were 185 names on the Geraldton roll that were irregularly placed there, and then he condemns me for having brought the matter before this House, and apparently the only justification he is able to make is that other rolls are in the same irregular condition. Surely there could be no greater justification for my motion than if the Colonial Secretary were to admit the whole of my complaints *en globo*. So far as concerns what will be done to compile the rolls for the Legislative Council, I can only regard the Minister's statement as a threat to members of this House that if the Act is carried out they will not have as satisfactory an enrolment as at the present time. I take it that any members who desire that names should be placed improperly on the roll in defiance of the Act will vote against the motion, to show that they do not want the Act to be carried out, but I am one of those members, and I believe they will be found to be in a majority in this House, who do not think there should be any names placed on the Legislative Council rolls improperly, and contrary to the provisions of the Act. It has been said that these irregularities are due to the inefficiency of the officers, but I would like to remind the Colonial Secretary that at the bottom of these rolls is a certificate

signed by the Chief Electoral Officer, that—

> This is the amalgamated roll for the Geraldton Electoral District, prepared under my supervision, and issued by me in compliance with the directions of the Hon. the Attorney General, under the provisions of Section 28 of the Electoral Act, 1907.

The Colonial Secretary: What date is that?

Hon. H. P. COLEBATCH: This certificate is attached to the very roll I am discussing.

The Colonial Secretary: After the issue of the writ.

Hon. H. P. COLEBATCH: Some were issued before the writ, and some afterwards. Here is one published after the issue of the writ, which contains this certificate by the Chief Electoral Officer, yet in this Roll, prepared under the supervision of the Chief Electoral Officer and issued by him, there are 185 names that, on the face of them, have no right to be there, and are obviously improperly on the roll.

The Colonial Secretary: It was too late to take them off.

Hon. H. P. COLEBATCH: The Chief Electoral Officer says that the roll was prepared under his supervision, and issued by him, and his certificate must have been prepared before the rolls were printed.

The Colonial Secretary: They were prepared in Geraldton.

Hon. H. P. COLEBATCH: And they were printed in Perth. I believe it is true that there are a good many irregularities in the other rolls, but I have taken the trouble to search through other rolls, and I find that the irregularities are few and far between. But on this particular roll there are as many as 10 names on one page that obviously have no right to be there. It has been said that the reason for Section 44 was that it should be possible to see in which electorate a person was qualified to vote. Now the Colonial Secretary says that when a man sends in his claim with his address as "Geraldton" the Chief Electoral Officer accepts that, because the man may not be in the municipality. He may be living outside the municipal boundaries, and therefore the address "Geraldton" is sufficient, and he is satisfied that the man lives in the Geraldton electorate, and not in the adjoining electorate. Could a more absurd argument be put up? Here is one name—"Sandilands, Samuel, Geraldton, casual." Is it going to be pretended that on that address the Chief Electoral Officer is able to satisfy himself of the exact locality of this person's residence, or that the person is entitled to vote for Geraldton? There are on the roll a dozen or 20 names enrolled in this fashion—"Mutton, Hannah, Geraldton, domestic." How can it be contended that that is an enrolment within the meaning of the Act? It is ridiculous to suggest anything of the kind. On the supplementary roll there were several names which gave as the address "C/o the Secretary of the V.D.G.W.U., Geraldton." The Colonial Secretary admits that the attention of the Chief Electoral Officer was drawn to the fact, and that he promised to look into it, and then stated that there was no time to do it. It is for that reason I wish the House to carry the whole of this motion, that I desire to see if possible what correspondnce did pass in connection with these particular enrolments. Although the Colonial Secretary told us there was no time to make an alteration, the fact remains that an alteration was made. These people's names were not removed, and their proper place of residence was not inserted, but the words "C/o Secretary of the V.D.G.W.U." were struck out, and the same persons' names appear on the roll simply given as "labourer, Geraldton." That is a case in which the improper enrolment was brought under the direct notice of the Chief Electoral Officer. He promised that it would be inquired into, and the enrolment was altered, and still left in a more improper condition than it was before. This Section 44, subsection 4, clearly sets out that—

> Any claim that does not comply with this section shall be rejected.

There is no option allowed to the Registrar or the Chief Electoral Officer.

and notice thereof in the form numbered (6) in the schedule shall be given by the Registrar to the claimant.

Where a person has a bona fide address, it is no hardship that he should be called upon to state it.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. P. COLEBATCH : Before tea I was alluding to a matter which was brought before this Chamber some little time ago in connection with the compiling of new rolls for the Legislative Council, and I wish to remind the Colonial Secretary that on that occasion I did not propose that the Chief Electoral Officer should transfer to the new rolls all the names appearing on the municipal or roads boards lists but that names already enrolled on the Legislative Council rolls, and thereby having the qualification of British nationality and of age, and also appearing by the ratepayers' rolls of municipal or roads board to possess sufficient qualification should be retained on the Legislative Council roll. The great bulk of the people in this State who are qualified to vote as electors of the Legislative Council, even honourable members of this House, have had notices sent them by the Chief Electoral Officer to the effect that he is unable to satisfy himself that they should be on the roll, notwithstanding that they may have been on the roll for years, and their names are still on the municipal or roads board roll. I say that in such cases the fact of their names being on the municipal or roads board roll should indicate that they possess the necessary property qualification. We find that when some good lady sends in a claim at Geraldton saying "My name is Mary Jones, domestic, of Geraldton" we find that the Chief Electoral Officer is satisfied with that, but although a person may have been on the Legislative Council roll for years and according to the roads board roll still possesses the necessary qualification, the Chief Electoral Officer says "I am unable to satisfy myself." I do not think it is necessary for me to say any more in regard to the motion. The latter portion of it refers to those claims held back by some person or another. The Colonial Secretary infers that they were held back by the claimants. The point I wish to make is that the Act does not contemplate that any person should put these claim cards in his pocket. The Act does not contemplate that people should stand at street corners with little tables and say "Fill in a claim card and I will witness it," and then that the witness shall put it in his pocket and some time later send it along to the registrar for enrolment. I admit that that is no offence against the Act. At the present time it is no offence for any unofficial person to witness these claim cards and take them away with him, and tear them up. Such a thing is no offence against our Electoral Act. The Commonwealth Act has penal clauses applying to people who witness these things and do anything but at once forward them to the registrar, and I think that there should be a similar provision under our Act. The Minister asks members do they wish the law to be observed? Some of us feel that there has been recently a disposition to set Ministers above the law. Is that what the Colonial Secretary wishes? Is the Act to be carried out as it is written or as the Minister in charge of the department wishes? I hold that on electoral rolls the name of the street must be stated, and I have shown that there are 185 names of people here who purport to live in the town of Geraldton and in reference to whom the street is not mentioned. The wording of the Act is absolutely clear. Is it right that these names should appear? With regard to the first portion of my motion, the matter of placing on the table departmental correspondence relating to the compilation of the two supplementary rolls for the Geraldton district, I notice that the Colonial Secretary says there is very little in this correspondence. I dare say there is not much, but even if they are only two or three letters I should like to see what they are. An alteration was made, but not a proper and legal altera-

tion. When attention was drawn to the fact that those people were illegally enrolled it was promised that the matter would be looked into. The final roll contains these same names in a different form from what they appear on the supplementary roll, but in an entirely irregular form. These names appeared wrongly on the one roll. When attention was drawn to the matter and it was promised that it would be rectified, and they appear on a final roll in a different form from what they appear on the first roll. An alteration has been made but the alteration was even more irregular than before. I say there is no reason why this House should not have placed at its disposal all the information on the matter.

Question put and passed.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Resumed from the 20th November; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress had been reported on a new clause proposed by the Colonial Secretary to stand as Clause 9, as follows:—"The following section is hereby inserted in the Code, after Section 340 thereof, that is to say:—340a. (1.) Any person who, either as principal or agent, makes or enters into or enforces or seeks to enforce any rule, order, regulation, contract, agreement or arrangement in restraint of or with intent to restrain, prevent, or hinder the marriage of any person who is in his employment or in the employment of his principal, and is of the age of twenty-one years, or upwards, is guilty of an offence, and is liable to imprisonment for three months or to a fine not exceeding five hundred pounds. (2.) The provisions of this section shall apply to corporations, so far as they are capable of being so applied." Amendments had been carried striking out "three months" and inserting "one month" and also striking out the words "five hundred" and inserting "fifty." The question was that the new clause as amended stand part of the Bill.

New clause put and a division taken with the following result:—

Ayes	9
Noes	9
A tie	0

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. H. P. Colebatch	Hon. B. C. O'Brien
Hon. F. Davis	Hon. T. H. Wilding
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(*Teller*).

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. Sommers
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. C. McKenzie	(*Teller*).

The CHAIRMAN: I shall give my casting vote with the noes.

New clause thus negatived.

Bill again reported with further amendments.

BILL—LAND VALUATION.

Second Reading.

Debate resumed from the 13th November.

Hon. M. L. MOSS (West): Since the Colonial Secretary made his speech in introducing the Bill I have asked myself the question whether such a Bill is required, is there any demand for a measure of this character, and if there is, whether the Bill should not be strictly limited to land valuation for taxation purposes, State and municipal and roads board? Because the Bill before the House is an entirely different proposition from such as I have suggested. It deals with a good deal more than land valuation, as I will show before I resume my seat. When one considers the purpose for which it becomes necessary to value land, for State and municipal and roads board requirements, I would like to know what is wrong with the present system. It works fairly well and it is certainly very cheap. As to the question of what the administration is going

to cost under the Bill, we are left entirely in the dark. Anyone with any regard for what is going on in connection with the finances of the country would think that one of the first things which the Ministry would have furnished to the House is an estimate of what the department which will be necessary to administer this measure is going to cost. For I can see that a land valuation scheme carried out with all the attention to detail which this Bill contains must be an extremely costly matter. To my mind at any rate, it is therefore abundantly clear that the first obligation of the Government to this House and to another place is to find out really what it is going to cost to work this scheme. We will see what the Bill aims at. There is to be one valuation for all purposes, these purposes to comprise all methods of State taxation; rating under the Municipal the Roads and the Health Acts, in common with any Act that may be afterwards passed, valuations for the purpose of duty under the Administration Act of 1903—which I shall have something to say about presently—and also valuations to be applied in the case of land compulsorily resumed for public purposes. Secondly, if the Bill is to be of any value, and the attention to detail is given which is prescribed by the measure—if due regard is to be paid to all these things, it means the creation of a very large department, a department which it is the obvious intention of the measure shall be operated from Perth. Under the present system of local rating the valuers are appointed in the various localities where the valuations take place. They are generally men possessed of local knowledge, who are able to make these valuations, perhaps not with absolute strictness; still the local knowledge they possess enables them to get a very fair result in a manner that works fairly satisfactorily. In the Bill there is an entirely new departure, because everything has to be operated from Perth. The Valuer General will control the department in Perth, and in respect to the district valuers—this is a point I wish to emphasise—it is not prescribed by the Bill, that district valuers shall possess any local knowledge. The framework of the Bill came from New Zealand. An Act has been in force in New Zealand, certainly since 1908—I think it was in force there before that time, but it was consolidated in 1908—and that measure has a distinct provision in Section 5 that these district valuers shall have local knowledge. That provision is not in the Bill; so there will be this department in Perth, and district valuers will be appointed, not necessarily with any local knowledge at all. The register to be framed under Clause 8 is to contain a mass of detail to get which, if these valuers are not appointed in consequence of the local knowledge they possess, will mean the employment in Perth of a large army of clerks, if the register is to be of any value at all. Apart altogether from the cost of the department there are manifest injustices in the Bill. The first thing to which I would draw attention are the provisions under Clauses 14 and 15. Under Clause 14 when the register is framed it will be a binding register until it is abrogated. There is no obligation under the Bill compelling the register to be audited annually, which is practically always the case in regard to every local body at the present time. The register remains a binding document against everybody until abrogated in the manner prescribed in the Bill. It may remain in force for years.

The Colonial Secretary: They can appeal annually.

Hon. M. L. MOSS: I will be quite fair. I shall not put any cotton wool in my ears if the Colonial Secretary desires to interject: I shall endeavour to answer all his interjections. Clause 15 provides that the Valuer General shall within a month after the commencement of any year, by notice in the *Government Gazette* declare that any register shall be, subject to any modifications, included in a supplement referred to herein, or that the register shall continue without modification. Any notice referring to a supplement shall state where it may be inspected. Subclause 2 provides that for the purpose of compiling any supple-

ment such and the like powers may be exercised by the Valuer General and other officers as may be exercised in and about the compilation of a register. There may be supplements to this register when it is once framed and the Valuer General may keep that in force in the manner prescribed by Clause 15. One of the most extraordinary things under this Bill is this: With regard to all valuations made for local governing purposes, with regard to valuations or assessments made on property under the Land and Income Tax Act we always get a notice of the valuation, the object being to forcibly bring under the notice of the property owner the fact that the property is assessed at a certain amount. It affords him an opportunity of appealing against that assessment. Take your municipal method of valuation. It is impossible for a municipal council to sue a ratepayer or recover one fraction in respect to rating on property until a notice of the valuation is given by the corporation and an opportunity afforded to the ratepayer to appeal. But under the Bill there is no obligation at all upon the department to give any notice of any valuation made in respect of a property. As a matter of fact, quite the contrary is the case; because if you look at Clause 13, you will find that notices of valuations are to be served, and Subclause 2 provides that the provisions of the clause are directory only. What an extraordinary piece of legislation. Up to date before people are assessed in respect of an amount on a property they get full notice of the valuation put upon that property on which the taxation is assessed, and the fullest right of appeal is given. Here the register may be built up, a value put against the property, and the only indication which the owner of the property has of that particular assessment is a mere matter of direction under this Bill, and it is obvious therefore the greatest injustices are liable to take place. When I come presently to deal with the far-reaching character of the Bill, showing that it goes very much farther than the making of valuations for taxation purposes, and when we regard this provision as to the giving of notice it will be seen what injustices may be inflicted. I want to be quite fair about the Bill. There is this under the Bill: It is not compulsory to give this notice of valuation. Under the Bill the register may remain in force for all time until abrogated. There is a provision, however, in Clause 12 which will enable any person to call upon the Valuer General to make a new valuation of that person's property providing that the person pays a fee to be fixed by regulation. No fee is prescribed in the Bill, and this I think should be mentioned, namely that no limit is fixed to the amount that fee may be. And we must not look at the Bill from the standpoint of Perth and Fremantle, because these provisions will be applied to the whole of the State. The prescribed fee, therefore, in the case of valuations of distant country lands and lands that may not be served by a railway, might be fixed at such an amount as to make the right to have a valuation under Clause 12 almost prohibitive. The prescribed fees may be such that the people would rather put up with the injustice of paying a heavy taxation than be penalised to the extent possible under the clause. With regard to the notice of valuation, it is obvious what the section of the public aware of the provisions of this Bill will have to do. With the completion of the register the Valuer General is obliged to publish in prescribed form in the *Gazette* and in the newspaper circulating in each district the fact that this register has been completed. It is quite obvious that the owners of property will be compelled to continually watch the *Government Gazette* and these local newspapers with the idea of ascertaining whether excessive valuation or excessive rating or too low a value has been put on their property, in the case of property liable to compulsory resumption. That strikes me as being an exceedingly clumsy method to compel the general public to resort to. When we come to Clause 28 there is a number of rules laid down for the valuing of property. If these rules are to be applied in the way in which an expert valuer will apply them

in order to arrive at a valuation based directly on the lines laid down in the clause, it is not difficult to come to the conclusion that the work of carrying out the valuations on the basis set out in Clauses 28, 29, and 30, will mean the creation of a very large department, in which to administer the provisions of this measure. But when we come to the method of appeal prescribed the greatest amount of objection should be offered to the measure. Up to £2,000 in amount an ordinary court of review, the local court nearest to the land, is to be the tribunal to entertain the appeals. In all other cases these appeals have to be conducted before a judge of the Supreme Court. It is quite obvious what a fearful amount of expense will be piled on to the general public in this connection. It is an easy matter, when high values in the case of valuations for taxation purposes are put on the land, for the Government, with the Crown Law Department at their disposal and with no difficulties in the way of finding the money for expensive law suits, to oppose appeals. It is not a matter which gives the Government very much concern, but it becomes a very serious matter for the ordinary public who have to go to the Supreme Court. It might be all very well to have these provisions in force in a closely settled country like New Zealand. In New Zealand, as most hon. members know, the Supreme Court sits in nine or ten different centres, and the difficulties of getting to a Supreme Court judge in New Zealand are very small indeed, but here where the judges practically do not go on circuit, but where tens of thousands of blocks of land exceeding £2,000 in value are held in country places far removed from Perth, the expense of running this statute and compelling all these appeals to be decided in Perth will be so great that I hardly think the Government realise what they are doing. It might be all right to have a clause like this in operation in a closely settled country like New Zealand, but fancy the idea of forcing everyone into the Supreme Court on these rating appeals. The people will have to pay the piper—though it will be a simple matter for the Government, whether it costs them money or not—and it will be serious when a man, say from Roebourne or Wyndham, is to be dragged to Perth to contest the valuation made by the Valuer General and also to bring his witnesses down. It is hard to believe that the Government could have given serious consideration to what this clause means. The circuit court sits for four months in Kalgoorlie, and it may be able to deal with valuations there, although I very much doubt it. At present one judge has practically the whole of his time monopolised in dealing with civil service appeals and Arbitration Court work, another has to be prepared to go on circuit to Kalgoorlie, the Full Court work is in arrear, and now we are asked to put on to the judges this extra work. I do not believe the Government realise what an enormous amount of work will be created under Clause 34 of the Bill, to say nothing at all of the expense to the public in connection with it. The most important part of the whole Bill is the uses to which these valuations are to be applied. Even assuming that the department can be run cheaply and expeditiously, and will be an improvement in every respect in the method of making local valuations at the present time, will facilitate the work of the land and income tax office, and facilitate work in connection with the compulsory resumption of land, that the appeal provisions will work smoothly and will be an improvement on what we have at present, assuming all this, I say let us look at the uses to which this Bill will be applied. It may be that once we have uniform valuations made for local taxation and State taxation, under the Land and Income Tax Act and if we can get over all the difficulties to which I have referred, there may be an improvement, but now it is intended to apply the values which may be put in the register in order to assess the duty under the Adminsitration Act of 1903. I pause for a moment so that hon. members may understand what this means. The duties under this Act are more generally known as death duties. They start at one or one and a half per cent. and go on a sliding

scale up to ten per cent. They are very heavy duties indeed, and no person or person's family would be safe under a provision of this kind. The property would be assessed at a certain amount today. The owner of the property may receive notice of the valuation; he may have seen it in the *Gazette*. The valuation is fixed at a certain amount, and he might be amazed at the high amount of the valuation. If the valuation were restricted to taxation he might put up with the injustice and not worry himself about making an attempt to get it reduced, saying that he could afford to pay the local taxation, but if the provisions of this Bill are to be applied to death duties, I cannot sit down under that. These duties are on a heavy scale, ranging up to ten per cent. In the case of a property valued at £20,000, I believe that these duties are in the vicinity of five or six per cent. The owner would be bound to appeal immediately. Six per cent. on £20,000 would be £1,200 in duty, and on appealing the owner may get the valuation reduced to £15,000. He has to watch the valuation again in the following year because there is nothing to prevent the Valuer General from putting it up to £20,000 once more . The provision with regard to the notice is directory only; the owner has to watch the *Gazette*. If he is dilatory and the property is over-valued, and the man dies during that year, his wife and family, and those who are looking to the property to keep them when the unfortunate event occurs that the bread-winner goes, will be confronted with a valuation under this Bill under which they will be compelled to pay these heavy duties. It is obvious that if the Bill is to go through, paragraph (f) of Clause 39 will go out.

Hon. D. G. Gawler interjected.

Hon. M. L. MOSS: The executor would not have been blameful for any failure to appeal, but he would be compelled to pay in the case of a testator having been careless, an amount of duty greater than the value of the property justified, and under circumstances such as these, that the valuation had been made of which no notice had been given to him, and simply through an act of neglect on his part in not watching the *Gazette*, or newpaper containing the valuation. The Bill is not for valuation for taxation purposes only, but contains in that provision to which I have just alluded a departure which in my opinion is not in the best interests of the State. It is calculated to work much injustice and I could not justify any vote I may give to retain paragraph (f) in the clause. When we come to the resumption clause, it is more unjust still, and before I deal with the resumption, which brings me to Clause 43, I want to put myself absolutely right on this question. I have never been satisfied that the State gets a fair deal with regard to the amount it pays for compulsory resumption. I have said repeatedly that if a proper scheme could be brought down to improve what is, in my opinion, unsatisfactory, I am quite prepared to vote for it. But I will not vote for this because it is not fair. The other evening I tried to get a provision inserted in the Fremantle Improvement Bill which I thought would be just in that measure, for this reason, that I knew we were dealing with definite owners and definite property which could not be subject to any claim from the time that notice was given of the Bill until the land would be taken, and I thought if the amount returned by the owners of that land for the purposes of their land and income tax returns for that year were taken it would have been in that particular instance a fair basis. The House did not agree with me.

Hon. J. F. Cullen: No, they stood for principle.

Hon. M. L. MOSS: I will not have another row with the hon. member. I would rather not. I am not in the frame of mind for it just now, but I thought that the stand I took with regard to that was proper, honest, and upright. The House did not agree with me, and I only refer to it again in case some hon. member who speaks subsequently might say that Mr. Moss blows hot and cold on this question, that when the Government

brought down a Bill in 1911 he opposed it, but tried to get the same principle in the Fremantle Improvement Bill, and on this occasion is opposing it again. The Fremantle Improvement Bill in my opinion stood upon a different footing altogether because I knew the special circumstances relating to the three blocks which will be affected by that Bill. I knew that no injustice could take place, but that on the contrary the town of Fremantle would have got a square deal in connection with the transaction. But when we come to deal with Clause 43 and learn the values it is sought to put upon property in the hole and corner way which is capable under a Bill of this kind, are to be applied in connection with the compulsory resumption of land, it is obviously unfair. It is clear to me that the second proviso of Clause 43 has been put in to overcome some objections which have been raised. It is provided that—

> In any case in which in determining such compensation any element is required to be taken into account which is not taken into account in the valuation in the register or *vice versa*, then in determining the compensation the valuation shall be adjusted by the inclusion or exclusion of such element, in accordance with the requirements of the case.

I can see plainly what the draftsman is aiming at there. It is certainly a more honest attempt than the provision contained in the Bill which was introduced in 1911, certainly much more honest because there is there a legitimate attempt made that when certain things were not taken into account they should not operate against the court in making these valuations in resumption cases. But I am not satisfied that this will achieve the object they have in view. I will show what I mean. Take Clause 28, which says—

> The following rules shall be observed in making valuations: (1) Every valuation shall be made on the assumption if necessary to be made, that the land is free from all mortgages . . . . . and that no restriction exists on the power to sell, let, or otherwise dispose of the land.

Then the second subclause provides—

> No regard shall be had . . . . (b) to any metals, minerals, gems, precious stones, mineral oil or phosphatic substances contained or supposed to be contained in the land.

You never, of course, take any countenance of the gold, only all the base metals are taken into account. For the purposes of the valuation then, they say practically for rating purposes you are not to take into account any of these base metals or these other substances mentioned for the purpose of making your capital value for rating purposes. When we come to Clause 43 the provision under which the amount is put upon the property for resumption purposes, they say that if there are elements which have not been taken into account in the valuation, then in determining the compensation the value shall be adjusted by the inclusion or exclusion of such element. My point is, what will be the effect achieved by the statute which says you shall not take them into account. The answer there is of course we do not take that element into account, because the Act says it shall not be taken into account. It looks to me that after you apply the principle of Clause 43 in connection with compulsory resumption of land, you will apply it simply to the surface value of the land paying no regard to what may be underneath that land, or what at the time of the valuation may have been exposed and proved to be of enormous value. I do not think such experiments ought to be lightly entered into. The object should be in taking the land for public purposes—and I have never hesitated to take land when it has been required for public purposes—that the full fair value of that land, and all the metals and minerals and everything else upon it, should be paid for by the State. The country does not want to start out on an expedition to rook the people right and left, while it is the duty of Parliament to see that the country is not rooked by the people. At the same time Parliament must see that the people get the fair full value of what is justly theirs. I am far from satisfied that this proviso will have the effect the draftsman be-

lieved it would. If my construction put upon that clause be correct an unjust result is likely to take place. There is nothing, I still contend, in Clause 43 to provide for payment where portions of Crown land have been resumed. There is nothing to provide for the case of legitimate interim sales, that is, sales which may take place after the compilation of the annual register and before the resumption may take place. I do not want to delay the House by giving members illustrations. I did on a previous occasion say that a property valued at £20,000 might be disposed of between the period of the making of the valuation, and the resumption, at £30,000, and if the legitimate owner of that property were compelled to be bound by legislation of this kind, the result might be that he would lose £10,000 in the process. I am not prepared to give my support to a Bill of this kind. There is all the difference in the world between a scheme which enables this to be done and the provision I endeavoured to support in connection with the Fremantle Improvement Bill. There was there, however, no possibility of any interim sale taking place. Then, again, an element is to be taken into account within the meaning of that proviso. I will wait until the Colonial Secretary replies to this debate to see whether he can throw some light upon this. I have given the matter some consideration, and I cannot give such a meaning to those words that will justify me in saying that they are so comprehensive in their character that they will enable the system of compulsory resumption to take place and do complete justice to everyone.' I do not think the Government want to do an injustice to the general public. This scheme for resumption in a Bill of this kind, if it is to be an improvement on the methods laid down in the Public Works Act, 1912, should be laid down in plain English, and we should know exactly how it will work out in every case. We now know that the Government are not entitled under the Public Works Act to take a person's land without paying the full fair value of it. The only element not to be considered being the enhanced value which the land may have acquired by the carrying out of any public work in the vicinity. To bring in a system of land values ostensibly for taxation purposes, and then to apply compulsory resumption without proving that the thing can be fairly applied for this purpose, is asking the House to agree to proposals which are very dangerous in character. I have asked the question, what is the element to be taken into account, and there is another question, on whom would the onus fall of proving that the element had not been taken into account? If it is on the unfortunate owner he has to prove something that did not operate upon the amount of the Valuer General or the district valuer. That is an impossibility. If the onus is upon the Government it would in every case compel them with their evidence to show that they took every element into account to arrive at a correct value for taxation purposes and land resumption. It does not mean that; it means that every person claiming compensation must prove his case, and if that be so, the onus would be on him to show that the district valuer took certain things into account when he made his value. Therefore I ask on whom would the onus be if that element had not been taken into account? If hon. members will read the last proviso of Clause 43, and read it in the light of the observations I have made with regard to the onus, and the question of the elements to be taken into account, and the question whether metals and minerals other than gold are to be excluded, and even if that element is not taken into account for the purposes of the valuations made for rating purposes, the Act distinctly says it is an element which should never be taken into account. I have looked at the New Zealand Act and I find that that has nothing like this Clause 43 in it. Our Public Works Act, 1902, is almost a copy of the New Zealand Act. It is almost an application of scissors and paste, but it is a most incomplete piece of legislation. Clause 43 of the Bill was in the measure of 1911 which this House rejected. The clause is not in the New Zealand Act, and should not find a place in this Bill either.

If the Bill gets into Committee there is another thing that I will try to rectify. We had a Municipal Act of 1895, and we repealed it and consolidated it in 1900, and then went through the process again in 1901. In the 1895 Act there was a principle that had been in the Municipal Acts up to that date, and also in the Municipal Acts in most of the other States of Australia and New Zealand. It was this: that for the purpose of arriving at the annual value of an improved property the annual value was the rent at which the place might be expected to let from year to year, less a deduction of 20 per cent. for outgoings and repairs. Then the Act of 1895 provided that in no case should that amount be less than four per cent. on the value of the land. The value of the land in the 1895 Act was this: if you went on the four per cent. basis it was the value of the land exclusive of the improvements. One cannot watch everything that comes through these Chambers. I have done my best in the past to watch many things.

Members: Hear, hear!

Hon. M. L. MOSS: But there was something that I did not watch in 1900, and I have never been able to get it rectified, and it is a great injustice so far as regards improved property. After the 1900 Municipal Act came down there was still the same provision, but the four per cent., instead of being on the unimproved value of the property, was made on the property with improvements. And so we find the same thing in the 1906 Act. That little bit of business was effected in another house, and I am not going to delay members with an illustration of it, but not one, but hundreds of illustrations of the great injustice that takes place under that provision could be given. I had it applied to a large warehouse property in Perth, the rating on which should be the rent less a 20 per cent. reduction for repairs, insurance and other outgoings, and that is all they should have to pay, but when we take the unimproved value of the land with a large warehouse on it and assess it at 4 per cent. the rental is a small thing, and the result is the firm are paying twice the amount they ought to pay. If the Bill goes into Committee I will try to rectify that, because it can be rectified in Clause 30. I am going to show how again there is a repetition of this injustice. Clause 30 states—

> The annual value of land which is improved shall, subject as hereinafter provided, be deemed to be a sum equal to the estimated full, fair average amount of rent at which such land may reasonably be expected to let from year to year, less the amount of the year's rates and taxes and a deduction of twenty pounds per centum for repairs, insurance and other outgoings.

That is all right and fair, but then paragraph 2 continues—

> The annual value of land which is improved shall in no case be deemed to be less than four pounds per centum upon the improved value of the land, or than five per centum upon the unimproved value of the land.

That "improved value" is a repetition of what is contained in the 1906 Act and in the 1900 Act, but it never found a place in the 1895 Act or in any Act that existed previously, and it will not be found in any other municipal Act in Australia. If this Bill had been a measure to provide at a cheap rate for one uniform system of valuation in this State, and if it contained the principle contained in the New Zealand measure of having local knowledge applied for the making up of local valuations, instead of centralising the system in Perth and creating a huge department at great cost to the State—which we are bound to speculate about because we have no figures given to us as to the cost—if it could be done on lines of cheapness and could be proved to be an advance on the present system, I should have believed it my duty to have voted for the second reading: but when I find we are confronted with a Bill that contains many injustices in it, that it is a Bill that would enable valuations to be made behind a person's back, in respect of which no notice whatever might be given with the

exception of a notification in the *Government Gazette*, and when I find also that it is a Bill that can be applied in connection with the assessment of death duties and in connection with the compulsory resumption of land, I naturally ask myself the question whether it is a piece of legislation that in fairness to the people of the State we can allow to go on the statute-book. I am not going to move any adverse amendment to the motion for the second reading of the Bill, but if there is a strong expression of opinion in the House that the Bill should go out, I shall not feel myself obliged to vote for the second reading. I say there are a great many things in the Bill that must be eliminated if it goes into Committee, unless gross injustice is to be perpetrated upon owners of land in this State.

Hon. J. F. CULLEN (South-East): The idea of this Bill is one complete register, replacing all the registers throughout the State—one complete, comprehensive, monumental work of valuation and registration. There is a great deal that is catching in the idea, and I can quite understand Ministers, in their experience of economics and especially in land questions, catching on to that idea with great avidity. Here is one system to cover the whole of the State, serving for all local bodies throughout the State and for all valuation purposes. There is a great deal that is catching in the idea. Moreover, they have an assurance from New Zealand that it is working very well there. But the adoption of this idea from New Zealand is first of all premature in this State, and it is a reversal or inversion of the processes that should be followed. The difference between New Zealand and Western Australia can be illustrated in this way: There was a bachelor squatter in the north who registered his measure with his tailor in Perth, and whenever he wanted any garment, all he had to do was to write to the tailor. When he got married and a family began to accumulate he thought that what suited him would suit the children, and he registered the measures of the little children with the tailor, so that he could write down to the tailor "Send up clothes for Tom, Dick, or Harry. You have got their measures." The only difficulty in the way was that the children kept on growing and grew out of the measures, and the beautiful little system that had served so well for him would not serve for the children. New Zealand is that bachelor squatter and Western Australia is the child, and its valuations are moving not only from year to year but from month to month and from day to day, and it is no more impracticable to register the measures of little children and order tailor-made clothing for them than to maintain this complete monumental register of valuations in Western Australia. That illustrates one flaw in the adoption of the idea, but there is another one; there is an inversion of processes. Before anything like a monumental register could be made this State would have to come to a simple form of valuation. In a word it would have to adopt all round unimproved valuation, because although there would be progression even in this it would be nothing like the progression of improved valuations. A settler goes out and selects a block of land for, say, 10s. per acre. That land may not alter in unimproved value very much for the first two, three, or even five years, but in the second year of that man's occupancy the improved value may be doubled, trebled quadrupled, and how preposterous it is to have a monumental register of improved values in a State that is making progress every day, such progress as practically transforms the face of the country from day to day. The whole thing is a theory and a dream, and it only catches on with theoretical minds, with men with no practical ideas. I say, however, there is every reason why progress should be made towards the possibility of one monumental valuation. The first step would be to make unimproved valuation the basis of all land taxes. There should be no difficulty about that. It is practically the rule now with roads board valuations except in the case of towns within a roads board district. There is no reason

why unimproved valuations should not be the basis of all taxation. If this were adopted there would only be two provisions in this Bill that would need to come out, the two upon which great stress was laid by Mr. Moss, and the Bill would be very little affected in value by taking them out. What need is there to put into a Bill of this sort any subsidiary powers to the State for its resumption of land? Surely the Public Works Act gives the great powerful State in its battles with the single owner whose land it wants to resume, ample powers to deal with that individual owner. What need is there to further fortify the poor feeble State in order to deal with the individual owner? Let us leave that out and leave out the other provision referred to by Mr. Moss, that is in regard to death duties. Make the Bill apply purely to taxation purposes, whether for State, municipality or roads board, and start with unimproved values, then this Bill would work well, and as the State grows older and values become more solid and less fluctuating, then a monumental register could be accomplished for all taxation purposes. By the way, I would like to give an illustration from actual fact of the great injustice that would be done to private owners by some of the provisions of the Bill. Hon. members will bear in mind that whatever rate is agreed upon by the Taxation Department publishing in the *Gazette* or a newspaper its valuation, and the owner consenting to it, perhaps to avoid the risk of litigation, when all that is done, that valuation lasts for twelve months as a valuation for all purposes, and during that term the property can be resumed at that rate. Now I have had to do with a property in another State which was bought one day for £2,200. Before the deeds were through, within six weeks of the purchase, the purchaser was offered £4,125 for that property. He refused the offer because the land was rapidly going up in value in the neighbourhood, and within nine months thereafter he sold that property for £10,000. There was no fraud about that; it was a case of a remarkable boom in land, but suppose this Bill were in operation, that man would have been compelled to take £2,000 plus 10 per cent. at any time within a year from the Government. Hon. members can see what a grave injustice it would have been. As a matter of fact, had he sold at the end of six weeks for £4,000 the buyer at £4,000 would under this Bill be compelled to take £2,200 plus 10 per cent. for the property he had bought at £4,000, because the proviso to Clause 43 to which Mr. Moss referred, and which I recognise as an honest attempt by the framers of the Bill to minimise the effects of injustice would not touch a case of this sort at all. I would like to refer to the two clauses which Mr. Moss specially considered. There is Clause 28, in which, for the ordinary valuations the Government exclude all metals but gold. I recognise in that exclusion an attempt at absolute fairness towards the land owner. There is no doubt about that, because it is entirely in his favour that these things should be excluded in the valuation. I have no objection to that clause itself, but only when it is read in conjunction with Clause 43 does the objection come in, as Clause 43 would enable the Government to take the land at a valuation excluding many things mentioned in Clause 28 which really belong to the owner. The danger of trying to overdo a good intention by piling into this Bill provisions beyond those of taxation cannot be too carefully studied by hon. members The very idea of going further and bringing in resumptions and death duties would suggest to a practical economist the risk of injustice. Moreover, there would be a multiplication of appeals. For instance, an owner when hearing of his assessment might say, "Yes, that is a moderate valuation; really, I think I am getting off all right, it is not my part to object to that," but possibly before the year is out the Government may resume that land. "All right," say the Government, "that will help us to get more taxes. If the

owner has that possible resumption in view he will consent to pay the highest tax we like to lay on him." I say that the whole idea of a comprehensive Bill of this kind is fraught with risks of injustice and temptations to litigation which would not exist if things that differ were not counfounded here. Let this Bill deal purely with the purpose of taxation; let it be framed in the light of the great difference existing between a young State like Western Australia and the practically grown up State of New Zealand, where, as Mr. Moss pointed out, the Supreme Court goes on circuit and it makes very little difference whether the appeal is to a local court or to the Supreme Court. Let all that be borne in mind and let the Bill be framed from our own point of view and in recognition of our present stage of progress. I think it is quite possible by excision and amendment to make this a workable Bill, but whether it would not be better for the Government to withdraw it until the Legislature has made a uniform basis for all taxation I am not prepared to say. My own first idea was that the Bill should be withdrawn, but after all the light has been thrown upon it that hon. members can throw, if the Government wish to go on, I will help Mr. Moss to excise all provisions in regard to land resumptions and death duties, in fact any provisions which deal with improved values of land. If the Government like to go on, I think the Bill will have to be entirely restricted to taxation purposes.

The Colonial Secretary: Are you speaking with authority?

Hon. J. F. CULLEN: With the authority of my own experience in such matters, and I have had a little. I say what I know, and I am sure the Government will be much wiser to let this idea of one comprehensive register follow the adoption of unimproved values for all taxation purposes.

On motion by Hon. C. A. Piesse, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair, Hon. M. L. Moss in charge of the Bill.

Clause 1—Short Title:

Hon. M. L. MOSS: The hon. Mr. Patrick was most anxious to be in the House when this Bill was going through Committee. As the hon. member was not able to be present at this sitting he (Mr. Moss) would not be averse to progress being reported.

Progress reported.

BILL—ROADS ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th November.

Hon. H. P. COLEBATCH (East): If this Bill passes its second reading I think it should be amended in some respects. The term "mayor" has a very definite meaning and if we are going to apply it to about 150 roads boards right throughout the State, some of which have not more than about 150 people in the whole of their area, I think we would be doing something absurd. Personally I do not think it is worth while trying to preserve the Bill at all, but if it does pass its second reading I would like to have an amendment inserted in Committee to make the term "mayor" apply only in regard to those roads boards having within their area a town containing more than a certain number of people. Katanning, I understand, is a bigger town than some of those towns which have municipalities, and no one would object to there being a mayor of Katanning. Personally I would see very little objection to this Bill if it was made to apply only to those roads boards which have within their boundary a town site containing a certain population, say, 1,000 or even 500. There are half a dozen roads boards which have not 200 people of all sorts in their boundaries.

Hon. J. F. Cullen: Is "mayor" too good a name for the chairman?

Hon. H. P. COLEBATCH: In my opinion it would destroy the significance of the word. The word "mayor" has a particular significance and applies to a town rather than the chairmanship of a country roads board. If the Bill is passed in its present form a good deal of confusion may result, but if it passes its second reading and the mover could see his way to make some alteration so that it will apply only to roads boards having a town of a certain population, there would be no objection.

Question put and negatived, the Bill rejected.

COMPANIES ACT AMENDMENT BILL SELECT COMMITTEE.

Consideration of report.

Hon. W. KINGSMILL (Metropolitan) moved—

That the report of the Select Committee of this House on the Companies Act Amendment Bill be adopted.

He said: I think, in view of the nature of the report, that it will have the support of hon. members. As I indicated the last time I spoke on the Bill, the task in which I found myself involved was, in my opinion, too great for a private member to undertake, and the members of the committee were of my opinion in that respect also. But at the same time I think the House will agree that the select committee has done a great deal of good in that it has made the task of the Government—should the Government, as I think they will, introduce a Bill at no very distant date to give the State some banking laws which will be a credit to it—it has made the task of the Government essentially an easy one. All the witnesses whom we examined—and I would point out that although they were not many they were thoroughly representative of the classes which will be affected by any legislation of this kind—all the witnesses we examined were of opinion that legislation of this sort was needed, the only difference of opinion being as to what form such legislation should take. One of the most important witnesses was the Solicitor General, who has general charge of the legislation of the State. He was undoubtedly of opinion that legislation of the kind indicated in the Bill was entirely necessary, and furthermore he was of opinion that the present state of affairs from a business, as well as from a legal, point of view was a most unsatisfactory one. Mr. Sayer in his evidence which hon. members will find on page 6 of the report in question, spoke as follows, in answering a question by Mr. Colebatch, who asked, "Would that decision—referring to a recent decision of the Supreme Court—affect the power of banks to sue or be sued"? Mr. Sayer's reply was—

> The decision is all in favour of the banks. Mr. Le Mesurier maintained that the banks were within Part VI. and a foreign company that failed to comply with Part VI. was under certain disqualifications.
>
> The court having ruled that the banks did not come under the Companies Act, are not the banks still competent to sue through their attorney and would not any private person still be able to proceed against the bank in the ordinary way?—Of course, I have no doubt if I desired to sue the Union Bank, their solicitors would accept service of process; failing that I should have to go to their office in Melbourne and sue them as if they lived in Melbourne.
>
> By the Chairman: That is not a desirable state of affairs?—I can see no reason why the Companies Act should not apply to banking companies. Although they are not registered here, still they are corporate bodies.

I think hon. members will see that an state of affairs whereby an institution of this sort is at liberty to refuse to accept the usual processes of local statute law is not a desirable state of affairs for the community. Not only that, but in the interests of the banks themselves the consider the banking law of the State should be better than it is at present. The only statute we have which deals with banking is a statute which I may be pardoned for describing as almost obsolete

namely, the Act of 1837, No. 6 of William IV., which is going a very long way back in law to deal with affairs as they are at present, when we consider that the whole process of banking has practically altered altogether since that statute was passed. I think I am right in saying that the Government would be fully justified in putting on the statute-book legislation in the direction I have indicated. It may of course be said that the Federal authorities may adopt provisions in regard to company law and banking law. That is so, but at the same time allow me to remark that the Federal authorities require such a long time to take up any subject amongst the optional subjects for legislation which are left to them, to take up any subject in which, to use a colloquialism, there does not appear to be any money in the way of revenue, that I think it is questionable whether they will endeavour to frame legislation in this regard at any very near date.

Hon. J. Cornell: Can they do it constitutionally?

Hon. W. KINGSMILL: I think they can. The banking law and company law both form what may be called optional subjects of legislation, as do marriage and bankruptcy. But, as I have said, they appear to select carefully the more attractive subjects upon which to legislate, subjects which are more likely to bring grist to the country than is this.

Hon. J. W. Kirwan: I think that just now they are selecting the subjects most likely to bring about a double dissolution.

Hon. W. KINGSMILL: Quite so, but I was referring to the general tendency, alluding to the general trend.

The PRESIDENT: The hon. member must address the Chair, and must not carry on a conversation with another hon. member.

Hon. W. KINGSMILL: I was not carrying on a conversation with another hon. member; I would not be so disrespectful to you, Sir. I was simply replying to a pertinent interjection by Mr. Kirwan. However, the report of the committee suggests that the Government should as soon as practicable introduce a Bill to regulate banking on the lines of the measure under consideration, with the amendments suggested herein, and also such amendment of the Companies Act as may be rendered necessary. There was a little difference of opinion in regard to the form this legislation should take. Personally I should be quite prepared to abide by that form which has been adopted by the Imperial authorities, and put the banks under the companies law. In my opinion the difficulty which has been represented by some of our witnesses —a difficulty which members of the public who wish to look up banking law would have in this connection—is simply a matter of indexing. As in our indexes to-day on certain subjects we are simply referred to the Act wherein that subject is dealt with, so in the indexes of the future, under "Banking" it would be very easy to insert "Banking—see 'Companies.'" I think any little difficulty which may be imagined in that direction may be got over as a simple matter of indexing. In the Imperial statute of 1908, which I am informed is regarded as a model of legislation in this particular respect, that course is adopted. The banking laws of Great Britain are practically incorporated with the company law which obtains there. And now to deal shortly with the amendments suggested. With regard to these amendments, I think I may say that all the objectionable, unnecessary, and unworkable parts of the Bill have been eliminated. Furthermore, the Bill has been subjected to very careful consideration at the hands of the parliamentary draftsman, and I think is fit to be put forward as a measure at very short notice indeed. Any trouble there might have been in drafting the measure has been saved to the Government, and therefore if they are willing to do what the committee recommends, there should be no excuse for delay. Of course I understand that in the very short time which we are given to believe will elapse before the termination of this session it would be impossible

to do so, but I would like the leader of the House to give us some indication as to the attitude the Government are likely to take up in this respect. There is only one fly in the ointment of the proceedings of this select committee. Hon. members may have received a communication from the Perth Chamber of Commerce on this measure, in which the Bill is strenuously objected to, for one or two reasons which appear to me most inadequate indeed, and they regret that they were not afforded an opportunity of giving evidence before the select committee. I regret to say the correspondence with which the secretary to the committee furnished me, in anticipation of this motion not coming on so quickly, has been left by me in another place, and therefore I am not able to quote it. That correspondence clearly shows that the Perth Chamber of Commerce had, I think, six or seven days' notice requesting them to give evidence before the committee. They found the time too short, and I suppose they thought the committee would hang up the proceedings in order that this evidence might be forthcoming. But as we had evidence from representatives of the chartered banks, from one of the most eminent legal authorities in Western Australia in a private capacity, from the Solicitor General and from the legal gentleman who drafted the Bill, we did not think it necessary to call upon the services of the Perth Chamber of Commerce; nor indeed did we think they could shed any additional light on the subject, judging by the report of their proceedings in the morning Press. By that report objections seem to have been taken to one of the clauses which had already been eliminated by the committee before those remarks appeared. So the Perth Chamber of Commerce need not have been so strenuous in their objections to the Bill, nor did they have any excuse for saying that they were not afforded an opportunity of giving evidence before the committee. I hope hon. members will agree to the adoption of the report, and I hope the leader of the House will have some cheering news in the way of a promise that the Government will introduce such legislation at the earliest practicable date. I move—

That the report be adopted.

Hon. H. P. COLEBATCH (East): I second the motion.

On motion by the Colonial Secretary debate adjourned.

House adjourned at 9.13 p.m.

Legislative Assembly,

Tuesday, 25th November, 1913.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

OBITUARY—HON. C. E. FRAZER, M.H.R.

The PREMIER (Hon. J. Scaddan): Before the business of the House is proceeded with I desire to say that with very great regret I have to announce the death of Mr. C. E. Frazer, M.H.R., of Kalgoorlie. Mr. Frazer had been a member of the Federal Parliament, representing one of the five constituencies of this State for something like 10 years, and during that time he rendered faithful service, not alone in the interests of his own constituency, and not alone in the interests of Western Australia, but also in the interests of Australia as a whole. He was not long a member of the Federal Parliament before he became an Honorary Min-